

## **REBUTTAL – GOLDEN HILL CLUB STATEMENT OF CASE**

### **1. INTRODUCTION**

- 1.1 This rebuttal Statement of Case is written on behalf of National Grid Electricity Transmission plc (NGET) in response to the Statement of Case submitted on 8 February 2024 by the Golden Hill Club.
- 1.2 Golden Hill Club objected to the confirmation of the Order and subsequently submitted the aforementioned Statement of Case. Golden Hill Club have confirmed that they will not be attending the inquiry commencing on 5 March 2023, therefore this rebuttal Statement of Case is prepared in order to respond in full to each of the points raised within the Golden Hill Club Statement of Case.
- 1.3 The Statement of Case was submitted by P D Barton, who is one of the trustees of the Golden Hill Club. The trustees are owners of plots 35/987 and 35/988.

### **2. ENGAGEMENT**

- 2.1 One of the primary concerns raised by Golden Hill Club is the level of engagement which has been undertaken by NGET, both prior to and since making the Order. The Golden Hill Club Statement of Case disputes claims by NGET that “*extensive negotiation has been undertaken*”.
- 2.2 As emphasised in the Proof of Evidence for Camilla Horsfall, NGET have continued to work with the members of the Golden Hill Fishing Club and their appointed agent to resolve the concerns they have raised on the engineering methods. NGET maintain that engagement with the Golden Hill Club has been proactive. It is acknowledged that at points there has been an apparent breakdown in communication regarding the bespoke Heads of Terms, however this was due to the fact that the engineering issues cannot be resolved and fully addressed until detailed design is finalised.
- 2.3 Golden Hill Club attached a Schedule to their Statement of Case which set out a record of correspondence. NGET considers this Schedule to be incomplete and attach what it considers to be a fuller version as a Schedule hereto.
- 2.4 Detailed surveys are being undertaken by NGET in order that additional data can be provided to help inform the engineering methodology at the relevant plots. Further detail on this can be found within the Proof of Evidence submitted for Martin Perkins.

### **3. ENGINEERING**

- 3.1 Paragraphs 5.1 and 5.2 of the Golden Hill Club’s Statement of Case make reference to text which was included within the NGET Statement of Case. NGET submits that the statement which Golden Hill Club have referred to, relating to Wansford Trout Farm, should not have been included under the heading for OBJ14 and NGET does not intend to imply that an agreement has been made with Golden Hill Club or their agent. This comment related to OBJ1 by Wansford Trout Farm.
- 3.2 Part of the concern from the Golden Hill Club relates to the engineering solution at the River Wansford crossing. It is suggested in the Golden Hill Club Statement of Case that NGET should appoint appropriately qualified consultants in relation to this issue. NGET’s engineering team are appropriately qualified in this field. The Proof of Evidence of Martin Perkins addresses the potential engineering solutions in detail.

- 3.3 The final methodology for the river crossing has not yet been confirmed, on the basis that further surveys need to be undertaken in order to ascertain the most appropriate method to be pursued and that the final methodology will be the responsibility of the contractor appointed by NGET.
- 3.4 The final methodology will depend on these surveys and in any event, will be subject to the approval of a Construction Environmental Management Plan (**CEMP**) pursuant to Condition 9 of the ERYC Planning Permission and a Construction Method Statement (**CMS**) pursuant to Condition 8 of the ERYC Planning Permission (**CD C.4**). The CEMP must be in accordance with the outline CEMP (**CD C.8 (Chapter 18)**). This CEMP will be subject to approval by the relevant specialists within the local planning authority. NGET submits that this is the appropriate control for the crossing and that this should provide sufficient comfort to the Golden Hill Club as there will be further approval needed in relation to the crossing methodology before any works can commence.
- 3.5 NGET have committed to provide the Golden Hill Club trustees with the Construction Method Statement and CEMP which are to be submitted to the local planning authority, and NGET will cover the costs of Golden Hill Club appointing an engineer to review these documents once prepared and submitted. It will ultimately be up to the local planning authority to decide whether the submitted documents are appropriate.
- 3.6 The Golden Hill Club Statement of Case notes that *“NGET will, if it exercises its CPO rights, have the right to employ whatever design and methodology it wishes for the purposes of the pipeline [sic] crossing the river”*. NGET wishes to emphasise that this is not the case. If the Order is confirmed (and powers under the Order are subsequently exercised), NGET will have the land rights to construct the English Onshore Scheme at Plots 35/987 and 35/988 (including using trenchless techniques) but will still need to comply entirely with the ERYC Planning Permission (**CD C.4**) and submit a CEMP detailing the final design and methodology for approval. Please see section 10.11 to 10.14 of the Proof of Evidence of David Ritchie which sets out the planning position in respect of this point.
- 3.7 It is standard practice for a project of this scale that the detailed design and construction methodology will be ascertained post-consent, once more detailed surveys have been undertaken. This is vital to ensure that the final methodology is most appropriate given the ground conditions, the supplier’s cable system design, plant requirements and output from topographical surveys to determine site layout at the time of construction. NGET continues to act with standard industry practice and is aligned entirely with the requirements of the local planning authority, pursuant to the ERYC Planning Permission.

#### **4. CONCLUSION**

- 4.1 NGET maintains that efforts to negotiate a voluntary agreement with the Golden Hill Club are ongoing and such efforts will continue to be made.
- 4.2 Notwithstanding this, NGET’s position is that the very substantial public benefits of the Project do outweigh the private rights affected at Plots 35/987 and 35/988.

## SCHEDULE

### CHRONOLOGY OF CONTACT REGARDING NEGOTIATION OF THE HEADS OF TERMS FOR A VOLUNTARY AGREEMENT

Date	Type of Correspondence	Comment
04.01.22	DAH email to FG	Informing of instruction on behalf of the fishing club
04.01.22	FG email to DAH	Responding to the above
17.11.22	Letter from FG to Fishing Club	Enclosing Heads of Terms.
28.11.22	Dee Atkinson & Harrison (DAH) email to FG	Enquiring what depth to protective tile.
7.12.22	DAH email to FG	Chase for response to email of 28.11.22
12.12.22	FG email to DAH	Responding to the above and offering a meeting
13.12.22	DAH email to FG	Informing extended offer of meeting to fishing club and asking for design info
15.12.22	FG email to DAH	Holding email to the above informing passed query onto engineers
16.12.22	DAH email to FG	Offering dates to meet in 2023
21.12.22	Email from FG to DAH	Confirming would revert in New Year with meeting dates
18.01.23	DAH email to FG	Chasing meeting date
23.01.23	Invitation to attend landowner information event	
30.01.23	DAH email to FG & vica versa	To arrange meeting date on 2 <sup>nd</sup> February.
2.2.23	Meeting with DAH, NGET, FG, representatives from Golden Hill Club & LDC	Concerns raised to NGET and FG regarding potential damage to aquifer, river, fish stocks, gravel bed, etc. Potential for a sinkhole to be created. NGET agreed for the Club to obtain a quote for specialist advice. NGET agreed bespoke Heads of Terms were needed as most of the clauses in the Heads of Terms issued were not applicable to this landholding.
6.3.23	DAH email to FG and NGET	Providing quote from JBA Consulting, as agreed and asking for an early response so that JBA can be instructed.
14.3.23	DAH Meeting with FG	FG acknowledged receipt of email above with JBA quote and would need to revert but NGET were looking at whether the scope of the report needed to be widened.
18.4.23	DAH email to NGET and FG	Chasing response to the email of 6.3.23 as clients are keen to engage a Consultant so they can make an informed decision on the Heads of Terms. When will NGET be in a position to respond?
16.5.23	DAH email to NEG T	Asking for clarification from NGET what they think the scope of the Report needs to cover and a timescale for providing this information.
9.6.23	Letter from FG to Golden Hill Club	Enclosing revised set of generic Heads of Terms.

16.6.23	DAH email to NGET	Requesting a response on email of 6.3.23 given that a further set of Heads of Terms have been issued (on 9.6.2023). Also sent extract from RWE Dogger Bank South PEIR which has caused further concern to clients regarding potential impact of the NGET cable.
23.6.23	DAH t/c FG	Repeating frustration at lack of response from NGET regarding the bespoke report which was agreed could be commissioned to inform a bespoke set of Heads of Terms.
19.7.23	Email reply from FG	<p>In response to email of 6.3.23 and subsequent chase ups stating:</p> <ul style="list-style-type: none"> <li>• NGET keen to work with all interested Parties and working with the Fishing Club to ensure that the river and fish stocks within it are protected.</li> <li>• No agreed engineering solution for the crossing of this river in this location and as such to commission the report from JBA at this time is probably a little premature.</li> <li>• NGET view is that it would be more beneficial to wait until a more detailed design for the crossing has been worked up which could be fed into the instruction to the Consultants who would be able to produce a more much informed report which would be of much more value to both NGET and the Fishing Club.</li> </ul> <p>In so far as Heads of Terms are concerned FG to take further instruction from CMS as to the suitability of documents already issued and will revert further once have CMS comments.</p> <p>Email: Dear Sam</p> <p>I refer to our previous discussions regarding the Golden Hill Fishing Club and their concerns around the impact the cable installation may have on the river at Wansford. I have also received a letter from Mr Barton raising similar concerns and as such I have taken the liberty of copying this email to him by way of a reply.</p> <p>National Grid do take their concerns very seriously and are mindful of the importance of the river as an important chalk stream habitat and are very conscious of its SSSI designation. We are keen to work with all Interested Parties to ensure the impact of the works across the whole route is mitigated as far as it is possible to do so, and are committed to working with the fishing club to ensure that the river and fish stocks within it are protected. However, there is currently no agreed engineering solution for the crossing of the river in this location, and as such to commission the report from JBA consulting at this time is probably a little premature as it will have to rely on speculation as to how the works may be undertaken, and in reality would probably not provide any information that is not already available in the suite of planning documents that were submitted to East</p>

		<p>Riding Council.</p> <p>National Grid's view is that it would be more beneficial to wait until a more detailed design for the crossing has been worked up at which time that could be fed into the instruction to the consultants who would be able to then produce a much more informed report which would be of much more value to both National Grid and the fishing club.</p> <p>I appreciate that your clients are keen to understand fully the implications of the proposed works, but I do hope you understand National Grid's position and accept that until we know more detail as to how the works in this location will be undertaken it is difficult to see what benefit the report would bring.</p> <p>Insofar as the Heads of Terms are concerned, I will take further instructions from CMS as to the suitability of the documents already issued and will revert further once I have their comments.</p> <p>Best wishes Duncan</p>
22.7.23	DAH email to NGET	In response to email of 19.7.23 reiterating that client is willing to enter into voluntary agreement but can't until proposed engineering solution is satisfactory and more information is forthcoming in order for a bespoke set of Heads of Terms to be drafted by NGET.
1.9.23	DAH email to FG	Requesting revised Heads of Terms plan which has not been received with the Heads of Terms.
4.9.23	Email from FG to DAH	In reply to email of 1.9.23.
12.9.23	DAH email to NGET	Requesting a reply on outstanding matters (Heads of Terms and engineering solution).
12.9.23	DAH email to NGET	Requesting Heads of Terms plan again.
14.9.23	Email from FG to DAH	With screen shot proposed for Heads of Terms plan.
28.9.23	DAH meeting with FG	<p>Reiterating need for bespoke Heads of Terms. FG updated that NGET are suggesting that the specialist report is jointly appointed and its decision is final.</p> <p><i>FG dispute this statement and refer to the email sent by Duncan Clarke on 9<sup>th</sup> July 2023, which sets out NGET's position on the report and bespoke HoT's – see above.</i></p>
16.10.23	Teams Meeting with NGET	Brief discussion regarding crossing of the River Hull and issues at this location.
1.11.23	DAH email to NGET	Requesting revised Option Plan showing reduced area of blue land.
2.11.23	DAH email to NGET	Asking for update. Clients remain willing to negotiate bespoke set of Heads of Terms which are fit for purpose.
21.12.23	FG email to DAH	Asking for some alternative meeting dates

18.1.24	DAH email to NGET	Asking for update and if a detailed design crossing has been worked up? Requesting a meeting with NGET/FG and engineer from Murphys.
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