
Position in respect of statutory undertakers and others

The Yorkshire and Humber (CCS Cross Country Pipeline) Development Consent Order

Statutory Undertaker	National Grid Update
Northern Powergrid (Yorkshire) plc	<p>Negotiation of alternative contractual protective provisions in favour of Northern Power Grid has been constructive and is at an advanced stage. National Grid has been reviewing the small number of outstanding points raised by Northern Power Grid on the last iteration of the documentation. It will be revised as is appropriate and provided for Northern Power Grid's consideration shortly.</p>
Network Rail	<p>Network Rail has no objection to the principle of the authorised development and provided its preferred contractual documentation in respect of asset protection and land rights for consideration by National Grid on 10 February 2015.</p> <p>Addleshaw Goddard, the solicitors who act for Network Rail, confirmed in their letter of 25 February 2015 to the Examination that Network Rail is willing to enter into contractual documentation with National Grid.</p> <p>National Grid is considering and taking advice on the documentation and no obstacle is seen to conclusion of the documentation prior to the close of the Examination. The priority is considered to be agreeing and completing that documentation.</p> <p>The protective provisions proposed by Network Rail are not currently in the DCO because, as identified in correspondence to Addleshaw Goddard prior to the DCO issue specific hearing, and as set out in the iteration of this document at Deadline 3, there is a timing issue in a promoter committing not to use its compulsory acquisition powers until appropriate contractual documentation is in place. The points identified in the iteration of this document at Deadline 3, of which there are not many, also remain to be agreed by Network Rail.</p> <p>National Grid noted in the iteration of this document at Deadline 3 that Network Rail's proposed contractual documentation, provided on 10 February 2015 following the DCO issue specific hearing, included a full set of protective provisions and that, <i>if agreed</i></p>

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	<p><i>between the parties</i>, it might be unnecessary duplication and inconsistency for it to appear in the DCO too, which, it is noted, is what occurred on an historic National Grid DCO with Network Rail.</p> <p>National Grid notes the letter of 25 February 2015 from Addleshaw Goddard and will explore as part of its ongoing dialogue with Network Rail an appropriate approach on this point, as well as seek Network Rail's agreement on the outstanding points on the protective provisions identified in the iteration of this document at Deadline 4.</p>
Drax Power Limited/Capture Power Limited	<p>The position remains as set out in the iteration of this document at Deadline 3, namely that:</p> <ul style="list-style-type: none"> • negotiations with CPL are ongoing on both land and asset protection matters. Whilst CPL does not have an existing asset National Grid is negotiating provisions which would operate to mutually protect the parties' future assets. • equally, negotiations with Drax Power Limited in relation to their land and protecting its existing assets are also ongoing. <p>National Grid is confident of a successful resolution to these negotiations during the Examination because of the very close working relationship between National Grid, CPL and Drax CCS Limited, not least because of the mutuality of benefit of their respective schemes. Drax CCS Limited are a member of the CPL consortium.</p>
BT Openreach	<p>The position remains as set out in the iteration of this document at Deadline 3, namely that BT Openreach confirmed by email on 26 September 2013 that BT Openreach is satisfied with the standard protections provided to operators of electronic communications code networks by way of the Telecommunications Act 1984 in Part 2 of Schedule 11 (protective provisions) of the draft DCO and provided some technical documents for information to assist in detailed design of the authorised development.</p>

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Kingstone Communications	The position remains as set out in the iteration of this document at Deadline 3, namely that Kingstone Communications has not responded to requests for confirmation that, like BT Openreach, it is satisfied with the standard protections provided to operators of electronic communications code networks by way of the Telecommunications Act 1984 in Part 2 of Schedule 11 (protective provisions) of the draft DCO. However, National Grid considers that appropriate, standard protection is provided and notes that no representation has been made to the contrary.
Yorkshire Water Services Limited	As set out in the iteration of this document at Deadline 3, Yorkshire Water's solicitors have confirmed that the terms of the asset protection documents are agreed and can proceed to being engrossed for execution, which will occur following National Grid's standard internal governance procedures.
Northern Gas Networks Limited	Negotiation of alternative contractual protective provisions in favour of Northern Gas Networks has been constructive and is at an advanced stage. National Grid has been reviewing the small number of outstanding points raised by Northern Gas Networks on the last iteration of the documentation. It will be revised as is appropriate and provided for Northern Gas Networks' consideration shortly.
Ineos Manufacturing (Hull) Limited	As set out in the iteration of this document at Deadline 3, Ineos and National Grid have reached an advanced stage in negotiating the terms of an asset protection agreement based on INEOS's document entitled "Conditions and Restrictions for Work in Close Proximity to Ineos Pipelines May 2011". National Grid has been reviewing the small number of outstanding points raised by Ineos on the last iteration of the agreement and documentation which has been revised accordingly is to be provided for Ineos' consideration shortly.

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	Separately, National Grid has issued National Grid's preferred documentation for the acquisition of necessary land rights for the authorised development over INEOS's subsurface stratum interest. The principle of the easement is agreed but Ineos' solicitors are to provide any comments following their review.
National Grid Electricity Transmission PLC	Negotiation of asset protection documents is at an advanced stage.
National Grid Gas PLC	
Government Pipeline and Storage Systems	<p>Background is provided in the iteration of this document at Deadline 3.</p> <p>Government Pipeline and Storage Systems ("GPSS") wrote to National Grid on 26 February 2015 stating that:</p> <ul style="list-style-type: none"> • Section 16 of the Land Powers (Defence) Act 1958 applies its protections to GPSS apparatus affected by the authorised development; • Section 16 consent is properly applied for following the planning stage, in this case after the DCO is made, before contracts are let, so that the application for consent can contain an appropriate level of detail. Applications take 6-8 weeks to determine; <p>However, it is anticipated that the Energy Act 2013 will come into force in the coming year and, accordingly GPSS would also like the benefit of a set of protective provisions which it provides.</p> <p>National Grid will review the protective provisions provided, consider an appropriate method for securing them and seek to agree any revisions with GPSS.</p>

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The Canal and River Trust	<p>It is understood by National Grid that Canal and River Trust (“CRT”) is satisfied with the principles of the pipeline crossing under river navigation at the River Ouse and appropriate protections for the purposes of the Examination because:</p> <ul style="list-style-type: none"> • following a request from CRT, Work No. 5C of Schedule 1 (authorised development) of the DCO (document reference 3.1 Rev D) commits National Grid to a minimum depth of 3.5 metres beneath the true clean bottom of the River Ouse; • the email from Mr Martyn Coy of the CRT to PINS of 29 January 2015 clarifies that details of the crossing are a matter for processes under its Code of Practice to take place prior to commencement of works, which does not require National Grid to enter into any documentation at this stage. National Grid is considering the Code and will provide any comments to CRT in due course.
Driffield Navigation Trust	<p>The Trust has instructed solicitors and land agents. National Grid continues to seek to understand the Trust’s position from them in order to progress legal documentation, which includes in particular clarifying the nature of any interest which the Trust has in land.</p>