



## Meeting Note

<b>File reference</b>	<b>Hinkley to Seabank Connection - EN020001</b>
<b>Status</b>	<b>FINAL</b>
<b>Author</b>	<b>Robert Ranger</b>

<b>Meeting with</b>	<b>Local authority officers and National Grid</b>
<b>Meeting date</b>	<b>10 April 2013</b>
<b>Attendees (Planning Inspectorate)</b>	<b>Jan Bessell (Pre-application Examining Inspector) Kath Haddrell (Case Leader) Frances Russell (EIA Manager) Rob Ranger (Case Officer)</b>
<b>Attendees (non Planning Inspectorate)</b>	<b>Alyn Jones (Somerset County Council) Andrew Goodchild (West Somerset Council) Angelo Callabrese (Bristol City Council) Doug Bamsey (Sedgemoor District Council) Gillian Ellis-King (South Gloucestershire Council) Graham Quick (North Somerset District Council) Nikki Surri (National Grid) Paul Sobczyk (Sedgemoor District Council) Paula Hewitt (Somerset County Council) Richard Walsh (National Grid) Valerie Moody (Somerset County Council)</b>
<b>Location</b>	<b>The Planning Inspectorate, Temple Quay House, Bristol</b>

<b>Meeting purpose</b>	A meeting hosted at the request of local authority officers to discuss principles of the examination process, logistics, and proposed public information activities.
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<b>Summary of key points discussed and advice given</b>	<p><b>1. Introductions</b></p> <p><b>The Planning Inspectorate (PINS)</b> welcomed delegates to the meeting, which was being held at the request of the local authorities, and thanked them for making arrangements and providing an agenda.</p> <p>It was explained that a note of the meeting would be taken and circulated before being published on the PINS website as a record of any advice given.</p> <p>Jan Bessell was introduced as the pre-application Examining Inspector. It was explained that she would not be appointed to examine any application into this proposal, and that her advice would not extend to the merits of the proposal nor bind or fetter anything that was properly for the appointed persons who would examine any submitted and accepted application. It was also confirmed that the PINS does not provide legal advice.</p>
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Kath Haddrell introduced herself as the PINS case team officer leading on the application within PINS. She apologised for the absence of Chris White, who will shortly be taking on that role.

Other delegates introduced themselves, as set out above.

## **2. Project update**

**National Grid (NG)** provided a brief update on the progress of the project. They explained that they had been considering responses they had received to their consultation on the scheme, and had selected a draft route for the scheme which they had published. They anticipated that they would request a scoping opinion in relation to environmental impact assessment from PINS on 17 April 2013.

Formal pre-application consultation under s42 and s47 of the Planning Act 2008 (as amended) (PA 2008) was expected to take place between 3 September and 15 October 2013, though these dates were approximate. They anticipated the submission of an application would be in January 2014.

**PINS** thanked NG for the update.

The meeting then followed the agenda items provided by the local authorities.

## **3. The examination process**

**Somerset CC (SCC)** thanked PINS for hosting the meeting, which they explained was a response to growing concern amongst the local authorities on how the communities they serve are to be engaged, given the linear nature of the scheme. They were keen that this be addressed as early as possible so as to facilitate the smooth examination of any application submitted.

They were also keen to share their experience and perspective on the Hinkley Point C examination; and discuss PINS outreach activities and the resources for outreach.

**Sedgemoor DC (SDC)** felt that NG and the authorities had developed a valuable collaborative approach to engaging communities, and were keen to extend that approach to PINS.

**PINS** welcomed the aspiration expressed, and agreed that an informed and engaged local community would result in a smoother examination. PINS also acknowledged that local authorities are particularly well placed to understand their communities, and local circumstances in their areas.

It was explained that the statutory framework of the PA 2008 consenting process makes it clear that the structure of any examination is a matter for the appointed examining authority, having regard to the circumstances of the case, relevant representations, CLG guidance, and any submissions to the preliminary meeting. PINS cannot pre-determine now anything that is for the examining authority in the future.

PINS also emphasised that opportunities to make submissions on the structure of the examination were transparent and open to all parties; the PA2008 process does not feature “principal” parties in the same way as a planning inquiry might. Community groups, statutory consultees, and other parties may also wish to make representations on the structure of the examination.

**SDC** noted and supported the equality approach; but was looking for ways to engage within that process. Also keen to understand and contribute to any non-statutory outreach activities that PINS may be undertaking.

**PINS** confirmed that non-statutory outreach activities were likely to be undertaken on this project, and welcomed any opportunity to better target them. Such activities are normally undertaken after any application is accepted, during the relevant representation period for registration by anyone as an interested party. Experience has shown that this is the appropriate point to provide face-to-face support and guidance to the local community on how to engage with the examination, and minimises any confusion with the applicant’s pre-application consultation activities.

Any suggested locations or target groups for these activities would be considered, and any party was welcome to make such suggestions. Unfortunately, resources are not unlimited any expectations have to be realistic; events must be targeted to maximise the benefit and must consider all locations across the extent of a project.

**SCC** agreed that outreach during the registration period would be valuable, and also suggested that PINS could provide procedural guidance at local events to coincide with the applicant’s pre-application consultation, so that participation in that consultation was informed.

They noted during the Hinkley Point examination that some submissions were made that would have been better made during pre-application consultation, or related to matters that were not for examination.

**PINS** agreed that participation in pre-application consultation was vital for those who wished to shape the proposals. PINS has undertaken outreach activities prior to submission on a case-by-case basis where there was an

identified need; but has found that doing so during the applicant's pre-application consultation can often frustrate local communities who would prefer to focus on the merits of proposals; or confuses them as to where they should best make their comments.

**SDC** agreed that those issues were amongst many that would need to be considered when targeting outreach events and structuring the examination; also had concerns about the linear nature of the scheme and the diverse nature of the areas and communities affected. Were keen to provide some advice on how outreach and examination activities could be structured, if there was some reassurance that these suggestions would be considered. Noted the opportunity to make submissions on structure of examination to the Preliminary Meeting, but felt that was quite late in the process.

**PINS** emphasised the distinction between outreach and examination; all suggestions, from any party, that would help PINS to target outreach activities would be gratefully received and carefully considered.

The first opportunity for parties to influence the thinking of the appointed examining authority on the structure of the examination would be in making a relevant representation during the registration period after an application is accepted; the examining authority will have regard to these when forming their initial view on the principal issues and the structure of the examination.

The examining authority can only be appointed after the period for registration closes and the certificate has been provided by the applicant. Guidance suggests that there is a 6 week period between the appointment of the examining authority and the preliminary meeting, but experience to date suggests a period anywhere between 8 weeks and 3 months can be expected.

The structure of an examination is principally written as prescribed in legislation<sup>1</sup> and guidance, but can include open floor, compulsory acquisition and issue specific hearings. The examination timetable will include a deadline by which open floor and compulsory acquisition hearings can be requested. Any interested party can cause at least one open floor hearing to be held by requesting one by the date specified; similarly, any affected person can cause a compulsory acquisition hearing to be held in the same way. In practice, the examining authority may already have identified the need for one or more such hearings in the timetable. Issue specific hearings are held at the discretion of the examining authority where they feel that an issue requires oral

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<sup>1</sup> s90 PA 2008

examination to ensure adequate examination of the issues and that an interested party has a fair chance to put the party's case.

This flexibility is employed to make the examination responsive to the case and to local circumstances; for example, cases with complex legal issues may involve more issue specific hearings, whilst in areas of low literacy, more oral hearings might take place than would otherwise be the case.

Issue specific hearings can be held concurrently<sup>2</sup>; similar provisions do not exist for open floor or compulsory acquisition hearings.

Practical information about suitable venues and facilities is welcomed at any time, since this will increase the local knowledge of the case team and help to programme any examination. The most appropriate contact for such information would be Dean Alford within PINS, whose area of responsibility includes the practical arrangements for hearings and events.

**SDC** The linear nature of the scheme would make concurrent hearings a potentially important tool. Although interested parties can cause a single open floor hearing to be held, it is likely that more than one would be required in order that they can be local and accessible to affected communities.

**PINS** advised that although host and neighbouring local authorities do not need to register by making a relevant representation in order to participate, it was open to them to summarise their submissions in a relevant representation including submissions on the structure of the examination. The same opportunity is open to any party.

**SDC** shared that they identified three principal opportunities from the discussion to this point; local authorities and others could make suggestions to PINS about non-statutory outreach activities, they could provide practical information about venues and local facilities, and they could make a summary of submissions on the structure of the examination in a relevant representation at the appropriate time. Suggested that these would be best undertaken collaboratively by local authorities.

**PINS** confirmed that understanding, and agreed that collaborative working was always helpful.

#### **4. Examination documentation and timetabling**

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<sup>2</sup> s91(4) PA 2008

<sup>3</sup> Rule 8 Examination Procedure Rules 2010 (EPR)

**SDC** Noted that examination timetables would also include deadlines for the submission of documents such as Statements of Common Ground (SoCG) if requested, Local Impact Reports (LIRs), and drafting on the DCO such as requirements. Suggested that early work on these documents was likely to be helpful, based on experience during the Hinkley Point C examination.

**PINS** advised that the PA 2008 process was intended to be front-loaded. Certainty about these documents early in the examination assists engagement and understanding.

Advised that, at its core, a SoCG was a statement of what was agreed, and what was not agreed. It was important not to allow over-complication of structure or detailed discussion on particular issues to delay the creation of a valuable SoCG. PINS also advised that examining authorities may still wish to examine issues that were agreed and that issues not agreed may not necessarily be considered to be principal issues; and so it was also valuable to provide some reasoning or account of how agreement or disagreement had arisen.

**NG** asked whether or not PINS could provide feedback on draft SoCG documents.

**PINS** suggested that a SoCG was a matter for the parties to it, but that PINS does provide procedural advice on draft documents if requested to do so and as resources allow. As with all our advice, this would be published on our website.

**SDC** felt that there was good understanding of what was expected in an LIR, and the process of producing them. Noted that a deadline for submission of an LIR would be included in any examination timetable.

**PINS** advised that although guidance suggested this deadline should be a minimum of 6 weeks after the preliminary meeting, it could be as little as 4 from the publication of the final timetable with the Rule 8<sup>3</sup> letter; however, all the documents relating to the application would be published as soon as an application is accepted. This means that there is a considerable period within which local authorities can produce their reports and early preparation on this basis is encouraged.

Past experience has shown that it is important for local authorities to have clear procedures in place about who is to act on the authority's behalf and or delegation schemes in place for the PA2008 process, and the submission of LIRs.

**SDC** asked whether or not a collaborative submission between local authorities would be the most valuable, and whether or not this was also true of planning obligations.

**PINS** noted that collaborative submissions were helpful, but that there were legitimate circumstances in which it might be appropriate for there to be separate documents, particularly in respect of planning obligations

PINS is not a party to planning obligations and will not be involved in their production. They can be the appropriate tool for many things, including mitigation of specific impacts or delivery of commitments that cannot be incorporated into requirements. An examination timetable may include a deadline for the submission of obligations. As with all documents, early agreement and submission are encouraged.

This also applies to draft requirements, which should be produced in consultation with the party intended to be responsible for discharging them. This is often the local authority, but can also be other bodies and statutory parties.

**Bristol City Council (BCC)** asked if documents submitted early would be published when they were received or held until any deadline set.

**PINS** advised that normal practice was to hold documents until the deadline set, so as not to incentivise late submission, although this would be taken on a case by case basis and the circumstances at the time. It was also important that interested parties should know when to review for new documentation rather than having to constantly check for 'ad hoc' updates.

## **5. Other business**

**SDC** asked if adequacy of consultation representations requested from local authorities upon the submission of application would also be accepted from other parties.

**PINS** advised that regard would be had to any adequacy of consultation representation received from a local authority consultee within the requested timescale; there is no provision made for any other party to make an adequacy of consultation representation. Any such submission may be considered, at the discretion of the Secretary of State and the Inspector appointed to advise the Secretary of State on whether or not an application should be accepted for examination.

The normal advice given by PINS to other parties with views on the adequacy of consultation being undertaken is to raise their concerns with the applicant so that they can be taken into account; and if they remain unsatisfied, to raise them further with the local authority, so that they can inform any adequacy of consultation representation they may choose to

	<p>make on behalf of the communities they represent.</p> <p><b>North Somerset DC (NSDC)</b> Asked if parish councils would be consulted by PINS on any environmental impact assessment scoping opinion.</p> <p><b>PINS</b> confirmed that statutory parties, including host and neighbouring parish councils, would be consulted on any request for a scoping opinion.</p> <p><b>PINS</b> Thanked all for attending; it was agreed that SDC would co-ordinate circulation of the note of the meeting amongst local authority delegates.</p>
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<b>Specific decisions/ follow up required?</b>	
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<b>Circulation List</b>	