

YG-DCO-138

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.29.3 Applicant's Response to CAH2 Hearing Action  
Points**

**Final Issue A  
July 2023**

**Planning Inspectorate Reference: EN020024**

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Regulations 2009 Regulation 5(2)(q)

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## Version History

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Document	Version	Status	Description / Changes
28/07/2023	A	Final	First Issue

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# 1. About this document

## 1. Introduction

- 1.1.1. This document provides National Grid Electricity Transmission Plc's (National Grid) (the Applicant) response to Action Points addressed to the Applicant arising from Compulsory Acquisition Hearing 2 (CAH2) held on Tuesday 18 July in respect of the Yorkshire Green Energy Enablement Project (Yorkshire GREEN) (the Project).
- 1.1.2. Responses to actions addressed to the Applicant and required for Deadline 6 are provided in **section 2** below.

## 2. The Applicant's Response to CAH2 Action Points

Table 2.1 – Response to CAH2 Action Points

Action No.	ExA description	Party	Deadline	Response
1	Submit a sketch design for the crossing of Hurns Gutter including illustrating the additional young trees, subject to grant, to be lost as a result of the Change Application.	Applicant	D6	The detailed design for the crossing of Hurns Gutter will be done in the detailed design stage by the main works contractor. An example of what a clear span bridge would look like is shown in drawing DCO_CO/PS/4_05 in the Construction Plans ( <b>Document 2.16</b> ) [APP-065]. National Grid believe this action arose in order to illustrate the additional loss of trees as a result of the change. This information is already available, as the additional tree loss as a result of the proposed change is shown on the updated <b>Trees and Hedgerows Potentially Affected Plan Section B (Sheet 3, Document 2.11.2(B))</b> that is submitted at Deadline 6. This is the same as the version submitted as part of the Change Application in <b>Document 9.2</b> [REP5-092]. Therefore, it is not considered a sketch is required as the information to understand the implications with the planting in this area can be considered in the plans provided.
2	Provide a separate, comprehensive post-Hearing note responding to the points made by Mr Watson in [REP5-100].	Applicant	D6	A full response to the points in the Deadline 5 submission [REP5-100] is provided in the <b>Applicant's Comments on Interested Parties' Deadline 5 Submissions (Document 8.28)</b> submitted at Deadline 6. This response covers all of the points discussed with Mr Watson during Compulsory Acquisition Hearing 2.
3	Provide a statement of intention of visual enhancement planting for properties at Skelton Springs.	Applicant	D6	<p>Following the site visit between National Grid and residents of Skelton Springs, a planting plan has been produced by National Grid and will be provided to the residents of Skelton Springs for discussion shortly. The plan indicates the location of the proposed pylons (SP003 and SP004) that would be closest to the rear of Skelton Springs with viewlines to these pylons from the summerhouse to the rear of the dwellings near an allotment and set beyond the hedged boundary that encloses the rear gardens. The plan indicates the location and specification of proposed new tree and shrub planting that would reduce the visibility of the new pylons at two key locations along the curtilage of Skelton Springs to the west and northwest of the summerhouse. The proposed planting is within the same land parcel of the properties themselves.</p> <p>There has also been discussion with the adjoining landowner, to investigate the potential for tree planting to the southeast of Hurns Gutter. However, tree planting in this location, even when fully mature, would have a negligible role in reducing views of the pylons from Skelton Springs, due to the intervening distance. The ineffectiveness of this planting as a screening option was discussed with the residents at the site meeting. The proposed planting along the property curtilage, being much closer to the residents at Skelton Springs, would be more effective in reducing visibility of the proposed SP003 and SP004 pylons. The design of the scheme will also ensure that the proposed planting would not overshadow the summerhouse and allotment and would maintain open views in places to the adjoining farmland that residents value.</p> <p>Following discussions with residents of Skelton Springs, a further update will be provided at Deadline 7.</p>

Action No.	ExA description	Party	Deadline	Response
4	Provide a measurement from the fence line to the edge of the eastern Tadcaster Cable Sealing End Compound (CSEC).	Applicant	D6	There is 13.5m from the fence line of the cable sealing end compound to the fence line on to the highway. This measurement is from the CSEC fence line, and not from the 2m strip that is required for maintenance of the cable sealing end compound. There is 3.7m from the embankments / earthworks of the cable sealing end compound to the fence line to the highways.
5	Provide technical specification which covers only using anchor blocks in locations where space is constrained.	Applicant	D6	<p>National Grid's technical specification is TS 2.04 which relates to design principles for overhead lines, and connection into Substation and Cable Sealing End Compounds. The technical specification states that all substation landing gantries shall comprise Single-Circuit Gantries, unless otherwise agreed with Engineering Services on a project-specific basis. If alternative solutions (e.g. anchor blocks) are to be considered, then consultation with Engineering Services must take place on the identified risks prior to agreement. The technical specification states that it shall be a single circuit gantry, and this is the starting point for the design for connections to substations and cable sealing end compounds. There needs to be a specific technical reason as to why a gantry cannot be used to deviate from this specification, for example space constraints where a gantry solution would not fit. In the location of Tadcaster West CSEC, there are no constraints that mean a gantry cannot be used, so the position is that a gantry solution should not be deviated from as it is the optimal engineering design.</p> <p>The technical specifications are unable to be entered into the examination as they are not freely available. However, the specification is available to purchase.</p>
6	Update on discussions with Mr Watson regarding the access point off the A659 to include proposals for alleviating potential obstructions eg fly-tipping, overnight parking, etc.	Applicant	D7	National Grid has requested a meeting with Mr Watson and his agent so that the access point and proposals can be discussed. An update on this will be provided at Deadline 7 once a meeting has been confirmed.
8	Consider inserting appropriate wording in the next iteration of the CoCP regarding a commitment to continuing negotiations with Mr Blacker and Mrs Blacker snr regarding the micro-siting of the pylons within the overall limits of deviation.	Applicant	D7	<p>To note a response has been provided to this Action at Deadline 6 and the <b>Code of Construction Practice (Document 5.3.3B(D))</b> updated and submitted at Deadline 6.</p> <p>In respect of landowner liaison for micro-siting within the Limits of Deviation if required due to an unforeseen or unknown constraint and in particular in relation to pylons SP005 and SP006 a new measure has been added to the <b>Code of Construction Practice (Document 5.3.3B(D))</b> submitted at Deadline 6. The following text has been added to the document after Table 2.1.</p> <p><b><i>“Landowner liaison for micro-siting in Limits of Deviation</i></b></p> <p><i>The Order Limits delineate the maximum extent of the Project for which development consent is being sought; and encompass the land required temporarily to build the Project and permanently to</i></p>

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				<p>operate the project. The Order Limits include the Limits of Deviation (LoD), which represent the maximum deviation for new permanent infrastructure. The LoD provide a proportionate and necessary degree of flexibility to allow adjustment to the final positioning of new permanent infrastructure should unknown or unforeseen issues arise after the Project has been consented. If the final position of the new permanent infrastructure needs to be moved from the locations shown on the Works Plans (<b>Documents 2.6.1 – 2.6.6</b>) within the LoD due to an unforeseen or unknown constraint then National Grid and its contractor(s) would consider the following to ensure landowners views are reflected where possible:</p> <ul style="list-style-type: none"> <li>National Grid and/or its contractor(s) would initially consider the proposed micro-siting with information on the ground conditions found that necessitated a possible move;</li> <li>National Grid and/or its contractor(s) would undertake a preliminary impact assessment to define all relevant engineering, environmental, planning and landowner constraints;</li> <li>an engineering feasibility study to consider engineering options and implications; and</li> <li>final consideration of all relevant engineering, environmental, planning and landowner constraints before arriving at final solution. Feedback final solution to all parties.</li> </ul> <p>It would be the responsibility of the National Grid Land Officer/Agent to co-ordinate all relevant engagement with landowners regarding the use of the LoD to ensure that their comments are considered as part of the preliminary impact assessment if a change to new permanent infrastructure is required within the LoD from those shown on the Works Plans.</p> <p>In respect of pylons SP005 and SP006 National Grid commits to liaise with the affected landowners on the final siting of these pylons as the detailed design is progressed to establish whether there is the potential to minimise impact on farming practices through the micro-siting of the pylons in this location only.”</p>				
9	Rearrange site meeting urgently to allow for submission of findings regarding pylon positions at D6.	Applicant and Ms Johnston on behalf of Mr Blacker		Following, CAH2 National Grid arranged a meeting with Ms Johnson and The Blackers on Monday 24 July. At the meeting discussions were held over the micro siting of pylons SP005 and SP006, and National Grid set out how this will be dealt with in the <b>Code of Construction Practice (Document 5.3.3B(D))</b> . Discussions were had around the removal of SP007, but National Grid explained the technical complexities of this and why they are not proposing to take this forward. Details of these complexities are set out in <b>Applicant’s Comments on Interested Parties’ Deadline 5 Submissions (Document 8.28)</b> which is submitted at Deadline 6.				
10	Update progress with Mr P Swales.	Applicant	D6	National Grid met with Mr Swales and his agent on 12 May 2023 and discussed in some detail the project and the voluntary offer of terms. No new issues of concern were raised by either Mr Swales or his agent. Subsequently National Grid has chased the agent for feedback on Mr Swales’ position on 31 May, 19 June, 10 July and 19 July 2023. As yet the agent has not provided any response to correspondence. National Grid shall continue to press the agent for a response.				
11	Update the Table on the progress on private agreements.	Applicant	D6	<p><b>Table B.1 – Summary of negotiations with land interests in Appendix B of the Statement of Reasons (Document 4.1(B))</b>, submitted at Deadline 6, has been updated. For ease of reference it is repeated below:</p> <table border="1"> <thead> <tr> <th>Status of Agreement</th> <th>Total Number 28/07/2023</th> </tr> </thead> <tbody> <tr> <td>Heads of Terms in Negotiation</td> <td>73</td> </tr> </tbody> </table>	Status of Agreement	Total Number 28/07/2023	Heads of Terms in Negotiation	73
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13	Provide precise details of wording where there is dispute, with reasons, in the Protective Provisions (PPs) based on the Applicant's PPs as the 'baseline template'.	Applicant and National Highways	D6	<p><b>Proposed Protective Provisions to benefit National Highways (Document 8.30.2)</b> has been submitted at Deadline 6 which sets out:</p> <ul style="list-style-type: none"> <li>the protective provisions proposed by National Grid which are included on the face of the <b>draft DCO (Document 3.1(E))</b>.</li> <li>National Grid's justification for its drafting.</li> <li>National Highways' preferred drafting (if the provision is not agreed).</li> <li>National Highways' justification for its preferred drafting.</li> </ul>						
14	Provide a commentary on progress on securing land rights with National Highways.	Applicant	D6	<p>National Grid has been advised that Carter Jonas have been instructed by National Highways in relation to the acquisition of the necessary land and rights. Heads of Terms were initially issued by email to National Highways on 22 February 2023 following which discussions took place between the parties at a meeting on 23 February 2023 but terms were not agreed. National Grid were later advised that National Highways were seeking to appoint an external agent to assist them.</p> <p>National Grid received confirmation from Carter Jonas that they had been instructed on 9 June 2023 but wanted an undertaking on fees prior to reviewing the Heads of Terms. National Grid emailed a copy of their 'Payment of Surveyors Fees (Version 5)' Document to the agent on 16 June and following a further exchange of emails on 19 and 20 June an agreement as to payment of agents' fees was reached and Heads of Terms were issued to the agent on 29 June 2023.</p> <p>The agent has raised some initial concerns primarily in relation to the proposed freehold acquisition of land (in an email dated 30<sup>th</sup> June 2023) and National Grid sought to clarify their position in an email dated 4 July 2023, at which time they suggested it would be sensible for us to arrange a meeting with all parties concerned. On July 10 2023 National Grid had a telephone call with the agent, during which the agent queried the extent of the offer plans. National Grid reviewed the offer plans and on 25 July 2023 emailed the agent to clarify some points around the plans and again propose a meeting to review these and to explore alternative options for securing the rights that are required to ensure the Project can be delivered.</p>						
15	Provide a response to National Gas Transmission plc's written submission in lieu of attendance [AS-022].	Applicant	D6	<p><u>National Gas Major Accident Hazard Pipeline</u></p> <p>As explained in Compulsory Acquisition Hearing 2, the works which interface with National Gas Transmission's (NGT) apparatus are solely crossings which do not alter the surface level of the ground. The potential for impact on the high pressure Major Accident Hazard Pipeline (MAHP) is minimal.</p> <p><u>Section 127 and 138 Application</u></p> <p>The submission of a Section 127/138 Statement was at the request of the ExA and these statements were published on the Infrastructure Planning Website on 13 July 2023 (<b>Document 8.27.3</b>) [REP5-088].</p> <p><u>Protective Provisions and Side Agreement</u></p>						

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				<p>All outstanding points in respect of the protective provisions have been set out in <b>Proposed Protective Provisions to benefit National Gas Transmission (Document 8.30.3)</b>. Negotiations continue with respect the protective provisions and side agreement.</p> <p><u>Future Deadlines</u></p> <p>National Grid has informed NGT of the need for the areas of disagreement to be set out and explained to the ExA at Deadline 6 (see <b>Document 8.30.3</b>) and will endeavour to resolve the outstanding issues before the end of the examination.</p>
17	Provide precise details of wording where there is dispute, with reasons, in the Protective Provisions (PPs) based on the Applicant's PPs as the 'baseline template'.	Applicant and National Gas Transmission plc	D6	<p><b>Proposed Protective Provisions to benefit National Gas Transmission (Document 8.30.3)</b> has been submitted at Deadline 6 which sets out:</p> <ul style="list-style-type: none"> <li>the protective provisions proposed by National Grid which are included on the face of the <b>draft DCO (Document 3.1(E))</b>.</li> <li>National Grid's justification for its drafting.</li> <li>National Gas Transmission's preferred drafting (if the provision is not agreed).</li> <li>National Gas Transmission's justification for its preferred drafting.</li> </ul>
20	Provide precise details of wording where there is dispute, with reasons, in the Protective Provisions (PPs) based on the Applicant's PPs as the 'baseline template'	Applicant and Northern Gas	D6	<p><b>Proposed Protective Provisions to benefit Northern Gas Networks (Document 8.30.4)</b> has been submitted at Deadline 6 which sets out:</p> <ul style="list-style-type: none"> <li>the protective provisions proposed by National Grid which are included on the face of the <b>draft DCO (Document 3.1(E))</b>.</li> <li>Northern Grid's justification for its drafting.</li> <li>Northern Gas Networks' preferred drafting (if the provision is not agreed).</li> <li>Northern Gas Networks' justification for its preferred drafting.</li> </ul>
22	Provide details of the differences between the parties and the detailed preferred wording for PPs for any areas of dispute based on the Applicant's PP as the 'baseline template'.	Applicant and Network Rail Infrastructure Limited	D6	<p><b>Proposed Protective Provisions to benefit Network Rail (Document 8.30.1)</b> has been submitted at Deadline 6 which sets out:</p> <ul style="list-style-type: none"> <li>the protective provisions proposed by National Grid which are included on the face of the <b>draft DCO (Document 3.1(E))</b>.</li> <li>National Grid's justification for its drafting.</li> <li>National Rail's preferred drafting (if the provision is not agreed).</li> <li>National Rail's justification for its preferred drafting.</li> </ul>

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