



Meeting note

File reference	EN020015
Status	Final
Author	Kath Dunne
Date	14 April 2016
Meeting with	National Grid
Venue	Telecon
Attendees	Kath Dunne – The Planning Inspectorate Hannah Pratt – The Planning Inspectorate Jacqui Fenn – National Grid Eloise Frank – National Grid
Meeting objectives	Monthly telecon progress meeting regarding the North Wales Connection Project
Circulation	All participants

Summary of key points discussed and advice given:

National Grid (NG) was familiar with the Planning Inspectorate's (PINS) 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. NG was also aware that any advice given by the Planning Inspectorate does not constitute legal advice upon which applicants (or others) can rely.

Statement of Community Consultation (SOCC)

NG explained that they had sent an early draft of the SOCC to the local authorities (LAs) for non-statutory consultation, because the committee of one of the authorities only meets three times per year and had requested that the SOCC goes through the committee for comments and sign-off.

NG has subsequently received comments from the LA stating that the SOCC lacks detail in certain places. NG explained to PINS that this was an early draft of the SOCC, to meet the committee cycles and that even by the June committee the detail is unlikely to be provided. PINS advised that NG should note the detail which has been requested by the LA and to ensure it is included in the final SOCC, and to explain their approach to early consultation within the consultation report.

Approach to consultation and engagement with landowners

PINS advised NG to seek to reach agreement at the pre-application stage on the acquisition of land or rights and advised that the land required will need to be justified.

[post meeting note of PINS standard advice:

Developers are advised to ensure they undertake thorough and detailed pre-application consultation with affected persons, where they are proposing to acquire land. Developers should ensure they take the time to meet affected persons face to face, and to explain thoroughly the acquisition process and the proposed land-take or rights required.

Seeking land by voluntary agreement in the first instance is advised, acquiring land compulsorily should only be sought if voluntary negotiations fail. However, it is also recognised that for longer linear schemes, reaching agreement for every plot may not be possible, although attempts should be made to seek agreement where possible.

We note that negotiations may continue once an application has been submitted, however developers should aim to reach agreement prior to submission of the application where possible.

During the examination of the NSIP, the Examining Authority may ask for the following evidence from the developer:

- that each affected person has been contacted,*
- whether the affected person has responded or engaged in consultation, and if they have met face-to-face,*
- how progressed any agreements are and if the affected person has been provided with heads of terms for such agreements.*

Regular updates throughout the examination will be required on the status of the agreements, therefore providing this information within the application will assist the Examining Authority.

If there is land over which it is not possible to identify all potential interests by name or contact details (grazing rights for example) then efforts should be made to advertise around the site and local enquiries made to assist. Any land where rights are untitled or uncertain should be clearly identified in the Book of Reference so that the Examining Authority can consider the interests of potentially affected persons even if they have not been specifically identified as individuals or businesses.

Developers must only compulsorily acquire land which is required and necessary for the development. If the order limits within the submitted application are widely drawn, with the intention to be reduced at a later stage, the developer will be required to provide evidence as to how they have met the tests in the Planning Act 2008, specifically whether the land required is no more than reasonably required for the purposes of the development.

Further information is contained within the DCLG Guidance related to procedures for the compulsory acquisition on land, specifically pages 5 – 10.]

Land affected plans

NG queried the level of information to be included in the land affected plans during the statutory consultation. PINS advised NG to include detail where they are able to, but to note that they may need to undertake targeted rounds of consultation at a later date if the plans change following such consultation.

Route to consent

NG explained that the LAs have provided feedback on NGs proposed route to consent (i.e. which consenting regimes each part of the development fall within).

The LAs had advised NG to include all parts of the proposed development within the PA 2008 DCO application. NG are to give further consideration as to whether the substations proposed for this connection fall within the DCO, but they consider that sealing end compounds and the underground cables should be within the DCO. NG explained that Gwynedd Council consider the cables between Pentir to Glaslyn could be integral to the DCO.

NG explained that they will be employing an architect to design any tunnel head houses required (if the underground crossing of the Menai is made by tunnel) to be akin to agricultural buildings or appropriate to the local area.

Draft DCO

NG confirmed they would produce a draft DCO for s42 consultation and that they are using the Hinkley C connection Project DCO as a template. PINS advised NG to take account of Advice note 15 and to clearly explain any departures from the advice note or recently consented projects.

PINS confirmed they could review the draft DCO and would need approximately 4 weeks to do so.

[post meeting note - Information to provide alongside the draft DCO for PINS comment at the pre-application stage

Please provide us with:

- a comprehensive draft explanatory memorandum to the draft DCO clearly explaining what DCO provision precedents you have used and where you have departed and why.*
- please confirm that the DCO has been drafted in accordance with the DCO drafting advice note 15, or to flag (as appropriate) where you propose to depart from the advice and model provisions and why;*
- please identify any novel drafting issues on which you may need advice (particularly where any innovative approach is proposed to create commercial flexibility).]*

Dates for submission of the shapefile and the scoping request

NG confirmed they will submit a scoping request in early May 2016. PINS requested a shapefile and plan of the proposed development to be submitted at least 10 working days before the request is made. NG agreed to send PINS a draft project description that they intend to include in their scoping report. This will include the works from Wylfa to Pentir and will refer to other works. PINS queried whether NG should wait until they have defined their project description with more certainty before submitting a scoping request. NG will review proposals and ensure that sufficient information is available within the scoping report.

Consultation dates

NG confirmed s42, 47 and 48 consultation and publicity is anticipated to take place at the end October 2016 and that the application submission is anticipated to be October 2017.

Specific decisions / follow up required?

- NG to send draft project description to PINS
- NG to confirm date of scoping request and to send shapefile and plan of project to PINS at least 10 working days prior to the submission of the request.