

YG-DCO-087(BC)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.20(BC) Statement of Common Ground between National Grid Electricity Transmission plc and Northern Gas Networks Limited (Tracked)

Draft Version 23
~~July-September~~ 2023

Planning Inspectorate Reference: EN020024

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

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Yorkshire GREEN Project

Document control

Version History

Document	Version	Status	Description / Changes
Statement of Common Ground	1	Draft	For discussions with NGN
Statement of Common Ground	2	Draft	For discussions with NGN
<u>Statement of Common Ground</u>	<u>3</u>	<u>Draft</u>	<u>For discussions with NGN</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 is a SoCG between National Grid Electricity Transmission plc (National Grid) and Northern Gas Networks Limited (Northern Gas). 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 Northern Gas in terms of technical and engineering matters. Political matters have not been set out in this document.
- 1.1.5 This version (~~V2-V3 July-September~~ 2023) of the SoCG represents the position between National Grid and Northern Gas at Deadline ~~5-7~~ on ~~11-July~~~~6 September~~ 2023. This SoCG represents a draft for Deadline 7 and it is intended that a final version of this SoCG will be prepared for Deadline 8.

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

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

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) (City of York Council):** 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) (City of York Council and North Yorkshire Council):** 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)) (North Yorkshire Council):** 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) (Leeds City Council and North Yorkshire Council):** 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)) (North Yorkshire Council):** 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) (North Yorkshire Council):** 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.

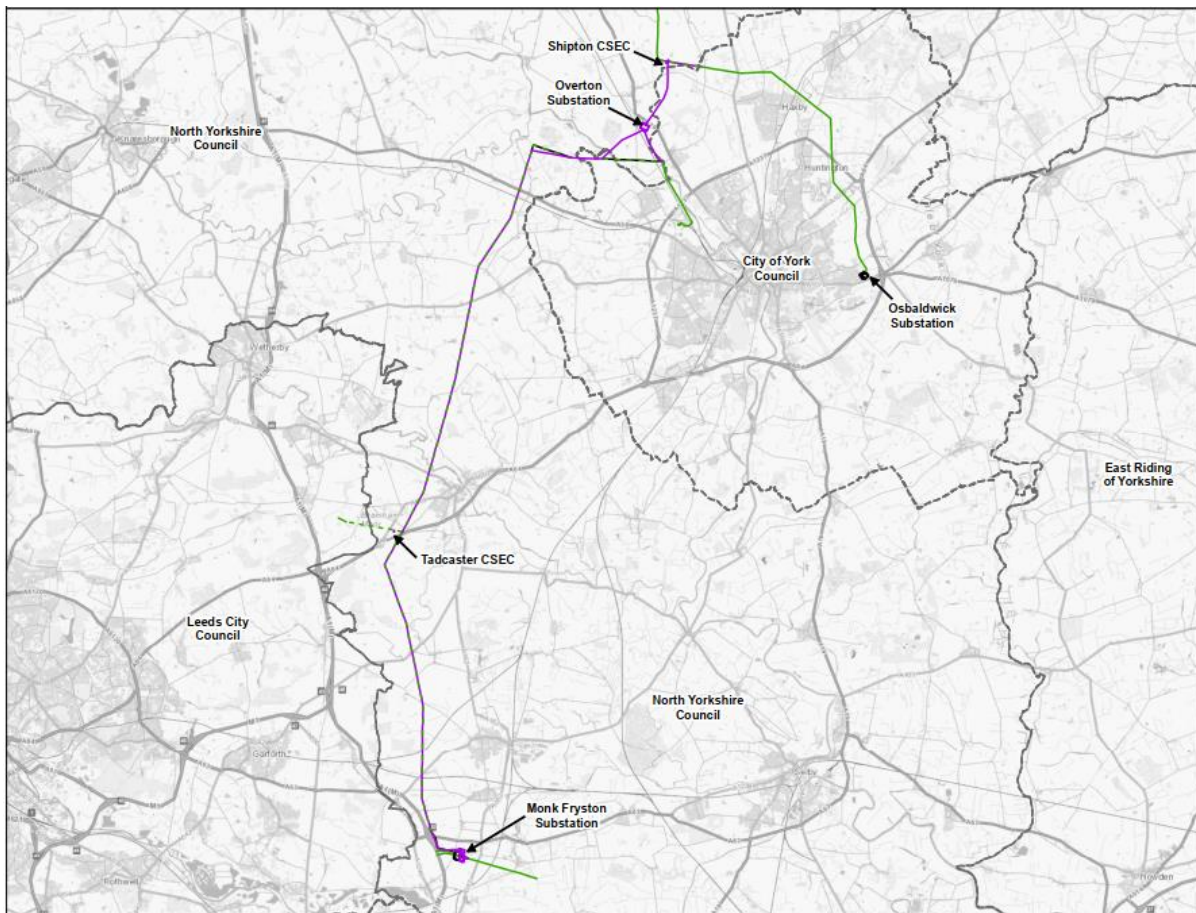


Figure 1– Location of the Yorkshire GREEN Project

1.3 This Statement of Common Ground

1.3.1 For the purpose of this SoCG, National Grid and Northern Gas will jointly be referred to as the “Parties”.

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 Northern Gas, 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 Northern Gas 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 Northern Gas Networks Limited in the DCO process

- 2.1.1 Northern Gas is a British company who distribute gas to homes and businesses across Yorkshire, the North east and northern Cumbria. Northern Gas supplies gas to approximately 2.6 million customers through a network of 37,000 kilometres (23,000 miles) of gas pipeline.
- 2.1.2 The Application includes provisions which would, if granted, authorise both the diversion of a Northern Gas pipeline and enable National Grid to carry out works in and in close proximity to operational land and assets belonging to Northern Gas and to use such land temporarily and to acquire permanent interests in such land.

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 the potential impact of the Project on Northern Gas assets, Protective Provisions and a Side Agreement.

Table 2.1 – Pre-application discussions

Date	Discussion points
09 June 2022	<ul style="list-style-type: none">Email from National Grid to Northern Gas to arrange a meeting to discuss the impact of the Project on their assets and the protection Northern Gas requires.
17 June 2022	<ul style="list-style-type: none">Teams meeting held between the Parties to discuss the crossing methodology of Northern Gas' asset and a discussion was held regarding side agreements and protective provisions.
17 June 2022	<ul style="list-style-type: none">Email from Northern Gas to National Grid providing a side agreement and crossing deed for review.
11 August 2022	<ul style="list-style-type: none">Email from Northern Gas confirming that they are having discussions with National Grid engineers regarding working around and diverting gas apparatus and Northern Gas requested a meeting.
23 August 2022	<ul style="list-style-type: none">Email from National Grid to Northern Gas stating when surveys are scheduled.
24 August 2022	<ul style="list-style-type: none">Email from Northern Gas to National Grid arranging a site visit for a pipe technician to mark out high pressure pipeline with regards to easement.
12 September 2022	<ul style="list-style-type: none">Email from Northern Gas to National Grid requesting Computer Aided Design (CAD) files in PDF format of the methodology of crossing Northern Gas high pressure pipeline.

Date	Discussion points
12 September 2022	<ul style="list-style-type: none"> Email from National Grid to Northern Gas providing the PDF files requested.
06 October 2022	<ul style="list-style-type: none"> Email from Northern Gas to National Grid setting out suggested times for a meeting.
06 October 2022	<ul style="list-style-type: none"> Email from Northern Gas to National Grid attaching latest design regarding the fence and medium pressure pipeline diversion.
10 October 2022	<ul style="list-style-type: none"> Email from Northern Gas to National Grid to ask if there are any restrictions for working near the overhead lines.
14 October 2022	<ul style="list-style-type: none"> Email from National Grid to Northern Gas attaching relevant information regarding working near the overhead lines.

2.3 Summary of post-submission discussions

2.3.1 **Table 2.2** will summarise the consultation and engagement that takes place between the Parties post submission of the DCO application.

Table 2.2 – Post-submission discussions

Date	Discussion points
17 January 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid confirming they will need completion of a side agreement and crossing deed. Northern Gas requested plans showing the cable crossings.
17 January 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas requesting proposed medium pressure diversion drawings in CAD format and a budget quote.
06 February 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid requesting drawings with regards to the Tadcaster Tee diversion.
07 February 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid attaching a shapefile of the proposed diversion route.
08 February 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas providing the information requested with regards to details of easement and pipelines requested.
08 February 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid requesting a copy of a drawing relating to an easement which was discussed in a meeting.
09 February 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid to arrange a Teams meeting.
15 February 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid regarding dates for an upcoming meeting between the Parties.

15 February 2023	<ul style="list-style-type: none"> • Phone call and email from National Grid to Northern Gas re reviewing and negotiating the side agreement and protective provisions.
21 February 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas attaching further drawings detailing the pipeline diversions.
03 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas requesting confirmation that a SoCG is not required between the Parties.
07 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas summarising telephone discussions relating to timescales and to set up a Teams meeting.
20 March 2023	<ul style="list-style-type: none"> • Teams meeting to resolve discrepancy between Shapefile and PDF files showing diversion of medium pressure pipeline.
20 March 2023	<ul style="list-style-type: none"> • Email from Northern Gas to National Grid providing revised Shapefile, resolving previous discrepancy.
21 March 2023	<ul style="list-style-type: none"> • Email from Northern Gas to National Grid confirming Northern Gas agreement that an SoCG is not required.
28 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas requesting comments and signature of SoCG.
29 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas providing drawing incorporating Northern Gas proposed medium pressure diversion details with Yorkshire Green CSEC FEED design REV2.
30 March 2023	<ul style="list-style-type: none"> • Email from Northern Gas to National Grid requesting PDF file of pipeline diversion drawings.
30 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas regards availability for a meeting to discuss matters outstanding.
30 March 2023	<ul style="list-style-type: none"> • Teams meeting to discuss matters relating to SoCG, medium pressure pipeline diversion, and protection of high-pressure pipeline.
31 March 2023	<ul style="list-style-type: none"> • Email from Northern Gas to National Grid querying SoCG deadlines and raising concern around medium pressure diversion proposals without having visited site.
31 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas confirming deadlines for SoCG and to further progress site visit arrangements and agree drawing requirements.
31 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas providing relevant extracts of the draft DCO.
31 March 2023	<ul style="list-style-type: none"> • Email from National Grid to Northern Gas with requested drawing of high-pressure pipeline crossing attached.

04 April 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas with update on site visit arrangements and seeking clarity on progress of SoCG.
04 April 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid relating to signature of SoCG and appointment of legal panel.
04 April 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas confirming challenge in setting up a site visit. Date to be confirmed.
05 April 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas seeking status of SoCG signature.
05 April 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid with signed copy of SoCG attached.
06 April 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid with pipeline crossing deed attached, for consideration and comment.
18 April 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas confirming date of site visit.
18 April 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid confirming agreement to site visit.
24 April 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas confirming location, date and time of site visit.
26 April 2023	<ul style="list-style-type: none"> Site visit between National Grid and Northern Gas around routing of medium pressure diversion and constraints due to topography and other assets & agreed to peg out National Grid Development and a further site visit undertaken.
30 May 2023	<ul style="list-style-type: none"> Email from National Grid to Northern Gas Networks confirming that the site had been pegged out and suggest setting up another site visit to discuss.
06 June 2023	<ul style="list-style-type: none"> Email from Northern Gas to National Grid regarding setting up a site visit.
20 June 2023	<ul style="list-style-type: none"> Emails between National Grid and Northern Gas Networks around agreeing and setting up a site visit and confirmed for 30th June.
28 June 2023	<ul style="list-style-type: none"> Protective Provisions draft sent by National Grid to Northern Gas Networks for review and comment.
05 July 2023	<ul style="list-style-type: none"> Email from National Grid seeking confirmation that the Protective Provisions had been received for legal review Email from NGN to National Grid confirming that were under legal review and would endeavour to revert as soon as possible.
<u>06/07/2023</u>	<ul style="list-style-type: none"> <u>Email from National Grid to NGN with the latest copy of the SoCG for review & approval by NGN.</u>
<u>10/07/2023</u>	<ul style="list-style-type: none"> <u>Email from NGN to National Grid saying that they need a cleaned copy of SoCG to sign.</u>

<u>10/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid to NGN with the latest copy of the SoCG without tracked changes for approval by NGN.</u>
<u>11/07/2023</u>	<ul style="list-style-type: none"> • <u>Phone call from National Grid to NGN seeking confirmation to add changes by NGN into the SoCG from the emails cleaned version into the tracked version of the SoCG pre submitting to PINs for DL5.</u>
<u>17/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid's legal representative (WBD) to NGN seeking comment on draft Protective Provisions.</u>
<u>18/07/2023</u>	<ul style="list-style-type: none"> • <u>Phone call and email from National Grid to NGN to follow on progress of reviewing PP's. National Grid also provided update regarding crossing agreement progress.</u>
<u>18/07/2023</u>	<ul style="list-style-type: none"> • <u>NGN advising that their legal representative is on leave and comments on the Protective Provisions are to follow.</u>
<u>25/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid to NGN enquiring on progress of reviewing Protective Provisions.</u>
<u>26/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid's lawyers to NGN following up on the CAH2 action points and sharing a proposed draft joint submission regarding the protective provisions to be submitted at deadline 6.</u>
<u>27/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid Legal representation (WBD) to NGN (Legal) issuing the crossing agreement for review.</u>
<u>28/07/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid's lawyers to NGN following up on the proposed draft joint submission regarding the protective provisions to be submitted at deadline 6.</u> • <u>Further follow-up email confirming the submission to be made.</u>
<u>01/08/2023</u>	<ul style="list-style-type: none"> • <u>Email from NGN to National Grid Providing protective provisions with comments from NGN.</u>
<u>07/08/2023</u>	<ul style="list-style-type: none"> • <u>Phone call from National Grid to NGN with voicemail left prompting a call back to move PP discussions forward.</u>
<u>08/08/2023</u>	<ul style="list-style-type: none"> • <u>Email from National Grid to NGN reverting the latest copy of the Protective Provision.</u>
<u>16/08/2023</u>	<ul style="list-style-type: none"> — <u>Meeting between National Grid and NGN to discuss Protective Provisions.</u> •
<u>31/08/2023</u>	<ul style="list-style-type: none"> • <u>Email from NGN to National Grid with updated Protective Provisions.</u> • <u>Meeting between National Grid and NGN to discuss Protective Provisions.</u>
<u>04/09/2023</u>	<ul style="list-style-type: none"> • <u>Email from NGN to National Grid with amended Protected Provisions.</u>

04/09/2023

- Email from National Grid to NGN seeking clarity on Protective Provision amendments

05/09/2023

- Email from NGN to National Grid providing additional information requested.
-

3. Matters Agreed

- 3.1.1 This section sets out the matters that have been agreed between National Grid and Northern Gas and **Table 3.1** details these matters.
- 3.1.2 Whilst each of the below matters are agreed in principle, the Parties are in ongoing discussions regarding the detailed wording required in each case.
- 3.1.3 The Parties will update the Examining Authority as soon a detailed terms have been agreed between them to address each of the outstanding matters.

Table 3.1 – Matters agreed in principle

SoCG ID	Matter	Agreed position	Date of Agreement
3.1.1	Protective Provisions	The Parties agree that Protective Provisions are required for Northern Gas and are to be included within a future iteration of the draft DCO for the Project. <u>the precise drafting of these provisions is subject to ongoing discussion. All matters are agreed in principle save the indemnity, which remains a matter outstanding.</u>	<i>TBC</i>
3.1.2	Side Agreement	The Parties agree that a side agreement is to be negotiated and agreed between the Parties in respect of the Project.	<i>TBC</i>
<u>3.1.3</u>	<u>Crossing Deed</u>	<u>The Parties agree that a crossing deed will be required with respect to the Project.</u>	<i>TBC</i>
3.1. <u>4</u> 3	Article 20 Protective Works to Buildings of Draft DCO	National Grid and Northern Gas Networks agree that there will be no impact to Northern Gas Networks buildings as part of the Project, therefore the wording Article 20 of the draft DCO (Document 3.1(FD)) is agreed.	2 nd May 2023

4. Matters Not Agreed

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

Table 4.1 – Matters not agreed

SoCG ID	Matter	Northern Gas position	National Grid position
<hr/>			
N/A			
<hr/>			

5. Matters outstanding

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

Table 5.1 – Matters outstanding

SoCG ID	Matter	Northern Gas position	National Grid position
5.1.1	Protective Provisions - <u>Indemnity</u>	Northern Gas consider that the Protective Provisions within Schedule 15, Part 1 of the draft DCO (Document 3.1(D)) for the benefit of gas undertakers are not sufficient and require bespoke Protective Provisions in respect of their assets. Northern Gas is currently negotiating bespoke Protective Provisions with National Grid and considers that once they are in agreed form the Protective Provisions will be included within a future iteration of the draft DCO require an update to the indemnity provisions proposed by National Grid.	National Grid is continuing to negotiate and engage with Northern Gas in order to agree bespoke Protective Provisions to include within a future iteration of the draft DCO. National Grid will endeavour to agree these Protective Provisions with <u>the indemnity wording with</u> Northern Gas as soon as possible and prior to the end of the Examination. <u>Further detail regarding National Grid's current position can be found within Applicant's Position Statement – Protective Provisions Not Yet Agreed with Northern Gas Networks (Document 8.34.6).</u>
5.1.2	Side Agreement	Northern Gas consider that in order to ensure that their assets are satisfactorily protected a legal side agreement is required in respect of the Project.	National Grid are continuing to engage and negotiate a legal side agreement with Northern Gas and hope that this agreement can be agreed as soon as possible and no later than the end of the Examination.

Table 5.2—Matters Outstanding for Draft Protective Provision:

SoCG ID	Matter	Outstanding detail	National Grid Position	Northern Gas Networks Position
5.2.1	Acquisition of Land	Additional wording around the acquisitions of land that would limit National Grid being able to purchase land from other stakeholders, if required.	<p>Additional wording included from Northern Gas would prevent National Grid from acquiring further apparatus, easements or other interests owned by Northern Gas Networks.</p> <p>The clause should not fetter National Grid's ability to acquire apparatus, easements or other interest owned by others.</p>	Regardless of any provision in the Order or anything shown on the land plans or contained in the book of reference to the Order, the Undertaker shall not acquire any apparatus or override any easement or other interest of the Statutory undertaker otherwise than by agreement.
5.2.2	Removal or diversion of apparatus	<p>Wording around National Grid purchasing land that already contains Northern Gas Networks assets to be reached, specifically in relation to limiting delay to the Project and any potential diversions that may be required.</p> <p>In addition, if this results in any changes to plans then Northern Gas Networks require a minimum 28 days to review and provide approval prior to commencement of any works.</p>	<p>National Grid require assurance that Northern Gas Networks will provide approval within 28 days to ensure the Project moves in accordance with its tight schedule.</p> <p>The 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 so, if any diversion is necessary, the alternative apparatus must be installed as soon as possible to minimise that disruption.</p> <p>For similar reasons, where Northern Gas Networks approval</p>	These timescales are too short. Northern Gas Networks will respond more fully in the next draft.

is necessary for National Grid's plans for any diversion, that approval (or not) will need to be provided within a fixed timeframe.

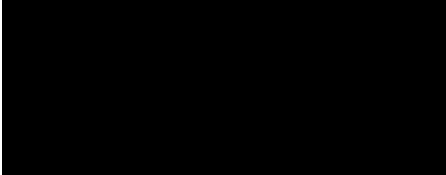
Where Northern Gas Networks seek to recover the associated costs from National Grid, it is reasonable that those costs should first be approved by National Grid.

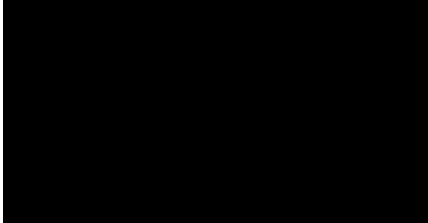
5.2.3	Protection of Retained Apparatus	The following matters: <ul style="list-style-type: none">• Notice required prior to commencement of any works.• The inclusion of any apparatus within a set distance• The requirement for written approval• The right to modify submitted plans	National Grid are requesting for all plans to be reviewed within 28 days, this is required to ensure the Project moves promptly in accordance with its tight timeframes. National Grid wishes to limit updates having to be made on drawings and plans of any affected apparatus within 15m of Northern Gas Networks apparatus.	Northern Gas Networks are requesting for all plans to be reviewed within 56 days, they also wish to remove the distance limit in terms of updating drawings and plans of any affected apparatus.
5.2.4	Expenses	Duration before payments for expenses are received to be made.	Currently payments are to be made within 7 days. However, due to the time required for National Grid to process payments this is unrealistic. National Grid will endeavour to pay these as soon as practicable; this is a reasonable request.	Northern Gas Networks will review and respond in the next draft

5.2.5	Indemnity – Contributory negligence	The wording around liability of works carried out by or behalf of Northern Gas Networks.	National Grid cannot be responsible for damages caused by omission. They should not be required to pay for costs or damages caused by or in consequence of Northern Gas Network's error.	Northern Gas Networks will review and respond in the next draft
5.2.6	Limitation on indemnity	The required level of indemnity.	National Grid require a proportionate and reasonable indemnity provision in line with the nature of the works and level of risk being undertaking on or near Northern Gas Networks infrastructure.	Northern Gas Networks do not as standard agree to liability caps in Protective Provisions and this challenge was not raised in previous iterations
			National Grid cannot accept uncapped indemnity.	
			[Note: National Grid acknowledge that there may be other drafting points which need resolving prior to this matter being agreed]	

6. Approvals

~~Section does not need to be completed at this stage~~

Signed	
On Behalf of	National Grid
Name	Sarah Herbert
Position	Senior Project Manager
Date	11th July 2023 <u>5 September 2023</u>

Signed	
On Behalf of	Northern Gas Networks Limited
Name	Alex O'Connell
Position	Legal Director & Company Secretary
Date	11 July 2023 <u>5 September 2023</u>

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