



## Meeting note

<b>Status</b>	<b>Final</b>
<b>Author</b>	Siân Evans
<b>Date</b>	23 October 2014
<b>Teleconference with Attendees</b>	Sunderland City Council and South Tyneside Council Mark Wilson (The Planning Inspectorate) Lynne Franklin (The Planning Inspectorate) Sheila Twidle (The Planning Inspectorate) Stephen Carnaby (The Planning Inspectorate) Richard Kent (The Planning Inspectorate) Siân Evans (The Planning Inspectorate) Gary Clasper (Sunderland City Council) Vince Taylor (Sunderland City Council) Mark Reynolds (Sunderland City Council) Paul Feehily (Sunderland City council) Andrea King (South Tyneside Council) John Scott (South Tyneside Council) Sara Dunlop (South Tyneside Council)
<b>Meeting objectives</b>	Preparation and timing of the Area Action Plan and the NSIP process
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The Planning Inspectorate (PINS) advised that a note of the meeting would be taken and published on their website.

Sunderland City Council and South Tyneside Council (the Councils) outlined their proposals for the delivery of the International Advanced Manufacturing Park (IAMP). The Councils intend to work together on a joint Area Action Plan (AAP) for the IAMP site, with the aim of taking the site out of the Green Belt.

The Councils are also considering using the Planning Act 2008 (PA2008) process for phase 1 of the development of the site and also possibly for subsequent phases. PINS explained that the Councils would need a Secretary of State direction under section 35 of PA2008 to enable the application to be submitted as a Business and Commercial Nationally Significant Infrastructure Project. PINS advised that for any phase of development to be considered as an NSIP it would have to be 40,000sqm or more in

size. This figure is provided in the DCLG Policy Statement concerning the extension of the NSIP regime to cover business or commercial projects. The Councils confirmed that each phase would exceed this threshold.

The Councils outlined their timescales for the AAP. PINS queried whether the 'bridging' document referred to is a regulation 18 version. Regulation 18 consultation should introduce what the Councils are hoping to achieve. The Councils asked whether they should present different versions of the IAMP in their consultation. PINS advised that the Councils should show alternatives but they can set out their preferred option. PINS offered for an experienced Inspector to have a meeting with the Councils to give advice on their AAP.

The Councils queried whether the AAP needs to be adopted before any NSIP application is submitted. PINS advised that the National Planning Casework Unit may be able to advise what needs to be in place for the Secretary of State to be able to make a s35 direction. The Councils asked whether they could start their NSIP pre-application consultation for phase 1 of the development before the AAP is adopted and clear of any potential legal challenge. PINS advised that the Councils can do this but it is at their own risk. If there is a delay to the adoption of the AAP which results in a delay to the submission of an NSIP application then there is a risk that the consultation with communities and technical consultees, which was undertaken, will become out of date.

PINS advised that the Councils should think carefully about any consultation they undertake. They need to be clear about what they are consulting on and why, so people understand what they are being asked to comment on. The aim should be to avoid consultation fatigue. The Councils should also consider whether they want one Environmental Statement dealing with the whole scheme and if so, the impacts of each phase should be made clear, together with the cumulative impacts of the whole scheme and the potential cumulative impacts with other major developments in the area. PINS also advised that if the Councils do choose the PA2008 they would find it useful to have legal input in drafting the Development Consent Order as this will be a Statutory Instrument.

The Councils asked about the duty to cooperate in PA2008. PINS explained that there is a statutory duty to consult neighbouring local authorities which is prescribed in regulation but there is no statutory "duty to cooperate" in the same sense as under local plan making legislation.

The Councils queried the flexibility of the PA2008 regime and whether there was scope to change the layout and scale of units after an NSIP application has been submitted. In terms of flexibility within the application documents, PINS referred to the Rochdale Envelope approach; in terms of any changes to the application, these would have to be within the parameters assessed in the Environmental Statement. The NSIP regime was currently the subject of a Review by DCLG. This seeks to respond to issues arising out of the implementation of the PA2008 and related legislation. An element of the 2014 review is to look at the process for changing a DCO, once made. The aim is to make any material change process proportionate to the change being sought. At present the process for considering a material change is virtually the same as submitting a new application. Many developers find this excessive and onerous. New legislation is expected in the New Year to deal with changes.

The Councils stated that they could submit a planning application through the Town and County Planning Act (TCPA) as this may be faster. PINS agreed that this is a

possibility and it is for the Councils to decide which is the best option for them. PINS advised that the PA2008 provides certainty in timing which you do not get with the TCPA. However, there are prescribed statutory stages including pre application consultation that must be undertaken. The emphasis is on efficiency in decision making and certainty of timescales, rather than necessarily a "fast track" approach.

The Councils are in discussion with the Highways Agency (HA) regarding the HA's proposals for the Testos Junction on the A19. PINS confirmed this project was on the list of NSIP projects and pre application discussions with the HA were on-going. The Councils also confirmed they had discussed the IAMP project with the HA including the implications for the HA proposals at Testos. PINS asked to be kept up to date about any changes proposed to the Testos scheme as a result of any discussions with HA.

### **Actions**

PINS to talk to NPCU with a view to putting the Councils in direct contact regarding whether to seek a s.35 direction.

PINS to set up a visit between an experienced Inspector and the Councils in order to consider procedural matters concerning the preparation of an AAP.

The Councils to comment on and send back the previous meeting note from April for PINS to publish.