YG-DCO-080

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.13 Statement of Common Ground between National Grid Electricity Transmission plc and Kyle and Upper Ouse Internal Drainage Board

Draft Version 1
March 2023

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Contents

Yorkshire GREEN Project
Document control

Version History			
Document	**Version**	**Status**	**Description / Changes**
Statement of Common Ground	1	Draft	For submission at Deadline 1

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 Kyle and Upper Ouse Internal Drainage Board ('KUOIDB') 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[1] published by the Department for Levelling Up, Housing and Communities.

1.1.4 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and KUOIDB.

1.1.5 This version (V1 March 2023) of the SoCG represents the position between National Grid and KUOIDB up to the end of March 2023 (i.e. up to and just beyond the submission of the application on 15 November 2022). The SoCG will evolve as the DCO application progresses to 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

[1] 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

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.

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[2] :

- **Section A (Osbaldwick Substation):** Minor works would take place at the existing Osbaldwick 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 Osbaldwick (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 Osbaldwick 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

[2] North Yorkshire County Council, Selby District Council, Harrogate Borough Council, Hambleton District Council, City of York Council, and Leeds City Council.

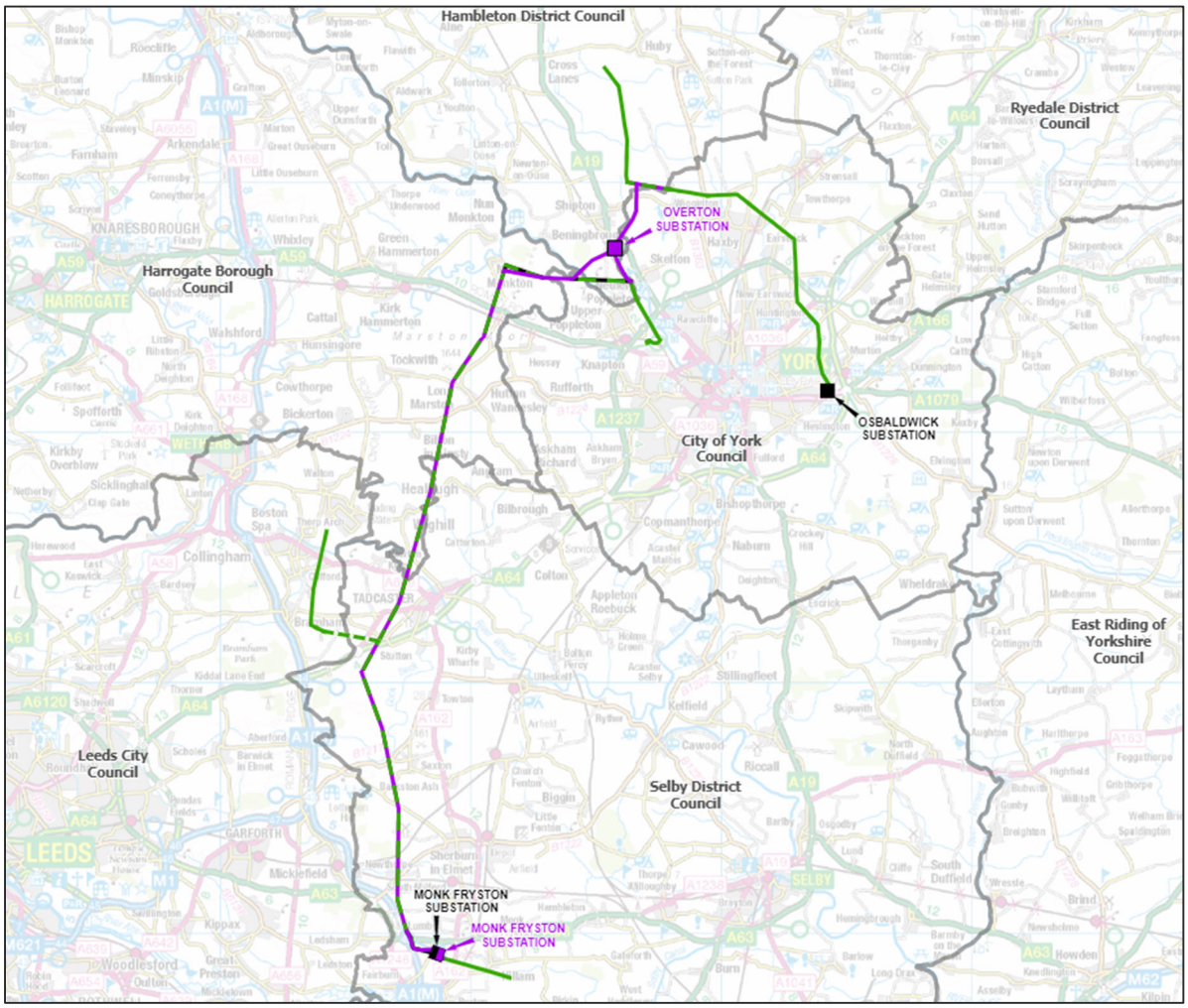
overhead line permanently removed between the East Coast Mainline (ECML) Railway and Woodhouse Farm to the north of Overton.

- **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 KUOIDB's district in Section B to the west of the River Ouse.

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 KUOIDB will jointly be referred to as the "Parties". When referencing KUOIDB alone, they 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 KUOIDB, 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 KUOIDB 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 KUOIDB 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 KUOIDB is a public authority managing water levels within its district, which covers a total area of 11,753 ha to the east of the River Ouse and to the north of the City of York. It is part of the Shire Group of Risk Management Authorities, which currently manages and supports IDBs, Lead Local Flood Authorities, Councils and the Environment Agency in Yorkshire, Lincolnshire, Staffordshire, Buckinghamshire and Herefordshire.

2.1.5 In addition to being a prescribed consultee to the DCO process, the KUOIDB 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, KUOIDB 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
21 September 2022	Hydrology and flood risk	The Applicant's environmental consultant provided the KUOIDB with a draft copy of the Overton Substation drainage strategy for comment (email).
07 October 2022	Hydrology and flood risk	KUOIDB provided a response by email to the inquiry of 21 September 2022
07 November 2022	Hydrology and flood risk	The Applicant's environmental consultant emailed KUOIDB setting out proposals for partial disapplication of its Drainage Byelaws and requesting a meeting to discuss further.

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
21 November 2022	Hydrology and flood risk	A meeting was held between the Applicant's environmental consultant and KUOIDB to discuss KUOIDB's role in the DCO process, disapplication of permitting powers and preparation of this SoCG.
21 November 2022	Hydrology and flood risk	KUOIDB emailed the Applicant's environmental consultant with a summary of discussion points from the 21 November 2022 meeting, enclosing an SoCG that had been concluded for another DCO project as an example.
20 January 2023	Hydrology and flood risk	KUOIDB emailed the Applicant's environmental consultant to confirm that the minimum conductor clearance heights proposed by the Project are acceptable.
03 February 2023	Hydrology and flood risk	The Applicant's environmental consultant emailed KUOIDB with a draft version of this SoCG and asked them to provide comments.
03 March 2023	Hydrology and flood risk	The Applicant's environmental consultant emailed KUOIDB with a reminder to provide comments on the draft version of the SoCG. No comments have been received to date (27 March 2023), so this SoCG has been finalised for Examination Deadline 1 on the basis of the draft shared with KUOIDB on 03 February 2023.

3. Matters Agreed

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

Table 3.1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
Document 5.3.9, Annex E: Overton Substation Drainage Strategy			
3.1.1	Runoff rates from the proposed substation	KUOIDB agrees in principle with the proposed approach to surface runoff management as set out in the Overton Substation Drainage Strategy (Annex 9D.5 of **Appendix 5.3.9D, Flood Risk Assessment, (Document 5.3.9D) [APP-138]**. This includes limiting the discharge from the site to the Hurns Gutter (a KUOIDB maintained ordinary watercourse) for all events up to the 1 in 100 plus 30% climate change event to the calculated greenfield runoff rate presented in the drainage strategy (25.11 l/s, or 4.1 l/s/ha). KUOIDB's agreement in principle is subject to detailed design. This detailed design is secured through the drainage management plan referenced in Requirement 6(1)(b), which requires approval from the relevant local planning	21 November 2022

SoCG ID	Matter	Agreed position	Date of Agreement
		authority in consultation with the relevant drainage authority via discharge of DCO Requirement 6(4) (see also SoCG ID 3.1.5).	
Development Consent Order (Volume 3, Document 3.1)			
3.1.2	Disapplication of KUOIBD permitting powers	The Parties agree to the disapplication of KUOIDB's land drainage consenting powers and byelaws under section 66 of the Land Drainage Act 1991 (as amended), pursuant to section 150 of the Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. This is on the basis that KUOIDB retains scrutiny of any aspects of the Project that could affect watercourses in its district through its role as a prescribed consultee to the process of discharge DCO Requirements, and subject to the matters agreed in this SoCG. However, National Grid proposes that KUOIDB would retain its existing permitting powers under Section 23 of the Land Drainage Act 1991 (as amended).	21 November 2022
3.1.3	DCO Requirements	The Parties agree that the relevant DCO Requirements on	21 November 2022

SoCG ID	Matter	Agreed position	Date of Agreement
		which KUOIDB should be consulted as "the relevant drainage authority" for its district are as follows: • 6.(4) Written Details of Surface and Foul Water Drainage Systems • 13. Removal of Temporary Bridges and Culverts	
The Applicant and the IDB have discussed the following aspects of the Proposed Scheme which would ordinarily require consent:			
3.1.4	Temporary watercourse crossings for construction access	There are five temporary access crossings of ordinary watercourses within the KUOIDB district that would ordinarily require IBD consent: - Three crossings of IDB-maintained ordinary watercourses; two across Hurns Gutter and one across Gutter 036, which are planned as free span bridges. - Two crossings of riparian maintained which are planned as culverts. The Parties agree that the detailed design of these crossings will be subject to KUOIDB approval prior to commencement of works.	21 November 2022
3.1.5	Temporary works within 7 metres of IDB-maintained watercourses	The Parties agree that any temporary construction works within 7m of the top of bank of	21 November 2022

SoCG ID	Matter	Agreed position	Date of Agreement
		IDB-maintained watercourses will be subject to the approval of the IDB prior to commencement of works.	
3.1.6	Runoff from working areas	The Parties agree that runoff rates from temporary working areas to watercourses within the KUOIDB district shall not exceed greenfield rates as calculated using industry standard methods, and shall be subject to IDB review prior to commencement of works via discharge of DCO Requirement 6.(1)(b) Drainage Management Plan.	
3.1.7	No pylons within 7 metres lateral distance of IDB-maintained watercourses	The Parties agree that no pylons will be located within 7 metres lateral distance of the top of bank of IDB-maintained watercourses.	21 November 2022
3.1.8	Minimum conductor clearance above IDB-maintained watercourses	The Parties agree 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.	20 January 2023
3.1.9	Restoration of watercourse bed and banks	The Parties agree that 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.	21 November 2022

SoCG ID	Matter	Agreed position	Date of Agreement
3.1.10	KUOIDB charges	National Grid is not proposing to disapply KUOIDB's permitting powers under Section 23 of the Land Drainage Act 1991 (as amended). Therefore, the standard £50 charge for Section 23 consents will still apply for applications for works or structures within ordinary watercourses within the KUOIDB's district.	21 November 2022
Riparian rights and responsibilities			
3.1.11	No obstruction of watercourses	The Parties agree that the Project will not cause an obstruction to flows within watercourses in the KUOIDB district.	21 November 2022
3.1.12	IDB rights of access for watercourse maintenance	The Parties agree that KUOIDB 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.	21 November 2022

4. Matters Not Agreed

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

Table 4.1 – Matters not agreed

SoCG ID	Matter	KUOIDB position	National Grid position
N/A	None		

5. Matters outstanding

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

Table 5.1 – Matters outstanding

SoCG ID	Matter	KUOIDB position	National Grid position
Volume 5.2 Environmental Statement			
Document 5.2.9: Hydrology and Flood Risk ES Chapter			
5.1.1	National Grid invites KUOIDB to agree with the conclusions of the hydrology and flood risk EIA	To be confirmed	As described in **ES Chapter Hydrology and Flood Risk (Document 5.2.9 [APP-081]).**
Volume 5.3 Environmental Statement Appendices			
Document 5.3.9: Appendix 9D Flood Risk Assessment			
5.1.2	National Grid invites KUOIDB 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 **Flood Risk Assessment, Appendix 9D, Environmental Statement. (Document 5.2.90 [APP-138]).**
Riparian rights and responsibilities			
5.1.3	Riparian owner occupier responsibilities and liability	Watercourses shall remain the responsibility of the riparian owner occupiers. The responsibility for third party losses or disturbance considered to be as a result of the Project will remain with the owners or successors in title.	To be agreed

6. Approvals

Signed	B.Kington
On Behalf of	National Grid
Name	Bethany Kington
Position	Consents officer
Date	27.3.23
Signed	P. Jones
On Behalf of	Kyle and Upper Ouse Internal Drainage Board
Name	Paul Jones
Position	Engineer to the Board
Date	03.04.23