

YG-DCO-097(B)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.8(B) Applicant's Planning obligations and commercial side agreements tracking list (Clean)

**Final Issue B
September 2023**

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Version History

Date	Version	Status	Description / Changes
05/04/2023	A	Final	First Issue
06/09/2023	B	Final	Second Issue

1. Introduction

1.1 Overview

- 1.1.1 This document provides a tracking list of commercial side agreements and any planning obligations under the Town and Country Planning Act 1990 (**TCPA 1990**) or other legislative provisions relevant to planning associated with the Yorkshire Green Energy Enablement Project (**Yorkshire GREEN** or the **Project**) in accordance with the Examining Authority's (**ExA**)'s Examination timetable.

2. Commercial Side Agreements and Protective Provisions

2.1 Introduction

- 2.1.1 The tracking list set out at **section 2.2** below provides a list of commercial side agreements under preparation between National Grid and Interested Parties / Other Persons, identifying the subject matter(s) for which a commercial side agreement is being prepared and its current status.
- 2.1.2 As is common with commercial side agreements, specific details under negotiation are subject to confidentiality provisions preventing public disclosure so an outline summary of the subject matter is all that it is possible for National Grid to provide.
- 2.1.3 **Section 2.3** below cross references the **Protective Provisions Progress Schedule (Document 8.12(D))** for an update on the current status of the protective provisions between National Grid and Statutory Undertakers.

2.2 Commercial side agreement tracking list

- 2.2.1 The current status of all relevant commercial side agreements is shown in **Table 2.1** below. The Applicant will update the ExA on the final position of each commercial side agreement through an update to this tracking list at Deadline 8, if required.

Table 2.1 – Commercial Side Agreements Tracking List

Parties	Subject Matter	Status	Likelihood of resolution
National Grid Electricity Transmission Plc and National Gas Transmission Plc	To secure the protection of National Gas Transmission Plc's apparatus in relation to the Project.	In preparation	National Grid is attempting to make further progress before Deadline 8.
National Grid Electricity Transmission Plc and Northern Powergrid (Yorkshire) Plc and Northern Powergrid	To secure the protection of Northern Powergrid (Yorkshire) Plc and Northern Powergrid (Northeast) Plc's apparatus in relation to the Project.	Agreement reached	Agreement reached and representation withdrawn on 7 August 2023.

Parties	Subject Matter	Status	Likelihood of resolution
(Northeast) Plc			
National Grid Electricity Transmission Plc and Northern Gas Networks Limited	To secure the protection of Northern Gas Networks Limited's apparatus in relation to the Project.	In preparation	National Grid is attempting to make further progress before Deadline 8. No representation made by Statutory Undertaker to the Examination.
National Grid Electricity Transmission Plc and Yorkshire Water Services Ltd	To secure the protection of Yorkshire Water Services Ltd's apparatus in relation to the Project.	Agreement reached	Agreement reached. No representation made by Statutory Undertaker to the Examination and so no need for withdrawal.
National Grid Electricity Transmission Plc and Network Rail Infrastructure Limited	To secure the protection of Network Rail Infrastructure Limited's apparatus and land interests in relation to the Project.	In preparation	Whilst negotiations continue, resolution is highly unlikely to be reached prior to the end of the Examination.

2.3 Protective Provisions tracking list

- 2.3.1 The current status of all relevant protective provisions is shown in the **Protective Provisions Progress Schedule (Document 8.12(D))**, which has been submitted to the examination at Deadline 7.

3. Planning Obligations under the Town and Country Planning Act 1990 or other legislative provisions relevant to planning

3.1 Planning Agreement Tracking List

Table 3.1 – Planning Agreements Tracking List Definitions

Term	Definition
"Agreement"	Agreement pursuant to Section 106 of the TCPA 1990 relating to the Project between the Applicant and the Councils.
"Applicant"	National Grid Electricity Transmission plc.
"Construction Period"	The period between the Commencement Date and the date when the exercise of the temporary powers in the DCO to enable the Authorised Development to be constructed has ceased.
"Councils"	North Yorkshire Council, City of York Council and Leeds City Council.

Table 3.2 – Planning Agreements Tracking List

Legislative Provision	Subject Matter	Unilateral/ Bilateral/ Multi-lateral	Parties	Status
Biodiversity Net Gain				
Section 106 of the Town and Country Planning Act 1990	Provisions requiring the Applicant to submit an updated Biodiversity Net Gain Assessment at completion of each stage of the Project and within six months of the	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording here has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of</p>

Legislative Provision	Subject Matter	Unilateral/ Bilateral/ Multi-lateral	Parties	Status
	date on which the Construction Period ends a Final Biodiversity Net Gain Assessment (which may also require a Biodiversity Offsetting Scheme) for the Council's approval.			any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.
Section 106 of the Town and Country Planning Act 1990	Applicant's implementation of the proposed provision to provide (where required if not less than 10% BNG has been achieved) a Biodiversity Offsetting Scheme.	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording here has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>
Section 106 of the Town and Country Planning Act 1990	The submission of a completion report to the Councils upon completion of the Biodiversity Offsetting Scheme (where required).	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording here has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p>

Legislative Provision	Subject Matter	Unilateral/ Bilateral/ Multi-lateral	Parties	Status
				<p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>
Section 106 of the Town and Country Planning Act 1990	A requirement for the Applicant to manage and maintain the biodiversity enhancements pursuant to the Biodiversity Offsetting Scheme for a specified period of not less than 30 years.	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>
Section 106 of the Town and Country Planning Act 1990	The submission of BNG Habitat Monitoring Reports to the relevant BNG Monitoring Body on the anniversaries of 1, 3, 5, 10, 20 and 30 years following completion of the biodiversity enhancements.	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>

Legislative Provision	Subject Matter	Unilateral/ Bilateral/ Multi-lateral	Parties	Status
Section 106 of the Town and Country Planning Act 1990	The payment of the BNG Monitoring fee to the relevant BNG Monitoring Body upon submission of the BNG Habitat Monitoring Report at the first anniversary of the biodiversity enhancements.	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have engaged in an ongoing dialogue and the wording has been agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>

Table 3.3 – Service Level Agreement

Legislative Provision	Subject Matter	Unilateral/ Bilateral/ Multi-lateral	Parties	Status
Section 106 Town and Country Planning Act 1990	Obligations for ongoing engagement with the local authorities to manage the process and costs associated with the discharge of Development Consent Order (DCO) requirements and other consents required	Multilateral	The Councils The Applicant	<p>The Councils and the Applicant have been engaged in an ongoing dialogue and the wording here is agreed. The Section 106 Agreement has been completed and submitted at Deadline 7 (Document 8.22(B)).</p> <p>The conclusion of this Agreement would not remove the need for a Statement of Common Ground with the Councils.</p> <p>The conclusion of this Agreement is not considered likely to lead to the withdrawal of any Relevant and/or Written Representations, although it is anticipated that the conclusion of this Agreement may be reflected in any final representations.</p>

	pursuant to the Articles of the DCO.			
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