



**Canal &
River Trust**

Making life better by water

YorkshireGreen@planninginspectorate.gov.uk

Your Ref EN020024

Our Ref IPP 129

Tuesday 11 July 2023

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

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

1. Please find comments from the Canal & River Trust below in relation to Deadline 5.

Response to the Examining Authority's Written Questions

Q4.2.1 Sustained Objections/ Protective Provisions

2. The Trust has reached agreement with the Applicant on the Protective Provisions to be submitted at Deadline 5 (further detail about the agreement is provided below). The agreed Protected Provisions are attached in Appendix A of this submission.
3. The Trust does not have any outstanding objections to the application.

Q4.2.3 PA2008 s127 and s138 cases to satisfy the Secretary of State

4. The Trust is not landowner for the River Ouse in the location within the Order limits, only Navigation Authority. The compulsory acquisition powers sought by the Applicant are not relevant to the Trust. Accordingly, the Trust will not be attending Compulsory Acquisition Hearing 2 scheduled for 18 July.
5. Impacts on the Trust's management of the Ouse in our capacity as Navigation Authority would be affected by article 54 (temporary closure etc of the river Ouse) of the draft DCO. The Trust is satisfied that the agreed Protective Provisions ensure the Trust is able to carry out its statutory duties to manage navigation on the river during construction and operation of the project.

Q4.2.4 Areas of Difference

6. The Applicant has confirmed to the Trust that it will include the agreed Protective Provisions in the updated DCO (Document 3.1(D)) which it will submit at Deadline 5. The agreed Protective Provisions address the concerns raised by the Trust in our Deadline 4 submission. We confirm, therefore, that there are no areas of difference between the Trust and the Applicant.
7. References to the Trust's Code of Practice are included in the Protective Provisions and there are no differences between the Trust and the Applicant over the references to the Code of Practice within the agreed Protective Provisions.

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Discussions with the Applicant

8. The Canal & River Trust's written comments below summarise our discussions with the Applicant following the Issue Specific Hearing 3 held on 26 May 2023.
9. A meeting was held on 15th June 2023 between the Trust and the Applicant to discuss the Protective Provisions, particularly in respect of daytime working. A further meeting was held on 28th June. We found these discussions with the Applicant highly useful, and welcome the Applicant's willingness to discuss matters raised by the Trust with the aim of reaching mutual agreement. Following these discussions, updated Protective Provisions were provided to the Trust by the Applicant.

Closure of the River to Navigation

10. As discussed previously, the Trust is content with the drafting of article 54 which would limit the ability to close the river to only in relation to Work No.6 and associated works. The Applicant confirmed no other works will impact the river.
11. The agreed Protective Provisions (Appendix A) seek to limit the timing of construction and maintenance works (unless otherwise agreed by the Trust) to between:
 - a. 10pm and 6am during the months April to October; or
 - b. 7pm and 7am during the months November to March.
12. The Trust is satisfied that works within these hours can be appropriately managed, with an acceptable impact on our network. As explained in our earlier representations, due to the very low levels of night time river traffic, it is much easier to accommodate river closures during the night-time. Daytime closures would have a more significant impact on the river at this location, significantly impacting several different types of river user, including users who would typically plan routes many months in advance. Any daytime closures are still possible, but only with agreement between the Trust and the undertaker.

Definition of "construction"

13. The Trust previously raised concern that the previous draft of the Protective Provisions shared by the Applicant no longer included a definition of "construction" within the Protective Provisions. That definition of "construction" included works for maintenance. It is important to the Trust that the Protective Provisions apply to the maintenance of the works across the river throughout the lifetime of the development.
14. The Trust explained to the Examining Authority that if the previously broad definition of construction is omitted, there would need to be drafting changes throughout to ensure maintenance is covered. The drafting within the agreed Protective Provisions now addresses the Trust's concerns.

Other Matters

15. The agreed Protective Provisions address a number of additional comments made by the Trust, which are summarised below:
 - a. Within the first section ('Interpretation') of the agreed Protective Provisions, it is now clear that the Trust's Code of Practice will apply to the development (except for where there is an inconsistency between these Protective Provisions, when the Protective Provisions will apply). The Code of Practice would apply to matters on which the Protective Provisions are silent.
 - b. Text has been inserted within the fifth section of the agreed Protective Provisions to provide further obligations for the undertaker to complete a work that has been started over the river as soon as reasonably practicable. The Trust is satisfied with this revision.

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The Trust and the Applicant have updated our Statement of Common Ground to take into account the above information. These should be submitted by the applicant at Deadline 5.

We hope that the above is of use. Please feel free to contact me if you have any questions or require further information.

Yours sincerely,

Simon Tucker MRTPI
Area Planner

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Enc. Appendix 1: Draft Article 54 and Protective Provisions for the Canal & River Trust

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