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Emer McDonnell
National Grid

Your Ref:

By email only

Our Ref: EN020017

Date: 1 April 2015

Dear Ms McDonnell

Article 10(4)(a) and (b) of the Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (the TEN-E Regulation)

**Internal line between the vicinity of Richborough and Canterbury (UK)
Richborough Connection Project**

I write in regard to Article 10(4)(a) and (b) of the TEN-E Regulation, where the competent authority must:

- (a) identify the scope of material and the level of detail of information to be submitted as part of the application file, and
- (b) draw up a detailed schedule for the permit granting process.

As the Richborough Connection Project is a Nationally Significant Infrastructure Project, the Department of Energy and Climate Change delegated National Competent Authority tasks to the Planning Inspectorate for this proposal.

Thank you for responding to the Planning Inspectorate's consultation in relation to Article 10(4)(a) and (b). The Planning Inspectorate has now identified the scope of material and level of detail of information to be submitted as part of the application file in Annex A, and has drawn up a detailed schedule for the permit granting process in Annex B.

If you have any queries please do not hesitate to contact us.

Yours sincerely

Mark Southgate

Mark Southgate
Director of Major Applications and Plans

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.



The Planning Inspectorate

Scope of material and level of detail of information to be submitted as part of the application file

Article 10(4)(a) of the Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (the TEN-E Regulation)

Internal line between the vicinity of Richborough and Canterbury (UK)

Richborough Connection Project

April 2015

Based on the TEN-E notification submitted by National Grid on 1 December 2014 in relation to this Project of Common Interest (PCI), the 'Comprehensive Decision' will comprise solely of the development consent order (DCO), if granted, in accordance with the Planning Act 2008 as amended (PA 2008), for the following:

- construction of a 400kV overhead line approximately 20.7km in length;
- the removal of approximately 20.6km of an existing 132kV overhead line (PX route) between UK Power Networks' Canterbury South and Richborough 132 kV substations;
- localised temporary (PX route) and permanent (PY route) diversions of the existing 132kV overhead line (where they are crossed by the proposed route); and
- other works, for example, temporary access roads, highway works, construction compounds, protective scaffold structures, work sites and ancillary works.

It is noted however, that proposals may be subject to change as the project progresses through pre-application stage of the PA 2008.

Under the TEN-E Regulation, substations are usually considered part of the PCI, however we note confirmation from National Grid that outline planning permission has already been granted for the Richborough substation and converter station, as part of a wider hybrid consent. We also note that National Grid intends to submit the reserved matters application to Thanet District Council and Dover District Council in summer 2015. As planning consent is likely to be resolved under another regime in advance of the DCO decision, the substations are excluded from the DCO application and from the PCI.

The Comprehensive Decision will not include certain environmental permits, amongst other decisions, in accordance with recital 33 of the TEN-E Regulation and paragraph 2.3 of the TEN-E Manual of Procedures. Although they will not be included in this process, the Consents Service Unit which sits within the Planning Inspectorate can assist National Grid in coordinating some of these permits if required.

The PA 2008 enables developers to include a number of consents within one application for a DCO; therefore the documents required to be submitted as part

of the PA 2008 process are sufficient to meet the needs of the Richborough Connection PCI application, subject to any requests made to National Grid by stakeholders.

The following documents outline the scope of material and level of detail of information to be submitted as part of the application file, in relation to Article 10(4)(a):

- the TEN-E Regulation
- the PA 2008
- the secondary legislation associated with the PA 2008
- National Policy Statements EN-1 and EN-5
- DCLG Guidance documents on the PA 2008
- the Planning Inspectorate's Advice Notes
- the Secretary of State's Richborough Connection Scoping Opinion (dated September 2014)
- information contained within section 6 of the TEN-E Manual of Procedures.

Detailed schedule for the permit granting process

Article 10(4)(b) of the Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (the TEN-E Regulation)

Internal line between the vicinity of Richborough and Canterbury (UK)

Richborough Connection Project

April 2015

The schedule has been split into two elements:

- 1. The schedule**
- 2. The decisions and opinions to be obtained**

1. The schedule

This schedule has been produced in consultation with National Grid and is based on the information available to date, therefore it may be subject to change as the project progresses through the Planning Act 2008 as amended (PA 2008) process.

| Date | Decisions and opinions to be obtained | Stages of the procedure and their duration | Responsible authority | Authorities, Stakeholders and Public likely to be concerned | Resources planned by the authorities | Milestones and deadlines | Status |
|-----------------------------------|--|---|--|--|---|---|----------|
| August and September 2014 | Environmental Impact Assessment (EIA) scoping opinion. | <ol style="list-style-type: none"> 1. Submission by National Grid of EIA scoping request to the Planning Inspectorate. 2. Planning Inspectorate consulted with Regulation 9 bodies. 3. Planning Inspectorate issued scoping opinion. | Planning Inspectorate | National Grid Bodies listed in Regulation 9 of the Infrastructure Planning EIA Regulations. | <p>Response by the regulation 9 bodies to the Planning Inspectorate's scoping consultation within the deadline.</p> <p>The Planning Inspectorate collated the responses and produced the scoping opinion.</p> | <p>Scoping opinions must be issued within 42 days.</p> <p>The scoping request was received on 11 August 2014 and the opinion was issued on 18 September 2014.</p> | COMPLETE |
| 1 December 2014 to 6 January 2015 | Notification of the TEN-E project to the Planning Inspectorate Article 10(1)(a) of the TEN-E Regulation | <ol style="list-style-type: none"> 1. National Grid submitted the notification to the Planning Inspectorate on 1 December 2014. 2. The Planning | National Grid and the Planning Inspectorate. | National Grid and the Planning Inspectorate. | The Planning Inspectorate assessed whether the notification and project was fit to be acknowledged or rejected. | <p>The Planning Inspectorate had a deadline of three months in which to acknowledge or reject the notification.</p> <p>The Planning</p> | COMPLETE |

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| | | Inspectorate acknowledged the notification on 6 January 2015. | | | | Inspectorate's acknowledgement of the notification was issued on 6 January 2015, within the 3 month deadline. | |
| 16 December 2014 | Concept for Public Participation (CfPP) | <ol style="list-style-type: none"> 1. National Grid submitted the draft CfPP to the Planning Inspectorate on 16 December 2014. 2. The Planning Inspectorate requested amendments to the CfPP on 14 January 2015. 3. Following receipt of the revised CfPP, the Planning Inspectorate approved the CfPP on 4 February 2015. | National Grid | <p>National Grid and the Planning Inspectorate.</p> <p>Although not involved directly in the TEN-E acknowledgement, this document is of importance to the local authorities and persons living in the vicinity of the land.</p> | The Planning Inspectorate reviewed the document against the TEN-E Regulations and section 47 of the PA 2008. | <p>Within three months of the start of the permit granting process, National Grid were to submit the CfPP to the Planning Inspectorate.</p> <p>National Grid submitted the CfPP prior to the commencement of the permit granting process, in agreement with the Planning Inspectorate.</p> | COMPLETE |
| 6 January 2015 | <p>Start of the TEN-E Permit Granting Process and the pre-application procedure.</p> <p>The pre-application procedure covers the period from the start of the permit granting process to the acceptance of the submitted application file, this shall take place within an indicative period of two years.</p> | See below. | The Planning Inspectorate and National Grid. | See below. | See below. | Indicative two year deadline for the completion of the TEN-E 'pre-application procedure' (between the start of the permit granting process and the acceptance of the application file) is 5 January 2017. | |
| 10 February 2015 to 27 March 2015 | Consultation and publicity in accordance with sections 42, 47 and 48 of the PA 2008 and the CfPP under the TEN-E Regulation. | National Grid must provide at least 28 days for receipt of comments. | National Grid. | <p>The persons/bodies listed in:</p> <ul style="list-style-type: none"> - Section 42, 43 and 44 of the PA 2008 - Section 47, those living in the vicinity of the proposal - Section 48 publicity - Schedule 1 of the APFP Regulations | National Grid informed the persons/bodies that they have from 10 February 2015 to 27 March 2015 to respond to the consultation. | This consultation must be undertaken prior to submission of the application file. | COMPLETE |

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| 28 March 2015 onwards | National Grid to have regard to the consultation comments received when finalising their proposal. | | National Grid. | Consultees above. | National Grid. | | |
| July/August 2015 | Submission of draft documents. | <p>Although the TEN-E Regulation allows for the application file to be submitted and a three month period to request missing information, the PA 2008 only enables a 28 day period in which a decision is made on whether the application can be accepted.</p> <p>Therefore National Grid should submit draft documents for comment, prior to the formal submission of the application for development consent.</p> <p>It is not expected that this will be the entire suite of documents to be submitted as part of the application made under the PA 2008.</p> <p>The dates for submission of this information are subject to change depending on the outcomes of the PA 2008 pre-application consultation.</p> | National Grid. | The Planning Inspectorate and other relevant bodies/persons to comment on specific draft documents. | National Grid to provide sufficient prior warning of the date of submission of draft documents. | | |
| Mid-October 2015 | Submission of application for a development consent order (and the Comprehensive Decision). | A full and complete application must be submitted to the Planning Inspectorate. | National Grid | <p>The Planning Inspectorate.</p> <p>Local authorities are provided with 14 days to comment on the adequacy of the pre-application consultation.</p> | The Planning Inspectorate (on behalf of the Secretary of State) has 28 days in which to determine if the application can be accepted for examination. | The decision must be made within 28 days. | |
| Mid-November 2015 (Note: the TEN-E two year indicative deadline for | Decision on whether the application can be accepted. | The Planning Inspectorate (on behalf of the Secretary of State) has 28 days in which to determine if the application can be | The Planning Inspectorate. | Local authorities. | | If the application is accepted for examination, the statutory permit granting procedure | |

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| completion of the 'pre-application procedure' (between the start of the permit granting process and the acceptance of the application file) is 5 January 2017, however it is expected that the application will be submitted in October 2015) | | accepted for examination. | | | | commences under the TEN-E Regulation. This procedure, from acceptance until the comprehensive decision is taken, must take no longer than one year and six months. | |
| November 2015 to December 2015 | Relevant Representations | The applicant must publicise a decision to accept the application and inform persons that they have at least 28 days to make a relevant representation. | National Grid | All those wishing to make a relevant representation. | | | |
| Mid-February 2016 | Preliminary Meeting | The Examining authority holds a preliminary meeting to discuss the process and timeframes for the examination. | The Examining authority (the Planning Inspectorate) | All those wishing to attend the meeting. | | There is no statutory deadline by which the preliminary meeting must be held, however once it is closed, the examination stage commences. | |
| Mid-February 2016 to mid-August 2016 | Examination stage | Maximum of six months in which the Examining authority examines the application. | Examining authority (the Planning Inspectorate). | Interested parties | Interested parties to make written submissions and where relevant attend hearings. | Under the PA 2008 the examination stage must be completed within 6 months. | |
| Mid-August 2016 to mid-November 2016 | Recommendation stage | Maximum of three months in which the Examining authority must make a recommendation on the application to the Secretary of State. | Examining authority (the Planning Inspectorate). | | | Under the PA 2008 the recommendation must be made within 3 months. | |
| Mid-November 2016 to mid-February 2017 | Decision stage | Maximum of three months in which the Secretary of State for Energy and Climate Change must make a decision on the application. | Secretary of State | | | Under the PA 2008 the decision must be made within 3 months of the recommendation. | |

2. The decisions and opinions to be obtained

Based on the notification submitted by National Grid on 1 December 2014 in relation to this PCI, the 'Comprehensive Decision' will comprise solely of the development consent order (DCO), if granted, in accordance with the Planning Act 2008 as amended (PA 2008), for the following:

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The following table lists the decisions and opinions to be obtained for the PCI. The Comprehensive Decision will not include certain environmental permits, amongst other decisions, in accordance recital 33 of the TEN-E Regulation and Paragraph 2.3 of the TEN-E Manual of Procedures.

| Consent/Decision | Relevant legislation | Authority | Consent required? | Included in DCO? |
|--|--|--|-------------------|--|
| Development Consent Order | Planning Act 2008 (as amended) | Secretary of State | Yes | Yes |
| Compulsory acquisition of land and rights over land | s120 Planning Act 2008 | N/A | Yes | Yes |
| Temporary use of land by National Grid/UKPN or temporary use of land for maintenance | s120 Planning Act 2008 | N/A | Yes | Yes |
| Extinguishment of private rights and restrictive covenants | s120 Planning Act 2008 | N/A | Yes | Yes |
| Crown Estate Lease/Licence | s135 Planning Act 2008 | N/A | Yes | Yes |
| Statutory Undertakers Land/commons land | s127 and s131 Planning Act 2008 | N/A | Yes | Yes |
| Removal of Trees with Tree Preservation Orders | Regulation 13 and 16 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 | LPAs | Yes | Yes (subject to agreement with the LPAs) |
| Licence to effect 'Important Hedgerows' | Hedgerow Regulations 1997; S97 of the Environment Act, 1995 | LPAs | Yes | Yes (subject to agreement with the LPAs) |
| Assent to work in SSSI | s28E of Wildlife and Countryside Act 1981 | Natural England | Yes | TBC (subject to discussions with Natural England) |
| Felling licence | s9 Forestry Act 1967 | Forestry Commission | Yes | Yes (subject to agreement with the Forestry Commission) |
| Conservation area consent | s74 of Planning (Listed Buildings & Conservation Areas) Act 1990 | LPAs | Yes | Yes |
| s278 highway agreements | s278 of Highways Act | Highway authorities | TBC | TBC (subject to further discussions with the Highways Authority) |
| Closure and diversion of PROW | Countryside and Rights of Way Act 2000 | Highway authorities | Yes | Yes |
| Traffic Regulation Orders | Road Traffic Regulation Act 1984 | Highway authorities | Yes | Yes |
| Marine Licence | Marine and Coastal Access Act 2009 | Marine Management Organisation | Yes | Yes |
| Port/harbour authority consultation | | Harbour authority (none) | TBC | Yes |
| Railway crossings | | Network Rail | Yes | Yes |
| Diversion of services | Various | Various | Yes | Yes |
| Disapply/ amend byelaws/local legislation | Various | Various | TBC | Yes |
| Statutory Nuisance | 82(1) of the Environmental Protection Act 1990 | LPA | Yes | Yes |
| Appropriate Assessment (works in Natura 2000 sites) | Habitats and Species Conservation Regulations 2010 | The Planning inspectorate/Secretary of State | TBC | Yes |