



# The Planning Inspectorate

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North London Waste Authority

Your Ref:

By Email only

Our Ref: EN010071

Date: 14 August 2015

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Dear Ms Kerr

At the meeting on Thursday 6 August 2015 you requested clarification whether it is necessary to list persons entitled to enjoy easements or other private rights over land which the applicant proposes to extinguish, suspend or interfere with in Part 3 of the Book of Reference (BoR), if they have already been added to Part 1 of the BoR. In addition to this you also sought advice on how to present the type of compulsory acquisition (CA) powers being sought in Part 1 of the BoR.

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP regulations) define in regulation 7(1) the persons who should be listed in Parts 1, 2, 3, 4 and 5 of the BoR. If persons fall under more than one section under regulation 7 of the APFP regulations these persons have to be listed in *all* those parts of the BoR in order to comply with the APFP regulations and section 37(3)(d) of the 2008 Planning Act. Therefore, it is necessary to list the persons entitled to enjoy easements or other private rights over land which the applicant proposes to extinguish, suspend or interfere in Part 3, even if those persons have been listed in Part 1.

Regarding your second query, you ask in note 1 of the draft Book or BoR whether it would be helpful for Part 1 of the BoR to state which type of CA power is being considered for each interest listed in that Part, noting that this is not a legal requirement under regulation 7 of the APFP Regulations. We note that under Article 30 of the draft Development Consent Order the CA powers that are being sought include the temporary suspension of the rights of certain statutory undertakers, the removal or repositioning of apparatus belonging to certain statutory undertakers, and the acquisition compulsorily of new rights over land belonging to certain statutory undertakers.

The Planning Inspectorate (the Inspectorate) agrees with the applicant's interpretation of the APFP Regulations that there is no legal requirement to provide this information in the BoR specifically. However, within the application as a whole it must be clear what CA powers are to be applied to which persons, so that it is accessible to all stakeholders including the Examining Authority, and there is no ambiguity over what powers are sought. While recognising that this information is available in the Land

Plans, the Inspectorate nevertheless considers that it would be a helpful addition to provide this information in the BoR directly. One way this can be done is by including this information in the description of the plots. Alternatively, it would be possible to use footnotes or make reference to a table in the BoR presenting the different types of powers sought. Similarly, a reference could be made to the relevant article in the DCO where the powers sought are set out.

More generally, the Inspectorate notes that in order to avoid duplication of information in the BoR, it is possible to include detailed information once in one Part and subsequently cross-reference back to this point.

Please do not hesitate to contact me if you have any further queries regarding the advice given.

Yours sincerely

*Stephanie Newman*

Case Manager.

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.