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Richard Gwilliam  
National Grid Carbon Limited  
(via email)

Our Ref: EN070001  
Date: 25 July 2014

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Dear Mr Gwilliam

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

### **Section 51 advice following issue of acceptance decision**

I write in relation to your application submitted to the Planning Inspectorate on 18 June 2014 for the above named project. You will be aware that the Planning Inspectorate, acting on behalf of the Secretary of State for Communities and Local Government, issued its decision to accept the application under section 55 of the Planning Act 2008 (as amended) to proceed to examination on 16 July 2014.

In undertaking checks at the acceptance stage some matters came to light which we feel would be prudent to draw your attention to at this stage. This letter therefore contains advice which is issued under section 51 of the Planning Act 2008 (as amended) to assist you in considering what action to take and when.

It would be helpful and assist in the smooth running of the Examination process if any further information, clarification documents or amendments made to the submission documents are produced and submitted to the Planning Inspectorate no later than 5 working days in advance of the preliminary meeting. The Examining Authority may make any procedural decisions it wishes to at the preliminary meeting.

### **Section 42 consultation**

#### *Section 42(1)(a) persons prescribed*

The published section 55 checklist lists nine consultees that were identified by the

Planning Inspectorate for consultation and who were not listed as having been consulted by the applicant in the submission documents. These consultees are:

- The Electricity Network Company Limited
- Southern Gas Networks Plc
- ESP Pipelines Ltd
- Highways Agency Historical Railways Estate
- Thorntree Internal Drainage Board
- Goole Fields District Drainage Board
- Cowick & Snaith Internal Drainage Board
- Goole & Airmyn Internal Drainage Board
- Rawcliffe Drainage Board

Within the published s55 Checklist, the Planning Inspectorate advised that it undertook further investigation on the above omissions and it would appear in each case there are sufficient mitigating factors that make it reasonable to assume that the body has either received the consultation documents indirectly through a parent/predecessor organisation or that the project is not relevant to its geographic area.

However, the applicant is encouraged, on a precautionary basis, to make these bodies, or their appropriate successor, aware of the application and the opportunities to be involved in the process, particularly the opportunity to register as an interested party during the pre-examination stage.

### **Engagement with Local Authorities**

Whilst all local authorities who provided adequacy of consultation representations during the acceptance stage in summary had no concerns, no objection to, were satisfied with or had no comments to make on the applicant's duties under s42, s47 and s48, the Planning Inspectorate encourages the applicant to continue maintaining communication with all A, B, C and D local authorities throughout the process of this application, to assist with the smooth running of the examination.

### **Plans**

#### Land Plans

The red line boundary shown on the Land Plan (Doc 2.1) Sheet 2 (Drawing No. HUMBCC-2014-1-LP-JH-S2) near plots 102 and 107 is currently unclear. The applicant is encouraged to provide a revised copy of Sheet 2 that clearly identifies the red line boundary. In addition, the Applicant may wish to consider including an inset of both plots on the plan to provide clarity.

#### Works Plans

The Order limits boundary shown on the below listed Works Plans (Doc 2.3) currently

appears in orange not red colour. The applicant is encouraged to provide copies of the following Works Plans that clearly identify the Order limits boundary in red:

- Sheet 2: Work No. 4A & 4C
- Sheet 15: Work No. 9A
- Sheet 20: Work No. 11C

On sheets 24 and 25 of the Works Plans (10-2574-GND-01-05-0054 & 10-2574-GND-01-05-0055), work 14D shows land shaded in green hatching for temporary construction areas and compounds. This green hatching exceeds the red line boundary on the western side of the plot. The applicant is encouraged to provide revised copies of these drawing which clearly identify the extent to which the work 14D boundary limit extends.

### Crown Land

Whilst the Land Plans (Doc 2.1) show all the plots of Crown Land to be used for the purpose of development, the Crown Land Plans (Doc 2.6) only show four plots (plots 189, 740, 741 and 1280) of the twelve plots listed in Part 4 of the Book of Reference (Doc 4.3). The four plots shown on Crown Land Plans (Doc 2.6) currently refer only to the land over which the applicant seeks to acquire permanent rights. The plans do not currently show the other eight plots over which the applicant seeks to acquire temporary rights.

In addition, the Crown Land Plans are currently not accompanied by a key plan, as required by Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

The applicant is encouraged to provide updated copies of the Crown Land Plans (Doc 2.6) that clearly identify all plots of land in accordance with Part 4 of the Book of Reference (Doc 4.3). These plans should be accompanied by a key plan.

### **Habitats Regulations Assessment / No Significant Effects Report**

Between 20 January 2014 and 14 April 2014, Natural England held a formal public consultation on the designation of the Flamborough and Filey Coast potential Special Protection Area (pSPA). If confirmed by the Secretary of State for the Environment, Food and Rural Affairs, the pSPA would represent a geographical extension to the existing Flamborough Head and Bempton Cliffs SPA. The pSPA has not been identified in the submitted No Significant Effects Report. The applicant is advised to consult with the relevant statutory nature conservation bodies and provide the necessary information for the Examining Authority to take into account the potential implications of the project on the pSPA.

### **Statements of Common Ground (SoCG)**

As advised at the pre-application stage, the Planning Inspectorate encourages

applicants to work towards SoCGs should any be required. The applicant is advised to prepare any SoCGs as early as possible in the process, particularly to avoid delay at the examination stage. Given that the application has now been submitted to, and accepted by, the Planning Inspectorate, the applicant is encouraged to progress SoCG during the pre-examination stage with relevant bodies.

We trust you find this information helpful, however if you have any queries regarding the matters set out above please do not hesitate to contact us.

Yours sincerely

*Iwan Davies*

**Iwan Davies**  
**Case 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.