



Meeting note

File reference	BC030001
Status	Final
Author	Richard Kent
Date	22 February 2018
Meeting with	IAMP LLP
Venue	Telecon
Attendees	For IAMP LLP Emma Cottam-Clough – Pinsent Masons Mark Reynolds – IAMP LLP For the Planning Inspectorate Richard Kent – Senior EIA and Land Rights Advisor Richard Hunt – Senior EIA and Land Rights Advisor
Meeting objectives	Discussing the potential request for access to land under s53 of the PA2008 in respect of the proposed "IAMP TWO" Nationally Significant Infrastructure Project
Circulation	Attendees; Kathryn Dunne (PINS Infrastructure Planning Lead)

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

S53 rights of entry

At a project update meeting held between IAMP LLP and the Inspectorate on 26 January 2018, the Applicant highlighted a potential need to obtain rights of entry under s53 of the PA2008 in order to access land required for the IAMP TWO DCO Project. Both parties agreed that a separate meeting to discuss matters in relation to s53 would be appropriate, and this meeting occurred on 22 February 2018 (this meeting note forms a record of that meeting).

The Applicant briefly set out the potential need to access land required for the IAMP TWO DCO Project in order to undertake intrusive ground investigation works, archaeological investigations, non-intrusive geophysical and ecological walkover surveys to inform the design of the proposed development and the content of the Environmental Statement (ES).

The Applicant outlined its engagement with the land owner(s) to date (over the last c. 12-18 months) and the efforts that it had made in seeking to agree voluntary access. The Inspectorate noted that evidence of negotiations with all land owners should be clearly set out in any s53 request including the efforts made around seeking voluntary agreement. The Inspectorate also noted the importance of individually notifying, and serving copies of, the authorisation request if/when it is made on all land owners.

The Applicant and the Inspectorate discussed the nature and extent of the survey works that the Applicant had sought to agree voluntary access terms in respect of. The Inspectorate advised that any authorisation request would need to demonstrate unreasonable refusal of access in relation to all surveys for which rights of entry to land are sought. The Inspectorate cited the Department of Communities and Local Government (DCLG) non-statutory guidance note on the Infrastructure Planning (Fees) Regulations 2010 (updated in March 2017). Annex A to that guidance contains information on policy intention and interpretation relevant to s53.

The Applicant explained that recent correspondence with the landowner(s) seeking voluntary agreement of access had made reference to the opportunity to make a request to the Inspectorate for rights of access under s53 of the PA2008. The Inspectorate asked the Applicant to keep them informed and to provide as much prior notice of the submission of the s53 request as possible. The Inspectorate also advised the Applicant to ensure prompt (or advanced) payment of the correct application fee, and agreed to provide the Applicant with the correct bank details for this purpose.