

YorkshireGreen@planninginspectorate.gov.uk

Your Ref EN020024

Our Ref IPP 129

Tuesday 4 April 2023

Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Yorkshire GREEN Project.

Canal & River Trust Response Submission for Deadline One (Interested Party Number 20034443)

Summary of and Comments on Oral Submissions Made at Issue Specific Hearing 1 (23/03/2023)

The Canal & River Trust's written comments below summarise those matters raised in our oral submissions made at the Issues Specific Hearing 1 meeting held on 23/03/2023.

In summary:

4. Draft Development Consent Order

4.2 - Article 54: Temporary closure of, and works in, the river Ouse

1. The Trust summarised that, as currently drafted, article 54 within the draft DCO has the potential to result in unplanned closures of the River Ouse at short notice, which could impact the movement of vessels.
2. The Trust note that the Public Rights of Way (PROW) Management Plan (table 3.1) indicates that the applicant would seek river closures for construction works at night time. However, the PROW management plan does not stipulate exact hours, nor whether maintenance works covered by article 54 would be covered by this same restriction.
3. We explained that, for full river closures, the Trust needed to give proper notice to boaters and needed sufficient notice to manage its own vessels. Notice for full river closures must be given 9 months before the start of the low season (i.e. in any one year, give notice in February for the low season starting in November).
4. The Trust acknowledged that notification can be likely dealt with by Protective Provisions. Current drafting is for 28 days' notice, which the Trust believes is insufficient for most closures of the river. However, for night time closures 28 days would be sufficient.
5. The Trust acknowledged that the applicant and the Trust are undertaking discussions on article 54 and the Protective Provisions for the Trust, and that progress has been made.
6. The Trust highlighted that its primary concern with article 54 is that it could inadvertently result in unplanned closures for future maintenance works of the Yorkshire GREEN project, without an acceptable notice period being given for boaters.

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4.3 Schedules of the dDCO

Schedule 3: Requirements (Requirement 7: Construction Hours)

7. The Trust sought clarification that there would not be a conflict between the construction hours controlled by Requirement 7 and the works planned for the River Ouse (which the submitted documents indicate could be at night).
8. The Trust accept the response by the applicant that works over the River Ouse would fall under the provisions of Req. 7(3)(b), which carve out certain works from the normal construction hours.

Schedule 15: Protective Provisions

9. In response to a question from the Examining Authority on the progress of negotiations between National Grid and the Trust on the Protective Provisions, the Trust confirmed existing progress, that draft wording had been exchanged, and that the Trust was presently reviewing draft text from the applicant. There was potential for both parties to meet on this issue shortly. The Trust confirmed reasonable confidence that the parties would agree by deadline 5.
10. In response to a question from the Examining Authority with regards to the purpose of the Trust's Code of Practice, the Trust explained that the Code is a prescribed process that Third Parties undertaking development on Trust managed assets are normally required to sign up to. This includes the need to approve detailed processes to safeguard the health and safety of waterway users.
11. To elaborate further on the above point, the Code is designed to safeguard the Trust's assets and to deal with the nuances of developing that interacts with navigable waterway assets. The Code specifically deals with the nuances of protecting the rights of waterway users, boaters, anglers etc. It enables developers and the Trust to work together on the detailed processes, which can only be fully understood when the developer's designs and programmes have evolved sufficient detail and certainty. This often involves working with the developer's contractors. Understandably at this stage, the application, does not provide sufficient detail for the Trust to be able to comment on how the Yorkshire GREEN development might impact its users on a day to day level (for example, features to warn boaters of any closure; location of temporary apparatus next to the waterway). The Trust would normally deal with these matters via the Code of Practice on a site-by site basis and, in this way, would ensure that measures are in place to mitigate any potential risk to our users. In the latest draft Protective Provisions, National Grid has to working with the Code of Practice.
12. The Trust also explained that there were some other elements to the Protective Provisions, other than article 54, including the approval of plans of works on the River Ouse which are also being discussed with the applicant.

Statement of Common Ground

The Trust is working with the applicant on the submission of a Statement of Common Ground for submission for Deadline One, and that a signed copy has been generated. We understand that this is to be submitted to the Examining Authority by the Applicant.

Comment on Relevant Representation

The Trust does not wish to make further written comments on our Relevant Representation Submission or comment on any other party's relevant representation.

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Yours sincerely,

Simon Tucker MRTPI
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