

Mr Chris White  
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Your Ref  
EN020017  
Our Ref  
TZM/ENB/005694.Y067224  
Date  
8 September 2016

Dear Chris

**Proposed National Grid (Richborough Connection Project) Order  
Applicant's Submissions - Deadline 4**

In accordance with the Examination Timetable, please find enclosed the applicant's submissions to the Examination in respect of Deadline 4. Full details of the submissions are provided within the remainder of this letter and the enclosures are also listed in full at the foot of this letter for ease of reference.

Electronic copies of the submission documents, saved on 8 USB's, are enclosed with this letter. Any documents which are required in hard copy will be delivered to you shortly.

In order to assist the Examining Authority and Interested Parties in navigating the latest submissions, and to explain where application documents have either been superseded or supplemented, the applicant has updated its Guide to the Application (**Doc 1.4(E)**).

**1 Responses to Examining Authority's second round of written questions**

The applicant's Responses to the Examining Authority's second round written questions (**Doc 8.26**) together with associated appendices (**Doc 8.26.1**) are now enclosed.

**2 Revised Draft Development Consent Order (DCO)**

In response to the Examining Authority's request, the applicant now encloses an updated Draft DCO (**Doc 2.1(B)**). This version supersedes the Draft DCO submitted to the examination by the applicant at Deadline 2 (**Doc 2.1(A)**). All proposed drafting amendments to the version submitted at Deadline 2 have been track changed for ease of reference. In addition, an explanation of the major amendments made to the draft DCO since the version submitted at Deadline 2 can be found at Schedule 1 to this letter.

As requested by the Examining Authority, six further hard copies of the updated DCO (**Doc 2.1(B)**) will be delivered to the Planning Inspectorate, shortly after Deadline 4.

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### 3 Crown land

As explained in the applicant's responses to the Examining Authority's first round of written questions, discussions with The Crown Estate have been carried out separately for the two types of land in which The Crown Estate have an interest.

#### Land where The Crown Estate is freehold proprietor

This includes plots 1020, 1046, 1056, 1059, 1389, 1392, 1429, 1439, 1446, 1449, 1451, 1456, 1458, 1593, 1597, 1615, 1616, 1633, 1636, 1658, 1663 and 1675 in the Book of Reference (**Doc 3.3**).

The applicant and The Crown Estate have agreed terms in principle and legal agreements are in circulation between the parties. The applicant will notify the Examining Authority of completion by Deadline 5 or as soon as possible hereafter.

#### Land that is 'subject to escheat'

This includes plots 30, 38, 47, 61, 65, 74, 76, 91, 93 and 95 in the Book of Reference (**Doc 3.3**). The land comprises estate roads and paths in the area of Headcorn Drive in Canterbury and is only required by the applicant in connection with the dismantling of the existing 132kV line comprised in Work No 6A. No new infrastructure is to be located on this land pursuant to the proposed development.

Please see the applicant's response to **Written Question 2.4.14 (Doc 8.26)** for details of the latest position.

### 4 Compulsory Acquisition

The applicant's updated Compulsory Acquisitions Objection Schedule, which reports on the status of negotiations with affected persons in respect of the compulsory acquisition of land, is enclosed (**Doc 8.28**). This version supersedes the Compulsory Acquisitions Objection Schedule submitted to the Examining Authority at Deadline 2 (**Doc 8.2.1, Appendix I**), in response to Written Question 1.4.17.

### 5 Hearing note on actions raised by the Examining Authority

Further to the Issue Specific Hearing on the Development Consent Order that took place on Thursday 28 July 2016, the applicant encloses a hearing action note in respect of actions requested by the Examining Authority for Deadline 4 (**Doc 8.25**).

### 6 Draft agreement under Section 106 of the Town and Country Planning Act 1990

Discussions between the applicant and the Councils regarding an agreement under Section 106 of the Town and Country Planning Act 1990 continue and, whilst significant progress has been made, the terms of such an agreement are yet to be finalised.



In order to assist the Examining Authority in understanding the latest position with regards to discussions between National Grid and the Councils, the applicant encloses a *Position Statement on the Draft Section 106 agreement (Doc 8.27)* submitted jointly with the Councils.

The applicant can confirm that discussions with the Councils will continue and the applicant is hopeful that a completed Section 106 agreement can be provided to the Examination by Deadline 5 or as soon as possible thereafter.

## **7 Planning Statement**

In response to **Written Question 2.2.8** and **2.12.25 National Grid confirms that it agrees with the Dover District Council's** suggested amendment to the Planning Statement (**Doc 7.1**) with regards to local planning policy relating to Local Wildlife Sites (LWSs) and hedgerows. The text would now state 'the proposed development accords with the requirements of identified local planning policy relating to LWS and hedgerows. It is not considered necessary to update and resubmit the Planning Statement for such a minor change, therefore this errata has been acknowledged in this cover letter accompanying the Deadline 4 submissions.

## **8 Third Party Deadline 3 Submissions**

Please see enclosed two response documents (**Doc 8.29** and **Doc 8.30**) in relation to written submissions received by the Examining Authority from Interested Parties at Deadline 3.

## **9 Other Updated Documents**

### ***Construction Environmental Management Plan (CEMP)***

The applicant has made minor updates to the CEMP (**Doc 5.4.3C(B)**) to correct any incorrect references and make a small number of clarifications and encloses the revised version with this letter. This version replaces the version submitted to the examination by the applicant at Deadline 2 (**Doc 5.4.3C(A)**).

### ***Statements of Common Ground***

Further to the Examining Authority's request in its letters of 11 May 2016 and 16 June 2016, the applicant encloses updates to three of the Statements of Common Ground and one new topic based Statement of Common Ground between the applicant and South East Water (SEW) prepared pursuant to action point 3 arising from the Issue Specific Hearing on the effect of the Application on the Broad Oak reservoir proposal, held on 29 July 2016, as follows:

- Statement of Common Ground Kent County Council (Highways/PRoWs) (**Doc 8.4.5(A)**);
- Statement of Common Ground Marine Management Organisation (**Doc 8.4.9(A)**);

- Draft Topic Specific Statement of Common Ground with South East Water (**Doc 8.4.11.1**); and
- Statement of Common Ground UK Power Networks (**Doc 8.4.14(A)**).

The updated Statements of Common Ground with Kent County Council (Highways/PRoW); Marine Management Organisation and UK Power Network supersede the equivalent versions of those documents submitted at Deadline 2 or 3.

The draft Topic Specific Statement of Common Ground with SEW is not yet agreed.

As indicated in our answer to **Written Question Q 2.3.1**, it was agreed between the parties that the table in the Schedule to the Statement of Common Ground would be populated by 19 August 2016. The applicant's response contained in the Schedule was shared with SEW on 19 August 2016.

It was agreed at the meeting of 9 August that iterations of the document would be shared between the parties and agreed as far as possible. SEW and the applicant would have editorial responsibility for their respective tables in the Schedule. The summary would then be written and agreed by the parties. As a result, the summaries in the draft Statement of Common Ground, prepared by SEW neither accurately reflect the discussions that took place last month nor the applicant's position.

Drafts have been circulated and progressed, however, SEW did not produce a final draft of the populated table for the applicant to review and comment upon until today, 8 September 2016, (received by email timed at 2.54pm).

The draft Topic Specific Statement of Common Ground submitted at Deadline 4, therefore, includes the applicant's response as at 19 August 2016 due to the limited time the applicant has been provided with to comment on the changes made by SEW.

A revised Statement of Commonality of Statements of Common Ground (**Doc 8.4(B)**), to reflect these updates, is also enclosed and replaces the version submitted to the examination at Deadline 3 (**Doc 8.4(A)**).

### ***Design Drawings***

As requested by the Examining Authority in **Written Question 2.7.23**, the applicant encloses amended Design Drawings (**Doc 4.14(A)**) in order to illustrate, at Sheet 1, the pylon heights associated with the proposed development.

### ***Arboricultural Impact assessment Addendum***

As set out in the applicant's response to **Written Question 2.2.19**, an updated Arboricultural Impact Assessment Addendum incorporating revised *Figures 31.3a to 31.3v* is enclosed (**Doc 5.4.31.1(A)**).

***Environmental Statement Consolidated Errata and Changes***

This document (**Doc 5.2.1(A)**) has been updated to detail further errata in, and amendments (including updates) to, the Environmental Statement (ES) (**Docs 5.1-5.4**) which was submitted as part of the DCO application in January 2016, resulting from the Examining Authority's second round of Written Questions.

This version replaces the version submitted to the Examination by the applicant at Deadline 2.

I hope that the above is of assistance to the Examining Authority in navigating the applicant's submissions in respect of Deadline 4, however please let me know if I can assist further.

I would also be grateful if you would please acknowledge safe receipt of the enclosed documents.

Yours sincerely



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Enclosures (8 USB sticks):

- (1) Updated *Guide to the Application* (**Doc 1.4(E)**);
- (2) Updated *Draft Development Consent Order* (**Doc 2.1(B)**);
- (3) Updated *Design Drawings* (**Doc 4.14(A)**);
- (4) Updated *Environmental Statement Consolidated Errata and Changes* (**Doc 5.2.1(A)**);
- (5) Updated *Construction Environment Management Plan* (**Doc 5.4.3C(B)**);
- (6) Updated *Arboricultural Impact Assessment Addendum* (**Doc 5.4.3I.1(A)**);
- (7) Updated *Statement of Commonality of Statements of Common Ground* (**Doc 8.4(B)**);
- (8) Updated *Statement of Common Ground Kent County Council (Highways/PRoWs)* (**Doc 8.4.5(A)**);
- (9) Updated *Statement of Common Ground Marine Management Organisation* (**Doc 8.4.9 (A)**);
- (10) *Draft Topic Specific Statement of Common Ground with South East Water* (**Doc 8.4.11.1**);
- (11) Updated *Statement of Common Ground UK Power Networks* (**Doc 8.4.14(A)**);
- (12) *Applicant's hearing note on actions requested at the ISH on the Development Consent Order* (**Doc 8.25**);
- (13) *National Grid's Responses to Examining Authority's 2nd Round of Written Questions (Deadline 4)* (**Doc 8.26**);
- (14) *National Grid's Responses to Examining Authority's 2<sup>nd</sup> Round of Written Questions Appendices (A to L)* (**Doc 8.26.1**);
- (15) *Position Statement on draft s. 106 Agreement* (**Doc 8.27**);
- (16) Updated *Compulsory Acquisitions Objection Schedule* (**Doc 8.28**);
- (17) *Applicant's Response to SEW Deadline 3 Submissions* (**Doc 8.29**); and
- (18) *Applicant's Response to points raised in 3<sup>rd</sup> Party Submissions at Deadline 3* (**Doc 8.30**).

## SCHEDULE 1: UPDATES TO DRAFT DEVELOPMENT CONSENT ORDER

### 1 Introduction

- 1.1 This schedule explains the main changes that have been made to the draft of the Development Consent Order (DCO) (**Doc 2.1(A)**) submitted at Deadline 2.
- 1.2 The changes to the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**) reflect points raised in questions received from the Examining Authority (which have resulted in drafting changes), points raised at the Issue Specific Hearing on the DCO on Thursday 28 July 2016 and comments made by Interested Parties in submissions to the Examining Authority.
- 1.3 The opportunity was also taken to make some further drafting amendments to the draft DCO to improve the clarity of the drafting or to correct typographical errors. No explanation is provided for these changes in so far as they are self-evident or self-explanatory.
- 1.4 All changes made to the DCO have been tracked to show the amendments made to the version submitted at Deadline 2.

### 2 Article 2 (Interpretation)

- 2.1 In response to comments made by the Examining Authority at the first Issue Specific Hearing on the DCO, a number of minor drafting amendments have been made to this article so as to make clear that the plans, schemes and strategies underneath the Construction Environment Management Plan (CEMP) are part of, and included with, the CEMP.
- 2.2 For example, the words "*accompanying the CEMP*" have been replaced by the words "*included as part of the CEMP*" in the definition of '*Biodiversity Mitigation Strategy*' (BMS). This drafting change is replicated in each of the definitions of the plans, schemes and strategies incorporated by the CEMP, in Article 2 (Interpretation).
- 2.3 The definition of '*Environmental Statement*' (ES) now refers to the ES consolidated errata and changes document (**Doc 5.2.1**) rather than the Navigation Document, as this is considered by the applicant to be a more appropriate reference.
- 2.4 In order to make clearer the drafting of Articles 28 and 29 of the draft DCO (**Doc 2.1(B)**), a definition of '*foundations*' has been included in Article 2 (Interpretation). Wording which, in effect, duplicates that included in this new definition has accordingly been removed from Articles 28(5)(c) and 29(5)(c).
- 2.5 In addition, an appropriate definition of the '*Noise and Vibration Management Plan*' (NVMP) has been provided in Article 2 (Interpretation). This reflects the fact that the NVMP is a plan now incorporated by the CEMP pursuant to Requirement 5 (CEMP) and to be certified by the Secretary of State under Article 43 (certification of plans, etc). In the same way as the BMS and other plans, schemes and strategies incorporated by the CEMP, an express definition of the NVMP is provided in Article 2 (Interpretation).

2.6 Finally, the definition of “*Requirements*” in Article 2 (Interpretation) has been amended to reflect discussions at the first Issue Specific Hearing.

### **3 Article 27 (Acquisition of part of certain properties)**

3.1 Following comments made by the Examining Authority at the first Issue Specific Hearing on the DCO, this Article, which was included in the iteration of the draft DCO submitted at Deadline 2 (**Doc 2.1(A)**), has been deleted from the iteration of the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**). As explained in the applicant’s Hearing Note on Actions Requested for Deadline 4 (**Doc 8.25**), this article is not required as there is no outright acquisition of land under this draft DCO.

### **4 Article 28 (Temporary use of land by National Grid) and Article 29 (Temporary use of land by UK Power Networks)**

4.1 In response to concerns raised by the Examining Authority at the first Issue Specific Hearing on the DCO, these articles have been amended so as to clarify the extent to which both the applicant and UK Power Networks will be required to remove foundations below surrounding ground level.

4.2 A new definition of “foundations” has been added to Article 2 (Interpretation) as explained above.

### **5 Schedule 2 (Plans and drawings)**

5.1 As explained at the first Issue Specific Hearing on the DCO, reference to sheet numbers has been included in Part 9 (Works Plans) of Schedule 2 (Plans and drawings) for clarity. For consistency, references to sheet numbers have been added to the other plans in the schedule, where appropriate.

### **6 Schedule 3 (Requirements)**

#### Requirement 5 (CEMP)

6.1 As explained at paragraph 2.3 above, the NVMP has been moved from Requirement 6 (Approval and implementation of construction mitigation plans) to Requirement 5 (CEMP), as this is now a plan included in the CEMP as submitted at Deadline 2 and to be certified by the Secretary of State under Article 43 (certification of plans, etc.). The definition of NVMP, which is now included in Article 2 (Interpretation), has also been removed from Requirement 1 (Interpretations).

6.2 The words “*where required*” have been deleted from Requirement 5(4) so as to make clear that the relevant planning authority must consult with Natural England before agreeing to any change in the implementation of the (as approved) Biodiversity Mitigation Strategy (**Doc 5.4.3E**) by applicant.

Requirement 6 (Approval and implementation of construction mitigation plans)

- 6.3 As explained in National Grid's response to **Written Question 2.5.8**, reference to Natural England as a body to be consulted with in relation to the plans, schemes and strategies to be secured under Requirement 6 (Approval and implementation of construction mitigation plans) has been added to Requirement 6(1).
- 6.4 Revised drafting has been included at Requirement 6(2) to reflect the alternative form of wording proposed by the Examining Authority in **Written Question 2.5.9**.

Requirement 7 (Construction hours)

- 6.5 Requirement 7(2) has been included in the latest iteration of the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**) in order to reference the restricted activities in those locations identified at Table 1.3 of the Noise and Vibration Management Plan (**Doc 8.8**) where restricted working hours are to apply, unless otherwise approved by the relevant planning authority.

Requirement 8 (Mitigation planting)

- 6.6 A minor amendment has been made to reflect the fact that the Concept Mitigation Planting Plans CMPP (**Doc 8.11**) are indicative plans only and that the final detailed scheme required by Requirement 8 may not be exactly as that shown in CMPP.

Requirement 10 (Retention and protection of existing trees and hedgerows)

- 6.7 As confirmed in the Applicant's response to Written Question 2.5.11, the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**) has been updated to include references to additional addendums provided at Deadline 3 and Deadline 4.
- 6.8 The Applicant has also amended Requirement 10(2)(a) of the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**) to provide greater clarity on the alignment of temporary physical tree and hedgerow protection measures, which now includes, where practicable, a minimum 5 metres stand-off from hedges.

**7 Schedule 9 (Deemed Marine Licence)**

- 7.1 As explained in response to Action Number 50 arising from the first Issue Specific Hearing on the DCO, a definition of '*method statement*' has been included at Part 1 of the Deemed Marine Licence so as to provide greater clarity in relation to the purpose of that document.

**8 Schedule 14 (Protective Provisions)**

- 8.1 Revised protective provisions for the protection of railway interests have been included at Part 4 of Schedule 14 of the latest iteration of the draft DCO submitted at Deadline 4 (**Doc 2.1(B)**).