

YG-DCO-068(C)

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.5.1(C) Statement of Commonality for Statements of  
Common Ground (Clean)**

**Final Version C  
July 2023**

**Planning Inspectorate Reference: EN020024**

Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
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# Yorkshire GREEN Project

## Document control

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### Version History

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| <b>Date</b> | <b>Version</b> | <b>Status</b> | <b>Description / Changes</b>              |
|-------------|----------------|---------------|---|
| 5/4/2023    | 1              | Final         | First Issue                               |
| 10/5/2023   | 2              | Final         | Second Issue                              |
| 11/07/2023  | 3              | Final         | Updated to reflect position at Deadline 5 |

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# 1. Introduction

- 1.1.1 This document has been prepared in order to provide the Examining Authority (ExA) a concise update on the position of Statements of Common Ground (SoCG) between National Grid and statutory consultees, statutory undertakers and interested parties (consultees) in relation to the proposed Yorkshire Green Energy Enablement (GREEN) GREEN Project (hereafter referred to as 'Yorkshire GREEN' or 'the Project').
- 1.1.2 A Rule 6 Letter for the Examination was issued on 22 February 2023 and states:
- 1.1.3 *“At each point that the updated SoCGs are submitted to meet a deadline in the Examination Timetable, the Applicant is requested to submit an updated Statement of Commonality. This document should provide an overview of the position of each SoCG at the relevant deadline, for example noting where discussions are ongoing and where a final, signed SoCG has been submitted. It would also assist the ExA to have summaries of commonality in respect of the main topics in the Examination. This material should be presented in a tabular, colour-coded format wherever possible.”*
- 1.1.4 This document provides details of the areas of commonality on specific points between the submitted SoCGs at Deadline 5 of the Examination (11 July 2023). National Grid has provided an updated version of the following Statements of Common Ground at Deadline 5:
- Statement of Common Ground between National Grid and North Yorkshire Council
  - Statement of Common Ground between National Grid and City of York Council
  - Statement of Common Ground between National Grid and Leeds City Council
  - Statement of Common Ground between National Grid and Canal and River Trust
  - Statement of Common Ground between National Grid and National Trust
  - Statement of Common Ground between National Grid and Historic England
  - Statement of Common Ground between National Grid and Natural England
  - Statement of Common Ground between National Grid and Yorkshire Wildlife Trust
  - Statement of Common Ground between National Grid and Environment Agency
  - Statement of Common Ground between National Grid and National Highways Limited
  - Statement of Common Ground between National Grid and Kyle and Upper Ouse Internal Drainage Board
  - Statement of Common Ground between National Grid and Ainsty Internal Drainage Board
  - Statement of Common Ground between National Grid and Foss internal Drainage Board
  - Statement of Common Ground between National Grid and Cellnex UK Limited

- Statement of Common Ground between National Grid and EE Limited and Hutchinson 3G UK Limited
- Statement of Common Ground between National Grid and National Gas Transmission plc
- Statement of Common Ground between National Grid and Northern Gas Networks Limited
- Statement of Common Ground between National Grid and Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc
- Statement of Common Ground between National Grid and Yorkshire Water Limited
- Statement of Common Ground between National Grid and Network Rail Infrastructure Limited

1.1.5 The updated versions listed above have been provided on the basis that matters have been progressed between National Grid and the respective Stakeholder.

1.1.6 Progress has been made across all draft SoCGs, however some matters remain outstanding with various stakeholders. Where necessary, National Grid will continue to work with those stakeholders to progress matters with a view of providing remaining final SoCGs with all parties at Deadline 7 on 6<sup>th</sup> September 2023.

1.1.7 This document will be updated again at Deadline 7 to summarise the final position of the SoCGs with all stakeholders as requested by the ExA.

## 1.2 Structure

1.2.1 The remainder of this report is structured as follows:

- Section 2 details the structure of each SoCG document and provides an up-to-date list of SoCGs.
- Section 3 provides an update on the status of each SoCG.
- Section 4 sets out the commonality between SoCGs and provides a summary of the principal matters outstanding.

## 2. Position

### 2.1 Structure of SoCGs

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation and/or matters not agreed, each of the SoCGs has adopted a standard format in order to provide clarity to consultees and ultimately the ExA. The proposed structure of the SoCGs is set out in paragraph 2.6.4 of the Planning Statement (**Document 7.1**) [APP-202] submitted as part of the Application for the Project. It is noted that the proposed structure set out has been welcomed by the ExA within the Rule 6 Letter dated 22 February 2023. This document has not sought to include an update on the status of protective provisions as this was provided in **Table 2.2 Protective Provisions Tracking List** in the **Applicant's Planning obligations and commercial side agreements tracking list (Document 8.8)** submitted at Deadline 1 and within the Protective Provisions Progress Schedule submitted at Deadline 2 (**Document 8.12**) [REP2-042] an updated version of which is being submitted at Deadline 5 (**Document 8.12 (C)**).
- 2.1.2 Each SoCG is broadly structured in the following way:
- Introduction which details the purpose of the SoCG.
  - Record of engagement which details correspondence between the parties both pre-submission and post submission.
  - Matters agreed which details areas of agreement between the parties.
  - Matters not agreed which details where parties do not agree on a point.
  - Matter outstanding which details points which are still under discussion between the parties.
  - Approvals which include the sign offs from the parties where this has been forthcoming.

### 2.2 List of SoCGs in place

- 2.2.1 In accordance with advice published by the Planning Inspectorate<sup>1</sup> and guidance published by the Ministry of Housing, Communities and Local Government<sup>2</sup>, National Grid has developed SoCGs with a number of consultees prior to submission and post submission of the DCO application for the Project.
- 2.2.2 The SoCGs seek to identify matters on which parties agree and to track progress towards the resolution of any matters where agreement has not yet been reached.

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<sup>1</sup> Planning Inspectorate, 2015 version 1. Advice Note Two: The role of local authorities in the development consent process (accessed 31 August 2022)

<sup>2</sup> Ministry of Housing, Communities and Local Government, 2015. Planning Act 2008: examination of applications for development consent

2.2.3 National Grid has undertaken early preparation of SoCGs with various bodies as identified in **Table 2.1**. This provides a list of SoCGs currently in place.

Table 2.1 – SoCGs at Deadline 5

| <b>Party</b>                             | <b>Position</b>  |
|--|--|
| <b>Local Planning Authorities (LPAs)</b> |  |
| North Yorkshire Council <sup>3</sup>     | <p>Updated signed draft SoCG submitted at Deadline 5.</p> <p>The majority of matters in this SoCG are agreed with some matters outstanding and one matter not agreed. Further details of outstanding and not agreed matters are provided in Section 4.2. A final SoCG is proposed to be submitted at Deadline 7 once a final S106 agreement is submitted into the examination.</p> |
| Leeds City Council                       | <p>Updated signed draft SoCG submitted at Deadline 5.</p> <p>Majority of matters are agreed with two matters outstanding. Further details of outstanding matters are provided in Section 4.2. A final SoCG is proposed to be submitted at Deadline 7 once a final S106 agreement is submitted into the examination.</p>  |
| City of York Council                     | <p>Final signed SoCG submitted at Deadline 5.</p> <p>The majority of matters in this SoCG are agreed with one matter not agreed. Further details of the not agreed matter are provided in Section 4.2.</p>   |
| <b>Statutory Consultees</b>              |  |
| Natural England                          | Final signed SoCG submitted at Deadline 5 with all matters agreed.   |
| Historic England                         | Updated and final SoCG submitted at Deadline 5 with all matters agreed. SoCG not countersigned as deemed not necessary by Historic England. Written confirmation received and included in SoCG confirming no objection.  |
| Environment Agency                       | Signed draft SoCG submitted at Deadline 5. Majority of matters are agreed with one matter  |

<sup>3</sup> North Yorkshire Council has recently formed following a merger of a number of Councils including Selby District Council, Hambleton District Council, Harrogate District Council and North Yorkshire County Council.

outstanding. Further details of outstanding matters are provided in Section 4.2.

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National Highways Limited

Signed draft SoCG submitted at Deadline 5.

Majority of matters are agreed with no matters not agreed. Three main topics remain as outstanding matters for discussion which are the draft DCO, land rights and the Protective Provisions. Further details of outstanding matters are provided in Section 4.2.

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Network Rail Infrastructure Limited

Updated Draft SoCG submitted at Deadline 5 with some matters outstanding. This SOCG however has not been signed by Network Rail Infrastructure Limited.

Further details of the updated correspondence and outstanding matters are provided in Section 4.2.

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### **Statutory Undertakers**

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Kyle and Ouse (part of the York Consortium) IDB

Final signed SoCG submitted at Deadline 5 with all matters agreed.

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Ainsty (shire group) IDB

Signed draft SoCG submitted at Deadline 5.

Draft SoCG details that one matter remains under discussion. Further details of outstanding matters are provided in Section 4.2.

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Foss (part of the York Consortium) IDB

Final signed SoCG submitted at Deadline 5 with all matters agreed.

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Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc

Final signed SoCG submitted at Deadline 5 with all matters agreed.

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Cellnex UK Limited

Final signed SoCG submitted at Deadline 5 with all matters agreed.

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EE Limited and Hutchison 3G UK Limited

Final Signed SoCG submitted at Deadline 5 with all matters agreed.

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National Gas Transmission plc

Updated Draft SoCG submitted at Deadline 5 with some matters outstanding. This SoCG however has not been signed by National Gas Transmission plc . Further details of outstanding matters are provided in Section 4.2.

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Northern Gas Networks Limited

Draft signed SoCG submitted at Deadline 5 with some matters outstanding. Further details of outstanding matters are provided in Section 4.2.



|                                  |  |
|----------------------------------|--|
| Yorkshire Water Services Limited | Final signed SoCG submitted at Deadline 5 with all matters agreed. |
|----------------------------------|--|

### Interested parties

|                          |  |
|--------------------------|--|
| Yorkshire Wildlife Trust | Final signed SoCG submitted at Deadline 5. All matters agreed aside from one. Further details of matters not agreed are provided in Section 4.2. |
| National Trust           | Final Signed SoCG submitted at Deadline 5 with all matters agreed.   |
| Canal and River Trust    | Final signed SoCG submitted at Deadline 5 with all matters agreed.   |

## 2.3 SoCGs not deemed necessary

2.3.1 **Table 2.2** summarises where SoCGs have not been deemed necessary, and the justification for this decision.

Table 2.2 – SoCGs not deemed necessary

| Party    | Justification   |
|----------|---|
| Sustrans | <p>Prior to submission, the Applicant engaged positively with Sustrans. As set out in Table 2.2 of the Planning Statement (<b>Document 7.1</b>) [APP-202]: "The mitigation requests relating to NCN route 64 received from Sustrans have been incorporated into the PRowMP (Volume 5, Document 5.3.3G). There are no known matters of disagreement and therefore it is not anticipated that a SoCG will be required."</p> <p>Sustrans have provided written confirmation that an SoCG is not required subject to a letter from National Grid confirming that the National Cycle Network remains open and serviceable for the duration of the works. This letter has subsequently been provided and on this basis, an SoCG is not considered necessary between the parties.</p> <p>A Position Statement detailing this was submitted into the Examination at Deadline 1 (<b>Document 8.5.22</b>) [REP1-042].</p> |

## 3. Status

3.1.1 This section provides an update on the status of each SoCG. This table will be updated throughout the examination process as further progress is made.

3.1.2 **Table 3.1** provides a high level position and where necessary includes further detail to aid understanding of the ExA. In summary the high level positions noted in Table 3.1 are as follows:

- SoCG in draft and not signed – The SoCG has been drafted by National Grid, it has been shared with the other party although no response or countersignature has been received.
- Signed draft SoCG with matters outstanding – The SoCG has been signed by both parties and work is ongoing to try and resolve remaining matters outstanding.
- Agreed draft SoCG with matters outstanding – The SoCG has been drafted and email confirmation has been received that the draft is agreed.
- Final Signed SoCG with matters not agreed – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that National Grid and the other party agree will not be resolved during examination.
- Final SoCG without signature but all matters agreed – The SOCG has been finalised between both parties with all matters agreed however one party has deemed it not necessary to provide a signature.
- Final Signed SoCG all matters agreed – The SoCG has been signed by both parties and all matters are agreed.

Table 3.1 – Status of SoCGs

| SoCG ID | Party   | Position  |
|---------|---|---|
| 8.5.2   | North Yorkshire Council   | Signed draft SoCG with matters outstanding                  |
| 8.5.3   | City of York Council  | Signed final SoCG with matters not agreed                   |
| 8.5.4   | Leeds City Council  | Signed draft SoCG with matters outstanding                  |
| 8.5.5   | Natural England   | Final signed SoCG all matters agreed                        |
| 8.5.6   | Yorkshire Wildlife Trust  | Signed final SoCG with matters not agreed                   |
| 8.5.7   | Environment Agency  | Signed draft SoCG with matters outstanding                  |
| 8.5.8   | Historic England  | Agreed final SoCG without signature, but all matters agreed |
| 8.5.9   | National Trust  | Final signed SoCG, all matters agreed                       |
| 8.5.10  | Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc | Final signed SoCG with all matters agreed                   |

|        |   |  |
|--------|---|--|
| 8.5.11 | Network Rail                              | SoCG in draft and not signed, with matters outstanding |
| 8.5.12 | Ainsty (shire group) IDB                  | Signed draft SoCG with matters outstanding             |
| 8.5.13 | Kyle and Upper Ouse (York Consortium) IDB | Final signed SoCG with all matters agreed              |
| 8.5.14 | National Highways Limited                 | Signed draft SoCG with matters outstanding             |
| 8.5.15 | Canals and River Trust                    | Final signed SoCG with all matters agreed              |
| 8.5.16 | Foss IDB                                  | Final signed SoCG with all matters agreed              |
| 8.5.17 | Cellnex UK Limited                        | Final signed SoCG with all matters agreed              |
| 8.5.18 | EE Limited and Hutchison 3G UK Limited    | Final Signed SoCG with all matters agreed              |
| 8.5.19 | National Gas Transmission plc             | SoCG in draft and not signed, with matters outstanding |
| 8.5.20 | Northern Gas Networks Limited             | Signed draft SoCG with matters outstanding             |
| 8.5.21 | Yorkshire Water Services Limited          | Final signed SoCG with all matters agreed              |

## 4. Commonality

4.1.1 This section of the report provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters being discussed with the various parties at Deadline 1.

4.1.2 The summary in **Table 4.1** is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each party and a position for each topic as follows:

|  |  |
|--|--|
|  | Matter agreed  |
|  | Matter outstanding and subject to further discussion |
|  | Matter not agreed                                    |

4.1.3 Where a matter is not relevant to a party, it is not included within the SoCG and therefore not covered in **Table 4.1** and shown as a blank.

4.1.4 Following the summary table, an explanation is provided on the areas where further negotiation is required and/or agreement has not yet been reached.

Table 4.1 – Commonality

| SoC<br>GID | Party                    | Topic                      |           |                                      |                             |                               |                        |                                      |                      |                      |  |           |                          |                       |                       |             |                     |                      |                 |                |                    |       |
|------------|--------------------------|----------------------------|-----------|--------------------------------------|-----------------------------|-------------------------------|------------------------|--------------------------------------|----------------------|----------------------|--|-----------|--------------------------|-----------------------|-----------------------|-------------|---------------------|----------------------|-----------------|----------------|--------------------|-------|
|            |                          | Needs case for the Project | Draft DCO | Protective Provisions/side agreement | Other consents and licences | COCP and associated documents | Design and Engineering | Planning Policy including Green Belt | Landscape and Visual | Historic Environment | Biodiversity including Biodiversity Net Gain (BNG) | Hydrology | Geology and Hydrogeology | Agriculture and Soils | Traffic and Transport | Air Quality | Noise and Vibration | Health and Wellbeing | Socio-economics | Climate Change | Cumulative effects |       |
| 8.5.2      | North Yorkshire Council  | Green                      | Yellow    |                                      | Green                       | Green                         | Red                    | Yellow                               | Green                | Yellow               | Green  | Green     | Green                    | Green                 | Green                 | Green       | Yellow              | Green                | Green           | Green          | Green              | Green |
| 8.5.3      | City of York Council     | Green                      | Green     |                                      | Green                       | Green                         | Red                    | Green                                | Green                | Green                | Green  | Green     | Green                    | Green                 | Green                 | Green       | Green               | Green                | Green           | Green          | Green              | Green |
| 8.5.4      | Leeds City Council       | Green                      | Yellow    |                                      | Green                       | Green                         | Green                  | Green                                | Green                | Yellow               | Green  | Green     | Green                    | Green                 | Green                 | Green       | Green               | Green                | Green           | Green          | Green              | Green |
| 8.5.5      | Natural England          |                            | Green     |                                      | Green                       |                               |                        |                                      |                      | Green                |  |           | Green                    |                       |                       |             |                     |                      |                 |                |                    |       |
| 8.5.6      | Yorkshire Wildlife Trust |                            | Green     |                                      |                             |                               |                        |                                      |                      | Red                  |  |           |                          |                       |                       |             |                     |                      |                 |                |                    |       |
| 8.5.7      | Environment Agency       |                            | Green     |                                      | Green                       |                               |                        |                                      |                      | Yellow               | Green  | Green     |                          |                       |                       |             |                     |                      |                 |                |                    |       |
| 8.5.8      | Historic England         |                            | Green     |                                      |                             | Green                         |                        |                                      | Green                |                      |  |           |                          |                       |                       |             |                     |                      |                 |                |                    |       |

|        |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--------|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 8.5.9  | National Trust                            |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.10 | Northern Power Grid Limited               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.11 | Network Rail                              |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.12 | Ainsty (shire group) IDB                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.13 | Kyle and Upper Ouse (York Consortium) IDB |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.14 | National Highways Limited                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.15 | Canals and River Trust                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.16 | Foss IDB                                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.17 | Cellnex UK Limited                        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.18 | EE Limited and Hutchison 3G UK Limited    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.19 | National Gas Transmission plc             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 8.5.20 | Northern Gas Networks Limited             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

|            |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 8.5.<br>21 | Yorkshire<br>Water<br>Services<br>Limited |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

## 4.2 Principal matters outstanding

4.2.1 The following section provides narrative on specific areas where matters are identified as being 'subject to ongoing discussion' or 'not agreed'. This section provides the ExA with a summary. The individual SoCGs should be referred to for the full detail on specific matters.

### North Yorkshire Council

4.2.2 National Grid has been working closely with the North Yorkshire Council through the pre-application process and continue to do so post submission. North Yorkshire Council has recently formed following a merger of a number of Councils including Selby District Council, Hambleton District Council, Harrogate District Council and North Yorkshire County Council. Engagement at the pre-application stage has therefore been with the individual authorities. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG.

4.2.3 Notwithstanding this, as set out in section 4.1.1 of the SoCG (**Document 8.5.2 (C)**), National Grid and the North Yorkshire Council do not agree upon the interpretation of overhead lines being inappropriate development within the Green Belt. National Grid considers that the development of overhead lines is not inappropriate for the reasons set out in the Planning Statement (**Document 7.1, Volume 7**) [APP-202] however this view is not agreed upon by the North Yorkshire Council who consider overhead lines to be inappropriate development. A Position Statement detailing the views of National Grid and each of the Local Planning Authorities is being prepared for submission at Deadline 7.

4.2.4 Some matters are also still outstanding between the parties. There are outstanding comments in relation to proposed requirement number 7, 8, 9, 10 and 18 which are being discussed between the parties.

4.2.5 National Grid and the North Yorkshire Council is yet to reach agreement on the proposed working hours for the Project. NYC currently disagree with National Grid on the methodology for the assessment of operational noise however the outcome of the assessments is agreed. NYC also currently disagree with the conclusions of the construction noise significant effects assessment.

4.2.6 North Yorkshire Council have raised some comments regarding the proposed DCO requirements and process for the discharge of the requirements and associated timescales. National Grid are seeking to agree a Service Level Agreement to address these concerns, the principles of which will be secured through a S106 agreement. This matter is outstanding with discussions ongoing.

4.2.7 The management period for landscape mitigation is being discussed by the parties. National Grid have proposed an amendment to the draft DCO to address the comments from NYC which is to be discussed.

4.2.8 Highways matters have been discussed between the parties and largely agreed however NYC maintain that they do not recommend the use of Butts Lane and an access route. National Grid are continuing discussions with the affected landowner and the point remains an outstanding matter.

4.2.9 Discussions regarding the inclusion of additional landscape measures to be detailed in the Outline Landscape Mitigation Strategy also remain under discussion.

### City of York Council



- 4.2.10 National Grid has been working closely with City of York Council through the pre-application process and continue to do so post submission. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG.
- 4.2.11 Notwithstanding this, as set out in section 4.1.1 of the SoCG (**Document 8.5.3(C)**) , National Grid and City of York Council do not agree upon the interpretation of overhead lines being inappropriate development within the Green Belt. National Grid considers that the development is not inappropriate for the reasons set out in the Planning Statement (**Document 7.1, Volume 7**) [APP-202] however this view is not agreed upon by City of York Council who consider overhead lines to be inappropriate development.
- 4.2.12 Discussions regarding the S106 agreement continue with a final S106 agreement due to be submitted at Deadline 7 however City of York are content to agree that all other matters are agreed between the parties.

### **Leeds City Council**

- 4.2.13 National Grid has been working closely with the Leeds City Council through the pre-application process and continue to do so post submission. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG (**Document 8.5.4 (C)**).
- 4.2.14 Leeds City Council have made some representations with regard to the draft S106 agreement put forward by National Grid which seeks to secure the Biodiversity Net Gain provisions and the principles attributed to the project, and a Service Level Agreement for the discharge of Requirements and Other Consents . Discussions are ongoing regarding the final wording of the S106.

### **Yorkshire Wildlife Trust**

- 4.2.15 National Grid has engaged in regular dialogue with the Yorkshire Wildlife Trust and have reached agreement on the majority of matters. One matter is not agreed by the parties and relates to the incorporation of bird diverters within the Project as detailed in paragraph 4.1.1 of the SoCG (**Document 8.5.6**) [REP1-026].
- 4.2.16 Yorkshire Wildlife Trust considers that bird diverters should be fitted as part of the Project within the River Ouse and River Wharfe corridors as a collision avoidance measure due to the presence of well-known migratory flyways.
- 4.2.17 National Grid's position based on consistency across projects nationally is that fitting diverters is only carried out where historic evidence/collision risk modelling indicates a specific need. At the watercourse corridors referred to existing overhead line crossings are in place (in the case of the River Ouse an existing crossing will be removed and replaced within ~380m). Currently there is no evidence to indicate that the Project would need to include provision of bird diverters to prevent significant adverse effects.

### **Environment Agency**

- 4.2.18 Discussions have taken place between National Grid and the Environment Agency in order to agree the majority of points as detailed in the SoCG (**Document 8.5.7(B)**) [REP-027]. One matter regarding the mechanism within the S106 agreement to secure the BNG commitment for the scheme remains to be agreed and is expected to be resolved by Deadline 7.

### **Network Rail**

- 4.2.19 National Grid has engaged with Network Rail on matters concerning the Project and there are no matters which are not agreed between the parties. There are currently four matters which remain outstanding between as detailed in Table 5.1 of the SoCG **(Document 8.5.11(C))**.
- 4.2.20 Firstly, regarding the terms of easements, National Grid seeks new easements in respect of the permanent interests on Network Rail's land for the proposed development. The Parties are yet to agree the precise terms of the easements to be granted by Network Rail to National Grid or the consideration payable for the grant of those easements.
- 4.2.21 Secondly, the Parties are yet to agree the precise form of the framework agreement which shall dictate the Parties' respective obligations in respect of the authorised works.
- 4.2.22 Thirdly, the Parties are yet to agree the precise form of the protective provisions to be included within the draft DCO **(Document 3.1(D))**.
- 4.2.23 Finally, the Parties are yet to agree on the necessity for powers to be granted to National Grid for the compulsory acquisition of interests in land belonging to or in respect of which Network Rail enjoys an interest.
- 4.2.24 National Grid has issued an updated version of the SoCG to Network Rail however a signed version has not been received prior to Deadline 5. National Grid will continue to work with Network Rail to reach a final position by Deadline 7.

#### **Ainsty (shire group) IDB**

- 4.2.25 National Grid has engaged with Ainsty (Shire Group) IDBs throughout the Examination to resolve the majority of matters. One matter remains outstanding which relates to minimum conductor clearance above IDB-maintained watercourses. The specific point of difference in the conductor clearance height is set out in Table 5.1 of the SoCG **(Document 8.5.12 (B))**.

#### **National Highways**

- 4.2.26 National Grid has continued discussions with National Highways throughout the Examination and has received confirmation that all technical matters are agreed. There are also currently no matters not agreed between the parties.
- 4.2.27 Discussions remain ongoing with regards to the form of agreement to secure land rights for National Grid on National Highways land.
- 4.2.28 Discussions regarding the Protective Provisions are also ongoing with further meetings to discuss the matters being arranged.

#### **National Gas Transmission plc**

- 4.2.29 National Grid has been in liaison with National Gas Transmission plc regarding the Project and specifically in relation to the impact of the Project on National Gas Transmission plc assets. An SoCG has been prepared **(Document 8.5.19 (B))** to provide a summary of the position on the discussions between the two parties.
- 4.2.30 Two matters are currently outstanding. Firstly, regarding the adequacy of the proposed protective provisions and secondly the finalisation of a side agreement between the parties. Table 5.2 of the SoCG **(Document 8.5.19 (B))** provides further details on the aspects of the Protective Provisions which are under discussions between the parties.
- 4.2.31 The SoCG has been shared with National Gas Transmission plc however a signed version agreeing the latest position has not been received prior to Deadline 5. National

Grid will continue to work with National Gas Transmission plc to reach a final position for Deadline 7.

### **Northern Gas Networks Limited**

- 4.2.32 National Grid has been in liaison with Northern Gas Networks Limited regarding the Project and specifically in relation to the impact of the Project on Northern Gas Networks Limited assets. An SoCG has now been prepared (**Document 8.5.20 (B)**) to provide a summary of the position on the discussions between the two parties.
- 4.2.33 Two areas where matters are currently outstanding. Firstly, regarding the adequacy of the proposed protective provisions and secondly the finalisation of a side agreement between the parties. Table 5.2 of the SoCG (**Document 8.5.20 (B)**) provides further details on the aspects of the Protective Provisions which are under discussions between the parties.

## **4.3 Protective Provisions**

- 4.3.1 A detailed update on the status of the discussions regarding protective provisions between National Grid and relevant parties is provided in **Document 8.8 Applicant's planning obligations and commercial side agreements tracking list** and within Protective Provisions Progress Schedule submitted at Deadline 5 (**Document 8.12(C)**) .

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