

# Yorkshire GREEN Project

Environmental Impact Assessment

Preliminary Environmental Information Report  
Volume two Chapter 5 Legislative and Policy  
Overview

October 2021

nationalgrid

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# 5. Legislative and Policy Overview

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## 5.1 Introduction

- 5.1.1 This chapter provides an overview of the relevant legislation and policy against which the Development Consent Order (DCO) application will be assessed. A full explanation of the relevant policy and legislation will be provided in the Environmental Statement (ES). Each environmental aspect chapter (**Chapters 6 to 16**) provides a summary of the key legislation relevant to the specific aspect assessment. An assessment of the Project in terms of compliance with planning law and policies, will be provided in a separate report accompanying the DCO application.

## 5.2 Legislative context

### Planning legislation

- 5.2.1 The Project is defined as a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(b) and Section 16 of the Planning Act 2008<sup>1</sup> as it comprises the installation of an electric line above ground with a nominal voltage of more than 132kV and a length of more than 2km. Therefore, a DCO is required to authorise the Project.
- 5.2.2 The Planning Act 2008<sup>1</sup> requires that DCO applications must be determined in line with the requirements of the relevant National Policy Statements (NPSs) which provide the overarching principles relevant to major energy infrastructure and the policies against which applications for NSIPs should be determined.
- 5.2.3 The Planning Act 2008<sup>1</sup> was amended through the adoption of the Localism Act 2011<sup>2</sup>. This transferred decision-making responsibilities to the relevant Secretary of State (SoS) which for this Project is the Secretary of State for Business, Energy and Industrial Strategy (BEIS). Under the Localism Act 2011, the Planning Inspectorate is responsible for the NSIP planning process and would examine the application for the Project and make a recommendation to the Secretary of State (SoS) to grant or refuse consent. On receipt of the report and recommendation from the Planning Inspectorate, the SoS would then make the final decision on whether to grant the DCO for the Project.
- 5.2.4 Sections 42, 47 and 48 of the Planning Act 2008<sup>1</sup> place a duty on the applicant to publicise and consult on the proposed application, before it can be submitted. This PEIR forms part of the suite of documents being consulted on by National Grid through the statutory pre-application consultation process.

### Environmental legislation

- 5.2.5 A summary of relevant environmental legislation is provided below. This summary is not exhaustive, and each individual environmental aspect chapter describes the legislation, policy and guidance relevant to its assessment (**Chapters 6 to 16**).
- 5.2.6 Any changes to relevant legislation would be updated and considered as the EIA process proceeds towards submission of the DCO application.

<sup>1</sup> The Planning Act 2008 (Online). Available from: <https://www.legislation.gov.uk/ukpga/2008/29/enacted> (Accessed 14 October 2021)

<sup>2</sup> The Localism Act (Online). Available from: <https://www.legislation.gov.uk/ukpga/2011/20/enacted> (Accessed 14 October 2021)

## *International legislation*

- 5.2.7 UK environmental legislation is derived from a range of sources (including European Union (EU) directives, regulations and agreements) which are outlined in this Chapter.
- 5.2.8 On 31 December 2020 the UK exited the “implementation period” provided for by the European Union (Withdrawal) Act 2018 (“Withdrawal Act 2018”). Sections 2 and 3 of the Withdrawal Act 2018, as amended, provides that direct EU legislation, and EU-derived domestic legislation, continue to have effect in domestic law after that day. In summary, the interpretation of any retained EU law is to be the same as it was before that day, insofar as the retained EU law remains unmodified in UK law and regulations have not been made providing otherwise (Regulation 6(3) of the Withdrawal Act 2018).
- 5.2.9 The following Directives, as they have been given effect in UK domestic legislation, are therefore relevant to the Project and are referred to where required in the relevant PEIR environmental aspect **Chapters 6 to 16**:
- EIA Directive (2011/92/EU) (as amended by EIA Directive 2014/52/EU)<sup>3</sup>;
  - Habitats Directive (92/43/EEC)<sup>4</sup>;
  - Air Quality Directive (2008/50/EC)<sup>5</sup>;
  - Birds Directive (2009/147/EC)<sup>6</sup>; and
  - Water Framework Directive (2000/60/EC)<sup>7</sup>.
- 5.2.10 The purpose of the EIA Directive is to ensure that when an authority giving consent for a particular project makes its decision, it does so in the knowledge of any likely significant effects on the environment. The EIA Directive and EIA Regulations (see below) set out a procedure that must be followed for certain types of project before they can be consented. An EIA provides for the systematic assessment of a project's likely significant environmental effects for consideration by both the public and the relevant competent authority before a decision is made. Further information on the process of EIA is provided in **Chapter 4: Approach to Preparing the PEIR**.

## *National legislation*

- 5.2.11 The following regulations are relevant to the Project and are referred to where required in the relevant PEIR aspect **Chapters 6 to 16**:
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)<sup>8</sup>;
  - Air Quality (England) Regulations 2000<sup>9</sup>;
  - Control of Pollution Act 1974 (COPA) (as amended)<sup>10</sup>;

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<sup>3</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0052>

<sup>4</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

<sup>5</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1486474738782&uri=CELEX:02008L0050-20150918>

<sup>6</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147>

<sup>7</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

<sup>8</sup> The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. SI 2017 No. 572.

<sup>9</sup> The Air Quality (England) Regulations 2000. SI 2000 No. 928.

<sup>10</sup> The Control of Pollution Act (CoPA) 1974. SI 1974 c.40

- Environmental Protection Act 1990 (as amended)<sup>11</sup>;
- Conservation of Habitats and Species Regulations 2017<sup>12</sup>;
- Wildlife and Countryside Act 1981 (as amended)<sup>13</sup>;
- The Natural Environment and Rural Communities Act 2006 ('NERC') (as amended)<sup>14</sup>;
- Flood and Water Management Act 2010<sup>15</sup>;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>16</sup>;
- The Planning (Listed Buildings and Conservation Areas) Act 1990<sup>17</sup>;
- The Water Resources Act 1991<sup>18</sup>;
- The Land Drainage Act 1991<sup>19</sup>; and
- The Water Act 2003<sup>20</sup>.

## National Grid's statutory obligations

5.2.12 National Grid's statutory obligations are set out in the Electricity Act 1989 (the Electricity Act) and in the terms of its Transmission Licence (regulated by Ofgem). Under the Electricity Act, NGESO and NGET must develop transmission network proposals in an efficient, coordinated and economical way, whilst having regard to the desirability of preserving amenity. Schedule 9 of the Electricity Act states:

*(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, distribute, supply or participate in the transmission of electricity—*

*(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*

*(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"*

5.2.13 This means that, when National Grid considers options to deliver additional network capability, it must balance the need to develop the network in a way that is efficient, coordinated and economical and minimises impact on people and places.

<sup>11</sup> The Environmental Protection Act 1990. SI 1990 c.43.

<sup>12</sup> The Conservation of Habitats and Species Regulations 2017. SI 2017 No. 1012.

<sup>13</sup> The Wildlife and Countryside Act 1981. SI 1981 c.69.

<sup>14</sup> The Natural Environment and Communities Act 2006. SI 2006 c. 16.

<sup>15</sup> The Flood and Water Management Act 2010. SI 2010 c.29.

<sup>16</sup> The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. SI 2017 No. 407

<sup>17</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990 SI 1990 c.17.

<sup>18</sup> The Water Resource Act 1991. SI 1997 c.57.

<sup>19</sup> The Land Drainage Act 1991. SI 1991 c.59.

<sup>20</sup> The Water Act 2003. SI 2003 c.37.

## 5.3 National planning policy context

### National Policy Statements

- 5.3.1 Part 2 of the Planning Act 2008 makes provision for NPSs, which comprise the Government's objectives for the development of NSIPs and set out national policy against which NSIP applications are assessed. Under Section 104 of the Planning Act 2008, the SoS is required to determine a DCO application in accordance with an NPS, in cases where a NPS has effect, except in certain limited circumstances set out in Subsections 104(4) to (8). The following NPS's are of relevance to the Project:
- Overarching National Policy Statement for Energy (EN-1)<sup>21</sup>; and
  - National Policy Statement for Electricity Networks Infrastructure (EN-5)<sup>22</sup>.
- 5.3.2 National Policy Statement for Renewable Energy Infrastructure (EN-3)<sup>23</sup> may also have relevance to the Project, in the view of the need for the Project to reinforce boundary flows and facilitate future connections from offshore wind.
- 5.3.3 In addition to the NPS, the SoS is required to have regard to factors such as any local impact report<sup>24</sup> provided by a relevant local authority, the desirability of preserving a listed building or its setting (where relevant), and any other matters which the Secretary of State considers to be both important and relevant to his decision as required under Schedule 9 of the Electricity Act.

### Overarching National Policy Statement for Energy (EN-1)

- 5.3.4 NPS EN-1<sup>21</sup> sets out the Government's policy for the delivery of major energy infrastructure in England and Wales. It recognises that there is a requirement to provide new energy infrastructure to meet the need for 59GW of new electricity capacity across the UK by 2025.
- 5.3.5 Paragraph 4.1.2 states that given the level and urgency of need for infrastructure covered by Part 3 of NPS-EN1, the decision maker should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific policies set out in relevant NPSs clearly indicate that consent should be refused, subject to the provisions of Section 104 of the Planning Act 2008. Paragraph 4.1.3 states that "*in considering any proposed development, and in particular when weighing its adverse effects against its benefits, the decision maker should take into account:*
- *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long term or wider benefits; and*
  - *its potential adverse impacts, including any long term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts*".
- 5.3.6 In this context, environmental, social and economic benefits and adverse effects, at national, regional and local levels should be taken into account. The NPS provides

<sup>21</sup> Department of Energy and Climate Change (now the Department for Business, Energy and Industrial Strategy (BEIS)), July 2011, Overarching National Policy Statement for Energy (EN-1)

<sup>22</sup> Department of Energy and Climate Change (now the Department for Business, Energy and Industrial Strategy (BEIS)), July 2011, National Policy Statement for Electricity Networks Infrastructure (EN-5)

<sup>23</sup> Department of Energy and Climate Change (now the Department for Business, Energy and Industrial Strategy (BEIS)), July 2011, National Policy Statement for Renewable Energy Infrastructure (EN-3)

<sup>24</sup> A "local impact report" is a report in writing giving details of the likely impact of a proposed development on a local authority's area (or any part of that area) as defined in Section 60 of the Planning Act 2008.

guidance on assessment relevant to all energy projects, which is supplemented by guidance specific to the project type. In the case of this Project, the relevant guidance is to be found in the NPS for Electricity Networks Infrastructure (EN-5)<sup>22</sup>. EN-1<sup>21</sup> recognises that *“in most cases, there will be more than one technological approach by which it is possible to make such a connection or reinforce the network (for example, by overhead line or underground cable) and the costs and benefits of these alternatives should be properly considered as set out in EN-5 (in particular section 2.8) before any overhead line proposal is consented.”* (EN-1 paragraph 3.7.10).

- 5.3.7 Paragraph 4.1.5 notes the decision maker may consider local planning policy such as Development Plan Documents or other documents in the Local Development Framework in its decision making. However, in the event of a conflict between these or any other documents and an NPS, the NPS prevails for purposes of decision making given the national significance of the infrastructure.
- 5.3.8 Section 4.4 of EN-1<sup>21</sup> provides guidance on the consideration of alternative options for infrastructure projects, including the principles that should guide the relevant Secretary of State when deciding what weight to give to alternative options. This includes *“alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the ... decision”*.

#### *National Policy Statement for Electricity Networks Infrastructure (EN-5)*

- 5.3.9 NPS EN-5<sup>22</sup> highlights that the UK needs new electricity generating infrastructure to move to a low carbon economy, while maintaining security of supply and will be heavily dependent on the availability of an electricity network which is fit for purpose and robust. That network will need to be able to support a more complex system of supply and demand and cope with generation occurring in locations of greater diversity. It indicates that the Examining Authority should start its assessment of applications for infrastructure covered by EN-5 on the basis that ‘need’ has been demonstrated.
- 5.3.10 EN-5<sup>22</sup> does not seek to direct applicants to particular sites or routes for electricity networks infrastructure (paragraph 2.2.1). It notes that the general location of electricity network projects is often determined by the location, or anticipated location, of a particular generating station in relation to the existing network. In other cases the requirement for a line may be the result of the need for more strategic reinforcement of the network. EN-5 accepts that the most direct route for a new connection may not be the most appropriate given engineering and environmental considerations (paragraph 2.2.2).
- 5.3.11 Part 2 of EN-5<sup>22</sup> sets out the basis for assessing proposals. It advises for a variety of aspect areas what the applicant’s own assessments should address and what principles should be adopted in decision- making. It also advises on the weight to be given to certain issues and on the treatment of mitigation measures, particularly how these may be enforced through requirements or obligations. Particular aspect areas are:
- biodiversity and geological conservation – specifically the potential impacts of large birds colliding with overhead lines;
  - landscape and visual – overhead lines can give rise to adverse impacts (or benefits where lines are reconfigured or rationalised); and
  - noise and vibration – during operation of overhead lines under certain conditions.



- 5.3.12 EN-5<sup>22</sup> adds further detail to the general advice set out in EN-1<sup>21</sup>. Paragraph 2.8.2 of EN-5 states that *“Government does not believe that development of overhead lines is generally incompatible in principle with developers’ statutory duty under section 9 of the Electricity Act to have regard to amenity and to mitigate impacts. In practice new above ground electricity lines, whether supported by lattice pylons/pylons or wooden poles, can give rise to adverse landscape and visual impacts, dependent upon their scale, siting, degree of screening and the nature of the landscape and local environment through which they are routed. For the most part these impacts can be mitigated, however at particularly sensitive locations the potential adverse landscape and visual impacts of an overhead line proposal may make it unacceptable in planning terms, taking account of the specific local environment and context.”*
- 5.3.13 EN-5<sup>22</sup> goes on to say that although Government expects that overhead lines will often be appropriate and their effects can often be mitigated, where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, the decision maker *“will have to balance these against other relevant factors, including the need for the proposed infrastructure, the availability and cost of alternative sites and routes and methods of installation (including undergrounding)”*.
- 5.3.14 EN-5<sup>22</sup> notes that the decision maker should expect applicants to demonstrate good design in respect of landscape and visual amenity and in the design of the proposed development to mitigate effects such as noise and electric and magnetic fields.
- 5.3.15 EN-5<sup>22</sup> gives its support to the Holford Rules, stating that the decision maker *“should recognise that the Holford Rules, and any updates, form the basis for the approach to routeing new overhead lines and take them into account in any consideration of alternatives and in considering the need for any additional mitigation measures”*. It also states that the *“Holford Rules should be followed by developers when designing their proposals”*.
- 5.3.16 EN-5<sup>22</sup> states that consent should only be refused for overhead line proposals in favour of an underground line if *“...the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable”*. In this context it should consider:
- *“the landscape in which the proposed line will be set, (in particular, the effect on residential areas, and those of natural beauty or historic importance such as National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Broads)”*;
  - the additional cost of any undergrounding; and
  - the environmental and archaeological consequences of undergrounding.
- 5.3.17 In terms of substations, paragraph 2.8.2 of EN-5<sup>22</sup> notes that *“New substations, sealing end compounds and other above ground installations that form connection, switching and voltage transformation points on the electricity networks can also give rise to landscape and visual impacts”*. In section 2.2 (relating to Factors influencing site selection by applicants) EN-5 notes that *“There will usually be some flexibility around the location of the associated substations and applicants will give consideration to how they are placed in the local landscape taking account of such things as local topography and the possibility of screening”*.
- 5.3.18 **Table 5.1** summarises where, within this PEIR, information relevant to the assessment of the Project under the NPSs is located.

**Table 5.1 – Location of the information on environmental effects identified in national planning policy EN-1 and EN-5 in this PEIR**

<b>EN-1 Subsection</b>	<b>EN-5 Subsection</b>	<b>PEIR Reference</b>
4.2 Environmental Statement - cumulative effects	Not applicable	<b>Chapter 4</b>
4.2 Environmental statement - flexibility	Not applicable	<b>Chapter 3 and Chapter 4</b>
4.3 Habitat and Species Regulations	Not applicable	<b>Chapter 8</b>
4.4 Alternatives	Not applicable	<b>Chapter 2</b>
4.5 Good design	2.5.2 Consideration of good design	<b>Chapter 2 and Chapter 3</b>
4.8 Climate change adaptation	2.4 Climate change adaptation	<b>Chapter 3 and Chapter 9</b>
4.13 Health	Not applicable	<b>Chapter 15</b>
5.2 Air quality and emissions	Not applicable	<b>Chapter 13</b>
5.3 Biodiversity and geological conservation	2.7 Biodiversity and geological conservation	<b>Chapter 8 and Chapter 10</b>
5.4 Civil and military aviation and defence interests	Not applicable	<b>Chapter 15</b>
5.5 Coastal change	Not applicable	Not applicable
5.6 Dust, odour, artificial light, smoke, steam and insect infestation	Not applicable	<b>Chapters 6, 8 and 13</b>
5.7 Flood risk	Not applicable	<b>Chapter 9</b>
5.8 Historic environment	Not applicable	<b>Chapter 7</b>
5.9 Landscape and visual	2.8 Landscape and visual	<b>Chapter 6</b>
5.10 Land use including open space, green infrastructure and green belt	Various chapters	<b>Chapter 6 and Chapter 8</b>
5.11 Noise and vibration	2.9 Noise and vibration	<b>Chapter 14</b>
5.12 Socio-economics	Not applicable	<b>Chapter 16</b>
5.13 Traffic and transport	Not applicable	<b>Chapter 12</b>
5.14 Waste management	Not applicable	<b>Chapter 3</b>
5.15 Water quality and resources	Not applicable	<b>Chapter 9 and Chapter 10</b>

## National Planning Policy Framework

- 5.3.19 Regard must also be had to the National Planning Policy Framework (NPPF)<sup>25</sup>. Whilst paragraph 5 of the NPPF states that it does not contain specific policies for NSIPs, the NPPF itself may be considered by the Secretary of State to be an “important and relevant” consideration to its decision in accordance with S104 of the 2008 Planning Act. The NPPF sets out the Government’s economic, environmental and social planning policies for England and how these should be applied. The NPPF helps inform decision-making on planning applications, as well as local and neighbourhood plans.
- 5.3.20 The NPPF is supported by The National Planning Practice Guidance<sup>26</sup> (NPPG). The NPPG is available as a web-based resource.
- 5.3.21 Although the NPPF does not contain policies relating to NSIPs, it does include policies pertinent to generic development management considerations and some of its principles may be considered where relevant to the Project. These principles are concerned with protection and conservation of the natural and built and historic environment, climate change and flooding as well as sustainable growth, development and a strong, competitive economy.
- 5.3.22 The individual environmental aspect chapters include a summary of the NPPF paragraphs relevant to them.

## Local Planning Policy

- 5.3.23 A summary of the relevant local planning policy is included in **Table 5.2**. Key policies are discussed within the respective aspect chapters (**Chapter 6 to Chapter 16**). Further details will be provided in the ES and Planning Statement which will accompany the DCO application.

**Table 5.2 – Relevant local planning policy**

Plan	Summary
<b>Harrogate Borough Council</b>	
Harrogate District Local Plan 2014-2035 (Harrogate Borough Council, 2020) <sup>27</sup>	The Harrogate District Local Plan 2014-2035, adopted 4 March 2020, sets out the spatial vision and development strategy for Harrogate District. The Local Plan sets the scale of new development that is planned and a strategy for accommodating this growth; includes detailed policies across several thematic areas to manage new development; and allocates specific sites for particular types of development.
<b>Hambleton District Council</b>	
Hambleton Local Development Framework: Core Strategy DPD	In April 2007, the Council adopted its first Development Plan Document (DPD) as part of the Local Development Framework (LDF). The Core Strategy DPD sets out the

<sup>25</sup> Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework.

<sup>26</sup> Ministry of Housing, Communities & Local Government (2021). Planning Practice Guidance. Available online at <https://www.gov.uk/government/collections/planning-practice-guidance> [Accessed 8 July 2021].

<sup>27</sup> Harrogate Borough Council. *Harrogate district Local Plan 2014-2035*. Available at <https://www.harrogate.gov.uk/planning-policy-guidance/harrogate-district-local-plan-2014-2035> (accessed 28 July 2021).

Plan	Summary
(Hambleton District Council, 2007) <sup>28</sup>	long-term spatial vision for Hambleton; to become sustainable, prosperous, safe, healthy and vibrant.
Hambleton Local Development Framework: Development Policies DPD (Hambleton District Council, 2008) <sup>29</sup>	In February 2008, the Council adopted its second DPD as part of the LDF. The Development Policies DPD sets out detailed policies for development and delivering the vision, objectives and core policies of the Core Strategy DPD. Its policies play a key role in the process of determining planning applications.
Hambleton Local Development Framework: Allocations DPD (Hambleton District Council, 2010) <sup>30</sup>	In December 2010, the Council adopted its Allocations DPD. This completes the suite of DPDs making up the LDF. The Allocations DPD sets out sites for development (e.g., housing and employment) and defines development limits for the main settlements. This plan covers the period up to 2026.
Hambleton Local Plan – Publication Draft (Hambleton District Council, 2019) <sup>31</sup>	The Hambleton Local Plan was submitted to the SoS (the Planning Inspectorate) for examination on 31 March 2020. The Local Plan sets out a strategy for development within Hambleton up to 2035. The Plan also sets out the policy framework which will be used to determine proposals for development across the district and for enforcement purposes.
<b>City of York Council</b>	
Draft Development Control Local Plan (City of York Council, 2005) <sup>32</sup>	The Draft Development Control Local Plan was approved for development management purposes in 2005. Although not 'formally adopted', this is the document used as the basis for planning application decisions.
City of York Local Plan – Publication Draft (City of York, 2018) <sup>33</sup>	The New Local Plan is currently undergoing examination, having been submitted to the SoS on 25 May 2018. The Local Plan covers the period from 2017 to 2032/33. Once finalised and adopted, the Local Plan will be used to manage development through the determination of planning applications.

<sup>28</sup> Hambleton District Council (2007) Hambleton Local Development Framework: Core Strategy DPD (Online). Available from: <https://www.hambleton.gov.uk/downloads/file/657/ldf-core-strategy-cd2> (Accessed 14 October 2021)

<sup>29</sup> Hambleton District Council. Hambleton Development Policies Development Plan Document, 2008. (Online) Available from: <https://www.hambleton.gov.uk/planning-policy/adopted-local-development-framework/3?documentId=213&categoryId=20061> (Accessed 25 June 2021).

<sup>30</sup> Hambleton District Council. Hambleton Local Development Framework: Core Strategy Development Plan Document 2007 (DPD); Development Policies DPD 2008, Allocations DPD, 2010. Available at <https://www.hambleton.gov.uk/planning-policy/adopted-local-development-framework> (Accessed 28 July 2021).

<sup>31</sup> Hambleton District Council. Hambleton District Council Local Plan Publication Draft.2019. (Online) Available at: <https://www.hambleton.gov.uk/homepage/12/publication-draft> (Accessed 10 August 2021)

<sup>32</sup> City of York Council. City of York Local Plan Publication Draft. 2005. (Online) Available at: <https://www.york.gov.uk/downloads/download/820/the-development-control-local-plan-2005-and-proposals-maps> (Accessed 10 August 2021)

<sup>33</sup> City of York Council. City of York Local Plan Publication Draft. 2018 (Online) Available at: <https://www.york.gov.uk/downloads/download/581/local-plan-publication-draft-2018-consultation> (Accessed 10 August 2021)

Plan	Summary
Upper Poppleton and Nether Poppleton Neighbourhood Plan (Upper Poppleton Parish Council and Nether Poppleton Parish Council, 2017)	The Upper and Nether Poppleton Neighbourhood Plan was formally adopted or 'made' by City of York Council Executive on 19 October 2017. This Neighbourhood Plan is used when determining planning applications within the identified Upper and Nether Poppleton Neighbourhood Area.
<b>North Yorkshire County Council</b>	
North Yorkshire Minerals Local Plan (saved policies) (North Yorkshire County Council, 2007) <sup>34</sup>	The policies of the Minerals Local Plan were due to expire on the 27 September 2007, but some have been 'saved'. The 32 'saved' policies continue to form part of the statutory development plan and provide the local policy framework for development control decisions until they are replaced by ones in the Minerals and Waste Plan.
North Yorkshire Waste Local Plan (saved policies) (North Yorkshire County Council, 2009) <sup>35</sup>	The Waste Local Plan was due to expire on 17 May 2009, but some policies have been 'saved'. The 31 'saved' policies will continue to form part of the statutory development plan and provide the local policy framework for development control decisions until they are replaced by ones in the Minerals and Waste Plan.
Minerals and Waste Joint Plan (City of York Council, North York Moors National Park Authority, North Yorkshire County Council, 2016) <sup>36</sup>	The Minerals and Waste Joint Plan has been submitted to the Planning Inspectorate for examination. The Authorities have therefore worked jointly to prepare the Minerals and Waste Plan, referred to as the 'Joint Plan', containing planning policies to guide decisions about matters such as where, when and how minerals and waste developments should be planned and controlled up to 31 December 2030.
<b>Leeds City Council</b>	
Unitary Development Plan Review (Leeds City Council, 2006) <sup>37</sup>	The Unitary Development Plan (UDP) Review (2006) forms the statutory development plan for the whole of Leeds District, and will gradually be replaced by the emerging Local Plan. It provides a framework for all new developments and is used as a basis for making decisions regarding land use and planning applications.

<sup>34</sup> North Yorkshire County Council (2007) North Yorkshire Minerals Local Plan (saved policies) (Online). Available from: <https://www.northyorks.gov.uk/local-plan-minerals> (Accessed 14 October 2021)

<sup>35</sup> North Yorkshire County Council (2009) North Yorkshire County Waste Local Plan (saved policies)(Online). Available from: <https://www.northyorks.gov.uk/local-plan-waste> (Accessed 14 October 2021)

<sup>36</sup> North Yorkshire County Council, York City Council, North York Moors National Park Authority (2016). Minerals and Waste Joint Plan – Publication Draft. Available at: <https://www.northyorks.gov.uk/minerals-and-waste-joint-plan> Accessed 27 July 2021.

<sup>37</sup> Leeds City Council. Leeds Unitary Development Plan. 2006. (Online) Available from: <https://www.leeds.gov.uk/planning/planning-policy/adopted-local-plan/unitary-development-plan> (Accessed 25 June 2021).

Plan	Summary
Natural Resources and Waste Local Plan (Leeds City Council, 2015) <sup>38</sup>	The Natural Resources and Waste Plan is part of the Local Plan for Leeds. The Plan sets out where land is needed to manage resources like minerals, energy, waste and water over the next 15 years. It identifies actions to use natural resources in a more efficient way. It was adopted on 16 January 2013 and revised in September 2015.
Core Strategy (Leeds City Council, 2019) <sup>39</sup>	The Core Strategy, adopted in November 2014 and updated in 2019, is the main strategic document within the Local Plan for Leeds and sets out the strategic policy framework for the district to 2028 and a housing requirement to 2033. It comprises a long-term spatial vision and strategic objectives, a spatial strategy, thematic policies and a monitoring and implementation framework.
<b>Selby District Council</b>	
Selby District Local Plan (Selby District Council, 2005) <sup>40</sup>	The Selby District Local Plan (SDLP) was formally adopted on 8th February 2005. The Local Plan develops and underpins many of the aims and objectives of the Council. It provides a comprehensive land-use framework for promoting, co-ordinating and controlling future development. The Core Strategy and 'saved' SDLP policies make up the Local Plan for the District.
Selby District Core Strategy Local Plan (Selby District Council, 2013) <sup>41</sup>	The Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development. The Council's Core Strategy was adopted on 22 October 2013. The Core Strategy is the main document in the Council's suite of planning documents.
Preferred Options Local Plan (Selby District Council, 2021) <sup>42</sup>	A six-week consultation was held between 29 January 2021 and 12 March 2021 for the Preferred Options Local Plan 2021. The Plan is a vision and framework for future growth in the District, identifying where new housing, employment and other development could take place. It also sets out the policies to be used when deciding planning applications.

<sup>38</sup> Leeds City Council. Adopted Natural Resources and Waste Local Plan. 2015. (Online) Available from: <https://www.leeds.gov.uk/docs/Adopted%20Consolidated%20NRWLP%20Inc%20Policies%20Mins%2013-14.pdf> (Accessed 25 June 2021).

<sup>39</sup> Leeds City Council. Leeds Core Strategy: Leeds Local Plan, 2019. 2019. (Online) Available at: <https://www.leeds.gov.uk/planning/planning-policy/adopted-local-plan/core-strategy-introduction> (Accessed 10 August 2021)

<sup>40</sup> Selby District Council. Selby District Local Plan. 2005. (Online) Available from: <https://www.selby.gov.uk/selby-district-local-plan-sdlp-2005> (Accessed 25 June 2021)

<sup>41</sup> Selby District Council. Selby District Core Strategy Local Plan. 2013. (Online) Available from: [https://www.selby.gov.uk/sites/default/files/Documents/CS\\_Adoption\\_Ver\\_OCT\\_2013\\_REDUCED.pdf](https://www.selby.gov.uk/sites/default/files/Documents/CS_Adoption_Ver_OCT_2013_REDUCED.pdf) (Accessed 25 June 2021).

<sup>42</sup> Selby District Council. Selby District Council Local Plan Preferred Options Consultation. 2021. (Online) Available at: <https://www.selby.gov.uk/localplan> (Accessed 10 August 2021)

## 5.4 Required authorisations

- 5.4.1 As outlined in Planning Inspectorate Advice Note 13<sup>43</sup>, it is possible for a draft consent order to include provisions which remove the need to obtain certain additional authorisations as listed in Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015<sup>44</sup>, for example protected species licence or orders for footpath diversions. The authority responsible for granting the authorisation must consent to this process.
- 5.4.2 The authorisations which could potentially be included as part of the DCO for the Project are not known at this stage of the assessment as this will depend on the information obtained through baseline surveys, design development and consultation feedback. Further information will be provided in the ES, and if appropriate, authorisations included in the DCO. In line with Planning Inspectorate guidance the explanatory memorandum will identify the authorisation, the reasons why National Grid is following this route and where National Grid is with achieving the consent of the authority concerned. Where National Grid decides to seek separate authorisations or licences these will be separately listed in the application submitted to the Planning Inspectorate.

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<sup>43</sup> Planning Inspectorate, February 2019, Advice note thirteen: Preparation of a draft order granting development consent and explanatory memorandum: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-thirteen/>

<sup>44</sup> Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. SI 2015/462

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