

YG-DCO-074

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.5.7 Statement of Common Ground Between National  
Grid Electricity Transmission plc and Environment Agency**

**Draft Version 1  
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**Planning Inspectorate Reference: EN020024**

Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
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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 submission at Deadline 1

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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 Environment Agency relating to the DCO application for the Yorkshire GREEN Project. The SoCG relates 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, matters not agreed and matters currently outstanding between National Grid and Environment Agency.
- 1.1.5 This version (V2.1 March 2023) of the SoCG represents the position between National Grid and the Environment Agency following the submission of the application on 15 November 2022 and subsequent meetings and calls between the Environment Agency Biodiversity Technical Specialist and the Applicant’s environmental consultant (Biodiversity Lead) during which the majority of matters outstanding were resolved and moved to matters agreed. The SoCG will evolve as the DCO application progresses through the examination process.

## 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

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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)

both Scotland and north-east England. Yorkshire GREEN 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.

- 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 earliest 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

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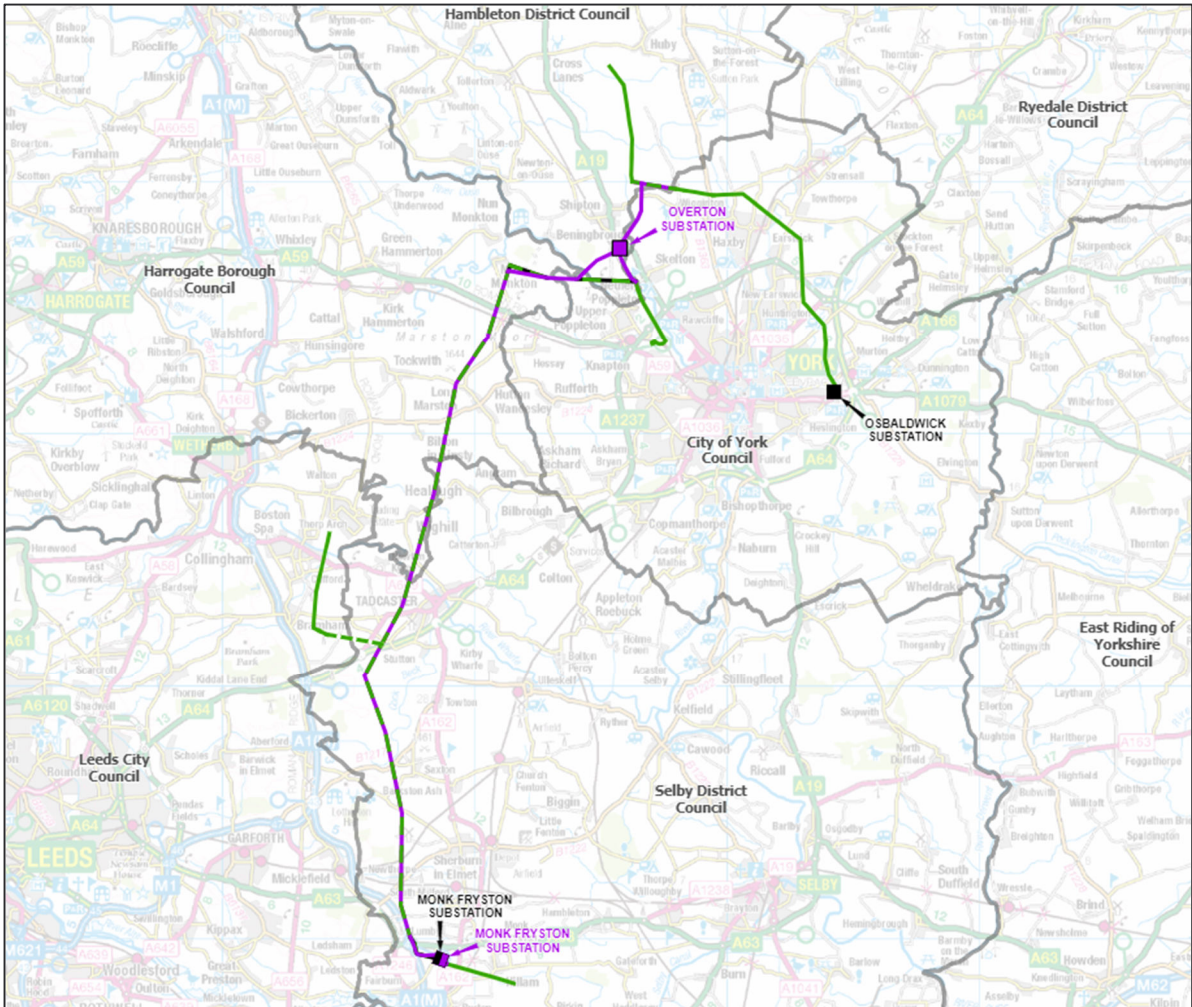
<sup>2</sup> North Yorkshire County Council, Selby District Council, Harrogate Borough Council, Hambleton District Council, City of York Council, and Leeds City Council.

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.

- **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.

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 Environment Agency will jointly be referred to as the “Parties”. When referencing Environment Agency 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 Environment Agency, 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 Environment Agency 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 Environment Agency in the DCO process

2.1.1 The Environment Agency is a non-departmental public body, which was established in 1996 and is sponsored by the United Kingdom government's Department for Environment, Food and Rural Affairs. It is responsible for:

- managing the risk of flooding from main rivers, reservoirs, estuaries and the sea;
- regulating major industry and waste;
- treatment of contaminated land;
- water quality and resources;
- fisheries;
- inland river, estuary and harbour navigations; and
- conservation and ecology.

2.1.2 As outlined in Advice Note 11<sup>3</sup>, the Environment Agency's role in the DCO process can be summarised as follows in relation to the Project:

- It is a prescribed consultee under Section 42<sup>4</sup> of the Planning Act 2008 and therefore National Grid must consult with the Environment Agency before submitting a Nationally Significant Infrastructure Project (NSIP) application.
- The Planning Inspectorate must consult the Environment Agency before adopting a scoping opinion in relation to any Environmental Impact Assessment (EIA)<sup>5</sup> and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- The Environment Agency has powers to grant permits, licences and consents under a number of enactments. It is the responsibility of Applicants to identify all the permits, consents and licences that are required in addition to the DCO, before an NSIP can be constructed or operated.

2.1.3 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, Document 6.1, Volume 6 [APP-195])**.

2.1.4 On submission of the DCO, the Environment Agency will be invited to participate in the examination of the Project as Interested Parties. During the examination process, the Environment Agency may prepare written representations, and respond to written questions from the Examining Authority as well as participate in hearings.

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<sup>3</sup> Planning Inspectorate, November 2017, Advice Note Eleven, Annex D – Environment Agency

<sup>4</sup> Section 42(a) Planning Act 2008 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

<sup>5</sup> Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

## 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 the Environmental Impact Assessment (EIA) Scoping, Section 42 statutory consultation and additional technical engagement.

Table 2-1 - Pre-application discussions

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
11 June 2021	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to request a meeting to introduce the project, agree lead stakeholder for biodiversity receptors & survey methodology including approach to land where access has been refused.
17 June 2021	Biodiversity	The Applicant's environmental consultant emailed to follow up with their request from the 11 June 2021 as no response was received.
2 July 2021	Hydrology	The Applicant's environmental consultant emailed the Environment Agency to request a meeting, including a proposed draft agenda.
15 July 2021	Biodiversity	The Applicant's environmental consultant emailed to follow up with their request from the 17 June 2021 as no response was received.
19 July 2021	Biodiversity	The Environment Agency Biodiversity lead responded regarding the request for a meeting and to assure the Applicant's environmental consultant that availability to attend would be discussed by the Environment Agency Biodiversity team.
21 July 2021	Hydrology	Pre-PEIR submission consultation. The Applicant's environmental consultant provided the Environment Agency with a technical note which contained our approach to Environmental impact Assessment (EIA), Water Framework Directive (WFD) and Flood Risk Assessment (FRA).
29 July 2021	Hydrology	The Applicant's environmental consultant held a teleconference with the Environment Agency and others (North Yorkshire County Council Lead Local Flood Authority and Ainsty Internal Drainage Board) to discuss the proposed approach to the PEIR-stage hydrology and flood risk assessment.
13 August 2021	Hydrology	The Applicant's environmental consultant requested data for the York detailed model.

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
16 August 2021	Hydrology	The Applicant's environmental consultant emailed the Environment Agency to discuss the proposed flood modelling approach at Overton Substation.
15 <sup>th</sup> September 2021	Hydrology	The Applicant's environmental consultant held a teleconference with the Environment Agency to discuss the use of the York Detailed model for assessing the flood risk associated with the proposed Overton substation location.
20 September 2021	Hydrology	The Applicant's environmental consultant followed up with the Environment Agency for the York detailed model as no response had been received.
22 October 2021	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to request a meeting/discussion to agree the survey methodology and programme including approach to land where access has been refused.
16 June 2022	Hydrology and Biodiversity	The Applicant's environmental consultant held a teleconference with the Environment Agency and others (North Yorkshire County Council Lead Local Flood Authority and Ainsty Internal Drainage Board) to discuss the emerging results of the final hydrology and flood risk assessment for the DCO application. This concentrated particularly on mitigation of fluvial flood risk for Overton substation, drainage design for Overton and Monk Fryston substations, mitigation of construction phase effects and construction phase watercourse permitting. The Applicant's environmental consultant requested contact details for the Environment Agency Biodiversity lead on behalf of the Applicant's environmental consultant during the meeting. The Environment Agency confirmed a contact could be provided.
18 July 2022	Hydrology and Biodiversity	The Applicant's environmental consultant emailed the meeting minutes from the meeting held on 17 June 2022 and requested the contact details for the Environment Agency Biodiversity lead on behalf of the Applicant's environmental consultant.

## **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

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
26 January 2023	Hydrology and Biodiversity	The Applicant's environmental consultant emailed the Environment Agency a copy of the draft SoCG and requested confirmation that it accurately reflects discussions with the Environment Agency to date and any outstanding matters. Links to the DCO application on the PINS website were provided and a meeting to discuss any outstanding matters was requested.
01 March 2023	Hydrology and Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to advise of receipt of Rule 6 deadlines from PINS and to request a meeting to discuss the draft SoCG.
01 March 2023	Hydrology and Biodiversity	The Environment Agency emailed the Applicant's environmental consultant to advise that a response to the draft SoCG/meeting request was being followed up, but that limited resources had resulted in delays.
08 March 2023	Biodiversity	The Environment Agency's Biodiversity Technical Specialist confirmed availability for a meeting to discuss the draft SoCG.
13 March 2023	Biodiversity	A meeting was held between the Applicant's environmental consultant (Biodiversity Lead) and the Environment Agency (Biodiversity Technical Specialist) to discuss remaining matters outstanding. All matters were agreed and the SoCG updated, except for matters relating to BNG which remain outstanding. It was agreed that the Environment Agency would defer to Natural England's lead on this matter.
20 March 2023	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to issue minutes of the meeting held on 13 March 2023 and to request comment from the Environment Agency on the draft Development Consent Order.
21 March 2023	Hydrology	The Applicant's environmental consultant emailed the Environment Agency to request further engagement on the conclusions of the hydrology EIA and flood risk assessment, and on flood risk activities and discharge permitting requirements for the Project.
29 March 2023	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency's Biodiversity Technical Specialist to request further information regarding opportunities for BNG delivery.
30 March 2023	Biodiversity	The Environment Agency's Biodiversity Technical Specialist telephoned the Applicant's environmental consultant to request minor amendments to the

wording of the SoCG and to discuss BNG delivery options.

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31 March 2023	Hydrology	The Applicant's environmental consultant and the Environment Agency clarified their respective positions on a number of issues relating to Hydrology and Flood Risk via an exchange of emails.
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## 3. Matters Agreed

3.1.1 This section sets out the matters that have been agreed between National Grid and Environment Agency. In particular **Table 3-1** details these matters.

Table 3-1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
<b>Volume 5 Environmental Statement</b>			
<b>3.1 Chapter 8: Biodiversity</b>			
<i>Assessment Scope and Methodology</i>			
3.1.1	Scope of Surveys (where approach has not changed since the PEIR stage)	Based on no comments to the contrary in the statutory consultation response and no change in approach since PEIR, it is assumed the Environment Agency is content with the proposed scope of surveys for the following: <ul style="list-style-type: none"> <li>- approach to biodiversity surveys where land is not accessible; and</li> <li>- Aquatic protected species (e.g. otter) and invasive plant species surveys</li> </ul> <b>(Table 8.8, ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]).</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
3.1.2	Assessment Methodology	Based on no comments to the contrary in the statutory consultation response and no change in approach since PEIR it is assumed that the Environment Agency is content with the assessment methodology <b>(Section 8.8, ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]).</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
3.1.3	Aquatic species	The Environment Agency confirmed agreement with the approach to aquatic species surveys where revised since PEIR as outlined in	13 March 2023

SoCG ID	Matter	Agreed position	Date of Agreement
	survey approach (where revised since PEIR)	<b>Table 8.8 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b> .	
3.1.4	Fish and invertebrate survey requirements	These species have been scoped out of requiring further survey given the embedded mitigation measures (detailed in <b>Section 8, ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ) which will be put in place to avoid impacts. The Environment Agency confirmed agreement with the approach.	13 March 2023
<i>Baseline</i>			
3.1.5	Baseline	The Environment Agency confirmed agreement that the Biodiversity baseline is appropriately described in ( <b>Section 8.5 ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> ).	13 March 2023
<i>Embedded environmental measures</i>			
3.1.6	Proposals for embedded mitigation measures – Outline Biodiversity Mitigation Strategy (BMS) and Code of Construction Practice (CoCP)	The Environment Agency confirmed agreement that the Embedded Measures detailed in <b>Section 8.6 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b> and mitigation in the <b>ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> as secured through the <b>Code of Construction Practice (CoCP) (Document 5.3.3B, Volume 5) [APP-095]</b> are appropriate. The Environment Agency specifically advised that should any over-pumping of watercourses suitable for eels or lamprey be required (in association with open trenching), 2mm mesh should be fitted to pump inlets to avoid entrapment of elvers and lamprey. This would be enacted via <b>Embedded Mitigation Measure 2 Standard Best Practice</b> , detailed in <b>Section 8.6 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b> and mitigation in the <b>ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080]</b> as secured through the <b>Code of Construction Practice (CoCP) (Document 5.3.3B, Volume 5) [APP-095]</b> .	13 March 2023

SoCG ID	Matter	Agreed position	Date of Agreement
3.1.7	Installation of bird diverters	<p>The Environment Agency scoping response as summarised in <b>Table 8.4 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b> included the expectation that bird diverters should be fitted on overhead lines which cross rivers, flood plains and wetlands.</p> <p>National Grid's position based on consistency across all projects nationally is that fitting diverters is only carried out where historic evidence/collision risk modelling indicates a specific need. At the watercourses/wetlands within the Order Limits existing overhead line crossings are in place (in the case of the River Ouse an existing crossing will be removed and replaced within ~380m). Currently there is no evidence to indicate that the DCO would need to include provision of bird diverters to prevent significant adverse effects. If evidence of collisions becomes apparent in the future, bird diverters can be fitted retrospectively as stated in <b>Table 8.4 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b>.</p> <p>The Environment Agency agreed that in the absence of evidence to indicate bird strike at these locations, National Grid's position is satisfactory.</p>	13 March 2023
<i>Assessment of likely significant effects</i>			
3.1.8	Assessment of likely significant effects	<p>The Environment Agency agreed that the ES has appropriately assessed the potential for significant effects on Biodiversity in <b>Section 8.9 (ES Chapter 8 Biodiversity (Document 5.2.8, Volume 5) [APP-080])</b>.</p>	13 March 2023
<b>3.2 Chapter 9: Hydrology and Flood Risk</b>			
<i>Assessment Scope and Methodology</i>			
3.2.1	Level of detail and completeness	<p>The Environment Agency is content that all relevant risks have been considered and assessed <b>Section 9.7 and 9.8 (ES Chapter</b></p>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)



SoCG ID	Matter	Agreed position	Date of Agreement
	of the assessment.	<b>9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081]).</b>	
3.2.2	Integrated WFD assessment within the <b>ES Chapter 9, Document 5.2.9, Volume 5</b>	The Environment Agency is content that an integrated approach to the WFD assessment is completed within the hydrological impact assessment, see <b>Section 9.14 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081].</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
3.2.3	Design basis flood event for Overton Substation flood mitigation	The Environment Agency is content that that the National Grid design criteria for flood resilience of a 0.1% AEP flood event with an allowance for climate change (+34% to flood peaks) and the inclusion of a 300mm freeboard, is a sufficiently conservative basis for the design flood level at Overton Substation. <b>(ES Appendix 5.3.9D Flood Risk Assessment, Annex 9D.4 Overton Substation Flood Modelling Technical Note [APP-138]).</b>	Consultation call 17/06/2022 and subsequent acceptance of the contents of the meeting minutes in an email from Frances Edwards on 30/06/2022 (EAIDBS003)
<i>Baseline</i>			
3.2.4	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed <b>Section 9.5 (ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081]).</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
<i>Embedded environmental measures</i>			
3.2.5	Delivery and general scope of the embedded measures.	The Environment Agency is content that the embedded measures may be delivered / secured through a Code of Construction Practice in accordance with the general scope of measures outlined in <b>Section 9.6 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081]), Section 6 of the Flood Risk Assessment (Document 5.3.9D, Volume 5) [APP-</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)  Confirmed by exchange of emails, 31 March 2023.

SoCG ID	Matter	Agreed position	Date of Agreement
		<b>138], and Section 3.6 of the Code of Construction Practice (Document 5.3.3B, Volume 5) [APP-095].</b>	
3.2.6	Mitigation of fluvial flood risk to Overton substation by ground raising, including no requirement for compensatory flood storage provision	The Environment Agency is content with the modelling carried out using the York Detailed Model to develop a minimum site level for Overton Substation (based on the application of the National Grid design standard of the 0.1% AEP plus 34% climate change event). Also, given that its proposed location is outside the 1% AEP +30% climate change extent, the Environment Agency agree that compensatory flood storage is not required for ground raising at the substation. Refer to <b>ES Appendix 5.3.9D Flood Risk Assessment, Annex 9D.4 Overton Substation Flood Modelling Technical Note [APP-138]</b> for further details.	Consultation call 17/06/2022 and subsequent acceptance of the contents of the meeting minutes in an email from Frances Edwards on 30/06/2022 (EAIDBS003).  Also confirmed by exchange of emails, 31 March 2023.
<i>Assessment of Likely Significant Effects</i>			
3.2.7	Significance of effects and mitigation measures.	The Environment Agency is content that the effects on surface water receptors are not significant, provided that they are adequately controlled through embedded measures <b>Section 9.13 (ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081]).</b>	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
<i>Permitting</i>			
3.2.8	Flood Risk Activities Permitting	National Grid and the Environment Agency agree that the provisions of the Environmental Permitting Regulations (2016) relating to Flood Risk Activities Permits will not be disapplied within the DCO. Flood Risk Activities Permits will be applied for for all relevant aspects of the project (as set out in <b>Table 5-1, Entries 5.3.1 and 5.3.2</b> )	31 March 2023
<b>3.3 Chapter 10: Geology and Hydrogeology</b>			

<b>SoCG ID</b>	<b>Matter</b>	<b>Agreed position</b>	<b>Date of Agreement</b>
<i>Assessment Scope and Methodology</i>			
3.3.1	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed <b>Section 10.4 and 10.7 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10, Volume 5) [APP-082])</b> .	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
<i>Baseline</i>			
3.3.2	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed <b>Section 10.5 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10, Volume 5) [APP-082])</b> .	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
<i>Embedded environmental measures</i>			
3.3.3	Delivery and general scope of the embedded measures.	The Environment Agency is content that the embedded measures may be delivered / secured through a Code of Construction Practice in accordance with the general scope of measures outlined in the <b>Section 10.6 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10, Volume 5) [APP-082])</b> .	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
<i>Assessment of Likely Significant Effects</i>			
3.3.4	Significance of effects and mitigation measures.	The Environment Agency is content that the effects on groundwater receptors are not significant, provided that they are adequately controlled through embedded measures <b>Section 10.11 (ES Chapter 10: Geology and Hydrogeology (Document 5.2.10, Volume 5) [APP-082])</b> .	9 December 2021 (Closing date of Section 42 Statutory Consultation period)

## 4. Matters Not Agreed

4.1.1 Section 4 sets out matters not agreed between National Grid and Environment Agency. **Table 4-1** details these matters.

Table 4-1 – Matters not agreed

<b>SoCG ID</b>	<b>Matter</b>	<b>Environment Agency position</b>	<b>National Grid position</b>
N/A	N/A	N/A	N/A

## 5. Matters outstanding

5.1.1 Section 5 sets out matters where agreement is currently outstanding between National Grid and Environment Agency. In particular **Table 5-1** details these matters.

Table 5-1 – Matters outstanding

SoCG ID	Matter	Environment Agency position	National Grid position
<b>Volume 7: Other Documents</b>			
<b>5.1 Document 7.9 Biodiversity Net Gain Report</b>			
5.1.1	Biodiversity Net Gain (BNG)	The Environment Agency welcomes the Project commitment to deliver 10% BNG. The Environment Agency is still to agree the approach to BNG within the Project <b>(Biodiversity Net Gain Report, (Document 7.9, Volume 7) [APP-210])</b> , and is engaged in ongoing discussion with the Applicant.	In summary, key points of our approach for the Project to achieve BNG are: <ul style="list-style-type: none"> <li>- Avoiding loss of irreplaceable habitats</li> <li>- Adherence to the Mitigation hierarchy, especially to avoid and minimise habitat clearance (especially for priority habitats)</li> <li>- Achieving a minimum 10% increase in area-based units, in linear units and in river units in ways that meet the Biodiversity Metric V3.1 trading rules</li> <li>- For any off-site BNG delivery to be implemented and delivered in partnership with local conservation stakeholders where possible</li> <li>- For any off-site BNG delivery, we will seek for gains to be within the same LPA as the associated loss</li> <li>- Where this is not possible due to limited availability of suitable sites, or more favourable outcomes for biodiversity would be achieved by delivering BNG at a site outside the relevant LPA, delivery of 10% BNG would apply across the extent of the project rather than being split between LPAs. National Grid will look to engage with the affected LPAs to</li> </ul>

SoCG ID	Matter	Environment Agency position	National Grid position
			<p>identify opportunities to deliver meaningful BNG enhancements across the extent of the project.</p> <p>In terms of DCO submission, we have submitted an initial Biodiversity Net Gain report based on a number of precautionary assumptions, which provides a reasonable worst-case indication of the deficit in biodiversity units resulting from the Project (which is likely to overstate losses as a precaution) and the amount and type of on and off-site habitat creation required to achieve BNG.</p> <p>We will then undertake further BNG assessment at different stages through the project lifecycle updating the BNG report metric calculation with final baseline data and results of the Strategic Significance assessment. These updated reports will be produced post-consent at detailed design stage (including the BNG management and monitoring plan), and after construction (based on as-built information) to refine and finalise the assessment as further information becomes available. Delivery of 10% net gain would be secured via a Section 106 agreement with the LPAs, a draft version of which has been circulated to all relevant LPAs for comment.</p> <p>National Grid will seek to agree the approach with the Environment Agency and is engaged in ongoing discussion. This SoCG with the Environment Agency will be updated to reflect these discussions.</p>

### Volume 3: Draft Development Consent Order

#### 5.2 Document 3.1(B) Draft Development Consent Order

5.2.1	Draft Development Consent Order	The Environment Agency is still to confirm agreement with the Draft Development Consent Order Requirements as listed on <b>Schedule 3 (Draft Development</b>	It is National Grid's view that the Requirements listed on <b>Schedule 3 (Draft Development Consent Order (Document 3.1(B), Volume 3) [AS-011])</b> are appropriate to secure the delivery of the embedded environmental measures within the Project.
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SoCG ID	Matter	Environment Agency position	National Grid position
		Consent Order, Document 3.1(B), Volume 3) [AS-011]).	
<b>Permitting Issues</b>			
<b>5.3 Flood Risk Activities Permits (FRAPs)</b>			
5.3.1	Construction phase FRAP requirements	The Environment Agency is invited to confirm its agreement with National Grid regarding FRAP requirements for the construction phase of the Project.	It is National Grid's view that the only aspects of construction that will require a FRAP will be temporary crossing protection scaffolds that will be required at the River Ouse crossing (two locations, the crossing of the new XC overhead line, and the dismantling of the existing XCP overhead line), and the River Wharfe crossing (reconductoring of the existing XC line). These are likely to require bespoke permit applications. No temporary construction access crossings of main rivers are required. Raised structures in floodplain areas will be avoided as far as possible, with further discussion with the Environment Agency being required to determine any specific FRAP requirements for works in floodplain areas.
5.3.2	Operational phase FRAP requirements	The Environment Agency is invited to confirm its agreement with National Grid regarding FRAP requirements for the operational phase of the Project.	National Grid acknowledges that overhead line crossings of main rivers may be require FRAPs, depending on the minimum clearance height that can be achieved. Further dialogue will be required to define specific FRAP requirements for each crossing.
<b>5.4 Environmental Permits for discharge of treated sewage effluent</b>			
5.4.1	Environmental Permits for discharge of treated sewage effluent	The Environment Agency is invited to confirm its agreement with National Grid regarding discharge permitting requirements for all phases of the Project.	Requirements for discharge of treated sewage effluent to controlled waters from both construction and operational phases of the project will be defined in the Drainage Management Plan, which will be prepared under Requirement 6.(1)(b) of the draft DCO ( <b>Document 3.1(B), Volume 3) [AS-011]</b> ). If required, these will be subject to permitting under the Environmental Permitting Regulations 2016.

SoCG ID	Matter	Environment Agency position	National Grid position
<b>5.5 Environmental Permits for materials and waste</b>			
5.5.1	Re-use of excavated materials.	Point to be agreed with EA	<p>Any re-use of excavated materials will be subject to documentation of compliance with the CL:AIRE Definition of Waste Development Industry Code of Practice (DoWCoP), or other suitable mechanism (e.g. exclusion or exemption), prior to excavation of the material.</p> <p>The use of the DoWCoP will be administered through the procedures outlined in the DoWCoP, including documenting with the Materials Management Plan (MMP) that relevant regulatory procedures have been followed prior to excavation (e.g. evidence of no objection from the Environment Agency's waste team, at the appropriate juncture).</p> <p>This is a post-consent procedures that is common to many construction projects, and is secured through the Code of Construction Practice (<b>Document, 5.3.3B [APP-095]</b>). No permits are required for the use of the DoWCoP.</p>
5.5.2	Storage of waste (excluding excavated materials to be re-used)	Point to be agreed with EA	<p>As stated in the Code of Construction Practice (<b>Document, 5.3.3B [APP-095]</b>), it is expected that the storage of waste will be within the scope of, and comply with, the requirements of one or more of the activities specified as exempt from Waste Management Licensing e.g. storage under a Non Waste Framework Directive (NWFD) exemption.</p> <p>If this position changes, then an Environmental Permit will be sought from the EA.</p>
<b>Water Framework Directive (WFD) Compliance</b>			
5.5.3	WFD Compliance	The Environment Agency is invited to confirm its agreement with	National Grid has demonstrated that the Project is compliant with the objectives of the WFD for relevant water bodies, as



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SoCG ID	Matter	Environment Agency position	National Grid position
		National Grid regarding WFD compliance for all phases of the Project.	summarised in <b>Section 9.14 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9, Volume 5) [APP-081]</b> .

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## 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>	
<b>On Behalf of</b>	
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	

<Bethany.Kington@nationalgrid.com>; Stengel, Dave <Dave.Stengel@atkinsglobal.com>

**Subject:** RE: Yorkshire GREEN SoCG v2.1

Hi Jo/Stephen

Thank you for your email and updated SoCG to reflect Richard's input. We agree these are an accurate representation of where discussions stand in terms of Ecology.

I have received comments from my flood risk colleague this afternoon. Whilst we are in general agreement with the SoCG, there are two matters we would like to added to the matters not agreed and subject to further discussion.

**Matters Agreed:**

- No disapplication of EPR with respect Flood Risk Activity Permits requested. Where flood risk permits are applicable, these will be obtained separately. **Agreed. I will add an entry into the Matters Agreed table accordingly.**
- Assessment and mitigation of flood risk at Overton substation (SoCG items 3.7.8 & 3.7.11). **Noted, thank you. However, could we clarify which entries in the SoCG you are referring to here: flood risk at Overton substation is covered by SoCG entry 3.2.6, and I can't see any entries numbered 3.7.8 and 3.7.11**
- No temporary watercourse crossings of main rivers, and no culverting proposed on any main rivers. **Agreed, I will move the point about no temporary access crossings of main rivers up from the Matters Outstanding table to the Matters Agreed table.**
- Further details relating to design aspects included within the Flood Risk Assessment 5.3.9D (APP-138) and the Code of Construction Practice, including Table 3.5. **Noted, thank you. I propose to add these specific references to the Matters Agreed Table entry 3.2.5 on embedded mitigation. Are you content with this?**

**Can I also ask you to confirm your agreement with the other entries in the Matters Agreed table relating to hydrology and flood risk? (Entries 3.2.1 through to 3.2.7)**

**Matters not agreed:**

- Temporary works at Cock Beck watercourse, documents refer to open trenching in/near a main river. Works are likely to be subject to obtaining a Flood Risk Activity Permit (FRAP) if affecting the main river or its banks. The detail around these works, including location and temporary works in the watercourse could be considered as part of a FRAP.

- Requirement 17 of the draft DCO (vertical clearance of power lines above watercourses). The specific vertical clearance will be dependent on each watercourse crossing and the voltage of the cables. The detail for each watercourse crossing would be subject to a FRAP.

### **Temporary works at Cock Beck**

At Cock Beck, undergrounding works are referenced which refers to open trenching (Hydrology APP-081 Section 9.9.7). The CoCP APP-095 Table 3-5 ref. HY6/FM5) then refers to the need for works to be carried out during low flow in an “isolated, dry channel,” indicating there is likely to be some temporary in-channel structures affecting flow. Details of this would be dependent on a Flood Risk Activity Permit (FRAP), and we would note that the Environment Agency has not agreed to any specific construction. The Hydrology indicates that alternatives including HDD or other trenchless techniques could be used on watercourse crossings. The Environment Agency are likely to have a preference for works not affecting the channel or flows, i.e. trenchless methods where possible. Given the range of options identified, it’s likely a Flood Risk Activity Permit would be issued, but the conditions attached are unknown are unknown.

These works are so-called infringement works to be carried out by the local distribution network operator (DNO) to locally underground an 11kV cable to move it out of the way of the main overhead line works. For the purposes of the EIA for the DCO application, we have assumed a worst case scenario of open cut installation across the Cock Beck. Selection of the final method of installation will be a matter for the DNO in consultation with its contractor.

We acknowledge that these works will be subject to FRAP and are content to recognise this in the SoCG. I propose to amend Matters Outstanding Table entry 5.3.1 on Construction Phase FRAP Requirements to include reference to the Cock Beck low voltage cable undergrounding, alongside requirements for FRAP for crossing protection scaffolds for the Rivers Ouse and Wharfe. Further dialogue will be required between NG and the EA to agree on the correct level of permitting under FRAP for these works.

### **Clearance over the River Ouse**

Requirement 17 of the Draft DCO is written as:

#### **“Clearance over the River Ouse”**

17. No part of any overhead electric line shall be installed or maintained directly above the River Ouse at a height of less than 10 metres above the mean high water level of that river.”

The specific vertical clearance has not been agreed with the Environment Agency, although earlier meetings have flagged that a minimum vertical clearance would be required. Infrastructure over a main river would be subject to the requirements of the 2016 Environmental Permitting Regulations, which set out when Flood Risk Activity Permits are required. [Exempt flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk) includes and Exemption FRA2

for electrical cables over a main river. The vertical clearance stated is dependent on the voltage of the cables, and the vertical clearance increases with higher voltage, with the height taken from the bank or crest level (the requirement states that the distance is taken above the mean high water level of the river).

I believe that the DCO Requirement 17 makes specific reference to the crossing of the River Ouse given its status as a navigable watercourse. National Grid recognises that overhead line crossings may be subject to FRAP under EPR 2016. The only new overhead line crossing of a main river proposed under the Project will be of the River Ouse, although there are also existing overhead line crossings of the River Wharfe and Cock Beck where reconductoring of existing pylons will take place. I consulted with NG's engineering lead on this point and he confirmed that crossing heights would exceed 15m in all cases. It was on this basis that I drafted Matters Outstanding Table entry 5.3.2 suggesting that these crossings would be exempt from FRAP under Exemption FRA2. However, if you would prefer to have further dialogue on this issue before agreeing that exemptions are appropriate, I am content to redraft this entry as follows: *"National Grid acknowledges that overhead line crossings of main rivers may be require FRAPs, depending on the minimum clearance height that can be achieved. Further dialogue will be required to define specific FRAP requirements for each crossing."* Please confirm how you would like us to proceed.

**Other:**

For clarity - the SoCG item 3.7.7 states that the WFD assessment is completed. This item is located amongst flood risk commentary, and we would highlight that the WFD assessment would be subject to wider review.

I would direct you to entry 3.2.2 on the Matters Agreed table on this point. Given the relatively low impacts of the Project on the water environment, a standalone WFD assessment has not been produced. Instead, conclusions on WFD compliance have been drawn on the basis of the findings of the EIA, which was itself based on an approach which recognised WFD waterbodies as receptors. This assessment can be found in Section 9.14 of **Doc 5.2.9 ES Chapter 9 Hydrology [APP-081]**. This approach was first outlined to the EA at the pre-PEIR consultation meeting that took place on 29th July 2021, and no objection was raised to this approach at that time. I'd be grateful if you could confirm your acceptance of this point.

I hope these comments are useful, please accept my apologies for the delay in providing them.

Kind regards

**Matthew Wilcock**

Planning Specialist - Sustainable Places (Yorkshire)

**Environment Agency** | Foss House, Kings Pool, Peasholme Green, York, YO1 7PX