

YG-DCO-068(ED)

# Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.5.1(ED) Statement of Commonality for Statements of  
Common Ground (Cracked)

Final Version ED  
~~July~~ ~~September~~ 2023

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# Yorkshire GREEN Project

## Document control

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### Version History

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Date	Version	Status	Description / Changes
5/4/2023	1	Final	First Issue
10/5/2023	2	Final	Second Issue
11/07/2023	3	Final	Updated to reflect position at Deadline 5
<u>06/09/2023</u>	<u>4</u>	<u>Final</u>	<u>Updated to reflect position at Deadline 7</u>

# 1. Introduction

- 1.1.1 This document has been prepared in order to provide the Examining Authority (ExA) a concise update on the position of Statements of Common Ground (SoCG) between National Grid and statutory consultees, statutory undertakers and interested parties (consultees) in relation to the proposed Yorkshire Green Energy Enablement (GREEN) Project (hereafter referred to as 'Yorkshire GREEN' or 'the Project').
- 1.1.2 A Rule 6 Letter for the Examination was issued on 22 February 2023 and states:
- 1.1.3 *“At each point that the updated SoCGs are submitted to meet a deadline in the Examination Timetable, the Applicant is requested to submit an updated Statement of Commonality. This document should provide an overview of the position of each SoCG at the relevant deadline, for example noting where discussions are ongoing and where a final, signed SoCG has been submitted. It would also assist the ExA to have summaries of commonality in respect of the main topics in the Examination. This material should be presented in a tabular, colour-coded format wherever possible.”*
- 1.1.4 This document provides details of the areas of commonality on specific points between the submitted SoCGs at Deadline ~~5-7~~ of the Examination (~~11 July~~ 6 September 2023). National Grid has provided an updated version of the following Statements of Common Ground at Deadline ~~5-7~~:
- Statement of Common Ground between National Grid and North Yorkshire Council
  - ~~Statement of Common Ground between National Grid and City of York Council~~
  - Statement of Common Ground between National Grid and Leeds City Council
  - ~~Statement of Common Ground between National Grid and Canal and River Trust~~
  - ~~Statement of Common Ground between National Grid and National Trust~~
  - ~~Statement of Common Ground between National Grid and Historic England~~
  - ~~Statement of Common Ground between National Grid and Natural England~~
  - ~~Statement of Common Ground between National Grid and Yorkshire Wildlife Trust~~
  - Statement of Common Ground between National Grid and Environment Agency
  - Statement of Common Ground between National Grid and National Highways Limited
  - Statement of Common Ground between National Grid and Kyle and Upper Ouse Internal Drainage Board
  - Statement of Common Ground between National Grid and Ainsty Internal Drainage Board
  - Statement of Common Ground between National Grid and Foss internal Drainage Board
  - ~~Statement of Common Ground between National Grid and Cellnex UK Limited~~

- ~~Statement of Common Ground between National Grid and EE Limited and Hutchinson 3G UK Limited~~
- Statement of Common Ground between National Grid and National Gas Transmission plc
- Statement of Common Ground between National Grid and Northern Gas Networks Limited
- ~~Statement of Common Ground between National Grid and Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc~~
- ~~Statement of Common Ground between National Grid and Yorkshire Water Limited~~
- Statement of Common Ground between National Grid and Network Rail Infrastructure Limited

~~1.1.5~~ The updated versions listed above ~~have been provided on the basis that matters have been progressed between National Grid and the respective Stakeholder. (with the exception of the Statements of Common Ground between National Grid and National Gas Transmission Plc, and National Grid and Northern Gas Networks Limited) represent the final version of SoCGs where all matters under discussion between National Grid and the respective Stakeholder have either been noted as agreed or explained as to why the matter is not agreed between the parties.~~

~~1.1.6~~ Discussions with National Gas Transmission Plc and Northern Gas Networks Limited are ongoing and the Parties are attempting to make further progress before Deadline 8. Therefore, these SoCGs are submitted as drafts, with final SoCGs to be submitted at Deadline 8 (13 September 2023) to confirm if matters are agreed or moved from outstanding to not agreed.

~~1.1.7~~ This document will be updated again at Deadline 8 to provide an update specifically in relation to matters with National Gas Transmission plc and Northern Gas Networks Limited).

~~1.1.8~~ All other SoCGs have been submitted as final version to the ExA at previous deadlines.

~~1.1.5~~ Progress has been made across all draft SoCGs, however some matters remain outstanding with various stakeholders. Where necessary, National Grid will continue to work with those stakeholders to progress matters with a view of providing remaining final SoCGs with all parties at Deadline 7 on 6<sup>th</sup> September 2023.

~~1.1.6~~ This document will be updated again at Deadline 7 to summarise the final position of the SoCGs with all stakeholders as requested by the ExA.

## 1.2 Structure

1.2.1 The remainder of this report is structured as follows:

- Section 2 details the structure of each SoCG document and provides an up-to-date list of SoCGs.
- Section 3 provides an update on the status of each SoCG.
- Section 4 sets out the commonality between SoCGs and provides a summary of the principal matters outstanding and/or not agreed between National Grid and any of the parties.

## 2. Position

### 2.1 Structure of SoCGs

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation and/or matters not agreed, each of the SoCGs has adopted a standard format in order to provide clarity to consultees and ultimately the ExA. The proposed structure of the SoCGs is set out in paragraph 2.6.4 of the Planning Statement (**Document 7.1**) [APP-202] submitted as part of the Application for the Project. It is noted that the proposed structure set out has been welcomed by the ExA within the Rule 6 Letter dated 22 February 2023. This document has not sought to include an update on the status of protective provisions as this ~~was~~ is provided in ~~Table 2.2 Protective Provisions Tracking List in the Applicant's Planning obligations and commercial side agreements tracking list (Document 8.8) submitted at Deadline 4 and within the Protective Provisions Progress Schedule (Document 8.12(D))~~ submitted at Deadline ~~72 (Document 8.12) [REP2-042]~~ an updated version of which is being submitted at Deadline 5 (Document 8.12 (C)).
- 2.1.2 Each SoCG is broadly structured in the following way:
- Introduction, which details the purpose of the SoCG.
  - Record of engagement which details correspondence between the parties both pre-submission and post submission.
  - Matters agreed which details areas of agreement between the parties.
  - Matters not agreed which details where parties do not agree on a point.
  - Matter outstanding which details points which are still under discussion between the parties.
  - Approvals which include the sign offs from the parties where this has been forthcoming.

### 2.2 List of SoCGs in place

- 2.2.1 In accordance with advice published by the Planning Inspectorate<sup>1</sup> and guidance published by the Ministry of Housing, Communities and Local Government<sup>2</sup>, National Grid has developed SoCGs with a number of consultees prior to submission and post submission of the DCO application for the Project.
- 2.2.2 The SoCGs seek to identify matters on which parties agree and to track progress towards the resolution of any matters where agreement has not yet been reached.

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<sup>1</sup> Planning Inspectorate, 2015 version 1. Advice Note Two: The role of local authorities in the development consent process (accessed 31 August 2022)

<sup>2</sup> Ministry of Housing, Communities and Local Government, 2015. Planning Act 2008: examination of applications for development consent

2.2.3 National Grid has undertaken early preparation of SoCGs with various bodies as identified in **Table 2.1**. This provides a list of SoCGs currently in place.

Table 2.1 – SoCGs at Deadline ~~7~~<sup>5</sup>

Party	Position
<b>Local Planning Authorities (LPAs)</b>	
North Yorkshire Council <sup>3</sup>	<p><del>Final signed SoCG submitted at Deadline 7.</del></p> <p><del>Updated signed draft SoCG submitted at Deadline 5.</del></p> <p>The majority of matters in this SoCG are agreed with <del>some matters outstanding and one matters</del><u>six principle matters</u> not agreed. Further details of <del>outstanding and the matters not agreed</del> <u>not agreed matters</u> are provided in Section 4.2 <u>of this document</u>. <del>A final SoCG is proposed to be submitted at Deadline 7 once a final S106 agreement is submitted into the examination.</del></p>
Leeds City Council	<p><del>Final signed SoCG submitted at Deadline 7 with all matters agreed. Updated signed draft SoCG submitted at Deadline 5.</del></p> <p><del>Majority of matters are agreed with two matters outstanding. Further details of outstanding matters are provided in Section 4.2. A final SoCG is proposed to be submitted at Deadline 7 once a final S106 agreement is submitted into the examination.</del></p>
City of York Council	<p>Final signed SoCG submitted at Deadline 5.</p> <p>The majority of matters in this SoCG are agreed with one matter not agreed. Further details of the not agreed matter are provided in Section 4.2.</p>
<b>Statutory Consultees</b>	
Natural England	Final signed SoCG submitted at Deadline 5 with all matters agreed.
Historic England	Updated and final SoCG submitted at Deadline 5 with all matters agreed. SoCG not countersigned as deemed not necessary by Historic England. Written

<sup>3</sup> North Yorkshire Council has recently formed following a merger of a number of Councils including Selby District Council, Hambleton District Council, Harrogate District Council and North Yorkshire County Council.

confirmation received and included in SoCG confirming no objection.

Environment Agency

Final signed SoCG submitted at Deadline 7 with all matters agreed.

~~Signed draft SoCG submitted at Deadline 5. Majority of matters are agreed with one matter outstanding. Further details of outstanding matters are provided in Section 4.2.~~

National Highways Limited

Final signed SoCG submitted at Deadline 7.

~~Signed draft SoCG submitted at Deadline 5.~~

Majority of matters are agreed with ~~no matters not agreed. Three main topics remain as outstanding matters for discussion which are the draft DCO, land rights and the Protective Provisions.~~two matters not agreed. -Further details of matters not agreed are provided in Section 4.2.

Network Rail Infrastructure Limited

Final signed SoCG submitted at Deadline 7.~~Updated Draft SoCG submitted at Deadline 5 with some matters outstanding. This SOCG however has not been signed by Network Rail Infrastructure Limited.~~

The majority of matters are agreed with several matters not agreed. Further details of matters not agreed are provided in Section 4.2.

## Statutory Undertakers

Kyle and Ouse (part of the York Consortium) IDB

Final signed SoCG submitted at Deadline ~~5~~7 with all matters agreed.

Additional matters agreed have been added from the version submitted at Deadline 5.

Ainsty (shire group) IDB

~~Signed draft SoCG submitted at Deadline 5~~Final signed SoCG submitted at Deadline 7.

~~Draft SoCG details that one matter remains under discussion~~The majority of matters are agreed with one matter not agreed. Further details of outstanding matters are provided~~the not agreed matter is outlined~~ in Section 4.2.

Foss (part of the York Consortium) IDB

Final signed SoCG submitted at Deadline ~~5~~7 with all matters agreed.

Additional matters agreed have been added from version submitted at Deadline 5.



Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc	Final signed SoCG submitted at Deadline 5 with all matters agreed.
Cellnex UK Limited	Final signed SoCG submitted at Deadline 5 with all matters agreed.
EE Limited and Hutchison 3G UK Limited	Final Signed SoCG submitted at Deadline 5 with all matters agreed.
National Gas Transmission plc	<u>Draft signed SoCG submitted at Deadline 7.</u> <del>Updated Draft SoCG submitted at Deadline 5 with some matters outstanding. Whilst some matters are agreed, two principal matters remain outstanding. This SoCG however has not been signed by National Gas Transmission plc.</del> Further details of outstanding matters are provided in Section 4.2 <u>of this document. A final version of this SoCG will be submitted at Deadline 8.</u>
Northern Gas Networks Limited	Draft signed SoCG submitted at Deadline <del>5-7.</del> <u>Whilst some matters are agreed, two principal matters remain outstanding. –with some matters outstanding.</u> Further details of outstanding matters are provided in Section 4.2 <u>of this document. A final version of this SoCG will be submitted at Deadline 8.</u>
Yorkshire Water Services Limited	Final signed SoCG submitted at Deadline 5 with all matters agreed.

## Interested parties

Yorkshire Wildlife Trust	Final signed SoCG submitted at Deadline 5. All matters agreed aside from one. Further details of matters not agreed are provided in Section 4.2.
National Trust	Final Signed SoCG submitted at Deadline 5 with all matters agreed.
Canal and River Trust	Final signed SoCG submitted at Deadline 5 with all matters agreed.

## 2.3 SoCGs not deemed necessary

2.3.1 **Table 2.2** summarises where SoCGs have not been deemed necessary, and the justification for this decision.

Table 2.2 – SoCGs not deemed necessary

Party	Justification
Sustrans	<p>Prior to submission, the Applicant engaged positively with Sustrans. As set out in Table 2.2 of the Planning Statement (<b>Document 7.1</b>) [APP-202]: "The mitigation requests relating to NCN route 64 received from Sustrans have been incorporated into the PRowMP (Volume 5, Document 5.3.3G). There are no known matters of disagreement and therefore it is not anticipated that a SoCG will be required."</p> <p>Sustrans have provided written confirmation that an SoCG is not required subject to a letter from National Grid confirming that the National Cycle Network remains open and serviceable for the duration of the works. This letter has subsequently been provided and on this basis, an SoCG is not considered necessary between the parties.</p> <p>A Position Statement detailing this was submitted into the Examination at Deadline 1 (<b>Document 8.5.22</b>) [REP1-042].</p>

## 3. Status

- 3.1.1 This section provides an update on the status of each SoCG. This table ~~will be updated throughout the examination process as further progress is made.~~ is final, except with regard to the position between National Grid and National Gas Transmission plc, and National Grid and Northern Gas Networks Limited. A final update for these outstanding parties will be provided at Deadline 8.
- 3.1.2 **Table 3.1** provides a high level position and where necessary includes further detail to aid understanding of the ExA. In summary the high level positions noted in Table 3.1 are as follows:
- ~~• Draft SoCG in draft and not signed – The SoCG has been drafted by National Grid, it has been shared with the other party although no response or countersignature has been received.~~
  - ~~s~~Signed ~~draft~~ SoCG with matters outstanding – The SoCG has been signed by both parties and work is ongoing to try and resolve remaining matters outstanding. A final SoCG will be submitted at Deadline 8.
  - ~~• Agreed draft SoCG with matters outstanding – The SoCG has been drafted and email confirmation has been received that the draft is agreed.~~
  - Final Signed SoCG with matters not agreed – The final version of the SoCG has been signed by both parties, and there remain matters outstanding not agreed that National Grid and the other party agree will not be resolved during examination.
  - Final agreed SoCG without signature, but all matters agreed – The ~~SoCG~~ SoCG has been finalised between both parties with all matters agreed however one party has deemed it not necessary to provide a signature.
  - Final Signed SoCG all matters agreed – The SoCG has been signed by both parties and all matters are agreed.

Table 3.1 – Status of SoCGs

SoCG ID	Party	Position
8.5.2	North Yorkshire Council	Final signed SoCG with matters not agreed <del>Signed draft SoCG with matters outstanding</del>
8.5.3	City of York Council	Final signed SoCG with matters not agreed
8.5.4	Leeds City Council	<u>Final signed SoCG all matters agreed</u> <del>Signed draft SoCG with matters outstanding</del>
8.5.5	Natural England	Final signed SoCG all matters agreed
8.5.6	Yorkshire Wildlife Trust	Final signed SoCG with matters not agreed
8.5.7	Environment Agency	<u>Final signed SoCG all matters agreed</u> <del>Signed draft SoCG with matters outstanding</del>

8.5.8	Historic England	<del>Final Agreed final</del> SoCG without signature, but all matters agreed
8.5.9	National Trust	Final signed SoCG all matters agreed
8.5.10	Northern Powergrid (Yorkshire) plc and Northern Powergrid (Northeast) plc	Final signed SoCG all matters agreed
8.5.11	Network Rail	<del>Final signed SoCG with matters not agreed. SoCG in draft and not signed, with matters outstanding</del>
8.5.12	Ainsty (shire group) IDB	Final signed SoCG with matters not agreed <del>Signed draft SoCG with matters outstanding</del>
8.5.13	Kyle and Upper Ouse (York Consortium) IDB	Final signed SoCG with all matters agreed
8.5.14	National Highways Limited	Final signed SoCG with matters not agreed <del>Signed draft SoCG with matters outstanding</del>
8.5.15	Canals and River Trust	Final signed SoCG with all matters agreed
8.5.16	Foss IDB	Final signed SoCG with all matters agreed
8.5.17	Cellnex UK Limited	Final signed SoCG with all matters agreed
8.5.18	EE Limited and Hutchison 3G UK Limited	Final Signed SoCG with all matters agreed
8.5.19	National Gas Transmission plc	<del>Draft signed SoCG with matters outstanding SoCG in draft and not signed, with matters outstanding</del>
8.5.20	Northern Gas Networks Limited	Draft signed SoCG with matters outstanding
8.5.21	Yorkshire Water Services Limited	Final signed SoCG all matters agreed

## 4. Commonality

4.1.1 This section of the report provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters being discussed with the various parties at Deadline 74.

4.1.2 The summary in **Table 4.1** is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each party and a position for each topic as follows:

	Matter agreed
	Matter outstanding and subject to further discussion
	Matter not agreed

4.1.3 Where a matter is not relevant to a party, it is not included within the SoCG and therefore not covered in **Table 4.1** and shown as a blank.

4.1.4 Following the summary table, an explanation is provided on the areas where further negotiation is required and/or agreement has not yet been reached.

Table 4.1 – Commonality

SoC G ID	Party	Topic																			
		Needs case for the Project	Draft DCO	Protective Provisions/side agreement	Other consents and licences	COCP and associated documents	Design and Engineering	Planning Policy including Green Belt	Landscape and Visual	Historic Environment	Biodiversity including Biodiversity Net Gain (BNG)	Hydrology	Geology and Hydrogeology	Agriculture and Soils	Traffic and Transport	Air Quality	Noise and Vibration	Health and Wellbeing	Socio-economics	Climate Change	Cumulative effects
8.5.2	North Yorkshire Council	Green	Red		Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Red	Green	Red	Green	Green	Green	Green
8.5.3	City of York Council	Green	Green		Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
8.5.4	Leeds City Council	Green	Green		Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
8.5.5	Natural England		Green		Green					Green			Green								
8.5.6	Yorkshire Wildlife Trust		Green							Red											
8.5.7	Environment Agency		Green		Green					Green	Green	Green									
8.5.8	Historic England		Green			Green				Green											
8.5.9	National Trust								Green	Green											

8.5.10	Northern Power Grid Limited			Green		Green													
8.5.11	Network Rail		Red	Red															
8.5.12	Ainsty (shire group) IDB		Red							Green									
8.5.13	Kyle and Upper Ouse (York Consortium) IDB		Green							Green									
8.5.14	National Highways Limited		Green	Red		Green							Green						
8.5.15	Canals and River Trust		Green	Green		Green											Green		
8.5.16	Foss IDB		Green							Green									
8.5.17	Cellnex UK Limited			Green															
8.5.18	EE Limited and Hutchison 3G UK Limited			Green															
8.5.19	National Gas Transmission plc			Yellow															
8.5.20	Northern Gas Networks Limited			Yellow															
8.5.21	Yorkshire Water Services Limited			Green															

## 4.2 Principal matters outstanding and not agreed

4.2.1 The following section provides narrative on specific areas where matters are identified as being 'subject to ongoing discussion/outstanding' or 'not agreed'. This section provides the ExA with a summary. The individual SoCGs should be referred to for the full detail on specific matters.

### North Yorkshire Council

4.2.2 National Grid has been working closely with the North Yorkshire Council through the pre-application process and examination to resolve matters and reach agreements~~continue to do so post submission~~. North Yorkshire Council has recently formed following a merger of a number of Councils including Selby District Council, Hambleton District Council, Harrogate District Council and North Yorkshire County Council. Engagement at the pre-application stage has therefore been with the individual authorities. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG.

~~4.2.3 Notwithstanding this, there are six principle matters which National Grid and North Yorkshire Council do not agree on which are set out in as set out in section 4.1.1 of the SoCG (**Document 8.5.2-(CD)**).~~

~~4.2.4 The first matter detailed in Section 4.1.1 is a disagreement), National Grid and the North Yorkshire Council do not agree upon the interpretation of overhead lines being inappropriate development within the Green Belt. National Grid considers that the development of overhead lines is not inappropriate for the reasons set out in the Planning Statement (**Document 7.1, Volume 7**) [APP-202] however this view is not agreed upon by the North Yorkshire Council who consider overhead lines to be inappropriate development. A Green Belt Position Statement detailing the views of National Grid and each of the Local Planning Authorities (North Yorkshire Council and City of York Council) on all Green Belt matters is submitted at Deadline 7 (**Document 8.34.2**). is being prepared for submission at Deadline 7.~~

~~4.2.5 The second matter detailed in section 4.2.1 which the parties disagree on is the construction hours proposed for the project secured through Requirement 7 of the draft DCO (Document 3.1(F)). The disagreement regarding the working hours is linked to North Yorkshire Council not agreeing the inclusion of weekend core hours set out in the Noise and Vibration Management Plan (ES Chapter 3: Noise and Vibration Management Plan, Document 5.3.3H) [APP-101] and as noted in section 4.4.1 of the SoCG (**Document 8.5.2 (D)**). A Working Hours Position Statement has been prepared which details both parties' position in regard to noise and working hours related matters which is submitted at Deadline 7 (**Document 8.34.1**).~~

~~4.2.6 The third matter of disagreement related to Requirement 18 relating to the approval of details having regard to the Design Approach to Site Specific Infrastructure. NYC have made a representation at Deadline 4 [**REP4-041**] which requests that the Requirement wording be amended to include the approval of external colour and surface finish of permanent buildings, boundary and acoustic fencing and surface materials. National Grid set out in Table 22.8 in **Document 8.24 Applicants Comments on Interested Parties Deadline 4 Submission [REP5-082]** and Table 2.17 in **Document 8.25.1 Applicants Response to Examining Authority's Second Written Questions (ExQ2) [REP5-083]** its rationale as to why this should not be considered necessary.~~



- ~~4.2.7 The fourth matter of disagreement between the parties is in regard to the timescales for the discharge of DCO requirements. The positions of each party are detailed in Section 4.2.2 of the SoCG (Document 8.5.2 (D)) and explain how National Grid have prepared a Service Level Agreement (SLA) which is secured through the final S106 Agreement (Document 8.22(B)) and commits to providing a fully funded pre-application process for the discharge of requirements to assist in enabling a more expedient approval process for the requirements.~~
- ~~4.2.8 The fifth matter of disagreement relates to the methodology used for the construction stage noise assessment albeit that the conclusions of the assessment for construction stage noise are agreed between the parties. This matter is detailed further in Section 4.3.1 of the SoCG (Document 8.5.2-(D)).~~
- ~~4.2.34.2.9 The final matter not agreed between the parties is detailed in Section 4.5.1 of the SoCG (Document 8.5.2-(D)) and relates to the Construction Traffic Management Plan and its reference to the use of Butts Lane for construction traffic. Discussions continue between National Grid and a third-party landowner to facilitate the use of an alternative route which will require a landowner agreement. However until this matter is resolved, the point remains not agreed with North Yorkshire Council.~~
- ~~4.2.4 Some matters are also still outstanding between the parties. There are outstanding comments in relation to proposed requirement number 7, 8, 9, 10 and 18 which are being discussed between the parties.~~
- ~~4.2.5 National Grid and the North Yorkshire Council is yet to reach agreement on the proposed working hours for the Project. NYC currently disagree with National Grid on the methodology for the assessment of operational noise however the outcome of the assessments is agreed. NYC also currently disagree with the conclusions of the construction noise significant effects assessment.~~
- ~~4.2.6 North Yorkshire Council have raised some comments regarding the proposed DCO requirements and process for the discharge of the requirements and associated timescales. National Grid are seeking to agree a Service Level Agreement to address these concerns, the principles of which will be secured through a S106 agreement. This matter is outstanding with discussions ongoing.~~
- ~~4.2.7 The management period for landscape mitigation is being discussed by the parties. National Grid have proposed an amendment to the draft DCO to address the comments from NYC which is to be discussed.~~
- ~~4.2.8 Highways matters have been discussed between the parties and largely agreed however NYC maintain that they do not recommend the use of Butts Lane and an access route. National Grid are continuing discussions with the affected landowner and the point remains an outstanding matter.~~
- ~~4.2.9 Discussions regarding the inclusion of additional landscape measures to be detailed in the Outline Landscape Mitigation Strategy also remain under discussion.~~

### City of York Council

- 4.2.10 National Grid has been working closely with City of York Council through the pre-application process and ~~continue to do so post submission~~ the examination. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG.
- 4.2.11 Notwithstanding this, as set out in section 4.1.1 of the SoCG (Document 8.5.3(ED)), National Grid and City of York Council do not agree upon the interpretation of overhead

lines being inappropriate development within the Green Belt. National Grid considers that the development is not inappropriate for the reasons set out in the Planning Statement (**Document 7.1, Volume 7**) [APP-202] however this view is not agreed upon by City of York Council who consider overhead lines to be inappropriate development.

- 4.2.12 ~~A Green Belt Position Statement detailing the views of National Grid and each of the Local Planning Authorities on all Green Belt matters is submitted at Deadline 7 (Document 8.34.2) Discussions regarding the S106 agreement continue with a final S106 agreement due to be submitted at Deadline 7 however City of York are content to agree that all other matters are agreed between the parties.~~

### ~~Leeds City Council~~

- 4.2.13 ~~National Grid has been working closely with the Leeds City Council through the pre-application process and continue to do so post submission. National Grid has been engaged with specialist officers throughout to seek agreement on the matters outlined within the SoCG (Document 8.5.4 (C)).~~
- 4.2.14 ~~Leeds City Council have made some representations with regard to the draft S106 agreement put forward by National Grid which seeks to secure the Biodiversity Net Gain provisions and the principles attributed to the project, and a Service Level Agreement for the discharge of Requirements and Other Consents. Discussions are ongoing regarding the final wording of the S106.~~

### Yorkshire Wildlife Trust

- 4.2.154.2.13 National Grid has engaged in regular dialogue with the Yorkshire Wildlife Trust and have reached agreement on the majority of matters. One matter is not agreed by the parties and relates to the incorporation of bird diverters within the Project as detailed in paragraph 4.1.1 of the SoCG (**Document 8.5.6**) [REP1-026].
- 4.2.164.2.14 Yorkshire Wildlife Trust considers that bird diverters should be fitted as part of the Project within the River Ouse and River Wharfe corridors as a collision avoidance measure due to the presence of well-known migratory flyways.
- 4.2.174.2.15 National Grid's position based on consistency across projects nationally is that fitting diverters is only carried out where historic evidence/collision risk modelling indicates a specific need. At the watercourse corridors referred to existing overhead line crossings are in place (in the case of the River Ouse an existing crossing will be removed and replaced within ~380m). Currently there is no evidence to indicate that the Project would need to include provision of bird diverters to prevent significant adverse effects.

### Environment Agency

- 4.2.18 ~~Discussions have taken place between National Grid and the Environment Agency in order to agree the majority of points as detailed in the SoCG (Document 8.5.7(B)) [REP-027]. One matter regarding the mechanism within the S106 agreement to secure the BNG commitment for the scheme remains to be agreed and is expected to be resolved by Deadline 7.~~

### Network Rail

- 4.2.194.2.16 National Grid has engaged with Network Rail on matters concerning the Project and there are ~~no~~ matters which are not agreed between the parties. There are currently four topic areas of matters which remain outstanding not agreed between the parties as detailed in Table 45.1 of the SoCG (**Document 8.5.11(CD)**).

~~4.2.204.2.17~~ Firstly, regarding the terms of easements, National Grid seeks new easements in respect of the permanent interests on Network Rail's land for the proposed development. The Parties are ~~yet to agree~~not agreed on the precise terms of the easements to be granted by Network Rail to National Grid or the consideration payable for the grant of those easements.

~~4.2.214.2.18~~ Secondly, the Parties are ~~yet not agreed~~to agree on the precise form of the framework agreement which shall dictate the Parties' respective obligations in respect of the authorised works.

~~4.2.224.2.19~~ Thirdly, the Parties are ~~yet to agree~~not agreed on the precise form of the protective provisions ~~to be~~ included within the **draft DCO (Document 3.1(DF))**.

~~4.2.234.2.20~~ Finally, the Parties are ~~yet to agree~~not agreed on the necessity for powers to be granted to National Grid for the compulsory acquisition of interests in land belonging to or in respect of which Network Rail enjoys an interest. National Grid's detailed position on this matter is set out in **Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3)** submitted at Deadline 7.

~~4.2.24~~ ~~National Grid has issued an updated version of the SoCG to Network Rail however a signed version has not been received prior to Deadline 5. National Grid will continue to work with Network Rail to reach a final position by Deadline 7.~~

### **Ainsty (shire group) IDB**

~~4.2.254.2.21~~ National Grid has engaged with Ainsty (Shire Group) IDBs throughout the Examination to resolve the majority of matters. One matter ~~remains outstanding~~is not agreed which relates to minimum conductor clearance above IDB-maintained watercourses. The specific point of difference in the conductor clearance height is set out in Table 5.1 of the SoCG (**Document 8.5.12 (BC)**).

### **National Highways**

~~4.2.22~~ National Grid has continued discussions with National Highways throughout the Examination and has received confirmation that all technical matters are agreed. ~~There are also currently no matters not agreed between the parties.~~

~~4.2.23~~ ~~Following discussions, there are two matters which are not agreed between the parties. The first matters, detailed in Section 4.1.1 of the SoCG (**Document 8.5.14(C)**), is the position on indemnity provision which National Highways deem should be uncapped. National Grid maintain that the provision should be proportionally capped as justified further in **Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5)** submitted at Deadline 7.~~

~~4.2.264.2.24~~ The second matter not agreed is detailed in Section 4.1.2 of the SoCG (**Document 8.5.14(C)**) and relates to the protection of land not used for National Highways' undertaking. National Highways considers that the protective provisions should apply to all land it owns within the Order limits generally as opposed that that which is used for its statutory undertaking. National Grid's position is detailed further in **Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5)** submitted at Deadline 7.

~~4.2.27~~ ~~Discussions remain ongoing with regards to the form of agreement to secure land rights for National Grid on National Highways land.~~

~~4.2.28~~ ~~Discussions regarding the Protective Provisions are also ongoing with further meetings to discuss the matters being arranged.~~

## National Gas Transmission plc

~~4.2.294.2.25~~ National Grid has been in liaison with National Gas Transmission plc regarding the Project and specifically in relation to the impact of the Project on National Gas Transmission plc assets. An SoCG has been prepared (**Document 8.5.19-(BC)**) to provide a summary of the position on the discussions between the two parties.

~~4.2.26~~ Two matters are currently outstanding. Firstly, regarding the adequacy of the proposed protective provisions which is set out in Section 5.1.1 of the SoCG (**Document 8.5.19(C)**). National Grid's detailed position on this matter is set out in **Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4)** submitted at Deadline 7.

~~4.2.304.2.27~~ The second outstanding matter set out in Section 54.1.2 of the SoCG (**Document 8.5.19 (C)**) ~~relates to and secondly~~ the finalisation of a side agreement between the parties. ~~Table 5.2 of the SoCG (**Document 8.5.19 (B)**) provides further details on the aspects of the Protective Provisions which are under discussions between the parties.~~

~~The SoCG has been shared with National Gas Transmission plc however a signed version agreeing the latest position has not been received prior to Deadline 5. National Grid will continue to work with National Gas Transmission plc to reach a final position for Deadline 7.~~

## Northern Gas Networks Limited

~~4.2.314.2.28~~ National Grid has been in liaison with Northern Gas Networks Limited regarding the Project and specifically in relation to the impact of the Project on Northern Gas Networks Limited's assets. An SoCG has ~~now~~ been prepared (**Document 8.5.20-(CB)**) to provide a summary of the position on the discussions between the two parties.

~~4.2.324.2.29~~ There are two areas where matters are currently outstanding. Firstly, regarding the adequacy of the proposed protective provisions and secondly the finalisation of a side agreement between the parties. Table 5.~~2~~1 of the SoCG (**Document 8.5.20-(CB)**) provides further details on the aspects of the Protective Provisions which are under discussions between the parties. National Grid's detailed position on this matter is set out in **Applicant's Position Statement – Protective Provisions Not Yet Agreed with Northern Gas Network (Document 8.34.5)** submitted at Deadline 7.

~~4.2.33~~

## 4.3 Protective Provisions

4.3.1 A detailed update on the status of the discussions regarding protective provisions between National Grid and relevant parties is provided in **Document 8.8 Applicant's planning obligations and commercial side agreements tracking list** and within **Protective Provisions Progress Schedule** submitted at Deadline ~~5-7~~7 (**Document 8.12(CD)**).

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