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The Secretary of State
c/o The Planning Inspectorate
QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

For the attention of: Mr. Simon Raywood - Case Manager - National Infrastructure

09 November 2026
SENT BY EMAIL ONLY

Your Reference: EN020034

Dear Simon,

Application by National Grid Electricity Transmission Plc for an order granting development consent for the North Humber to High Marnham project

Response to request for signposting information

We refer to your letter dated 4 November 2026, requesting signposting information from National Grid to assist the Planning Inspectorate in reaching a decision on acceptance for the North Humber to High Marnham project (**Project**).

As set out in your letter, the Habitats Regulations Assessment Report (**HRA Report**) rules out an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA) and Ramsar site from the loss of, or disturbance to, users of functionally linked land (FLL). This is subject to the provision of 46 hectares of alternative foraging habitat for pink footed goose, golden plover, lapwing and curlew. The Planning Inspectorate has then asked National Grid to signpost to relevant information within the application documents regarding a list of topics.

We recognise that it is entirely reasonable for an application of this size and scale to give rise to a signposting request during the acceptance period, and we are grateful for the opportunity to address the detailed points raised.

National Grid's detailed response to each of the points raised by the Planning Inspectorate is set out in **Annex 1** to this letter. In addition to our detailed responses, we have also set out in this letter the critical nature of the project and the legal framework within which a decision on acceptance must be considered. Finally, to inform the Planning Inspectorate's further deliberations, relevant precedents are set out in **Annex 2** below.

Executive Summary

National Grid's firm view is that the application is of a satisfactory standard for the purposes of section 55(3) of the Planning Act 2008 and should be accepted for examination. The responses at **Annex 1** to the signposting request demonstrate that the matters raised by the Planning Inspectorate are addressed within the application documents and that none provides a basis for non-acceptance.

The application contains a substantial evidence base supporting the HRA and the proposed functionally linked land mitigation, informed by extensive ornithological surveys and engagement with Natural England. The mitigation land is secured within the Order Limits, and the application provides for its management, monitoring and continued use as alternative foraging habitat.

To the extent that any limited targeted or confirmatory information is required, this can properly be provided by National Grid during the pre-examination period or examination. This is consistent with the Planning Act

2008: Guidance on the acceptance stage of an application dated 3 July 2026 (**Guidance**), which expressly recognises that matters capable of being corrected, updated or supplemented without prejudicing the examination should not prevent acceptance. Natural England has not set out any objection in principle to the approach taken by National Grid.

National Grid's approach with this application is also consistent with the precedents set out in **Annex 2**, where comparable matters concerning mitigation land, survey information and HRA evidence have been addressed following acceptance. In light of the information contained in the application, the responses provided in this letter and the critical national importance of the Project, National Grid considers that acceptance of the application as made is the lawful, proportionate and procedurally correct outcome.

Critical nature of the Project

National Grid is developing 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 recognised as a project of critical national priority as set out in Overarching National Policy Statement for Energy (EN-1).

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 legally commits the UK to reducing greenhouse gas emissions by 100% relative to 1990 levels, achieving net zero emissions by 2050. Consistent with these objectives, the UK Government's Clean Power 2030 Action Plan (DESNZ, 2024) establishes an ambition to connect 42–50 GW of offshore wind, 27–29 GW of onshore wind, and 45–47 GW of solar power by 2030. The Project would reinforce the onshore electricity transmission network to securely connect and transport vast volumes of clean electricity generated in the North Sea and East Coast and therefore forms a key part of this strategy.

In preparing the application, the critical and urgent nature of the Project has driven National Grid to ensure the application is robust and defendable. National Grid have carried out an extensive pre-application stage, with the Project development starting in 2020 and public consultation taking place from 2023, ensuring that the application submitted to the Planning Inspectorate has been prepared to a greater than satisfactory standard that would ensure acceptance.

Legal Framework for acceptance

Acceptance framework

Section 55(3) of the Planning Act 2008 sets out the basis on which the Secretary of State may accept an application for examination. In the context of the Planning Inspectorate's points raised, the fundamental considerations are whether, having regard to the relevant law, standards and guidance the application is of a standard that the Secretary of State considers satisfactory (section 55(3)(f)).

Taking account of the responses provided below, including the signposting requested, National Grid's firm view is that the approach it has taken to the application demonstrably meets the "satisfactory standard" test and the requirements of the pre-application guidance including, but not limited to, Nationally Significant Infrastructure Projects: Advice on Habitats Regulation Assessments (updated 29 September 2026).Furthermore, National Grid notes that the Guidance requires the Planning Inspectorate, when making this decision on acceptance on behalf of the Secretary of State, to balance the urgent need for Nationally Significant Infrastructure Projects to go forward without delay, with the need to ensure that the application submitted is complete and coherent, robust and sufficiently clear to be examined.

As the points raised by the Planning Inspectorate relate to the HRA Report we note that paragraphs 3.4 to 3.7 of the Guidance are particularly relevant. Paragraph 3.4 makes it clear that the HRA Report must be sufficient to allow the competent authority to make an appropriate assessment of the implications for the site if required. It also, at paragraph 3.5, states that the Planning Inspectorate may accept an application where it is satisfied that an applicant has submitted adequate information to support conclusions of no adverse

effects on the integrity of the protected site. The Guidance also states that in the event of a disagreement between the Statutory Nature Conservation Body (SNCB) and the applicant about matters relating to the scope, content or conclusion of information provided by the application it will generally be more appropriate to test this information at examination, rather than for the Planning inspectorate not to accept the application.

National Grid also notes that paragraph 3.7 of the Guidance relevantly allows applications to still be accepted in situations where a limited amount of further targeted or confirmatory environmental information relating to the Habitats Regulations is anticipated, provided that sufficient information has been submitted to identify and assess the likely significant environmental effects of the proposals. As set out in **Annex 1** of this document, it is National Grid's view that while there may be some limited targeted or confirmatory environmental information relating to the HRA Report to be provided, there is sufficient information already contained in the application to assess the likely significant effects of the Project.

Finally, paragraph 4.1 of the Guidance states that matters which can be corrected, updated or supplemented in the pre-examination period without prejudicing the examination should not be reasons for an application to not be accepted.

Consideration of the acceptance framework against the Project

The nature of the matters raised by the Planning Inspectorate, when taking account of the signposting responses provided within this letter and applying the relevant law and guidance, is such that any residual queries are entirely capable of being addressed properly in the pre-examination and examination stages, rather than by re-submitting the application. We submit that this is the proportionate and reasonable approach to take, and one that is in the wider national and public interest given the level of policy support for the Project as well as the detail contained in the application and the responses given in this letter.

National Grid's approach in this application to the matters raised by the Planning Inspectorate is consistent with a significant number of previous applications for development consent accepted for examination by the Planning Inspectorate. To inform the Planning Inspectorate's further deliberations, relevant precedents are referred to in **Annex 2** below. In the case of the precedents referred to, any equivalent issues were adequately dealt with following acceptance of the application. It follows, pursuant to principles of rationality and consistency in decision making, that this Project should be judged by the same standards as have been applied to previous applications which have been accepted and consented and also having regard to the recently published Guidance. The test which applies now is materially different to the test set out in the previous and stricter guidance that was withdrawn on 24 July 2026 and is no longer relevant.[1]

We consider this change in guidance to be significant for the following reason: the precedents cited below illustrate acceptance of applications where additional information was required and permitted to be provided during the pre-examination or examination stage, and this was deemed a permissible approach under the old – stricter – guidance; it follows therefore that similar circumstances (an application where additional HRA information may be provided after the application is made) should be viewed no less favourably under the new Guidance, which is explicit in stating at 3.7 (summarised above) that applications may be accepted notwithstanding subsequent provision of additional HRA information.

We trust that this letter addresses the matters raised by the Planning Inspectorate, and in the light of the information provided below, we invite the Planning Inspectorate to find that the application is of a satisfactory standard in accordance with section 55(3) such that it should be accepted for examination.

Our firm view is that this is the lawfully and procedurally correct determination to be reached, having regard to the content of the application and this letter. Conversely, we do not see that there is a sound legal basis

[1] The old guidance stated "Full HRA material must be provided by the applicant as part of the application. This guidance requires the Planning Inspectorate not to accept applications for examination which are incomplete or not comprehensive in this regard."

for a decision that the Project cannot be accepted for examination, having regard to the nature of the specific concerns that have been raised and our responses.

Rationale for NHHM's approach to HRA

Application Document 5.2 Habitat Regulations Assessment Report has been undertaken in full consideration of the Habitats Regulations (HM Government, 2017) and taking account of the relevant case law set out in Table 2.2.1 of **Application Document 5.2 Habitat Regulations Assessment Report**. General guidance on Appropriate Assessment and the use of HRA published by the UK Government in July 2019 (Ministry of Housing, Communities and Local Government, 2019), the Planning Inspectorate's Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (Planning Inspectorate, 2024, updated 2026), and the Overarching National Policy Statement for Energy (EN-1) (Department for Energy Security and Net Zero, 2025) have also been taken into account. The report follows a three-stage approach illustrated by Image 3.1 in **Application Document 5.2 Habitat Regulations Assessment Report**.

The HRA Report is supported by 2,380.25 hours of vantage points surveys in addition to other targeted surveys as set out in **Application Document 6.9.A2 Ornithology Baseline Report**.

Engagement with Natural England has taken place since 2021. Table 3.1 in **Application Document 5.8.3 Statement of Common Ground – Natural England** sets out the meeting dates of those that relate specifically to the HRA and Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology** provides further details. During these meetings Natural England have been engaged on the scope of the HRA and the assessment outcomes. Whilst Natural England's position stated at ID 4.3.9, 4.3.10 and 4.3.11 in **Application Document 5.8.3 Statement of Common Ground – Natural England** remains under discussion, until the submission documents are received, no fundamental concerns were raised by Natural England during engagement as to the approach being adopted by National Grid throughout the pre-application period. Further details on the engagement with Natural England are set out below.

Engagement to date with Natural England on HRA

National Grid has engaged extensively with Natural England on HRA matters in a series of meetings as set out in Table 3.1 of **Application Document 5.8.3 Statement of Common Ground – Natural England** and in section 4.2 of **Application Document 5.2 Habitats Regulations Assessment Report** with the outcomes of meetings held with Natural England directly influencing the Project's criteria and approach to identification of the functionally linked land mitigation area selected.

Discussions and advice received from Natural England on functionally linked land throughout the pre-application period have focussed on the following matters which are included within the submission documents and set out in the table at **Annex 1**:

- Criteria for site selection
- Use of survey data to determine mitigation requirement
- Size of site required
- The carrying capacity of the land for species
- Suitable cropping regimes
- Duration of habitat provision
- Types of habitat enhancement proposed
- Timetable for detailed proposals for the land being provided as discussed at meeting 24 September 2026 noted in the engagement log of **Application Document 5.8.3 Statement of Common Ground – Natural England**.

National Grid, as part of its continued engagement with statutory consultees shared the approach being taken on the HRA Report with Natural England who have not raised any concerns. National Grid has identified where further survey work was required and shared this with Natural England – see detail in row

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11 of **Annex 1**. National Grid have provided Natural England access to the submission documents including **Application Document 5.2 Habitats Regulations Assessment Report**, **Application Document 7.3 Register of Environmental Actions and Commitments and Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** on 21 October 2026 following submission of the application for the Project to the Planning Inspectorate and ahead of formal publication. This was done to allow a greater time period to review the documents and to prepare for the submission of their relevant representation and to inform updates to the **Application Document 5.8.3 Statement of Common Ground – Natural England**.

As the Planning Inspectorate will be aware, a relevant competent authority is entitled to place considerable weight on the opinion of Natural England, as the expert national agency with responsibility for oversight of nature conservation, and "ought to do so (absent good reason why not)" (per Sales LJ (as he then was) in *Smyth v* SSCLG [2015] EWCA Civ 174 at para. 85).[2] Cogent and compelling reasons are required to depart from the views of Natural England (see *R (Hart DC) v SSCLG* [2008] EWHC 1204 at para. 49; *R (Akester) v SEFRA* [2010] EWHC 232 at para. 112; and *Shadwell Estates Limited v Breckland DC* [2013] EWHC 12 at para. 72).

As set out in **Application Document 5.7 Potential Main Issues for Examination (PMIE),** Natural England responded to National Grid's consultation on the PMIE stipulating that functionally linked land was considered a potential main issue but did not raise an objection or submit a Principal Areas of Disagreement Summary Statement. Given Natural England's lack of objection in principle to the approach taken to functionally linked land, including in respect of the issues raised in the signposting request, National Grid considers there is no basis for taking a different view. Certainly, given signposting annexed to this letter, there are no "cogent and compelling" reasons to so depart from Natural England's views.

Proposed Next Steps

National Grid firmly believes that the application meets the necessary tests for it to be accepted for examination having regard to the tests set out in s55 of the Planning Act 2008. This would be the lawful and procedurally correct decision to be made. We have addressed the points in your signposting request. We remain committed to discussing this response with the Planning Inspectorate and look forward to doing so on Tuesday 10 November 12:00.

Should the Planning Inspectorate agree with our view that the application should be accepted, National Grid can collate and provide any limited further targeted or confirmatory information as identified in the table at **Annex 1** prior of the start of the examination.

Yours sincerely,

[redacted]

Project Director, North Humber to High Marnham

[2] Upheld and applied more recently by the Court of Appeal in Wyatt v Fareham BC [2022] EWCA Civ 983 at para. 139 per Lindblom LJ.

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Annex 1 - Response to each of the points identified by the Planning Inspectorate

The below table identifies each of the points raised by the Planning Inspectorate and provides a response signposting where in the application the information can be found. As is made evident within the table, it is National Grid's view that all the critical information required to ensure the application is of a satisfactory standard is contained within the application documents in the locations signposted below and therefore, that none of the matters raised by the Planning Inspectorate are alone or in combination sufficient to result in non-acceptance of the application.

In addition, should any limited amount of further targeted or confirmatory information be required, this can be provided during the pre-examination period or as otherwise agreed with the Planning Inspectorate or Examining Authority.

Ref.	Signpost request	National Grid response
1.	how the site location for mitigation land has been chosen	The impact on functionally linked land has been considered throughout the development of the Project. As set out in **Application Document 7.18 Corridor and Preliminary Routeing and Siting Study** at section 11.3.17 the routeing and siting stage identified that siting of a close parallel design in whole or in part would potentially minimise any additional barrier to movement to functionally linked habitat. As set out in Table 9.9 of **Application Document 6.9 Chapter 9 Ornithology** and Table 3.2 of **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** bird surveys were commenced on the Project in June 2022 continuing through to the summer of 2026. These have been used to inform the design of the Project and the need, size and type of mitigation area for functionally linked land. The need for the functionally linked land mitigation was established following the potential functionally linked land field counts 2023 – 2024 and potential functionally linked land field counts 2024 – 2025 as described in Table 3.2 and shown in Figure A9.2.8 and Figure A9.2.13 of **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report**. These surveys supported by data from other surveys listed in Table 3.2 were used to determine the likely extent of functionally linked land the Project is located within. All of the survey data was then analysed including numbers for each of the qualifying features in question (shown on Figures A9.2.24 to A9.2.49 in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report**) against the Project design to determine the area of land required. This was discussed with Natural England on 17 September 2025 as set out in Table 9.6 in **Application Document 6.9 Chapter 9 Ornithology**. Whilst matters pertaining to HRA within **Application Document 5.8.3 Statement of Common Ground – Natural England** remain under discussion; Natural England have not identified this as an area of disagreement. As set out at ON15 in **Application Document 7.3 Register of Environmental Commitments** the search criteria for this area of mitigation was set within the geographic range currently utilised by the Humber Estuary SPA/Ramsar site

		qualifying features and therefore was based on suitable sites within proximity to the Humber Estuary SPA and Blacktoft Sands RSPB Reserve, including the Island Farm extension to the RSPB reserve, where habitat creation and management for wetland birds have been put in place and are highly successful in supporting the populations of water birds that occur around the confluence of the Rivers Humber, Trent and Ouse. Proximity to these sites would also reduce the energetic burden on birds moving between the site and the functionally linked land. The search criteria also considered the openness of the area (flat, very open, with few hedgerows and good sightlines to adjacent farmland habitats). A wider search area was identified which included all arable land to the south of the existing 4ZQ overhead line up to the River Ouse, to the north of the River Ouse crossing, and all land to the east of the existing 4ZQ overhead line up to the River Trent to the south of the River Ouse crossing. Wintering surveys were conducted in this wider area and the results are shown on Figure A9.2.24 Non-Breeding Bird Distribution (All Species), Figure A9.2.25 Non-Breeding Pink Footed Goose Distribution, Figure A9.2.28 Non-Breeding Golden Plover Distribution and Figure A9.2.29 Non-Breeding Greylag Goose Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 5 of 8**; Figure A9.2.32 Non Breeding Lapwing Distribution and Figure A9.2.34 Non-Breeding Curlew Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 6 of 8**; Figure A9.2.42 Non-Breeding Marsh Harrier Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 7 of 8**; and Figure A9.2.48 Non-Breeding Whooper Swan Distribution **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 8 of 8**. These surveys show that the land is currently being used by small numbers of geese and waders. The site selection considered suitability for the relevant qualifying features which includes larger fields with fewer boundary features, landowner considerations and ensuring the land was over 500 m from the construction of the Project to ensure disturbance could be avoided, but close enough to the Project that the mitigation habitat would be readily accessible to any birds displaced by construction or operation of the Project. An area of land was selected which was consulted on as part of the targeted PIL consultation (May to June 2026). As set out at section 9.2.23 of **Application Document 5.1 Consultation Report** an objection was received in relation to the interaction with another Nationally Significant Infrastructure Project and as set out at section 9.4.2 of the same document an alternative area was appraised using the existing criteria and identified which led to the relocation of the proposed mitigation land. Whilst the location of land changed, the principles that have been discussed with Natural England and RSPB as set out in Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology** relating to the need for the land, the location of the land in the wider search area as set out in this response and how the land would be managed remained unchanged. During this process engagement also took place with the RSPB over the assessment outcomes and mitigation requirements, specifically mitigation land. This is documented in Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology** and was discussed at a meeting held on 5 March 2026 to discuss the mitigation land.

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2.	the present condition and disturbance profile of the land, including whether it could be considered to already be functionally linked land	The present condition and disturbance profile of the land has been confirmed through the ornithological surveys undertaken as set out on Figures A9.2.8 and Figure A9.2.13 of **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** and through engagement with the landowner as referenced in **Application Document 4.4 Pre Application Land and Rights Negotiations Tracker (Plots B9-005, B9-006, B9-007 and B9-008)**. The land is currently in agricultural production and is located in a rural area away from main roads and settlement and other sources of disturbance as shown on Sheet 9 of **Application Document 2.3 Land Plans Section B**. The land is adjacent to a section of the Blacktoft Sands RSPB Reserve and the River Trent. The land is used by the relevant qualifying features of the SPA as supported by the baseline surveys presented in **Application Document 6.9.A2 Ornithology Baseline Report**. Functionally Linked Land is defined at section 7.3 in **Application Document 5.2 Habitat Regulations Assessment Report** but in general 'Functionally Linked Land' (FLL) or 'Functionally Linked Habitat' (FLH) are terms that are often used to describe habitats occurring outside of a Special Protection Area (SPA) or Ramsar site that are considered to be critical to, or necessary for, the ecological behavioural functions in a relevant season of a qualifying feature for which the site in question is designated. The key identifiers for functionally linked land are preferred foraging habitat within the qualifying features core foraging range, not all land within the associated foraging ranges is relevant – only those habitats that are utilised by the relevant qualifying features. The land is located within a much larger area that can be considered as functionally linked land across the wider Humberhead levels. The mitigation area has to be accessible to the qualifying features for which it is provided and therefore as set out in Commitment ON15 within **Application Document 7.3 Register of Environmental Actions and Commitments** the habitat has to be within the '*geographic range currently utilised by the Humber Estuary SPA/Ramsar site qualifying species to ensure that birds will use this new foraging resource*.' The location of the land within the larger agricultural area that can be considered functionally linked is fundamental in proving relevant, effective mitigation: - It is appropriate to place mitigation land within a broader area of Functionally Linked Land, because to do otherwise may place the mitigation land beyond the core foraging range of the qualifying features it is intended to serve. Reducing the energetic burden to qualifying features accessing the mitigation land can be considered one of the core guiding principles to selection of such an area, alongside the other reasons for site selection set out in this letter. - There are precedents set by other projects including land directly to the north of the proposed mitigation land which provides a similar area of farmland habitat for the Goole Fields Wind Farm. - The proposed mitigation is to enhance the carrying capacity of the farmland that could be utilised and provide a better winter foraging resource for the SPA/Ramsar site qualifying features, not simply identifying suitable land for inclusion as functionally linked land.

		As set out in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** the surveys have shown that the land is currently used by small numbers of geese and waders. The mitigation proposed is designed to optimise foraging resources and to increase the carrying capacity of the land for the relevant qualifying features. This will be achieved by an appropriate enhanced inter-annual cropping regime as secured through Commitment ON15 of **Application Document 7.3 Register of Environmental Actions and Commitments** which will serve the foraging requirements of the qualifying features in question. The location of the mitigation area within the much larger area that can be considered as functionally linked land has been discussed with Natural England during the meeting 17 September 2025 as detailed in Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology**. Whilst matters pertaining to HRA within **Application Document 5.8.3 Statement of Common Ground – Natural England** remain under discussion; Natural England have not identified this as an area of disagreement.
3.	the rationale for the size of the mitigation area	The mitigation hierarchy has been applied when developing the design of the Project. The relevant embedded measures included to avoid effects as far as possible and as set out in **Application Document 7.3 Register of Environmental Actions and Commitments include**: **EDM02** - Where possible, the proposed overhead line has been designed to be parallel to or close parallel with the existing overhead lines. Route Sections where close parallel and pylon synchronicity has been achieved, considering constraints present along the existing overhead lines as well as technical complexity, include: Sections within Route Sections A and B to reduce effects on the Yorkshire Wolds Important Landscape Area and potential effects of collision risk, habitat loss and disturbance of qualifying features of the Humber Estuary Special Protection Area (SPA) and Ramsar site; **EDM06** - Construction effects have been designed out/ minimised as far as practicable through, for example, minimising land-take/habitat loss and locating construction access tracks and temporary construction compounds/ material storage areas outside of ecologically sensitive sites/ habitats (such as statutory and non-statutory designated sites, priority habitats and wetlands). As set out in Table 9.21 of **Application Document 6.9 Ornithology** the construction access tracks have been aligned with field boundaries/edges wherever practicable, which minimises potential losses of foraging resource since these the relevant qualifying features are attracted to the open spaces within fields, away from boundary features. Construction compounds within functionally linked land have been placed close to field edges and existing infrastructure features (roads and tracks) wherever practicable, which minimises the effective loss of foraging habitat. There would be no direct habitat losses within wetlands. The embedded measures alone do not fully avoid the effects therefore additional mitigation was required, as set out in **Application Document 5.1 Consultation Report Appendix K** point 3 under Natural England, **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** and **Application Document 6.9.A4 Appendix 9.4 Confidential Ornithology Baseline Report** set out the baseline conditions with respect to the distribution and

		numbers of Humber Estuary SPA/Ramsar qualifying features over a wide area either side of the River Ouse. This has been determined through 2,380.25 hours of vantage points surveys in addition to other targeted surveys as set out in these documents. This has enabled: - Quantification of the numbers of each qualifying feature potentially affected, and their distribution; - Identification of the months of the year in which these species reach peak numbers and their frequency of occurrence; - Habitat use in relation to land use (crop cover); and - The assessment of the spatial scale of effects on qualifying feature and the severity of the effects of habitat losses (during construction and operational phases of the Project) and disturbance/displacement of birds (during construction). As set out at paragraph 9.2.3 of **Application Document 5.2 Habitat Regulations Assessment Report** the numbers of Humber Estuary SPA qualifying features potentially affected by loss of functionally linked land have been determined from the peak and cumulative counts of birds occurring within functionally linked land up to 500 m from the Order Limits that equal or exceed one percent of the Humber Estuary SPA population. These factors have been used to determine the size of the area required. As set out in our response to point 1 this was discussed with Natural England on 17 September 2025 as set out in Table 9.6 in **Application Document 6.9 Chapter 9 Ornithology** and at subsequent meetings. Whilst matters pertaining to HRA within **Application Document 5.8.3 Statement of Common Ground – Natural England** remain under discussion; Natural England have not identified this as an area of disagreement. In line with the Guidance on the acceptance stage of an application a detailed explanation of how this has been calculated can be provided by National Grid prior to the start of examination and therefore should not be a reason for non-acceptance of the application.
4.	information to demonstrate that a single site would be ecologically suitable for all of the species identified	As shown by the survey results in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** the relevant qualifying features identified are already using the same existing arable habitat within this area in small numbers and the wider area that can be considered as functionally linked land. **Application Document 7.3 Register of Environmental Actions and Commitments** secured through Requirement 5 of the **Application Document 3.1 Draft Development Consent Order** an inter-annual cropping regime for the site. That cropping regime will enhance the site's foraging resource in favourable condition for all the relevant qualifying features in the context of the wider arable farmland landscape. As set out in Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology** this cropping regime has been discussed with Natural England. Whilst matters pertaining to HRA within **Application Document 5.8.3 Statement of Common Ground – Natural England** remain under discussion; Natural England have not identified this as an area of disagreement. Requirement 4 of **Application Document 3.1 Draft Development Consent Order** lists Natural England as a consultee in relation to the final Landscape and Ecology Management Plan. Therefore, the detailed management of

		the mitigation land will be consulted on and agreed with Natural England and then set out in the final Landscape and Ecology Management Plan. However, should the Examining Authority require further detail **Application Document 7.8 Outline Landscape and Ecology Management Plan** can be updated prior to the start of the examination to set out the outline of the inter-annual cropping regime.
5.	rationale as to why the mitigation land is not also proposed for greylag goose	Greylag goose has been assessed in **Application Document 5.2 Habitat Regulations Assessment Report.** The mitigation land is suitable for greylag goose and taken into account in calculating the size of the mitigation area, cropping regime and concluding no adverse effect on site integrity as set out at sections 9.2 and 9.3 of **Application Document 5.2 Habitat Regulations Assessment Report**. The words greylag goose were unintentionally omitted from ON15. The wording at ON15 in **Application Document Application Document 7.3 Register of Environmental Actions and Commitments** can be updated to include greylag goose prior to the start of examination. As this is an errata point to be addressed pre-examination, this should not be a reason for non-acceptance of the application.
6.	details of the works required to improve the existing land, how it would be managed and secured, and relevant responsibilities	The land is included and secured within the Order Limits and is included within Class 1 (freehold acquisition) of **Application Document 4.3 Book of Reference** and is shown on sheet 9 of **Application Document 2.3 Land Plans Section B**. There is no proposed change of use of this land**.** The proposal is to manage the cropping regime of the land so that it is an enhanced favourable foraging resource for the relevant SPA/Ramsar qualifying features that use the functionally linked land impacted by the Project. As set out at ON15 in **Application Document 7.3 Register of Environmental Actions and Commitments** the land would be used under an adequate, guaranteed inter-annual cropping regime and therefore, no development on this land is proposed. The details of the specific management proposed have been discussed with Natural England and RSPB as set out in Table 9.6 of **Application Document 6.9 Chapter 9 Ornithology** and as set out in that table from a meeting held on 17 September 2025, include: - A suitable cropping regime e.g. sugar beet tops, oil seed rape, winter cereal, post-harvest cereal stubbles for geese, crop height below 8-10cm for waders such as wheat/barley during Autumn/Spring passage or fallow/newly tilled fields - Avoidance of deep ploughing - Addition of manure subject to a reasonable agricultural cycle - Incorporating a ley crop - Including permanent grass

		- Margins to the fields Requirement 5 of **Application Document 3.1 Draft Development Consent Order** secures compliance with the ON15 and Requirement 4 of the same document lists Natural England as a consultee in relation to the final Landscape and Ecology Management Plan. Therefore, the detailed management of the mitigation land will be consulted on and can be agreed with Natural England and then set out in the final Landscape and Ecology Management Plan. However, should the Examining Authority require further detail **Application Document 7.8 Outline Landscape and Ecology Management Plan** can be updated prior to the start of the examination to set out the outline of the inter-annual cropping regime. Further, as stated above the principles of this management regime have been discussed with Natural England and whilst matters pertaining to HRA within **Application Document 5.8.3 Statement of Common Ground – Natural England** remain under discussion, Natural England have not identified this as an area of disagreement.
7.	details of proposed success criteria and any trigger thresholds for adaptive management	It is not considered necessary at this stage to set this out. Commitment ON15 in **Application Document 7.3 Register of Environmental Actions and Commitments** secured through Requirement 5 of **Application Document 3.1 Draft Development Consent Order** commits to monitoring during construction and at intervals during operation. The monitoring will consist of checking to ensure management is still in line with its requirements to confirm continued use and inform any amendments required to the management. The survey methodology, frequency and feedback mechanism will be agreed with Natural England. The details of this will be set out in the final Landscape Management Plan which will be consulted on and can be agreed with Natural England in accordance with Requirement 4 of **Application Document 3.1 Draft Development Consent Order**. However, should the Examining Authority require further clarity this can be requested and **Application Document 7.8 Outline Landscape and Ecology Management Plan** can be updated by National Grid prior to examination to set out the outline monitoring framework.
8.	timescales for implementation and operation of the mitigation land	The timescales for implementation and operation are already set out in commitment ON15 of **Application Document 7.3 Register of Environmental Actions and Commitments**. As set out in that commitment the mitigation land would be required prior to and during the construction of the Project and during the operation of the Project**.**
9.	the impacts the creation of the land could have on existing species that rely on the land	There is no development/change of use proposed on this land and therefore no habitat loss. This is reinforced by commitment DE16 of **Application Document 7.3 Register of Environmental Actions and Commitments** which provides a commitment to retain all trees within the mitigation area. The proposal is to manage the agricultural cropping regime under an adequate, guaranteed inter-annual cropping regime as secured through ON15 of **Application Document 7.3 Register of Environmental Actions and Commitments**. This is so the land provides optimised foraging resources increasing the carrying capacity for the

		relevant qualifying features that use the functionally linked land impacted by the Project. The survey results presented in **Application Document 6.9.A2 Ornithology Baseline Report Surveys** have shown that the land is currently used by small numbers of geese and waders. The mitigation proposed would be designed to increase the carrying capacity for the relevant qualifying species and therefore would be beneficial for pink-footed goose, greylag goose, golden plover, lapwing and curlew. As stated above the detail of the management regime will be set out in the final Landscape and Ecology Management Plan as secured by Requirement 4 of **Application Document 3.2 Draft Development Consent Order.**
10.	explanation for the assessment presented in section 9 diverging from the 1km disturbance buffer for breeding birds (proposed in table 5.1 of the HRA Report)	The 1 km ZoI specified in Table 5.1 is a maximum ZoI used in the initial screening of sites. This is based on the maximum extent of disturbance for any SPA qualifying features irrespective of the SPA or Project. As set out at paragraph 3 2.5 of **Application Document 5.2 Habitat Regulations Assessment Report** establishing the ZoI is the first stage in the approach. This ZOI is then used to identify the sites which fall within it. Once the sites have been identified, potential impact pathways are identified within any of the sites within the ZoI. This looks in detail at the sources of impact from the Project and the qualifying features of the site including their individual disturbance ranges to determine if there is a potential impact pathway (source -pathway – receptor). The only breeding SPA qualifying feature present within the 1 km ZoI was Marsh Harrier (*Circus aeruginosus*), the published disturbance distance for which is 300-500 m Goodship and Furness (2022) (Goodship, N.M. & Furness, R.W. (MacArthur Green), 2022). As such the stage 2 assessment considered breeding Marsh Harrier within 500 m as beyond this distance there is no pathway to impact this receptor. None of the breeding features of the Humber Estuary SPA have disturbance ranges that extend to the maximum 1 km ZoI. As cited in Table 5.1 of **Application Document 5.2 Habitat Regulations Assessment Report** for breeding Marsh Harrier this distance is 300 m to 500 m which is why 500 m has been used within the stage 2 assessment for this qualifying feature.
11.	details of a survey programme and timescales for a phase 1 habitat survey of the mitigation land	Whilst a Phase 1 Habitat Survey has not been conducted on the proposed functionally linked land mitigation area at the time of submission (as set out in **Application Document 6.8.A3 Appendix 8.3 Habitat Survey Report**) there is no development /change of use proposed on this land. The area has been surveyed for ornithological interest as set out below and details of the current use of the land were established through these surveys. A review of high-resolution aerial photography has also been undertaken as listed under the data sources section in section 4 of **Application Document 6.8 Chapter 8 Ecology** and **Application Document 6.9 Chapter 9 Ornithology**. Whilst there is no development proposed on this land it is however the intention to undertake a Phase 1 Habitat Survey on this site prior to examination as set out at ID 4.3.21 of **Application Document 5.8.3 Statement of Common Gound – Natural England**.

		The Conservation of Habitats and Species Regulations 2017, do not make reference to 'habitat surveys' or indeed prescribe the information the competent authority may reasonably require the applicant to provide in order to determine whether the project will adversely affect the integrity of a European site. The relevant regulation simply states: *63 (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required*. In this case a Phase 1 Habitat Survey was not required to make a determination on the suitability of the land as functionally linked mitigation land. This has been determined through the ornithology baseline as set out in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** and on the specific figures referenced below, the openness of the site which was established through a review detailed aerial photography as listed in the data sources in section 4 of **Application Document 6.8 Chapter 8 Ecology** and **Application Document 6.9 Chapter 9 Ornithology** and ground truthed through the ornithology surveys in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report** and understanding of existing cropping regime though land owner negotiations. A licence agreement is in place with the landowner of the proposed functionally linked land mitigation area to permit access for survey purposes with 48 hours' notice. The Phase 1 Survey and write up would take approximately one week. This work is programmed to take place during the pre-examination period. The Planning Inspectorate advised National Grid during a pre-application meeting on 23 June 2026 to provide clarity on any outstanding survey information at the time the application was submitted alongside a timetable of when this information was anticipated to be submitted. National Grid verbally updated the Inspectorate during this meeting on what survey updates would be required along with timescales and reasoning which included updates to project design. This included the need for an updated Phase 1 survey. Page 37 of **Application Document 1.8 Regard had to S51 Advice** sets out the Inspectorate's position that 'evidence of agreements with Natural England on the applicant's approach to survey updates should provide comfort at acceptance stage'**.** Following this meeting, National Grid discussed with Natural England the need for an updated Phase 1 survey (amongst other surveys) to be undertaken. ID 4.3.21 of **Application Document 5.8.3 Statement of Common Ground – Natural England**, sets out the reasoning and timescale for the provision of such updated surveys. Natural England did not disagree with the approach proposed by National Grid. Ornithological data and surveys have been conducted on this land. The submission documentation includes Wetland Bird Survey (WeBS) Core CountSector data for 38352 Island Farm which overlaps with the southern half of this site and for 38430 Blacktoft Sands which is adjacent. These sectors are shown on Figure A9.2.2 in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 2 of 8**. Surveys were undertaken on all areas that were considered as potential functionally linked land to confirm the suitability of the land as mitigation.

		The results of these were used to inform the selection of the mitigation areas and are shown on Figure A9.2.24 Non-Breeding Bird Distribution (All Species), Figure A9.2.25 Non-Breeding Pink Footed Goose Distribution, Figure A9.2.28 Non-Breeding Golden Plover Distribution and Figure A9.2.29 Non-Breeding Greylag Goose Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 5 of 8**; Figure A9.2.32 Non Breeding Lapwing Distribution and Figure A9.2.34 Non-Breeding Curlew Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 6 of 8**; Figure A9.2.42 Non-Breeding Marsh Harrier Distribution in **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 7 of 8**; and Figure A9.2.48 Non-Breeding Whooper Swan Distribution **Application Document 6.9.A2 Appendix 9.2 Ornithology Baseline Report Part 8 of 8**.
12.	access and biosecurity arrangements for the mitigation site(s)	There is no proposed development/change of use of this land. The land will continue to be used for agricultural production with an inter-annual cropping regime that is favourable to the relevant qualifying features and existing agricultural biosecurity arrangements will continue. This confirmation can be included in **Application Document 7.8 Outline Landscape and Ecology Management Plan** prior to examination should this be requested by the Planning Inspectorate. **Application Document 7.8 Outline Landscape and Ecology Management Plan** secured by Requirement 4 of **Application Document 3.1 Draft Development Consent Order** ensures at paragraph 6.9.1 that National Grid and its Main Works Contractor(s) will comply with any measures required by the Department for Environment, Food and Rural Affairs or other statutory bodies regarding biosecurity measures for national outbreaks such as bird flu or foot and mouth disease. As set out by Requirement 4 of **Application Document 3.1 Draft Development Consent Order** Natural England will be consulted on the final Landscape and Ecology Management Plan. In relation to access, the Order Limits extend to the adopted highway and therefore, the cropping regime would be conducted through the existing agricultural accesses on the land.
13.	methodology for baseline and post-implementation monitoring of the habitats and qualifying features	Ornithological baseline surveys have been undertaken on this land as set out in **Application Document 6.9.A2 Appendix 9.5 Ornithology Baseline Report**. As set out by commitment ON15 in **Application Document 7.3 Register of Environmental Actions and Commitments** secured through Requirement 5 of **Application Document 3.1 Draft Development Consent Order** there is a commitment for monitoring during construction and operation. The monitoring will check to ensure management is still in line with its requirements to confirm continued use and inform any amendments required to the management. The survey methodology, frequency and feedback mechanism will be consulted on and can be agreed with Natural England and set out in the final Landscape and Ecology Management Plan in accordance with Requirement 4 of **Application Document 3.1 Draft Development Consent Order**.

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14.	compliance and reporting processes to the relevant discharging authority	The 46 ha of arable land would be managed on an inter-annual cropping regime, with further refinement of detail to be consulted on and agreed with Natural England as part of development of the relevant section of the final Landscape and Ecology Management Plan as secured through Requirement 4 of **Application Document 3.1 Draft Development Consent Order** which will set out the compliance and reporting processes to the discharging authority. **Application Document 7.8 Outline Landscape Management Plan** can be updated to include this confirmation prior to the start of the examination to ensure this is referenced in section 10 of that document.
15.	environmental data sharing processes	There is no specific requirement in the Conservation of Habitat and Species Regulations 2017 for the sharing of data beyond what is required to inform the test of likely significant effects and adverse effect on site integrity. National Grid however has an existing Service Level Agreement with Natural England, which allows the secured sharing of data and information with the statutory body. Requirement 4 of the **Application Document 3.1 Draft Development Consent Order** also secures the need to consult with Natural England on the final Landscape and Ecology Management Plan, which will contain additional information and data, building on **Application Document 7.8 Outline Landscape and Ecology Management Plan**.
16.	any consents, licenses, and approvals needed for implementation.	The land is included and secured within the Order Limits and is included within Class 1 (freehold acquisition) of **Application Document 4.3 Book of Reference** and is shown on **Application Document 2.3 Land Plans Section B**. There is no change of use of this land and therefore there will be no disturbance / impacts to ecological or ornithological receptors above that which already occur as a result of normal farming practices. Therefore none of the secondary consents or licences as set out in **Application Document 5.4 Consents and Licences Required Under Other Legislation** are required for this land.

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Annex 2 - Other Project Examples

Detailed mitigation-land information

DCO applications have been accepted where mitigation land was identified but the detailed justification, design, deliverability or final arrangements were not fixed at application stage. The **A46 Newark Bypass**, and **Morgan and Morecambe Offshore Windfarms: Transmission Assets** projects demonstrate that applications may identify a proposed mitigation area while questions concerning its precise design, suitability, sufficiency or deliverability remain to be resolved. In each case, further technical evidence was developed during examination; in the case of the **Morgan and Morecambe Project**, uncertainty over the preferred mitigation site continued throughout examination. The issue remained alive after examination, and any uncertainty over location or deliverability of the land was treated as an issue requiring examination investigation, rather than preventing acceptance. Delivery of the mitigation site was secured through a requirement in the development consent order for an ecological management plan and the Secretary of State's approval of works to the mitigation site.

Further survey or technical information supplied during examination

It is common in DCO applications for there to be gaps in the survey information provided within the application documents at submission. Further survey or technical information is routinely supplied during examination, for example on **Sea Link**, the **Sizewell C Project**, **Hornsea Project Three Offshore Windfarm**, and the **A428 Black Cat to Caxton Gibbet Road Improvement Scheme**. The **Mona Offshore Wind Farm** application was accepted and the ExA required updated EIA and HRA documentation, additional ornithological assessment and use of other methods and parameters. The applicant provided a timetable for producing this additional information during examination.

Site selection methodology and justification can be tested during examination

The level of detail set out in the application for the Project is consistent with the way mitigation land has been dealt with in other accepted DCO applications. For example, at submission, the applicant for the **East Yorkshire Solar Farm** had identified potential loss of FLL and land to be used as mitigation habitat. There was an initial methodology established to determine the amount of mitigation land required, but the HRA was updated twice during examination to provide more detail on survey interpretation and quantitative justification for the field size and mitigation area.

The same approach can be seen in **Morgan and Morecambe Offshore Wind Farms: Transmission Assets**, where the suitability and security of the proposed mitigation land was itself considered an examination stage issue. Therefore, in our view, the identification of mitigation at application stage has not required every aspect of the site-selection methodology, quantitative justification, suitability and deliverability of the land to have been finally resolved before acceptance. Those matters have been tested and developed through examination.

HRA adequacy is routinely examined after acceptance

HRA reports have been updated during examination for a number of schemes. **Sea Link**, **East Yorkshire Solar Farm**, **Mona Offshore Wind Farm** and **A428 Black Cat to Caxton Gibbet Road Improvement** all involved substantive HRA/ecology issues being interrogated through written questions, Rule 17 requests, further technical evidence or revised HRA documents submitted after acceptance.

On **Sea Link**, the effects on acid grassland FLL in Suffolk and the quality of proposed replacement FLL for golden plover in Kent were identified as main HRA matters discussed during the examination of the scheme. These matters were resolved during examination, and the applicant revised the HRA Report accordingly.

For the **Mona Offshore Wind Farm** application, deficiencies were identified in the interpretation of survey data with errors and approaches disputed by NRW and the JNCC. These were considered examination

stage issues and the ExA required updated EIA and HRA information to address calculation errors and the lack of detail by carrying out additional assessments.