



Meeting Note

File reference	EN070001
Status	Final
Author	Emma Fitzpatrick

Meeting with	National Grid (Yorkshire and Humber Carbon Capture and Storage Project)
Meeting date	23 November 2012
Attendees (Planning Inspectorate)	Laura Allen (Senior EIA and Land Rights Advisor) Hannah Pratt (EIA and Land Rights Advisor) Oliver Blower (Case Officer) Emma Fitzpatrick (Assistant Case Officer)
Attendees (non Planning Inspectorate)	Richard Gwilliam (National Grid) Mike Jordin (National Grid) Russell Cooper (National Grid) Simon Leigh-Hunt (National Grid) Liz Wells (National Grid) Anna Eastgate (National Grid) Nigel Pilkington (Aecom)
Location	The Planning Inspectorate, Temple Quay House, Bristol

Meeting purpose	To give an update on the proposed development (carbon capture and storage cross country pipeline) including discussions on recent DECC announcements, consultation, EIA, scoping, S.46, S.53, and any other business.
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Summary of key points discussed and advice given	<p>Project Update</p> <p>(A) DECC Announcement</p> <p>National Grid (NG) outlined the Department of Energy and Climate Change's (DECC) Carbon Capture and Storage (CCS) Commercialisation Competition. Four projects have been short listed to be taken forward for consideration in 2013; including the proposed nationally significant infrastructure project (NSIP) White Rose Carbon Capture and Storage Project, which is listed on the Planning Inspectorate's website.</p> <p>NG initially envisaged a cross country pipeline to begin at the Don Valley Power Station (which has already been granted planning permission), however this project was not short listed for the DECC commercialisation funding. Therefore, the pipeline route may be shortened and begin at the White Rose Project instead. NG is awaiting a formal announcement from Don Valley to confirm funding options.</p>
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NG anticipates the overall length of the pipeline to be around 85km if the start point is the Don Valley Power Station, and around 77km if the start point is the White Rose Project.

(B) Consultation

NG has already undertaken two rounds of informal consultation, which have aimed to follow the spirit of the formal consultation process under the requirements of the Planning Act 2008 (as amended) ('the PA 2008'):

- 1st Round of Informal Consultation (Summer 2011): Consulted on proposed pipeline routes (route corridor connections). 77,000 members of the public were invited to consultation to discuss pipeline route corridor options in the area through letter distribution, and 16 public exhibitions were held along the proposed pipeline corridor. The consultation was advertised in local newspapers and documents were made available to the public in suitable locations.

- 2nd Round of Informal Consultation (Summer 2012): Consultation on the above ground installations including a compressor site (10 hectares approx), 3 block valve sites spaced at 15-23km intervals along the pipeline (65m² approx size) and a pumping station (9 hectares approx).

The offshore component of the pipeline and storage for carbon capture would be granted permission under different consenting regimes to the PA 2008, however consent for all three components (the onshore cross-country pipeline, the offshore pipeline and offshore storage) would all be decided on by the Secretary of State for DECC.

Latest Project Programme

It is expected that formal consultation under the PA 2008 will take place in Spring/Summer 2013, with the project anticipated to be submitted to the Secretary of State for acceptance in Q4 of 2013.

Currently, near shore geo-physical surveys and borehole investigations are being undertaken to gain a greater understanding of the environmental elements onshore and offshore.

S.46 Notification

The Planning Inspectorate confirmed that the S.46 notice must be supplied on or before commencing consultation under S.42 and needs to be submitted only once.

Approach to EIA scoping

The Planning Inspectorate confirmed that before carrying out consultation under s.42 of the PA 2008, the applicant must provide to the Secretary of State either a request for a screening opinion or a notification that they propose to provide an ES with the application (referred to as 'Regulation 6(1)(b) notification'), in which case the proposed application is deemed to be an EIA development in accordance with Regulation 4 of the Infrastructure Planning (EIA) Regulations 2009 (as amended). Following a Regulation 6(1)(b) notification, or a screening determination that a proposed development is EIA development, the Planning Inspectorate would identify and notify the relevant consultation bodies that the proposed development is an EIA development. The list of notified consultees is referred to as the 'Regulation 9 list' and would be provided to the applicant. Whilst this Regulation 9 list can inform an applicant's list of consultees to be consulted in accordance with the PA 2008, it should not be relied upon for that purpose as it only reflects the consultees identified at the date of the Regulation 6(1)(b) notification. The Planning Inspectorate directed NG to the Planning Inspectorate's Advice Note 3 which provides information on how bodies are identified for the Regulation 9 list and for scoping consultation. This advice note may help to inform NG's identification of consultees.

If the applicant wishes to submit a request for a scoping opinion to the Secretary of State, this can be provided by the applicant at the same time as providing Regulation 6(1)(b) notification. The Planning Inspectorate confirmed that a scoping opinion would be based on the information provided at the time of the request and that if there is subsequently a material change in the description of the project an applicant may wish to request a new scoping opinion. The Planning Inspectorate requests that two weeks notice are given prior to submission of a scoping request and that the applicant provides a GIS shapefile identifying the land subject to the scoping request representing the proposed development consent order (DCO) site and any associated development. The format for the GIS shapefile and the scoping request are set out in the Planning Inspectorate's Advice Note 7. NG intends to submit a scoping request to the Secretary of State in early January 2013.

Earlier in 2012 NG undertook surveys along the proposed route corridor for the pipeline including: habitats, ecology, landscape, water and archaeology. The habitat surveys are being continued into 2013 to include spring/summer season. There has also been an Envirocheck.

NG enquired about whether there would be benefit in assessing both the 'theoretical worst case scenario' and the 'realistic worst case scenario' separately within the ES with

regard to the Rochdale Envelope. The Planning Inspectorate advised that NG should be satisfied that they have identified the worst case scenario and sufficient mitigation measures have been identified where appropriate. The proposed approach that NG intends to follow with regard to assessing the worst case scenario should be clearly set out in their scoping request to the Secretary of State.

S.53 of the PA 2008

NG has employed a land agent who is currently negotiating with land owners to gain permission for NG to obtain access to their land for the purpose of undertaking surveys in connection with the proposed project. As it stands currently, 8 landowners are withholding permission, NG hope that a voluntary agreement can be reached before S.53 requests (authorisation to obtain entry to land for the purpose of undertaking environmental surveys and taking levels) are submitted formally to the Secretary of State.

The Planning Inspectorate advised that there are certain factors which need to be present for a S.53 authorisation request to be granted, these include but are not limited to: the proposed project is a distinct project of real substance genuinely requiring entry onto the land (as required under s.53 of the PA 2008) and that the applicant has 'acted reasonably' and that the authorisation request is made as a 'last resort', as required by the CLG Guidance on Fees.

The Planning Inspectorate agreed to review the draft s.53 authorisation request plans provided by Berwin Leighton Paisner (BLP), on behalf of NG, to advise on the likely number of s.53 requests.

Flood Risk Assessment (FRA)

NG proposes to construct 5 above ground installations (1 compressor station/multi-junction, 3 block valves and 1 pumping station). The proposed compressor/multi-junction has a high potential to be located within Flood Zone 3. NG enquired as to who the competent authority was to confirm vulnerability classification and therefore whether the location of this installation in Flood Zone 3 was acceptable.

NOTE – Follow up advice: The SoS will make a decision on whether a development is suitable taking into account any recommendation received from the Planning Inspectorate. If applicable, the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) require the DCO application to be accompanied by a FRA. NG is directed to the Planning Inspectorate's Advice Note 11 (Annex D) which sets out the Environment Agency's particular role in infrastructure planning. It explains what permits, consents and licences the Environment Agency has

	<p>power to issue and may be required in addition to a DCO for a NSIP.</p> <p>Any Other Business</p> <p>The Planning Inspectorate advised NG to consider Statements of Common Ground (SoCG) with key consultees and to agree these where possible during the pre-application stage of the DCO process, to save time during examination when there are statutory time constraints. SoCG could be used to document what has been agreed on, but also where agreement could not be reached and the reason for this outcome.</p> <p>The Planning Inspectorate directed NG to Advice Note 10 which provides advice on the Habitats Regulations Assessment (HRA) process and the matrices which could be requested by the appointed Examining authority, should the application be accepted for examination.</p> <p>NG enquired whether the Planning Inspectorate intends to produce an advice note to assist applicants in producing a Book of Reference. The Planning Inspectorate confirmed that there is no such intention at present.</p> <p>NG enquired about how to organise potential hearings for projects and fees associated. The Planning Inspectorate advised that they work with applicants when booking venues, and to look at The Infrastructure Planning (Fees) Regulations 2010 (as amended).</p> <p>The Planning Inspectorate can review draft documents for the applicant prior to submission, including drafts of the Statement of Community Consultation (SoCC), the DCO, the Explanatory Memorandum and the HRA report, including any matrices (refer to the Planning Inspectorate's Advice Note 10), to advise on procedural requirements.</p> <p>The Planning Inspectorate advised NG to consider their timescales for the project carefully and to ensure that the Planning Inspectorate is kept up to date on any changes to timescales previously proposed.</p> <p>NG sought to arrange meetings with The Planning Inspectorate in advance of programme milestones.</p>
<p>Specific decisions/ follow up required?</p>	<p>The Planning Inspectorate to provide NG with a copy of the draft meeting note from the meeting in March 2012.</p> <p>The Planning Inspectorate to update the website to reflect the changed anticipated submission date of the project from Q2, 2013 to Q4, 2013.</p> <p>The Planning Inspectorate to contact BLP, acting on behalf of</p>

	<p>NG to discuss the number of proposed s.53 authorisation requests. Note – this conference call took place on Thursday 29 November 2012.</p> <p>NG to contact the case manager to discuss the potential for further milestone meetings.</p>
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Circulation List	All attendees.