

THE BYERS GILL SOLAR DEVELOPMENT CONSENT ORDER (THE ORDER)
DEADLINE 6 – 6 DECEMBER 2024
NATIONAL GAS TRANSMISSION PLC (NGT)
PROTECTIVE PROVISIONS IN FAVOUR OF NGT

1. We write on behalf of National Gas Transmission plc (**NGT**) to provide an update to the Examining Authority on discussions between NGT and the Applicant regarding the inclusion of NGT's protective provisions (**PPs**) in the Order for the Byers Gill Solar Farm project (**the Project**).
2. NGT operates and maintains critical gas transmission infrastructure across the UK. As a statutory undertaker, NGT has a duty to ensure the safety, reliability and operational integrity of its infrastructure, which is essential to the UK's energy supply and energy security. The proposed Project will impact NGT's apparatus, so it is vital that appropriate protective provisions are incorporated into the Order.
3. While the current draft of the Order includes general PPs for electricity, gas, water and sewerage undertakers, these do not sufficiently address the specific requirements of NGT's apparatus. Those requirements were provided to the Applicant in bespoke PPs at the start of the Examination.
4. NGT's PPs reflect those which are typically included in DCOs affecting NGT's assets, and address the unique operational and safety requirements of NGT's infrastructure. The PPs ensure the safety of workers and the public, as well as the protection of NGT's infrastructure during the construction, operation, and maintenance phases of the Project. The PPs also provide certainty for the Applicant in carrying out the authorised development and align with NGT's statutory obligations to maintain the integrity and safety of the gas transmission system.
5. Discussions between the Applicant and NGT regarding the PPs are ongoing. At this stage, we understand that the NGT's PPs have not yet been incorporated into the Order, but NGT will continue to liaise with the Applicant to resolve outstanding drafting points and anticipates reaching an agreement that adequately protects its position. NGT anticipates that any amendments to its bespoke PPs will be minimal.
6. NGT respectfully requests that the Examining Authority notes the progress of discussions with the Applicant and the importance of including NGT's PPs in the Order to safeguard its infrastructure. NGT remains committed to working with the Applicant to reach a mutually acceptable resolution before the close of the Examination on 23 January 2025.
7. NGT will keep the Examining Authority updated on these discussions and is available to provide further information or clarification as required.

CMS Cameron McKenna Nabarro Olswang LLP
6 December 2024