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Date: 18 March 2015

Dear Sir/Madam

Planning Act 2008 (as amended) and Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by National Grid Carbon Ltd for an Order Granting Development Consent for the Yorkshire and Humber CCS Cross Country Pipeline

Request for further information relating to the applicant's draft Development Consent Order (DCO)

I am writing to you in respect of the above application to request further information from National Grid Carbon Ltd (the applicant), the Marine Management Organisation (MMO), the Crown Estate (TCE) and Selby District Council.

Discussion on the detail of the draft DCO is 'without prejudice'; this means that parties may make contributions to improve the quality of the draft DCO without invalidating their own positions of support or opposition to the scheme as a whole. Irrespective of my recommendation, I am required to present a draft DCO to the Secretary of State. Discussion about the specifics of the draft DCO does not indicate that I have made up its mind about the application.

1. Article 5:

In order to make it clear that the works or activities involved in the maintenance of the authorised development do not exceed what has been assessed in the Environmental Statement, and having read the responses submitted at deadline 4, the ExA is inclined to insert "...to the extent that has been assessed in the Environmental Statement"; after the phrase "... serves the same purpose..." in the interpretation of "maintain" in Article 2.

Does the applicant have any comments?

2. Article 6(1)(b):

In order to ensure that the "construction activities" permitted under this article are limited to those within the DCO, the ExA is inclined to include the phrase "... permitted by the Order" after "(b) carry out construction activities ...".

Does the applicant have any comments?

3. Article 9

The ExA is inclined to insert a new paragraph (2):

"(2) Where the consent of the Secretary of State is required under paragraph (1), the Secretary of State must consult the MMO prior to granting consent if such transfer or grant relates to the exercise of powers within the MMO's jurisdiction."

Do the MMO and the applicant have any comments?

4. Articles 23 and 24 (Crown Land)

- (a) Can the applicant confirm whether they are seeking to compulsorily acquire any interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown? If applicable can the applicant identify the extent of any such interest and the relevant plot number?
- (b) If the applicant does intend the order to authorise the compulsory acquisition of any interest in Crown land which is held otherwise than by or on behalf of the Crown, the appropriate Crown authority must consent to this acquisition before the order can be made. Can the applicant confirm whether the Crown have provided such consent?
- (c) In particular can the applicant confirm whether they are seeking to compulsorily acquire the leasehold interest of the beach granted to East Riding of Yorkshire Council?
- (d) Can the applicant confirm that all other interests in Crown land have been excluded from compulsory acquisition in the Book of Reference?
- (e) Can the applicant confirm that the appropriate Crown authorities have consented to the inclusion of Article 23(4), (5) & (6) and Article 24(6) in the DCO as is required by section 135(2) of the 2008 Act?
- (f) Can TCE confirm that they consent to the inclusion of Article 23(4), (5) & (6) and Article 24(6) in the DCO and that they are satisfied that the wording of these articles adequately protects their interest? Can TCE also provide any other consent as is required in accordance with section 135(1)?

5. Please would the applicant indicate the latest position in the negotiations with regard to the respective protective provisions for statutory undertakers and others as listed in Document 13.4 receive at deadline 4.

6. Schedule 2 Plans: Part 6 Requirement 3 of Schedule 3



Parameters

Table 1 Drax Pig Trap

With regard to the Drax Pig Trap, the revised draft DCO received at deadline 4 and revised plans 2.18, 2.19, 2.20 and 2.22 also received at deadline 4 show an increase in the height of the security fence from 2.4m to 2.88m. This height appears to have been gained by the addition of three strands of barbed wire above the weld mesh security fence. These revised plans now reflect the fencing arrangements at other above ground installations (AGIs).

Please can the applicant confirm how this increase in height will impact upon the assessment of visual impact made in the Environmental Statement?

Please could Selby District Council comment on whether the additional 0.48m height of the security fence affects their assessment of the visual impact of the Drax Pig Trap?

Please respond by **Deadline 5 on 26 March 2015.**

Yours faithfully

Andrew Mead

Andrew Mead BSc (Hons) MRTPI MIQ
Examining Authority

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.