



## Meeting note

<b>File reference</b>	EN030002 Keuper Gas Storage Project
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	15 July 2015
<b>Meeting with</b>	Keuper Gas Storage Ltd
<b>Venue</b>	Temple Quay House
<b>Attendees</b>	<b>Planning Inspectorate</b> Tom Carpen – Infrastructure Planning Lead Tracey Williams – Case Manager Ewa Sherman – Case Officer Steven Parker – Assistant Case Officer Richard Kent – EIA and Land Rights Advisor <b>Keuper Gas Storage Ltd</b> Paul Zyda - Zyda Law Ian Graves - Zyda Law Richard Stevenson - INOVYN Enterprises Limited Lewis Jones - PPS Group
<b>Meeting objectives</b>	To discuss comments made on the second review of draft documents
<b>Circulation</b>	All Attendees

### Summary of key points discussed and advice given:

#### Introduction

The Planning Inspectorate outlined its openness policy and ensured the developer understood that any issues discussed and advice given would be recorded and placed on the Planning Inspectorate's website under s51 of the Planning Act 2008. Further to this, it was made clear that any advice given did not constitute legal advice upon which the developer (or others) can rely.

Comments on the draft application documents can be found here [Section 51 advice of 13 July 2015](#)

#### Draft Book of Reference

The Planning Inspectorate advised that the approach used was not clear and offered, as an example, an extract of a Book of Reference (BoR) from a previous project that is now consented.

The Applicant asked if they should follow this example, to which the Inspectorate advised that it could be taken in to account as an example which would improve clarity and remove any ambiguity. In addition, the Inspectorate encouraged the Applicant to refer to the DCLG guidance related to the procedures for the compulsory acquisition of land (2008). See link below:

<https://www.gov.uk/government/publications/planning-act-2008-procedures-for-the-compulsory-acquisition-of-land>

The Applicant confirmed that the BoR was still a work in progress but was happy to assist in aiding clarity.

### **Draft Statement of Reasons**

The Applicant is aware that the Statement of Reasons (SR) has to capture the description of the rights to be extinguished and that currently there is some ambiguity between the SR and the BoR. They also explained that they are awaiting further information regarding land rights which will clarify the situation.

The Inspectorate explained that it appreciated the difficulties involved and advised that the Applicant cross-references documents before submission to identify irregularities.

### **Draft Plans**

The Applicant asked for advice regarding delineated plots which were identified on the land plans.

The Inspectorate reiterated the advice given in their comments dated 13 July 2015, emphasising that the plots that are not continuous (dissected by other plots or roads etc.) should have separate plot numbers to accurately locate the relevant land.

The Inspectorate's comments on the draft documents raised the point that parts of the internal road network (Work No. 6) appears to be on land that would not be acquired by the Applicant.

The Applicant confirmed that the approach used was consistent and that it was their intention that the freehold for the roads would remain with the present owner. Access to use and maintain the roads would be via agreements with the freehold owner.

The Applicant also confirmed that all pipes and cables to the wellhead compounds would be underground, and therefore would not require that the 'corridor' of land containing the equipment to be compulsorily acquired.

The Applicant explained their approach to using their designations for wellheads. The Inspectorate understands this approach, but advised that the Work numbers should appear on the plans. Notwithstanding that the Inspectorate agreed to work with the Applicant and so that all plans are legible for all parties.

### **Draft Development Consent Order**

The Planning Inspectorate asked the Applicant to explain the difference between 'installing' and 'construction' – terms both used in the draft Development Consent

Order (DCO). The Applicant will consider which term is suitable to best describe the works.

The Applicant was confused by the comment that the draft DCO was not on the SI template and wondered if there might be different templates for different types of NSIP projects.

The Inspectorate confirmed that there was only one template and advised the Applicant to contact the government stationary office to confirm that the correct template has been provided, as any DCO must be on the correct template.

The Applicant confirmed that it would verify that the correct template was being used and the Planning Inspectorate agreed to re- send the SI template registration information.

## Articles

The Applicant agrees with majority of the comments made but raised specific queries around Article 7 and Schedule 1; and confirmed that they are using examples of consented DCOs to guide them in writing their DCO.

The Inspectorate asked what the term 'optional' meant. The Applicant explained that this was needed in order to allow the possibility of connecting to other gas storage projects adjacent to the site but that this was optional, as it may not be required and wasn't necessary in order for the project to be constructed.

The Inspectorate advised that a detailed description should be given as to why this might be needed and why it was optional and that if consent was granted that there was no requirement to build all aspects of the development.

## **Draft Consultation Report**

The Inspectorate pointed out the version of the Consultation Report (CR) submitted for review contained no evidence relating to the Applicant's decision to reduce the extent of the red line boundary in April 2015 and advised that a narrative of this should be included in the CR including demonstrating why they took a particular judgement.

The Applicant stated that they considered the change to be non-material. They are going to carry out a further round of consultation which will be a follow up from s44 consultation, rather than a completely new round. This is to ensure that parties recently identified have been consulted. This consultation will include the original information from the 1<sup>st</sup> round of consultation.

The Inspectorate advised that where boundaries brought in additional land, the applicant would be advised to consider re-consulting. In this instance the Applicant should use its judgment and demonstrate that no one was prejudiced by not being consulted and that it was advisable to contact Local Authorities (LAs) to get feedback on how their consultation was received. As during the acceptance stage the LAs will be asked to provide their comments on the adequacy of the Applicant's consultation. The Applicant was reminded to include all Annexes to the Report at submission.

## **Draft Habitats Regulation Assessment**

The Inspectorate raised the issue of the Applicant's reliance on the permits for water abstraction / brine discharge that may not be under the direct operational control of the Applicant.

The Applicant explained that the permits were held by a sister company and that in a recent meeting with the Environment Agency (EA) it was considered that this approach would be acceptable. The Applicant went on to explain that there is a service level agreement between the Applicant and INOVYN Enterprises (the permit holder) in which INOVYN will have operational control of any brine discharge.

The Inspectorate advised that the Statement of Common Ground (SoCG) with the EA should reflect this approach. An SOCG between the Applicant and NE would also be welcomed to record any agreement on the assessment approach and outcomes of the HRA report.

The Applicant expressed concern regarding the publication of confidential information within the SoCG. The Inspectorate confirmed that the SoCG would be published; however, key points and a summary of how the service level agreement between parties would work in practice would be sufficient.

The Inspectorate stated that preparation of SOCG as early as possible is beneficial but that (should the application be accepted for examination) any Examining Authority (ExA) may need further information on such matters during the course of any examination.

## **Model provisions**

The Inspectorate advised the Applicant to look at Advice Note Thirteen. Please see the link: <http://infrastructure.planninginspectorate.gov.uk/.pdf>

The Applicant asked if they needed to explain why they had deviated from the model provisions. The Inspectorate advised that this should be done in the Explanatory Memorandum and also to explain why powers are sought.

The Applicant informed the Inspectorate that they had submitted the HRA to the EA who were satisfied with the approach to in-combination effects.

The Inspectorate enquired about traffic management issues; the Applicant stated that they did not consider this to be an issue as they expect that there would only be 40 vehicle movements per day.

## **Draft Consents Management Plan**

The Applicant provided an update of their progress with and confirmed that they are working with the EA. The Inspectorate advised that any permits that might be required should be resolved ahead of submitting the application, to avoid them being an issue during the examination and that the Consents Management Plan should be kept up-to-date at the point of submission of the application.

### **Preparation for Submission**

The Applicant confirmed that they intend to submit the project in early/mid October 2015. The Inspectorate advised the Applicant to focus on the issues identified before any submission.

### **Any Other Business**

The Applicant clarified that Keuper Gas Storage Limited (KGSL) is a wholly owned subsidiary of INEOS Enterprises and that INOVYN is a joint venture between INEOS and Solvay S.A. KGSL is not directly related to either INOVYN or Solvay. The information will be reflected in the Funding Statement.

### **Specific decisions / follow up required?**

The Inspectorate advised that they could offer a light-touch review of some core documents such as BoR before submission of the DCO application.