



Meeting note

File reference	EN020003
Status	Final
Author	Jolyon Wootton
Date	18 March 2014
Meeting with	National Grid
Venue	The Planning Inspectorate Offices, Bristol
Attendees	Andrew Connolly – Project Manager (National Grid) Will Bridges – Senior Consents Officer (National Grid) Tim Bull – Principal Specialist (National Grid) Catherine McCloskey – Principal Specialist (National Grid) Anna Eastgate – Solicitor (National Grid) Mark Southgate – Director, Major Applications & Plans (The Planning Inspectorate) Kathryn Powell – Infrastructure Planning Lead (The Planning Inspectorate) Chris White – Senior Case Manager (The Planning Inspectorate) Robert Hanson – Lawyer (The Planning Inspectorate) Frances Russell – EIA Manager (The Planning Inspectorate) Jolyon Wootton – Case Officer (The Planning Inspectorate)
Meeting objectives	King's Lynn B Connection feedback session
Circulation	Attendees

Summary of key points discussed and advice given:

National Grid was familiar with the Planning Inspectorate's statutory duty, under section 51 of the Planning Act 2008 as amended (PA 2008), to record the advice that is given in relation to an application or a potential application and to make this publicly available. National Grid was also aware of the Planning Inspectorate's Information Charter and that any advice given does not constitute legal advice.

The Planning Inspectorate welcomed National Grid's opinions on the Development Consent Order (DCO) process under the PA 2008 regime. The Planning Inspectorate explained that, as part of continuing learning (as well as the 2014 Review of the 2008 Planning Act currently being conducted by the Department for Communities and Local Government) it holds review meetings with applicants once the Secretary of State's Decision has been made.

National Grid gave a 'light-touch' review. As their first submitted Nationally Significant Infrastructure Project (NSIP) application at the time, the King's Lynn B Power Station Connection tested the legal requirements and processes imposed by legislation. National Grid's comments were as follows:

Pre-application

- Progress on the proposal was at times cautious, owing to nervousness at being first NSIP.
- Jargon and technical terms used in project material is being reassessed. Additional non-technical information may help parties better understand National Grid NSIPs.
- They experienced problems with getting some statutory consultees to participate and meet deadlines.

The Planning Inspectorate said similar concerns about statutory consultees' participation at pre-application have been reported across NSIP applications. National Grid said they are looking at using third-party facilitators to create forums for different groups to meet and agree positions on topics.

Acceptance and Pre-examination

- The Planning Inspectorate's document size restrictions caused compatibility issues.
- A Preliminary Meeting was expected to be scheduled in November. Holding the meeting after the Christmas period delayed the examination.

The Planning Inspectorate said that application appendices should be consolidated as much as possible. Information needs to be in a format compatible with the planning portal website, such as fly-through videos. Any documents submitted have to be made publicly available.

Holding the Preliminary Meeting in November was considered, but would have restricted time for interested parties to prepare written submissions for the first examination deadline, the Planning Inspectorate responded.

National Grid's comments on the Examination

- MS Word versions of examination submissions (questions etc) from PINs would be useful.
- Conduct of examinations by Examining Authority's varies widely in their experience to date.
- Doubted the 'proportionality' of the volume of Examining Authority Written Questions and aptness of some questions.
- Expected the examination to conclude before the statutory six-months, citing previous examinations as having closed early.
- The applicant's status as a statutory party and provider of infrastructure in connection to other NSIP developments was undervalued.
- Gaps between Issue Specific hearings caused resource issues, such as advertising hearings and ensuring venue and representatives' availability. 'Planning Inquiry' style of hearings arranged in one block is preferred.
- Called for flexibility in hearing venue locations
- Internal governance is 'high' for written responses, as most answers require extensive drafting and review by a number of different parties before agreement is reached.
- Deadlines for receipt of information set too close to hearings, which meant information discussed at hearings had already been answered in written questions but no one had had time to read due to poor deadline planning.

- Hearing agendas should be issued early to aid preparation. New evidence from interested parties needs to be made available in advance of hearings, to avoid having to make on-the-spot replies.
- Requirements for presentation material and equipment to be used at hearings needs to be made clearer.
- Attempted to answer parties concerns during hearings through project team responses and summaries rather than QC testimony (though matters of law need to be forensically tested and answered by the applicant at times).
- Expected conduct at Accompanied Site Visits (ASVs) requires further explanation. Questioned the need for ASVs and commented that arrangements should be reviewed, such as access to facilities.
- The use of track-changed documents by parties helped the applicant understand and respond to issues.
- The importance of the design alterations in the proposed lattice towers, post-acceptance, was overstated during examination and did not pose a material change.

How examinations are to be conducted is at the discretion of the Examining Authority, within the Procedure Rules, the Planning Inspectorate said; but internal guidance and best practice is being shared amongst Examining Inspectors along with departmental support. Examining Authorities may have to reserve matters for later hearings if new information arises and consequently one block of hearings is not always achievable. Hearing agendas, hearing procedures and the need for ASVs were currently under review, the Planning Inspectorate reported. Applicants could expect agendas a week in advance in future. The Planning Inspectorate's Programme Officers are working with applicants in making suitable arrangements. Both parties agreed the PA 2008 regime is fundamentally a written process, however, and the importance of hearings should not be overemphasised.

The most straight forward applications with few rounds of questions have taken in the order of 4.5 months and it is not considered that examinations can be conducted any faster due to procedure and notification requirements. Applicants are advised to work backwards from the likely construction end dates, to estimate the best time to submit applications and factor-in issues such as 'Purdah' and the potential for examinations to last the full 6 months.

To avoid supplemental written questions from the Examining Authority, applicants are advised to fully sign-post information within application documents, give resolute answers (where the evidence is unchanged and it is reasonable and appropriate to do so), and obtain Statements of Common Grounds (SoCGs) early to establish agreements or disagreements between parties and the applicant. The Planning Inspectorate nonetheless understood National Grid's concerns about being unable to enter agreements with indifferent or obstructive interested parties. Making reference to the National Policy Statements and Secretary of States' decision on other DCOs could assist with written responses.

Other Comments from National Grid

- Absence of a verdict on the construction route in the Secretary of State's decision as well as the Recommendation Report raises concerns as the issue was specifically requested to be determined before the examination started. With such an indication National Grid were disappointed for this project and concerned for future, more contentious, projects.
- Anomalies in the Recommendation Report were faulted.

- The DCO was applied for in consideration of connecting to other NSIPs and is often 'customer' led. Recognition that National Grid is largely reactive is sought, specifically when considering time limit requirements.
- The National Infrastructure pages of the planning portal website proved difficult to navigate. National Grid welcomed the recent website improvements.
- The Planning Inspectorate's redaction policy of third-party information needs to be strengthened. Guidance should be supplied to interested and statutory parties about best practice in submitting written documents.

National Grid would be available to hold non-project specific meetings with Inspectors to build a knowledge base of their work and responsibilities. National Grid was also adopting their own 'model provisions' for their applications to help facilitate the DCO process.

Specific decisions / follow up required?

National Grid volunteered to provide the Planning Inspectorate with an update on lead-times for other NSIPs.