

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 (Tracked)

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Contents

1.	Introduction	4
1.2	Description of the Project	4
1.3	This Statement of Common Ground	7
2.	Record of Engagement	9
2.1	Role of Ainsty Internal Drainage Board in the DCO process	9
2.2	Summary of pre-application discussions	9
2.3	Summary of post-submission discussions	10
3.	Matters Agreed	12
4.	Matters Not Agreed	18
5.	Matters outstanding	20
6.	Approvals	27

Table 2.1 – Pre-application discussions	10
Table 2.2 – Post-submission discussions	11 <u>14</u>
Table 3.1 – Matters agreed	12
Table 4.1 – Matters not agreed	18 <u>13</u>
Table 5.1 – Matters outstanding	20 <u>14</u>

Figure 1– Location of the Yorkshire GREEN Project	7
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Document control

Version History

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

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 May~~ 2023) of the SoCG represents the position between National Grid and AIDB up to ~~March~~ 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 ~~six~~three Local Authority boundaries² :

- **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 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.

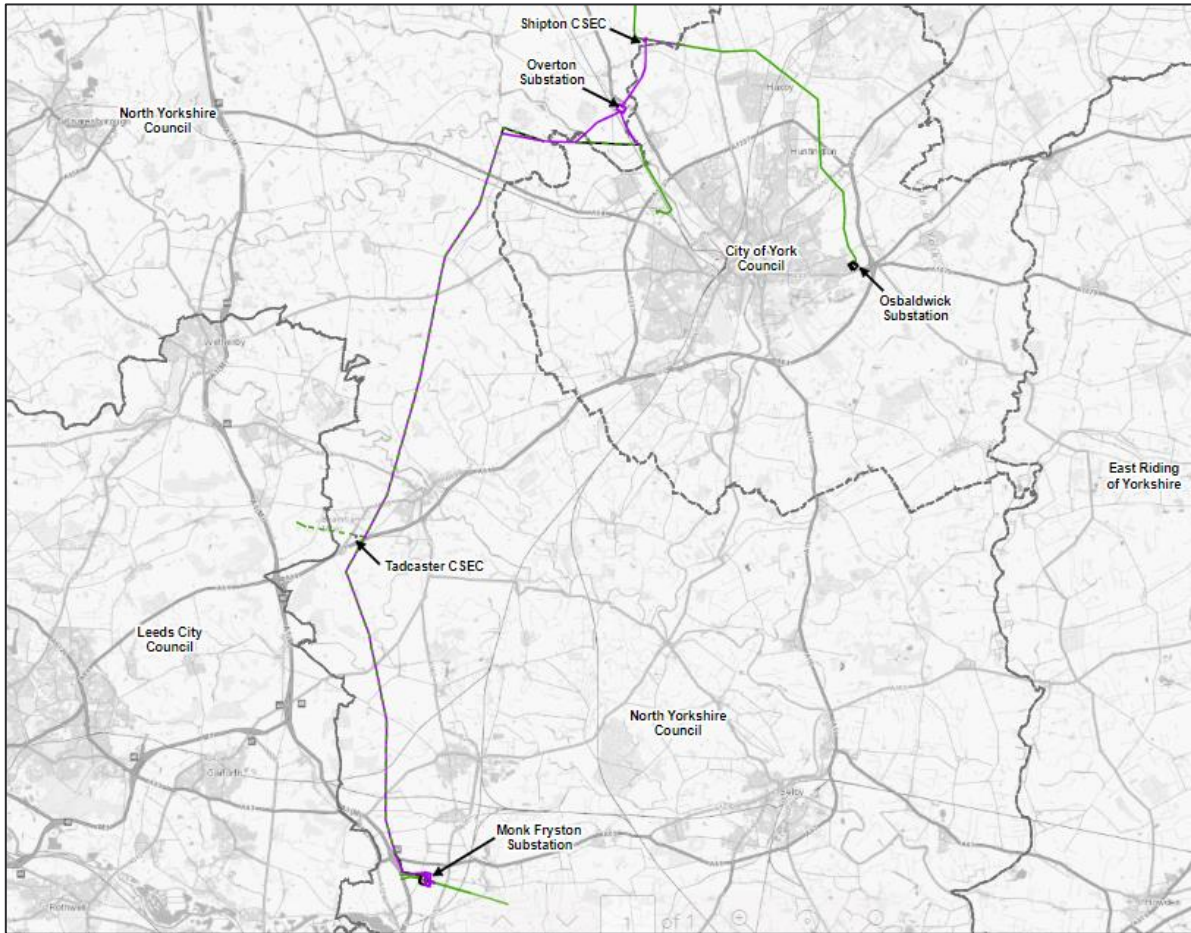
- **Section C (existing 275kV Poppleton to Monk Fryston (XC) overhead line north of Tadcaster (Section D)):** Works proposed to this existing 275kV overhead line include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- **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 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 Land Drainage Act 1991 (as amended) 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** ~~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~~ **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.
<u>02 May 2023</u>	<u>Hydrology and flood risk</u>	<u>National Grid received the AIDB Written Representation and Response to Examiner’s Written Questions provided for Deadline 2 [REP02-50].</u>
<u>11 May 2023</u>	<u>Hydrology and flood risk</u>	<u>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]).</u>
<u>14 June 2023</u>	<u>Hydrology and flood risk</u>	<u>The Applicant held a remote meeting with YCDB (representing both AIDB and Foss IDB) to discuss remaining matters outstanding.</u>
<u>29 June 2023</u>	<u>Hydrology and flood risk</u>	<u>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.</u>
<u>6 July 2023</u>	<u>Hydrology and flood risk</u>	<u>The discussions held in meetings on 14 and 29 June are supported by an exchange of emails between YCDB and the Applicant.</u>

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
n/a	n/a	n/a	n/a
<u>Volume 5.2: Environmental Statement</u>			
<u>Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]</u>			
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
<u>Volume 5.3 Environmental Statement Appendices</u>			
<u>Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]</u>			
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
<u>Draft Development Consent Order (Document 3.1(D), to be submitted to the Examination at Deadline 5)</u>			
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	29 June 2023

		<p><u>surface water discharge to any watercourse within the IDB's district.</u></p> <p><u>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:</u></p> <p><u>(a) the consent is not to be unreasonably withheld; and</u></p> <p><u>(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.</u></p>	
<u>3.1.4</u>	<u>Schedule 16 of the DCO</u>	<u>The Parties agree that reference to disapplication of AIBD byelaws will be removed from Schedule 16 of the draft DCO.</u>	<u>29 June 2023</u>
<u>3.1.5</u>	<u>No additional changes to DCO</u>	<p><u>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.</u></p> <p><u>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.</u></p>	<u>6 July 2023</u>

		<u>Whilst Section 66 Byelaws are not a prescribed consent, they would still need to be expressly 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).</u>	
<u>3.1.6</u>	<u>DCO Article 21 – Survey and investigating land / watercourses</u>	<u>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.</u>	<u>29 June 2023</u>
<u>3.1.7</u>	<u>DCO Requirements</u>	<u>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:</u> <ul style="list-style-type: none"> <u>• 6.(1)(b) Drainage Management Plan</u> <u>• 6.(4) Written Details of Surface and Foul Water Drainage Systems</u> <u>• 13. Removal of Temporary Bridges and Culverts</u> 	<u>6 July 2023</u>
<u>Permitting issues</u>			
<u>3.1.8</u>	<u>Temporary watercourse crossings for construction access</u>	<u>There are four new temporary access crossings of ordinary watercourses within the AIDB district that require land drainage consent:</u> <ul style="list-style-type: none"> <u>• One clear span bridge on an IDB-maintained watercourse (the Foss)</u> 	<u>29 June 2023</u>

- One culvert on an IDB-maintained watercourse (MM052)
- Two culverts on ordinary watercourses

In addition, upgrading works may be required to a further four existing culverts (three on IDB-maintained watercourses; one on a ordinary watercourse).

Further details are provided in Appendix A of this SoCG.

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.

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).

<u>3.1.9</u>	<u>Temporary works within 9 metres of IDB-maintained watercourses</u>	<u>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.</u>	<u>29 June 2023</u>
<u>3.1.10</u>	<u>Runoff from working areas</u>	<u>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</u>	<u>29 June 2023</u>

		<p><u>indirectly) in its district via Section 66 consents for the discharges themselves, and Section 23 consents for any new headwall or outfall structures in receiving watercourses.</u></p> <p><u>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.</u></p>	
<u>3.1.11</u>	<u>No pylons within 9 metres lateral distance of IDB-maintained watercourses</u>	<u>The Parties agree that no pylons will be located within 9 metres lateral distance of the top of bank of IDB-maintained watercourses.</u>	<u>14 June 2023</u>
<u>3.1.12</u>	<u>Restoration of watercourse bed and banks</u>	<p><u>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.</u></p> <p><u>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.</u></p>	<u>14 June 2023</u>

Riparian rights and responsibilities

<u>3.1.13</u>	<u>No obstruction of watercourses</u>	<u>The Parties agree that the Project must not cause an obstruction to flows within watercourses in the AIDB district.</u>	<u>6 July 2023</u>
<u>3.1.14</u>	<u>IDB rights of access for watercourse maintenance</u>	<u>The Parties agree that AIDB retains its rights of access under the LDA to maintain watercourses and remove obstructions to flow within its district.</u>	<u>6 July 2023</u>
<u>3.1.15</u>	<u>Riparian owner/ occupier responsibilities and liability</u>	<u>The Parties agree that the DCO must not impact the riparian owner rights and responsibilities associated with watercourses within the Order Limits.</u>	<u>6 July 2023</u>

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

<u>SoCG ID</u>	<u>Matter</u>	<u>Agreed positionAIDB Position</u>	<u>Date of AgreementNational Grid Position</u>
<u>N/A4.1.1</u>	<p><u>N/ADisapplication of AIDB byelaws. Within Schedule 16 Part 2 of the Draft Development Consent Order (Document 3.1(C)) [REP3-004], it is proposed that the following AIDB byelaws are disapplied:</u></p> <p><u>3— Control of introduction of water and increase in flow or volume of water</u></p> <p><u>10— No obstructions within 9 metres of the edge of the watercourse;</u></p> <p><u>14— Vehicles not to be driven on banks;</u></p>	<p><u>N/AIDB objects to the disapplication of these byelaws, which are designed to allow them to discharge their responsibilities to maintain efficient drainage and carry out works on maintained watercourses within their District (Relevant Representation by Ainsty (2008) Internal Drainage Board) [RR-002].</u></p> <p><u>AIBD’s comments on the draft DCO and further clarification of its position with respect to National Grid’s proposed disapplication of byelaws were provided in their Written Representation and Response to Examiner’s Written Questions provided for Deadline 2 [REP02-50]. It should be noted that this response was made jointly by the YCDB on behalf of both AIBD and the Foss IBD, although most of the comments were primarily of relevance to AIDB.</u></p>	<p><u>N/ANational Grid is seeking to disapply those byelaws that may affect its ability to construct the project. However, in doing so, it is proposing to provide alternative provision within the DCO to provide an equivalent level of environmental protection/ rights to that provided by byelaws that are proposed to be disapplied.</u></p> <p><u>National Grid’s proposals in this regard are set out in detail in the Applicant’s Comments on Written Representations and other Interested Parties’ Deadline 2 Submissions (Document 8.20 [REP3-032]) submitted at Deadline 3.</u></p> <p><u>National Grid will continue to engage with AIDB in an attempt to secure their agreement to the proposed disapplication of Byelaws 3, 10, 14, 15 and 17.</u></p>

15—Banks not to be
used for storage; and

17—Fences,
excavations, pipes etc.

5. Matters outstanding

5.1.1 Section 5 sets out matters where agreement is currently outstanding between National Grid and Ainsty IDB. In particular [Table 5.1](#) details these matters.

Table 5.1 – Matters outstanding

SoCG ID	Matter	Agreed position AIDB Position	Date of Agreement National Grid Position
Volume 5.2 Environmental Statement			
Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]			
5.1.1	National Grid invites Ainsty IDB to agree with the conclusions of the hydrology and flood risk EIA	To be confirmed	As described in Document 5.2.9: Hydrology and Flood Risk ES Chapter, Volume 5 Environmental Statement [APP-081] .
Volume 5.3 Environmental Statement Appendices			
Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]			
5.1.2	National Grid invites Ainsty IDB to agree that the Flood Risk Assessment is a matter for the Environment Agency and	To be confirmed.	As described in Document 5.2.9: Flood Risk Assessment, Appendix 9D, Volume 5 Environmental Statement [APP-138] .

LLFAs to review and approve

Draft Development Consent Order (Document 3.1(C)) [REP3-004]

5.1.3

National Grid seeks agreement from AIBD that the ~~draft Development Consent Order (DCO) (Document 3.1(C)) [REP3-004]~~ appropriately secures AIBD's interests in the context of the Project.

~~AIBD's comments on the draft DCO were provided in the Written Representation and Response to Examiner's Written Questions [REP02-50] provided by the YCDB for Deadline 2.~~

~~National Grid provided its response to the comments on the draft DCO provided by the YCDB on behalf of FIBD and Ainsty IDB and is set out the Applicant's Comments on Written Representations and other Interested Parties' **Deadline 2 Submissions (Document 8.20 [REP3-032])**, submitted at Deadline 3. National Grid trust that this response provides the basis for agreement on many of the comments raised by AIBD on the draft DCO. National Grid will engage with AIBD to establish an agreed position on as many of these matters as possible ahead of Examination Deadline 5 (11 July 2023).~~

Permitting Issues

5.1.4

Temporary watercourse crossings for construction access

~~AIBD's comments on permitting of temporary watercourse crossings were provided in the **Written Representation and Response to Examiner's Written Questions [REP02-50]** provided by the YCDB for Deadline 2.~~

AIBD has not seen any proposed details for these culverts. These should be

~~Within the AIBD district, National Grid envisage there would be a requirement to apply for Land Drainage Consents for up to four new temporary access watercourse crossings. These comprise one temporary clear span bridge on a maintained watercourse and three culverts. In addition, upgrading works may be required to a further four existing culverts. Further details of all proposed temporary access watercourse crossings in AIBD's district were provided as **Appendix B of Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])** submitted at Deadline 3.~~

specific to each location and therefore have an individual consent application. AIDB would be looking:

- a) To ensure any culvert when installed does not restrict the conveyance capacity of the watercourse either day to day or in high flows. This includes the invert level of the culvert, which will also be site specific.
- b) To ensure the flood storage of the channel is not lost, or is suitably compensated for.
- c) That any handrails, fences, etc do not hinder the ability to carry out maintenance works, or the flows of the watercourse

Land Drainage Consents for new culverts and works to existing culverts will be sought from AIDB under Section 23 of the Land Drainage Act 1991.

The clear span bridge is over an AIDB-maintained watercourse (the Foss), which would normally require Land Drainage Consent under AIDB Byelaw 10. However, as noted under **Item 4.1.1 in Table 4.1**, National Grid is proposing to disapply a number of AIDB's Byelaws, including Byelaw 10. National Grid acknowledges the AIDB's objection to disapplication of its byelaws, but has proposed an alternative approval mechanism for works affecting watercourses in AIDB's district via changes to the wording of Article 19 of the draft DCO. These proposals are set out in detail in **Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])**, submitted at Deadline 3. National Grid will engage further with the AIDB on this matter.

For the avoidance of doubt **the Draft DCO (Document 3.1(B) [AS-011]** does not seek to disapply the requirement to obtain Section 23 Consents under the Land Drainage Act 1991. AIDB's requirements for watercourse crossing design are noted and are consistent with the embedded mitigation measure *HY7— construction access watercourse crossing design*, which is secured through the **Code of Construction Practice (Refer to Table 3.5 of Document 5.3.3B Appendix 3B Code of Construction Practice [APP-095])**. Final detailed design of any watercourse crossing

~~within its district would be subject to the approval of the AIDB, either via the proposed rewording of DCO Article 19 for clear span bridges over maintained watercourses, or via Section 23 of the Land Drainage Act 1991 for culverts.~~

5.1.5

Temporary works within 9 metres of IBD-maintained watercourses

~~AIDB's position is that any works within 9 metres of IBD-maintained watercourses should be subject to Land Drainage Consent under their byelaws, as set out in **Written Representation and Response to Examiner's Written Questions [REP02-50]** provided by the YCDB for Deadline 2.~~

~~Wherever possible (with the exception of watercourse crossings, as discussed above), construction works will remain outside the 9m stand-off distance from watercourses. Approval of the IBD will be sought for any exceptional instances where this cannot be achieved. As noted under Item 4.1.1 in Table 4.1, National Grid proposes that this approval be secured via the proposed changes to Article 19 of the DCO, as presented in Applicant's Comments on **Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])** submitted at Deadline 3.~~

5.1.6

Runoff from working areas

~~AIDB's position, as set out in its **Written Representation and Response to Examiner's Written Questions [REP02-50]**, is that Article 19 of the current draft DCO (**Document 3.1(B)) [AS-011]** of discharge of water is not fit for purpose for the management of surface water runoff from the project to watercourses in its district.~~
~~It also disagrees with the proposed disapplication of Byelaw 3, which is the~~

~~National Grid's detailed response to AIDB's position on this matter is set out in its **Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])** submitted at Deadline 3 and is summarised below.~~

~~National Grid agrees that certain changes to the wording of Article 19 of the draft DCO would be appropriate.~~

~~Although National Grid is proposing to disapply AIDB Byelaw 3, Requirement 6(1)(b) and Requirement 6(4) of the **draft DCO (Document 3.1(C)) [REP3-004]** require the submission and~~

		<p>normal means by which AIDB would consent surface water discharges in its district.</p> <p>AIDB also requires that, for any new discharge of surface water, a maximum per unit area discharge rate of 1.4 litres per second per hectare and a minimum absolute rate of 0.5 litres per second is applied. AIDB does not accept the use of the IH124 method for calculation of alternative 'greenfield' runoff rates.</p>	<p>approval of a drainage management plan by the relevant planning authority, in consultation with the relevant drainage authority. The AIDB would be the relevant drainage authority for its district.</p> <p>National Grid note AIDB's requirement for a maximum per unit area discharge rate for surface water discharges of 1.4 l/s/ha. This maximum discharge rate appears to be rather low, since freely available soils mapping data (https://www.landis.org.uk/soilscapes/) suggests that soils are poorly permeable across the Ainsty IBD's district. Therefore, National Grid request that Ainsty IBD provide justification for this requirement.</p> <p>Detailed design of construction phase drainage has not yet commenced, but will be secured via DCO Requirements 6(1)(b) and 6(4) as noted above. 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. Where discharge to watercourses proves to be necessary, National Grid will seek further engagement with AIDB to agree appropriate discharge rates.</p>
5.1.7	No pylons within 9 metres lateral distance of IDB-maintained watercourses	To be confirmed	National Grid confirms that all new permanent ground level infrastructure associated with the project will be located outside the AIDB byelaw stand-off distance of 9m from the top of bank of maintained watercourses. For the AIDB's district, this will be limited to nine new pylons (XC421 to XC429), which are in the vicinity of Maintained

~~Watercourses 052 (Brecks Dyke) and 054 (Deighton Plantation Dyke), as shown on Figure 3.2 of the Environmental Statement **Chapter 3 Description of the Project Figures (Document 5.3.4(B)) [AS-0178].**~~

5.1.18

Minimum conductor clearance above IDB-maintained watercourses

~~To be confirmed~~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 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

National Grid confirms that the minimum height of conductors above ground level~~top of bank of IDB-maintained watercourses~~ 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.

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

			<u>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.</u>
5.1.9	Restoration of watercourse bed and banks	AIDB requests that an additional provision is added to the draft DCO so that any damage caused by the removal of the bridges/culverts shall be made good to the reasonable satisfaction of the relevant drainage authorities (YCBD Written Representation and Response to Examiner's Written Questions [REP02-50).	As set out in its Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032]) , submitted at Deadline 3, 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. In addition, AIDB could attach reasonable conditions under the proposed amended wording in Article 19 of the DCO, or to a Section 23 consent under the Land Drainage Act 1991 where required.
Riparian rights and responsibilities			
5.1.10	No obstruction of watercourses	To be confirmed	National Grid confirms that the Project will not cause an obstruction to flows within watercourses in the AIDB district.
5.1.11	AIDB rights of access for watercourse maintenance	To be confirmed	National Grid confirms that AIDB 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.

6. Approvals

Signed	B.Kington
On Behalf of	National Grid
Name	Bethany Kington
Position	Consents officer
Date	27.3.23 <u>11.07.23</u>
Signed	Bill Symons <u>C. L. Gill</u>
On Behalf of	Ainsty (2008) Internal Drainage Board
Name	Bill Symons <u>Charlotte Gill</u>
Position	Clerk and Engineer to the Board <u>Planning Officer</u>
Date	03/04/2023 <u>10.07.2023</u>

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

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

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