

YG-DCO-079(B)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.12(B) Statement of Common Ground Between National Grid Electricity Transmission and Ainsty Internal Drainage Board (Clean)

**Draft Version 2
July 2023**

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Infrastructure Planning (Applications: Prescribed Forms and Procedure)
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Document control

Version History

Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For discussion with Ainsty IDB
Statement of Common Ground	2	Draft	For discussion with Ainsty IDB

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 guidance¹ 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 (V2 July 2023) of the SoCG represents the position between National Grid and AIDB up to July 2023. 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 three Local Authority boundaries² :

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

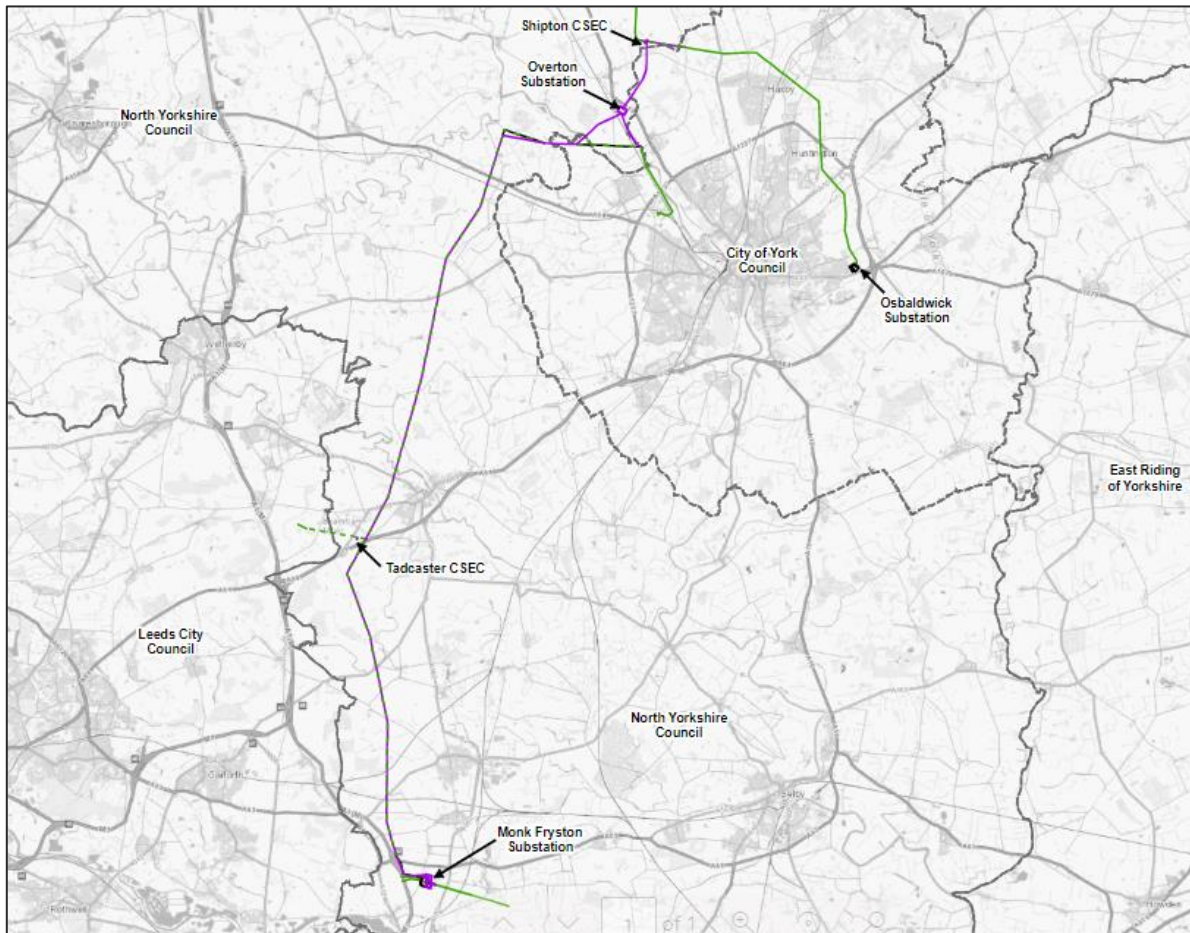
- **Section C (existing 275kV Poppleton to Monk Fryston (XC) overhead line north of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- **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 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 (as amended) ('the LDA') 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 1st 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 (YCDB), 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 LDA and its own Drainage Byelaws created under Section 66 of same. Hereafter, these are referred to as 'Section 23 consents' and 'Section 66 consents' respectively.
- 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 [APP-195])**.
- 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
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** summarises the consultation and engagement that has taken 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 th 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 in advance of Deadline 1 on the basis of the draft version signed on 17 th March 2023.
02 May 2023	Hydrology and flood risk	National Grid received the AIDB Written Representation and Response to Examiner's Written Questions provided for Deadline 2 [REP02-50].
11 May 2023	Hydrology and flood risk	The Applicant's environmental consultant emailed AIDB with a draft updated SoCG and a copy of its response to the Written Representation for comment (Document 8.20 Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions Final Issue A May 2023 [REP03-032]).
14 June 2023	Hydrology and flood risk	The Applicant held a remote meeting with YCDB (representing both AIDB and Foss IDB) to discuss remaining matters outstanding.
29 June 2023	Hydrology and flood risk	A further remote meeting was held between the Applicant and YCDB to discuss remaining outstanding issues, principally alternative proposals to IDB byelaw disapplication and overhead line clearance heights above IDB maintained watercourses.
6 July 2023	Hydrology and flood risk	The discussions held in meetings on 14 and 29 June are supported by an exchange of emails between YCDB and the Applicant.

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

SoCG ID	Matter	Agreed position	Date of Agreement
Volume 5.2: Environmental Statement			
Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]			
3.1.1	Conclusions of the hydrology and flood risk EIA.	AIDB has no comments on the hydrology and flood risk EIA and will defer to the Environment Agency and Lead Local Flood Authorities for review and approval of its conclusions.	14 June 2023
Volume 5.3 Environmental Statement Appendices			
Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]			
3.1.2	Conclusions of the flood risk assessment (FRA)	AIDB has no comments on the FRA and will defer to the Environment Agency and Lead Local Flood Authorities for review and approval of its conclusions.	14 June 2023
Draft Development Consent Order (Document 3.1(D), to be submitted to the Examination at Deadline 5)			
3.1.3	AIDB byelaws created under Section 66 of the LDA.	The Parties agree that AIDB’s Section 66 byelaws will be retained in their entirety. This includes powers to regulate any works within 9m of the top of bank of IDB-maintained watercourses, and surface water discharge to any watercourse within the IDB’s district.	29 June 2023

		<p>However, provision will be made through an amendment to Article 19 of the draft DCO to ensure that Section 66 consents are granted on the following basis:</p> <p>(a) the consent is not to be unreasonably withheld; and</p> <p>(b) if the internal drainage board fail within 28 days after receipt of the application to notify the applicant in writing of their determination, the internal drainage board are deemed to have consented to the application.</p>	
3.1.4	Schedule 16 of the DCO	The Parties agree that reference to disapplication of AIBD byelaws will be removed from Schedule 16 of the draft DCO.	29 June 2023
3.1.5	No additional changes to DCO	<p>The Parties agree that no additional amendments are required to the draft DCO to make clear that it does not automatically override the requirement for Land Drainage Consents being issued under Section 23 of the LDA and Section 66 byelaws.</p> <p>Because Section 23 of the Land Drainage Act is a prescribed consent, pursuant to section 150 of the Planning Act 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462, the DCO would need to expressly disapply any provision for this not to apply and such disapplication could only be done with the consent of the person or body which would otherwise be required to grant the prescribed consent or authorisation. Because the DCO does not expressly disapply this, there is no means through which the DCO would override the need to obtain such consents.</p> <p>Whilst Section 66 Byelaws are not a prescribed consent, they would still need to be expressly</p>	6 July 2023

		disapplied if they were not to have effect, which is why this was previously done through Article 52 and Schedule 16. Because National Grid is proposing to remove the disapplication of IDB byelaws within Schedule 16 of the draft DCO, and instead insert a new paragraph 12 to Article 19, these byelaws will still apply, subject to the provisions of Article 19(12).	
3.1.6	DCO Article 21 – Survey and investigating land / watercourses	The Parties agree that no changes to Article 21 are required, on the basis that National Grid do not foresee a requirement for any site investigation or survey work that could generate large volumes of water that would need to be discharged.	29 June 2023
3.1.7	DCO Requirements	The Parties agree that the relevant DCO Requirements on which AIDB should be consulted as “the relevant drainage authority” for its district are as follows: <ul style="list-style-type: none"> • 6.(1)(b) Drainage Management Plan • 6.(4) Written Details of Surface and Foul Water Drainage Systems • 13. Removal of Temporary Bridges and Culverts 	6 July 2023

Permitting issues

3.1.8	Temporary watercourse crossings for construction access	There are four new temporary access crossings of ordinary watercourses within the AIDB district that require land drainage consent: <ul style="list-style-type: none"> • One clear span bridge on an IDB-maintained watercourse (the Foss) • One culvert on an IDB-maintained watercourse (MM052) • Two culverts on ordinary watercourses 	29 June 2023
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		<p>In addition, upgrading works may be required to a further four existing culverts (three on IDB-maintained watercourses; one on a ordinary watercourse).</p> <p>Further details are provided in Appendix A of this SoCG.</p> <p>The Parties agree that the detailed design of these crossings will be subject to AIDB approval prior to commencement of works. Approval of the culvert crossings would be via Section 23 consents. Approval of the clear-span bridge crossings would be via a Section 66 consent.</p> <p>Should the need emerge for any other watercourse crossings, these would be subject to the appropriate consent from AIDB (Section 23 consent for culverts; Section 66 consent for open span crossings of IDB-maintained watercourses).</p>	
3.1.9	Temporary works within 9 metres of IDB-maintained watercourses	The Parties agree that any temporary construction works within 9m of the top of bank of IDB-maintained watercourses will be subject to the approval of AIDB prior to commencement of works via a Section 66 consent.	29 June 2023
3.1.10	Runoff from working areas	The Parties agree that runoff rates from temporary access tracks and working areas to watercourses within the AIDB district shall not exceed greenfield rates. The local planning authority will consult with AIDB as the relevant drainage authority for its district when discharging DCO Requirements 6.(1)(b) and 6.(4). In addition, AIDB will approve any new surface water discharges to watercourses (directly or indirectly) in its district via Section 66 consents for the discharges themselves, and Section 23	29 June 2023

		<p>consents for any new headwall or outfall structures in receiving watercourses.</p> <p>Specific runoff rates are to be agreed at the time applications are made for consent or to discharge DCO requirements. In line with embedded measure HY3 in Table 3.5 of the Code of Construction Practice (Document 5.3.3B) [REP2-021], National Grid will design construction phase drainage systems that prioritise disposal of surface runoff via infiltration over discharge to watercourses wherever possible.</p>	
3.1.11	No pylons within 9 metres lateral distance of IDB-maintained watercourses	The Parties agree that no pylons will be located within 9 metres lateral distance of the top of bank of IDB-maintained watercourses.	14 June 2023
3.1.12	Restoration of watercourse bed and banks	<p>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 DCO Requirements 11 and 13 and through relevant conditions attached to any Section 23 or Section 66 consents.</p> <p>Once Requirements 11 and 13, and any conditions attached to any Section 23 or Section 66 consents, are discharged, responsibility for the condition of watercourse bed or beds would revert to the riparian landowner or occupier.</p>	14 June 2023
Riparian rights and responsibilities			
3.1.13	No obstruction of watercourses	The Parties agree that the Project must not cause an obstruction to flows within watercourses in the AIDB district.	6 July 2023

3.1.14	IDB rights of access for watercourse maintenance	The Parties agree that AIDB retains its rights of access under the LDA to maintain watercourses and remove obstructions to flow within its district.	6 July 2023
3.1.15	Riparian owner/ occupier responsibilities and liability	The Parties agree that the DCO must not impact the riparian owner rights and responsibilities associated with watercourses within the Order Limits.	6 July 2023

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	AIDB Position	National Grid Position
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 AIDB. In particular **Table 5.1** details these matters.

Table 5.1 – Matters outstanding

SoCG ID	Matter	AIDB Position	National Grid Position
Permitting Issues			
5.1.1	Minimum conductor clearance above IDB-maintained watercourses	AIDB's internal guidance on safe working around overhead lines specifies that a 7m exclusion zone for 275 and 400kV overhead lines should be provided in addition to the maximum working height for their machinery of 3.5m. AIDB therefore require a minimum clearance of 10.5m from top of bank of maintained watercourses. AIDB will accept a minimum clearance of 9.5m between pylons XC459 and XC460 as a one-off but AIDB are likely to need to excavate the ground to provide the minimum clearance of 10.5 metres that we require. AIDB require a minimum of	National Grid confirms that the minimum height of conductors above ground level will be 7.7 metres for 400 kV and 7.0 metres for 275 kV overhead lines throughout the project Order Limits, as specified in the Electricity Safety, Quality and Continuity Regulations 2002. In addition, overhead lines have been designed to meet industry standard clearance requirements as set out in Energy Networks Association – Technical Specification 43-8. The clearance above top of bank for crossings of AIDB maintained watercourses is expected to exceed 10.5m in all but one location on the existing XC route. For this location, the crossing of the Foss between pylons XC459 and XC460, the proposed clearance will be approximately 9.3 to 9.5m, which exceeds the existing clearance of approximately 8.0 to 8.2m. These clearances are based on the existing design, which may be subject to review and refinement at detailed design stage.

10.5 metres between an overhead line and bank top of an IDB-maintained watercourse to be provided as otherwise we will be unable to access the watercourse as we will be breaching our safe working practices. This will leave sections of watercourses not maintained and could affect water flows. AIDB will continue to discuss the matter with National Grid to try and come to a resolution.

National Grid therefore proposes that these clearances are acceptable, and that the overhead line crossings of IDB-maintained watercourses will not require Land Drainage Consent.

National Grid will continue to engage with AIDB to reach agreement on this matter

6. Approvals

Signed	B.Kington
On Behalf of	National Grid
Name	Bethany Kington
Position	Consents officer
Date	11.07.23
Signed	C. L. Gill
On Behalf of	Ainsty (2008) Internal Drainage Board
Name	Charlotte Gill
Position	Planning Officer
Date	10.07.2023

Appendix A Summary of temporary access watercourse crossings in the Ainsty IDB district

WebGIS No.	Category	Description	Easting	Northing	Watercourse Type	Name/ IDB Code	Nearest Transport Access Point
6	New temporary bridge	Bridge potentially required to cross the Foss to northern stringing area if required by the contractor	448388	447676	IDB-maintained	The Foss (trib. of Wharfe)	56
1	New temporary culvert	New culvert over ditch	452572	456339	IDB-maintained	MM052	73
10	New temporary culvert	New culvert for crossing field drain	453998	456176	Ordinary watercourse	Unnamed	78
19	New temporary culvert	New culvert required over drain	454110	455303	Ordinary watercourse	Unnamed	78
4	Existing culvert	Upgrade existing culvert if not suitable for construction traffic	451975	456592	IDB-maintained	MM050	77
11	Existing culvert	Upgrade or replace existing culvert if unsuitable for construction traffic	451312	456312	IDB-maintained	MM051	77
12	Existing culvert	New culvert (replacement of existing subsided culvert) potentially required for construction traffic. Currently used by farm vehicles	451141	454620	Ordinary watercourse	Unnamed	71
13	Existing culvert	Upgrade existing culvert if unsuitable	450239	453363	IDB-maintained	MM060	66

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