

YG-DCO-158

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.36 Applicant's Comments on Interested Parties' Deadline  
7 Submissions**

**Final Issue A  
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## Version History

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Document	Version	Status	Description / Changes
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# 1. About this document

## 1.1 Introduction

- 1.1.1 This document provides National Grid Electricity Transmission plc's (National Grid) (the Applicant) response to Interested Parties' submissions made at Examination Deadline 7 for the Yorkshire Green Energy Enablement Project (Yorkshire GREEN or the Project), where National Grid considers a response is required.
- 1.1.2 National Grid has reviewed all Interested Parties' submissions made at Deadline 7, and provided a response to all submissions in Section 2 of this document. The responses provided in this document are either in the form of a short response providing National Grid's latest position on the matter, a cross-reference to the most relevant documentation, or a more detailed response where this is considered relevant to clarify matters.

## 2. Applicant’s Response to Interested Parties’ Deadline 7 Submissions

### 2.1 Ainsty (2008) IDB

Table 2.1 – Ainsty (2008) IDB: Responses to the Examining Authority’s commentary on, or proposed schedule of changes to, the draft Development Consent Order [REP7-086] [REP7-087]

Reference	Topic	Applicant’s Response
N/A	N/A	<p>National Grid notes the Ainsty Internal Drainage Board (IDB) response to the Examining Authority’s commentary on, or proposed schedule of changes to, the draft Development Consent Order [REP7-087] dated 30 August 2023 which also includes a letter issued to the Examining Authority dated 22 August 2023, published separately as REP7-086.</p> <p>National Grid responds to both submissions within Table 2.1 as detailed below.</p>
Q4.0.3 (a)	<p>Heights of the proposed electricity cables</p> <p>Also includes letter issued by the Board on 22 August 2023 which answers part (a) of the Question.</p>	<p>National Grid submitted at Deadline 7 a detailed response to Ainsty IDB’s Deadline 6 submission in <b>Table 2.1</b> of the <b>Applicant’s Comments on Interested Parties’ Deadline 6 Submissions (Document 8.31) [REP7-068]</b>.</p> <p>National Grid also submitted a detailed response to Q4.0.2 of the Examining Authority’s commentary and questions on the draft Development Consent Order (<b>Document 8.33) [REP7-084]</b>.</p> <p>As requested by the Examining Authority, a copy of the Energy Networks Association’s (ENA) Technical Specification 43-8 – Overhead Line Clearances (Issue 5, 2019) has been provided in <b>Appendix A</b> of the <b>Applicant’s Response to the</b></p>

		<p><b>ExA's 8 September 2023 Rule 17 Request for Further Information (Document 8.37)</b> submitted at Deadline 8.</p> <p>National Grid acknowledge the references to the Health and Safety Executive (HSE) Guidance Note GS6 within the ENA Technical Specification 43-8. As previously detailed HSE GS6 is guidance that provides recommendations and not requirements. Also, as previously detailed, National Grid design overhead lines to the statutory clearances specified in the Electricity Safety, Quality and Continuity Regulations 2002, which are a minimum of 7.0m ground clearance for a 275kV overhead line, and 7.3m for a 400kV overhead line. These clearances are also set out in Energy Networks Association's Technical Specification 43- 8, which forms the basis for overhead lines design, setting out the minimum statutory safe clearance distances that overhead lines must achieve, such as over roads, clearance to objects etc. The key clearance in Energy Networks Association's Technical Specification 43-8 in this instance is the minimum clearance to any object to which access is not required and which a person cannot stand or lean a ladder on, which is 2.4m for 275kV and 3.1m for 400kV overhead lines. These are the distances that equipment under the overhead line must be from the lowest conductor to ensure that it is safe to work under the operating overhead line.</p> <p>As detailed in the <b>Applicant's comments on Interested Parties' Deadline 5 Submissions (Document 8.28) [REP6-058] Table 2.1</b>, the HSE GS6 guidance sets out guidelines for working near overhead lines and sets out exclusion zones. National Grid note the guidance but consider that it is possible to work within this zone as long at the statutory minimum clearance distances are maintained as per Energy Networks Association Technical Specification 43-8, and as set out below. By achieving the clearances as stated in ENA 43-8, then it is safe to work underneath the overhead line. ENA 43-8 states that GS6 provides recommendations for working under overhead lines and that in the cases where the exclusions zones may be breached as set out in GS6, it is imperative that the clearances stated in ENA 43-8 (2.4m for 275kV) be maintained to ensure safe working. As a conductor's position in the air varies with temperature and weather, ENA TS 43-8 provides minimum clearances from a conductor at maximum sag and maximum swing ('worst case'). The GS6 guidance does not make reference to the maximum sag or swing; it refers to</p>
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		<p>measuring the height of the conductors using measuring devices. The conductor at time of measurement would likely not be at maximum sag, therefore this measurement would not be the 'worst case'. For any works within the 7m exclusion zone, consultation with National Grid at the time of works will mean the exact clearances can be provided to ensure that the safe working distances are achieved, and suitable working practices and risk assessment can be put in place, such as limiting the height of the arm of the excavator to 3.5m.</p> <p>National Grid considers that it has already responded to the points raised by Ainsty IDB's Deadline 7 submission and the recognition of HSE GS6 guidance within ENA 43-8 as detailed above. National Grid have confirmed at each deadline that working under the overhead line to maintain the watercourse can take place with appropriate control measures in place. As previously indicated National Grid would still need to be contacted to provide accurate clearances under that section of the overhead line. Measures, such as height limiters on machinery (which Ainsty IDB have confirmed is limited to 3.5m when maintaining their watercourses) would need to be in place. This is no different to the current practice that takes place on this existing line in respect of the pylon (XC459) and span (between pylon XC459 to XC460) in question. In the Ainsty IDB response in the context of clearance to an object being applicable to excavators, Ainsty IDB state "<i>The Board does not agree with this statement and believes it relates to National Grids experienced contractors working daily in this environment. It is more likely to refer to an apex of a roof or hoarding rather than moving machinery</i>". National Grid note that Section 11.4.1 of ENA 43-8 makes reference to items of plant, cranes and excavators and subsequently refers to Table 8 Item 1, which states clearances of 3.1m at 400kV, and 2.4m at 275kV, for these types of moving machinery are permissible.</p> <p>The Ainsty IDB response of 22<sup>nd</sup> August 2023 also refers to a Northern Power Grid document in its submission and states <i>that waterway crossings have much higher cable heights than 10.5m agreed</i>. National Grid notes that the Northern Power Grid document referred to in the Ainsty IDB response refers to navigable waterways and does not refer to IDB maintained non-navigable watercourses. Navigable clearances are not relevant to the Ainsty IDB case in point and in turn the clearances set out in the Northern Power Grid document relate to lower voltage lines rather than those relevant to this Project. National Grid would like to draw attention to Requirement 17 of</p>
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		<p>Schedule 3 of the draft DCO (Document 3.1(G)) which sets the clearance over the River Ouse (which is a navigable watercourse) as <i>'no part of any overhead electric line shall be installed or maintained directly above the River Ouse at a height of less than 10 metres above the mean high water level of that river'</i>.</p>
<p><b>Q4.0.3 (b) and Q4.0.3 (c)</b></p>	<p>Heights of the proposed electricity cables and Article 19(12)</p>	<p>Ainsty IDB provided a further response in relation to parts (b) and (c) of the Examining Authority's Question Q4.0.3.</p> <p>National Grid considers it has responded to the points raised in detail in <b>Table 2.1</b> of the <b>Applicant's Comments on Interested Parties' Deadline 6 Submissions (Document 8.31) [REP7-068]</b> and response to Q4.0.2 of the Examining Authority's commentary and questions on the draft Development Consent Order (<b>Document 8.33) [REP7-084]</b> submitted at Deadline 7.</p> <p>No new information has been submitted in this response, and National Grid's position remains as detailed at Deadline 7 a summary of which is provided below.</p> <p>National Grid fundamentally disagree that additional approvals from IDBs should be required for an oversail of electric lines where minimum statutory clearances are met. In terms of the Yorkshire GREEN Project specifically, for existing crossings, current clearances are improved upon in all cases, and for all but one of these (pylon XC459 to XC460), the 10.5m clearance requested by AIDB is achieved. In respect of the span from pylon XC459 to XC460, the XC overhead line is an existing line which is proposed to be reconducted. There is no proposal to change the XC line at this crossing point or increase the height of the existing pylons in this location. As previously confirmed within the <b>Applicant's Deadline 5 Response to Issue Specific Hearing 3 (ISH3) Hearing Action Points (Action point 8) (Document 8.23.9) [REP5-081]</b> and <b>paragraph 4.7.2 of the Explanatory Memorandum (Document 3.2(G))</b>, the vertical limits of deviation included in Article 5 of the <b>draft DCO (Document 3.1(G))</b> do not provide for an increase in the height of existing pylons for which reconducting is proposed. Therefore, the clearance level of 10.5m being sought by AIDB cannot be delivered within the scope of the Project for which development consent is being sought.</p>

		<p>To achieve a clearance for span XC459 to XC460 in excess of the statutory minimum clearances would require a re-design of the Project as applied for in this location as well as fresh consideration of the environmental impacts and any new or different associated land rights that may be needed as a result of any such re-design. Additionally, such a decision would call into question the relevance and purpose of the minimum statutory clearances contained in Schedule 2 of the Electricity Safety, Quality and Continuity Regulations 2002, because a requirement to meet a 10.5m clearance (which would be the practical effect of seeking the IDB’s consent for anything below this) would imply that the current minimum statutory clearances are not fit for purpose.</p> <p>National Grid acknowledges that the Ainsty IDB response [REP7-087] states that “<i>The Board accepted pylon XC459 being lower</i>”. The response goes on to state that “<i>However, National Grid will give the Board no guarantee regarding the proposed clearances</i>”.</p> <p>National Grid welcomes Ainsty IDB’s acceptance that pylon XC459 will be lower than the 10.5m clearance that Ainsty IDB has sought. National Grid responded to the Ainsty IDB submission at Deadline 5 [REP5-097] in <b>Table 2.1, Applicant’s Response to Interested Parties’ Deadline 5 Submissions (Document 8.28) [REP6-058]</b>. This response confirmed the proposed design clearances at overhead line crossings of Ainsty IDB maintained watercourses. This confirmed that at all existing crossings where re-conductoring is taking place, existing clearances are improved upon in all cases, and, in all but one location, the 10.5m clearance being sought by Ainsty IDB is met. As detailed in <b>Table 2.1, Applicant’s Response to Interested Parties’ Deadline 5 Submissions (Document 8.28) [REP6-058]</b>, design clearances may be subject to change post-grant of development consent based on detailed design. For this reason, current design clearances should be treated as indicative because National Grid cannot confirm the exact measurement of clearance until detailed design occurs. However, there is limited flexibility to change the clearance on the existing XC overhead line, as the pylons are not being changed in height (<b>Table 2.1, Applicant’s Response to Interested Parties’ Deadline 5 Submissions (Document 8.28) [REP6-058]</b>).</p>
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## 2.2 Association of Drainage Authorities

Table 2.2 – Association of Drainage Authorities: Response to ExA's DCO Commentary and Questions [REP7-088]

Reference	Topic	Applicant's Response
Q4.0.3	Clearances	<p>National Grid submitted at Deadline 7 a detailed response to Ainsty IDB's Deadline 6 response in <b>Table 2.1</b> of the <b>Applicant's Comments on Interested Parties' Deadline 6 Submissions (Document 8.31)</b> [REP7-068].</p> <p>National Grid also submitted a detailed response to Q4.0.2 of the Examining Authority's commentary and questions on the draft Development Consent Order (<b>Document 8.33</b>) [REP7-084].</p> <p>National Grid has provided a further response to Ainsty IDB's Deadline 7 Submissions in Table 2.1 of this document submitted at Deadline 8.</p> <p>The responses above set out the detailed position of National Grid on this matter. These submissions already respond in full to the information referred to by the Association of Drainage Authorities as submitted by Ainsty IDB, and so have not been repeated here.</p> <p>In addition, the Association of Drainage Authorities response states that "<i>it has come to our attention that one of our members – the Ainsty Internal Drainage Board (IDB) – has highlighted significant safety concerns about the clearance of high voltage electricity cables from the ground as part of National Grid's Yorkshire Green Project .... Ainsty IDB have indicated that they are prepared to work with National Grid to evaluate the necessary clearances at each of the sites where <u>new</u> cabling is proposed</i>" (emphasis added).</p> <p>It is important to note that the pylon (XC459) and overhead line span (between pylon XC459 to XC460) in contention, is an <u>existing</u> (emphasis added) overhead line which is proposed to be reconducted and is not proposed as a new overhead line.</p>

## 2.3 Carter Jonas on behalf of Phillip Watson

Table 2.3 – Carter Jonas on behalf of Phillip Watson: Comments on Deadline 6 Submissions [REP7-092]

Reference	Topic	Applicant's Response
N/A	N/A	National Grid has responded to the points raised in the submission made by Carter Jonas on behalf of Philip Watson at Deadline 7 [REP7-092]. This response has been set out based on the headings identified in the submission, with further breakdown of matters as required. National Grid has sought to clarify points of difference or new information provided or points raised in the landowner's response, and provided cross-references to National Grid's previous submissions on these matters throughout the examination.
N/A	<p><b>Extinguishment of rights at Tadcaster East CSEC:</b></p> <p>Cropping field in two parts</p>	<p>National Grid acknowledges the landowner's comments that the field has previously been farmed in two parcels. National Grid's initial interpretation of the plan referred to by the landowner was that it depicted an area of failed crop within a larger single cropped field; it did not appear to National Grid that two crops were present in the image. National Grid formed a view that the land had only been single-cropped based upon online aerial mapping images which show an image of the land at a point in time each year between the periods 2013 and 2020. In each of the images National Grid has seen, the land appears to be in single crop, rather than two as suggested, however National Grid's understanding is based only on the online aerial mapping which is available to view.</p> <p>As detailed at Compulsory Acquisition Hearing 2 and noted in the <b>Applicants' written summary of oral representation made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b> Table 3.1, National Grid confirmed that a spur off the permanent access track approaching the Cable Sealing End Compound (CSEC) could be provided which would enable access to the lower part of the field. This would enable the landowner to access along the north-eastern boundary of land and access the eastern part of the field through a gate that could be provided at the bottom of the permanent access track to the Tadcaster West CSEC. This would ensure the landowner can continue to use the field for either a single or double crop preference. National Grid would welcome engagement with the landowner to discuss this further.</p>
N/A	<b>Extinguishment of rights at Tadcaster East CSEC:</b>	National Grid confirmed in Compulsory Acquisition Hearing 2, as detailed in the <b>Applicant's written summary of oral representation made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b> Table 3.1, that there is 3.7

	<p>Embankment and Width; and</p> <p><b>Summary</b></p>	<p>metres between the edge of the embankment and fence line. National Grid reiterated this in an email to the landowner on 16 August 2023 and provided a plan extract (as shown by the landowner in <b>REP7-092</b> which indicates that there is 3.7 metres distance between the earthworks and the fence line, and whilst there is more than 3.7 metres at certain points, there is only 3.7 metres at the narrowest point. This measurement was taken from the edge of the embankment to the existing fence line (referred to by the landowner as the rabbit proof fencing). The measurement was taken to this existing fence line due to the topography in this location. National Grid acknowledge there is the post and rail highway boundary fence line beyond that as shown on the plan, but the land drops away significantly at the boundary and between the two existing fence lines which would not make that space suitable for use.</p> <p>The Technical Note – Tadcaster East Cable Sealing End Compound Access Option submitted as Appendix B to the <b>Applicant’s Response to Examining Authority’s Second Written Questions (ExQ2) Appendices (Appendix B) (Document 8.25.2) [REP5-084]</b> including the swept path analysis drawings shown within the note, was prepared to explain further why a diversion to the existing private right of access at the proposed Tadcaster East CSEC has not been progressed as part of the Application and the constraints relating to the option to divert that right of access. It is important to note that the Technical Note did not seek to provide a final detailed design solution, and so all measurements provided are indicative based on the detail known at the time and would be subject to detailed design.</p> <p>The earthworks required in this location would need to commence from the edge of the 2m maintenance strip required around the CSEC fence line, and it is at the most southern corner of the CSEC that the nearest point of interaction between the edge of the earthworks and the fence line occur at 3.7m.</p> <p>The gas diversion of a medium pressure gas pipeline is also required in this location. The easement strip shown for the Northern Gas Networks (NGN) diversion of 6m is the easement distance requested by NGN. However, NGN have agreed to a reduced easement width at the pinch points in this location, due to the nature of the proposed development and the restrictions in proximity to the highway’s boundary and topography</p>
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		<p>of land. National Grid has reached agreement on all matters with Northern Gas Networks.</p> <p>As detailed in Technical Note – Tadcaster East Cable Sealing End Compound Access Option submitted as Appendix B to the <b>Applicant’s Response to Examining Authority’s Second Written Questions (ExQ2) Appendices (Appendix B) (Document 8.25.2) [REP5-084]</b>, the gas diversion is to be installed at a depth of 1.2m. With the anticipated earthworks associated with the provision of a suitable alternative access option for the landowner the gas pipeline would be at a depth of 0.87m below the road formation level. This is significantly less than the usually required depth set by Northern Gas Networks.</p> <p>National Grid has provided detailed justification throughout the examination which sets out that due to multiple on-site constraints in this location and the complexity with the earthworks required and safety risks posed, an alternative access arrangement for the landowner is not considered feasible or proportionate. The landowner has indicated its acceptance to utilise the access for agricultural vehicles only. However, given the topography of the land in this location and the existing easement the landowner benefits from (which grants a right at all times and for all purposes) it would not be possible for National Grid to restrict the use of the alternative access option to agricultural vehicles only or enforce the prevention of larger vehicles using it throughout its lifetime.</p> <p>The landowner has queried previously whether National Grid would be providing access to land beyond the CSEC to other parties. As detailed in Table 2.2. of the <b>Applicant’s Comments on Interested Parties Deadline 5 Submissions (Document 8.28) [REP6-058]</b>, National Grid are not proposing an access to this parcel of land due to the constraints it has set out and the feasibility of a vehicle access. National Grid has included the land surrounding and beyond the CSEC (plots D1-15 and D1-19) for compulsory acquisition as shown on the <b>Land Plan Section D (Document 2.5.4(B)) [AS-008]</b>. In response to the Examining Authority’s point raised regarding access for third parties at CAH2, National Grid confirmed at the hearing that the gas pipeline diversion would be the first element of work. The diversion would take place in the space where the embankment will eventually be located. National Grid expect low maintenance requirements for the gas pipeline. The area of land is proposed for planting and wildflowers, so there is no need for vehicular access, it can be maintained on foot. There</p>
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		<p>would be no third party access to the land unless required by the gas undertaker; in that situation temporary works would need to be implemented for a safe route (<b>Table 3.1, Applicants Written summary of oral representation made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b>).</p> <p>As detailed by National Grid, it is not possible for National Grid to provide an access option to the landowner that can accommodate all vehicles as it encroaches substantially into the highway embankment and onto National Highways’ operational land. National Grid consider the extinguishment of rights in this location is justified given there is an alternative existing access to the land off the A659, which is proposed to be upgraded as part of the Project. In cases where National Grid interferes with a right held by a landowner, and where that interference results in the landowner suffering a loss, the landowner will be entitled to make a claim for compensation.</p> <p>National Grid has also responded in detail to Action Point 10 of CAH1 in respect of the use of a retaining wall in this location. This detailed response is provided in <b>Table 2.1 of the Applicant’s Response to CAH1 Hearing Action Points (Document 8.23.5) [REP4-027]</b>. In summary, it concludes that there are a number of additional constraints for the implementation of a solution that utilises a retaining wall, such that this is not considered a viable alternative solution and therefore, has not been taken forward as part of the Project.</p> <p>The landowner has highlighted in the Deadline 7 submission his objection to the extinguishment of the right of way through Brickyard Farm (plot D1-04) (described in Book of Reference as Brick House Farm). National Grid has responded to the point raised as this has not been raised previously through the examination. National Grid has included the extinguishment of the private right of access through Brick House Farm (plot D1-04) as shown on the <b>Extinguishment of Easements Servitudes and Other Private Rights Plan (Document 2.14(B)) [REP6-023]</b> because National Grid is taking freehold the land within which the private right of access is located beyond Brick House Farm. As detailed above National Grid are seeking to extinguish the private right of access due to the location of the Tadcaster East CSEC. National Grid consider that there would be no basis for the private right of access through Brick House Farm to remain as the landowner would not be able to exercise this right beyond Brick House Farm through to the remainder of the land that they own. Formal extinguishment of the right in its entirety</p>
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		through the powers in the DCO would also provide clarity and certainty to the affected landowners, so as not to give rise to any dispute as to whether the right through Brick House Farm would lapse by operation of law. For these reasons, it is considered appropriate to extinguish a right which would at its western end conflict with National Grid's proposal.
N/A	<b>Siting of CSEC West</b>	<p>National Grid acknowledges the landowner's comments around his proposed alternative for the Tadcaster West Cable Sealing End Compound (CSEC) which the landowner states would reduce land take and improve timeliness of operations. The alternative proposed by the landowner was discussed at Compulsory Acquisition Hearing 2 and National Grid submitted at Deadline 6 the <b>Applicant's Written Summary of Oral Representations made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b> which responds to this matter in Table 3.1. A detailed response is also provided to the landowner's submission at Deadline 5 relating to this alternative proposal in the <b>Applicant's Comments on Interested Parties Deadline 5 Submissions (Document 8.28) [REP6-058] Table 2.1.</b></p> <p>In summary, National Grid consider that the location proposed by the landowner would not be feasible as the CSEC would be too close to the pylon to be able to site a landing gantry for the down leads from XD001. Due to this, the CSEC would need to utilise an anchor block solution. However, to ensure that safety clearances are maintained, pylon XD001 would need to be encompassed into the cable sealing end compound fence line. This would significantly increase the size of the cable sealing end compound, and the amount of land that National Grid would need to acquire freehold. National Grid cannot justify this given the gantry solution available which requires less land and reduced cost to the consumer.</p> <p>National Grid notified the ExA of its intention to submit a request for proposed changes to the DCO application in a letter dated 19 June 2023 (<b>Appendix A, Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]</b>). One of those changes (Change 4) related to the Reorientation of the Tadcaster West CSEC and sought to respond to feedback previously received by the landowner. National Grid confirmed in the notification that the proposed change would only be sought if landowner consent was obtained. As detailed in <b>Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]</b> National Grid confirmed that the landowner did not consent to Change 4 being made, accordingly this change was not taken forward.</p>



		<p>National Grid acknowledges the landowner’s comments in relation to loss of farmable land and increased time, costs and risks associated with cultivating the remaining land area around the CSEC. National Grid understands that the proposed design of the CSEC will create an impact on the landholding and the way in which it is farmed in the future. Whilst there may be opportunities to mitigate impact by varying farming practices, the landowner will be entitled to make a claim for compensation for justifiable losses should compulsory acquisition powers need to be exercised.</p> <p>National Grid has sought powers over the minimal land area as per the <b>Statement of Reasons (Document 4.1(C)) [REP7-056]</b> under paragraph 4.5, the powers being sought are reasonable, proportionate (i.e. nothing greater than needed), and necessary to deliver and thereafter maintain the Project.</p>
N/A	<p><b>Siting of CSEC West:</b> Socio-economic</p>	<p>During CAH2, National Grid confirmed that the socio-economic assessment within <b>ES Chapter 16 Socio Economics (Document 5.2.116) [APP-088]</b>, considered that the effects on farm businesses could be scoped out due to the small proportion of land take from any of the farms along the route. The further consideration of New Farm and Newlands Farm during the Examination had confirmed this approach to be appropriate. Both of these farms had over 300 acres of land in total but the land take proposed on each farm accounts for only 1-2% of this land. It was acknowledged that the impact on the landowner would be slightly higher than this, but that there was around 70 acres of land in this location plus additional land in his wider holding. National Grid’s view was therefore that the approach to scope out socio-economics was correct (<b>Applicant’s Written Summary of Oral Representations made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b>).</p> <p>Within the representations made by the landowner in <b>Comments on Submissions Deadline 6 [REP7-092]</b> the landowner confirmed that there is 190 acres of farmland in his ownership. The project would require 2.3 acres of this land on a permanent basis, which would equate to 1.2% of his total holdings. This amount is comparative to the situation at New Farm and Newlands Farm and accords with the EIA methodology to scope this subject out of detailed assessment.</p>
N/A	<p><b>Siting of CSEC West:</b> Alternatives</p>	<p>The landowner suggests that placing the CSEC West closer to existing pylon XD002 would be a better alternative compared to its proposed location, due to the land near XD002 being a smaller paddock that could be bought outright, and which could then</p>

		<p>benefit from a private access point. This is a new alternative suggested by the landowner as previously an alternative was suggested in relation to pylon XD001 as detailed above.</p> <p>Within the <b>Corridor and Preliminary Routing and Siting Study (CPRSS) 2021 (Document 7.8) [APP-209]</b>, XD siting zone 2 (XD2) (shown within Figure 5.1) corresponds with this location. Table 5.5 of the CPRSS provides an appraisal of this siting area.</p> <p>As detailed in Table 5.5 and Section 5.3 of the CPRSS, there were no major constraints associated with XD2. However, it was considered that the site did not benefit from a well-established existing access onto the highway and would likely require upgrading the existing road network, and also that it may be necessary to cross an existing footpath adjacent to the carriageway to access the site.</p> <p>In contrast, site XD1 was preferred compared to all the alternative XD sites as the existing pylon can be reused and it would provide the shortest cabling route to connect with the preferred CSEC East siting location (XC1). In addition, it benefited from a good existing access to the highway. A shorter cabling route is associated with reduced cost implications, along with a reduction in environmental impacts associated with underground cabling, such as potential impacts on archaeology and soils and an underground cable crossing of the A659.</p> <p>As such, the siting area identified in the CPRSS as XD1 was the preferred site selected for the Western CSEC.</p>
N/A	10m strip for hedgerows	<p>The justification for the hedgerow planting alongside the A659 as essential mitigation is set out at pages 12 and 13 of the <b>Design Approach to Site Specific Infrastructure (Document 8.18(B)) [REP5-077]</b>. In summary, the existing hedgerow has many gaps and is thin, typically comprising a single row of plants. As illustrated with reference to Target Note 2 on Figure 3.11 of <b>Chapter 3 Description of the Project Figures (Document 5.4.3(D)) [REP6-049]</b> the existing hedgerow alongside the A659 is to be reinforced i.e., gaps infilled, and an additional row of planting on the inside of the existing hedgerow would be added where required. This would provide effective mitigation of views of the Tadcaster Tee West CSEC, as experienced by users of the A659. The 5-year maintenance regime including monitoring and management is to be submitted and</p>

		<p>agreed with the relevant planning authority as part of the discharge of Requirement 8(2)(c) in the <b>draft DCO (Document 3.1(G))</b>.</p> <p>National Grid require an approximately 10.5m wide corridor that comprises approximately 4.5m wide existing grass verge adjacent to the A659 and the width of the existing hedgerow. The additional 6m width would comprise 2m for an additional row of hedgerow planting, inclusive of space for growth, and a 4m wide access for vehicles for maintenance purposes. The purpose of the maintenance access required by National Grid, in addition to cutting the hedge, is to achieve full access to the inner side of the new hedgerow planting for watering, and replacement of any dead and dying plants as part of the 5 year maintenance and management regime. Following this, National Grid would maintain the mitigation in perpetuity. National Grid confirmed at the CAH2 as detailed in <b>Applicant’s Written Summary of Oral Representations made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b> that the proposal is not to leave any permanent track along the hedgerow for maintenance but that National Grid needs the powers to maintain the hedgerow as it is mitigation.</p> <p>The much shorter section of proposed hedgerow that extends along the highway boundary to the A64, south of the Tadcaster Tee East CSEC would have to be maintained by handheld trimmers/cutters during the 5-year establishment phase. This is due to the slope gradients and anticipated uneven ground from the underground services installation and removal of the Christmas tree crop. This approach is commonplace for annual cutting of species rich grassland and hedgerows where equipment mounted on vehicles, cannot occur. The proposed hedgerow along the boundary with the A64 embankment, following the 5-year maintenance period would be allowed to fully establish with general maintenance taking place thereafter. This would then be in character with the offsite tree cover, on highway land and the non-agricultural species rich grassland. This scenario contrasts with the clipped nature of the existing hedgerow along the A659, where it is also acknowledged that regular cutting is required to maximise agricultural production.</p>
N/A	Access off the A659	As detailed at Compulsory Acquisition Hearing 2 and set out in the <b>Applicant’s Written Summary of Oral Representation made at Compulsory Acquisition Hearing 2 (Document 8.29.1) [REP6-059]</b> National Grid confirmed that a 4m access track could be

		<p>accommodated but needed flexibility for siting and space for drainage, and that a bellmouth would be suitably sized to the permanent access track.</p> <p>The illustrative plan provided in response to Action 6 at Appendix A of the <b>Applicant's Deadline 7 Response to CAH2 Hearing Action Points (Document 8.29.5) [REP7-046]</b> (and also shared with the landowner) illustrates two potential options for the access off the A659 with measures to alleviate potential obstructions. This plan was produced following attempts to engage with the landowner on this matter to illustrate potential solutions that could be provided. As no response was received until the Deadline 7 response submitted by the landowner to the Examination this illustrative plan was also submitted to the Examination in the document referenced above.</p> <p>An access track 7m wide was shown on the illustrative plan as this is the width of the access track included in the application. However, as noted above National Grid considers that a 4m access track could be accommodated but National Grid would require flexibility within the 7m corridor for detailed design of siting and also space for drainage of the permanent access. Therefore, National Grid considered it suitable for the illustrative plan to be provided based on the worst-case scenario.</p> <p>National Grid has prepared a further Illustrative Plan provided in <b>Appendix B</b> to the <b>Applicant's Response to the ExA 8 September 2023 Rule 17 Request for Further Information (Document 8.37)</b> submitted at Deadline 8. This further illustrative plan provides a representation of what the options may look like based on a 4m wide access. However, this is based on the same dimensions of the bellmouth as shown on the 7m wide access arrangement with the permanent access tapering off to 4m beyond the gate as these remain illustrations prior to detailed design.</p> <p>As detailed above because flexibility is required for siting and space for drainage, this plan is only an illustration and does not represent the exact location of where the access would be located within the Order limits. National Grid has not been able to engage with the landowner on this matter as they have been unavailable for a meeting and no reply was received to National Grid's emails of 16 August and 5 September 2023 providing the illustrative plan. Therefore, National Grid has not been able to progress the development of a potential solution further with the landowner. As the permanent CSEC access may</p>
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		<p>be used to access the field beyond the CESC (as detailed above) it would need to account for heavy agricultural machinery in its robustness and longevity in terms of maintenance.</p> <p>National Grid will continue to seek to engage with the landowner and his agent on the detailed design of the permanent bellmouth and permanent access arrangement should consent be obtained. It is in National Grid's interest to reach a solution that works for both parties to secure the access from fly tipping.</p>
<b>N/A</b>	<b>Access off the A659:</b>  Fly Tipping	<p>As detailed above the width of the access and bellmouth are proposed as part of the Project. National Grid confirmed that the access track could be reduced to 4m subject to detailed design and siting and space for drainage. However, to ensure a solution to the concerns raised by the landowner regarding fly tipping, should the option proposed to use bollards be undertaken then the area of land between the bellmouth and gated access would need to remain to provide a location within the bellmouth to park vehicles.</p> <p>The width of the permanent bellmouth may be possible to reduce if the bollards option was not taken forward in favour of deterrents such as use of signage, emergency contact numbers and visual security measures. National Grid consider the options of erecting signage to deter parking and being of a legal duty not to, that the deterrent should be suitable, and the threat of prosecution would be adequate.</p> <p>However, if the access was blocked this would be removed as it would be impeding National Grid in their statutory duties. Any signage erected would make this clear. National Grid suggested bollards as one option to mitigate against fly tipping. However, other options relying on signage and other visual deterrents exist and were included in the options on the illustrative plans and can be explored further.</p> <p>As noted above, National Grid consider this a matter for detailed design and National Grid would seek to continue engagement with the landowner on the matter.</p>

## 2.4 National Gas Transmission PLC

Table 2.4 – National Gas Transmission PLC: NGT Response to ExA's DCO Commentary and Questions [REP7-089]

Reference	Topic	Applicant's Response
Q10.3.1(c)	Applicant's s127 and s138 case to the Order limits	<p>There are seven crossings of National Gas Transmission (NGT) apparatus at three work locations across the Project:</p> <ul style="list-style-type: none"> <li>• One crossing at pylon XD003;</li> <li>• Three crossings in the location of pylon XC483; and</li> <li>• Three crossings in the location of pylon XC500.</li> </ul> <p>The works relating to these crossing points are detailed further within <b>Applicant's Position Statement - Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4) [REP7-036]</b>. None involve any breaking of ground and the vehicles which will be crossing over the land would be limited to the same axle weight as a vehicle that can travel on the public highway which would be the same as an agricultural vehicle.</p> <p>National Grid has sought to engage with NGT to narrow the issues between the parties throughout the course of the Examination and, following Deadline 7 National Grid proposed an all-parties' meeting to try and reach agreement. However, NGT has declined this meeting.</p>
Q10.3.2(a)	Third-party liability insurance in dDCO para 80	<p>NGT state that insurance of £50million is industry standard. However, it is equally standard for insurance of £25million to be sought under protective provisions where appropriate for the works and/or apparatus in question. For example, The Southampton to London Pipeline Development Consent Order 2020 and The Little Crow Solar Park Order 2022 both include protective provisions for gas and/or electricity undertakers with insurance levels set at £25million or less.</p> <p>NGT reference a number of DCO precedents on which National Grid would comment as follows:</p>

		<ul style="list-style-type: none"> <li>• A DCO for Mallard Pass Solar Project has not yet been made and so the protective provisions included therein cannot be relied upon as a precedent.</li> <li>• The Sizewell C (Nuclear Generating Station) Order 2022 interacted with NGET assets being identified as being within or in close proximity to the proposed order limits including: 4ZW 400kV Overhead Line Route Bramford to Sizewell; 4ZX 400kV Overhead Line Route Bramford to Sizewell; Sizewell A 132kV Substation; Sizewell B 400kV Substation; Leiston 132kV Substation; Leiston 400kV Substation; 132kV Underground Cable from Sizewell SGT 1 to Leiston 132kv Substation; 132kV Underground Cable from Sizewell SGT 2 to Leiston 132kv Substation; 132kV Underground Cable from Sizewell SGT 3 to Leiston 132kv Substation; and 132kV Underground Cable from Sizewell SGT 4 to Leiston 132kv Substation. Works authorised by the DCO involved the overhead lines that come into Sizewell repositioning and removing and reinstating pylons and a substation extension. The impacts and potential risks are incomparable with the seven non-intrusive crossings of the NGT pipeline on the Yorkshire GREEN Project.</li> <li>• The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 involved the construction of a natural gas high pressure pipeline, including above ground installation for NGT apparatus as well as electrical connection works to and from an existing National Grid 400kV Substation for the export of electricity. Therefore, again, there is no comparison between the level of insurance required for this previous project, which involved direct works to National Grid and NGT apparatus, and the present circumstances of the Yorkshire GREEN Project.</li> </ul> <p>National Grid, as a regulated company with duties to the electricity consumer should not be required to obtain insurance above the risk profile of the works where to do so would incur unnecessarily elevated premium payments.</p>
<p><b>Q10.3.2(c)</b></p>	<p>“Network Code Claims” “direct” in dDCO para 80(a)</p>	<p>This definition follows through to application of the indemnity wording within the protective provisions. It is standard legal drafting to restrict indemnities to 'direct' losses and its practical interpretation is standardised also. As is explained in <b>Applicant’s Position Statement - Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4) [REP7-036]</b>, National Grid's drafting in this respect is</p>

		appropriate and requires that indirect costs and expenses be proven before being recovered.
<b>Q10.3.3(c)</b>	One crossing of a National Gas Transmission pipeline	<p>The protective provisions on the face of the <b>draft DCO (Document 3.1(G))</b> secure appropriate protections and working practices. National Grid will engage with NGT throughout the construction process and must, under the protective provisions supply plans for approval by NGT. The timescales stated are consistent with the scale of works and align with the timescales for other approvals within the <b>draft DCO (Document 3.1(G))</b>.</p> <p>As is confirmed within <b>Applicant's Position Statement - Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4) [REP7-036]</b>, the works in question are limited to the delivery of steel and fixtures and fittings for the pylons, and the scaffold delivery, typically with a roll on roll off scaffold wagon, and a tractor with a winch attached. In a very worst-case situation, National Grid would need to cross with a crane. However, any vehicle that is used would be limited to the same axle weight as a vehicle that can travel on the public highway, which is 11.5 tonnes. This would be the same as an agricultural vehicle.</p>
<b>Q10.3.4(b)</b>	Indemnity provisions	<p>As set out in <b>Applicant's Position Statement - Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4) [REP7-036]</b>, National Grid confirm that its indemnity wording does not remove liability of National Grid with respect to indirect losses suffered by NGT, just that such losses would need to be proven first. The indemnity would ensure swift payment of any direct losses suffered and then any indirect losses that are proven by NGT would still be payable by National Grid through damages sought in the usual way. This is appropriate in light of National Grid's regulatory obligation to the electricity consumer to ensure all costs and liabilities are incurred properly.</p>
<b>Q10.3.5(b)</b>	Arbitration	<p>National Grid notes NGT's confirmation that the arbitration wording within paragraph 95 of Part 7 of Schedule 15 to the <b>draft DCO (Document 3.1(G))</b> is agreed. This is confirmed within the <b>Final Statement of Common Ground between National Grid and National gas Transmission (Document 8.5.19(D))</b> submitted at Deadline 8.</p>



## 2.5 National Highways

Table 2.5 – National Highways: The Examining Authority’s commentary and questions on the draft Development Consent Order (DC1) [REP7-090]

Reference	Topic	Applicant’s Response
Q1.0.1	Articles 11, 12 and 13 Streets	National Grid notes National Highways' confirmation that these articles are now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.
Q1.0.2	Article 14 Temporary stopping up of streets, cycle tracks and public rights of way	National Grid notes National Highways' confirmation that this article is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.
Q1.0.3	Article 16: Access to works	National Grid notes National Highways' confirmation that this article is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.
Q3.1.1	Resolution of Protective Provisions yet to be agreed	The <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7 reflects the two outstanding points between the parties. National Grid's position in respect of these two outstanding points is set out in <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) [REP7-037]</b> submitted at Deadline 7 and is also supplemented in the below responses.
Q3.3.1	Para 60 (dDCO [REP6-025]/ para 2 [REP6- 064]): definition of “reconductoring detailed design information”	National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.
Q3.3.2	Para 61 and 62 (dDCO [REP6-025]/ para 3 and 4 [REP6-064]): General	National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.

<p><b>Q3.3.3</b></p>	<p>Para 65 (dDCO [REP6-025]/ para 7 [REP6- 064]): Prior approvals and security</p>	<p>National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.</p> <p>National Grid highlights that National Highways have confirmed that no amendments are necessary to Schedule 1 because National Highways is satisfied that the protective provisions address National Highways' concerns in this regard.</p>
<p><b>Q3.3.4</b></p>	<p>Para 66 (dDCO [REP6-025]/ para 8 [REP6- 064]): Construction of the specified works</p>	<p>National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.</p>
<p><b>Q3.3.5</b></p>	<p>Para 70 (dDCO [REP6-025]/ para 12 [REP6- 064]): Final condition survey</p>	<p>National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.</p>
<p><b>Q3.3.6</b></p>	<p>Para 75 (dDCO [REP6-025]/ para 20 [REP6- 064]): Indemnity</p>	<p>National Grid's position in respect of the indemnity drafting is set out in <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) [REP7-037]</b> submitted at Deadline 7.</p> <p>Noting the arguments raised by National Highways, National Grid, again, confirm that its indemnity wording does not remove liability of National Grid with respect to indirect losses suffered by National Highways, just that such losses would need to be proven first. The indemnity would ensure swift payment of any direct losses suffered and then any indirect losses that are proven by National Highways would still be payable by National Grid through damages sought in the usual way. This is appropriate in light of National Grid's regulatory obligation to the electricity consumer to ensure all costs and liabilities are incurred properly.</p> <p>It is standard legal drafting to restrict indemnities to 'direct' losses and its practical interpretation is standardised also.</p> <p>National Grid, as a regulated company with its statutory duties, are aware of their duty to uphold public trust and would never act in such a way as to incur questions on their or National Highways' behalf as to the competence of its operations.</p>

<p><b>Q3.3.7</b></p>	<p>Para 77 (dDCO [REP6-025]/ para 19 [REP6- 064]): Land</p>	<p>Regarding points (a) and (c), National Grid notes National Highways' confirmation that this paragraph is now agreed. This is also reflected in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7.</p> <p>Regarding point (d), National Grid's position in respect of the lands paragraph drafting is set out in <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) [REP-037]</b> submitted at Deadline 7.</p> <p>It is National Grid's case that granting powers of compulsory acquisition over land within the local highway network would not cause a serious detriment to the local highway authority's undertaking (North Yorkshire Council) because protections are already afforded to North Yorkshire Council through approvals under the articles and requirements (as supplemented by terms of the agreed <b>Section 106 Agreement (Document 8.22(B)) [REP7-032]</b>). Indeed, there is no disagreement with the local highway authority in respect of the powers sought in Part 3 Streets of the <b>draft DCO (Document 3.1(G))</b>.</p> <p>National Highways point to the cause of serious detriment resulting from loss of ownership restricting the ability of the highway authority to comply with regulatory responsibilities. As a statutory undertaker in their own right with apparatus over the highway network across the country, National Grid are experienced in working with highway authorities to ensure there is no impediment to management of the road network. Moreover, with regards this specific Project, land interests are only being sought to the extent that they are necessary to complete the construction and operation of the authorised development and this is not incompatible with the management of the highway network. Plots and interests being sought are constrained to those required for National Grid to construct and maintain its network, nothing more.</p> <p>As is confirmed in the <b>Statement of Common Ground between National Grid and National Highways (Document 8.5.14(C)) [REP7-077]</b> submitted at Deadline 7, National Grid will utilise the New Roads and Street Works Act 1991 (NRWSA) where possible for the carrying out of works but that would not provide National Grid with the necessary proprietary rights for its permanent infrastructure. This is because the powers in the NRWSA would not provide National Grid with an easement over the land which would be required to operate and maintain this part of the transmission network.</p>
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## 2.6 Network Rail

Table 2.6 – Network Rail: Response to Examining Authority's Questions [REP7-091]

Reference	Topic	Applicant's Response
Q10.0.1	Resolution of Protective Provisions yet to be agreed	National Grid and Network Rail continue to engage in the negotiation of Protective Provisions for the benefit of railway interests. However, it will not be possible to reach agreement on all points prior to the close of the Examination. This is reflected in the <b>Statement of Common Ground between National Grid and Network Rail (Document 8.5.11(D)) [REP7-075]</b> submitted at Deadline 7.
Q10.1.1	S127 and s138 response	<p>It is noted that Network Rail have issued the Technical and Business Clearance Certificates for those works forming part of the authorised development which affect the railway and the proposed works are acceptable in principle.</p> <p>The principle of National Grid's <b>Application under section 127 and 138 Planning Act 2008 – Network Rail Infrastructure Limited (Document 8.27.1) [REP5-086]</b> is not objected to by Network Rail provided that the Protective Provisions are considered acceptable to them. It is National Grid's position that the Protective Provisions on the face of the <b>draft DCO (Document 3.1(G))</b> are acceptable but this is not agreed by Network Rail.</p>
Q10.1.2	Framework Agreement	The points of contention have significantly narrowed but it will not be possible to reach agreement on all points prior to the close of the Examination. The most up to date position is reflected within the <b>Statement of Common Ground between National Grid and Network Rail (Document 8.5.11(D)) [REP7-075]</b> submitted at Deadline 7.
Q10.1.3	Property Documents	National Grid and Network Rail continue to negotiate the Framework Agreement. The most up to date position is reflected within the <b>Statement of Common Ground between National Grid and Network Rail (Document 8.5.11(D)) [REP7-075]</b> submitted at Deadline 7. National Grid's position in respect of the outstanding issues between the parties is reflected within the <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3) [REP7-035]</b> .

<b>Q10.1.4</b>	Property Documents and Framework Agreement	National Grid and Network Rail continue to negotiate the Framework Agreement. The most up to date position is reflected within the <b>Statement of Common Ground between National Grid and Network Rail (Document 8.5.11(D)) [REP7-075]</b> submitted at Deadline 7. National Grid's position in respect of the outstanding issues between the parties is reflected within the <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3) [REP7-035]</b> .
<b>Q10.1.5</b>	Applicant's Proposed Protective Provisions to benefit Network Rail	With regards the consenting provisions and EMI wording requested by Network Rail, National Grid's position is set out in <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3) [REP7-035]</b> .
<b>Q10.1.6</b>	Para 27 (dDCO [REP6-025])/ para 2 [REP6-063]: definition of “asset protection agreement”	The agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-035]</b> submitted at Deadline 7.
<b>Q10.1.7</b>	Para 28 (dDCO [REP6-025])/ para 3 [REP6-063]	Save wording around the consenting provisions, the agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-058]</b> submitted at Deadline 7.  With respect to the consenting provisions, National Grid's position is set put in <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3) [REP7-035]</b> .
<b>Q10.1.8</b>	Para 29 (dDCO [REP6-025])/ para 4 [REP6-063]	The agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-058]</b> submitted at Deadline 7.
<b>Q10.1.9</b>	Para 30 (dDCO [REP6-025])/ para 5 [REP6-063]	The agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-058]</b> submitted at Deadline 7.
<b>Q10.1.10</b>	Para 33 (dDCO [REP6-025])/ para 8 [REP6-063]	The agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-058]</b> submitted at Deadline 7.
<b>Q10.1.11</b>	Para 35 (dDCO [REP6-025])/ para 10 [REP6-063]: Electromagnetic Interference (EMI) testing	Discussions continue between the parties with respect to the drafting of the EMI provisions in dispute. These discussions aim to confirm the practical situation on the ground so that the drafting, once agreed, can reflect what will happen in practice. These discussions will not conclude prior to the close of the examination and it is National Grid's

		position that the drafting on the face of the <b>draft DCO (Document 3.1(G))</b> is still sufficient to provide adequate protection for Network Rail with respect to EMI. The justification for this is provided within <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3) [REP7-035]</b> .
<b>Q10.1.12</b>	Para 43 (dDCO [REP6-025])/ para 14 [REP6-063]	The agreed drafting was included in the <b>draft DCO (Document 3.1(F)) [REP7-058]</b> submitted at Deadline 7.

## 2.7 North Yorkshire Council

Table 2.7 – North Yorkshire Council: Document Name [REP7-085]

Reference	Topic	Applicant's Response
N/A	Statement of Common Ground	National Grid confirm that this document was submitted at Deadline 7 <b>Statement of Common Ground between National Grid and North Yorkshire Council (Document 8.5.2(D))</b> [REP7-074].
N/A	Section 106 Agreement	National Grid confirm that this document has been agreed between all parties and a copy of the completed agreement dated 5 September 2023 was submitted at Deadline 7 <b>Final Section 106 Agreement (Document 8.22(B))</b> [REP7-032].
N/A	Discharge of Requirements	<p>National Grid notes North Yorkshire Council's (NYCs) comments, and a full response detailing National Grid's proposed approach and timescales for discharging requirements is provided in <b>Table 2.9 (Q.9.0.1) of the Applicant's response to the Examining Authorities commentary and questions on the draft DCO (Document 8.33)</b> [REP7-084]. The position of both parties is also provided in <b>Table 4.1 (matters not agreed) (SoCG ID 4.2.1) of Statement of Common Ground between National Grid and North Yorkshire Council Document 8.5.2(D)</b> [REP7-074].</p> <p>A draft version of the detailed Service Level Agreement (SLA) secured by the Final S106 Agreement was circulated to the host local planning authorities in mid-July 2023. Both Leeds City Council and City of York Council have confirmed that they are in general agreement with the details of the SLA. Detailed comments from NYC remain outstanding. National Grid is keen to progress agreement on the terms of the SLA with the three host LPAs, and will continue to engage with the LPAs on this matter beyond the close of examination.</p>
N/A	Green Belt Position Statement	National Grid confirms that this document was submitted at Deadline 7 <b>Applicant's Position Statement with North Yorkshire Council and City of York Council on Green Belt (Document 8.34.2)</b> [REP7-034].

N/A	Working Hours Position Statement	National Grid confirms that this document was submitted at Deadline 7 <b>Applicant's Position Statement with North Yorkshire Council on Working Hours (Document 8.34.1) [REP7-047]</b> .
N/A	HGVs through the Village of Lumby	National Grid is aware of NYC's concerns regarding construction HGVs travelling through the village of Lumby. A full response to its comments is provided within <b>Table 2.8 (Q.8.0.2) of the Applicant's response to the Examining Authorities commentary and questions on the draft DCO (Document 8.33) [REP7-084]</b> and in response to Action Point 8 and 9 <b>of the Applicant's Deadline 7 Response to ISH4 Hearing Action Points (Document 8.29.6) [REP7-020]</b> . These responses also provide the latest position regarding discussions with the landowner who owns the land subject to the proposed alternative route. The <b>Construction Traffic Management Plan (CTMP) (Document 5.3.3F(D)) [REP7-009]</b> was also updated and submitted at Deadline 7 with a new paragraph 7.2.7 added to provide further clarity on the matter.
N/A	Compulsory Purchase	<p>National Grid and National Highways confirm an agreed position in their Statement of Common Ground <b>(Document 8.5.14(C)) [REP7-077]</b> that National Grid will 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 required for its permanent infrastructure.</p> <p>In respect of land owned by National Highways that does not form part of the Strategic Road Network or its statutory undertaking, but which is operated and maintained by North Yorkshire Council, National Grid explains at section 1.3 of The <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) [REP7-037]</b> that National Grid is of the firm position that the protective provisions included in the <b>draft DCO (Document 3.1(G))</b> for National Highways should apply only in respect of National Highways' statutory undertaking and not land which is not held for that purpose.</p> <p>Paragraph 1.3.5 of <b>Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5) [REP7-037]</b> explains that controls are in place to ensure that no serious detriment would be caused to the local road network and the local highway authority (North Yorkshire Council) have approval rights for the use of powers within relevant articles related to street works and within relevant requirements of the <b>draft DCO (Document 3.1(G))</b>. Indeed, there is no disagreement</p>



		<p>with the local highway authority in respect of the powers sought in Part 3 Streets of the <b>draft DCO (Document 3.1(G))</b>.</p> <p>National Grid continue to engage with North Yorkshire Council; with the most recent correspondence being received and response issued on 12 September 2023. National Grid have sought to discuss with North Yorkshire Council the land rights it is seeking in order to deliver the Project and to agree on how they should be exercised over land within which North Yorkshire Council holds an interest. National Grid are arranging a further meeting with North Yorkshire Council and will continue to engage with them.</p>
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## 2.8 Paul Swales

Table 2.8 – Paul Swales: Withdrawal of Objection [REP7-094]

Reference	Topic	Applicant's Response
N/A	Withdrawal of Objection	National Grid acknowledge the withdrawal of Mr Swales' objection. National Grid has not updated the <b>Compulsory Acquisition and Temporary Possession Objections Schedule (Document 8.14(D)) [REP7-054]</b> as this document was submitted in final form at Deadline 7. However, National Grid acknowledges confirmation and record of this withdrawal of objection.

## 2.9 The British Horse Society

Table 2.9 – The British Horse Society: Deadline 7 Submission [REP7-093]

Reference	Topic	Applicant's Response
N/A	Yorkshire GREEN Examination	National Grid acknowledges that The British Horse Society are satisfied their comments have been appropriately addressed.

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