

YG-DCO-074(CB)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.7(BC) Statement of Common Ground Between National
Grid Electricity Transmission and Environment Agency (Tracked)

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Yorkshire GREEN Project

Document control

Version History

Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For submission at Deadline 1
Statement of Common Ground	2	Draft	For submission at Deadline 5
<u>Statement of Common Ground</u>	<u>3</u>	<u>Final</u>	<u>Final version for submission to ExA</u>

1. Introduction

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the application process for a Development Consent Order (DCO) and is prepared jointly between the applicant and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.
- 1.1.3 This SoCG is between National Grid Electricity Transmission Plc (“National Grid”) and Environment Agency relating to the DCO application for the Yorkshire GREEN Project. The SoCG relates to the DCO application for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN). It has been prepared in accordance with the guidance¹ published by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.1.4 This SoCG has been prepared to identify matters agreed, matters not agreed and matters currently outstanding between National Grid and Environment Agency.

This version (V3 September 2023) of the SoCG represents the position between National Grid and the Environment Agency at Deadline 7 on 6 September 2023. This SoCG represents the final version for the Examination.

- 1.1.5 ~~This version (V2 July 2023) of the SoCG represents the position between National Grid and the Environment Agency at Deadline 5 stage of the Project Examination process on 11 July 2023. This includes updates following the submission of the application on 15 November 2022, with subsequent meetings and calls between the Environment Agency Biodiversity Technical Specialist and the Applicant’s environmental consultant (Biodiversity Lead) during which the majority of matters outstanding were resolved and moved to matters agreed. The SoCG will evolve as the DCO application progresses through the examination process.~~

¹ Planning Act 2008: Guidance for the examination of applications for development consent. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

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. Yorkshire GREEN would contribute 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 earliest 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

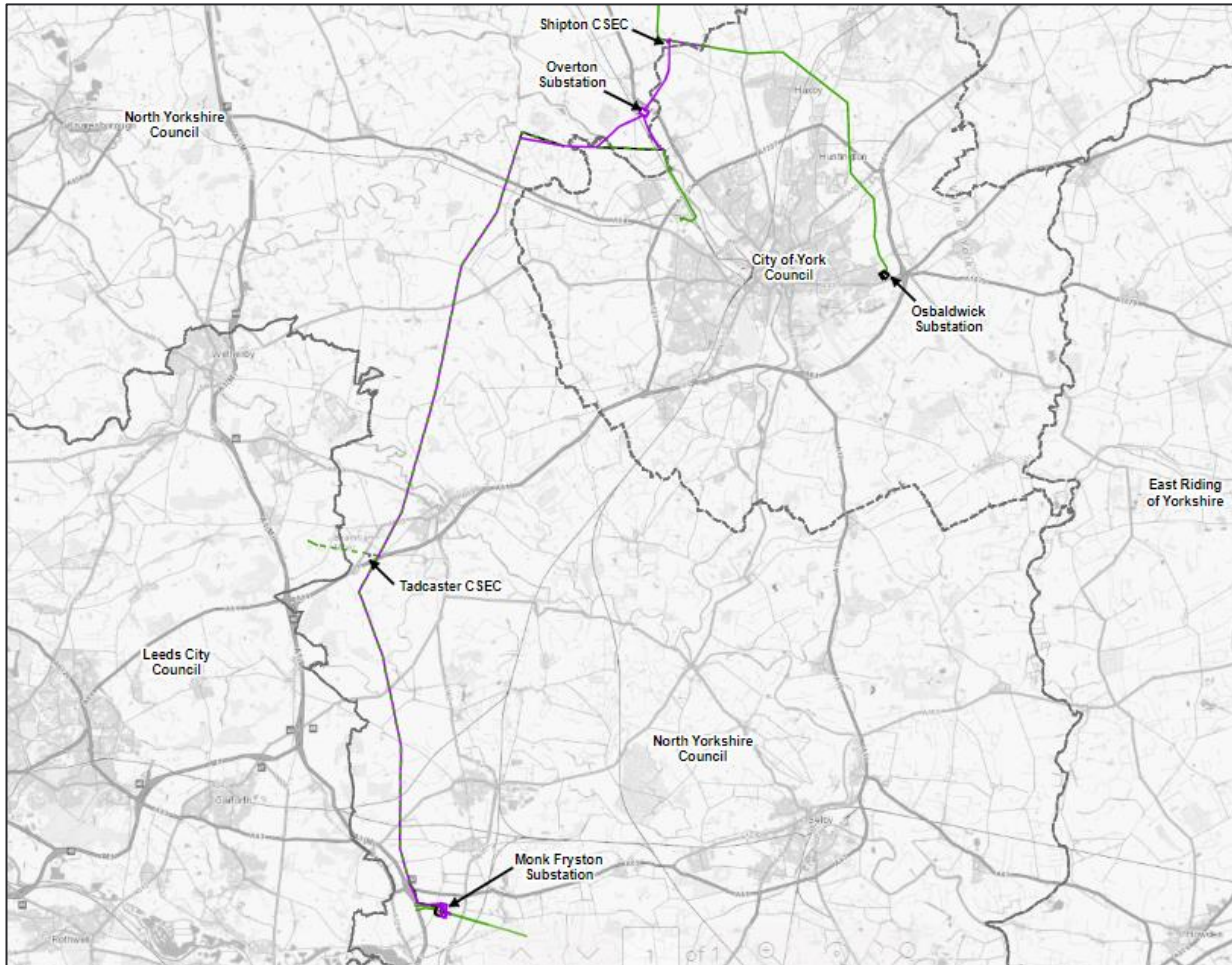
- 1.2.5 Yorkshire GREEN comprises both new infrastructure and works to existing transmission infrastructure and facilities. The Project is divided into six sections (see **Figure 1**), located within three Local Authority boundaries²:
- **Section A (Osbalwick Substation):** Minor works would take place 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;

² North Yorkshire Council, City of York Council, and Leeds City Council.

- 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 Osbaldwick 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); and
 - works to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east comprising a mixture of decommissioning, replacement and realignment. To the south and south-east of Moor Monkton the existing overhead line would be realigned up to 230m south from the current overhead line and the closest pylon to Moor Monkton (340m south-east) would be permanently removed. A 2.35km section of this existing 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.

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 Environment Agency will jointly be referred to as the “Parties”. When referencing Environment Agency 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 Environment Agency, 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 Environment Agency 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 Environment Agency in the DCO process

2.1.1 The Environment Agency is a non-departmental public body, which was established in 1996 and is sponsored by the United Kingdom government's Department for Environment, Food and Rural Affairs. It is responsible for:

- managing the risk of flooding from main rivers, reservoirs, estuaries and the sea;
- regulating major industry and waste;
- treatment of contaminated land;
- water quality and resources;
- fisheries;
- inland river, estuary and harbour navigations; and
- conservation and ecology.

2.1.2 As outlined in Advice Note 11³, the Environment Agency's role in the DCO process can be summarised as follows in relation to the Project:

- It is a prescribed consultee under Section 42⁴ of the Planning Act 2008 and therefore National Grid must consult with the Environment Agency before submitting a Nationally Significant Infrastructure Project (NSIP) application.
- The Planning Inspectorate must consult the Environment Agency before adopting a scoping opinion in relation to any Environmental Impact Assessment (EIA)⁵ and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- The Environment Agency has powers to grant permits, licences and consents under a number of enactments. It is the responsibility of Applicants to identify all the permits, consents and licences that are required in addition to the DCO, before an NSIP can be constructed or operated.

2.1.3 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, Document 6.1, [APP-195])**.

2.1.4 On submission of the DCO, the Environment Agency were invited to participate in the examination of the Project as Interested Parties. During the examination process, the Environment Agency may prepare written representations, and respond to written questions from the Examining Authority as well as participate in hearings.

³ Planning Inspectorate, November 2017, Advice Note Eleven, Annex D – Environment Agency

⁴ Section 42(a) Planning Act 2008 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

⁵ Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

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
11 June 2021	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to request a meeting to introduce the project, agree lead stakeholder for biodiversity receptors & survey methodology including approach to land where access has been refused.
17 June 2021	Biodiversity	The Applicant's environmental consultant emailed to follow up with their request from the 11 June 2021 as no response was received.
2 July 2021	Hydrology	The Applicant's environmental consultant emailed the Environment Agency to request a meeting, including a proposed draft agenda.
15 July 2021	Biodiversity	The Applicant's environmental consultant emailed to follow up with their request from the 17 June 2021 as no response was received.
19 July 2021	Biodiversity	The Environment Agency Biodiversity lead responded regarding the request for a meeting and to assure the Applicant's environmental consultant that availability to attend would be discussed by the Environment Agency Biodiversity team.
21 July 2021	Hydrology	Pre-PEIR submission consultation. The Applicant's environmental consultant provided the Environment Agency with a technical note which contained our approach to Environmental impact Assessment (EIA), Water Framework Directive (WFD) and Flood Risk Assessment (FRA).
29 July 2021	Hydrology	The Applicant's environmental consultant held a teleconference with the Environment Agency and others (North Yorkshire Council Lead Local Flood Authority and Ainsty Internal Drainage Board) to discuss the proposed approach to the PEIR-stage hydrology and flood risk assessment.
13 August 2021	Hydrology	The Applicant's environmental consultant requested data for the York detailed model.
16 August 2021	Hydrology	The Applicant's environmental consultant emailed the Environment Agency to discuss the proposed flood modelling approach at Overton Substation.

Date	Topic	Discussion points
15 th September 2021	Hydrology	The Applicant's environmental consultant held a teleconference with the Environment Agency to discuss the use of the York Detailed model for assessing the flood risk associated with the proposed Overton substation location.
20 September 2021	Hydrology	The Applicant's environmental consultant followed up with the Environment Agency for the York detailed model as no response had been received.
22 October 2021	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to request a meeting/discussion to agree the survey methodology and programme including approach to land where access has been refused.
16 June 2022	Hydrology and Biodiversity	The Applicant's environmental consultant held a teleconference with the Environment Agency and others (North Yorkshire Council Lead Local Flood Authority and Ainsty Internal Drainage Board) to discuss the emerging results of the final hydrology and flood risk assessment for the DCO application. This concentrated particularly on mitigation of fluvial flood risk for Overton substation, drainage design for Overton and Monk Fryston substations, mitigation of construction phase effects and construction phase watercourse permitting. The Applicant's environmental consultant requested contact details for the Environment Agency Biodiversity lead on behalf of the Applicant's environmental consultant during the meeting. The Environment Agency confirmed a contact could be provided.
18 July 2022	Hydrology and Biodiversity	The Applicant's environmental consultant emailed the meeting minutes from the meeting held on 17 June 2022 and requested the contact details for the Environment Agency Biodiversity lead on behalf of the Applicant's environmental consultant.

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
26 January 2023	Hydrology and Biodiversity	The Applicant’s environmental consultant emailed the Environment Agency a copy of the draft SoCG and requested confirmation that it accurately reflects discussions with the Environment Agency to date and any outstanding matters. Links to the DCO application on the PINS website were provided and a meeting to discuss any outstanding matters was requested.
01 March 2023	Hydrology and Biodiversity	The Applicant’s environmental consultant emailed the Environment Agency to advise of receipt of Rule 6 deadlines from PINS and to request a meeting to discuss the draft SoCG.
01 March 2023	Hydrology and Biodiversity	The Environment Agency emailed the Applicant’s environmental consultant to advise that a response to the draft SoCG/meeting request was being followed up, but that limited resources had resulted in delays.
08 March 2023	Biodiversity	The Environment Agency’s Biodiversity Technical Specialist confirmed availability for a meeting to discuss the draft SoCG.
13 March 2023	Biodiversity	A meeting was held between the Applicant’s environmental consultant (Biodiversity Lead) and the Environment Agency (Biodiversity Technical Specialist) to discuss remaining matters outstanding. All matters were agreed and the SoCG updated, except for matters relating to Biodiversity Net Gain (BNG) which remain outstanding. It was agreed that the Environment Agency would defer to Natural England’s lead on this matter.
20 March 2023	Biodiversity	The Applicant’s environmental consultant emailed the Environment Agency to issue minutes of the meeting held on 13 March 2023 and to request comment from the Environment Agency on the draft Development Consent Order.
21 March 2023	Hydrology	The Applicant’s environmental consultant emailed the Environment Agency to request further engagement on the conclusions of the hydrology EIA and flood risk assessment, and on flood risk activities and discharge permitting requirements for the Project.
29 March 2023	Biodiversity	The Applicant’s environmental consultant emailed the Environment Agency’s Biodiversity Technical Specialist to request further information regarding opportunities for BNG delivery.
30 March 2023	Biodiversity	The Environment Agency’s Biodiversity Technical Specialist telephoned the Applicant’s environmental consultant to request minor amendments to the

Date	Topic	Discussion points
		wording of the SoCG and to discuss BNG delivery options.
31 March 2023	Hydrology	The Applicant's environmental consultant and the Environment Agency clarified their respective positions on a number of issues relating to Hydrology and Flood Risk via an exchange of emails.
17 May 2023	Biodiversity	A meeting was held between the Applicant's environmental consultant and the Environment Agency to discuss remaining outstanding matters relating to BNG.
18 May 2022	Hydrology	The Environment Agency emailed the Applicant's environmental consultant to confirm its position on a number of matters related to hydrology and flood risk.
19 May 2023	Biodiversity	The Applicant's environmental consultant emailed the Environment Agency to request confirmation of agreed matters relating to BNG.
22 May 2023	Hydrology	The Applicant's environmental consultant and the Environment Agency held a remote meeting to discuss remaining outstanding issues relating to flood risk, hydrology and waste.
23 May 2023	Biodiversity	The Environment Agency emailed the Applicant's environmental consultant to confirm its position on BNG.
28 June 2023	Hydrology	The Applicant's environmental consultant and the Environment Agency held a remote meeting to discuss remaining outstanding issues relating to Flood Risk Activities Permitting.
<u>15 August 2023</u>	<u>Biodiversity</u>	<u>The Applicant's environmental consultant emailed the Environment Agency to provide an update regarding Natural England and the Local Planning Authorities' positions with respect to BNG.</u>

3. Matters Agreed

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

Table 3.1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
Volume 5 Environmental Statement			
3.1 Chapter 8: Biodiversity (Document 5.2.8) [APP-080]			
<i>Assessment Scope and Methodology</i>			
3.1.1	Scope of Surveys (where approach has not changed since the PEIR stage)	Based on no comments to the contrary in the statutory consultation response and no change in approach since PEIR, it is assumed the Environment Agency is content with the proposed scope of surveys for the following: <ul style="list-style-type: none"> - approach to biodiversity surveys where land is not accessible; and - Aquatic protected species (e.g. otter) and invasive plant species surveys. (Table 8.8, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
3.1.2	Assessment Methodology	Based on no comments to the contrary in the statutory consultation response and no change in approach since PEIR it is assumed that the Environment Agency is content with the assessment methodology (Section 8.8, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).	9 December 2021 (Closing date of Section 42 Statutory Consultation period)
3.1.3	Aquatic species	The Environment Agency confirmed agreement with the approach to aquatic species surveys where revised since PEIR as outlined in	13 March 2023

SoCG ID	Matter	Agreed position	Date of Agreement
	survey approach (where revised since PEIR)	Table 8.8 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).	
3.1.4	Fish and invertebrate survey requirements	These species have been scoped out of requiring further survey given the embedded mitigation measures (detailed in Section 8, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) which will be put in place to avoid impacts. The Environment Agency confirmed agreement with the approach.	13 March 2023
<i>Baseline</i>			
3.1.5	Baseline	The Environment Agency confirmed agreement that the Biodiversity baseline is appropriately described in (Section 8.5 ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).	13 March 2023
<i>Embedded environmental measures</i>			
3.1.6	Proposals for embedded mitigation measures – Outline Biodiversity Mitigation Strategy (BMS) and Code of Construction Practice (CoCP)	The Environment Agency confirmed agreement that the Embedded Measures detailed in Section 8.6 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) and mitigation in the ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080] as secured through the Code of Construction Practice (CoCP) (Document 5.3.3B(E) [APP-095]) are appropriate. The Environment Agency specifically advised that should any over-pumping of watercourses suitable for eels or lamprey be required (in association with open trenching), 2mm mesh should be fitted to pump inlets to avoid entrapment of elvers and lamprey. This would be enacted via Embedded Mitigation Measure 2 Standard Best Practice , detailed in Section 8.6 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) and mitigation in the ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080] as secured through the Code of Construction Practice (CoCP) (Document 5.3.3B(E) [APP-095]) .	13 March 2023

SoCG ID	Matter	Agreed position	Date of Agreement
3.1.7	Installation of bird diverters	<p>The Environment Agency scoping response as summarised in Table 8.4 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) included the expectation that bird diverters should be fitted on overhead lines which cross rivers, flood plains and wetlands.</p> <p>National Grid's position based on consistency across all projects nationally is that fitting diverters is only carried out where historic evidence/collision risk modelling indicates a specific need. At the watercourses/wetlands within the Order Limits existing overhead line crossings are in place (in the case of the River Ouse an existing crossing will be removed and replaced within ~380m).</p> <p>Currently there is no evidence to indicate that the DCO would need to include provision of bird diverters to prevent significant adverse effects. If evidence of collisions becomes apparent in the future, bird diverters can be fitted retrospectively as stated in Table 8.4 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).</p> <p>The Environment Agency agreed that in the absence of evidence to indicate bird strike at these locations, National Grid's position is satisfactory.</p>	13 March 2023
<i>Assessment of likely significant effects</i>			
3.1.8	Assessment of likely significant effects	<p>The Environment Agency agreed that the ES has appropriately assessed the potential for significant effects on Biodiversity in Section 8.9 (ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]).</p>	13 March 2023
3.2 Chapter 9: Hydrology and Flood Risk (Document 5.2.9) [APP-081]			
<i>Assessment Scope and Methodology</i>			
3.2.1	Level of detail and completeness of the assessment.	<p>The Environment Agency is content that all relevant risks have been considered and assessed Section 9.7 and 9.8 (ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081]).</p>	9 December 2021 (Closing date of Section 42 Statutory Consultation period). Confirmed by email (18 May 2023)

SoCG ID	Matter	Agreed position	Date of Agreement
3.2.2	Integrated WFD assessment within the ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081] .	The Environment Agency is content that an integrated approach to the WFD assessment is completed within the hydrological impact assessment, see Section 9.14 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081] .	9 December 2021 (Closing date of Section 42 Statutory Consultation period). Confirmed in the meeting of 22 May 2023.
3.2.3	Design basis flood event for Overton Substation flood mitigation	The Environment Agency is content that that the National Grid design criteria for flood resilience of a 0.1% AEP flood event with an allowance for climate change (+34% to flood peaks) and the inclusion of a 300mm freeboard, is a sufficiently conservative basis for the design flood level at Overton Substation. (ES Appendix 5.3.9D Flood Risk Assessment, Annex 9D.4 Overton Substation Flood Modelling Technical Note [APP-138]) .	Consultation call 17/06/2022 and subsequent acceptance of the contents of the meeting minutes in an email from the Environment Agency on 30/06/2022. Confirmed by email (18 May 2023).
<i>Baseline</i>			
3.2.4	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed Section 9.5 (ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period). Confirmed by email (18 May 2023).
<i>Embedded environmental measures</i>			
3.2.5	Delivery and general scope of the embedded measures.	The Environment Agency is content that the embedded measures may be delivered / secured through a Code of Construction Practice in accordance with the general scope of measures outlined in Section 9.6 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081] , Section 6 of the Flood Risk Assessment (Document 5.3.9D) [APP-138] , and Section 3.6 of	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed by email (18 May 2023).

SoCG ID	Matter	Agreed position	Date of Agreement
		the Code of Construction Practice (Document 5.3.3B(E)) [APP-095] .	
3.2.6	Mitigation of fluvial flood risk to Overton substation by ground raising, including no requirement for compensatory flood storage provision	The Environment Agency is content with the modelling carried out using the York Detailed Model to develop a minimum site level for Overton Substation (based on the application of the National Grid design standard of the 0.1% AEP plus 34% climate change event). Also, given that its proposed location is outside the 1% AEP +30% climate change extent, the Environment Agency agree that compensatory flood storage is not required for ground raising at the substation. Refer to ES Appendix 5.3.9D Flood Risk Assessment, Annex 9D.4 Overton Substation Flood Modelling Technical Note [APP-138] for further details.	Consultation call 17/06/2022 and subsequent acceptance of the contents of the meeting minutes in an email from the Environment Agency on 30/06/2022 Confirmed by email (18 May 2023).
<i>Assessment of Likely Significant Effects</i>			
3.2.7	Significance of effects and mitigation measures.	The Environment Agency is content that the effects on surface water receptors are not significant, provided that they are adequately controlled through embedded measures Section 9.13 (ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed agreed during meeting of 22 May 2023.
<i>Permitting</i>			
3.2.8	Flood Risk Activities Permitting	National Grid and the Environment Agency agree that the provisions of the Environmental Permitting Regulations (2016) relating to Flood Risk Activities Permits will not be disapplied within the DCO. Flood Risk Activities Permits will be applied for all relevant aspects of the project (as set out in Table 5.1, Entries 5.3.1 and 5.3.2).	31 March 2023
3.3 Chapter 10: Geology and Hydrogeology (Document 5.2.10) [APP-082]			

SoCG ID	Matter	Agreed position	Date of Agreement
<i>Assessment Scope and Methodology</i>			
3.3.1	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed Section 10.4 and 10.7 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10) [APP-082]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed agreed during meeting of 22 May 2023.
<i>Baseline</i>			
3.3.2	Level of detail and completeness of the assessment.	The Environment Agency is content that all relevant risks have been considered and assessed Section 10.5 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10) [APP-082]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed agreed during meeting of 22 May 2023.
<i>Embedded environmental measures</i>			
3.3.3	Delivery and general scope of the embedded measures.	The Environment Agency is content that the embedded measures may be delivered / secured through a Code of Construction Practice in accordance with the general scope of measures outlined in the Section 10.6 (ES Chapter 10 Geology and Hydrogeology (Document 5.2.10) [APP-082]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed as agreed during meeting of 22 May 2023.
<i>Assessment of Likely Significant Effects</i>			
3.3.4	Significance of effects and mitigation measures.	The Environment Agency is content that the effects on groundwater receptors are not significant, provided that they are adequately controlled through embedded measures Section 10.11 (ES Chapter 10: Geology and Hydrogeology (Document 5.2.10) [APP-082]) .	9 December 2021 (Closing date of Section 42 Statutory Consultation period) Confirmed as agreed during meeting of 22 May 2023.
3.3.5	WFD Compliance	The parties agree that the Project is compliant with the objectives of the WFD for relevant water bodies, as summarised in Section 9.14 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9) [APP-081] .	Meeting of 22 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
3.4 Volume 3: Draft Development Consent Order (Document 3.1(C)) [REP3-004]			
3.4.1	Mechanism for securing flood risk mitigation	<p>The parties agree that the mechanisms in the DCO for securing flood risk mitigation are appropriate, as follows:</p> <ul style="list-style-type: none"> The flood resilience design level for Overton Substation of 13.71mAOD is specified on drawing number DCO_DE/PS/14_03 in Document 2.15(B) Design Drawings [REP2-011] and the Design Drawings are secured under Requirement 3 of the draft Development Consent Order (DCO, Document 3.1(CF) [REP3-004]). Detailed drainage design for both construction and operational phases of the development is secured via Requirements 6(1)(b) and 6(4) of the draft DCO (Document 3.1(CF) [REP3-004]). Preparation of an emergency response plan for flood events for the construction phase of the Project is secured via Requirement 6(1)(e) of the draft DCO (Document 3.1(CF) [REP3-004]). Other embedded flood mitigation measures for the construction phase of the Project are secured via the Code of Construction Practice (Document 5.3.3B(E), [REP2-020]) under Requirement 5(2)(a) of the draft DCO (Document 3.1(CF) [REP3-004]). 	Meeting of 22 May 2023
3.4.2	Article 20: Protective work to land, buildings, structures, apparatus or equipment	<p>Paragraph (h) of the Examining Authority's written question Q5.1.22 [PD-007] seeks confirmation as to whether Statutory Undertakers agree with the powers in this article. The Environment Agency confirmed it has no buildings or infrastructure that impacted by the proposed works and therefore the proposed article would not be relevant to their interests. The proposed wording of Article 20 of the Draft DCO (Document 3.1(CF) [REP3-004]) is therefore agreed.</p>	Meeting of 22 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
3.5 Permitting Issues			
3.5.1	Construction phase FRAP requirements – crossing protection scaffolds over Main Rivers	The parties agree that crossing protection scaffolds over Main Rivers would require a bespoke flood risk activities permit (FRAP). These will be required for the River Ouse (two locations, the crossing of the new XC overhead line, and the dismantling of the existing XCP overhead line), and the River Wharfe (reconductoring of the existing XC line at one location). A single FRAP application can be made to cover all three locations.	Meeting of 22 May 2023
3.5.2	Construction phase FRAP requirements – infringement works at Cock Beck	Infringement works will be carried out by the local distribution network operator (DNO) to locally underground an 11kV cable to move it out of the way of the main overhead line works. This would involve a cable crossing of the Cock Beck, which is a Main River. For the purposes of the EIA, National Grid assumed a worst-case scenario of open cut installation across the Cock Beck (paragraph 9.9.7 of ES Chapter 9 Hydrology and Flood Risk (Document 5.2.9 [APP-081])). However, selection of the final method of installation will be a matter for the DNO in consultation with its contractor. The parties agree that any works within 8m of the Cock River would be subject to FRAP, with the relevant application to be made by the DNO or its contractor.	Meeting of 22 May 2023
3.5.3	Construction phase FRAP requirements – temporary construction access	The parties agree that there is no requirement for temporary construction access crossings of Main Rivers, and therefore no requirements for FRAP applications for bridges or culverts for the Project.	Meeting of 22 May 2023
3.5.4	Construction phase FRAP requirements in floodplain areas	The parties agree that there is no requirement for FRAP for proposed construction activities in floodplain areas outside the standard 8m stand-off distance from top of bank/ landward foot of flood defences for Main Rivers. The EA has reviewed details of these activities provided by the applicant and concluded that they	Meeting of 28 June 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		are very unlikely to increase flood risk. Furthermore, there is an exclusion from permitting for works in the floodplain under Schedule 25 of the Environmental Permitting Regulations (2016) for certain statutory undertakers, including National Grid (see paragraphs 3(1) to 3(3); see also Schedule 22 of the Water Resources Act, 1991).	
3.5.5	Operational phase FRAP requirements – overhead line clearance over Main Rivers	The parties agree that the clearances of all overhead line crossings above the top of bank of Main Rivers exceed 15m under normal operating conditions, and are therefore excluded exempted from FRAP (Exemption FRA2 Electrical Service Crossing over a Main River).	Meeting of 28 June 2023
3.5.6	Environmental Permits for discharge of treated sewage effluent to Controlled Waters	Requirements for discharge of treated sewage effluent to controlled waters from both construction and operational phases of the project will be defined in the Drainage Management Plan, which will be prepared under Requirement 6.(1)(b) of the draft DCO (Document 3.1(CF)) [REP3-004]). If required, the parties agree that these will be subject to permitting under the Environmental Permitting Regulations 2016.	Meeting of 22 May 2023
3.5.7	Re-use of excavated materials	The parties agreed that any re-use of excavated materials will be subject to documentation of compliance with the CL:AIRE Definition of Waste Development Industry Code of Practice (DoWCoP), or other suitable mechanism (e.g. exclusion or exemption), prior to excavation of the material. The use of the DoWCoP will be administered through the procedures outlined in the DoWCoP, including documenting with the Materials Management Plan (MMP) that relevant regulatory procedures have been followed prior to excavation (e.g. evidence of no objection from the Environment Agency’s waste team, at the appropriate juncture).	Meeting of 22 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		This is a post-consent procedure that is common to many construction projects, and is secured through the Code of Construction Practice (Document, 5.3.3B(E) [APP-095]). The parties agreed that no permits are required for the use of the DoWCoP.	
3.5.8	Storage of waste (excluding excavated materials to be re-used)	<p>The parties agree that, as stated in the Code of Construction Practice (Document, 5.3.3B(E) [APP-095]), it is expected that the storage of waste will be within the scope of, and comply with, the requirements of one or more of the activities specified as exempt from Waste Management Licensing e.g. storage under a Non Waste Framework Directive (NWFd) exemption.</p> <p>If this position changes, then an Environmental Permit will be sought from the Environment Agency.</p>	Meeting of 22 May 2023

Volume 7: Other Documents

3.6 Document 7.9 Biodiversity Net Gain Report [APP-210]

3.6.1	BNG	<p>The Environment Agency welcomes the Project commitment to deliver 10% BNG. All matters relating to BNG have now been agreed between the Environment Agency and National Grid except for the detail of the Section 106 Agreement (see SoCG ID 5.1.1).</p> <p>In terms of DCO submission, the initial BNG report is based on a number of precautionary assumptions, which provides a reasonable worst-case indication of the deficit in biodiversity units resulting from the Project (which is likely to overstate losses as a precaution) and the amount and type of on and off-site habitat creation required to achieve BNG.</p> <p>National Grid will then undertake further BNG assessment at different stages through the project lifecycle updating the BNG report metric calculation with final baseline data and results of the Strategic Significance assessment. These updated reports will be produced post-consent at detailed design stage (including the BNG management and monitoring plan), and after construction (based</p>	Meeting of 17 May 2023 <u>15 August 2023</u>
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SoCG ID	Matter	Agreed position	Date of Agreement
		<p>on as-built information) to refine and finalise the assessment as further information becomes available.</p> <p>In a meeting (17 May 2023), the Environment Agency confirmed its agreement with the approach to BNG in terms of the following:</p> <ul style="list-style-type: none"> - Provision of adequate information at application stage (in view of land access constraints and lack of detailed design pre-consent), and agreement with the proposed production of updated BNG reports post-consent. - National Grid’s approach to identifying suitable locations for delivery of meaningful BNG which in order of priority would be: 1) habitat creation/enhancement within the Order Limits with agreement with third party landowner/managers; 2) agreements with/contributions to local stakeholder schemes outside the Order Limits but within the relevant LPA where possible (or Project-wide where more favourable outcomes for biodiversity would be achieved by delivering BNG at a site outside the relevant LPA); and 3) inputs to strategic biodiversity offsite schemes through purchase of biodiversity units. - Avoiding loss of irreplaceable habitats - Adherence to the Mitigation hierarchy, especially to avoid and minimise habitat clearance (especially for priority habitats) - Achieving a minimum 10% increase in area-based units, in linear units and in river units in ways that meet the Biodiversity Metric V3.1 trading rules <p><u>- Agreement with the principle of securing BNG via a Section 106 Agreement, pending confirmation that the content of the Section 106 Agreement has been agreed with the relevant Local Planning Authorities.</u></p> <p><u>As matters relating to BNG within the Section 106 Agreement has since been agreed with the relevant Local Planning Authorities, this matter is now also agreed between the Environment Agency and National Grid.</u></p>	

4. Matters Not Agreed

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

Table 4.1 – Matters not agreed

SoCG ID	Matter	Environment Agency position	National Grid position
N/A	N/A	N/A	N/A

5. Matters outstanding

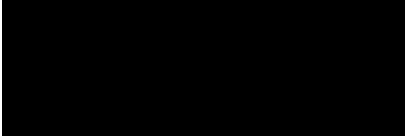
5.1.1 **Section 5** sets out matters where agreement is currently outstanding between National Grid and Environment Agency. ~~In particular~~ **Table 5.1** details these matters.

Table 5.1 – Matters outstanding

SoCG ID	Matter	Environment Agency position	National Grid position
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Volume 7: Other Documents			
5.1 Document 7.9 Biodiversity Net Gain Report (Document 7.9) [APP-210]			
5.1.1	Contents of Section 106 Agreement to secure BNG	The Environment Agency welcomes the Project commitment to deliver 10% BNG (SoCG ID 3.6.1). In a meeting (17 May 2023), the Environment Agency confirmed it is in agreement with the principle of securing BNG through the Project via a Section 106 Agreement, pending confirmation that the content of the Section 106 Agreement has been agreed with the relevant Local Planning Authorities.	National Grid has submitted a draft Section 106 Agreement at Deadline 4 which details the delivery of BNG as part of the Project. The draft agreement incorporates amendments made in response to comments received (up to that point) from LPAs. It is National Grid's view that the proposed wording is sufficient to secure the delivery of the BNG commitments of the Project.

6. Approvals

Signed	B.Kington
On Behalf of	National Grid
Name	Bethany Kington
Position	Consents officer
Date	11.07.2023 <u>22.08.2023</u>

Signed	 M. Wilcock
On Behalf of	Environment Agency
Name	Richard Jennings <u>Matthew Wilcock</u>
Position	Biodiversity Technical Specialist <u>Planning Specialist</u>
Date	31.08.2023 <u>11.07.2023</u>

National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152