



Meeting Note

File reference	TR040004
Status	Final
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Meeting with	National Rail (NR)
Meeting date	3 October 2012
Attendees (Planning Inspectorate)	Katherine Chapman (Case Leader) Gideon Amos (Examining authority) Daniel Hyde (Assistant Case Officer) Emma Fitzpatrick (Assistant Case Officer) Hannah Pratt (EIA Officer)
Attendees (non Planning Inspectorate)	Malcolm Armstrong (NR) Henry Long (NR) Lucie Anderton (NR) Ian McCulloch (Bircham Dyson Bell)
Location	Planning Inspectorate Offices, Temple Quay House, Bristol

Meeting purpose	Overview of the project proposed by Network Rail and the pre-application process in relation to the scheme, the DCO, environmental issues and consultation.
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Summary of key points discussed and advice given	<p>Opening Comments Katherine Chapman will be Case Lead on the project (Norton Bridge Area Improvements, Staffordshire) and is key point of contact in the Planning Inspectorate for the Applicant.</p> <p>Introduction and Submission Timetable NR gave a brief overview of what the project involves; currently trains cross each other at an over crowded 'at-grade junction' which reduces train speeds in both directions and capacity, NR propose to construct a new piece of railway that passes over the West Coast Mainline railway rather than across it allowing for greater capacity.</p> <p>Construction of the project would involve the diversion of two high pressure gas transmission pipelines owned by National Grid (NG) and one British Pipeline Agency (BPA) fuel pipeline.</p> <p>NR proposed submission date for the project is 10 December 2012.</p> <p>NR noted that the Planning Act 2008 (PA 2008) acceptance stage of the process allows the Planning Inspectorate 28 calendar days consideration whether or not to accept an application. The Planning Inspectorate highlighted that submissions in mid/late December could cause possible time</p>
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constraints for local authorities in preparing adequacy of consultation reports, and that building amicable relationships with local authorities in the pre-application stage could possibly negate future difficulties with them in the examination stage, should the project be accepted.

The Planning Inspectorate confirmed that full consultation responses did not need to be included in the application documents upon submission; however these can be requested by the Planning Inspectorate during acceptance and on all but one project have been requested. Therefore it would be in best practice to have these readily available to submit.

Redaction of the full consultation responses is not statutory for the applicant; however the Planning Inspectorate request that redaction is undertaken by the applicant to make the process of publishing them easier. Consultation responses that are published on the Planning Portal, National Infrastructure website will be checked before publishing by the Planning Inspectorate and responsibility for the competence of the redaction is accepted also by the Planning Inspectorate.

Land and Plans

NR explained that there are around 12 land owners involved in the project and all land agents have been spoken to.

Pipeline Diversions

NR outlined that all three pipelines cut across the proposed project underground. The two NG pipelines are larger (approx 1m width) than the BPA fuel line (approx 10inch width).

NR is proposing to re-position the pipelines making sure that they are moved to a suitable building proximity distance from the planned railway. Potentially the re-positioned pipelines would need protection in the form of 'blast covers' or 'solid wall barriers' underground.

NR are considering the option of submitting a separate planning application to Stafford Borough Council for the diversion of the BPA pipeline.

NR envisages that the BPA pipeline diversion would still be included in the Development Consent Order (DCO), if that course of action was pursued.

The Planning Inspectorate requested that this be clear during consultation. NR stated that the public have been consulted on this approach. NR explained that the works have to be done sequentially as to allow for the safety of the works and minimal disruption of the pipelines.

As to whether or in what circumstances the NG pipeline diversions might themselves constitute NSIPs, NR has written to the Planning Inspectorate seeking approval of its proposed approach. [Please see attached](#)

NR stated that whether it is a NSIP or not depends upon if NR does the diversion or National Grid (NG). If NR do the diversion it is not an NSIP, if NG do the diversion it may be depending whether or not the works are likely to have significant environmental effects.

Draft DCO and Explanatory Memorandum

The Planning Inspectorate enquired as to why the diversions cannot be considered as part of the authorised works. NR explained that it is part of the authorised work but could also be seen as a separate NSIP. The Planning Inspectorate agreed to provide further advice on this matter.

NR noted that temporary possession of land (power to enter onto land) is regarded by the Planning Inspectorate as compulsory acquisition power as it empowers the applicant to enter onto land without the owners permission.

The Planning Inspectorate queried the requirement of the Water Resources Act, to do with impoundment or damming of a river, NR stated that its use depends on whether it was a main river or not and depends upon the extent to which the Environment Agency is involved.

The Planning Inspectorate commented that there cannot be scope for wide deviation from design drawings and that 'limited deviation' needs to be shown within design drawings.

NR explained that it was proposing to incorporate normal limits of deviation in the works plans but also a Requirement in the Order to construct in accordance with the design drawings (which would be capable of change within the limits of deviation, with the consent of the local planning authority).

NR acknowledged it was not the intention of article 10 of the draft Order to give provision/allow apparatus to be left on streets permanently. NR has no intention of doing this and Planning Inspectorate suggested this could be drafted into the DCO.

The Planning Inspectorate enquired whether NR had considered EMF (electric and magnetic field) effects. NR confirmed railway line would be electrified and the Planning Inspectorate encouraged this to be built into consultation to inform public.

Environmental Issues

NR is currently drafting Environmental Statement (ES) which will be finished this month. NR were not sure at this point as to how many responses they had to the consultation but said there are a few from statutory bodies and various land owners.

BPA fuel line is to have a separate ES for the planning application. However the BPA will be considered in the main ES along with the two other NG pipelines.

NR has shown regard for the scoping report in footnotes in the ES. These footnotes describe changes made in line with recommendations or findings in scoping report.

NR is seeking protected species licences for newts, otters, bats and badgers. The Planning Inspectorate referred NR to advice note 11, which gives advice on working with public bodies, in this case Natural England to get the required licences.

NR hopes to submit application for protected species licences in advance of the DCO due to seasonal constraints.

NR is looking to replace otter holes, artificial roosts, and newt ponds in safe distance from the project. And relocate animals next spring (2013).

NR has undertaken a habitats screening which is in the ES, this has been agreed with Natural England.

Consultation

NR updated the Planning Inspectorate on consultation. Last round of consultation was in June on the draft application documents. In March/April there was a selective consultation on the highways realignment.

NR has not identified any specific protest groups forming.

NR noted main concerns from consultation thus far as being concerns with the construction impacts such as noise, possible visual impacts and proximity of some houses to construction.

The Planning Inspectorate explained the importance of the consultation report. Furthermore attention was drawn to Statements of Common Ground and that these can be very useful and that it is never too early to start them.

The Planning Inspectorate advised NR to be thorough in consultation documentation of the process and to explain why certain bodies were deemed not required to be consulted if this is the case. Also inclusion of all correspondences such as s.46, s.48 letters in consultation appendices are helpful.

	<p>The Planning Inspectorate also advised NR to check that no statutory bodies have been missed off consultation and compare old list of A and B authorities against the new criteria of A, B, C and D authorities as set out in the PA 2008 amended by the Localism Act 2011.</p> <p>NR noted that statutory bodies do not automatically become interested parties and that this would be relayed to statutory bodies.</p> <p>NR has not started statements of common ground.</p> <p>The Planning Inspectorate will contact local authorities shortly to give them pre-warning on the need for local impact report and also give them an update on the proposed submission date of the application.</p>
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Specific decisions/ follow up required?	<p>The Planning Inspectorate will seek clarification with legal on which parts of the project constitute associated development or are NSIP.</p> <p>NR to keep the Planning Inspectorate informed of proposed submission date/submission date changes.</p>
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Circulation List	All attendees