

YG-DCO-080(B)

# Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.13(B) Statement of Common Ground Between National Grid Electricity Transmission and Kyle and Upper Ouse Internal Drainage Board (Tracked)

~~Draft Final~~ Version 42  
July May 2023

Planning Inspectorate Reference: EN020024

Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009 Regulation 5(2)(q)

# Contents

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<b>1.</b>	<b>Introduction</b>	<b>4</b>
1.2	Description of the Project	4
1.3	This Statement of Common Ground	7
<b>2.</b>	<b>Record of Engagement</b>	<b>9</b>
2.1	Role of KUOIDB in the DCO process	9
2.2	Summary of pre-application discussions	9
2.3	Summary of post-submission discussions	10
<b>3.</b>	<b>Matters Agreed</b>	<b>12</b>
<b>4.</b>	<b>Matters Not Agreed</b>	<b>24</b>
<b>5.</b>	<b>Matters outstanding</b>	<b>25</b>
<b>6.</b>	<b>Approvals</b>	<b>27</b>

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Table 2.1 – Pre-application discussions	10
Table 2.2 – Post-submission discussions	10
Table 3.1 – Matters agreed	12
Table 4.1 – Matters not agreed	24
Table 5.1 – Matters outstanding	25

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Figure 1– Location of the Yorkshire GREEN Project	7
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Appendix A: Draft wording of relevant DCO Requirements	
Appendix B: Details of proposed watercourse crossings in the KUOIDB district	

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# Document Control

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**Version History**

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<b>Document</b>	<b>Version</b>	<b>Status</b>	<b>Description / Changes</b>
Statement of Common Ground	1	Draft	For submission at Deadline 1
<u>Statement of Common Ground</u>	<u>2</u>	<u>Final</u>	<u>Final version for examination</u>

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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 Kyle and Upper Ouse Internal Drainage Board ('KUOIDB') 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 guidance<sup>1</sup> published by the Department for Levelling Up, Housing and Communities.
- 1.1.4 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and KUOIDB.
- 1.1.5 This version (V2 July 2023) of the SoCG represents the position between National Grid and KUOIDB at the Deadline 5 stage of the Project Examination process on 11 July 2023~~the end of March 2023 (i.e. up to and just beyond the submission of the application on 15 November 2022). The SoCG will evolve as the DCO application progresses to through the Examination Phase~~This version of the SoCG represents the final version with all matters agreed.

## 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

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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)

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 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 boundaries<sup>2</sup> :
- **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

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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.

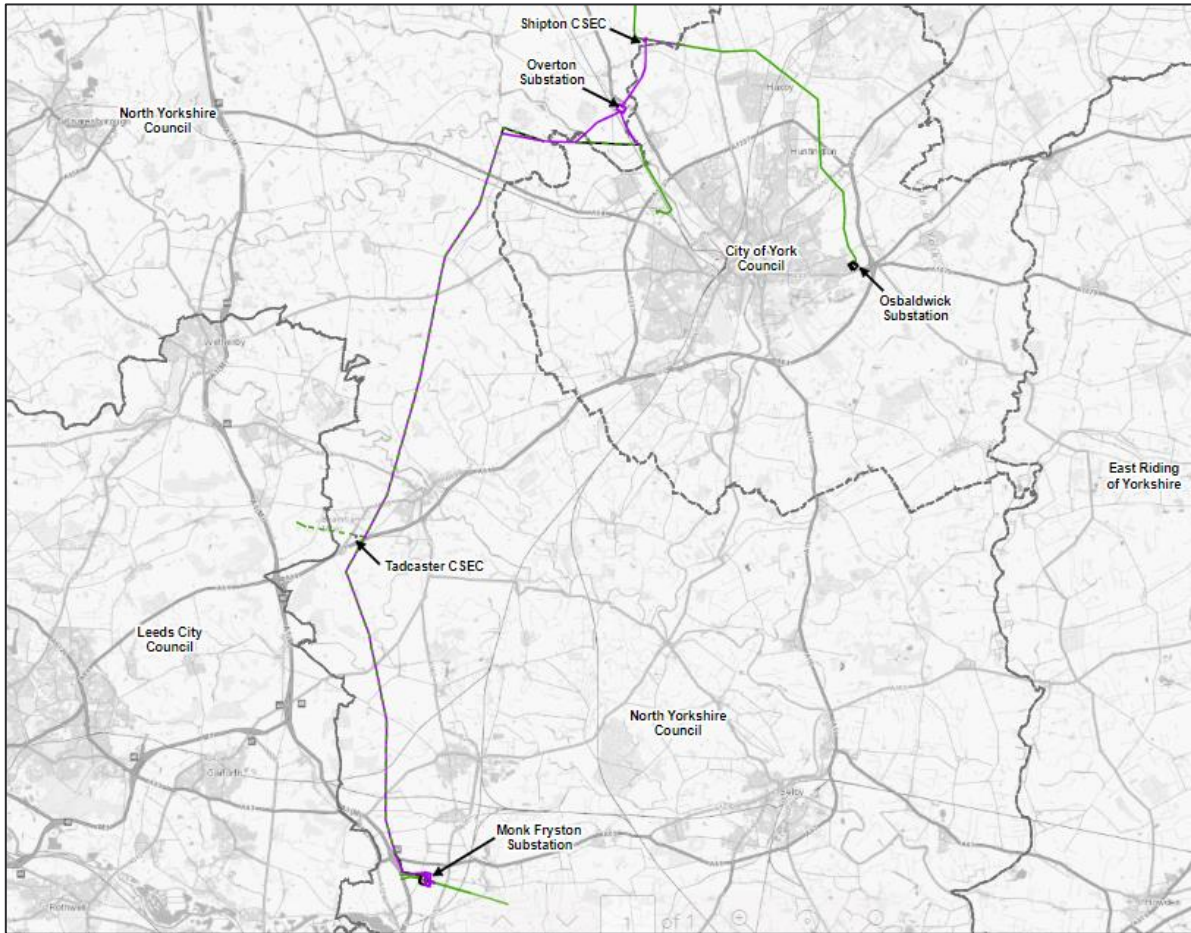
south-east) would be permanently removed. A 2.35km section of this existing overhead line permanently removed between the East Coast Mainline (ECML) Railway and Woodhouse Farm to the north of Overton.

- **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.
- **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 KUOIDB's district in Section B to the west of the River Ouse.

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 KUOIDB will jointly be referred to as the “Parties”. When referencing KUOIDB 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 KUOIDB, 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 KUOIDB 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 KUOIDB 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 KUOIDB is a public authority managing water levels within its district, which covers a total area of 11,753 ha to the east of the River Ouse and to the north of the City of York. It is part of the Shire Group of Risk Management Authorities, which currently manages and supports IDBs, Lead Local Flood Authorities, Councils and the Environment Agency in Yorkshire, Lincolnshire, Staffordshire, Buckinghamshire and Herefordshire.
- 2.1.5 In addition to being a prescribed consultee to the DCO process, the KUOIDB 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, KUOIDB 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
21 September 2022	Hydrology and flood risk	The Applicant’s environmental consultant provided the KUOIBD with a draft copy of the Overton Substation drainage strategy for comment (email).
07 October 2022	Hydrology and flood risk	KUOIBD provided a response by email to the inquiry of 21 September 2022
07 November 2022	Hydrology and flood risk	The Applicant’s environmental consultant emailed KUOIBD setting out proposals for partial disapplication of its Drainage Byelaws and requesting a meeting to discuss further.

## 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
21 November 2022	Hydrology and flood risk	A meeting was held between the Applicant’s environmental consultant and KUOIBD to discuss KUOIBD’s role in the DCO process, disapplication of permitting powers and preparation of this SoCG.
21 November 2022	Hydrology and flood risk	KUOIBD emailed the Applicant’s environmental consultant with a summary of discussion points from the 21 November 2022 meeting, enclosing an SoCG that had been concluded for another DCO project as an example.
20 January 2023	Hydrology and flood risk	KUOIBD emailed the Applicant’s environmental consultant to confirm that the minimum conductor clearance heights proposed by the Project are acceptable.
03 February 2023	Hydrology and flood risk	The Applicant’s environmental consultant emailed KUOIBD with a draft version of this SoCG and asked them to provide comments.
03 March 2023	Hydrology and flood risk	The Applicant’s environmental consultant emailed KUOIBD with a reminder to provide comments on the draft version of the SoCG. No comments have been received to date (27 March 2023), so Version 1 of the SoCG was finalised for Examination Deadline 1 on the basis of the draft shared with KUOIBD on 03 February 2023.

<b>Date</b>	<b>Topic</b>	<b>Discussion points</b>
<u>11 May 2023</u>	<u>Hydrology and flood risk</u>	<u>The Applicant's environmental consultant emailed KUOIDB with a draft updated Version 2 of the SoCG for review and comment.</u>
<u>16 June 2023</u>	<u>Hydrology and flood risk</u>	<u>A virtual meeting was held between KUOIDB, the Applicant's environmental consultant and the Applicant's legal advisors to review the draft Version 2 SoCG and discuss remaining outstanding matters.</u>
<u>23 June 2023</u>	<u>Hydrology and flood risk</u>	<u>The Applicant's environmental consultant emailed KUOIDB with a revised Version 2 SoCG for review and approval.</u>
<u>6 July 2023</u>	<u>Hydrology and flood risk</u>	<u>There was a further exchange of emails between the Applicant's Environmental Consultant and KUOIDB to finalise Version 2 of the SoCG.</u>

## 3. Matters Agreed

3.1.1 This section sets out the matters that have been agreed between National Grid and KUOIDB. In particular **Table 3.1** details these matters.

Table 3.1 – Matters agreed

<u>SoCG ID</u>	<u>Matter</u>	<u>Agreed position</u>	<u>Date of Agreement</u>
<b><u>Volume 5.2 Environmental Statement</u></b>			
<b><u>Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]</u></b>			
<u>3.1.1</u>	<u>Conclusions of the hydrology and flood risk EIA.</u>	<u>KUOIDB 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.</u>	<u>16 June 2023</u>
<b><u>Volume 5.3 Environmental Statement Appendices</u></b>			
<b><u>Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]</u></b>			
<u>3.1.2</u>	<u>Conclusions of the flood risk assessment (FRA)</u>	<u>KUOIDB 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.</u>	<u>16 June 2023</u>
<b><u>ES Appendix 9D, Flood Risk Assessment, Annex 9D.5: Overton Substation Drainage Strategy (Document 5.3.9D) [APP-138]</u></b>			
<u>3.1.3</u>	<u>Runoff rates from the proposed substation</u>	<u>KUOIDB agrees with the proposed approach to surface runoff management as set out in the Overton Substation Drainage Strategy. This includes limiting the discharge from the</u>	<u>16 June 2023</u>

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site to the Hurns Gutter (a KUOIDB maintained ordinary watercourse) for all events up to the 1 in 100 plus 30% climate change event to the calculated greenfield runoff rate presented in the drainage strategy (25.11 l/s, or 4.1 l/s/ha). KUOIDB's agreement in principle is subject to detailed design. This is secured through the Drainage Management Plan referenced in Requirement 6(1)(b), which requires approval from the relevant local planning authority in consultation with the relevant drainage authority via discharge of DCO Requirement 6(4). In addition, any discharge of surface water from the substation to a watercourse would require Section 66 consent from KUOIDB.

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

3.1.4 KUOIDB byelaws created under Section 66 of the LDA.

It is The Parties agreed that KUOIDB's Section 66 byelaws will be retained in their entirety. This includes powers to regulate any works within 7m of the top of bank of IDB-maintained watercourses, and surface water discharge to any watercourse within the IDB's district.

However, provision will be made within the DCO to ensure that Section 66 consents are granted on a similar basis to Section 23 consents, i.e. on the following basis:-

- (a) the consent is not to be unreasonably withheld; and
- (b) if the internal drainage board fail within 28 days after receipt of the application to notify the applicant in writing of their determination,

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		<p><u>the internal drainage board are deemed to have consented to the application.</u></p> <p><u>The Parties agree that there would be a further 28-day pre-application period for clarifications or additional information to be provided for Section 66 consents.</u></p> <p><u>The Parties agree that the statutory 2-month determination period for Section 23 consents will be unaffected</u></p>	
<u>3.1.5</u>	<u>DCO Requirements</u>	<p><u>The Parties agree that the relevant DCO Requirements on which KUOIDB should be consulted as “the relevant drainage authority” for its district are as follows:</u></p> <ul style="list-style-type: none"> <li><u>• 6.(1)(b) Drainage Management Plan</u></li> <li><u>• 6.(4) Written Details of Surface and Foul Water Drainage Systems</u></li> <li><u>• 13. Removal of Temporary Bridges and Culverts</u></li> </ul> <p><u>The draft wording of Requirements of relevance to KUOIDB’s interests is provided for reference in Appendix A.</u></p>	<u>21 November 2022</u>
<b><u>The Applicant and the IDB have discussed the following aspects of the Proposed Scheme which require their consent:Permitting issues</u></b>			
<u>3.1.6</u>	<u>Temporary watercourse crossings for construction access</u>	<p><u>There are five temporary access crossings of ordinary watercourses within the KUOIDB district that require IDB-land drainage consent:</u></p> <ul style="list-style-type: none"> <li><u>• --Three crossings of IDB-maintained ordinary watercourses; two across Hurns Gutter and one across Gutter 036, which are planned as free span bridges.</u></li> </ul>	<u>16 June 2023</u> <u>36 July 2023</u>

- --Two crossings of ordinary watercourses which are planned as culverts.

Further details are provided in Appendix B. The Parties agree that the detailed design of these crossings will be subject to KUOIDB approval prior to commencement of works. Approval of the culvert crossings and the clear span bridge crossings of maintained watercourses would be via a Section 23 consent. 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 also be subject to Section 23 the appropriate consent from KUOIDB (Section 23 consent for culverts; Section 66 consent for open span crossings of IDB-maintained watercourses).

<u>3.1.7</u>	<u>Temporary works within 7 metres of IDB-maintained watercourses</u>	<u>The Parties agree that any other temporary construction works or structures within 7m of the top of bank of IDB-maintained watercourses will be subject to the approval of KUOIDB prior to commencement of works via a Section 66 consent.</u>	<u>16 June 2023</u>
<u>3.1.8</u>	<u>Runoff from working areas</u>	<u>The Parties agree that runoff rates from temporary working areas to watercourses within the KUOIDB district shall not exceed greenfield rates as calculated using industry standard methods. The local planning authority will consult with KUOIDB as the relevant drainage authority for its district when discharging DCO Requirements 6.(1)(b) and 6.(4) (see Appendix A for draft wording). In addition, KUOIDB will approve any new</u>	<u>16 June 2023</u>

		<u>surface water discharges to watercourses in its district via Section 66 consents.</u>	
<u>3.1.9</u>	<u>No pylons within 7 metres lateral distance of IDB-maintained watercourses</u>	<u>The Parties agree that no pylons will be located within 7 metres lateral distance of the top of bank of IDB-maintained watercourses.</u>	<u>21 November 2022</u>
<u>3.1.10</u>	<u>Minimum conductor clearance above IDB-maintained watercourses</u>	<u>The Parties agree that the minimum height of conductors above top of bank of IDB-maintained watercourses will be 7.7 metres for 400 kV and 7.0 metres for 275 kV overhead lines. Provided these minimum clearance heights are achieved, there is no requirement for Section 66 consents for overhead line crossings of IDB-maintained watercourses.</u>	<u>16 June 2023</u>
<u>3.1.11</u>	<u>Restoration of watercourse bed and banks</u>	<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 (see Appendix A for draft wording). Once Requirements 11 and 13 are discharged, responsibility for the condition of watercourse bed or beds would revert to the riparian landowner or occupier.</u>	<u>16 June 2023</u>
<u>3.1.12</u>	<u>KUOIDB charges</u>	<u>The standard £50 charge (or such other sum as may be prescribed) for Section 23 consents will apply for applications for works or structures within ordinary watercourses within the KUOIDB's district. KUOIDB do not charge for Section 66 consents.</u>	<u>16 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 will not cause an obstruction to flows within watercourses in the KUOIDB district.</u>	<u>21 November 2022</u>
<u>3.1.14</u>	<u>IDB rights of access for watercourse maintenance</u>	<u>The Parties agree that KUOIDB retains its rights of access to maintain watercourses and remove obstructions to flow within its district. These rights are secured under Chapter 59 Part 2 Sections 14 and 15, and Part IV, Chapter 3, Section 61A and Part V, Chapter 3, Section 64 of the LDA.</u>	<u>16 June 2023</u>
<u>3.1.15</u>	<u>Riparian owner occupier responsibilities and liability</u>	<u>The Parties agree that the DCO does not impact the riparian owner rights and responsibilities associated with watercourses within the Order Limits.</u>	<u>16 June 2023</u>
SoCG ID	Matter	Agreed position	Date of Agreement
<b>Document 5.3.9ES Appendix 9D, Flood Risk Assessment, Annex 9D.5E: Overton Substation Drainage Strategy (Document 5.3.9D) [APP-138]</b>			
<del>3.1.31</del>	<del>Runoff rates from the proposed substation</del>	<del>KUOIDB agrees in principle with the proposed approach to surface runoff management as set out in the Overton Substation Drainage Strategy (Annex 9D.5 of <b>Appendix 5.3.9D, Flood Risk Assessment, (Document 5.3.9D) [APP-138]</b>. This includes limiting the discharge from the site to the Hurns Gutter (a KUOIDB maintained ordinary watercourse) for all events up to the 1 in 100 plus 30% climate change event to the calculated greenfield runoff rate presented in the drainage strategy (25.11 l/s, or 4.1 l/s/ha). KUOIDB's agreement in principle is subject to detailed design. This detailed design is secured through the Drainage Management Plan</del>	<del>16 June 2023</del> <del>21 November 2022</del>

referenced in Requirement 6(1)(b), which requires approval from the relevant local planning authority in consultation with the relevant drainage authority via discharge of DCO Requirement 6(4) (see also SoCG ID 3.1.5). In addition, any discharge of surface water from the substation to a watercourse would require Section 66 consent from KUOIBD.

**Draft Development Consent Order (Document 3.1(CB)) [REP3-004AS-011]**

**3.1.42**

Disapplication of the following KUOIBD byelaws:  
 3—Control of introduction of water and increase in flow or volume of water  
 10—No obstructions within seven metres of the edge of the watercourse;  
 14—Vehicles not to be driven on banks;  
 15—Banks not to be used for storage; and  
 17—Fences, excavations, pipes etc.KUOIBD byelaws created under Section 66 of the LDA.

It is agreed that KUOIBD’s Section 66 byelaws will be retained in their entirety. This includes powers to regulate any works within 7m of the top of bank of IBDB-maintained watercourses, and surface water discharge to any watercourse within the IDB’s district. The Parties agree in principle to the disapplication of KUOIBD’s consenting powers under the byelaws listed in Article 52 of the **draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011]**

However, provision will be made within the DCO to ensure that Section 66 consents are granted on the same basis as to Section 23 consents, i.e.  
 (a) the consent is not to be unreasonably withheld; and  
 (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.

Agreed reached in principle on this matter on 21 November 2022

Further dialogue required between the parties to confirm the details of the proposed alternative approval mechanisms via the DCO. See **Table 5.1, Item 5.1.316** June 2023

~~This is on the basis that alternative provision is made in the DCO for KUOIBD to retain approval powers for works affecting IBD maintained watercourses and for surface water discharges to all watercourses in its district. Details of National Grid’s proposals in this regard are provided in its **Applicant’s Comments on Written Representations and other Interested Parties’ Deadline 2 Submissions (Document 8.20)**, to be submitted at Deadline 3. It should be noted that, although this document was prepared to respond to comments made by the Ainsty and Foss IDBs, the proposals set out therein are also pertinent to KUOIBD.~~

~~National Grid proposes that KUOIBD would retain its existing permitting powers under Section 23 of the Land Drainage Act 1991 (as amended).~~

3.1.53

DCO Requirements

~~The Parties agree that the relevant DCO Requirements on which KUOIBD should be consulted as “the relevant drainage authority” for its district are as follows:~~

21  
November  
2022

- ~~• 6.(1)(b) Drainage Management Plan~~
- ~~• 6.(4) Written Details of Surface and Foul Water Drainage Systems~~
- ~~• 13. Removal of Temporary Bridges and Culverts~~

~~The draft wording of Requirements of relevance to KUOIBD’s interests is provided for reference in Appendix A.~~

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**The Applicant and the IDB have discussed the following aspects of the Proposed Scheme which would ordinarily require their consent:**

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<b>3.1.64</b>	Temporary watercourse crossings for construction access	There are five temporary access crossings of ordinary watercourses within the KUO IDB district that would ordinarily require IDB land drainage consent:	21 November 16 June 2023
		<ul style="list-style-type: none"><li>• Three crossings of IDB-maintained ordinary watercourses; two across Hurns Gutter and one across Gutter 036, which are planned as free span bridges.</li><li>• Two crossings of riparian owner maintained ordinary watercourses which are planned as culverts.</li></ul>	
		<p>Further details are provided in Appendix B. The Parties agree that the detailed design of these crossings will be subject to KUO IDB approval prior to commencement of works. Approval for the clear-span crossings of the IDB-maintained watercourses would be via the proposed provisions under Article 19 of the DCO (as set out in National Grid's <b>Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])</b>, submitted at Deadline 3). Approval of the culvert crossings would be via a Land Drainage Consent issued under Section 23 of the Land Drainage Act 1991 consent. 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</p>	

		subject to the appropriate consent from KUOIBD (Section 23 consent for culverts; Section 66 consent for open span crossings of IDB-maintained watercourses).	
3.1.75	Temporary works within 7 metres of IDB-maintained watercourses	The Parties agree that any temporary construction works within 7m of the top of bank of IDB-maintained watercourses will be subject to the approval of the KUOIBD prior to commencement of works via the proposed provisions under Article 19 of the DCO (as set out in National Grid's <b>Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20 [REP3-032])</b> , submitted at Deadline 3.a Section 66 consent.	21 November 2022 16 June 2023
3.1.86	Runoff from working areas	The Parties agree that runoff rates from temporary working areas to watercourses within the KUOIBD district shall not exceed greenfield rates as calculated using industry standard methods, and shall be subject to IDB approval prior to commencement of works via. The local planning authority will consult with KUOIBD as the relevant drainage authority for its district when discharging discharge of DCO Requirements 6.(1)(b) and 6.(4) (see Appendix A for draft wording). This mechanism replaces KUOIBD's consenting powers for surface water discharges under the disappplied Byelaw 3. In addition, KUOIBD will approve any new surface water discharges to watercourses in its district via Section 66 consents.	16 June 2023

<del>3.1.97</del>	<del>No pylons within 7 metres lateral distance of IDB-maintained watercourses</del>	<del>The Parties agree that no pylons will be located within 7 metres lateral distance of the top of bank of IDB-maintained watercourses.</del>	<del>21 November 2022</del>
<del>3.1.108</del>	<del>Minimum conductor clearance above IDB-maintained watercourses</del>	<del>The Parties agree that the minimum height of conductors above top of bank of IDB-maintained watercourses will be 7.7 metres for 400 kV and 7.0 metres for 275 kV overhead lines. Provided these minimum clearance heights are achieved, there is no requirement for Section 66 consents for overhead line crossings of IDB-maintained watercourses.</del>	<del>20 January 2023 16 June 2023</del>
<del>3.1.119</del>	<del>Restoration of watercourse bed and banks</del>	<del>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 (see Appendix A for draft wording). Once Requirements 11 and 13 are discharged, responsibility for the condition of watercourse bed or beds would revert to the riparian landowner or occupier.</del>	<del>21 November 2022 16 June 2023</del>
<del>3.1.120</del>	<del>KUO IDB charges</del>	<del>National Grid is not proposing to disapply KUO IDB's permitting powers under Section 23 of the Land Drainage Act 1991 (as amended). Therefore, the standard £50 charge (or such other sum as may be prescribed) for Section 23 consents will still apply for applications for works or structures within ordinary watercourses within the KUO IDB's district. KUO IDB do not charge for Section 66 consents.</del>	<del>21 November 2022 16 June 2023</del>

### **Riparian rights and responsibilities**

<b>3.1.131</b>	<del>No obstruction of watercourses</del>	<del>The Parties agree that the Project will not cause an obstruction to flows within watercourses in the KUOIBD district.</del>	<del>21 November 2022</del>
<b>3.1.142</b>	<del>IDB rights of access for watercourse maintenance</del>	<del>The Parties agree that KUOIBD 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. These rights are secured under Chapter 59 Part 2 Sections 14 and 15, and Part IV, Chapter 3, Section 61A and Part V, Chapter 3, Section 64 of the LDA.</del>	<del>21 November 2022 16 June 2023</del>

## 4. Matters Not Agreed

4.1.1 Section 4 sets out matters not agreed between National Grid and KUOIBD. **Table 4.1** details these matters.

Table 4.1 – Matters not agreed

SoCG ID	Matter	KUOIBD position	<u>National Grid Position</u>
N/A	N/A <del>ene</del>	<u>N/A</u>	<u>N/A</u>



## 5. Matters outstanding

5.1.1 Section 5 sets out matters where agreement is currently outstanding between National Grid and KUOIBD. ~~In particular Table 5.1 details these matters.~~

Table 5.1 – Matters outstanding

<u>SoCG ID</u>	<u>Matter</u>	<u>KUOIBD Position</u>	<u>National Grid Position</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

<b>SoCG ID</b>	<b>Matter</b>	<b>KUOIBD position</b>	<b>National Grid position</b>
<b>Volume 5.2 Environmental Statement</b>			
<b>Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]</b>			
<b>5.1.1</b>	National Grid invites KUOIBD to agree with the conclusions of the hydrology and flood risk EIA	To be confirmed	As described in <b>ES Chapter Hydrology and Flood Risk (Document 5.2.9 [APP-081])</b> .
<b>Volume 5.3 Environmental Statement Appendices</b>			
<b>Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]</b>			
<b>5.1.2</b>	National Grid invites KUOIBD to agree that the Flood Risk Assessment is a matter for the Environment Agency and LLFAs to review and approve	To be confirmed.	As described in <b>Flood Risk Assessment, Appendix 9D, Environmental Statement. (Document 5.2.90 [APP-138])</b> .

SoCG ID	Matter	KUOIB position	National Grid position
<b>Riparian rights and responsibilities</b>			
<u>N/A</u> 5.1.4	Riparian owner occupier responsibilities and liability <u>None</u>	<del>Watercourses shall remain the responsibility of the riparian owner occupiers. The responsibility for third party losses or disturbance considered to be as a result of the Project will remain with the owners or successors in title.</del>	To be agreed

## 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>	<del>27.3.23</del> <u>11/07/23</u>
<b>Signed</b>	P. Jones
<b>On Behalf of</b>	Kyle and Upper Ouse Internal Drainage Board
<b>Name</b>	Paul Jones
<b>Position</b>	Engineer to the Board
<b>Date</b>	<del>03.04.23</del> <u>11/07/23</u>

# **Appendix A: Draft wording of relevant DCO Requirements**

At KUOIBD's request, extracts of the draft wording of relevant DCO Requirements are reproduced below for ease of reference. These extracts are taken from Version C of the draft DCO, as submitted to the Examination at Deadline 3 on 10 May 2023 (Document 3.1(C)) [REP3-004]. It should be noted that they may be subject to further change, and the latest version of the DCO in the Project Examination Library should always be referred to for the definitive versions of these Requirements.

## **Construction management plans to be approved**

6.—(1) No stage of the authorised development may commence until, for that stage, the following plans, schemes and strategies as relevant to that stage to minimise the impacts of construction works have been submitted to and approved by the relevant planning authority—

- (a) soil and aftercare management plan;
- (b) drainage management plan;
- (c) pollution incident control plan;
- (d) lighting scheme;
- (e) emergency response plan for flood events;
- (f) site waste management plan; and
- (g) tree and hedgerow protection strategy.

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(4) The drainage management plan referred to in paragraph (1)(b) must contain written details of the surface and foul water drainage system (including means of pollution control and details of maintenance arrangements where required) for both permanent and temporary works, and any surface or foul water drainage system must be constructed and maintained in accordance with the details approved by the relevant planning authority under paragraph (1), following consultation with the relevant drainage authority.

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## **Reinstatement schemes**

11.—(1) Subject to paragraph (2), any land within the Order limits which is used temporarily for construction is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within twelve months of completion of construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

(2) The requirement to reinstate the land to its former condition is subject to the provisions of articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG), 38 (temporary use of land by NGN) and article 39 (temporary use of land for maintaining the authorised development).

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## **Removal of temporary bridges and culverts**

13. Any temporary bridge or culvert required in connection with any stage of the authorised development must be removed within twelve months of completion of the construction of that stage of authorised development for which it was required, or such further time that may subsequently be approved by the relevant planning authority, after consultation with the Environment Agency or the relevant drainage authority as appropriate.

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## Appendix B:— Details of proposed watercourse crossings in the KUOIDB 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>3</u>	<u>New temporary bridge</u>	<u>New bridge for crossing large field drain</u>	<u>455391</u>	<u>457102</u>	<u>IDB-maintained</u>	<u>36</u>	<u>87</u>
<u>17</u>	<u>New temporary bridge</u>	<u>New bridge for crossing Hurns Gutter</u>	<u>456122</u>	<u>456329</u>	<u>IDB-maintained</u>	<u>Hurns Gutter</u>	<u>93</u>
<u>7</u>	<u>New temporary bridge</u>	<u>New bridge for crossing Hurns Gutter</u>	<u>455926</u>	<u>458050</u>	<u>IDB-maintained</u>	<u>Hurns Gutter</u>	<u>91</u>
<u>9</u>	<u>New temporary culvert</u>	<u>New culvert for crossing field drain</u>	<u>456238</u>	<u>458354</u>	<u>Ordinary watercourse</u>	<u>Unnamed</u>	<u>91</u>
<u>18</u>	<u>New temporary culvert</u>	<u>Temporary culvert under existing Network Rail emergency access track</u>	<u>455423</u>	<u>457439</u>	<u>Ordinary watercourse</u>	<u>Unnamed</u>	<u>89</u>

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