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Nick Dexter

Your Ref:

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Our Ref: EN060004

Date: 12 May 2015

Dear Nick

Planning Act 2008 (as amended)

Application by National Grid Gas plc for an Order Granting Development Consent for the River Humber Gas Pipeline Replacement Project

Section 51 advice

The Secretary of State made the decision on 12 May 2014 that the application for the proposed River Humber Pipeline Replacement has satisfied the acceptance tests under s55 of the Planning Act 2008 (PA 2008). The Planning Inspectorate's acceptance checklist has been published on our website today. The Inspectorate did note some observations in to the application. This letter contains advice to you provided under s51 of the PA 2008.

S42(1)(d) Consultees

In order to establish whether all persons with an interest in land had been consulted under s42(1)(d), we carried out a comparison of the s42(1)(d) list provided at various appendices to the Consultation Report with addresses in the Book of Reference. We found that a small proportion of the addresses in the Book of Reference were not listed in these appendices.

On 5 May 2015 we requested, under Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, all consultation responses to be provided by the applicant.

In response to our request for all consultation responses you provided information to the Planning Inspectorate on 5 May 2015 to explain the discrepancies between the Consultation Report and the Book of Reference. This largely addresses paragraphs 49 to 52 of the DCLG's PA2008: guidance on the pre-application process

It is important that persons with an interest in land are able to participate in the process. To ensure this happens we strongly advise that an audit is carried out prior to the notification of the deadline of relevant representations under s56, in order that there can be certainty that all those affected have been notified and are

afforded the opportunity to submit a relevant representation.

S42(1)(a) Consultees

Additionally on the basis of the information provided it appears that some consultees identified by the Planning Inspectorate as potentially prescribed by section 42(1)(a) have been omitted from the applicant's consultation. These are:

- Utility Assets Ltd
- North Yorkshire and the Humber Local Area Team

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate would suggest that the Applicant may wish to include the above bodies are amongst those on whom they serve notice of the accepted application under s56 (2)(a) of PA2008.

Book of Reference

It appears that in the Book of Reference persons recorded in Part 3 do not appear in Part 1. A part 3 person may become an interested party because the applicant sends them a s56(2)(d) notification and they will then be able to participate in the examination. However, if CLG guidance is not followed a part 3 person's name will not be in part 1 of the book of reference and the name will not therefore be given in a section 59 notice. As a consequence that person will not acquire the status of "affected person" under s92 of the PA 2008 and will be deprived of the right to call for a compulsory acquisition hearing and to make oral representations about extinguishment, suspension or interference with their right over the land.

So that the interests of part 3 persons are not prejudiced in the examination you are therefore advised to ensure that documentation is attached to the certificate of compliance with s59 which provides the names, addresses for service and contact details of any part 3 persons not identified in part 1 of the book of reference which was submitted with the application.

Plans

The use of the dotted box to show the limits of the land to be acquired, or used, is unusual. This is usually provided as a red line boundary. It is difficult to see the extent of the land needed because the line cannot easily be seen against the other keys used. Any further plans should show any boundaries in red.

The dimension text on the Indicative Goxhill and Paull Site Layout plans, doc 2.4 are not legible when printed, it would be useful if this could be rectified.

In addition to the above, a discrepancy has been noted on the Land Plans:

- Plot 40 on Land Plan L003 (Sheet 2 of 16) is described in the BoR as situated to the east of Lakes Farm where the plot appears to be south east of Lakes Farm.

There are several plots that are difficult to see clearly and where an inset sheet would provide clarity. These are as follows:-

- Plot 24 on Land Plan L003 (Sheet 2 of 16); and
- Plot 100 on Land Plan L009(Sheet 8 of 16).

The Habitats Regulations Assessment (HRA) Report

The Habitats Regulations Assessment (HRA) Report (Document 5.4) screens out a likely significant effect on the Humber Estuary Special Area of Conservation (SAC) but identifies the potential for indirect effects on the qualifying bird species associated with the Humber Estuary Special Protection Area (SPA) and Ramsar site. The Humber Estuary SPA and Ramsar site have therefore been taken forward for Appropriate Assessment.

Section 5.7 of the HRA Report identifies plans and projects that are stated to have been assessed to determine whether they have the potential to lead to in-combination impacts on European Sites, during construction, operation or decommissioning. It is noted that Section 8.6 considers in-combination effects for these plans and projects in relation to the two European sites taken forward for appropriate assessment (Humber Estuary SPA and Ramsar site). However it is unclear how they have been considered in the screening stage for the Humber Estuary SAC. The screening matrix provided for the site (Stage 1 Matrix A) rules out in-combination effects for the SAC although no evidence has been provided to support this conclusion within the matrix footnotes. The applicant is advised to provide this information.

Yours Sincerely

Jackie Anderson

Case Manager

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.