



The Planning
Inspectorate

Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application	Yorkshire and Humber CCS Pipeline
Reference	EN070001
Date	19th November 2014
Venue	Bishop Burton College

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1. Introduction

The Examining Authority (ExA) introduced himself as Andrew Mead a Chartered Town Planner, appointed by the Secretary of State for Communities and Local Government.

It was declared that a note of the meeting was being taken, and the meeting was being recorded, therefore anyone speaking should use the microphones provided.

The Planning Inspectorate case team was introduced as Mrs Sarah Jones (Case Manager) and Mr Steffan Jones (Case Officer).

The ExA asked all those in attendance to introduce themselves and the organisation they were representing (if applicable).

2. Examination Process

It was explained that the purpose of the examination is to enable the ExA to make a recommendation to the Secretary of State for Energy and Climate Change as to whether this project should receive consent in the form of a Development Consent Order under the Planning Act 2008. The Planning Act 2008 has brought in a distinct regime for the consideration of Nationally Significant Infrastructure Projects.

Firstly, it is an inquisitorial process, in which the ExA takes the lead in establishing what's important and relevant to the decision which the SoS needs to take. Therefore the ExA explained that he shall be looking for evidence of what is important and relevant, and testing the evidence put forward to see how robust it is in the context of relevant policy.

Secondly, the primary method of examining the application is through written representations. Whilst there is provision for holding certain types of hearings, the central part of the examination is the written process which the ExA will use to gather further information about the application.

The ExA explained that he has received a number of written submissions from different parties submitted prior to the Preliminary Meeting and that these have been accepted into the examination and as soon as practicable after the Preliminary Meeting these will be published onto the Yorkshire & Humber pages



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of the Planning Portal website. The ExA explained that there is provision in the timetable for interested parties to comment on these submissions.

The ExA explained that alongside these submissions, information regarding s132 land has also been published. This information was received at the same time as the application documents however former procedure meant that this documentation did not form part of the examination. The Planning Inspectorate has recently received clarification on the arrangements for applications proposing compulsory acquisition of open space and (or rights in open space) taking account of the amendments brought into force by the Growth and Infrastructure Act 2013. As a result matters relating to s132 will be considered as part of the DCO examination through questions, compulsory acquisition (or other) hearings (whether or not held solely for ss131 or 132 matters) and site inspections under the procedures established by the Planning Act 2008 and Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

It was explained that with the Rule 8 letter, the ExA will be issuing their 1st written questions. These will draw on the ExA's own examination of the application documents and also the relevant representations made by interested parties. They will also broadly reflect the ExA's Initial Assessment of Principal Issues (IAPI). The ExA asked if anyone had anything to add to the IAPI and there were no requests.

The first deadline set in the Rule 8 letter will be a deadline for: the receipt of responses to those questions; written representations from interested parties; comments on the relevant representations the ExA already has; Local Impact Reports from local authorities and the Statements of Common Ground. This is Deadline 1 and is Thursday 18 December 2014.

There will then be a further period for any other Interested Party to offer comments on both the responses to the ExA's questions, written representations and the relevant representations.

This may then be followed by a 2nd round of questions and answers, and subsequent comments on those answers. This second round, if indeed it takes place, may probe further into any unanswered points or address any new points that may have emerged.



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In addition to these iterations of questions, answers and comments, the ExA may at any time during the examination seek further information or written comments. Provision is made for this in the Infrastructure Planning (Examination Procedure) Rules.

The ExA may also be holding hearings or providing opportunities for hearings to be held if necessary.

It was explained that hearings should be seen as building on the foundations of the questions, comments and written representations. Interested parties should therefore engage fully throughout the written process, rather than think that they can wait for a further round of questions or a particular hearing to influence the proceedings. It may be that a further round of questions or a Hearing on a particular issue is not held, or they might not address the questions you want to answer. Interested parties were reminded that they may also find it useful to follow the production of evidence as it appears on the website so that they can see how the examination is progressing.

The ExA stated that if anyone intends to use social media, report, film or record during any hearing, then they are free to do so, but must do so responsibly and with proper consideration for other parties. This must not be misused or disruptive and no individually recorded items may be relied on as evidence by any party or used in submissions.

It was explained that there are 3 different types of hearings under the Planning Act:

Open Floor Hearings - which must be held if requested by any interested party;

Compulsory Acquisition Hearings - which must be held if requested by any affected person; and

Issue Specific Hearings - which are held if the ExA decides that they are necessary for the examination of the issue in question or to ensure that an interested party has a fair chance to put their case.

Asking questions, or even cross-examination, at any Issue Specific or Compulsory Acquisition hearing is at the discretion of the ExA.

The ExA explained that his report, which will go to the SoS, will have his recommendation as to whether the draft Development



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Consent Order (DCO), either in its current form or as amended during the examination, should be approved.

Even if the ExA does not recommend that consent should be given, he will still put forward what he considers would be the most appropriate DCO if the SoS goes against that recommendation. Therefore it is important that all matters relating to the draft DCO are integral parts of this examination.

The ExA stressed the importance of local authority involvement in discussing requirements within the DCO.

3. Draft timetable

The draft timetable set out in Annex D to the Rule 6 letter and the ExA's procedural decisions at Annex G were discussed. The ExA decided that it would be best to go through the timetable item by item, referring to procedural decisions in Annex G where relevant. The ExA declared he was happy to consider any comments on the way through the timetable.

The ExA explained that the timetable has to be produced before the examination begins, and the timetable therefore has to cover a range of possibilities. Not all of the events timetabled may actually be necessary, and the ExA mentioned he will take any decisions on the events to be held as the examination progresses. It may therefore be possible to close the examination earlier than that timetabled under Item 16; however this cannot be said for certain at this time. Interested parties will be informed when the examination closes.

The ExA also added that whilst it was not in the Rule 6 letter, he would like to receive a schedule informing on the status of compulsory acquisition negotiations with a view that this could be updated throughout the examination.

Item 2 on the timetable (first written questions): The ExA mentioned that he has to ensure that the examination is even handed and rigorous. Therefore, there will be a significant number of 1st written questions issued in the Rule 8 letter as soon as practicable following the Preliminary Meeting. These will be wide ranging from fundamental issues to quite detailed points. It is possible that parties may think that answers are contained in the documentation that makes up the application so far. If this is the case, parties are encouraged to still answer the question and



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provide cross references as the ExA needs to be sure that he understands the application and that all the issues which might be important are identified, so that they can be properly tested.

The Applicant stated that they would be able to provide the ExA with substantial offshore information by the end of January for Natural England to consider; this would allow Natural England time to then provide comments on the information by a deadline in March 2015.

Item 3 (i) Local Impact Reports (LIR) – The ExA asked for clarification on the position of the Councils with regard to their LIR. The ExA added that LIR can be read in conjunction with the draft Statements of Common Ground (SoCG) and can be cross referenced to them to avoid repetition.

East Riding of Yorkshire Council and Selby District Council confirmed that their LIR's were drafted and would be going to committee in December to be able to meet DL1. North Yorkshire Council confirmed they had prepared text that would form part of Selby District Councils LIR and that they had delegated authority to do this so no committee approval was required.

With regard to procedural decisions the ExA outlined discussed SoCGs and told the applicant the he would like up to date versions of these submitted. The ExA then went around the room asking relevant parties if they had engaged in preparing a SoCG with the applicant.

Mr Malcolm Ratcliffe asked for assurance from the applicant that they will cooperate with Mineral Products Association, whom he is representing, in supplying information to help inform the production of any potential SoCG.

The ExA also discussed a schedule of mitigation and mentioned he would like to know how the applicant plans on securing proposed mitigation.

The ExA declared that a schedule to describe the nature of the proposed compulsory acquisition in relation to pipeline construction and operation would be useful. This would allow the ExA to check that he has the correct understanding of the nature of and reasons for compulsory acquisition whilst having the construction process in mind. The applicant confirmed the format of and agreed it would be able to provide the requested document.



The ExA explained that Statutory Parties have been invited to this meeting, have had a copy of the Rule 6 letter and will get a copy of the Rule 8 letter. To have an automatic right to take part in the examination as an interested party, they need to notify the ExA following the Rule 8 letter. If they don't do either of these they effectively fall out of the examination and will not be written to again.

It was confirmed that the opportunity to discuss the Deemed Marine Licence (DML) would be made available at any issue-specific hearing of the draft DCO. It was recommended that the ExA consider holding any of the other issue-specific hearing prior to a issue-specific hearing on the draft DCO; however the ExA decided it would be beneficial to his examination of the application to discuss the draft DCO first due to the nature of the scheme.

Item 11 - The issue of 2nd written questions will depend on responses and comments received earlier in the examination. There may not be a need for second questions.

4. Site Visit

The ExA explained that 2 days are set aside as shown in the draft timetable. He cannot enter private land unaccompanied and will need an accompanied site visit to gain access to areas which can't be viewed from public vantage points, as well as any requested locations that are considered appropriate to visit. The ExA does not envisage an end to end site visit, but a visit that is targeted on specific areas. The ExA encouraged written suggestions of locations to visit it on the site visit and pointed out that there is a deadline for this in the timetable (Deadline 1).

5. Statements of Common Ground (SoCG)

Requests for SoCG are set out in Annex G to the Rule 6 letter. The ExA declared that he is aware that private agreements may be in place between some of the SoCG parties identified. The ExA has not suggested anything in terms of the scale of a SoCG so, for example, where a private agreement is in place, the SoCG could simply refer to this fact and the scope of any agreement, and then state whether or not there are any other outstanding matters. In such a case, the SoCG could actually be quite brief. The important thing for the ExA is that he has something contemporary to the examination from the



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applicant and from the other party concerned. He needs to know and understand parties' positions, whether they're shared or otherwise; the identification of positions that aren't shared are also important to the ExA.

6. Any Other Business

It was confirmed that submissions must be received by midnight on the date of the deadline.

Mr Ratcliffe asked the ExA is he was aware of the emerging joint minerals local plan draft due to be published in February 2015 and how would he deal with this. The ExA explained that the emerging guidance would be afforded weight depending on its status at the time of consideration.

Interested parties were reminded that agreements on any aspect of the proposed development need to be completed prior to the end of the examination to be considered by the ExA.

Malcolm Ratcliffe asked how his client's submissions to the examination should be structured; the ExA informed that he would expect submissions to deal with the case by whole but subdivided by issue(s). The ExA explained it would be helpful that when representations are made by those representing more than one client, that the case of the clients who are represented are made separately.

Mrs Webb-Ingall explained her objections to the proposed scheme to the ExA.

- Meeting closed at 11:15 -