



Campaign against the Pressure Reduction Installation

NEWS FROM CAPRI - 45

1. The Decision

The Committee of CAPRI met on 4th January and I am now writing to let you know what was decided.

The possibility of attacking the Secretary of State's decision was examined in detail. The means to do this would be by Judicial Review. Although such a process would be cheaper than the Inquiry it would nevertheless be expensive - we made a rough estimate of £15,000. However, if we lost we would also have to pay the costs of the other side, perhaps of a similar amount. If we succeeded in having the decision overturned, it is impossible to know what would then happen - the judge could even require the Inquiry to be heard again!

We also looked at the grounds for a Review. We would have to convince a High Court judge that the Secretary of State's decision was either wrong in law or so blatantly perverse that it should be set aside. The grounds for this are not obvious – the Inspector's report, carefully considered by the Planning Inspectorate's legal team, is designed to exclude this possibility.

We therefore decided that the probability of success of a Judicial Review, when weighed against the costs, did not justify us in taking the matter further.

A great pity, but head must rule heart.

2. CAPRI – the future

Unusually onerous conditions were imposed upon National Grid by the Secretary of State. The Committee saw that there remained a clear role for CAPRI – and the public - to ensure that the PRI was built only in accordance with the plans and the planning conditions; (those conditions can be read on the CAPRI website, [here](#)). It was accordingly decided that CAPRI should remain in existence until the PRI is complete

3. Localism

Both The Times and the Independent published a letter from CAPRI on the subject of the apparent contradiction between the action of Mr Pickles, the Secretary of State, in making his decision and the promises of local democracy which he put forward in his Localism Bill which, he said, 'would give local communities real control over housing and planning decisions'. Our letter can be read on the CAPRI website [here](#).

4. NG and the Law

NG continues to have a difficult relationship with the law. Last year they were fined £15m by OFGEM for competition malpractice and only a few days ago OFGEM imposed a further fine of £8m for supplying false figures relating to pipeline maintenance. The matter had been brought to OFGEM's attention by a whistleblower. These two fines are the highest ever imposed by OFGEM.

5. 'Urgent national need'

At the Inquiry, NG claimed that there was an urgent national need for the PRI.

Britain has now had the coldest December since 1890, a winter cold enough to test the gas supply infrastructure of the country in the most demanding conditions. No gas consumer was denied supply. The Milford Haven to Tirley pipeline, limited to operating at a maximum of 80% of its design capacity because of the absence of a PRI, averaged a throughput of 52% during the month with a peak of 79% on 21st December. A graph is shown on the CAPRI website [here](#). And Britain continued to export gas to the continent - because prices there were higher!

One is left wondering whether NG should not have claimed 'urgent National Grid need'.

6. Our Thanks

I have been asked by the Committee to thank you all for your support of the Campaign. It has been a truly monumental effort, undertaken by an entire community. The design, location and landscaping now authorised are significantly better than those initially proposed and stringent conditions have been set by the Secretary of State. Without your support, none of this would have been achieved. Thank you.

7. Be vigilant!

As we are about to enter our sixth year, I again ask for your assistance. We must not allow NG to do anything which has not been permitted. Please be vigilant. If you believe that NG is acting in an unreasonable manner or not in accordance with the permissions given, then please contact them (0800 731 0561) - and make sure that you also let CAPRI know.

Joseph Gabbott
Secretary
13.1.11