



MEETING NOTE

File reference	Electricity Networks Meeting
Status	Final
Author	Patrycja Pikniczka

Meeting with	National Grid
Meeting date	13 December 2012
Attendees (Planning Inspectorate)	Kathryn Powell – Senior Case Manager Chris White – Case Manager Jolyon Wootton – Case Officer Jan Bessell – Examining Inspector Steffan Jones – Case Officer Patrycja Pikniczka- Assistant Case Officer Ulrike Hartmann – Programme Officer Lynne Franklin - Lawyer
Attendees (non Planning Inspectorate)	Tim Bull – Principal Specialist Planning and Best Practice Will Bridges – Consents Officer Nick Brown – Legal (Bircham Dyson Bell) Anna Eastgate – Legal Steve Knight–Gregson – Regional External Affairs Manager Brian Smethurst – Senior Project Manager Nikki Suri – Consultation Programme Manager
Location	Board Room (1 st Floor), Temple Quay, Bristol

Meeting purpose	To discuss the pre-application consultation stage and the preparation of application documents.
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Summary of key points discussed and advice given	<p>National Grid and their representatives agreed they were aware of the Planning Inspectorate's openness policy (that any advice given will be recorded and placed on the planning portal website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which applicants (or others) can rely). Also that any Examining Inspector providing advice would not be appointed to examine the case.</p> <p>Overall</p> <p>Following introductions, the Planning Inspectorate provided general feedback to National Grid based on experience gained from both the King's Lynn B Connection (King's Lynn) and North London (electricity line) Reinforcement Project (North London) applications, as well as the wider experience now gained from dealing with applications at all stages of the PA 2008 process.</p> <p>National Grid was informed that overall the presentation of the application documents was good and submitted in a clear</p>
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order with helpful chronological indexing. National Grid were advised to ensure that when completing the application index, each separate electronic file submitted should be included, not just an overview of the documents. Files containing multiple electronic documents should be combined into as few documents as possible for ease of navigation. For example North London plans are within one document and King's Lynn plans are separated.

Pre-application consultation

A discussion was held on the use of the phrases 'informal' and 'formal'. It is for the applicant to determine how they explain their consultation approach, however it must be clear to the Planning Inspectorate which phases are 'statutory' and 'non statutory' during the consultation process. Any 'non statutory' consultation can also be identified within the consultation report, especially where the statutory consultation only takes place later during the pre-application stage, but it should be clearly defined.

National Grid was advised that the submission of multiple s46 notifications could cause confusion if submitted regarding non statutory consultation.

Draft Documents

National Grid said that the comments from the Planning Inspectorate on draft documents were useful. National Grid was advised that draft documents should be as complete as possible for the Planning Inspectorate to be able to provide the most useful advice. National Grid asked whether further reviews were possible, the Planning Inspectorate advised that this depends on the capacity of the team, as this is not a required statutory step, but that the Inspectorate would always try to provide advice as and when resource allowed.

The Secretary of State has a deadline of 28 days to decide whether or not to accept an application. Therefore, the onus is on the applicant to resolve any issues during the pre-application stage and remove any risk of a non acceptance. There is no opportunity to supplement the submission once the acceptance period starts. Applicants should reserve as much time as possible before submission in preparing their application documents.

For their own benefit, National Grid was advised to use the s55 checklist as a check prior to formal submission and, where possible to delegate this task to an independent party within National Grid for proof reading. The Planning Inspectorate advised that it was important to make sure that clear language has been used and to test the documentation (for example to check that the Development Consent Order complies with all the requirements of the PA 2008).

The Planning Inspectorate noted the applicant's use of Table

1 within the Consultation Report for the North London project, commenting that this was a clear summary as advised in Advice Note 14. The table however, contained errors in setting out the statutory and non statutory phases and how the statutory requirements under PA 2008 were met for each phase. Where a phased consultation approach has been employed, it is important for applicants to clearly define the statutory and non statutory stages in the consultation report, and include a chronological timeline.

National Grid acknowledged the requirement for detailed comments in the s55 Checklist for the North London project.

Consultation Report

A consistent and clear approach is required in writing consultation reports. Clearly divided sections and annexes, detailing the statutory consultation stages under s42 and s44 of the PA 2008 and non statutory consultation sections are recommended. The Planning Inspectorate pointed out that it was not clear within the consultation report which statutory consultees had been consulted at the statutory stage and which at the non statutory stage of the consultation. All identified statutory undertakers consulted under statutory requirements of the PA 2008, for instance should be listed.

National Grid was advised to consider their strategy of feedback when responding to the comments from consultation. Responses received from non statutory consultation can be included within the report in order to avoid any party feeling prejudiced, if they had only responded to the non statutory consultation. Responses can be grouped by subject where appropriate. For instance where one issue has been raised several times, this could be detailed once including names of all those who had similar views. National Grid should be explicit when stating how such issues have been/will be resolved or if not why not with clear, reasoned and evidenced justification.

Some of the statutory consultees were not consulted at each stage of the pre-application consultation stages for the North London Project. The Planning Inspectorate recommended that National Grid could include reasons as to why certain bodies identified by the Planning Inspectorate at the scoping stage, were not consulted by the applicant. It is crucial therefore to explain within the report what judgement has been made in circumstances where consultation is discretionary. It is the applicant's duty to use their own judgement at the pre-application stage, but must be able to justify the approach taken and ensure that no party is prejudiced or precluded. Applicants should also be cautious when using the scoping list produced by the Planning Inspectorate this is not a document that should be relied on for consultation purposes, but may prove to be a useful reference and comparator for some consultation categories, as the list may change as the project

boundary alters and the list does not include s44 consultees.

National Grid was advised to read advice notes (including Advice Note 14 when preparing the consultation report) and to have regard to any CLG Guidance¹ available on our web page. Any departures from statutory guidance within the report should be clearly explained within the report.

National Grid pointed out that para 96 from CLG pre-application guidance is not very explicit. The Planning Inspectorate advised that all consultation responses should be taken into account using certain sensible methods such as grouping where appropriate for example. National Grid should be able to explain clearly, how certain issues have been responded to/resolved.

The Planning Inspectorate explained that CLG guidance advises the applicant to ask themselves a clear question on 'how high is the degree of confidence that all people have been properly consulted and responded to'. It is important for this to be clearly explained within the report.

Requests for consultation responses

National Grid asked why responses to the consultation are requested. It was explained that the responses can only be requested in accordance with Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. It is not the aim to request the responses for each project, but if there are any uncertainties or lack of clarity then this is the only power that can be used at this stage to request such evidence.

National Grid was advised that anyone who has been consulted on the project should be able to easily identify their comments presented in the report. Upon receipt by the Planning Inspectorate of consultation correspondence at the pre-application stage, the Planning Inspectorate directs the sender to write to the applicant as it is their duty to have regard to all relevant responses from the consultation received at the pre-application stage not for the Inspectorate to take such submissions direct.

To avoid being asked for responses in full, to consultation the responses should be explained with a high degree of confidence within the consultation report. It is important therefore for the Consultation Report and book of reference to be of the highest possible standard and clarity. National Grid asked if it is possible for the Planning Inspectorate to be more specific when requesting responses to the consultation. The Planning Inspectorate advised that it

¹ Please note that since the meeting took place CLG have issued new pre-application guidance January 2013: <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

can only request information as explained in the regulations; therefore it cannot provide detailed requests. Applicants are advised to prepare these responses prior to submission as they can be requested within a short deadline.

National Grid queried why both electronic and hard copy responses are requested. The Planning Inspectorate advised that this was to allow quick access by the appointed acceptance Inspector and for the supporting case team as well as long term management of project data. Advice was also given that the correspondence would also be welcomed in a redacted and un-redacted form to assist with handling by the Inspectorate.

Any other business

National Grid has been advised about repetition in the main body of the consultation report.

The role of the Planning Inspectorate's examination manager as well as the responsibility and approach that should be taken by National Grid when organising hearings were explained. The Planning Inspectorate advised that hearing venues should be accessible for all, but ultimately will be at the discretion of the appointed Examining authority even though the responsibility for provision falls first to the applicant.

Part 3 BoR

The Planning Inspectorate asked for clarification from National Grid about the approach taken to Parts 1 and 3 – in other words whether to include persons in Part 3 of the Book of Reference as well as within Part 1 in examination correspondence. The Planning Inspectorate noted that the approach taken in the King's Lynn project (providing an up to date list of affected persons as part of the s59 certification procedure in preference to updating the book of reference) was helpful administratively.

National Grid was asked for clarification on the additional Schedule included at the end of the book of reference for the North London project. National Grid explained that a precautionary approach has been taken to identifying statutory undertakers who may have apparatus within the project boundary. National Grid agreed to come back to the Planning Inspectorate with further explanation.

The Planning Inspectorate advised that there was a need to be clear when preparing the book of reference as there was some uncertainty at acceptance stage. It is for the applicant to identify and justify who should or should not be included in certain parts of the book of reference.

It is necessary to identify all category 1 and category 2 persons having an interest in each plot of land in part 1 of the

	<p>book of reference in accordance with APFP Regulation 7(1) (a) (whether or not the land is to be subject to powers of compulsory acquisition) and there should also be a description of the plot of land. However, applicants should make sure that their compulsory acquisition request is made clear - for example, explaining that land identified in the book of reference is to be subject only to rights to use (not compulsory acquisition) or where it is intended to compulsorily acquire the freehold interest in a plot of land (as distinct from a right in that land) being clear about the intention regarding any lesser interests.</p> <p>National Grid has been advised to be aware of changes made to the definition of a category 3 person (ie now includes persons who could make a claim for injurious affection) by the Localism Act.</p> <p>Since the meeting, new CLG Guidance on the pre-application process has been published on the 10 January 2013 and it is now available on the government website from the link below: https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects</p>
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Specific decisions/ follow up required?	<p>The Planning Inspectorate asked for clarification from National Grid on persons included in Part 3 of the Book of Reference but not included within Part 1 (North London Project).</p> <p>National Grid was asked for clarification on the purpose and status of the additional (non prescribed) Schedule included at the end of the Book of Reference for the North London project.</p>
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Circulation List	Attendees