

Meeting Note

File reference	Kentish Flats Extension (KFE) - EN010036
Status	Final
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Meeting with	Burges Salmon on behalf of Vattenfall.
Meeting date	16 November 2011
Attendees (IPC)	Simone Wilding, Mike Harris, Jeffrey Penfold and Noreen Sutton.
Attendees (non IPC)	Sophie Summers, Elizabeth Dunn and Julian Boswell of Burges Salmon on behalf of Vattenfall.
Location	IPC Offices

Meeting purpose	Meeting to discuss the post-acceptance stages of the KFE application with the IPC
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Summary of key points discussed and advice given:	<p>All attendees were aware of the IPC's policy of openness and transparency, and the IPC not being able to provide legal advice or comment on the merits of an application.</p> <p>Notification under s56 Planning Act 2008 (PA2008)</p> <p>Vattenfall have arranged for the s.56 notice to be published in the local press for 2 consecutive weeks (weeks commencing 14 and 21 November 2011). This will advertise the Relevant Representation period as 28 November 2011 to 6 January 2012. The developer is proposing this extended period (rather than the statutory minimum of 28 days from the day after receipt of the notification) as it recognises that several people take holidays over the Christmas period.</p> <p>Burges Salmon further confirmed that the s.56 notice of the accepted application will be sent to all consultation bodies and landowners, as required by s.56 (2) of PA 2008 and Regulation 13 of the EIA regs. In line with the IPC's s.51 advice on consultation bodies provided to Burges Salmon on 10 November 2011, the developer will take a precautionary approach and send the s.56 notice also to the relevant additional bodies identified in the IPC's letter.</p> <p>Following the s.42 consultation Vattenfall received several responses requesting not to be contacted further with regard to the proposal. Burges Salmon asked the IPC whether these parties could therefore be left off the s.56 notification list.</p> <p>The IPC explained that it is under a statutory duty to notify</p>
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Interested Parties of any procedural decisions as an application progresses through examination. There is no formal mechanism in the legislation to allow the IPC to remove Interested Parties from the list of bodies to be notified. However, taking a pragmatic approach, the IPC practice is to 'pause' sending correspondence to Interested Parties who have requested in writing to be removed from the mailing list. Their status remains as an Interested Party and therefore the IPC will still send them any final decision made.

The developer anticipates to submit the certificate of compliance with s.56 under s.58(2) PA 2008 on 9 January 2012 and bearing this in mind, any decision as to how to deal with Interested Parties who now express a desire not to be contacted must rest with the developer.

Outreach

The IPC explained that whether or not (and if so what type of) outreach event is held is decided on a case by case basis. This depends largely on whether there's a need and/or demand locally for the IPC to provide some kind of event to explain the PA 2008 process to members of the public and/or local interest groups. This could take the form of one or 2 drop-in sessions, a presentation to a regular meeting of an interested group, and/or a presentation open to anybody interested, or any other form (resources permitting) that may work better.

The key purpose of any such event would be to provide timely information regarding the process (PA2008 regime) which many people may not be familiar with. It would provide people with an opportunity for face to face communication rather than having to rely on the IPC's helpline, website or advice from others including eg the local authority. The IPC has contacted Canterbury City Council for their view on whether or not such an event would be helpful and are anticipate receiving the Council's comments early in the week commencing 21 November 2011. If an outreach event were to be held this would have to take place in early December 2011.

Burges Salmon requested to be advised of the IPC's decision on whether or not an outreach event will be held. Burges Salmon further suggested for the IPC to liaise with the communications liaison officer of Vattenfall for venue selection and for potential venues during the examination stage.

AOB

IPC confirmed that it has revised the Relevant Representation form (hard copy and on-line version) in order to make it more user-friendly. The revised form will also be accompanied by advice on completing the form and a glossary of terms.

	<p>The IPC confirmed the timescale is 21 days for the initial assessment of issues from the close of the Relevant Representation period. However, the Examining authority ('ExA') can only be appointed once the s.58 certificate has been received. The IPC will notify the appointment of the ExA in the Rule 4 and 6 letter which needs to be issued within 21 days of the close of the Relevant Representation period. As soon as reasonably practicable after the ExA has been appointed the IPC needs to request the pre-examination fee from the developer as per Rule 6 of the Infrastructure Planning (Fees) Regulations 2010. Rule 6(2) sets out the level of the fee which will depend on whether or not a single commissioner or a panel of commissioners is appointed. This in turn is dependent on the size of the project, complexity and the level of public interest (as set out in the DCLG guidance on the examination of applications).</p> <p>Burges Salmon asked about the transitional arrangements with the Localism Act receiving Royal assent. The IPC advised that the detailed transitional arrangements are for the Secretary of State to determine through a direction which is expected imminently. There have been several ministerial statements which state the transition will be 'seamless' and that it should not cause any delay to projects going through the process.</p>
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Specific decisions/ follow up required?	<ul style="list-style-type: none"> • Burges Salmon to forward to IPC s.56 notice (FI) and word document listing deposit locations. • IPC to advise Burges Salmon of decision on outreach
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Circulation List	Meeting attendees.
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