



Meeting note

File reference	EN020017
Status	Final
Author	Siân Evans
Date	19 October 2017
Meeting with	National Grid
Venue	Temple Quay House
Attendees	The Planning Inspectorate Chris White (Infrastructure Planning Lead) Siân Evans (Case Officer) Richard Hunt (Senior EIA and Land Rights Advisor) (part attendance) Emma Cottam (EIA and Land Rights Advisor) Pauleen Lane (Group Manager) (part attendance) National Grid Steve Self (Lead Project Manager Richborough) John Bevan (Senior Consents Officer Richborough) Emer McDonnell (Senior Consents Officer Richborough) Catherine McCloskey (DCO Consents Team Manager) Ken Guest (DCO Manager Richborough) Eloise Frank (DCO Manager North Wales)
Meeting objectives	Richborough Connection project feedback meeting
Circulation	All attendees

Summary of key points discussed and advice given

Introduction

National Grid (NG) and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which NG (or others) can rely.

Pre-application

NG considered that the right number of meetings were held with the Inspectorate for this project, and at the right times. The meeting held approximately six months before the submission of the application was welcomed by the Inspectorate as this was a useful opportunity for NG to highlight all of the key issues.

NG considered it helpful that the Inspectorate met with the local authorities to give them a better understanding of the PA2008 process and thought it useful for messages on this to come directly from the Inspectorate. NG also stated that it would have been helpful if the Inspectorate could have met with some of the statutory parties to inform them about the PA2008 process. The Inspectorate advised that, due to resources, outreach such as this may not be able to take place on future projects.

NG welcomed the opportunity to submit draft documents to the Inspectorate for review and found this a helpful process.

NG valued consistency in the case team from the pre-application stage through to the Examination.

The Inspectorate enquired whether NG considered they had engaged sufficiently with statutory parties and landowners. NG stated that they worked well with various statutory parties and had a good relationship with the landowners and their agents. The National Farmers' Union (NFU) became involved in the process at a later stage and the Inspectorate advised proactively engaging with them earlier on future projects. The Inspectorate believes that the NFU could assist with engagement with landowners and agents to help them understand the PA2008 process and how the Development Consent Order (DCO) might affect their interests.

The Inspectorate enquired about engagement with South East Water (SEW). NG advised that the issue raised and discussed in the Examination was that SEW considered NG should have consulted them at the strategic options stage of the Project. However NG had not identified route corridors at that point or decided on which strategic option they were taking at that stage and so that is why they were not consulted at that early stage.

With regard to any future conflicts between competing policy or proposals the Inspectorate noted that regard is needed to all policies or plans in the decision making process. In accordance with National Policy Statements applicants should also assess any effects of precluding a new development or use proposed in the development plan. This would be particularly the case for other forms of infrastructure or duties of other statutory bodies and to ensure that all potentially relevant National Policy Statements not just the one designated for the applicants own project category under s14.

Acceptance and pre-examination

The Inspectorate stated that it had been picked up during Acceptance stage that some landowners had not been consulted under s42. For future projects the Inspectorate advised NG to complete a check of the Book of Reference against the s42 list of consultees and to explain and justify any discrepancies in the Consultation Report. If further consultation is needed this may extend the pre-examination period.

NG enquired what the criteria is for the appointment of the Examining Authority (ExA). The Inspectorate advised that the Group Manager appoints the ExA under s61 of PA2008 and taking into consideration the Planning Act 2008: Guidance for the examination of applications for development consent, published by DCLG. The Inspectorate advised that the number and complexity of issues identified and the need

for the report to be written in three months are key factors in helping decide the size of the panel.

NG advised that the s55 checklist was very clear. NG commented that the Preliminary Meeting was well planned and managed.

Examination

The Inspectorate advised that it was very helpful to receive a draft route for site inspections from NG which was used to view the proposed line. This could be used by the Panel for unaccompanied site inspections in the pre-examination period and early in the Examination so that the Panel were familiar with the locality. It can also reduce the length of the accompanied site inspection (ASI) if the Panel can visit publically accessible sites beforehand and therefore negate the need for them to be included in the ASI.

The Inspectorate commented that it was useful to have someone who had already engaged with the landowners attending the ASI. It was also very helpful to have the GPS coordinates of each pylon so that the exact location could be identified by all attendees on the ASI.

The Inspectorate commented that the application documents were easy to navigate and the Guide to the Application was a useful document. The Inspectorate commented that it usefully included the reference numbers from the Examination Library and that it showed which documents had been superseded. This Guide is now used as a good example document on the Inspectorate's website.

The Inspectorate advised that the Statement of Commonality for Statements of Common Ground was a useful document. This helped the ExA identify outstanding issues.

The Inspectorate advised that the cover letters for each deadline were also very helpful. These can serve as a checklist to ensure all documents have been received and can assist all parties in navigating large numbers of documents submitted for a deadline.

NG welcomed detailed agendas but enquired whether it would be possible for these to be published earlier, say 10 working days before a hearing, rather than five. The Inspectorate advised that they would endeavour to publish agendas sooner however it was dependant on the examination timetable and deadlines for submission of documents used to inform the agendas.

NG commented that the hearings were well run and it was useful to be able to identify which panel member was dealing with which topic. NG advised that they had chosen witnesses who had been involved directly with the project. The Inspectorate commented that the hearings flowed well due to the witnesses' knowledge of the project.

NG commented that the DCO hearings covered many more topics than they had been expecting from the agendas provided. The Inspectorate advised NG to consider DCO hearings as 'catch-all' hearings, as the DCO is the "implementation" document for the project and therefore covers a wide breadth of issues. NG also enquired whether three

DCO hearings were necessary. The Inspectorate advised that the use of an early DCO hearing had been used on some recent examinations and then it is likely that a further DCO hearing would need to be held towards the end of the Examination.

The Inspectorate advised that the summary of responses produced by NG and provided after the open floor hearings was useful, rather than responding directly to all points raised at the hearings. However the Inspectorate advised NG to consider the appropriateness of this approach for each project as some people may benefit from direct responses to the issues raised at the open floor hearings.

The Inspectorate advised how helpful it was to have someone who knows the application documents well operate the overhead projection at the hearings. NG advised that this facility could be used by other parties and suggested that in future this could be done on a separate table, away from NG, so that other parties are not discouraged from using this facility.

The Inspectorate commented that the audio company were good and ensured the smooth running of the hearings, as did the security team.

NG commented on how helpful it was to receive the hearing action points soon after the close of the hearings. NG advised that it would be helpful if a recap of the action points could also be agreed before the close of the hearing so everyone is clear what the actions are and any points of interpretation agreed. The Inspectorate advised that this could be done but may require a short adjournment before the close of the hearing.

NG enquired on the use of the Compulsory Acquisition (CA) Objections Schedule. The Inspectorate advised that use of it helped to ensure that CA was recorded thoroughly and all issues were addressed during the examination process. Through NG producing this during the Examination it allowed all parties to view it and potentially pick up any errors.

NG welcomed being able to submit documents electronically and only providing hard copies of documents which were requested by the Inspectorate. NG enquired whether documents could be submitted through a file sharing site, rather than on USBs. The Inspectorate advised that some sites were not able to be accessed on the Inspectorate's IT systems and were concerned that documents may be able to be removed from the site and re-uploaded after the Inspectorate had started to process them. However the Inspectorate agreed to look into this.

Environmental Statement

The Inspectorate stated that the documents were generally of a good standard and so any comments should be viewed in the light of improvement to a process that is already working.

The Inspectorate commented that the initial route corridor studies adopted a limited set of environmental criteria eg LVIA, heritage and ornithology rather than water environment, traffic, socio-economic factors etc. NG may need to emphasise key determinative criteria vs criteria used to microsite. The Inspectorate advised NG to consider the future audience.

The Inspectorate advised that the Environmental Statement (ES) would benefit from a more detailed and accurately cross-referenced explanation of how matters raised in the scoping opinion have been addressed. The Inspectorate explained that a new scoping template format is tabulated which should assist this process.

The Inspectorate stated that assessments would benefit from a description of significant effects pre- and post-mitigation as any post application changes. This allows understanding of the effectiveness of stated mitigation and reliance placed on that mitigation. NG confirmed that the approach to undertake the assessment post mitigation as taken in the Richborough ES is a shift that NG has taken which is consistent with guidance and legislation, and it also seeks to reduce the size of the ES. This is an approach that NG may apply on future projects.

The Inspectorate advised that it would be helpful if the trees to be removed could be identified in the photomontages. NG noted that upon request it had provided this detail on an updated set of photomontages.

The Inspectorate commented that it would have been helpful to have evidence of the local authorities sign off for the revised viewpoints described in the landscape and visual impact assessment.

The Inspectorate advised that where different levels of sensitivity are assigned to residential receptors this should be justified.

The Inspectorate advised NG to provide better justification if a transport assessment is not carried out using NATA/WebTAG methodology. An assessment is required for a project likely to have 'significant transport implications' by EN-1, section 5.13.3.

The Inspectorate commented that the criteria used to determine the sensitivity/ value of ecological receptors screened into the assessment were not clarified in the ES (eg geographic value as per CIEEM).

The Inspectorate advised that there was insufficient Water Framework Directive (WFD) assessment information for the Environment Agency (EA) to finalise conclusions about the effects on the water environment, leading to inclusion of a Requirement to provide further information regarding WFD effects at a later date. Further questions on this may be asked in future Examinations. The Inspectorate referred to the Bund für Umwelt ruling and advised that it has recently published a new Advice Note on the WFD. NG advised that there was a signed Statement of Common Ground with the EA and considered that this point was particularly in relation to the interaction with South East Water and its proposed reservoir at Broad Oak.

The Inspectorate advised that the relationship between the Construction Environmental Management Plan and daughter documents was not clear in the first draft of the DCO. The stage at which the daughter control plans would operate was also not clear (eg there was an overlap in construction/ operational mitigation), however the plan of plans helped with understanding of this. In future there should be a clear distinction between construction and operational control plans. NG explained that they understood each project is examined on its own merits however the approach taken on the Richborough project was the same as that on the Hinkley Point C Connection project. The Inspectorate explained that if something is taken from a previous project an applicant should provide justification for why it is being used again

and how it is applicable to the current project. The Explanatory Memorandum is the best place to provide this justification.

The Inspectorate explained that the DCO would benefit from increased clarity regarding works that may be undertaken outside of the core working hours and the circumstances in which these works might occur.

The Inspectorate advised that in future the indicative construction programme would benefit from more detail about the assumptions underpinning the programme. Also dismantling and demobilisation fell outside the construction programme, making it unclear whether they had been assessed as part of the worst case.

Habitats Regulations Assessment

The Inspectorate advised that the No Significant Effects Report (NSER) was generally of a good standard and it was acknowledged that agreement was reached on the conclusions of the NSER from all parties. However there were some matters which were unclear or inconsistent within the report (eg around qualifying features and in-combination assessment) which required clarification through written questions and at the hearings. The Inspectorate advised that these points could be addressed in future Habitats Regulations Assessment (HRA) reports prepared by NG.

The Inspectorate commented that there was some confusion during the Examination regarding the qualifying features. The Inspectorate queried whether a draft NSER could be shared with Natural England (NE) to agree the correct features prior to submission. NG explained that they had done this.

The Inspectorate noted that NG had provided a clear Collision Risk Assessment and that NE had agreed with the conclusions of this. NG commented that the issue of bird diverters (which were proposed on a precautionary basis) and questions relating to the need for bird collision risk monitoring took up more hearing time than they had expected, given that the Collision Risk Assessment concluded that there would be no likely significant effect and that NE were in agreement with this conclusion and that bird collision risk monitoring was not required for the Project.

The Inspectorate advised that the NSER document provided with the application would not scroll electronically so a hard copy was required for the Panel to work from. In future it would be helpful if this could be checked prior to submission.

AoB

The TEN-E Regulations was a new process to both NG and the Inspectorate and both welcomed the open discussions that were held in the pre-application stage to understand the process and agree on the interpretation of the legislation.