

## Written Statement of National Gas Transmission plc (NGT)

In relation to

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

For

**Compulsory Acquisition Hearing 2 dated 18 July 2023**

### **National Gas Major Accident Hazard Pipeline**

The Application includes provisions which would, if granted, authorise National Grid to carry out works over and in close proximity to assets belonging to National Gas and to use such land temporarily and to acquire permanent interests in such land. In particular there is the potential for impact on a high pressure Major Accident Hazard Pipeline (MAHP).

### **Section 127 and 138**

NGET did not share its application under Section 127 and 138 (**S127 Application**) in advance of this Hearing. NGT became aware of the contents of the S127 Application yesterday and will prepare a formal response in due course.

### **Protective Provisions and Side Agreement**

It is NGT's view that the current Protective Provisions are inadequate to ensure that any interference caused will not result in a serious detriment to carrying out NGT's undertaking. NGT requires bespoke protective provisions. The current draft Statement of Common Ground is clear at 3.1.1 that both parties agree that Protective Provisions are required for NGT's undertaking and will be included in a future iteration of the draft DCO. Bespoke Protective Provisions for NGT remain under discussion between NGET and NGT and while the issues are narrowing a key point of contention relates to NGET's desire that NGT accept a capped indemnity. Given the nature of NGT's undertaking a capped indemnity cannot be accepted. Where specific Protective Provisions are contained in a Development Consent Order for the protection of NGT and its predecessors, none have ever contained a capped indemnity, see for example the following orders which all contain uncapped indemnities in favour of NGT regardless of project type or NGT apparatus:

- The Hornsea Four Offshore Wind Farm Order 2023
- East Northamptonshire Resource Management Facility Order 2023
- A47 Wansford to Sutton Development Consent Order 2023

In promoting a DCO that will impose changes on land rights and grant consent for works which could impact a high pressure Major Accident Hazard Pipeline (MAHP) there is the potential for serious detriment to the undertaking of NGT. Any costs associated with carrying out works that damage NGT's MAHP and associated apparatus should not be passed on to NGT and its customers by an indemnity which is capped. Effectively NGT customers are being asked to subsidise NGET's potential to cause serious detriment to NGT.

As the Examining Authority will be aware, the latest draft of the DCO contains an uncapped indemnity in favour of Network Rail Infrastructure Limited. NGT is requesting the same protection for its MAHP that has been afforded to Network Rail's undertaking.

### **Future Deadlines**

Based on NGET's position of not offering reasonable provisions contained in every other Development Consent Order it is unlikely that an agreement will be reached but NGT is open to continued negotiations. However, to assist the Examining Authority NGT will provide appropriate Protective Provisions at the end of the Examination if agreement cannot be reached. NGT will also provide a full response to the S127 Application at the end of the Examination if agreement cannot be reached with NGET.