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Mr Richard Gwilliam

Your Ref:

National Grid
(by email)

Our Ref: 280303_EN070001_2217228

Date: 28 March 2014

Dear Mr Gwilliam

Thank you for forwarding a copy of your Environmental Statement (ES) draft Chapter 5: Environmental Impact Assessment Process. The Planning Inspectorate does not as a matter of course conduct detailed reviews of ES's ahead of the examination stage but, when possible we do provide some advice as to the approach applicants are proposing. The comments provided below are in addition to those already provided as part of our formal Scoping Opinion published 27 March 2013.

Planning Inspectorate comments on the draft Chapter 5: Environmental Impact Assessment Process

At our meeting on 13 February 2014 you outlined the proposed development design iteration and your intended approach to the environmental impact assessment (EIA). We understand that this will include the identification of a suitable "Rochdale Envelope" on which to consider the likely significant environmental effects. This envelope will comprise: the pipeline envelope typically up to 136m wide (but up to 151m wide at special crossings); temporary construction areas; construction compounds; flexible drainage areas; and above ground installations (AGIS). The envelope will also include a temporal component with construction potentially taking place at any time between the years 2016 to 2024. The Planning Inspectorate would like to take this opportunity to reaffirm the importance of ensuring that the EIA is undertaken in such a way as to ensure the worst case within the Development Consent Order (DCO) has been assessed.

The Planning Inspectorate acknowledges that the EIA seeks to address the uncertainty within the elements of the proposed development. The Planning Inspectorate would draw the applicants attention to Advice Note 9 and in particular; *'that flexibility should not permit such a wide range of materially different options such that each option in itself might constitute a different project for which development consent should be sought and an ES provided, nor allow a scheme to be implemented which is materially different from that assessed in the EIA.'* The Planning Inspectorate notes that the 'Likely Pipeline' approach is a useful method to explain how the likely built proposals may be less intrusive than the worst case. However, the Planning Inspectorate

remains of the view that the preferred approach is for applicants to refine their proposals as part of the EIA process so as to reduce the extent of the Rochdale Envelope and limit uncertainty in the assessment of effects.

The following additional comments are made with the intention of providing useful advice in the preparation of the DCO application. The comments do not constitute legal advice on which you can rely and they do not fetter the discretion of decision makers at any later stage in the Planning Act 2008 (as amended) (the PA2008) process. As these comments constitute section 51 advice under the PA2008, they will be placed on the Planning Inspectorate's register of advice on our website.

- **General** – According to the draft ES chapter the DCO will be seeking to allow construction to commence up to 8 years following the grant of consent. The applicant should consider carefully the extent to which it will be possible for the ES to provide a robust assessment of the likely effects over such a significantly long timeframe importantly for topics such as ecology.
- **General** – According to the draft ES chapter the DCO is seeking flexibility on a number of design parameters and there is an intention to make a robust assessment using a 'Rochdale Envelope' approach and definition of a worst case. The Planning Inspectorate advises that particular care should be taken explaining in each case why the parameters chosen necessarily represent the worst case particularly when elements such as the future baseline are on such a projected timeframe.
- **Para 1.1.1** – We note the reference to formal advice provided by the Planning Inspectorate. In order to avoid confusion, it should be noted that this refers to the advice which constitutes s.51 advice under the PA2008 and which can be accessed via our website.
- **Para 4.3.8** – The approach to the assessment of the pipeline and the pumping station assumes that the construction will be complete within a single season (March to September) or two years respectively. This assumption appears to be something on which the assessment may rely as a form of mitigation. However, it is not stated that there would be a requirement in place (or any contingency) within the DCO to ensure that this occurs.
- **Para 4.6.1** – Uses the word 'necessary' the Planning Inspectorate considers that the use of 'appropriate' may be more suitable.
- **Table 4.2** – States that there is a qualitative forecast predicting that there will be an improvement in water quality by 2017. The Planning Inspectorate considers that it would be useful to briefly explain on what basis this forecast is being predicted including any assumptions made.
- **Para 4.9.1** – States that mitigation will either be secured through individual DCO requirements or through the Environmental Management Plan (EMP) and the Design and Access Statement (DAS). It will be important to ensure that if these are being relied upon they are developed in enough detail to provide confidence in their ability to mitigate adverse effects and in the deliverability.

- **Table 5.3** – Row 4 ‘Minor’ effects consider adding text as follows ‘No, unless cumulatively they amount to moderate or above’
- **Para 4.10.9** – Accept that each discipline will further refine the typical criteria but it is important to ensure that there remains consistency as to the impact terminology of a significant effect e.g. those assessed as moderate and above for example.
- **Para 5.3.2** – Should this paragraph also refer to figure 5.1?
- **Para 5.3.4** – It is not immediately obvious which ‘areas’ are being referred to in this paragraph.
- **Para 5.3.6** – See previous comments at para 1.1 above about how the DCO will limit the construction timescales from commencement to completion to that assessed e.g. 1 year/season for the pipeline and two years for the pumping station.
- **Para 5.5.3** – It will be important for the assessment to explain what is meant by ‘temporary’ in relation to the Temporary Construction Area’s (TCA) and to assess the timescales involved in their lifespan.
- **Para 5.6.1** – It is not obvious that the location of the construction compounds has been determined at this stage. The impacts at and generated by the compound sites will need to be fully assessed within the ES.
- **Para 5.7.2** – Suggests that there has been agreement with regard to the assumptions in relation to the flexible drainage areas. Information should be provided regarding with whom these agreements have been reached and whether this will be formally confirmed e.g. within a Statement of Common Ground (SoCG) or another appropriate method.
- **Para 5.8.6** – This section implies that the additional Pipeline Inspection Gauge (PIG) traps could be installed at a later date (after completion of the other elements of the proposed development). Particular care needs to be taken to ensure that the worst case chosen is representative. It is unclear at present specifically how the two scenarios chosen to best address the worst case are appropriate in this instance.
- **Para 5.8.7** –The Planning Inspectorate notes that the multi junction site at Camblesforth will allow for connection of future projects beyond what is included within the DCO. Therefore, consideration needs to be given towards the context of the likely cumulative impacts with other future connections based upon the currently available information.
- **Para 5.9.2** – Refers to Table 5.4 but there is no Table 5.4 the proceeding table is in fact referenced Table 9.2.

Please note that there are numerous typos and referencing errors throughout this document that will need to be corrected prior to submission. However, the Planning Inspectorate acknowledges that this is a working draft of the document and that there will be further refinement and editing prior to submission.

I hope you find these comments useful. Please do not hesitate to contact me should you have any queries.

Yours sincerely

David Price

David Price
EIA and Land Rights 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.