

YG-DCO-083(BC)

# Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.16(BC) Statement of Common Ground Between National Grid Electricity Transmission and Foss Internal Drainage Board (Tracked)

Final Version 32  
July-September 2023

Planning Inspectorate Reference: EN020024

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

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# Document control

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## Version History

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Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For discussion with Foss IDB
Statement of Common Ground	2	Final	Final version for Examination
<u>Statement of Common Ground</u>	<u>3</u>	<u>Final</u>	<u>Final version for submission to ExA</u>

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# 1. Introduction

- 1.1.1 A Statement of Common Ground (SoCG) is a written statement produced as part of the application process for a Development Consent Order (DCO) and is prepared jointly between the applicant and another party. It sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.2 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning, and provide greater predictability for all participants in examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.
- 1.1.3 This SoCG is between National Grid Electricity Transmission plc ('National Grid') and Foss (2008) Internal Drainage Board (FIDB) relating to the DCO application for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN). It has been prepared in accordance with the guidance<sup>1</sup> published by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.1.4 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and FIDB.
- 1.1.5 ~~This version (V2 July 2023) of the SoCG represents the position between National Grid and FIDB up to July 2023. This version of the SoCG represents the final version with all matters agreed.~~ This version (V3 September 2023) of the SoCG represents the position between National Grid and Foss IDB at Deadline 7 on 6 September 2023. The SoCG is the final version for the Examination.

## 1.2 Description of the Project

### Need for the Yorkshire GREEN Project

- 1.2.1 National Grid propose to upgrade and reinforce the electricity transmission system in Yorkshire. This reinforcement is needed to improve the transfer of clean energy across the country.
- 1.2.2 Electricity flows are set to double within the next ten years as a result of offshore wind developments, other sources of clean energy and expanding interconnection capacity (high-voltage cables that connect the electricity systems of neighbouring countries) in both Scotland and north-east England. The Yorkshire GREEN Project would contribute towards strengthening the national electricity transmission network so that it can

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

accommodate this growth in electricity flows. Reinforcement would ensure that the network is not overwhelmed, and that potential future pressures on the network are relieved in the north and north-east of England, whilst balancing supply and demand.

1.2.3 Without additional reinforcement, the existing transmission system would become overloaded. To stop these overloads from happening, National Grid Electricity System Operator would need to constrain power generation. Such action could result in significant costs to consumers.

1.2.4 As a result, it is necessary and economical to invest in network reinforcement in the long term, and critically to ensure that Yorkshire GREEN is designed, tested and installed in sufficient time to meet the 2027 in service date. Reinforcement of the network would enable an increase in the transfer of clean energy, increasing network capacity and avoiding constraint costs.

## Yorkshire GREEN Project Description

1.2.5 Yorkshire GREEN comprises both new infrastructure and works to existing transmission infrastructure and facilities. The Project is divided into six sections (see **Figure 1**), located within three Local Authority boundaries<sup>2</sup> :

- **Section A (Osbalwick Substation):** Minor works would take place at the existing Osbalwick Substation comprising the installation of a new circuit breaker and isolator along with associated cabling, removal and replacement of one gantry and works to one existing pylon. All substation works would be within existing operational land.
- **Section B (North west of York Area):** Works would comprise:
  - reconductoring of 2.4km of the 400kV Norton to Osbalwick (2TW/YR) overhead line and replacement of one pylon on this overhead line;
  - the new 400kV YN overhead line (2.8km), north of the proposed Overton Substation;
  - the new Shipton North and South 400kV cable sealing end compounds (CSECs) and 230m of cabling to facilitate the connection of the new YN 400kV overhead line with the existing Norton to Osbalwick YR overhead line;
  - a new substation (Overton 400kV/275kV Substation) approximately 1km south of Shipton by Beningbrough;
  - two new sections of 275kV overhead line which would connect into Overton Substation from the south (the 2.1km XC overhead line to the south-west and the 1.5km SP overhead line to the south-east);
  - works to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east comprising a mixture of decommissioning, replacement and realignment. To the south and south-east of Moor Monkton the existing overhead line would be realigned up to 230m south from the current overhead line and the closest pylon to Moor Monkton (340m south-east) would be permanently removed. A 2.35km section of this existing

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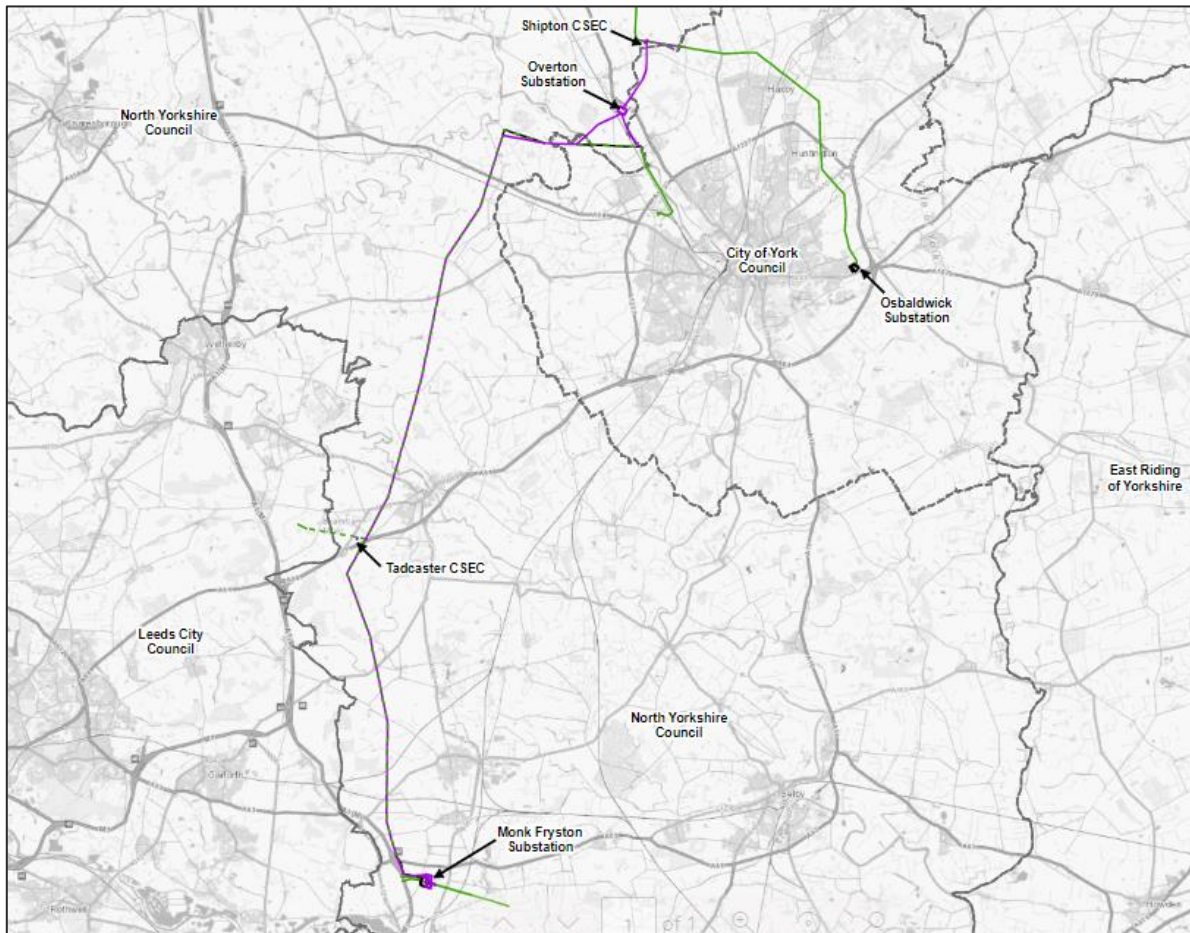
<sup>2</sup> North Yorkshire Council, City of York Council, and Leeds City Council.

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; and
- **Section F (Monk Fryston Area):** A new substation would be constructed to the east of the existing Monk Fryston Substation which is located approximately 2km south-west of the village of Monk Fryston and located off Rawfield Lane, south of the A63. A 1.45km section of the 275kV Poppleton to Monk Fryston (XC) overhead line to the west of the existing Monk Fryston Substation and south of Pollums House Farm would be realigned to connect to the proposed Monk Fryston Substation. East of the existing Monk Fryston Substation the existing 4YS 400kV Monk Fryston to Eggborough overhead line, which currently connects to the existing substation, would be reconfigured to connect to the proposed Monk Fryston Substation.

- 1.2.6 Temporary infrastructure would be required to facilitate the Project, including temporary overhead line diversions and temporary construction compounds.
- 1.2.7 The Project Order Limits intersect with FIDB's district in Section A around Osbalwick Substation only.

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 FIDB will jointly be referred to as the “Parties”. When referencing FIDB alone, it 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 FIDB, 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 FIDB 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 Foss Internal Drainage Board in the DCO process

- 2.1.1 Internal Drainage Boards (IDBs) are statutory public bodies responsible directly to the Department for Environment, Food and Rural Affairs (Defra). They are constituted under the Land Drainage Act 1991 (as amended) ('the LDA') to undertake water level management and flood risk functions in their catchment areas. In addition to this, IDBs are defined as Risk Management Authorities under the Flood and Water Management Act 2010.
- 2.1.2 The principal duty of IDBs is to exercise a general supervision over all matters relating to the drainage of land within their statutory Drainage Districts. They also have powers to undertake flood defence works, land drainage improvements and water level control, on all watercourses other than 'main river' (which are under the control of the Environment Agency), within their Drainage Districts (hereafter referred to as 'ordinary watercourses').
- 2.1.3 IDBs are prescribed consultees for DCO applications under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
- 2.1.4 The FIDB is a public authority managing water levels within its districts, which covers a total area of 12,495 ha to the northeast and east of York. It was formed on 1<sup>st</sup> April 2011 through the amalgamation of the former Foss and Wilberfoss and Thornton Level IDBs. It is administered by the York Consortium of Drainage Boards (YCDB), an umbrella body that provides administrative and technical support to a number of IDBs in the York area.
- 2.1.5 In addition to being a prescribed consultee to the DCO process, FIDB also regulates works likely to affect ordinary watercourses or drainage infrastructure within its district through issuing land drainage consents under Section 23 of the LDA and its own Drainage Byelaws created under Section 66 of same. Hereafter, these are referred to as 'Section 23 consents' and 'Section 66 consents' respectively.
- 2.1.6 As part of the consultation process the Applicant carried out non statutory and statutory consultation. Further information on this consultation is set out in Section 4 and 5 of the **Consultation Report (Section 4 and 5, Volume 6, Document 6.1, [APP-195])**.
- 2.1.7 During the examination process, FIDB may prepare written representations, and respond to written questions from the Examining Authority as well as participate in hearings.

### 2.2 Summary of pre-application discussions

- 2.2.1 **Table 2.1** summarises the consultation and engagement that has taken place between the Parties prior to submission of the DCO application. This includes discussions relating to EIA Scoping, s42 statutory consultation and additional technical engagement.

Table 2.1 – Pre-application discussions

Date	Topic	Discussion points
29 July 2021	Hydrology and flood risk	The Applicant’s environmental consultant held a meeting via Microsoft Teams to discuss the PEIR stage assessment of hydrology and flood risk with consultees. This meeting was attended by a representative of FIDB.
16 June 2022	Hydrology and flood risk	The Applicant’s environmental consultant held a meeting via Microsoft Teams to discuss the DCO application stage assessment of hydrology and flood risk with consultees. This meeting was attended by a representative of FIDB.

## 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
22 March 2023	Hydrology and flood risk	The Applicant’s environmental consultant and the FIDB’s Clerk to the Board spoke by telephone and agreed that this SoCG would be produced.
02 May 2023	Hydrology and flood risk	National Grid received the FIDB’s <b>Written Representation and Response to Examiner’s Written Questions</b> provided for Deadline 2 [REP02-50].
11 May 2023	Hydrology and flood risk	The Applicant’s environmental consultant emailed FIDB with a draft updated SoCG and a copy of its response to the Written Representation for comment (Document 8.20 Applicant’s Comments on Written Representations and other Interested Parties’ Deadline 2 Submissions Final Issue A May 2023 [REP03-032]).
14 June 2023	Hydrology and flood risk	The Applicant held a remote meeting with YCDB (representing both Ainsty IDB and FIDB) to discuss remaining matters outstanding.
29 June 2023	Hydrology and flood risk	A further remote meeting was held between the Applicant and YCDB to discuss remaining outstanding issues.
10 July 2023	Hydrology and flood risk	The discussions held in meetings on 14 and 29 June are supported by an exchange of emails between YCDB and the Applicant.

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18 / 21 / 30 / 31  
August 2023

Hydrology and  
flood risk

A further exchange of emails between the Applicant and  
YCDB occurred to agree on the final version of this  
SoCG.

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# 3. Matters Agreed

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

Table 3.1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
<b>Volume 5.2: Environmental Statement</b>			
<b>Document 5.2.9: Hydrology and Flood Risk ES Chapter [APP-081]</b>			
3.1.1	Conclusions of the hydrology and flood risk EIA.	FIDB has no comments on the hydrology and flood risk EIA and will defer to the Environment Agency and Lead Local Flood Authorities for review and approval of its conclusions.	14 June 2023
<b>Volume 5.3 Environmental Statement Appendices</b>			
<b>Document 5.3.9: Appendix 9D Flood Risk Assessment [APP-138]</b>			
3.1.2	Conclusions of the flood risk assessment (FRA)	FIDB has no comments on the FRA and will defer to the Environment Agency and Lead Local Flood Authorities for review and approval of its conclusions.	14 June 2023
<b><del>Draft Development Consent Order (Document 3.1 (ED) [REP6-026], to be submitted to the Examination at Deadline 5)</del></b>			
3.1.3	FIDB byelaws created under Section 66 of the LDA	The Parties agree that FIDB’s Section 66 byelaws will be <u>retained in their entirety largely unaffected by the DCO</u> . This includes powers to regulate any works within 9m of the top of bank of IDB-maintained watercourses, and surface water	<del>29 June 2023</del> <u>30 August 2023</u>

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discharge to any watercourse within the IDB's district.

However, provision will be made through an amendment to Article 19 of the ~~draft~~ DCO to ensure that Section 66 consents, if required, are granted on the following basis:

(a) the consent is not to be unreasonably withheld; and

(b) if the internal drainage board fail within 28 days after receipt of the application to notify the applicant in writing of their determination, the internal drainage board are deemed to have consented to the application.

A further amendment to Article 19 has the effect of disapplying Internal Drainage Board byelaw consenting powers for overhead line crossings of IBD-maintained watercourses, provided the requirements set out in Schedule 2 of the Electricity Safety, Quality and Continuity Regulations 2002 for overhead line ground clearance are met. However, as no overhead line works are planned within FIDB's district, this has no practical effect.

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3.1.5	No additional changes to the DCO	The Parties agree that no additional amendments are required to the draft DCO to make clear that it does not automatically override the requirement for Land Drainage Consents being issued under Section 23 of the LDA and Section 66 byelaws. Because Section 23 of the Land Drainage Act is a prescribed consent, pursuant to section 150 of the Planning Act 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462, the DCO would need to expressly disapply any provision	10 July 2023
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for this not to apply and such disapplication could only be done with the consent of the person or body which would otherwise be required to grant the prescribed consent or authorisation. Because the DCO does not expressly disapply this, there is no means through which the DCO would override the need to obtain such consents.

Whilst Section 66 Byelaws are not a prescribed consent, they would still need to be expressly disappplied if they were not to have effect, which is why this was previously done through Article 52 and Schedule 16. Because National Grid is proposing to remove the disapplication of IDB byelaws within Schedule 16 of the draft DCO, and instead insert a new paragraph 12 to Article 19, these byelaws will still apply, subject to the provisions of Article 19(12).

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3.1.6	DCO Article 21 – Survey and investigating land / watercourses	The Parties agree that no changes to Article 21 are required, on the basis that National Grid do not foresee a requirement for any site investigation or survey work that could generate large volumes of water that would need to be discharged.	29 June 2023
3.1.7	DCO Requirements	The Parties agree that the relevant DCO Requirements on which FIDB should be consulted as “the relevant drainage authority” for its district are as follows: <ul style="list-style-type: none"><li>• 6.(1)(b) Drainage Management Plan</li><li>• 6.(4) Written Details of Surface and Foul Water Drainage Systems</li><li>• 13. Removal of Temporary Bridges and Culverts</li></ul>	10 July 2023

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## Permitting issues

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3.1.8	Need to apply to the FIBD for Land Drainage Consents	<p>The Parties agree that National Grid do not foresee any requirement to apply for either Section 23 or Section 66 consents from FIBD for works in and around Osbaldwick substation for the reasons set out in the following entries in this table.</p> <p>However, if during detailed construction design, a need arose for works requiring land drainage consent, National Grid would apply to FIBD for the relevant consents in the normal manner.</p>	10 July 2023
3.1.9	Extent of works likely to affect IDB-maintained watercourses	<p>The Parties agree that the following summary of works within the FIBD area is accurate and provides the basis for agreement under Item 3.1.8 above.</p> <p>Most of the works to be carried out at Osbaldwick Substation are within the current substation boundary, as described in Section 3.4 of <b>Environmental Statement Chapter 3 Description of the Project (Document 5.2.3) [APP-075]</b>, with further detail of the proposed works shown in Figure 3.1 of the <b>Environmental Statement Chapter 3 Description of the Project Figures (Document 5.3.4(B)) [AS-018]</b>. These works do not involve any increase to the current extent of impermeable surfaces or alterations to substation drainage and, therefore, will not have any impact on nearby watercourses arising from new discharges of surface water.</p> <p>It is acknowledged that the Order Limits extend north of the substation along the YR overhead line and encompasses the first two pylons along this line (YR001A and YR002), plus access to and from Murton Way. This part of the Order Limits crosses the IDB-maintained Murton Station Dyke watercourse between the two pylons. Most of the</p>	10 July 2023

works will take place at the closest pylon to the substation (YR001A). Access to this pylon will be taken via the main substation access road (which crosses the Murton Station Dyke via an existing culvert) and an existing access track which runs between the substation boundary fence to the south and the Murton Station Dyke to the north. No upgrade works are required to this access track for the Project. The span back to YR002 is only included within the Order Limits to apply temporary earthing tapes to the YR002 pylon for the duration of the works. Access to YR002 will be taken from Murton Way to the north. No access track will be required between the two pylons across the Murton Station Dyke. Therefore, there is no scope for impacts on the watercourse as a result of works at YR001A and YR002.

3.1.10	Temporary works within 9 metres of IDB-maintained watercourses	As noted above under Item 3.1.9, the works in and around Osbaldwick Substation will not impinge on watercourses in its vicinity. National Grid confirm that access to, and along IDB-maintained watercourses will not be affected. National Grid confirms it is not seeking to disapply the byelaws that allow FIDB to achieve their objectives relating to this matter. On this basis, FIDB have no comments.	10 July 2023
3.1.11	Runoff from working areas	As noted above under Item 3.1.10, National Grid confirm that there will be no extension of impermeable areas or alteration of existing drainage systems as a result of works in and around Osbaldwick Substation, and therefore no increase in runoff to FIDB maintained watercourses or ordinary watercourses in its vicinity. On this basis, FIDB have no comments.	10 July 2023



3.1.12	No permanent infrastructure within 9 metres lateral distance of IDB-maintained watercourses	National Grid confirm that there will be no new permanent ground level infrastructure associated with the project within the FIDB byelaw stand-off distance of 9m from the top of bank of maintained watercourses. On this basis, FIDB have no comments.	10 July 2023
3.1.13	Minimum conductor clearance above IDB-maintained watercourses	National Grid confirm that no change is proposed to the current ground clearance height of the overhead line between YR001A and YR002 as it crosses Murton Station Dyke, and that there is no requirement for Section 66 consent for this crossing. On this basis, FIDB have no comments.	10 July 2023
3.1.14	Restoration of watercourse bed and banks	The Parties agree that National Grid will be responsible for restoring any damage to watercourse bed or banks resulting from the Project. This obligation is secured through the discharge of DCO Requirements 11 and 13.	14 June 2023
<b>Riparian rights and responsibilities</b>			
3.1.13	No obstruction of watercourses	The Parties agree that the Project must not cause an obstruction to flows within watercourses in the FIDB district.	10 July 2023
3.1.14	IDB rights of access for watercourse maintenance	The Parties agree that FIDB retains its rights of access under the LDA to maintain watercourses and remove obstructions to flow within its district.	10 July 2023
3.1.15	Riparian owner/ occupier responsibilities and liability	The Parties agree that the DCO must not impact the riparian owner rights and responsibilities associated with watercourses within the Order Limits.	10 July 2023

## 4. Matters Not Agreed

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

Table 4.1 – Matters not agreed

<b>SoCG ID</b>	<b>Matter</b>	<b>FIDB Position</b>	<b>National Grid Position</b>
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 FIDB. In particular **Table 5.1** details these matters.

Table 5.1 – Matters outstanding

<b>SoCG ID</b>	<b>Matter</b>	<b>FIDB Position</b>	<b>National Grid Position</b>
N/A	N/A	N/A	N/A

## 6. Approvals

<b>Signed</b>	B. Kington
<b>On Behalf of</b>	National Grid
<b>Name</b>	Bethany Kington
<b>Position</b>	Consents officer
<b>Date</b>	<del>11.31.07</del> 08.23
<b>Signed</b>	C. L. Gill
<b>On Behalf of</b>	Foss (2008) Internal Drainage Board
<b>Name</b>	Charlotte Gill
<b>Position</b>	Planning Officer
<b>Date</b>	<del>10.07</del> 31.08.23

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