

YG-DCO-081(BC)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.14(BC) Statement of Common Ground Between
National Grid Electricity Transmission and National Highways
(Tracked)

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~~July-September~~ 2023

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Document control

Version History

Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For discussion with National Highways
Statement of Common Ground	2	Draft	For discussion with National Highways
<u>Statement of Common Ground</u>	<u>3</u>	<u>Final</u>	<u>Final version for submission to the 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 National Highways 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 National Highways.
- 1.1.5 This version (~~V2-V3 July-September~~ 2023) of the SoCG represents the final position between National Grid and National Highways up to ~~the~~ Deadline 5-7 on stage of the Project Examination process on 11 July 6 September 2023. ~~The This~~ SoCG will evolve as the DCO application progresses through the examination represents the final version for submission into 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. Yorkshire GREEN would contribute towards strengthening the national electricity transmission network so that it can accommodate

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

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;
 - 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

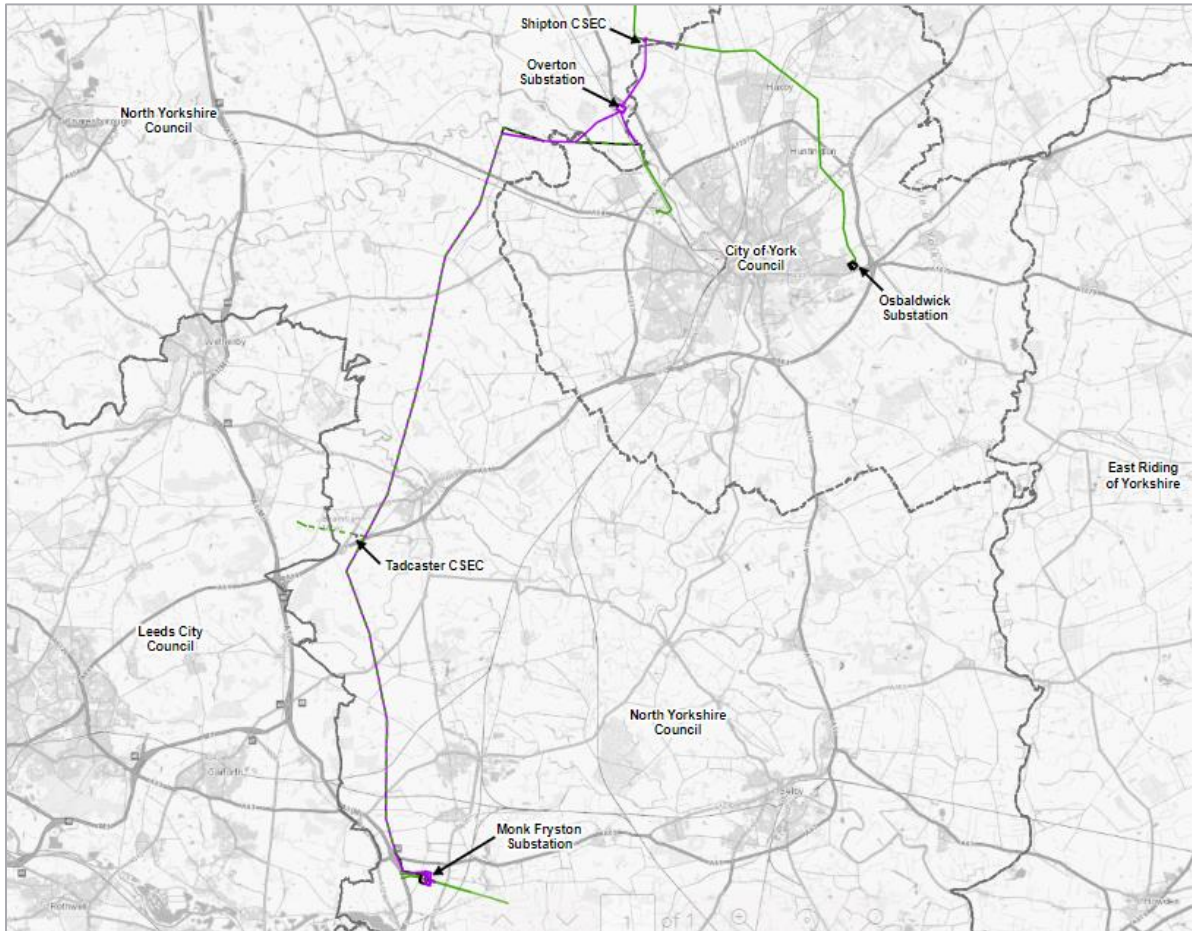
² North Yorkshire Council, City of York Council, and Leeds City Council.

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.

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 National Highways will jointly be referred to as the “Parties”. When referencing National Highways 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 National Highways, and therefore where there is no dispute;
- Where a section begins ‘matters not agreed’, this sets out matters that have been discussed and 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 National Highways 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 National Highways in the DCO process

- 2.1.1 National Highways is the highway authority in England for the Strategic Road Network (SRN) and has the necessary powers and duties to operate, manage, maintain and enhance the SRN. Regulatory powers remain with the Secretary of State.
- 2.1.2 Prior to submission of the DCO, National Highways was invited to comment on the Project with respect to impacts on the SRN.
- 2.1.3 As part of the ongoing DCO process, National Highways were invited to participate in the examination of the Project as Interested Parties. During the examination process, National Highways may prepare a written representation, 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 National Highways responded to the Environmental Impact Assessment (EIA) Scoping Report in support of the Yorkshire GREEN Project in April 2021. The response included a request to be kept informed of the proposals and advised on highway schemes for Road Investment Strategy 3 (RIS3) which may affect the future baseline, namely A64 Hopgrove, M1 Leeds Eastern Gateway and A1 Doncaster – Darrington, and potential for improvements at the A64 Grimston Bar and the A64 Fulford junctions. In addition, National Highways agreed that the operational and maintenance elements of the Projects are not likely to materially impact the operation and safety of the SRN and the proposed approach to only assess the construction phase is acceptable.
- 2.2.2 National Highways was contacted for pre-application discussion as part of non-statutory consultation, and also had the opportunity to comment on the proposals as part of statutory consultation, however a response was not received. A meeting did not take place until post submission of the DCO application.
- 2.2.3 In September 2022, National Highways reviewed the meetings notes from three project meetings with the local highway authorities (April 2021, October 2021 and July 2022) which they did not attend and made comments on these which were based on the need for consideration of impacts of the Project on the SRN during construction.
- 2.2.4 An email was sent by the Applicant's environmental consultant to National Highways setting out that there would be no new direct access to the National Highways network, an overview of potential impacts on the National Highways network and a summary of likely abnormal indivisible load routes. A meeting with National Highways was held post submission on 1st December 2022.

2.3 Summary of post-submission discussions

- 2.3.1 **Table 2.1** summarises the consultation and engagement that has taken place between the Parties post submission of the DCO application and will be updated as appropriate as part of the DCO process.

Table 2.1 - Post-submission discussions

Date	Topic	Discussion points
15 November 2022	Permanent rights	Heads of terms issued to National Highways for the existing over-sail of a balancing pond on the basis that this land is set off the highway, and therefore may not be covered by NRSWA.
16 November 2022	Permanent rights	Copy heads of terms issued to National Highways Property team.
17 November 2022	Permanent rights	Copy heads of terms issued to Ross Carter, Planning Lawyer.
24 November 2022	Permanent rights	Correspondence with National Highways in connection with documentation request.
29 November 2022	Permanent rights	Correspondence regarding the proposed development with Chris Corcoran (AECOM on behalf of National Highways) in relation to engineering queries.
01 December 2022	Traffic and Transport	Overview of DCO application and discussion on impacts on the SRN, namely crossings of A64 and A1(M) slip roads roundabout.
11 January – 23 January 2023	AIL	Discussions with National Highways, and the local National Highways teams around suitability of routes for AIL deliveries, and areas of concern and in need of further studies / engagement. Discussions remain ongoing.
24 January 2023	Traffic and Transport	Comments from Jacobs Systra Joint Venture (JSJV) on behalf of National Highways following a review of the DCO submission, in particular ES Chapter 12 Traffic and Transport (Document 5.2.12) [APP-084] and Traffic Regulation Order (TRO Plans A to F) (Documents 2.12.1 to 2.12.6) [APP-056 to APP-061] . The comments include requests for clarification and suggestions for amendments to the submission documents.
22 February 2023	Permanent Rights	Heads of terms issued to National Highways for the land required to widen highways and existing over sail of highways infrastructure.
23 February 2023	Permanent Rights	Teams call with National Highways and North Yorkshire Council to discuss recent issue of Heads of Terms, and to discuss alternative options for securing required rights. National Highways and North Yorkshire Council agreed to

		consider their preference and to hold a further meeting in March 2023.
13 March 2023	Traffic and Transport	Response to the Technical Memorandum (25 January 2023), responding to requests for further information.
<u>31 March 2023</u>	<u>Protective Provisions</u>	<u>National Highways shared copy of its template protective provisions with National Grid's Lawyers.</u>
<u>18 April 2023</u>	<u>Protective Provisions</u>	<u>National Grid's Lawyers returned a marked-up copy of National Highways protective provisions.</u>
4 May 2023	Traffic and Transport	Technical Memorandum (with comments from Jacobs Systra Joint Venture on behalf for National Highways) received from National Highways in response to WSP response document provided to National Highways 13 March 2023.
<u>4 May 2023</u>	<u>Protective Provisions</u>	<u>Email from National Highways to National Grid's Lawyers regarding approach to protective provisions.</u>
15 -23 May 2023	Traffic and Transport	Email and phone discussions with National Highways relating remaining transport points from the Technical Memorandum (4 May 2023) and National Highways Written Representation [REP2-079].
<u>31 May 2023</u>	<u>Protective Provisions</u>	<u>Email from National Grid's Lawyers returned a marked-up copy of National Highways protective provisions.</u>
1 June 2023	Permanent Rights	Meeting held with North Yorkshire Council to explain interaction with National Highways land rights.
	Permanent Rights	Phone discussion with National Highways land agent regarding fees
<u>6 June 2023</u>	<u>Protective Provisions</u>	<u>Email from National Highways to National Grid's Lawyers regarding approach to protective provisions.</u>
19 June 2023	Permanent Rights	Email correspondence with National Highways land agent regarding fees
<u>21 June 2023</u>	<u>Permanent Rights</u>	<u>Email correspondence with National Highways land agent regarding fees</u>
<u>30 June 2023</u>	<u>Permanent Rights</u>	<u>Email exchange with National Highways land agent regarding plans, HoT offers and plot numbers.</u>

<u>03 July 2023</u>	<u>Permanent Rights</u>	<u>Email correspondence with National Highways land agent regarding the voluntary terms and arranging a call to further discuss.</u>
<u>4-5 July 2023</u>	<u>Protective Provisions</u>	<u>Emails between National Highways and National Grid's Lawyers regarding approach to protective provisions drafting.</u>
<u>10 – 13 July 2023</u>	<u>Permanent Rights</u>	<u>Further email exchange regarding clarification of plots and plot numbers included in offer plans.</u>
<u>20 July 2023</u>	<u>Protective Provisions</u>	<u>Meeting between National Highways and National Grid to discuss protective provisions.</u>
<u>25-28 July 2023</u>	<u>Permanent Rights</u>	<u>Further email exchange with amendments to plans to show annotated plot numbers on plans.</u>
<u>25-28 July 2023</u>	<u>Protective Provisions</u>	<u>Email exchange regarding the deadline 6 joint position statement and drafting points within the protective provisions.</u>
<u>2 August 2023</u>	<u>Protective Provisions</u>	<u>Meeting between National Highways and National Grid to discuss protective provisions.</u>
<u>10 August 2023</u>	<u>Permanent Rights</u>	<u>Email from National Highways agent to confirm she was ceasing employment and thus passing this matter onto a colleague.</u>
<u>16-17 August 2023</u>	<u>Permanent Rights</u>	<u>Email exchange with National Highways new land agent. Teams meeting arranged for 22 August.</u>
<u>15 August 2023</u>	<u>Protective Provisions</u>	<u>Email from National Grid's Lawyers with proposed updated drafting for the protective provisions.</u>
<u>16 August 2023</u>	<u>Protective Provisions</u>	<u>Meeting between National Highways and National Grid to discuss protective provisions.</u>
<u>22 August 2023</u>	<u>Permanent Rights</u>	<u>Teams call between National Grid and Carter Jonas as agents for National Highways. National Grid explained, in relation to each interaction with National Highways, what rights were being sought and why they were necessary. Carter Jonas accepted that in relation to the interactions involving the road network, it would be preferable to try and use NRSWA as the acquisition of rights would lead to an unsatisfactory position for both parties. Agreed that the oversail of the balancing pond could be dealt with by way of an easement.</u>
<u>24 August 2023</u>	<u>Protective Provisions</u>	<u>Emails between National Grid's Lawyers and National Highways regarding updated drafting to the protective provisions.</u>

3. Matters Agreed

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

Table 3.1 – Matters agreed

SoCG ID	Matter	Agreed position	Date of Agreement
3.1 Volume 5.2 Environmental Statement			
Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084]			
3.1.1	Methodology for future baseline	It is agreed that it is acceptable for the A1237 York Outer Ring Road Dualling not to be included within the ES as it is not a committed scheme. The upgrade to the A1(M) Junction 47 was completed on 27 th April and it is agreed that this scheme should form part of the future baseline.	24 January 2023
3.1.2	Trip generation methodology	National Highways support the proposed first principles trip generation methodology.	24 January 2023
3.1.3	Trip distribution methodology	National Highways support the proposed first principles trip distribution methodology	24 January 2023
3.1.4	Committed development	National Highways supports the approach set out in the submission.	24 January 2023
3.1.5	Transport Assessment	National Highways is in agreement that a Transport Assessment will not be required.	24 January 2023

SoCG ID	Matter	Agreed position	Date of Agreement
3.1.6	Operational Phase	It was agreed that the impact on the SRN of the operational maintenance phase of the Project did not need to be assessed as it would not generate much traffic.	1 December 2022
3.1.7	Growth of DfT and count data	National Highways is content with the applied growth factor methodology approach.	4 May 2023
3.1.8	Accident data	National Highways believe that the additional vehicle movements are unlikely to worsen any existing road safety concerns.	4 May 2023
3.1.9	Road Safety Audits (RSAs) of Monk Fryston access point	It was agreed that RSAs will be undertaken of the new access and the improved access and will be provided to National Highways.	4 May 2023
3.1.10	Assessment Outcome	National Highways agrees that the proposed volume of traffic is unlikely to have a significant impact on the operation of the Strategic Road Network.	4 May 2023
3.2 Construction Traffic Management			
3.2.1	Scaffolding of SRN for reconductoring	It was agreed that scaffolding will comply with the National Highways' specification which has been provided to National Grid for other projects.	1 December 2022
3.2.2	Traffic Management on affected SRN (A1(M) and A64) during construction	It was agreed with National Highways that construction traffic management on the SRN would need to have a minimal impact on the operation of the network and would be undertaken in the evenings or overnight when traffic flows are low. Road closures would be avoided wherever possible.	1 December 2022
3.2.3	Access Point (AP) 28 off A659 slip road onto A64	It was agreed that this is an existing bellmouth access junction and that it is part of the National Highways' network. The bellmouth complies with the appropriate	1 December 2022

SoCG ID	Matter	Agreed position	Date of Agreement
		standards in accordance with the Design Manual for Roads and Bridges (DMRB).	
3.2.4	AP6 and AP7 off A63 adjacent to A1(M)	It was agreed that the A63 is on National Highways' land but controlled by the local highway authority – North Yorkshire Council (NYC) and that National Grid will need to liaise with NYC and National Highways because of the dual land control and ownership. These are existing bellmouth access junctions that cross into the National Highways' operational boundary of the road network. The bellmouths comply with the appropriate standards in accordance with the Design Manual for Roads and Bridges (DMRB).	1 December 2022
3.2.5	Cleaning of vehicles	It was agreed that the proposal for wheel washing / rumble strips to be provided as required, to prevent the transfer of debris onto the highway and suggest that this will be required at access points 6, 7, and 28. Provision of wheel washing/rumble strip facilities is outlined in Paragraphs 2.3.2 and 7.3.9 of the Construction Traffic Management Plan (Document 5.3.3F (D)) . The CTMP would be implemented via Requirement 5(d) of the <u>Draft DCO (Document 3.1(F))</u> draft Development Consent Order (Document 3.1(C)) [REP3-004] .	24 January 2023
3.2.6	Permission for surveys on or near the SRN	As set out in the CTMP (Document 5.3.3F(D)) a full road condition survey of any proposed AIL delivery route will be undertaken both before and after delivery (Paragraph 3.6.4). The method of the surveys will be discussed and agreed with the relevant highway authorities prior to being undertaken. Section 3.7 of the CTMP also sets out the measures that would be undertaken with regards to highways condition surveys of access points before, during and after construction (Paragraph 7.3.10). At the end of the construction period, access and crossing points would be	13 March 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		<p>inspected and a programme of works to restore them to the condition they were in before the construction period began would be agreed with the relevant local and strategic highway authority (Paragraph 7.3.11). The CTMP would be implemented via Requirement 5(d) of the <u>Draft DCO (Document 3.1(F)draft Development Consent Order (Document 3.1(C)) [REP3-004]</u>.</p> <p>Finally with regards to consents and permissions, paragraph 1.2.2 of the Other Consents and Licences Document (Document 7.3, APP-204) summarises the consents, including traffic related consents, included within the <u>Draft DCO (Document 3.1(F)draft Development Consent Order (Document 3.1(C)) [REP3-004]</u>.</p>	
3.2.7	Issue of Staff Information Packs and contact details of the Traffic Co-ordination Officer (TCO) to National Highways	As set out in Paragraph 7.3.14 of the CTMP (Document 5.3.3F(D)) , information packs and communication details will be shared with relevant highway authorities ahead of any construction works, if requested. (Paragraph 7.3.13) summarises the type of information likely to be included in such information packs. The CTMP would be implemented via Requirement 5(d) of the <u>Draft DCO (Document 3.1(F)draft Development Consent Order (Document 3.1(C)) [REP3-004]</u> .	13 March 2023
3.2.8	Abnormal Indivisible Loads (AILs)	It was agreed that prior to AIL movements, consultation and agreement will be undertaken with National Highways via the Electronic Service Delivery for Abnormal Loads (ESDAL) online system.	1 December 2022
3.2.9	Abnormal Indivisible Loads (AILs)	It is agreed that National Grid will consult National Highways at the appropriate time, as set out in Section 3.6 of the CTMP (Document 5.3.3F(D)) , via the ESDAL system.	13 March 2023 Continue to work with National Highways on AIL

SoCG ID	Matter	Agreed position	Date of Agreement
		National Grid are continuing to work with National Highways to undertake the relevant studies to agree acceptable AIL routes, particularly with regard to agreeing acceptable routes for the AIL SGT deliveries to Overton and Monk Fryston Substations.	
3.2.10	Access Points 6 and 7 potential traffic flow conflicts the safe and efficient operation of SRN	National Highways agree that the proposed peak traffic generation flows are unlikely to conflict at these access points and that the peak level of traffic generation is unlikely to have a significant impact on the operation of the SRN.	4 May 2023
3.2.11	Access Point Personnel	Agreement that National Highways should be informed if personnel are to be placed at access points in the vicinity of the SRN.	19 May 2023
3.2.12	Access Points in Proximity to the SRN	<p>It is agreed that National Highways should be consulted if required at the detailed design stage for the layouts of access points that are in proximity to the SRN.</p> <p>As set out in Requirement 14 of the Draft DCO (Document 3.1(F)draft Development Consent Order (Document 3.1(C)), [REP3-004], details that no vehicular access construction can commence until the access layout and design has been submitted to and approved by the relevant highway authority.</p>	Continue to work with National Highways on access point design.
3.2.13	Development of the Construction Traffic Management Plan	National Highways are in agreement that the requested requirement relating to the CTMP (Document 5.3.3F(D)) development, in National Highway' Written Representation REP2-079 is not required as the wording of the Draft DCO (Document 3.1(F)draft Development Consent Order (Document 3.1(C)) [REP3-004] that any update to the CTMP would be consulted on with National Highways, as	23 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		the relevant highway authority, should the changes impact on the Strategic Road Network and its management.	
3.2.14	Mitigation Strategies on the SRN and Nearby Roads	<p>It is agreed that the submitted CTMP (Document 5.3.3F(D)) is the final CTMP and should any changes be made impacting on the SRN National Highways will be consulted on. The CTMP (Document 5.3.3F(D)) includes that National Highways will be consulted at the appropriate time, as set out in Paragraph 7.1.2, to inform consideration of detailed traffic management and scheduling around other ongoing works in the highway.</p> <p>National Grid are continuing with ongoing discussions with National Highways.</p>	<p>23 May 2023</p> <p>Continue to work with National Highways on mitigation strategies.</p>
3.2.15	Requirement for a Construction Workers Travel Plan	<p>It was agreed that a Construction Workers Travel Plan is unnecessary. The CTMP (Document 5.3.3F(D)) outlines the commitment to minimise the impact of construction traffic, particularly Section 5.1 which specifically outlines measures and assumptions relating to construction staff movements, including appointing a Transport Coordination Officer who will liaise with the relevant highway authorities as required on mitigation (Section 8.1). The CTMP is secured by Requirement 5 of the <u>Draft DCO (Document 3.1(F))</u>draft Development Consent Order (Document 3.1(C)), [REP3-004].</p>	23 May 2023
3.3 Decommissioning Phase			
3.3.1	Decommissioning Traffic Management Plan	<p>National Highways are in agreement that the <u>Draft DCO (Document 3.1(F))</u>draft Development Consent Order (Document 3.1(C)), [REP3-004] Requirement 16 covers the requirement for National Highways consultation on a Decommissioning Traffic Management Plan, if relevant, and</p>	23 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		<p>no further requirement needs to be attached to the DCO on this point.</p> <p>Requirement 16 of the <u>Draft DCO (Document 3.1(F))draft Development Consent Order (Document 3.1(C)), [REP3-004]</u> requires in the event that, at some future date, the authorised development, or any part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works. Therefore, if a decommissioning scheme was to impact on the SRN, it is expected that the relevant planning authority would consult National Highways on the written scheme of decommissioning for approval, if relevant.</p>	
3.4 Volume 23.1 Draft DCO			
<u>3.4.1</u>	<u>PART 2 PRINCIPAL POWERS</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of PART 2 PRINCIPAL POWERS appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft DCO (Document 3.1(F)).</u>	<u>25 August 2023</u>
<u>3.4.2</u>	<u>PART 3 STREETS</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of PART 3 STREETS appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft DCO (Document 3.1(F)).</u>	<u>25 August 2023</u>
<u>3.4.3</u>	<u>PART 4 SUPPLEMENTAL POWERS</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of PART 4 SUPPLEMENTAL POWERS appropriately protects the interest of National Highways as the Highway Authority for the SRN (draft DCO (Document 3.1(F)).</u>	<u>25 August 2023</u>

SoCG ID	Matter	Agreed position	Date of Agreement
<u>3.4.4</u>	<u>PART 6 MISCELLANEAOUS AND GENERAL</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of PART 6 MISCELLANEAOUS AND GENERAL appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft DCO (Document 3.1(F))).</u>	<u>25 August 2023</u>
<u>3.4.5</u>	<u>SCHEDULE 1 AUTHORISED DEVELOPMENT</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of the description of development in Schedule 1 of draft DCO (Draft DCO (Document 3.1(F)) is agreed an no amendment is required to exclude works to the strategic road network.</u>	<u>25 August 2023</u>
<u>3.4.6</u>	SCHEDULE 3 REQUIREMENTS	The wording of SCHEDULE 3 appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft Development Consent Order (Draft DCO (Document 3.1(F))(Document 3.1(B)) [AS-011]).	23 May 2023
<u>3.4.7</u>	<u>SCHEDULE 4 DISCHARGE OF REQUIREMENTS</u>	<u>With the inclusion of the protective provisions for National Highways' benefit, the wording of SCHEDULE 4 appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft DCO (Document 3.1(F))).</u>	<u>25 August 2023</u>
<u>3.4.8</u>	<u>SCHEDULE 15 PROTECTIVE PROVISIONS</u>	<u>Save for the wording of the indemnity and land paragraph (such points of difference explained in Table 4.1 below), the protective provisions are agreed between National Grid and National Highways.</u>	<u>25 August 2023</u>
3.5 Crossing Schedule			
3.5.1	Scaffolding over the A64 at Tadcaster and the A63 at Monk Fryston.	National Highways are in agreement with the current design at this stage for works over the A64 at Tadcaster and the A63 at Monk Fryston. The detailed technical aspects of scaffolding here will be provided at the detailed design	23 May 2023

SoCG ID	Matter	Agreed position	Date of Agreement
		stage for the Project, through engagement and agreement with National Grid and National Highways.	
<u>3.6 Land Rights</u>			
<u>3.6.1</u>	<u>Form of agreement required to secure rights.</u>	<u>Agreed to utilise the New Roads and Street Works Act 1991 where possible for the carrying out of works but that would not provide National Grid with the necessary proprietary rights for its permanent infrastructure.</u>	<u>24 August 2023</u>

4. Matters Not Agreed

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

Table 4.1 – Matters not agreed

SoCG ID	Matter	National Highways position	National Grid position
N/A	N/A	N/A	N/A
<u>4.1.1</u>	<u>Part 6 of Schedule 15 to the Draft DCO (Document 3.1(F)) – Indemnity provision</u>	<u>National Highways maintains that the indemnity should remain uncapped.</u>	<u>National Grid maintain that the indemnity provided within the protective provisions to benefit National Highways should be proportionately capped. National Grid's position in this respect is further detailed within the Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) submitted at Deadline 7.</u>
<u>4.1.2</u>	<u>Part 6 of Schedule 15 to the Draft DCO (Document 3.1(F)) – protection of land not used for National Highways' undertaking</u>	<u>National Highways considers that the protective provisions should apply to all land it owns within the Order limits as opposed that that which is used for its statutory undertaking.</u>	<u>National Grid consider that, because these protective provisions only relate to National Highways' role as a statutory undertaker and not generally as a landowner, the protective provisions cannot extend beyond providing protection for land held for National Highway's undertaking specifically. National Grid's position in this respect is further detailed within the Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) submitted at Deadline 7.</u>

Matters outstanding

Section 5 sets out matters where agreement is currently outstanding between National Grid and National Highways. In particular **Table 5.1** details these matters. **Table 5.1—Matters outstanding**

4.1.2—SoCG ID	4.1.3—Matter	4.1.4—Position to agree	4.1.5—National Highways position	4.1.6—National Grid position
4.1.7—5.1 Volume 2.1 Draft DCO				
4.1.8—5.1.1	4.1.9—PART 2 PRINCIPAL POWERS	4.1.10—The wording of PART 2 PRINCIPAL POWERS appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft Development Consent Order (Document 3.1(B)) [AS-011]).	4.1.11—National Highways set out its position on the draft DCO at ISH3 and in its post hearing submissions on 6 June 2023. As drafted National Highways consider that the draft DCO does not appropriately protect the interests of National	4.1.12—The DCO has been drafted in accordance with legal requirements and based on previous DCO precedent

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
							Highways as the Highway Authority for the SRN.		
4.1.13	5.1.2	4.1.14	PART 3 STREETS	4.1.15	The wording of PART 3 STREETS appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft Development Consent Order (Document 3.1(B)) [AS-011]).	4.1.16	National Highways set out its position on the draft DCO at ISH3 and in its post hearing submissions on 6 June 2023. As drafted National Highways consider that the draft DCO does not appropriately protect the interests of National Highways as the Highway Authority for the SRN.	4.1.17	The DCO has been drafted in accordance with legal requirements and based on previous DCO precedent

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
4.1.18 5.1.3	<p data-bbox="412 284 792 384">4.1.19 PART 4 SUPPLEMENTAL POWERS</p> <p data-bbox="412 421 528 440">4.1.20</p> <p data-bbox="412 477 528 496">4.1.21</p> <p data-bbox="412 533 528 552">4.1.22</p> <p data-bbox="412 588 528 608">4.1.23</p> <p data-bbox="412 644 528 663">4.1.24</p> <p data-bbox="412 700 528 719">4.1.25</p> <p data-bbox="412 756 528 775">4.1.26</p>	4.1.27 The wording of PART 4 SUPPLEMENTAL POWERS appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft Development Consent Order (Document 3.1(B)) [AS-011]).	4.1.28 National Highways set out its position on the draft DCO at ISH3 and in its post hearing submissions on 6 June 2023. As drafted National Highways consider that the draft DCO does not appropriately protect the interests of National Highways as the Highway Authority for the SRN.	4.1.29 The DCO has been drafted in accordance with legal requirements and based on previous DCO precedent
4.1.30 5.1.4	4.1.31 PART 6 MISCELLANEAOUS AND GENERAL	4.1.32 The wording of PART 6 MISCELLANEAOUS AND GENERAL appropriately protects the interest of National Highways as the	4.1.33 National Highways set out its position on the draft DCO at ISH3 and	4.1.34 The DCO has been drafted in accordance with legal requirements and based on

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
					Highway Authority for the SRN (Draft Development Consent Order (Document 3.1(B)) [AS-011]).		in its post hearing submissions on 6 June 2023. As drafted National Highways consider that the draft DCO does not appropriately protect the interests of National Highways as the Highway Authority for the SRN.		previous DCO precedent
4.1.35		4.1.36		4.1.37		4.1.38		4.1.39	
4.1.40	5.1.5	4.1.41	SCHEDULE 4 DISCHARGE OF REQUIREMENTS	4.1.42	The wording of SCHEDULE 4 appropriately protects the interest of National Highways as the Highway Authority for the SRN (Draft Development Consent	4.1.43	National Highways set out its position on the draft DCO at ISH3 and in its post hearing submissions on 6 June	4.1.44	The DCO has been drafted in accordance with legal requirements and based on previous DCO precedent

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
		Order (Document 3.1(B)) [AS-011]).	2023. As drafted National Highways consider that the draft DCO does not appropriately protect the interests of National Highways as the Highway Authority for the SRN.	
4.1.45 5.1 Land Rights				
4.1.46 5.1.1	4.1.47 Land Rights	4.1.48 Form of agreement required to secure rights.	4.1.49 Ongoing discussions with National Highways and their agent.	4.1.50 Continue to work National Highways to secure rights required, discussions ongoing with National Highways and the appointed agent.
4.1.51 5.2 Protective Provisions				

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
4.1.52 5.2.1	4.1.53 Highways maintenance contractor.	4.1.54 Whether any works to the SRN are discussed directly with a highways maintenance contractor.	4.1.55 National Highways consider that their standard Protective Provisions should be included within the draft DCO and that these are reasonable and proportionate.	<p>4.1.56 The only specified works National Grid are currently aware of are the above ground crossing of the A64 – it is National Grid’s understanding that the remainder are on land owned by National Highways but not within the SRN.</p> <p>4.1.57 Instructing a contractor for works which do not seek to change the SRN and will not need to be maintained by National Highways is disproportionate.</p> <p>4.1.58 National Grid propose the removal of this wording.</p>
4.1.59 5.2.2	4.1.60 Prior approvals and security.	4.1.61 Whether National Grid should obtain prior approval from National Highways for any programme of works	4.1.62 National Highways consider that their standard Protective Provisions	4.1.63 On the basis of the specified works currently understood to be taking place, National Grid consider this

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
					including a road safety audit.		should be included within the draft DCO and that these are reasonable and proportionate.		<p>paragraph disproportionate.</p> <p>4.1.64 National Grid propose the removal of this wording.</p> <p>4.1.65 The Yorkshire Green Project needs to be delivered by 2027. Any delay could have potential implications on this. This provision has the potential to hinder progress of the Project and fetters rights under the DCO. In the context of ongoing discussions relating to the land rights heads of terms and in line with the approach taken on protective provisions elsewhere within the DCO.</p>
									4.1.66

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
4.1.67 5.2.3	4.1.68 Construction of the specified works.	4.1.69 The extent to which National Highways' approval is required for works which affect the SRN.	4.1.70 National Highways consider that their standard Protective Provisions should be included within the draft DCO and that these are reasonable and proportionate.	4.1.71 National Grid has agreed to provide certain information for National Highways' approval in respect of works which are "in, on or over" the SRN. However, National Grid would expect there to be a difference in approval processes for scaffolding/crossing works over 4m above the SRN, for which a shorter approval time and deemed consent is proposed.
				4.1.72
4.1.73 5.2.4	4.1.74 Maintenance of the SRN	4.1.75 Whether during the construction of the specified works National Grid should carry out all maintenance of the SRN affected.	4.1.76 National Highways consider that their standard Protective Provisions should be included within the draft DCO	4.1.77 This has not been included by National Grid because there will be no works to the SRN requiring maintenance.

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
							and that these are reasonable and proportionate.		
4.1.78	5.2.5	4.1.79	Approvals requirement	4.1.80	Whether any approvals required by National Highways must not be unreasonably withheld or delayed, must be given in writing and are deemed to be refused if neither given or refused within 2 months, these approvals will also be given with any conditions that National Highways consider necessary.	4.1.81	National Highways consider that their standard Protective Provisions should be included within the draft DCO and that these are reasonable and proportionate.	4.1.82	4.1.83 The Yorkshire Green Project needs to be delivered by 2027. Any delay could have potential implications on this. This provision has the potential to hinder progress of the Project and fetters rights under the DCO.
4.1.85	5.2.6	4.1.86	Payments.	4.1.87	The scope for payment of administration costs to National Highways.	4.1.88	National Highways consider that their standard Protective Provisions should be included within the draft DCO	4.1.89	Amendments have been made to National Highways' standard provisions to prevent any undue delays to programme resulting from payment administration.

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
							and that these are reasonable and proportionate.		4.1.90 In the unlikely event of any works being carried out on the SRN, it is not anticipated that funds will be provided on account.
									4.1.91 National Grid's standard payment terms are for 42 days.
									4.1.92
4.1.93	5.2.7	4.1.94	Miscellaneous provisions	4.1.95	Whether National Highways proposed protective provisions, which includes numerous miscellaneous provisions, are relevant to the works proposed under the DCO.	4.1.96	National Highways consider that their standard Protective Provisions should be included within the draft DCO and that these are reasonable and proportionate.	4.1.97	National Highways' drafting includes provisions relating to the following, which are not relevant to the works being undertaken and therefore have not been included in the protective provisions:
									4.1.98 Provisional Certificate
									4.1.99 Final condition survey
									4.1.100 Defects period

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
4.1.109 5.2.8	4.1.110 Opening of SRN	4.1.111 Whether National Grid should notify National Highways of the intended opening to the public of the SRN.	4.1.112 National Highways consider that their standard Protective Provisions should be included within the	4.1.113 No works are proposed which would relate to the opening to the public of the SRN. 4.1.114
				4.1.101 Final certificate 4.1.102 Security 4.1.103 Commuted sums 4.1.104 Indemnity 4.1.105 Land 4.1.106 Expert Determination 4.1.107 These provisions do not relate to the nature of works being carried out as part of the Yorkshire Green Project and so are not relevant or proportionate to include in the protective provisions under the DCO. 4.1.108

4.1.2 SoCG ID	4.1.3 Matter	4.1.4 Position to agree	4.1.5 National Highways position	4.1.6 National Grid position
4.1.115 5.2.9	4.1.116 Maintenance of specific works	4.1.117 Whether National Grid should comply with National Highways' road space booking requirements in the event of an emergency.	4.1.118 National Highways consider that their standard Protective Provisions should be included within the draft DCO and that these are reasonable and proportionate.	4.1.119 Allowance needs to be made for National Grid to undertake emergency works which occupy road space without using National Highways' road space booking process. Wording to this effect has been added to the protective provisions included within the draft DCO.
4.1.120 5.2.10	4.1.121 Arbitration	4.1.122 Whether disputes should be determined through arbitration of expert determination	4.1.123 National Highways consider that their standard Protective Provisions should be included within the	4.1.124 Any dispute that may arise under the Protective Provisions set out in the DCO must be settled via arbitration in accordance with article 53 (arbitration) of the draft DCO for

4.1.2	SoCG ID	4.1.3	Matter	4.1.4	Position to agree	4.1.5	National Highways position	4.1.6	National Grid position
							draft DCO and that these are reasonable and proportionate.		the Yorkshire Green Project. 4.1.125 National Grid's amendments ensure consistency of dispute resolution process under the DCO.

5. Approvals

Signed	B.Kington <u>Emer McDonnell</u>
On Behalf of	National Grid
Name	Bethany Kington <u>Emer McDonnell</u>
Position	Consents officer <u>Senior Project Manager</u>
Date	11.7.23 <u>25/08/2023</u>
Signed	
On Behalf of	National Highways
Name	Rebecca Garrett
Position	Planning and Development Officer
Date	July 11 2023 <u>30/08/2023</u>

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

Registered in England and Wales
No. 4031152