



Meeting note

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| File reference | EN020002 |
| Status | Final |
| Author | Jolyon Wootton |
| Date | 09 May 2013 |
| Meeting with | National Grid |
| Venue | The Planning Inspectorate Offices, Bristol |
| Attendees | Kathryn Powell, Senior Case Manager (The Planning Inspectorate) Laura Allan, Senior EIA Advisor (The Planning Inspectorate) Jolyon Wootton, Case Officer (The Planning Inspectorate) Jan Bessell, Examining Inspector (The Planning Inspectorate) Simon Pepper, Senior Consents Manager (National Grid) Brian Smethurst, Senior Project Manager (National Grid) David Goodman, Legal Advisor (Squire Sanders) Donna Burnell, Communications Advisor (3G Communications) |
| Meeting objectives | Project update meeting for the Bramford to Twinstead Tee 400kV Connection project, at pre-application |
| Circulation | Attendees |

Summary of key points discussed and advice given:

National Grid and its representatives Squire Sanders and 3G Communications were aware of the Planning Inspectorate's openness policy (that any advice given will be recorded and placed on the Planning Inspectorate's website under section 51 of the Planning Act 2008, as amended by the Localism Act 2011 (PA 2008)). Any advice given does not constitute legal advice upon which applicants (or others) can rely.

National Grid and its representatives were further reminded that, in accordance with procedures, the pre-application Examining Inspector would not be appointed as the Examining authority should an application for a Development Consent Order (DCO) be submitted for 'acceptance'. Following a re-allocation of resources within the Planning Inspectorate's Sector Teams, the new Case Manager Kathryn Powell (KP) introduced herself and briefly explained her role at the Planning Inspectorate.

Following introductions, National Grid gave a presentation on their pre-application consultation to date (see attached presentation). National Grid is currently at Stage 2 (non-statutory) of their 3 - Stage pre-application consultation strategy, expected to conclude in autumn 2013.

National Grid explained that Stage 2 has primarily focused on refining the project development following consultation feedback from Stage 1 and the

publication of their preferred route corridor (Corridor 2, announced in July 2011). As with Stage 1, consultation has involved both statutory and non-statutory groups. Stage 2 has included consultation on more precise environmental information and details on specific land use issues that may influence proposed tower locations and cable routes along the proposed corridor.

National Grid summarised what had been undertaken as:

- The Stage 2 Statement of Community Consultation (SoCC) was published in November 2011 and the consultation zone included 4,000 households with 37 parish councils;
- 8 public events were held for the connection options appraisal (winter 2011/12);
- with 2 on the Hintlesham AB alignment (September 2012), and;
- consultation with local authorities on the SoCC.

Further consultation has been undertaken for the western cable sealing end location and the options on how to maintain supplies to the local electricity network, including a substation west of Twinstead. Consultation with the community forums (established September 2011), persons with interests in the land (Section 44 persons), and the Thematic Groups (consultation with statutory consultees and other specialist bodies) has progressed steadily.

Areas of common ground have started to be established regarding environmental and land use issues through the Thematic Groups. This had informed specific sections of National Grid's Scoping Report.

The Stage 3 (statutory) section 47 consultation is expected to commence in September 2013 with the publication of the SoCC and Preliminary Environmental Information (PEI) and to last for eight weeks. Information points and public consultation events used for Stages 1 and 2 would be redeployed for Stage 3.

Whilst it is not a requirement under PA 2008, the Planning Inspectorate advised that it is best practice to make the PEI available to the section 42 consultees including prescribed bodies and local authorities. To assist consultees identify information relevant to them, the Planning Inspectorate suggested that it would be helpful if the information in the PEI is clearly legible and sign-posted.

Squire Sanders clarified that though the Stage 1 SoCC was officially carried-out under a section 46 notice to the then Infrastructure Planning Commission (IPC), the Stage 3 SoCC is to be regarded as their 'statutory' consultation SoCC. This would be made clear in the Consultation Report (CR).

Answering the Planning Inspectorate, National Grid said that during Stage 2, they had attempted to convey to consultees that the pre-application process is a forum for dialogue between parties about the proposed scheme, rather than just the presentation of material. They have also sought to use the most efficient means of communicating information to consultees and have made any decisions public.

The Planning Inspectorate enquired how National Grid has communicated with hard to reach groups and advised that the youngest and oldest local residents were often some of the most sensitive receptors to any local impacts from National Significant Infrastructure Projects, and careful consideration of the methodology used to communicate with these groups should be applied. 3G Communications replied that

local community data supplied by local authorities has been used to locate hard to reach groups including youth and pensioner residents. The Head Teachers from the local Primary schools had also been invited to attend the consultation Forums. The Planning Inspectorate advised that the CR would need to make clear how social media or any other means of communication has been employed to engage the community during consultation, as opposed to just presenting information.

The Planning Inspectorate also enunciated that the CR should not be considered a public relations tool, but a document that clearly and adequately describes the consultation duties carried out by the applicant in compliance with the statutory requirements of PA 2008 under sections 42, 43, 44, 46, 47, 48 and 49. The CR should chart the progress and evolution of the applicant's consultation phases. A CR that is factual and evidence-based, which fully explains how the applicant has had regard to the consultation responses received, will be more likely to avoid a request for documentation to substantiate claims within the CR (a request made by the Planning Inspectorate under Regulation 5(5) of the Infrastructure, Prescribed Forms and Procedures Regulations 2009 (APFP) during the acceptance period). It is advisable to send the relevant local authorities a copy of the CR before submitting the DCO application for feedback, as this would assist these local authorities in commenting on the adequacy of the applicant's consultation, which the Planning Inspectorate will request from them, when determining whether the application should be accepted for examination.

Squire Sanders confirmed that powers and rights of compulsory acquisition are likely to be pursued through the DCO application under PA 2008 and that Electricity Act Schedule 4 powers were being used to establish access for survey. The Planning Inspectorate advised that any rights sought would need to be supported with evidence. Any protective provisions should also be made clear and fully drafted; or at least 'heads of terms' established with the relevant local authorities and any other organisations or bodies.

National Grid said a draft DCO would be sent to the local authorities before submission. The Planning Inspectorate encouraged National Grid to ensure that the local authorities particularly considered the drafting, discharge and enforcement of requirements and adequate description of the development. It was also suggested that it may be beneficial for National Grid to ensure that the DCO and mitigation and controls set out in the ES reflected each other and that a schedule or description setting this out may be beneficial for all parties.

The Planning Inspectorate also advised National Grid to carefully check whether changes affecting in particular sections 127 to 138 of PA 2008 by the Growth and Infrastructure Act 2013 had any implications for their draft DCO.

The Planning Inspectorate advised that the applicant, when identifying s42 consultees should not rely on the Regulation 9 list of prescribed bodies provided by the then IPC, or the statutory consultees identified in the Secretary of State's Scoping Opinion in March 2013, as these lists were only correct on the date they were issued. Subsequently, changes have been made to the Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) from 6 April 2013, which National Grid will need to have regard to. The Planning Inspectorate's non-statutory Advice Note 3 (EIA Consultation and Notification) is currently being updated to reflect these changes.

National Grid advised that information received from the Thematic Groups and Community Forums groups regarding local features and views has been added to the baseline environmental information provided by Thematic groups and from available data sets. This information had been taken into account in the Connection Options Report and will form part of the environmental baseline data for the EIA. National Grid commented that it intends to document any agreement with these consultees in both the ES and Statements of Common Ground (SoCG).

The Planning Inspectorate advised that where it is not possible to submit SoCG with the DCO application, it is useful to establish agreed heads of terms with consultees to determine any areas of agreement/disagreements on the baseline data, methodology, mitigation identified and any residual effects. Where it is unclear whether or not agreement has been reached on such matters, it is likely that subsequent clarification would be sought. The DCO application should also identify whether any protected species licences are required and provide information on when this will be obtained. Corroboration is likely to be required from the relevant consenting body, for example Natural England, that there are no reasons why a licence would not be granted.

The Planning Inspectorate confirmed that the Secretary of State's scoping opinion for the project dated March 2013 identifies the assessments which, in the opinion of the Secretary of State, should be scoped out of the ES. However, consideration of such issues may be appropriate during the examination of the proposed development as an examination and reporting consideration.

The Planning Inspectorate explained that the new Consents Service Unit (CSU) has been established within the Planning Inspectorate to offer a bespoke service to developers to assist with the delivery of NSIP projects by coordinating a logical and systematic approach to the handling of a range of non-planning consents which are required in addition to the DCO. Information about the CSU can be found on the Planning Portal website - <http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>.

Regarding the Book of Reference, the Planning Inspectorate queried if the applicant is intending to include any additional schedules to the Book of Reference outside of the parts prescribed by the regulations and PA 2008. The Planning Inspectorate said confusion may arise in determining who should be invited to the Preliminary Meeting and which persons are Interested Parties should a DCO application be accepted to proceed to examination. Squire Sanders commented that National Grid is already in the process of reviewing this issue.

Specific decisions/ follow up required?

National Grid revised their expected submission for the DCO application, from Q3 2013 to approximately January 2014. The Planning Inspectorate will amend their website to reflect this information and asked to be kept updated with any further changes to this projection.

National Grid sought advice from the Planning Inspectorate whether it would be helpful to submit applications for both Bramford to Twinstead Tee and Hinkley Connector in Q1 2014. The Planning Inspectorate explained that whilst it had resources to deal with both acceptances simultaneously, it may be advisable to separate submission by at least 28 days between the applications, to ensure that if both applications were accepted, they do not have meetings and hearings at the same time during examination, to assist with National Grid's resourcing.