



Preliminary Meeting note

Application	Keuper Gas Storage Project
Reference	EN030002
Date	16 March 2016
Venue	The Best Western Crewe Arms Hotel, Crewe, Cheshire, CW2 6DN

1. Welcome and Introductions

The Examining Inspector Jonathan Green (ExA) welcomed all Interested Parties (IPs) to the Preliminary Meeting (PM) on the application for the Keuper Gas Storage project. The ExA explained that he has been appointed under the Planning Act 2008 (as amended) (PA2008) as the Single Examining Inspector for this case which is the application for a Development Consent Order (DCO) for the Keuper Gas Storage Project. The application was made by Keuper Gas Storage Limited under section 37(2) of PA2008 and received by The Planning Inspectorate (the Inspectorate) on 24 November 2015.

The ExA introduced his colleagues from the Inspectorate accompanying him to the PM as Tracey Williams (Case Manager) for this project and Karl-Jonas Johansson (Case Officer), who will be assisting those who wish to, use the roving microphone during these proceedings.

After the introductions were completed the ExA informed the IPs about general housekeeping such as emergency procedures, the availability of a hearing loop and the use of mobile phones.

2. Overview

The ExA explained that the application will be examined as a National Significant Infrastructure Project (NSIP) under the provisions of the PA2008. The ExA continued to explain that the DCO will not only cover the gas storage project but also the associated development that is seen as necessary to make the gas storage operational. This includes the work at the main site associated with the brine solution mining to create the underground caverns, the connection to the national gas network, a gas processing plant and a new electricity substation. In addition there are works associated with the brine extraction at Lostock, Whitley and Runcorn. For convenience all the these works (including associated development) will be referred to as the Keuper Gas Storage Project but the ExA clarified that he might refer to individual elements by their specific functions such as the solution mining compound, the gas processing plant or the brine outfall.

The procedure for obtaining consent under PA2008 was explained by the ExA. He further clarified that he is an independent ExA who writes a recommendation report to the Secretary of State for Energy and Climate Change, who then will take the final decision. The procedures are still relatively new and different from the previous approach to such applications including other gas storage projects which already exist in the area.

The ExA clarified that to get consent under PA2008 the applicant is required to consult widely on the project before submitting the application. This took place in 2014 and the application was submitted to the Inspectorate in November 2015. The Inspectorate carried out an initial scrutiny of the application and the consultation process to check that it met the tests set out in the PA2008 and recommended that it be accepted for examination on 22 December 2015.

Following acceptance of the application, a further period known as the pre-examination stage commenced which allowed for organisations and individuals to make relevant representations about the project setting out arguments in favour or against the project and highlighting areas of support or concern. Submitting a relevant representation in the prescribed form by the deadline set during that period meant that the person or organisation became registered as an IP. IPs have a legal status, allowing them the right to attend meetings, Open-floor hearings and to submit written representations. IPs will be kept informed of new material submitted and any procedural decisions the ExA make during the course of the examination.

Anyone who did not submit a relevant representation during the specified period of the pre-examination stage is not registered as an IP for these purposes. The PA2008 does, however, allow the ExA the discretion to receive later material from people who did not register as an IP. It is still possible for certain statutory bodies, such as local authorities, to register as an IP at this stage even if they have not submitted relevant representations; and also for any affected person with land interests which are sought to be compulsorily acquired who has not been previously identified; and for any person which may be entitled to make a relevant claim for compensation to be accepted as IPs.

The ExA thanked everyone who had submitted a relevant representation as these have been very helpful in his first task of identifying the principal issues expected to be addressed during the examination and to set out a plan for the examination of the application. Those principal issues were set out at Annex B to the Rule 6 letter informing participants of the PM.

The ExA emphasised that this PM would discuss the procedure to be followed in the examination and how the application should be examined and not about the merits of the application. The ExA clarified the merits of the case will be considered during the six month examination period. He added that the first consideration of issues related to the draft DCO will be discussed this afternoon in the DCO hearing.

Following the six month examination period, the PA2008 then allows the ExA up to three months to complete his report making a recommendation to the Secretary of State, who then has a further three months to make her decision.

During the examination the ExA can request further information, hold hearings and carry out site inspections in so far as he thinks it necessary to get a full understanding of the issues relating to the application before writing the report and making a recommendation to the Secretary of State.

The ExA stated that he and his colleagues would be taking notes of today's meeting and an audio recording was also being made. He further requested that when anyone was invited to speak they use either the fixed or roving mikes before making their point. He also requested the parties present to identify themselves and any affiliation to ensure that all the points made are properly recorded and attributed. It was also explained to the IPs that today's PM and hearing was being trialed as an electronic hearing with the documents discussed displayed on a screen to the audience.

It was stated by the ExA that a brief written note of today's meeting and the audio recording would be made available as soon as practicable on the Keuper Gas project page of the National Infrastructure Planning website. It was further clarified that these are the only official record of the proceedings and that tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of the application.

The ExA requested that all IPs introduce themselves and their organization they represented, if applicable.

3. Principles of the examination and hearings

The examination of the application will principally be carried out through assessment of written submissions with further questions being put to the applicant and other IPs where the ExA needs clarification. The next stage of the process when further written submissions are sent in is therefore very important as it provides the ExA with further information about the project.

Written submissions

This is the opportunity for all IPs to make written representations setting out in more detail the concerns they have highlighted in their initial relevant representations. If the representation you have already put in adequately sets out your views and includes all the evidence that you are relying on then there is no need to resubmit that material. But if you have additional material that you want the ExA to take into account then the time to submit them in writing is by the deadline for written representations currently set out in the draft timetable as Friday 29 April 2016. This is also the deadline for IPs to submit any comments that they might have on the representations made so far on any of the documents relating to the Keuper Gas Storage Project on the Inspectorate's website. No questions were raised at this stage in the discussion.

Additional Questions

Following the PM and taking into account points raised, the ExA's will issue his first round of written questions and requests for statements of common ground between the applicant and various statutory bodies. These questions will be addressed to the applicant and various named organisations but it will be open for others to make submissions on the points raised if they wish. The questions are likely to be issued on Wednesday 23 March 2016 to all IPs. The ExA clarified that it is likely he will issue further questions as the examination develops but not as many as for the first round.

Publication of material submitted

It was explained to the IPs that all submissions received will be published on the Keuper Gas Project page of the National Infrastructure Planning website and that there will be an opportunity for IPs to comment on the submissions built into the

timetable. The ExA stressed the importance of meeting the deadlines for submissions and comments and clarified that he might not be able to take into account material submitted after the set deadlines.

Hearings

Although written representations are the main approach to the examination, the PA2008 includes provision for various types of hearings to be held. These include issue specific hearings, which are focused on individual topics and Open-floor hearings at which IPs can put their views across orally on a range of issues and compulsory acquisition hearings. In the draft timetable the ExA has included provision for three issue specific hearings; the first, to follow after the PM, will only consider general issues relating to the draft DCO, the second and third will cover local environmental impacts and go into more detail on the draft DCO. The ExA added that he has made provision for an Open-floor hearing and for a compulsory acquisition hearing for parties affected by compulsory acquisition proposals in the timetable. None of the IPs present at the PM requested that the ExA hold an Open-floor hearing.

The purpose of the hearings is for the ExA to get a better understanding of the written evidence that has been submitted and for him to put questions to the applicant and IPs. At these hearings the ExA will lead the questioning and they will not normally involve cross examination of witnesses by other parties. The ExA stated that he would welcome comments on the need for these hearings and the topics to be covered. Mr Charles Banner (CB), on behalf of the applicant, stated that they were content with the number of hearings in the timetable but indicated that they would like to discuss the dates for the hearings under that agenda item.

Site visits

The ExA advised that he intends to carry out an accompanied site visit in May 2016 immediately before the second hearing. The site visit would include a tour of the site itself and of the neighboring area. The ExA further clarified that he would be accompanied by the applicant and any other IPs who wish to have the opportunity to draw particular features of the development to his attention. It was further clarified that the site visit is not a time at which the ExA can enter into discussion of the merits of the application.

The ExA invited the IPs to submit written suggestions for viewpoints he should visit during the site visit. The ExA informed the IPs that he might also conduct unaccompanied visits to areas which have public access during the examination and that he conducted one with the case team the previous day to familiarise himself with the local area. At the preliminary meeting CB informed the ExA that the applicant has drafted a preliminary site visit itinerary and that it would take a full day to visit all viewpoints. CB advised the ExA that the amount of participants in the site visit would impact on the time it would take. It was agreed that this itinerary would be published on the Keuper Gas Storage Project page so the IPs could comment on it. Ms Julia Wentlandova (JW), representing the University of Manchester, raised concerns regarding the projects impact on the Jodrell Bank Observatory and requested the ExA view the site from that point. The ExA stated he would take this into consideration but clarified that the site visit itself was not the time for the University to explain the risks to the observatory posed by the application and requested that such information be given in the University's written representation.

4. Additional Submission

The ExA stated that he had received a number of additional submissions since the deadline for relevant representations and had used his discretion under S89(3) to accept those into the examination. For the record these are:

- Additional Pre-examination Submission from Network Rail
- Late Relevant Representation from Lach Dennis Parish Council
- Additional Pre-examination submission from the Canal and River Trust

In addition to the submissions listed above the ExA stated that he had received a number of revised documents from the applicant in response to the section 51 advice which the Inspectorate provided when the application was accepted. These included revised versions of the DCO and the book of reference. The applicant also submitted further details on the elevations of the proposed buildings, a number of revised plans, corrections to the Environmental Statement and an updated Habitats Regulation Screening Assessment. It was confirmed that these documents had been accepted into the examination and are available on the National Infrastructure Planning website. The ExA informed the IPs that he will need to consider whether they constitute a significant variation in the original application and will issue a decision on that in due course.

The ExA informed the IPs that there is an electronic examination library that contains all published documents for the project and that this library will be updated at regular intervals during the examination. The library can be accessed from the document tab on the Keuper Gas Storage Project page. The ExA recommended the IPs to consult this list when referencing documents in their submissions.

5. Principal issues

The initial list of principal issues was set out in Annex B to the Rule 6 letter of 22 February 2016. They are listed in alphabetical order and not in order of importance. They represent the ExA's initial view based on the ExA's consideration of the application documents and relevant representations received concerning the Project. It is not a comprehensive or exclusive list of all relevant matters. The ExA stated that he will have regard to all important and relevant matters in putting forward a recommendation to the Secretary of State

This list does not exclude other issues being raised in the course of the examination through written representations.

Mr Michael Pocock (MP), representing Mr and Mrs Wildman, requested that the following items be added to the list of principal issues:

- Consideration of alternatives
- Clarity on how the Applicant proposes to use the land over which the compulsory acquisition powers are sought
- Impact on (i) the economic viability of farm businesses, including his Client's
- Impact upon the wellbeing of farm animals, including cattle arising as a result of the draft DCO

The ExA explained that the published principal issues would not change but stated that he would take the points raised into consideration. The ExA further clarified that some of MP's clients concerns would be covered in the first round of written questions.

6. Updates on Local Impact Reports and Statements of Common Ground

The ExA explained that Local Impact Reports (LIR) from all host and neighbouring local authorities and statements of common ground (SoCG) between the applicant and the local authorities, the Environment Agency, Natural England and any other bodies will be of particular help to him in taking the examination forward. The ExA informed the IPs that he will set formal deadlines for these to be submitted but understands that work is already in hand.

Statements of Common Ground

CB confirmed that there is a SoCG between the applicant and the Environment Agency which has not yet been submitted. CB further stated that the applicant thought it would be useful to provide the ExA with a SoCG between the applicant and the University of Manchester regarding the Jodrell Bank Observatory. As it is unclear at present if a SoCG is needed between the applicant and the host authorities, one has not been drafted yet. However if one is needed, one will be produced. CB further clarified to the ExA that the applicant did not think a SoCG between the applicant and Natural England would be necessary in light of Natural England's relevant representation. The ExA requested that the applicant consider whether a SoCG would be necessary between themselves and the Canal and River Trust.

Local Impact Reports

Mr Steven Holmes, representing Cheshire West and Chester Borough Council, confirmed that the deadline for the LIR was acceptable to them. Mr Andrew Plant, representing Halton Borough Council confirmed that the LIR deadline was acceptable to them.

Timetable

The ExA stated that he would go through the proposed timetable which was set out in Annex C to the Rule 6 letter dated 22 February 2016 and take comments on the time allowed at each stage and the timing of specific deadlines and events such as the hearings. The ExA clarified that a revised examination timetable was likely to be issued with the first round of questions on Wednesday 23 March 2016. If there are any delays this will be issued on Wednesday 30 March 2016.

There were no comments on deadline 1.

CB stated that the applicant was content with the timing of deadline 2 with the caveat that they would like to see it pushed back a week if the first round of questions is delayed by a week. CB added the applicant thought they would be able to answer the first round of questions by deadline 2 although requested that they be allowed to notify the ExA if there was an issue with meeting this once they had seen the extent of the questions. The ExA stated his preference for keeping deadline 2 as the 29 April but that any requests for an extension from the applicant will be taken into consideration. The ExA further stated that all IPs are able to comment on any submission and not just the applicant.

The ExA sought the IPs views on the current venue and whether it was suitable for the remaining hearings. CB stated that the applicant was content with the venue. MP also stated that Pinsent Masons, on behalf of the Wildmans and Holford Gas Storage Limited were also content with the venue. The ExA clarified that if an Open-floor hearing was requested he intended to hold that in one of the villages close to the application site.

The ExA informed the IPs that agendas for the issue specific hearings and compulsory acquisition hearing currently scheduled for Wednesday 25 and Thursday 26 of May 2016 would be issued about 2 weeks before the hearings and would provide further detail on the issues to be covered at the hearings. CB informed the ExA that he would not be able to attend the compulsory acquisition hearing scheduled for Thursday 26 May and suggested either moving the hearings and site visit to the week commencing 30 May 2016 or moving the three events one day forward so the site visit would be on Monday 23 May and the hearings on Tuesday 24 and Wednesday 25 May. CB was also open to move the issue specific hearing and Open-floor hearing to Tuesday 24 May with the compulsory acquisition hearing on Wednesday 25 May and the site visit on the 26 May 2016. The ExA acknowledged the request but stated his preference of holding a site visit before hearings as it would enable him to conduct the hearings more efficiently. The Case Manager indicated that moving the hearings to the week commencing 30 May 2016 was not ideal due to this being the Spring bank holiday.

None of the present IPs raised any concerns with the timetable until item 15 where dates have been reserved for hearings as 20 and 21 July 2016. CB advised that he would not be able to represent the applicant at these hearings and suggested that they be moved to 5 and 6 July and retain items 13-14 in the timetable. Another solution offered by CB was to move item 15 to the week commencing 25 July or split the hearings across 18 and 22 July.

The ExA clarified that the purpose of deadlines 5 and 6 was to enable the ExA to process all relevant information before the hearings scheduled for 20 and 21 July 2016 and therefore bringing the hearings forward would be counterproductive for the examination. It was agreed that the ExA and the case team would discuss the option of moving item 15 to Thursday 28 and Friday 29 of July 2016 which the applicant confirmed they would be able to attend those dates. If this option is accepted, then deadlines 7 and 8 will be brought forward by one week.

The ExA clarified that he did not believe a Report on the Implications for European Sites (RIES) would be necessary but if one was, it would be issued on 20 July 2016.

The ExA informed the IPs that if he felt that all issues had been resolved to a satisfactory degree by deadline 8, he might close the examination early. None of the IPs raised and further concerns regarding the timetable.

7. Any other business

As none of the IPs raised any further points on procedure the ExA went on to discuss the importance of a rigorous change control process on documents submitted during the Examination.

The ExA stated a preference for completed revised documents to be submitted into the examination and not a list of changes. Sequential revisions should be clearly numbered. For major documents such as the DCO, clean and tracked change versions should be provided. Revised documents should be provided as stand-alone documents rather than as appendices to other papers. This is particularly important for documents that need to be certified as part of the DCO. The ExA suggested that the applicant might like to consider keeping a register of documents which shows which the latest version is and which document it has replaced and referred the applicant to the River Humber Pipeline Replacement Project as an example.

The ExA advised that on-going discussions with other parties should not be forwarded to the ExA or the case team. It was further clarified that the ExA only needs to see the final outcome of the discussions and not the process by which the parties got there.

Before closing the PM the ExA stated that he will consider the points raised at the meeting and the requests for the changes to the timetable. The ExA informed the IPs that he expects to send out the final timetable and first round of questions before the Easter break.

The ExA closed the PM by thanking the IPs for attending and for their comments which have been constructive and helpful.