

Meeting note

File reference	EN070002 and TR030002
Status	Final
Author	Adam Price
Date	17 December 2013
Meeting with	York Potash Limited (YPL)/ YPL advisors
Venue	Telephone conference
Attendees	<p>Applicant: Morag Thomson (Marrons Shakespeares) Justin Gartland (Director, Nathaniel Lichfield and Partners) Diane Dowdell (Environmental Manager of York Potash) Sian John Royal Haskoning DHV Gordon Cowe (York Potash) Allan Gamble (York Potash) Richard Hunt (York Potash) William Woods (York Potash) Gareth Edmunds (York Potash) Aisling O'Dowd (NLP)</p> <p>Planning Inspectorate (PINS): Tom Carpen (Principal case manager) Patrycja Pikniczka (Case officer) Adam Price (Assistant Case Officer) Laura Allen (Senior EIA and Land Rights Advisor) Hannah Nelson (EIA and Land Rights Advisor) Tim Hallam (Lawyer)</p>
Meeting Objectives	Update on York Potash Pipeline and Harbour
Circulation	All Attendees

Summary of Key Points and Advice Given:

Introductions

The Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Planning Inspectorate's website under s.51 of the Planning Act 2008. Further to this, it was made clear that any advice given did not constitute legal advice upon which the applicant (or others) can rely.

Project Clarification

The applicant was advised to be clear in its correspondence to the Inspectorate giving reference as to which project the applicant refers to.

The Inspectorate asked for an update on the approach that the applicant intends to take regarding submission of applications explaining whether the final application will include both harbour and pipeline projects as a one DCO application. The applicant explained that a final decision had not yet been made and that this is to be decided nearer submission date. The applicant confirmed it was currently looking at two options. The first option would involve the submission of both the Pipeline and Harbour Nationally Significant Infrastructure Projects (NSIP) projects within a single Development Consent Order (DCO) application. The second option would involve two separate DCO applications.

The Inspectorate enquired when (if at all) the applicant would consider linking the Pipeline and Harbour NSIPs together into a single NSIP application. The applicant explained that doing this now could result in a delay to the scoping of the harbour and so this approach was not currently considered appropriate. Further to this, the applicant asked the Inspectorate if there would be the opportunity to combine the NSIPs after scoping had been completed. The Inspectorate stressed that if this approach was taken the applicant should make this clear for all consultees during its consultation

On the basis of previous advice from the Inspectorate regarding the possible implications of preparing the NSIP and Town and Country Planning Application (TCPA) submissions to different timescales, the Inspectorate asked for an update on timescales for all projects.

The applicant advised that it had aligned the environmental work for the TCPA and NSIP applications so that no applications would be made until this was complete.

Project Update – York Potash Harbour Facilities Order

The Inspectorate asked the applicant to confirm if the submission date of the application is anticipated for October 2014 for the Harbour NSIP; the applicant confirmed that the submission date still remains the same, and that this would now be the submission date for the pipeline as well, whether as one or two separate applications. The Inspectorate asked the applicant about the projected timescale for submission of the minehead application to the local planning authority for consideration. The applicant explained that the aim is for the application to be submitted prior to submission of the DCO application for the harbour and pipeline.

In respect of the progression of options for the Harbour facility the applicant explained that marine surveys were progressing and that discussions were being held with the Marine Management Organisation (MMO), Natural England (NE) and the Environment Agency (EA) with regards to the surveys. The applicant explained that the responses from each of these bodies are to be received shortly.

The applicant also noted that they were still considering two options for the materials handling facility, consent for which may be sought by way of a planning application to Redcar and Cleveland Borough Council although this may be included within the harbour NSIP application.

Accompanied Site Visit (ASV)

The applicant asked if the Inspectorate would benefit from a site visit to the harbour. The Inspectorate advised that it would be useful to see the whole project in context and advised the applicant that it would be worthwhile inviting host and neighbouring local authorities including those determining related planning applications.

The applicant advised it would invite North Yorkshire County Council (NYCC), North York Moors National Park Authority (NYMNP), Scarborough Borough Council, Hartlepool Borough Council, Stockton-on-Tees Borough Council and Redcar and Cleveland Borough Council.

The Inspectorate advised the applicant to ensure it had correctly identified who would be the relevant local authority for the dredging area as this falls within the proposed 'red line' boundary for the Harbour NSIP. The Inspectorate advised the applicant to ensure that all relevant local authorities, not only the host authorities, are involved at the pre-application stage discussions as local planning authorities play an important role in helping to shape applications.

Project Update – Pipeline

The applicant explained that surveys were progressing and that the project was currently in line with the timescale of an October 2014 submission. The Inspectorate was advised that a new Regulation 6 notification under the Environmental Impact Assessment regulations, to advise that the project is 'EIA' development, would be submitted in due course once the next stage of reappraisal is completed.

The Inspectorate asked if there had been any key issues raised when corresponding with statutory consultees. The applicant explained that they had held a meeting with both NE and the EA regarding the wider project. The applicant explained that this meeting was productive and that discussions would be on-going. Moreover, the applicant confirmed that bore hole monitoring consents were discussed with EA.

The applicant explained that a specific meeting was scheduled to be held with Natural England and the NYMNP regarding landscaping and that would incorporate the wider project including Minehead, pipeline and the harbour facility. The Inspectorate asked whether the applicant intended to capture any agreements made at these meetings in a form Statements of Common Grounds (SoCGs). The applicant explained that this was the approach taken to date, whereby notes and maps that had been made following meetings, would be built upon to form SoCGs.

Consultation – York Potash Pipeline

The applicant explained that statutory consultation under s42 and s47 would take place between May - June 2014. The applicant asked if there would be an issue with this consultation being held over the summer months. The Inspectorate advised that consultation over the summer months may coincide with school holidays and as thus some consultees may be unable to respond within the timeframe. Therefore, the Inspectorate stressed the importance of discussions with local authorities with regards to this matter. The applicant explained that there is on-going non-statutory consultation which will help inform the basis for the statutory consultation in May.

Draft Documents– York Potash Pipeline

The applicant explained that they would like some of the key draft documents to be made available with the material distributed as part of the s42 consultation. The Inspectorate asked if this would include a draft consultation report as it was stated that at the s42 consultation stage this document would be at a very early stage. The applicant explained that the consultation report would be based on early consultation but updated accordingly in conjunction with the consultation undertaken.

The applicant asked when the last opportunity would be to provide the Inspectorate with a decision regarding whether there would be separate or joint applications for the harbour and pipeline. The Inspectorate explained that this would ideally need to be prior to the start of s42 consultation as there is the need to give people clarity on what they are being consulted on. In addition, the description of the project in the draft DCO and other application documents should be clear and consistent with the project consulted on.

The applicant asked if there would be any issues in submitting some draft documents at a later stage. The Inspectorate explained that it will be useful to look at draft documents; this will however depend on the resources available at the time. The applicant was advised to give at least 4 weeks' notice before submitting its draft documents to the Inspectorate.

Specific decisions/ follow up required?

Both the Inspectorate and the applicant agreed to make arrangements for the Accompanied Site Visit to the harbour site.

The applicant agreed to send an updated Regulation 6 notification regarding the pipeline.