



Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application	Richborough Connection Project
Reference	EN020017
Time & Date	10.30am, 8 June 2016
Venue	Discovery Park Limited, Building 500, Ramsgate Road, Sandwich, Kent, CT13 9FF

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and Introductions

Frances Fernandes (FF, lead member of the Panel forming the Examining Authority (ExA)) opened the Preliminary Meeting (PM), welcomed those present, and explained the practical arrangements for the meeting. The other members of the Panel also introduced themselves: **Annie Coombs** (AC); **Richard Rees** (RR); and **Stephen Roscoe** (SR).

FF explained that the Panel were appointed by the Secretary of State for Communities and Local Government to be the Examining Authority for this examination and to report to the Secretary of State for Energy and Climate Change with a recommendation as to whether the Development Consent Order (DCO) should be made. The Panel will investigate matters they think are important and relevant to their decision; particularly those that are contentious, during the next 6 months. After that they have 3 months to report to the Secretary of State with their conclusions and recommendation as to whether consent should be given. It is the Secretary of State for Energy and Climate Change who will take the final decision.

FF noted that the Panel has read the application documents, and all relevant representations. They also undertook an unaccompanied site inspection of the area in April, in order to familiarise themselves with aspects of the application. A note of this is available on the National Infrastructure Planning website.

FF explained that the purpose of the PM was to consider procedural issues only, relating to the way in which the application is to be examined and the timetable for that examination. She noted that the examination will commence after the PM closes. The Panel will then publish what is known as a 'Rule 8' letter. This will include a brief note of the meeting and, with whatever modifications, the examination timetable. The Panel did not propose to make any procedural decisions at the PM.

2. Examining Authority's remarks about the examination process

FF outlined the purpose of the Examination of the proposal under the Planning Act 2008 (PA2008), explaining that it is an inquisitorial process, in which the ExA takes the lead in establishing what is important and relevant to the decision which the Secretary of State needs to take. She noted that the process is a largely written process, although there is also provision for certain types of hearings.

FF stated that after today's meeting the Panel will send out a letter (the 'Rule 8' letter) which will include the Panel's first round of written questions to a range of parties. These questions will draw on the Panel's own examination of the application documents and the Relevant Representations made by Interested Parties and Statutory Consultees. It was noted that if the Panel asks a question which covers the same ground as a point which an Interested Party wishes to make in their written representation, then they should ensure that the question is answered in the terms that the Panel ask it. The point may still be included in the written representation, but there should be consistency of responses, and cross-references should be made where appropriate.

FF noted that there may then be a second round of questions and answers. In addition to these iterations of questions, answers and comments the Panel may at any time during the examination seek further information or written comments under either Rule 10(4) or Rule 17 of the Infrastructure Planning (Examination Procedure) Rules. She explained that there will also be hearings, but these should be understood as building on the foundations of the written representations, questions and comments. So Interested Parties should seek to engage fully throughout the written processes rather than think that they can wait for a particular hearing as their opportunity to influence the proceedings. Any document that any party wishes the Panel to consider will become an examination document, formally lodged as part of the examination process and available to all parties.

FF explained that there are three different sorts of hearing under the PA2008: Open Floor Hearings; Compulsory Acquisition Hearings; and Issue Specific Hearings. The draft timetable of the Panel's letter dated 11 May 2016 identified dates by which Interested Parties must give notice of their wish to be heard at an Open Floor Hearing and at a Compulsory Acquisition Hearing, as well as the provisional dates for such hearings.

FF stated that the report which goes to the Secretary of State will have as its core the Panel's recommendation as to whether the draft Development Consent Order, either in its current form or more likely as amended during the examination, should be approved. It will also contain recommendations on what land should be subject to compulsory acquisition if the Secretary of State approves the DCO. Even if the Panel do not recommend that consent should be given, they are required to still put forward what they consider would be the most appropriate DCO if the Secretary of State goes against that recommendation. The important point is that all matters relating to the draft DCO are integral parts of the Examination.

FF noted that the Richborough Connection Project is defined as a Project of Common Interest as set out by the EU Regulation on guidelines for trans-European energy infrastructure (known as the TEN-E Regulation). It is included as part of the 'Cluster Belgium' as it is necessary to connect the proposed Nemo Link between the UK and

Belgium to the National Electricity Transmission System. She then asked the Applicant (Nick Brown on behalf of **National Grid**, (NG)) whether they are content that the timing of the examination, and the subsequent decision process, will accord with the TEN-E Regulations.

NG responded that they were content.

3. Principal Issues

SR noted that the Panel's initial assessment of principal issues arising from the application was circulated as Annex B of their letter of 11 May 2016, and is broadly based on the matters set out in the National Policy Statements for Energy and for Electricity Networks Infrastructure. Whilst this list is likely to form the basis of the Panel's report, they may not necessarily ask for information on each of these issues during the examination. They will only ask questions where they have a query or seek further information. The parties do however have the opportunity to submit more details, if they so wish, in the form of Written Representations in accordance with the timetable. He noted that the list of principal issues is not intended to be exclusive. If any other issues arise which appear to be important and relevant, they will also become part of the Examination.

SR noted that the Panel had received submissions in relation to their initial assessment of principal issues. He noted that that Christine Jenkins had raised a point about the value of providing customer survey information on potential impact. He stated that the provision of evidence is really a matter for the parties involved, and it was for parties to decide what you wish to put into the examination, although it is useful for the Panel to have evidence to support opinions. On the other hand, it was noted that a good point is not made any better by repetition. With regard to flood risk, this is also a principal issue and the Panel will have various questions on this subject during the examination, and it may also form part of an Issue Specific Hearing. If there were specific questions to raise about the Applicant's flood risk assessment, there would be the opportunity to submit these under Written Representations.

Christine Jenkins, Nethergong Camping (CJ), asks whether she could influence the timing of the site inspections, as she would like one during the day to assess the visual impact while the campsite is full, and in the evening to assess the noise impact when it is quiet. **SR** noted that this was a timetable related issue and there would be an opportunity to raise this point later in the meeting.

SR continued by noting that submissions had also been received by Canterbury City Council regarding the scope of the Broad Oak principal issue. He explained that the principal issue as set out included effects on both the settlement of Broad Oak and on the reservoir proposal, so that is where the matter is covered in terms of the principal issue. He drew attention to the fact that the principal issues do not necessarily directly relate to the hearings. In the example of Broad Oak, the draft timetable included the opportunity for an Open Floor Hearing, and that is where people would be able to make statements to the Panel in addition to their written submissions. The timetable also includes an opportunity for an Issue Specific Hearing on the Broad Oak reservoir, and this is where more technical matters relating to the reservoir proposal would be considered.

Cherry Jones, Canterbury City Council (CCC) thanked the Panel for clarifying the point.

SR then turned to the issue of alternatives. He noted that these were considered under three of the principal issues: Broad Oak, including alternatives as it relates to the settlement and reservoir proposal; Compulsory acquisition, as one of the tests that have to be applied; and Landscape, which comes from the National Policy Statements. He noted, on alternatives, it was important to keep in mind that the proposal the Panel were examining was the proposal within the application; an overhead line. In terms of alternatives what will be examined will be the process by which the Applicant has arrived at this proposal and how and why any other alternatives have been set aside.

Hereward Philpott QC, on behalf of South East Water (SEW), considered that, with regard to alternatives, EN-1 makes clear that alternatives are not relevant only in so far as the Applicant has considered them. EN-1 allows for alternatives to be considered where the law makes them relevant, and one of the instances where the law makes them relevant is where need is relied upon to overcome adverse impact, and this was the case here. If, during the examination, the Panel conclude that there are adverse impacts that can be avoided by alternatives that have been put before the Panel and National Grid then they will be relevant and will need to be considered in the light of what EN-1 says about alternatives. The procedural point about alternatives raised by SEW was that the Issue Specific Hearing about Broad Oak reservoir will need to look at a lot of technical material and this will take up quite a lot of time. There is a concern from SEW that if this hearing also has to deal with the issue of alternatives this could eat into the time available. It may therefore be worth considering having a later Issue Specific Hearing to cover alternatives.

SR noted that the Panel would not be making any procedural decisions today, but would consider all the comments made.

4. Draft Timetable for the Examination

Deadlines for Submissions

AC provided further information with regard to the draft Examination timetable and the deadlines for submission. It was noted that there were a total of eight Deadlines that parties would need to meet; and all submissions must be submitted by the deadlines specified in the Examination timetable, which are 11.59pm on the date specified (unless otherwise stated). Timely submissions in advance of the submission deadlines are encouraged, and if written representations or responses are not received by the dates specified in the Examination timetable, the ExA may disregard them. It was also noted that at any time after the last Deadline or event set out in the timetable, the Panel may decide under section 99 PA2008 that the Examination is complete, and parties would be told that this had happened.

AC then provided further detail with regard to the individual Examination timetable. With regard to Deadline 1 it was noted that Statutory Parties should register to become an Interested Party by the deadline shown in the draft timetable otherwise they will cease to be a part of the Examination and will not receive any further communication from the ExA during the course of the Examination.

AC noted that Deadline 1 is also the deadline for updated Habitat Regulation Assessment (HRA) matrices from the Applicant. She then briefly explained the HRA process, noting that as matters relating to possible implications for European Sites of this application are likely to be relevant to this Examination, the ExA need to ensure that sufficient information is available to the Secretary of State, as the competent authority, for her to be able to carry out an appropriate assessment of the effects of the scheme under the Habitats Directive. As well as requiring updated matrices from the Applicant, the Panel will ask questions, and based on those responses, revise and further prepare the matrices. These will then be issued for consultation to Interested Parties in the form of a Report on the Implications for European Sites (RIES). The report, along with any consultation responses, will be submitted, to the Secretary of State alongside the Panel's Report and Recommendation on the application.

AC explained that Deadline 2 in the examination timetable was for a large number of submissions, including answers to the first round of questions, the Local Impact Reports, Written Representations, and various other submissions.

AC moved on to looking at Deadline 3 to 8 in the draft examination timetable, noting that the Applicant had made representations in their letter of 27 May 2016 regarding Deadline 3. **NG** explained that they had requested Deadline 3 be moved to Friday 5 August as there would be a large amount of information being submitted for the Deadline 2 submission and they would appreciate extra time to review and respond to these submissions.

Mark Chandler (GW Finn & Sons), representing several landowners (MC), queried whether the responses to the Panel's questions would also need to be submitted for Deadline 2. **AC** confirmed that the responses to the questions and the Written Representations should all be submitted by Deadline 2. **MC** was concerned that it might not be practicable to respond to this deadline given the number of potential questions and the responses they might have to submit. He requested that the deadline be moved back a possible extra week or two. **AC** stated the Panel would give consideration to this and all other requests.

AC then took comments from attendees relating to the notifications relating to hearings and site inspections. **NG** highlighted the need (under the Infrastructure Planning Examination Procedure Rules) for the Applicant to provide notice of each hearing not later than 21 days before the commencement of the hearing. The draft timetable does not currently provide sufficient time for this to be carried out due to newspaper publication dates. The Applicant therefore requested that either they were informed of the date earlier, or that the Panel (under Rule 13 of the Infrastructure Planning Examination Procedure Rules) allow the Applicant to provide a shorter period of time for the notice of the hearings.

Statements of Common Ground

AC moved on to the deadline relating to Statements of Common Ground (SoCG). She noted that the Applicant had commenced work on certain SoCGs, and the Panel had (in their letter dated 11 May 2016) requested additional topics and/or parties they would like to see covered. She noted that the real value of a SoCG is generally in identifying the points that are still at issue between parties, or the 'uncommon ground'. A SoCG can be used to answer questions, and where questions can be fully

addressed by matters set out within a SoCG then there is no need to repeat the information provided. Whilst the Panel hoped to receive signed versions of SoCGs by Deadline 2, they anticipate that over the course of the Examination, areas of issue between Interested Parties might be resolved, such that the 'uncommon ground' might then become 'common ground' between parties. The information available at the time to meet the dates set by the Examination timetable should be submitted; and work be continued to seek confirmation of agreed information; and areas of difference with reasoning.

NG stated that they were well advanced with a number of SoCGs, and a number had already been signed. They will endeavour to agree SoCGs, and also identify the areas of "uncommon ground". They noted that the Panel had requested the Applicant to agree SoCGs with four additional parties: British Telecommunications plc, EDF Energy Networks; Southern Electric Gas; and Virgin Media. In relation to the four requested by the Panel they have been written to, but the Applicant has not made progress with them, and they have not made any representations in relation to the application.

SR noted that the important point was that it was a "request", and it might be a request that the Applicant is not able to comply with. It was explained that the Panel has to consider the tests under PA2008, and although these parties appear in the Book of Reference, no representations have been received from them yet. If the request for a SoCG was made to these bodies, and then declined and that passed back to the Panel, then the Panel would have that as an examination document.

NG made a further point with regard to SoCGs, proposing that an overarching document for SoCGs would be submitted at each relevant deadline, which would detail the status of each SoCG at that deadline, and include a statement of commonality. This would provide a summary position and reference guide to the various SoCGs submitted.

The meeting broke at 11:25, resuming at 11:40

5. Hearings and Accompanied Site Inspections

Accompanied Site Inspections

RR reiterated that the Panel had already carried out a number of unaccompanied site inspections during an initial visit to the area of the proposed development between 20 and 22 April 2016 to familiarise themselves with the location of the proposed development and the general surroundings. He explained that the purpose of accompanied site inspection is two-fold; firstly to visit particular places that Interested Parties wish the Panel to examine, and secondly, to visit by prior arrangement sites that are on private property and thus not normally accessible to the inspection by the Panel. The Panel is proposing to reserve two days for an accompanied site inspection in July with a further day reserved in October. The intention is for the Panel to view areas of interest within the application. If there are specific places that parties would wish the Panel to visit, they should let the Panel know by Deadline 1.

Hearings

RR reiterated that there are three different sorts of hearing under the PA2008: Open Floor Hearings; Issue Specific Hearings; and Compulsory Acquisition Hearings. The purpose of these hearings is for the Panel to build on their knowledge obtained from the written representations, answers to questions and comments. Interested Parties should seek to engage fully throughout the written processes rather than view a particular hearing as their opportunity to influence the proceedings. He confirmed that it was the Panel's intention to issue agendas for all hearings on the infrastructure pages of the Planning Inspectorate website about 7 days in advance of the particular hearing.

Open Floor Hearings

RR noted that Open Floor Hearings must be held if requested by any Interested Party. Their purpose is to enable each Interested Party to make oral representations about the application. Anyone who speaks at an OFH should expect that the Panel will wish to ask them questions in respect of their representation. Requests from Interested Parties to speak at an OFH should be made by Deadline 1, 21 June 2016.

Issue Specific Hearings

RR explained that Issue Specific Hearings are held if the Panel decides that they are necessary to ensure adequate examination of technical issues in question, or to ensure that an Interested Party has a fair chance to put their case. Two hearings relating to the Development Consent Order (DCO) had currently been programmed, with the purpose of the hearings to understand how the draft DCO is intended to work and what concerns the various parties might have. The DCO starts as the Applicant's document, and end up as the Panel's, regardless of whether or not we recommend acceptance of the proposed scheme. It is important to understand that any draft DCO or any comments made in respect of that draft DCO are made without prejudice to the final recommendation the Panel may ultimately make. As such, all parties are encouraged to comment on the draft DCO even if they object to the proposal itself. Notification of a wish to make oral representations at the first of these meetings should be given by Deadline 1.

RR noted that with regard to other types of Issue Specific Hearings the Panel have programmed hearings for the Broad Oak reservoir proposal on 29 July 2016, and landscape and visual effects and traffic and transportation between 28 and 30 September 2016. Formal notification of the date time and place of these will be issued on 29 June 2016 and 19 August 2016 respectively. These Issue Specific Hearing headings are indicative only at this stage. He noted that there may be a need for additional Issue Specific Hearings during the examination and the Panel will notify Interested Parties in due course of the details of these.

Compulsory Acquisition Hearings

RR noted that Compulsory Acquisition hearings must be held if requested by any affected person, and these hearings were the place and opportunity for people whose land or rights may be affected by the proposals to make their representations orally. The deadline for notifying the Panel of a wish to have a Compulsory Acquisition Hearing is Deadline 3.

RR concluded by noting that asking questions (not cross-examination) at any Issue Specific or Compulsory Acquisition Hearing is at the Panel's discretion. However, the Panel may decide that cross-examination is desirable in a particular hearing even if they have had no submissions on the particular point. They shall not be making any decisions today about this, but will decide on the day what approach is appropriate.

Michael Bullen, Foxhill Stables (MB), commented that he thought there may be a need to allow more time for the site inspections given the amount of sites that would need to be viewed. **RR** stated that the Panel would consider this following the deadline for suggested site inspection locations.

Adrian Fox, representing Dover District Council (DCC), sought clarification as to when noise and construction issues would be heard as this was an outstanding issue that they had and would need to ask their environmental health officers to attend. **RR** stated the Panel would consider this when putting together the final examination timetable.

Fiona Runacre, also representing Dover District Council (DCC), noted that it would also be useful that if there were technical issues to be discussed in the DCO hearings advice was given by the Panel as to whether technical experts needed to attend. **RR** stated that the Panel would also give consideration to this issue. **FF** added that the Panel would let parties know as soon as possible what Issue Specific Hearings would be held, and in the agendas for those hearings the Panel will include a list of organisations that they would wish to attend.

6. Procedural Decisions

FF turned to Annex D of the Panel's Rule 6 letter of 11 May 2016, which detailed a number of procedural decisions taken by the Panel.

Publication of Errata and Supplementary Information provided by the Applicant

FF noted that in response to the Section 51 advice, given by the Planning Inspectorate following the acceptance of the application, the Applicant had submitted errata and supplementary information which had been published on the National Infrastructure Planning website. Any comments from parties on these submissions should be submitted by Deadline 2 in the examination timetable.

Schedule of Mitigation

FF asked the Applicant to detail their concerns on the Schedule of Mitigation. **NG** wanted to be certain of what the Panel were asking for. **AC** noted that work by the Applicant had already gone into preparing the Embedded Environmental Measures Schedule [Doc 5.4.3b - APP-063] and the Panel could see that the level of detail would be helpful to the discharging authorities post consent (if consented). She explained there were four areas where the Panel will need information:

- Links back to the Environmental Statement and No Significant Effects Report (NSER) paragraph numbers (eg for the 'potential effects' and the 'measures' columns), so it is clear what adverse effect the measure is mitigating; (This is

because the Panel have noted places where the mitigation does not accord with what's said in the NSER/ES). In particular for the HRA, it is necessary to be explicitly clear on what mitigation measures are being relied upon to reach the conclusion of no likely significant effect (LSE) and how these are secured.

- Accurate referencing to requirements and more detail in the links to documents such as the Construction Environmental Management Plan (CEMP), Biodiversity Mitigation Strategy (BMS)
- Cross referencing accurately to application documents – eg the Panel can find no such document as a 'landscape mitigation strategy' - yet this is cited as a delivery mechanism; and
- A column with the name of the discharging authority(s).

AC noted that the Panel will set out in the Rule 8 letter indicating whether these should be separate elements or whether they can be incorporated into what has already been submitted.

Additional Photomontages

AC explained that the Panel had requested additional photomontages in the Rule 6 letter to give the Applicant time to prepare these documents. She noted that the Applicant had requested further clarification on these requests in their letter of 27 May 2016.

NG confirmed that they were seeking clarification from the Panel on the photomontages request, and these were all set out in the schedule to their letter. He then detailed the requests set out in the schedule (see https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020017/EN020017-000711-National_Grid.pdf)

AC stated that it was the Panel's intention that the requests for additional photomontages were all from public viewpoints or highways. **MC** confirmed that where access was needed from private properties some of the landowners may be willing to allow access for the photomontages to be taken. He noted that for some locations may be more appropriate to take photomontages from private locations to ensure the impact of the proposal is understood. **AC** asked parties to bear in mind that they could request the Panel view locations that may require private access.

SEW noted that they had made a direct request to NG for additional photomontages to be prepared, and this was currently being considered by NG. If the request was not satisfied they will set out in their written representation what they think is needed and why, which will allow the Panel to consider this and if necessary make requests in the second written question.

CJ asked whether a specific photomontage could be requested from the riverbank of the campsite across to the church, as this has not been provided. **AC** replied that the Panel would consider that, but also note the request that the Panel visit that location to view it for themselves.

Alan Holden, representing Board Oak Preservation Society (BOPS), noted that they had made an initial request for three additional photomontages, as it was felt the viewpoints and directions of the photomontages already submitted looked between pylons rather than at them. They therefore suggested that there should be two from

Mayton Lane close to Nook Farm where there are views from the public highway. They also suggested an additional photomontage from the entrance to Goose Farm.

MB suggested that if the Panel sought more photomontages from the Applicant, they may save time in visiting the locations. **AC** confirmed that the Panel would be using both methods in the examination.

NG added that if they were requested to do additional photomontages they did take time to do, and therefore they might not be ready to be submitted for Deadline 2.

Other Procedural Decisions

FF highlighted the other procedural decisions made by the Panel in the Rule 6 letter, including: a request for revised screening matrices in relation to Habitats Regulations Assessment; details of the Panel's unaccompanied site inspections; a request for a schedule in relation to Crown Land negotiations and in relation to negotiations with statutory undertakers; and a reminder that any Interested Party who wishes to be heard at an open floor hearing needs to notify the Panel by Deadline 1.

7. Any Other Business

NG asked the Panel when the Rule 8 letter and questions might be available. **FF** explained that the Panel would not be making any procedural decisions at this meeting.

FF thanked the parties for attending, and stated the Panel would send out a letter (known as the Rule 8 letter) as soon as practicably possible which will confirm the timetable and any other procedural decisions they may take as a result of today's discussion.

The meeting closed at 12:22.