

YG-DCO-079

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.5.12 Statement of Common Ground between National  
Grid Electricity Transmission plc and Ainsty Internal Drainage Board**

**Draft Version 1  
March 2023**

**Planning Inspectorate Reference: EN020024**

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

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# Yorkshire GREEN Project

## Document control

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### Version History

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Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For discussion with Ainsty IDB

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# 1. Introduction

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the application process for a Development Consent Order (DCO) and is prepared jointly between the applicant and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning, and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.
- 1.1.3 This SoCG is between National Grid Electricity Transmission plc ('National Grid') and Ainsty (2008) Internal Drainage Board (AIDB) relating to the DCO application for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN). It has been prepared in accordance with the guidance<sup>1</sup> published by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.1.4 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and AIDB.
- 1.1.5 This version (V1 March 2023) of the SoCG represents the position between National Grid and AIDB up to March 2023. The SoCG will evolve as the DCO application progresses through the Examination Phase.

## 1.2 Description of the Project

### Need for the Yorkshire GREEN Project

- 1.2.1 National Grid propose to upgrade and reinforce the electricity transmission system in Yorkshire. This reinforcement is needed to improve the transfer of clean energy across the country.
- 1.2.2 Electricity flows are set to double within the next ten years as a result of offshore wind developments, other sources of clean energy and expanding interconnection capacity (high-voltage cables that connect the electricity systems of neighbouring countries) in both Scotland and north-east England. The Yorkshire GREEN Project would contribute towards strengthening the national electricity transmission network so that it can accommodate this growth in electricity flows. Reinforcement would ensure that the network is not overwhelmed, and that potential future pressures on the network are relieved in the north and north-east of England, whilst balancing supply and demand.

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<sup>1</sup> Planning Act 2008: Guidance for the examination of applications for development consent. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

- 1.2.3 Without additional reinforcement, the existing transmission system would become overloaded. To stop these overloads from happening, National Grid Electricity System Operator would need to constrain power generation. Such action could result in significant costs to consumers.
- 1.2.4 As a result, it is necessary and economical to invest in network reinforcement in the long term, and critically to ensure that Yorkshire GREEN is designed, tested and installed in sufficient time to meet the 2027 in service date. Reinforcement of the network would enable an increase in the transfer of clean energy, increasing network capacity and avoiding constraint costs.

## Yorkshire GREEN Project Description

- 1.2.5 Yorkshire GREEN comprises both new infrastructure and works to existing transmission infrastructure and facilities. The Project is divided into six sections (see **Figure 1**), located within six Local Authority boundaries<sup>2</sup> :
- **Section A (Osballdwick Substation):** Minor works would take place at the existing Osballdwick Substation comprising the installation of a new circuit breaker and isolator along with associated cabling, removal and replacement of one gantry and works to one existing pylon. All substation works would be within existing operational land.
  - **Section B (North west of York Area):** Works would comprise:
    - reconductoring of 2.4km of the 400kV Norton to Osballdwick (2TW/YR) overhead line and replacement of one pylon on this overhead line;
    - the new 400kV YN overhead line (2.8km), north of the proposed Overton Substation;
    - the new Shipton North and South 400kV cable sealing end compounds (CSECs) and 230m of cabling to facilitate the connection of the new YN 400kV overhead line with the existing Norton to Osballdwick YR overhead line;
    - a new substation (Overton 400kV/275kV Substation) approximately 1km south of Shipton by Beningbrough;
    - two new sections of 275kV overhead line which would connect into Overton Substation from the south (the 2.1km XC overhead line to the south-west and the 1.5km SP overhead line to the south-east);
    - works to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east comprising a mixture of decommissioning, replacement and realignment. To the south and south-east of Moor Monkton the existing overhead line would be realigned up to 230m south from the current overhead line and the closest pylon to Moor Monkton (340m south-east) would be permanently removed. A 2.35km section of this existing overhead line permanently removed between the East Coast Mainline (ECML) Railway and Woodhouse Farm to the north of Overton.

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<sup>2</sup> North Yorkshire County Council, Selby District Council, Harrogate Borough Council, Hambleton District Council, City of York Council, and Leeds City Council.

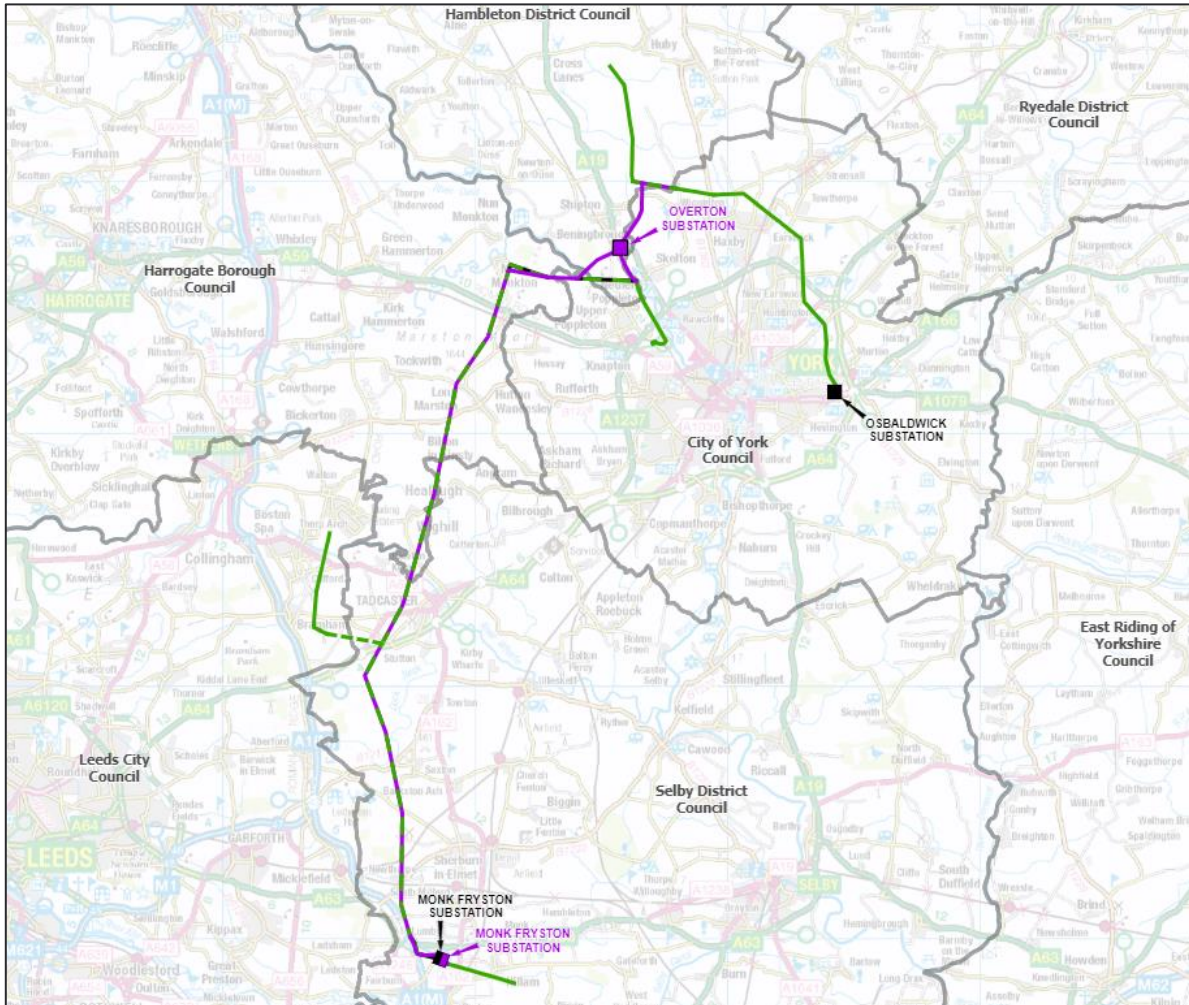
- **Section C (existing 275kV Poppleton to Monk Fryston (XC) overhead line north of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- **Section D (Tadcaster):** Two new CSECs (Tadcaster East and West 275kV CSECs) and approximately 350m of cable would be installed approximately 3km south-west of Tadcaster and north-east of the A64/A659 junction where two existing overhead lines meet. One pylon on the existing 275kV Tadcaster Tee to Knaresborough (XD) overhead line would be replaced.
- **Section E (existing 275kV Poppleton to Monk Fryston (XC) overhead line south of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations. Work to the existing overhead line similar to those outlined for Section C would be undertaken; and
- **Section F (Monk Fryston Area):** A new substation would be constructed to the east of the existing Monk Fryston Substation which is located approximately 2km south-west of the village of Monk Fryston and located off Rawfield Lane, south of the A63. A 1.45km section of the 275kV Poppleton to Monk Fryston (XC) overhead line to the west of the existing Monk Fryston Substation and south of Pollums House Farm would be realigned to connect to the proposed Monk Fryston Substation. East of the existing Monk Fryston Substation the existing 4YS 400kV Monk Fryston to Eggborough overhead line, which currently connects to the existing substation, would be reconfigured to connect to the proposed Monk Fryston Substation.

1.2.6 Temporary infrastructure would be required to facilitate the Project, including temporary overhead line diversions and temporary construction compounds.

1.2.7 The Project Order Limits intersect with AIDB's district in the following areas:

- In Section B to the west of the River Ouse; and
- In Section C between the villages of Moor Monkton and Long Marston, and in limited areas around the Foss and the River Wharfe between Long Marston and Tadcaster.

Figure 1– Location of the Yorkshire GREEN Project



### 1.3 This Statement of Common Ground

1.3.1 For the purpose of this SoCG, National Grid and AIDB will jointly be referred to as the “Parties”. When referencing AIDB alone, it will be referred to as “the Consultee”.

1.3.2 Throughout the SoCG:

- Where a section begins ‘matters agreed’, this sets out matters that have been agreed between the Parties or where no issues have been raised by AIDB, and therefore where there is no dispute;
- Where a section begins ‘matters not agreed’, this sets out matters that are not agreed between the Parties and where a dispute remains; and
- Where a section begins ‘matters outstanding’, this sets out matters that are subject to further negotiation between the Parties.

1.3.3 This SoCG is structured as follows:

- **Section 1:** Provides an introduction to this SoCG and a description of its purpose together with a broad description of the Project;

- **Section 2:** States the role of AIDB in the DCO application process and details consultation undertaken between the Parties;
- **Section 3:** Sets out matters agreed between the Parties;
- **Section 4:** Sets out matters not agreed between the Parties;
- **Section 5:** Sets out matters where agreement is currently outstanding between the Parties; and
- **Section 6:** Sets out the approvals and the signing off sheet between the Parties.



## 2. Record of Engagement

### 2.1 Role of Ainsty Internal Drainage Board in the DCO process

- 2.1.1 Internal Drainage Boards (IDBs) are statutory public bodies responsible directly to the Department for Environment, Food and Rural Affairs (Defra). They are constituted under the Land Drainage Act 1991 to undertake water level management and flood risk functions in their catchment areas. In addition to this, IDBs are defined as Risk Management Authorities under the Flood and Water Management Act 2010.
- 2.1.2 The principal duty of IDBs is to exercise a general supervision over all matters relating to the drainage of land within their statutory Drainage Districts. They also have powers to undertake flood defence works, land drainage improvements and water level control, on all watercourses other than ‘main river’ (which are under the control of the Environment Agency), within their Drainage Districts (hereafter referred to as ‘ordinary watercourses’).
- 2.1.3 IDBs are prescribed consultees for DCO applications under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
- 2.1.4 The AIDB is a public authority managing water levels within its district, which covers a total area of 16,337 ha to the west of the River Ouse and the City of York. It was formed on 1<sup>st</sup> April 2011 through the amalgamation of the former Marston Moor, North Wharfe, South Wharfe, Acaster, and Appleton Roebuck and Copmanthorpe IDBs. It is administered by the York Consortium of Drainage Boards, an umbrella body that provides administrative and technical support to a number of IDBs in the York area.
- 2.1.5 In addition to being a prescribed consultee to the DCO process, AIDB also regulates works likely to affect ordinary watercourses or drainage infrastructure within its district through issuing land drainage consents under Section 23 of the Land Drainage Act 1991 (as amended) and its own Drainage Byelaws created under Section 66 of same.
- 2.1.6 As part of the consultation process the Applicant carried out non statutory and statutory consultation. Further information on this consultation is set out in Section 4 and 5 of the **Consultation Report** (Section 4 and 5, **Volume 6, Document 6.1**).
- 2.1.7 During the examination process, AIDB may prepare written representations, and respond to written questions from the Examining Authority as well as participate in hearings.

### 2.2 Summary of pre-application discussions

- 2.2.1 **Table 2.1** summarises the consultation and engagement that has taken place between the Parties prior to submission of the DCO application. This includes discussions relating to EIA Scoping, s42 statutory consultation and additional technical engagement.

Table 2.1 – Pre-application discussions

Date	Topic	Discussion points
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29 July 2021	Hydrology and flood risk	The Applicant's environmental consultant held a meeting via Microsoft Teams to discuss the PEIR stage assessment of hydrology and flood risk with consultees. This meeting was attended by a representative of AIDB.
16 June 2022	Hydrology and flood risk	The Applicant's environmental consultant held a meeting via Microsoft Teams to discuss the DCO application stage assessment of hydrology and flood risk with consultees. This meeting was attended by a representative of AIDB.
07 November 2022	Hydrology and flood risk	The Applicant's environmental consultant emailed AIDB setting out proposals for partial disapplication of its Drainage Byelaws and requesting a meeting to discuss further.
08 November 2022	Hydrology and flood risk	The AIDB responded to the Applicant's environmental consultant, reiterating its previously stated stance that it would not accept any disapplication of its byelaws.
09 November 2022	Hydrology and flood risk	The Applicant's environmental consultant emailed AIDB noting its concerns around the proposed byelaw disapplication and requesting a meeting to discuss the matter further.
17 November 2022	Hydrology and flood risk	The Applicant's environmental consultant emailed AIDB again to ask for a meeting to discuss byelaw disapplication.

## 2.3 Summary of post-submission discussions

2.3.1 **Table 2.2** will summarise the consultation and engagement that takes place between the Parties post submission of the DCO application.

Table 2.2 – Post-submission discussions

Date	Topic	Discussion points
17 March 2023	Hydrology and flood risk	The applicant's environmental consultant emailed AIDB with a draft version of this SoCG and a request to provide comments on the draft to enable progression on outstanding matters and matters of disagreement ahead of Examination Deadline No. 1 (5 <sup>th</sup> April 2023).
22 March 2023	Hydrology and flood risk	The Applicant's environmental consultant and the AIDB's Clerk to the Board spoke by telephone and agreed that the SoCG would be signed by both parties

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in advance of Deadline 1 on the basis of the draft version signed on 17<sup>th</sup> March 2023.

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### 3. Matters Agreed

3.1.1 This section sets out the matters that have been agreed between National Grid and Ainsty IDB. In particular **Table 3.1** details these matters.

Table 3.1 – Matters agreed

<b>SoCG ID</b>	<b>Matter</b>	<b>Agreed position</b>	<b>Date of Agreement</b>
n/a	n/a	n/a	n/a

## 4. Matters Not Agreed

4.1.1 Section 4 sets out matters not agreed between National Grid and Ainsty IDB. **Table 4.1** details these matters.

Table 4.1 – Matters not agreed

SoCG ID	Matter	Ainsty IDB position	National Grid position
4.1.1	<p>Disapplication of AIDB byelaws. Within Schedule 16 Part 2 of the <b>Draft Development Consent Order (Document 3.1(B)) [AS-011]</b>, it is proposed that the following AIDB byelaws are disappplied:</p> <p>10 – No obstructions within 9 metres of the edge of the watercourse;            14 – Vehicles not to be driven on banks;            15 – Banks not to be used for storage; and            17 – Fences, excavations, pipes etc.</p>	<p>AIDB see no reason for disapplication of these byelaws, which are designed to allow them to discharge their responsibilities to maintain efficient drainage and carry out works on maintained watercourses within their District. AIDB note that there have been several previous DCO applications within their district where there has not been a disapplication of the byelaws, and where the byelaw consenting process has not caused a delay to the construction process.</p>	<p>National Grid is seeking to disapply those byelaws that may affect its ability to construct the project. However, in doing so, it is seeking to reassure AIBD that appropriate provisions have been made within the DCO to provide an equivalent level of environmental protection/ rights to that provided by byelaws that are proposed to be disappplied. National Grid has sought to engage with the Board on this matter and will continue to engage with the Board in order to attempt to reach agreement during the course of the Examination.</p>

## 5. Matters outstanding

5.1.1 Section 5 sets out matters where agreement is currently outstanding between National Grid and Ainsty IDB. In particular **Table 5.1** details these matters.

Table 5.1 – Matters outstanding

SoCG ID	Matter	Ainsty IDB position	National Grid position
<b>Volume 5.2 Environmental Statement</b>			
<b>Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]</b>			
5.1.1	National Grid invites Ainsty IDB to agree with the conclusions of the hydrology and flood risk EIA	To be confirmed	As described in <b>Document 5.2.9: Hydrology and Flood Risk ES Chapter, Volume 5 Environmental Statement [APP-081]</b> .
<b>Volume 5.3 Environmental Statement Appendices</b>			
<b>Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]</b>			
5.1.2	National Grid invites Ainsty IDB to agree that the Flood Risk Assessment is a matter for the Environment Agency and LLFAs to review and approve	To be confirmed.	As described in <b>Document 5.2.9: Flood Risk Assessment, Appendix 9D, Volume 5 Environmental Statement [APP-138]</b> .
<b>Draft Development Consent Order (Document 3.1(B)) [AS-011]</b>			
5.1.3	National Grid invites AIDB to agree that the relevant DCO Requirements on which it should be consulted as “the relevant drainage authority” for its district are as follows:	To be confirmed	As described in Schedule 3 of the <b>Draft Development Consent Order (Document 3.1(B)) [AS-011]</b> .

	6(4) Written details of surface and foul water drainage system 13. Removal of Temporary Bridges and Culverts		
<b>Permitting Issues</b>			
5.1.4	Temporary watercourse crossings for construction access	To be confirmed	<p>Within the AIBD district, National Grid envisage there would be a requirement to apply for Land Drainage Consents for up to four new temporary access watercourse crossings. These comprise one temporary clear span bridge on a maintained watercourse (requiring Section 66 consent) and three culverts (requiring Section 23 Consent). However, as currently drafted Article 52 and Schedule 16 of the <b>Draft DCO (Document 3.1(B) [AS-011]</b> seeks to disapply the requirement for Section 66 consent for the temporary clear span bridge. National Grid acknowledges the AIDB's objection to disapplication of its byelaws (as set out in Table 4.1 above) and will engage further with the AIDB in this regard. For the avoidance of doubt <b>the Draft DCO (Document 3.1(B) [AS-011]</b> does not seek to disapply the requirement to obtain</p>

			Section 23 Consents under the Land Drainage Act 1991. Depending on condition assessments to be carried out prior to commencement of works, there may also be a need to carry out upgrade works on existing culverts for another four construction access crossing points, which would also require Section 23 Consents.
5.1.5	Temporary works within 9 metres of IDB-maintained watercourses	To be confirmed.	Wherever possible (with the exception of watercourse crossings, as discussed above), construction works will remain outside the 9m stand-off distance from watercourses. Approval of the IBD will be sought for any exceptional instances where this cannot be achieved, although, in view of the proposal to disapply relevant byelaws as noted above, further dialogue between the parties is required to determine the specific mechanism by which this approval is secured.
5.1.6	Runoff from working areas	To be confirmed	National Grid agrees that runoff rates from temporary working areas to watercourses within the AIDB district shall not exceed greenfield rates as



			<p>calculated using industry standard methods, and shall be subject to AIDB approval prior to commencement of works via discharge of DCO Requirement 6.(1)(b) Drainage Management Plan.</p> <p>It further notes that there is a requirement for Section 66 Land Drainage Consent for any new discharges to watercourses with the AIDB's district under AIBD Byelaw No. 3 (Control of Introduction of Water and Increase in Flow or Volume of Water). However, for consistency with the approach proposed for other byelaw consents as set out in Table 4.1, National Grid is proposing to extend disapplication of AIDB's byelaws in the draft DCO to include Byelaw No. 3. However, as noted above, AIBD would still be consulted on the details of surface runoff discharges within their district through discharge of Requirement 6.(1)(b) and Requirement 6(4). Control of surface water discharges is also provided by Article 19 (Discharge of water) of the <b>Draft DCO (Document 3.1(B) [AS-011]</b>. National Grid is</p>
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			currently reviewing Article 19 and will continue to engage with AIDB in relation to this matter.
5.1.7	No pylons within 9 metres lateral distance of IDB-maintained watercourses	To be confirmed	National Grid confirms that all new permanent ground level infrastructure associated with the project will be located outside the AIBD byelaw stand-off distance of 9m from the top of bank of maintained watercourses. For the AIDB's district, this will be limited to nine new pylons(XC421 to XC429), which are in the vicinity of Maintained Watercourses 052 (Brecks Dyke) and 054 (Deighton Plantation Dyke), as shown on <b>Figure 3.2 of the Environmental Statement Chapter 3 Description of the Project Figures (Document 5.3.4(B)) [AS-0178]</b> .
5.1.8	Minimum conductor clearance above IDB-maintained watercourses	To be confirmed	National Grid confirms that the minimum height of conductors above top of bank of IDB-maintained watercourses will be 7.7 metres for 400 kV and 7.0 metres for 275 kV overhead lines.
5.1.9	Restoration of watercourse bed and banks	To be confirmed	National Grid will be responsible for restoring any damage to watercourse bed or banks resulting from the

			Project. This obligation is secured through the discharge of Requirements 11 and 13.
<b>Riparian rights and responsibilities</b>			
<b>5.1.10</b>	No obstruction of watercourses	To be confirmed	National Grid confirms that the Project will not cause an obstruction to flows within watercourses in the AIDB district.
<b>5.1.11</b>	IDB rights of access for watercourse maintenance	To be confirmed	National Grid confirms that AIDB retains its rights of access under the Land Drainage Act 1991 (as amended) to maintain ordinary watercourses and remove obstructions to flow within its district.

## 6. Approvals

<b>Signed</b>	B.Kington
<b>On Behalf of</b>	National Grid
<b>Name</b>	Bethany Kington
<b>Position</b>	Consents officer
<b>Date</b>	27.3.23
<b>Signed</b>	Bill Symons
<b>On Behalf of</b>	Ainsty (2008) Internal Drainage Board
<b>Name</b>	Bill Symons
<b>Position</b>	Clerk and Engineer to the Board
<b>Date</b>	03/04/2023