



Department for
Business, Energy
& Industrial Strategy

3 Whitehall Place
London
SW1A 2AW

Telephone : +44 (0) 300 068 5770
e-mail: giles.scott@beis.gov.uk
Web: www.gov.uk/beis

Your Ref:

Our Ref: EN020017

Date: 31 March 2017

Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended)**

**Application by National Grid Electricity Transmission plc ("the Applicant") for
an Order Granting Development Consent for the Richborough Connection
Project**

**REQUEST FOR COMMENTS FROM THE APPLICANT, THE CROWN ESTATE,
SOUTH EAST WATER, LOCAL COUNCILS, THE ENVIRONMENT AGENCY,
SOUTHERN WATER SERVICES AND UK POWER NETWORKS**

Following the completion of the examination on 8 December 2016, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Business, Energy and Industrial Strategy ("the Secretary of State") on 8 March 2017. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are several issues on which the Secretary of State would be grateful if parties identified in bold below could provide an update or further clarification as necessary.

Farming and Agricultural Practices

The Secretary of State notes that the Construction Environmental Management Plan ("CEMP") submitted by the Applicant to the Planning Inspectorate for Deadline 7 in November 2016 [REP7-018 in the Document Library on the Planning Inspectorate's Richborough project page] did not contain any reference to the provision of a Land Drainage Consultant which had been raised by the Applicant in its submissions to the Examining Authority, most recently in the "Applicant's Response to points raised in 3rd party submissions at Deadline 5 October 2016" (at section 3, paragraph 2.5) [Document Library REP6-016]. The Secretary of State would be grateful if the **Applicant** could include a relevant reference to the Land Drainage Consultant in Table

3C.2.4 at paragraph 2.11.3 of the CEMP and in the construction team diagram at Inset 3C.2.1 and provide updated versions of these documents to the Secretary of State.

Southern Water Services Limited

The Secretary of State would be grateful if the **Applicant and Southern Water Services** could provide an update on whether the proposed agreement between the Applicant and Southern Water Services Limited which is referenced in Action 14 in the "Applicant`s Hearing Note on Actions requested for Deadline 8 at the Issue Specific Hearing on 9th and 10th November 2016" which was submitted to the Examining Authority for Deadline 7, 16 November 2016 [REP7-008 in the Document Library], has been concluded.

Crown Land

The Secretary of State is of the view that, under section 135(1) of the Planning Act 2008, the Secretary of State must obtain consent from the relevant Crown authority before any Order authorising the compulsory acquisition of the interests in Crown land that are held otherwise than by or on behalf of the Crown can be made. The Secretary of State also considers that under section 135(2) of the Planning Act 2008, the Crown authority must grant consent before any Order can be made.

In this context, the Secretary of State notes that the Crown Estate`s letter to the Examining Authority of 6 December 2016 sets out (on a without prejudice basis) that the Crown Estate Commissioners were in the process of agreeing with the Applicant a position in respect of the way in which compulsory acquisition powers of third party interests in Crown land forming part of the Crown Estate might be exercised, which would lead to the Commissioners providing their consent under sections 135(1) and 135(2) of the Planning Act 2008.

The Secretary of State requests an update from the **Crown Estate** and the **Applicant** on where matters stand in relation to the provision of the necessary consents.

Possible Relocation of Pylon PC10

In respect of the compatibility of the proposed development and the possible development of the Broad Oak reservoir, the Secretary of State asks, in particular, the **Applicant, South East Water, the local councils** and the **Environment Agency**, to comment further on whether the movement of pylon PC10 as set out in option 7B [REP8-021 (drawing 4L) in the document Library] would allow for the progression of both the proposed development and the Broad Oak reservoir as presently conceived?

Indemnity within agreements between the Applicant and UK Power Networks

The Secretary of State requests an update from the **Applicant** on whether the `commercial agreement at Richborough` and the `overarching framework agreement` between the Applicant and UK Power Networks ("UKPN") referenced in paragraph 7.3 of the "Applicant`s Written Summary of Case put forward orally at the Compulsory Acquisition Hearing held on 19th and 20th October" submitted to the Examining Authority for Deadline 7, 16 November 2016 [REP6-010 in the Document Library] have now been signed. The Secretary of State would be particularly interested in whether the agreements include any indemnity within them, or any other related mechanism, to ensure that the responsibility for UKPN related compulsory acquisition and other costs lie with the Applicant.

Housing and Planning Act 2016

In relation to the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017, the Secretary of State asks the **Applicant** to submit its views on the necessity of amending Article 25, Article 21 and paragraphs 2(3) and 5 of Schedule 10 of the DCO submitted by the Applicant for Deadline 7 (16 November 2016) [REP7-003 in the Document Library].

The deadline for any response is 5.00pm on 11 April 2017.

Responses to the points outlined in this letter should be submitted by email to richborough@pins.gsi.gov.uk. Please send any hard copy response to the Richborough Connection Project Team, Secretary of State for Business, Energy and Industrial Strategy c/o the Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the project page for the Richborough Connection Project Planning Portal website as soon as possible after **11 April 2017** at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/richborough-connection-project/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Richborough Connection Project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott

Head of Energy Infrastructure Planning and Coal Liabilities