Planning Inspectorate

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Applicant
All host local authorities

Our Ref: EN020034

Date: 17 November 2026

Dear Sir / Madam

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

Planning Act 2008 – section 89(3)

Procedural decision following issue of acceptance decision

Following my recent appointment as the lead member of the Examining Authority (ExA), I am writing to you to explain a matter that requires resolution during this pre-examination period.

Applicant

The ExA notes that, during the acceptance period, there was concern regarding the quality and presentation of information in the Habitats Regulation Assessment Report (HRAR). It is noted that the applicant provided a 'signposting' document directing the Inspectorate to information contained in various documents and places.

In the subsequent advice letter issued under section 51 (s51) of the Planning Act 2008 (PA2008), it is clear to the ExA that the signposting has not been wholly successful in the applicant explaining or setting out their case. In particular, there appears to be some reliance on future management plans, up to and beyond the decision-making stage of the Development Consent Order (DCO) application, for determining the final design and details of the functionally linked land mitigation area (FLLMA).

In this respect, the ExA has noted paragraph 4.289 of the recent Botley West Solar Farm decision letter issued by the Secretary of State for Energy Security and Net Zero (SoS). In that paragraph, it says: "*the Secretary of State wishes to note for future applications, the recent Planning Guidance 2026[17] which clearly states that applications should be sufficiently developed before submission including the need for most issues to be resolved*

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during Examination." The guidance referred to is here: https://www.gov.uk/guidance/planning-act-2008-introduction-to-national-infrastructure-planning-guidance-july-2026

The ExA note that the HRAR makes an assertion that an Adverse Effect on Integrity (AEoI) can be ruled out upon the Humber Estuary SPA and Ramsar site on the basis of a planned FLLMA. However, there has been concern expressed and communicated to you about the clarity, availability and quantity of information available about this matter. The ExA is acutely aware of the SoS' advice, and want to make sure that there is no risk to the examination of this application.

The ExA propose to tackle this in the following way. Following the acceptance decision on 12 November 2026, I am writing to you to advise that the relevant representation period may now open for your project. This is a period of 6 weeks, which I believe you had initially anticipated commencing 23 November 2026 and finishing 5 January 2027.

The applicant is strongly advised to comprehensively improve the HRAR and produce an outline management plan. This information is required to be submitted on the same day that the relevant representation period closes (currently forecast to be 5 January 2027, but the deadline for submission will be whatever date the relevant representation period finally closes).

Once the revised HRAR and accompanying outline management plan for the FLLMA is received by the Inspectorate, the ExA will review alongside any responses received about the topic from the relevant representation period (particularly that of Natural England) and will take a view whether the matter could be reasonably and practically examined during a 6-month examination period.

If there are any perceived risks to the examination, the ExA will issue further correspondence to the applicant accordingly. The Rule 6 letter, inviting persons to the Preliminary Meeting, will not be issued until such time as the ExA is content that the HRAR is sufficiently developed and evidence that Natural England have engaged and endorsed the approach taken.

Though not wishing to override the s51 advice, which is still pertinent, the ExA repeats the requests below:

1. Greylag goose is identified as a species potentially affected in paragraph 9.9.3 of the HRA Report. The applicant is advised to clarify in the HRA Report whether the FLLMA is also intended for use by this species.

2. In Appendix 8.3 to the Chapter 8 of the Environmental Statement (ES) (Document 6.8.A3), the applicant confirms that the FLLMA has not been subject to any phase 1 habitat surveys, however site bird survey data covering the FFLMA has been provided. The applicant is advised to revise the HRA Report to explain how the FLLMA site was chosen, whether it can already be considered to be FLL and why it is ecologically suitable to perform in the way the applicant proposes for several different species.

3. Neither the HRA Report nor the ES provide a rationale or justification for deriving the size of the FLLMA (46ha). The size of the FLLMA should reflect the assessed

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impact. The applicant is advised to provide a clear and detailed explanation within the HRA Report. In this regard, the applicant is also advised to justify the application of a 500m disturbance buffer for breeding birds when, for example, the disturbance distance for pink-footed goose is over 1km, as detailed in Disturbance Distances in selected Scottish Bird Species – NatureScot Guidance (2022).

4. REAC commitment ON15 states that the "supporting habitat would be made available over the entire construction phase of the Project and, as a maximum, for the lifetime of the Project". The Inspectorate considers this statement to be ambiguous. The applicant is advised to provide clarity regarding the timescales for implementation and operation, including whether the cropping regime would have commenced before any of the pre-commencement activities. The applicant is further advised to strengthen the wording of the commitment to confirm the start and finish date of the cropping regime.

5. The Inspectorate advises the applicant to provide an outline management plan which should be finalised post-consent and adhered to during all phases of the proposed development. The management plan should detail, in outline, the following:
   - how it has been determined that 46ha would mitigate for loss and disturbance effects
   - why the FLLMA is ecologically suitable for the proposed mitigation
   - current and potential future disturbance profiles of FLLMA, including any Public Rights of Way present and any future developments in proximity to the site
   - how the proposed cropping regime would provide optimal conditions for the affected qualifying features
   - implementation timetables and programmes
   - identification of responsibilities
   - any consents, licences, and approvals needed for implementation https://national-infrastructure-consenting.planninginspectorate.gov.uk/
   - access and biosecurity arrangements for the FLLMA
   - methodology for baseline and post-implementation monitoring of onsite habitats and affected qualifying features
   - success criteria, including thresholds for determining mitigation success and the trigger thresholds for adaptive management measures
   - environmental data sharing processes with the relevant Local Environmental Records Centre(s) and other environmental data hubs to ensure data transparency and contribution to the existing evidence base.

6. There is no separate work number on the works plans and delivery of the FLLMA is secured only through the REAC. Given the importance of delivery of the mitigation, the applicant is advised to consider securing the mitigation through a separate works number and DCO requirement. If the mitigation is secured through a separate works number and DCO requirement, the applicant is also advised to ensure an appropriate compliance and reporting process to the relevant discharging authority is detailed in the outline management plan.

7. Table 9.6 of ES Chapter 9 Ornithology (Document 6.9) states that the applicant has been discussing the FFLMA with Natural England. The applicant is advised to provide evidence of agreement with Natural England that there is sufficient

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information regarding the FLLMA site to rule out an AEoI on the Humber Estuary SPA and Ramsar site.

The applicant is requested to attend to this matter at the utmost urgency.

All host local authorities

You will be aware of the reforms to the national infrastructure planning regime following the enactment of provisions within the Planning Infrastructure Act 2025. Whilst not a statutory demand, the reforms strongly encourage the early submission of Local Impact Reports (LIR) to help inform the examination. Specifically, the findings of the LIR should feed into the ExA's Initial Assessment of Principal Issues (IAPI), which is typically made shortly after the close of the relevant representation period.

The period for relevant representations is six weeks. As you see from above, that period is likely to open shortly. The ExA hereby request that your respective LIRs are prepared, produced and submitted **alongside** your relevant representations when registering your status as an interested party in the forthcoming examination. Should any LIR be submitted separately and after the relevant representation period has closed, it will still be taken into account and form part of your written case on the application to be examined. **It will not however be able to influence the IAPI**.

Guidance and advice on the structure, content and coverage of the LIR can be found here: link. If you are unsure about your need to produce an LIR, please contact a member of the case team using the contacts in the header of this letter.

If you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely,

David Wallis

David Wallis
Lead panel member for the Examining Authority

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