



The Planning Inspectorate

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National Grid
(by email)

Your Ref:

Our Ref: EN070001

Date: 28 February 2014

Dear Mr Gwilliam

Below are the Planning Inspectorate's comments and queries on the draft documents submitted in January 2014.

The following comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) or by the Secretary of State on any submitted application.

Please do not hesitate to contact me if you have any queries.

Kind regards
Iwan Davies

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Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

Yorkshire & Humber CCS Cross Country Pipeline

Comments on draft documents submitted in January 2014

Introduction

These comments and queries relate solely to the draft documents submitted in January 2014, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

1. Draft Plans

The Planning Inspectorate made the following observations in relation to draft plans submitted by the applicant on 14 January 2014:

General comments

- 1.1 All plans clearly show red line boundary and limits of deviation
- 1.2 All plans appear to include scale, direction to the north, revision number and the scale in which the plans are to be produced on
- 1.3 All plans have separate reference numbers/titles
- 1.4 Insets are useful and provide clarity
- 1.5 Where a plan comprises three or more separate sheets a key plan must be provided showing the relationship between the different sheets - see Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures(APFP)) Regulations 2009 (as amended)
- 1.6 Ensure that all plans refer to correct APFP Regulations; for example Works Plan - Sheet 2 of 25 (10-2574-GND-01-05-0032) currently refers to Reg 5(2)(i). This regulation refers to land plans rather than works plans
- 1.7 Access, Right of Way and Temporary Stopping Up Plan - Sheet 1 of 2 (10-2574-GND-01-05-0061) currently refers to Reg 5(2)(i). This regulation refers to land plans rather than plans giving altered means of access, stopping up of streets of roads or any diversions, extinguishments or creation of rights of way or public rights of navigation
- 1.8 Once a full set of plans is ready it would be helpful if, in their title, plans made reference to the Application Document Reference Number to ease navigation
- 1.9 As a general comment all applicants should ensure that plans are printed to the correct scale – i.e. not just to fit the sheet
- 1.10 Green lines are shown on some of the plans – it would be helpful to include in the legend/key what these indicate
- 1.11 The works plans appear to clearly show which parcels of land are to be acquired

and for what type of works

Comments on specific plans

Land Plans

- 1.12 The plans appear to be are clearly labelled, show red line boundary and limits of deviation
- 1.13 Once the full set of plans is complete, the applicant should ensure that plot numbers on the plans are consistent with the description in the Book of Reference (BoR). For example plot No. 38A is referred to in the BoR but does not appear on the land plans
- 1.14 Some of the plots listed in the BoR are shown on the plans as separate plots of land but have the same reference number. For example, on Land Plan – sheet 2 of 25 (HUMBCC-2014-1-JH-S2) plot number 26A appears multiple times. Separate reference numbers should be used when referring to separate parcels of land. The applicant is strongly encouraged to address this matter
- 1.15 Plot number 38C appears twice on Land Plan - sheet 2 of 25 (HUMBCC-2014-1-JH-S2) but describes two different types of land. The BoR lists this plot as 'land subject to temporary possession including for construction activities and drainage work' and this is the case for one of the plots shown on the plan. However, it is also shown on the plan as another plot described as 'land subject to temporary possession for drainage works only'. Could one of the plots on the plan be mislabelled? The applicant is encouraged to address this matter

Works Plans

- 1.16 The Development Consent Order (DCO) refers to all works shown on the plans. All works nos. on the plans appear to be labelled correctly, with the exception of no. 2B on Work Plan Sheet 2 of 25 (10-2574-GND-01-05-0032). The plan lists this as 'storage area 1' but no reference is made to this in the DCO. If work no. 2B is not applicable it should no longer appear on the plan.

Access Right of Way and Temporary Stopping up Plans

- 1.17 Sheet 1 appears to be labelled correctly and clear to read and understand
- 1.18 The applicant should ensure that all Temporary Access, Temporary Stopping up and Foot Paths (Right of Way) labels marked on the plans are also referred to in the DCO. There are currently a number of labels that appear on the plans but are not referred to/described in the DCO itself, these are:
 - i) RDX6+7/D
 - ii) Newland FP 35.49/1/1 & Newland FP 35.49/8/1
 - iii) Drax FP 35.26/5/2
 - iv) Drax FP 35.26/5/3
 - v) Drax FP 35.26/14/1
 - vi) Drax FP 5.26/10/1 – This reference appears to be incorrect (typographical error?)

- 1.19 The temporary stopping up of 'Brickhill Lane' is referenced correctly on sheet 2 of 25, however the DCO lists these as ST3 & ST4.

2. Consultation Report

We have made following observations on the draft consultation report submitted on 28 January 2014.

General comments

- 2.1 Overall the structure of the report seems logical, including good use of tables, for example table 6 and table 7. It is clear how the project developed since its initial stage and the reasons for carrying out several stages of non-statutory and statutory consultation are also explained within the report.
- 2.2 It is noted that the Executive Summary is incomplete. The applicant is encouraged to consider including the following when completing this section:
- i) A clear description of the project that the applicant is applying for;
 - ii) Summary of all the key points and consultation activities. This section should define the whole pre-application consultation and explain the relationship between the initial strategic options stage, any subsequent non-statutory consultation that may have taken place, and the statutory consultation;
 - iii) Perhaps use of the bullet points form in chronological order would be helpful at the start of the report;
 - iv) It may be useful to set out this wider historic context of the project;
 - v) A brief description of any historic consultation activity including any information available about the scale and nature of the response at that time would also be of interest. Detailed planning history is not needed.
- 2.3 Pre-application consultation is clearly divided into two phases - non-statutory (1 & 1A) and statutory consultation (2 and 2A). It may be helpful explaining further what 'localised consultation' means and how persons for such consultation were identified
- 2.4 Paragraph 8.4 refers to consultation under sections 42 (s42), 47 (s47) and 48 (s48); perhaps it might be helpful adding section 46 (s46) which forms a part of pre-application consultation under the Planning Act 2008. It should be clear that such notification must be submitted to the Secretary of State on or before the applicant carries out its statutory consultation under s42.
- 2.5 Paragraph 8.21 (page 74) refers to 'PAN 14'. It is noted that the applicant refers to Advice Note 14; perhaps using the shortcut 'AN 14', instead of 'PAN 14', as used by the Inspectorate may be clearer.

- 2.6 Ensure that all appendices that are referred to in the consultation report are included within the report
- 2.7 Ensure that once completed, the hard copies of the report match the electronic version, for example in terms of page numbers, referencing and overall content.
- 2.8 Paragraph 2.3 refers to '*interconnecting local pipelines*'; the project description should be clear, perhaps this should be made clearer by adding the length and number of such local pipelines.
- 2.9 It is noted in the consultation report that each stage of the applicant's consultation influenced the project in some respects. It should be clear what project description was used at each stage of the applicant's consultation. Perhaps adding a paragraph including project description for each consultation stage section within the report would be helpful
- 2.10 Use of terminology – The applicant is encouraged to use a consistent approach in using terminology throughout the report. For example, when referring to consultation, the applicant is encouraged to use the term 'non- statutory consultation' rather than 'informal consultation'.
- 2.11 Paragraph 6.7 refers to '*other interested parties*'. Please note that this term should only be used if it refers to s102 of the Planning Act 2008 (as amended). If this is not the case, perhaps it may be helpful if this term could be replaced to avoid general confusion.

Section 42: duty to consult

Non-statutory consultation (Stage 1 and 1A)

- 2.12 Paragraph 8.12 states that the applicant had 'thematic meetings' with key stakeholders including Local Planning Authorities (LPAs) and the Marine Management Organisation (MMO) at its non-statutory consultation stages. It may be helpful if minutes from those meetings could be appended to the report, or if key messages/issues raised at those meetings could be summarised in the consultation report explaining whether the applicant had regard to those comments
- 2.13 Paragraph 7.10 of the report states that '*National Grid sought input from those local authorities directly affected by the scheme in the design of the consultation strategy*'. Although not a statutory requirement, applicants are strongly encouraged to start early engagement with local planning authorities. Moreover, the applicant should give no less weight to non-statutory consultation than consultation carried out under the requirements of the Planning Act 2008. It would be helpful therefore if responses from local

authorities could be included as an Appendix to the consultation report including any other materials used to consult relevant stakeholders and LPAs

- 2.14 It would be helpful if the consultation strategy referred to in paragraph 7.10 could be added in as an Appendix to the report
- 2.15 Para 7.14 states '*above local authorities (listed in paragraph 6.10)*'; shouldn't that be paragraph 7.10 that is on the same page rather than paragraph 6.10 which does not currently refer to any LPAs
- 2.16 Paragraph 7.14 states that 83 consultee groups and organisations including Parish Councils were consulted for the purpose of stage 1A consultation. Although is not a statutory requirement, it is strongly recommended that applicants start their public consultation with key stakeholders at the initial stage as the project progressed. Perhaps including list of all persons contacted/consulted at stage 1 and 1A including Parish Councils would be helpful
- 2.17 Paragraph 7.2 lists three documents that the applicant consulted upon during its non-statutory consultation. Although not a statutory requirement it may be helpful to provide information within the report, where those documents can be accessed from
- 2.18 Paragraph 7.12 states that the applicant sent out a letter to residents of Ulrome, the area that falls out of the applicant's consultation zone; it may be useful including a sample letter as an Appendix
- 2.19 Paragraph 7.15 provides location details for advertisements that were published in the local press during the non-statutory consultation stage; it may be helpful including a sample letter within the report
- 2.20 It is noted in paragraph 7.16 that the map illustrating the location of exhibitions in relation to the route corridor is to be inserted

Statutory consultation (Stage 2 and 2A)

- 2.21 Para 8.1 states that '*National Grid therefore submitted the application to the Secretary of State for Department for Energy and Climate Change DECC*'. It should be noted that NSIPs applications, once formally submitted, are determined by the Inspectorate on behalf of various Secretary of States and the final decision is made by relevant Secretary of State, in this case DECC. Perhaps para 8.1 should refer to the Secretary of State on its own rather than Secretary of State for Department for Energy and Climate Change (DECC)
- 2.22 Paragraph 8.8 makes reference to the Infrastructure Planning: Applications Prescribed Forms and Procedure Regulations 2009 (APFP Regulations). Please note that some secondary legislation, including the APFP Regulations, have

been amended. The applicant should have regard to amendments made to primary and secondary legislation should it apply in the case of this project. Perhaps adding '(as amended)' following the title of the legislation to which amendments were made will be useful

- 2.23 The Planning Inspectorate note that the applicant sent out a 'Notification Letter' on 9 September 2013 to notify parties about start the of the applicant's statutory consultation under s42 of the Planning Act 2008. Statutory consultation under s42 began on 23 September 2013 and ran until 1 November 2014, providing at least 28 days for receipt of consultation responses. It is noted that Appendix 10 will include the sample letter sent out on 9 September 2013. Para 8.10 also refers to the letter sent out to s42 consultees on 23 September 2013; a dated copy of the original letter/email sent out should be also included within the report as an Appendix
- 2.24 Table 29 refers to '*s42 – Prescribed Consultees*'; it may be helpful if it is made clear in the title that those are persons who were identified and consulted for the purposes of s42(1)(a) of the Act (as amended).

Section 44: Categories for purposes of section 42(1)(d)

- 2.25 Paragraph 8.15 states that letters were sent out on 9 September 2013 to IPLs; there is currently no reference made that IPLs were sent out the letters on 23 September 2013, which is when the applicant commenced its statutory consultation under s42 under which s44 falls into. We encourage the applicant to make that clear in its report and include the original dated copy of the letter that was sent out to s44 IPLs regarding statutory consultation under s42
- 2.26 It may be helpful including a list of all IPLs identified and consulted under s42 (stage 2 and 2A) perhaps in form of a table as an Appendix to the report
- 2.27 Paragraph 8.10 states that '*relevant consultees identified within Schedule 1 of the Infrastructure Planning (applications: Prescribed Forms and Procedure) Regs 2009 were sent a notification letter on 9 September 2013 advising of the Stage 2 consultation. On the 23rd September, the starts of the statutory consultation, these consultees were sent a further letter...*':
- 2.28 Paragraph 8.15 states that s44 persons were sent out the 'Notification letter' on 9 September 2013; however it is not referred to in this section whether s44 persons were sent a further letter on 23 September 2014. Table 6, page 10 states that '*IPLs were written to twice at Stage 2: 1 letters advising of consultation and 2 letters with consultation material*'; a column within the same table '*date undertaken*' indicates that letters were sent out on 9 September and 23 September 2013. This should also be made clear in section 8 of the report
- 2.29 Please note that the applicant has a duty to consult under its statutory consultation as prescribed within s42; this also includes persons that fall under s44 of the Act. Section 44 persons should therefore be notified and provided with information at the same time as the other s42 consultees, this is on or before the s46 notification was submitted to the Secretary of state.

Section 45: Timetable for consultation under section 42

- 2.30 At the pre-application statutory consultation stage the applicant is required to notify s42 consultees of the deadline for consultation and ensure the deadline for responses is 28 days or more starting with the day after receipt of the consultation documents. The Planning Inspectorate note that Section 8.7 and 8.10 of the consultation report provide supporting evidence of this for Stage 2 consultation. It is noted that the supporting text for Stage 2a is yet to be finalised (including at section 5.2). The applicant is encouraged to ensure this is complete upon submission. This should also be evidenced in relevant appendices.

Section 46: Duty to notify [Secretary of State] of proposed application

- 2.31 The applicant must comply with s46 on or before commencing its consultation under s42 of the Act. Section 46 notification was received by Inspectorate on 23 September 2013. The applicant commenced its consultation under s42 of the Act on the same day providing a minimum of 28 days deadline for receipt of responses from s42 consultees:
- 2.32 Summarising above, the applicant should be aware that in the case of consultation responses received following issuing 'Notification letter' dated 9 September 2013 but before 23 September 2013 they cannot fall under responses received under statutory consultation under s42. Table 32 currently refers to consultation responses received from 'Section 42 – prescribed Consultees'; if any responses in that table were received before 23 September 2013, this should also be explained in this section of the report.

Section 47: Duty to consult local community

Non-statutory consultation (1 and 1A)

- 2.33 It is noted that the applicant sought informal advice on the draft Statement of Community Consultation (SOCC) from Local Planning Authorities. It may be useful to include original copies of the non-statutory consultation correspondence between the applicant and LPAs regarding the SOCC.

Statutory Consultation (stage 2 and 2A)

- 2.34 Paragraph 8.6 refers to formal consultation on the SOCC that commenced 'between 23 July to 20 August 2013'; it may be helpful if original dated correspondence could be included as an Appendix to the report
- 2.35 Paragraph 8.6 states that '*ERYC consulted its members on the SOCC on 5 September 2013...and that no objection was raised*', perhaps if correspondence from ERYC is available, it would be helpful to include it as an Appendix in the

report.

Section 48: Duty to publicise

2.36 Table 6 of the consultation report advises:

'The section 48 notice advertising the intention to apply for a DCO was placed in 5 local newspapers in two consecutive weeks. The notice was also placed in 1 national newspaper (The Guardian), Lloyd's List and the London Gazette (Weeks commencing 9th September 2013 and 16th September 2013.)':

The newspaper notice as it appeared in the newspaper should be scanned in and included within the report as an Appendix (dated front page of such a notice to be included). It is noted that this may be already covered in Appendix 35.

Section 49: Duty to take account of responses to consultation and publicity

2.37 Noted that some parts of table are yet to be finalised; the applicant should ensure that it is all completed before the consultation report is printed.

Section 50: Guidance about pre-application procedure

2.38 Table 6 of the report is helpful and explains how the applicant had regard to the statutory requirements of the Planning Act 2008