The Great Grid Upgrade

North Humber to High Marnham

NHHM-AEC-EIA-REP-0004

North Humber to High Marnham

Volume 5: Reports and Statements

Document 5.4 Consents and Licences Required Under Other Legislation

Final Issue A

October 2026

Planning Inspectorate Reference: EN020034

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Regulation 5(2)(q)

nationalgrid

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Executive Summary

National Grid Electricity Transmission plc (National Grid) is developing the North Humber to High Marnham Project (the Project), a proposed new 400 kV electricity transmission connection between East Riding of Yorkshire and Nottinghamshire. The Project would reinforce the national electricity transmission network, enabling the connection of new low carbon energy generation and supporting the delivery of the UK Government's clean power and net zero ambitions. The Project is a Nationally Significant Infrastructure Project (NSIP) for which development consent is being sought through a Development Consent Order (DCO) under the Planning Act 2008 (HM Government, 2008). It is recognised as a critical reinforcement to provide the network capacity required to meet future electricity demand and support the transition to a low-carbon energy system.

This document outlines National Grid's strategy for securing consents, licences and agreements required to construct and operate the Project. It identifies these requirements at a high level and sets out how they would be obtained, including those incorporated within the Development Consent Order (DCO) and those required separately.

Sections 2 and 3 of this document describe, respectively, the consents proposed to be incorporated within **Application Document 3.1 Draft Development Consent Order** (draft DCO) and the agreements expected to be progressed in parallel with the DCO examination.

The consents and licences that would be obtained separate to the DCO are detailed in Table 3.1 of section 3 of this document.

It is intended that the process to obtain consents and licences would be agreed with stakeholders through the Statements of Common Ground (SoCGs) and legal agreements in the period between submission of the DCO application and the close of the examination, as outlined in section 2.2.

1. Introduction

1.1 Overview

1.1.1 National Grid Electricity Transmission plc (National Grid) owns and maintains the national high voltage electricity transmission network throughout England and Wales.

1.1.2 The transmission network connects the power from where it is generated to the regional distribution network operators who then supply businesses and homes.

1.1.3 National Grid holds the Transmission Licence for England and Wales, and its statutory duty is to develop and maintain an efficient, coordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the Electricity Act 1989 (HM Government, 1989).

1.1.4 National Grid has developed plans for the North Humber to High Marnham Project (the Project). The Project would support the UK government's net zero target through the connection of new low carbon energy generation and by reinforcing the transmission network.

1.1.5 The Project would establish a new 400 kilovolt (kV) transmission connection approximately 90 kilometres (km) in length between a new substation to be built in the vicinity of Birkhill Wood, located to the north of Hull near Creyke Beck in the East Riding of Yorkshire, and a new substation at High Marnham in Nottinghamshire.

1.1.6 The reinforcement is needed because the existing transmission network, even with current upgrading, will not have sufficient capacity for the new renewable energy (a substantial proportion of which would be generated by offshore wind) that is expected to connect to the network over the next 10 years and beyond. Completion of the Project, together with other new reinforcements across the country, will meet this future energy transmission demand across the UK.

1.1.7 The Project is a Nationally Significant Infrastructure Project (NSIP), and National Grid is seeking development consent under the Planning Act 2008. NSIPs require a type of planning permission known as a Development Consent Order (DCO). Instead of applying to the local authority for planning permission, the developer must apply to the Secretary of State via the Planning Inspectorate for a DCO.

1.1.8 National Grid has submitted an application for development consent to the Planning Inspectorate for the Project. The Examining Authority (consisting of one or more examining inspectors), after a period of public examination, will make its recommendation to the Secretary of State for Energy Security and Net Zero, who in turn will decide on whether development consent should be granted.

1.1.9 The Project has been identified as being critical to delivering a network which supports the clean power pathways for 2030 delivery.

1.2 Purpose and Structure of this Document

1.2.1 The purpose of this document is to identify at a high level the consents that are, or may be, required to construct and operate the Project, together with how those consents would be obtained. It forms part of the application for development consent that has been submitted to the Secretary of State under s37 of the Planning Act 2008 (HM Government, 2008).

1.2.2 S37 of the Planning Act 2008 (HM Government, 2008) governs the content of an application for development consent, including the requirements for the necessary accompanying documents specified in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) (HM Government, 2009). Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany an application for development consent.

1.2.3 Paragraphs 45 and 46 of Planning Act 2008: Application Form Guidance (Department for Communities and Local Government, 2013) requires that:

'*Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.*

The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted.'

1.2.4 This document has been prepared in accordance with Regulation 5(2)(q) of the APFP Regulations (HM Government, 2009) as a document which National Grid considers necessary to support the application for development consent for the Project.

1.2.5 Accordingly, this document lists the consents, licences and agreements which National Grid anticipates being required for the Project.

1.2.6 This document is structured as outlined in Table 1.1.

Table 1.1 – Structure of this Report

Section	Summary of Content
2 – Consents within the Draft DCO	Identifies the consents and powers incorporated within the draft DCO and outlines the relevant provisions of the Planning Act 2008.
3 – Other consents and licences	Sets out National Grid's strategy for obtaining consents, licences and associated agreements required in addition to the DCO, including those identified in Table 3.1.

1.3 Project Description

1.3.1 The Project is a new 400 kilovolt (kV) electricity transmission connection of approximately 90 kilometres (km) in overall length between two proposed new substations: the 400 kV Birkhill Wood Substation and 400 kV High Marnham Substation.

1.3.2 The Project comprises:

- Approximately 90 km of new overhead line (Route Code 4AF) between the proposed new 400 kV Birkhill Wood Substation and 400 kV High Marnham Substation;
- Replacement and re-alignment of a section of the existing 400 kV overhead line (Route Code 4ZQ) between Brantingham and east of Broomfleet;
- Replacement and re-alignment of a section of the existing 400 kV overhead line (Route Code ZDA) between Ealand and west of Keadby;
- Line entry connections to a proposed new 400 kV Birkhill Wood Substation;
- Line entry connections to a proposed new 400 kV High Marnham Substation; and
- The Project would include other required works, for example, temporary diversions for works on existing overhead line routes, temporary access roads, highway works, temporary works compounds, work sites and ancillary works. The Project would also include utility diversions and drainage works. There would also be land required for environmental mitigation, offsetting, compensation and Biodiversity Net Gain (BNG).

1.4 Substations update

1.4.1 The new 400kV Birkhill Wood and 400kV High Marnham substations and associated works were consulted on during statutory consultation in 2025 in order to achieve a comprehensive consenting position for the Project. In parallel, separate planning applications were being progressed for the substations under the Town and Country Planning Act 1990. Following close of statutory consultation on the Project in 2025, a decision was taken to remove both the proposed 400 kV Birkhill Wood Substation and 400 kV High Marnham Substation and associated works from the Project.

1.4.2 Separate planning applications for the 400 kV Birkhill Wood Substation, and 400 kV High Marnham Substation were submitted by National Grid in July and November 2025 to the local planning authorities of East Riding of Yorkshire Council and Bassetlaw District Council, respectively. The planning applications have subsequently been approved in February 2026 (Birkhill Wood – reference 25/01898/STPLF) and June 2026 (High Marnham – reference 25/01302/FUL) respectively. Alongside these planning permissions, a Compulsory Purchase Order (CPO) for acquisition of land at Birkhill Wood was confirmed in April 2026. For High Marnham, a CPO is due to be submitted to the Secretary of State in late 2026. An explanation of how feedback received on the substations was considered is provided in **Application Document 5.1 Consultation Report.**

1.4.3 Alongside the Birkhill Wood planning permission, the Public Footpath Diversion and Definitive Map and Statement Modification Order (as required under the s257 of the Town and Country Planning Act 1990, and s53A(2) of the Wildlife and Countryside Act 1981) was confirmed 17 December 2025, to allow the permanent diversion of Rowley Bridleway No.13 and No.30.

1.4.4 A full description of the design evolution of the Project is provided in **Application Document 5.9 Design Development Report.**

2. Consents within the Draft DCO

2.1.1 The principal consent for the Project will be a DCO. S33 (Effect of requirement for development consent on other consent regimes) of the Planning Act 2008 (HM Government, 2008) makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Project).

2.1.2 Part 7 of the Planning Act 2008 (HM Government, 2008), in particular s120 (What may be included in order granting development consent), makes it clear that the following can be included within a DCO:

- Ancillary matters (including those listed in Part 1 of Schedule 5 to the Planning Act 2008) (HM Government, 2008);
- The application, modification or exclusion of statutory provisions for which provision may be made in the DCO;
- Amendment, repeal or revocation of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO; and
- Incidental, consequential, supplementary, transitional or transitory provisions and savings.

2.1.3 S150 (Removal of consent requirements) of the Planning Act 2008 (HM Government, 2008) states that a requirement to obtain certain prescribed consents, or authorisations, under The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (HM Government, 2015) can be removed by the DCO with the relevant consenting body's agreement.

2.1.4 From the above, it is clear that the intention of the Planning Act 2008 (HM Government, 2008) is for the DCO process to enable land acquisition, along with many consents and powers, to be dealt with at the same time, creating a 'one-stop shop' approach for consents.

2.1.5 The DCO application may need to be supplemented by applications for other consents or licences outside of **Application Document 3.1 Draft DCO**, because:

- A particular consent cannot be contained in the DCO;
- A consenting authority declines to allow a consent to be contained in the DCO; and/or
- It is not desirable or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.

2.1.6 The majority of the consents required for the Project are incorporated within **Application Document 3.1 Draft DCO** submitted as part of the DCO application as permitted by various provisions of the Planning Act 2008 (HM Government, 2008). These consents, for example, include but are not limited to:

- Consent for all permanent and temporary works for the Project, referred to as the 'authorised development' and set out in Schedule 1 to **Application Document**

3.1 Draft DCO. Article 3 of **Application Document 3.1 Draft DCO** is the principal power in respect of the consent for the authorised development.

- Consent to carry out street works (Article 12 of **Application Document 3.1 Draft DCO**).
- Consent to alter the layout of streets (Article 15 of **Application Document 3.1 Draft DCO**).
- Consent to temporarily close streets and public rights of way (Article 16 of **Application Document 3.1 Draft DCO**).
- Consent to form and lay out means of access, or improve existing means of access, for the works (Article 17 of **Application Document 3.1 Draft DCO**).
- Authority to survey and investigate the land (Article 22 of **Application Document 3.1 Draft DCO**).
- Compulsory acquisition of land and rights over land and the temporary possession of land (Articles 23 to 31 of **Application Document 3.1 Draft DCO**).
- Traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 (HM Government, 1984) (Article 48 of **Application Document 3.1 Draft DCO**).
- Consent to carry out works (including felling and lopping) to trees and hedgerows (including trees subject to a Tree Preservation Order and any 'important hedgerows') (Articles 49 and 50 of **Application Document 3.1 Draft DCO**).

2.1.7 A number of the above consents are prescribed in The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (HM Government, 2015). Therefore, under s150 of the Planning Act 2008 (HM Government, 2008), the relevant consenting body must agree to the inclusion (that is, disapplication) of these consents within the DCO.

2.1.8 Discussions between National Grid and relevant consenting bodies are ongoing.

2.1.9 Consents, permits and agreements that may need to be sought separately from the DCO are identified in Table 3.1.

2.2 Agreements

2.2.1 Separate agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

2.2.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (SoCGs) with a variety of relevant stakeholders to identify matters on which the parties agree and disagree, to narrow the focus for examining the application concerned and to make the examination process more efficient.

2.2.3 SoCGs will be progressed by National Grid where appropriate and will be accompanied by a Statement of Commonality setting out the SoCGs being prepared, the progress with each and the common issues on which each party agrees. A Statement of Commonality will be submitted when there is sufficient progress with SoCGs for this to add value to the process.

2.2.4 Progress on finalising any SoCG or other forms of agreement, will be reported to the Examining Authority in accordance with the examination timetable.

2.2.5 Other possible forms of agreement alongside SoCGs are legal agreements regulating land and works powers, undertakings and memoranda of understanding, and letters of comfort. Again, these will be progressed by National Grid where appropriate.

3. Other Consents and Licences

3.1.1 This section of the document provides an overview of National Grid's intended strategy for obtaining consents and associated agreements, in addition to the DCO, that are needed to construct and/or operate the Project.

3.1.2 Consents and licences to be sought separately from the DCO are listed in Table 3.1.

3.1.3 This reflects the current understanding of the Project and depends on finalisation of the detailed design, and the detailed construction site setup and methodologies. If, during detailed design or construction, unforeseen circumstances result in the potential need to obtain consents or licences currently not considered to be required, or to obtain additional consents or licences not identified in Table 3.1, this would be discussed with the relevant consenting bodies.

Table 3.1 – Other consents and licences

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
European Protected Species Licence – Bats	The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)	Natural England	May be required for any works with the potential to damage or disturb bats or their roosts.	Mitigation licence application to be submitted post-DCO consent, informed by detailed design.	Species licence likely to be required. Intention for the Project to obtain a Letter of No Impediment (LONI) from Natural England to support the DCO application, prior to the close of the examination phase.
District Level Licencing - Great Crested Newts (Yorkshire and North Lincolnshire Route Sections)	The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)	Natural England	A District Level Licensing approach would be adopted within Yorkshire and North Lincolnshire.	Not required for Yorkshire and North Lincolnshire Route Sections as District Level Licensing negates the need for a LONI based on a mitigation licence application.	District Level Licensing approach to be taken in Yorkshire and North Lincolnshire Route Sections. A countersigned Impact Assessment and Conservation Payment Certificate would be agreed prior to the close of examination phase.
European Protected Species Licence – Great Crested	The Conservation of Habitats and Species Regulations 2017	Natural England	A traditional licence approach for the section of the scheme in Nottinghamshire is proposed, as	For Nottingamshire route sections, a mitigation licence application to be submitted post-DCO	Species licence likely to be required. Intention for the Project to obtain a

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
Newts (Nottinghamshire route sections)	(HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)		there is no active DLL scheme in this county.	consent, informed by detailed design.	LoNI from Natural England to support the DCO application, prior to the close of the examination phase.
European Protected Species Licence – Otter	The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)	Natural England	May be required in relation to the disturbance or damage of otter breeding or resting places within the Order Limits, prior to and during construction of the Project.	Mitigation licence application to be submitted post-DCO consent, informed by detailed design.	Species licence likely to be required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase.
European Protected Species Licence – Water Vole	The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)	Natural England	Class mitigation licence required in a number of locations where works are occurring with 5 m of watercourse with confirmed water voles presence. May also be required in additional locations in relation to the disturbance or removal/ translocation of water voles as part of detailed design.	Mitigation licence application to be submitted post-DCO consent, informed by detailed design.	Species licence required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase.
European Protected	The Conservation of Habitats and Species	Natural England	Required in relation to the disturbance or removal/translocation of dormice	Mitigation licence application to be submitted post-DCO	Species licence required.

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
Species Licence – Dormouse	Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)		within the Order Limits prior to and during construction of the Project.	consent, informed by detailed design.	Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase.
Protected Species Licence – Badger	S10 of the Protection of Badgers Act 1992 (HM Government, 1992)	Natural England	Required in relation to the damage and disturbance of known badger setts within the Order Limits prior to, and during, construction of the Project.	Mitigation licence application to be submitted post-DCO consent, informed by detailed design.	Species licence required. Discussions with Natural England have confirmed the use of two types of licence for the Project: 1. Project-wide licence for standard sett closures; and 2. Main sett bespoke licence covering all known main setts. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase.

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
Consent to carry out works within/ or adjacent to a Site of Special Scientific Interest (SSSI) under s28E and s28H of the Wildlife and Countryside Act 1981	The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) Wildlife and Countryside Act 1981 (HM Government, 1981)	Natural England	Required to carry out works within/or adjacent to a SSSI.	Post-DCO consent, informed by detailed design	Consent may be required for works indirectly impacting SSSI. Should this be required, discussion with Natural England would be undertaken, with agreements made as per section 2.2.
Notification of works within a Local Wildlife Site	N/A	Relevant local planning authority (and, if applicable, nature conservation authority)	National Grid agree to inform the relevant local planning authority (and, if applicable, nature conservation authority) for any works within a Local Wildlife Site.	Post-DCO consent	Notification to be made by National Grid following grant of the DCO, prior to relevant works, to inform the relevant local planning authority (and, if applicable, nature conservation authority).
Flood Risk Activity Permit (temporary)	Permit under The Environmental Permitting (England and Wales) Regulations 2016 (HM Government, 2016)	Environment Agency	Required for the temporary, construction related activities within floodplains (defined by Flood Zone 3), and for works over or under an Environment Agency designated main river.	Post-DCO consent, informed by detailed design	Permit would be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
Water Connections Agreement for supply of mains water	Water Industry Act 1991 (HM Government, 1991)	Relevant water supply company	It is expected that a water connections agreement may be required to supply the water needs of the Project e.g. to supply temporary construction compound welfare facilities.	Post-DCO consent, informed by detailed design	Agreement may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Licence to abstract and environmental permit to subsequently discharge water to facilitate dewatering	Water Resources Act 1991 (HM Government, 1991) The Environmental Permitting (England and Wales) Regulations 2016 (HM Government, 2016)	Environment Agency	An abstraction licence and corresponding environmental permit to discharge may be required to facilitate some dewatering activities.	Post-DCO consent, informed by detailed design	Licence may be required. Application to be made by National Grid following grant of DCO, prior to relevant works.
Storage of waste permit	The Environmental Permitting (England and Wales) Regulations 2016 (HM Government, 2016)	Environment Agency	It is expected that the storage of waste would be within the scope and comply with the conditions of one or more of the activities specified either as non-waste framework directive exemptions or exemptions from environmental permitting for which registration with the Environment Agency is required. If this position changes, an environmental permit would be sought from the Environment Agency.	Post-DCO consent, informed by detailed design	Permit may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.

Interest feature/ activity	Legislative context	Consenting/ licensing body	Potential need for consent/ licence	Timing of submission	Comment/status
Waste Permit (soil contamination)	The Environmental Permitting (England and Wales) Regulations 2016 (HM Government, 2016)	Environment Agency	**Application Document 7.2 Outline Code of Construction Practice** includes a commitment for the control of earthworks and/or materials movement (including any reuse of soils) to be undertaken under the appropriate environmental permits, exceptions or using The Definition of Waste: Development Industry Code of Practice (CL:AIRE, 2011) or similar. **Application Document 7.2 Outline Code of Construction Practice** also includes a commitment for the Main Works Contractor(s) to develop a protocol for dealing with any unexpected contamination which would include the preparation of a method statement for how waste will be dealt with or remediated (as appropriate), including how it would be disposed of if required.	Post-DCO consent, informed by detailed design	Permit may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Control of pollution consent (noise and vibration)	S61 of the Control of Pollution Act 1974 (HM Government, 1974)	Relevant local planning authority	Where the construction activities may generate a significant noise and/or vibration effect, a s61 prior consent application may be required.	Post-DCO consent	Consent may be sought on a case by-case basis. Application to be made by National Grid following grant of the DCO, prior to relevant works.

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