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To interested parties, statutory parties
and other persons invited to the
preliminary meeting

Your Ref:

Our Ref: EN060004

Date: 26 February 2016

Dear Sir / Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

The purpose of this letter is to enclose questions prepared under the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) Rule 17.

The questions are set out in **Annex A** to this letter and are being put because I wish to seek clarification and views in response to documents received at Deadlines 7 and 8.

Annex A to this letter identifies the persons to whom the questions are directed. If you are unable to answer the questions or consider that it is not applicable you are requested to make this clear in your response. All other interested parties may answer any question, even where it is not directed to them, but should feel under no obligation to do so.

This final round of questions is detailed within the examination timetable in my Rule 8 letter 14 September 2015. From the Deadlines 7 and 8 submissions I am aware that a number of previously outstanding issues are now concluded as evidenced by executed Statements of Common Ground. I also note negotiations remain ongoing in a few areas with intent to reach agreement by Deadline 9.

Please note that Deadline 9 provides the final opportunity for interested parties to make any submission(s) including final position statements into the examination. The examination is due to close on 9 March 2016 but as highlighted at the Preliminary Meeting, at my discretion it could be closed earlier without notice.

Answers to these questions should be sent to the ExA at the examination email

address (Riverhumbergaspipeline@pins.gsi.gov.uk) by **Deadline 9 on 4 March 2016**.

Yours faithfully,

Jeremy Aston

Jeremy Aston BSc (Hons) FRICS
Examining Inspector

Annex A – Questions from the ExA seeking further information

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 National Infrastructure Planning 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.

Additional questions from the ExA seeking further information

Question to:		Question
1.	All Interested Parties	If voluntary agreement on the compulsory acquisition of land or rights over land is not reached, please supply final position statements.
2.	Crown Estate	The Applicant's Deadline 7 update on negotiations with Crown Estate and ABP is noted [REP7-0035]. It would be helpful to the examination if you could respond to the Rule17(4) question issued on 1 February 2016; <i>"Under the Planning Act 2008 section 135 (1) Crown Estate consent is required to enable a DCO to contain a provision authorising compulsory acquisition of an interest in Crown Land. Are you able to provide that consent under s135(1) and (2)?"</i>
3.	Applicant	An updated position statement was supplied at Deadline 7 in respect of The Crown Estate (s135) and ABP [REP7-0035]. Please provide a final position statement.
4.	Applicant	An updated Schedule of Progress on Voluntary Negotiations [REP7-0023] was supplied at Deadline 7 and a Position Statement on Representations at Deadline 8. If further progress is made ahead of Deadline 9 please supply updated copies, in particular confirming the final position of those parties potentially affected by compulsory powers where objection(s) have been raised.
5.	Applicant	At Deadline 7 the updated BoR and Land Plans subdivide plots 20, 27, 35, 39, 54 & 116. In the Schedule of Amendments to DCO and Plans all are explained apart from the subdivision of the Environment Agency's plot 20 [REP7-0032]. Please explain this variation?

Question to:		Question
6.	Applicant	<p>An initial review of the Deadline 8 Statement of Reasons (SoR), and Deadline 7 Land Plans, Book of Reference (BoR) and v5 Draft DCO (Schedule 8 – Land of which temporary possession may be taken) identified the following ;</p> <ol style="list-style-type: none"> 1. The interests identified in the BoR are listed as either Permanent or Temporary but plots are generally proposed to be subject to both temporary and permanent rights. For example, according to the Land Plans and Statement of Reasons plots 31, 32 and 33 are subject to both temporary Type 1 construction rights and Permanent Type 2 rights for the pipeline. The updated BoR records these plots a subject to Permanent rights only? 2. Plots 26 & 39.1(cathodic protection/kiosk) do not appear in Schedule 8 of the draft DCO but are listed on Land Plan L003 and in the SoR as subject to Temporary Type 1 rights for construction, Permanent Type 1 rights for acquisition and (39.1 only) Permanent type 4 rights for cables? 3. Plot 87 (adjacent Goxhill AGI) on Land Plan L008 and within the SoR is stated as subject to Temporary Type 1 Construction and Permanent Type 1 Acquisition, the BoR states 'Permanent' and Schedule 8 does not list this plot? <p>Please explain?</p>
7.	Applicant	<p>Some of the Deadline 7 BoR plots have increased in area (m²) e.g. Plot 112 was 1,263m² and is now 1,729m².</p> <p>Do all plots (apart from the change request land) remain within the order land at application?</p>
8.	Applicant & Mr & Mrs Taylor	<p>At Deadline 7 the Schedule of Progress on Voluntary Negotiations for plot 112 ('Littlecroft' Prof P. & Prof G.Taylor) identifies that negotiations are 'ongoing'.</p> <p>Please provide a final position statement.</p>
9.	Historic England	<p>Trial trenching has now been completed at Paull and Goxhill</p>

Question to:		Question
		<p>and a report on the findings and a written scheme of investigation (WSI) submitted into the examination [REP7-0037]. The proposed Archaeological Mitigation strategy has been agreed with North Lincolnshire Council [REP7-0025].</p> <p>Please review and (if appropriate) update your advice on this matter.</p>
10.	Applicant, Natural England and Royal Society for the Protection of Birds	<p>The Archaeological mitigation strategy at Goxhill includes the potential for open area excavation fieldwork at Area D (dependent upon the final pipeline route) [REP7-0037]. Will this adversely affect the environmental mitigation area (foraging, roosting & nesting space), or will timing of these works (seasonal), or programming avoid a conflict?</p> <p>If timing/programming of the work is important should this be included within the CEMP, or was this taken into consideration when agreeing the additional mitigation land?</p>
11.	DDM Agriculture, Interested Parties	<p>Are the archaeological mitigation works now proposed in Areas A-D part of the ongoing negotiations with the Applicant [REP7-007]? Are there any matters you wish to raise with the ExA?</p>
12.	Applicant	<p>During the November hearings the weight limit of Network Rails bridge was discussed and evidence that it can accommodate the proposed construction traffic (Initial TMP) was to be submitted via an updated SOCG. It is noted from Deadline 7 submissions that a SOCG is no longer proposed and that Protective Provisions are yet to be inserted in Schedule 10, Part 6 of the DCO. Please provide the required clarity on this matter.</p>
13.	Applicant	<p>Art 20(2) and 20(3) have been deleted from the Deadline 7 draft DCO (v5) which now appears to provide for extinguishment of a smaller group of rights. Does this still give you what is required to deliver the scheme?</p>
14.	Applicant	<p>Art 26 – Temporary use of Land...</p>

Question to:		Question
		<p>At Deadline 7 against ExAs draft DCO comment AJ9 you explained that " <i>This article allows works to be undertaken on the land which are deemed necessary to mitigate the impact of the works upon the land (e.g. such works as may be agreed with the owner of the land).....</i> "</p> <p>Where is there a description of what the mitigation will consist of?</p> <p>Should this now include archaeological mitigation work (Areas A-D) [REP7-0037]?</p> <p>What would be the mechanism for securing agreement with landowners?</p>
15.	Applicant	<p>Thank you for the refined copy of the Master Version Control List at Deadline 8. If necessary, please supply a final version of the Master Version Control Document at Deadline 9. <input type="checkbox"/></p>
16.	Applicant	<p>Art 43 - In accordance with Advice Note 15 (section 11.2) could the final Master Versions Control Document be referenced within this Article and then be provided as a separate schedule?</p>
17.	Applicant	<p>Schedule 1 (2), Further Associated Development - This drafting was discussed at the DCO hearing (EV-011 1:22:38) at which point the Agenda Schedule issued ahead of the hearing said – "Schedule 1, (2) – 'which falls within the scope of the environmental statement' - discuss appropriateness of this phrase". This was therefore modified at the request of the ExA and the wording used became '<i>in accordance with the principles and assessment set out in the environmental statement'</i></p> <p>In accordance with Advice Note 15, would a more appropriate phrase be:</p> <p><i>"Substantially in accordance with the environmental impact assessment set out in the environmental statement certified</i></p>

Question to:		Question
		<i>under article 43."</i>
18.	Environment Agency	<p>In your D8 submission you state that you have further comments in respect of the DCO Requirements and it is noted that discussions are ongoing with the Applicant on clause 22 of the Protective Provisions (indemnity).</p> <p>Please provide a final position statement by Deadline 9.</p>
19.	Applicant	<p>Schedule 3, Requirement 11 – Construction Hours. Your Deadline 7 response to the ExAs draft DCO was that under Requirement 15 there would be control of construction hours via the Initial Traffic Management Plan and its approval by the Local Planning Authority.</p> <p>Traffic impacts during construction were an important concern during the examination and the mitigation by means of the control of vehicle movements during peak hours an important strategy in minimising its effects. In accordance with Advice Note 15 (section 18.1) would this not be better secured in the DCO at Requirement 11?</p>

End