

National Grid

Merrion House
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Leeds
LS2 8BB

Contact: Louise White
Ref PREAPP/23/00161

Email: [REDACTED]@leeds.gov.uk

22 May 2023

Dear Beth,

The Yorkshire Green Energy Enablement (Green) NSIP by National Grid Electricity Transmission PLC

Version 1 Draft S106 Agreement by Womble Bond Dickinson – Leeds City Council's second response

Leeds City Council provided its initial comments to National Grid's Version 1 Draft S106 Agreement on 24 April 2023. You kindly responded to our comments on 16 May 2023. We have reviewed your comments and respond as follows:

Part B of section entitled 'Background'

Regarding the land to be bound under Schedule 1, can you please confirm that National Grid and the local authorities will not complete the s106 agreement until after the sites have been identified?

We note that National Grid does not anticipate binding all landowners of the sites to the legal agreement as National Grid will have an interest (either freehold or leasehold) in the sites and therefore consider that it is sufficient to include them as the party intending to enter into obligations, who will also have an interest in these sites. Leeds City Council would not normally accept this but, given the multiple number of sites likely to be involved, we will accept this provided that National Grid can demonstrate that they hold a leasehold interest of at least 7 years registered at the Land Registry.

Para 7.1-Undertaking

This is acceptable. We will invoice National Grid under the current Examination-stage PPA (PREAPP/23/00161) and as may be required under any agreed future Post Decision-stage PPA.

Para 7.3-Invoice

National Grid's acceptance of our revised wording is noted, thank you.

Para 11.3.2-Notices

National Grid intend to serve notices in respect of the Agreement on all the Local Councils stated within the Agreement and this is already considered in the drafting of this clause. We can accept this provided it is clear in the final engrossment.

Para 15.1-CIL

We agree with National Grid that this clause does not require amendment.

Para 18-Counterparts

It is noted that National Grid agree to remove the clause to specify the execution of the agreement via counterparts and will update the agreement as required. Thank you.

Schedule 2 Paragraph 2.1 and 2.2

Leeds City Council can accept your comments about the timeframe required to update the BNG assessment.

In terms of BNG delivery within Leeds, we reiterate that we wish for National Grid to consider delivery of proportionate BNG within the land identified in para. 32 of our Local Impact Report. This land is within National Grid's ownership for delivery.

Schedule 2 Paragraph 2.3

8 weeks, rather than 5 weeks, for the approval of the Biodiversity Offsetting Scheme would be preferable given that Leeds City Council is a very busy Local Planning Authority and we have not yet agreed a Post-Decision PPA with National Grid. That said, we agree in principle that we will aim to review and provide a decision on the documents within 5 weeks of formal receipt.

Schedule 2 Paragraph 2.5

We note National Grid's acceptance to include reference to 'any other land by agreement with the relevant Councils or its partners', as a further option for the delivery of the biodiversity units, together with this being reflected within an updated SoCG. Thank you.

In this case Leeds City Council is willing to accept the text in the s106 Agreement at Schedule 2 para. 2.7, i.e. positively managing BNG for a period of not less than 30 years, rather than for the lifetime of the development.

Yours sincerely,

Louise White
Minerals and Waste Planning Team Leader

Cc. Jessica Powis, Planning Inspector.