



Meeting note

File reference	EN020017
Status	Final
Author	Kathryn Dunne
Date	27 May 2015
Meeting with	Local Authorities
Venue	Telecon
Attendees	Kathryn Dunne – The Planning Inspectorate Adrian Fox – Dover District Council Steve Davies – Canterbury City Council Cherry Aplin – Thanet District Council
Meeting objectives	Meeting to discuss the role of local authorities in the Planning Act 2008 process regarding the Richborough Connection Project
Circulation	All above

Summary of key points discussed and advice given:

After introductions, all parties were made aware that any advice given will be recorded and placed on the Planning Inspectorate's website under s51 of the Planning Act 2008, as amended (PA 2008). Any advice given does not constitute legal advice upon which developers (or others) can rely.

The Planning Inspectorate explained the six stages to the PA 2008 process:

- Pre-application
- Acceptance (maximum of 28 days)
- Pre-examination
- Examination (maximum of 6 months)
- Recommendation (maximum of 3 months)
- Decision (maximum of 3 months)

There is no right of appeal in this process, however following a decision there is a 6 week period in which a claim for judicial review can be made.

The Planning Inspectorate explained the front-loaded nature of the regime, where local authorities, and others, should engage with the developer at the pre-application stage to influence the scheme before the application is submitted. During the pre-application period, local authorities can also draft the documents which will be requested following submission. For example, National Grid has now undertaken the pre-application statutory consultation for this proposal, therefore the local authorities are now able to draft the comments on the adequacy of the consultation. The

comments on the adequacy of the consultation will be requested by the Planning Inspectorate once the application is received, where a 14 (calendar) day deadline is provided.

If the application is accepted for examination, the main submissions to be produced by local authorities are:

- Relevant representation(s)
- Local impact report(s)
- Written representation(s)
- Statement of common ground(s)
- Answers to the Examining authority's written questions
- Comments on the draft DCO.

Local authorities also attend hearings during examinations.

The Planning Inspectorate explained that the local impact report (LIR) is a key submission, as the Secretary of State must have regard to this report when making the decision on the application. The LIR is usually requested towards the start of the examination stage and as a result the local authorities are advised to gather the evidence and draft the report during the pre-application stage. The LIR should detail the likely impact of the proposal on the area. LIRs are invited from both host and neighbouring local authorities, they can be submitted separately or jointly.

The local authorities were advised to ensure that they have adequate delegations in place to meet the examination deadlines, as it is unlikely that these deadlines will align with committee cycles.

The local authorities queried the time period in which the developer must commence the authorised development, if the development consent order is made. The local authorities raised concerns with longer timeframes, specifically in relation to the environmental information on which the developer will be relying. The Planning Inspectorate advised the local authorities to liaise with the developer on this issue during the pre-application stage and further explained that this issue is usually explored by Examining authorities during examinations.

The local authorities queried how to deal with political changes within their authorities during the course of the pre-application and live stages of the process. The Planning Inspectorate advised the local authorities to be clear where any new evidence has altered their position on certain issues and to regularly update the developer and the Planning Inspectorate where necessary.

Post meeting note On 28 May 2015 following the meeting, the Planning Inspectorate provided web links to:

- Good example documents:
<http://infrastructure.planningportal.gov.uk/application-process/example-documents/>
- North London Reinforcement Project DCO:
<http://infrastructure.planningportal.gov.uk/document/2422928>
- Kings Lynn B Connection DCO:
http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN020003/3.%20Post%20Decision%20Information/Development%20Consent%20Order/Development_Consent_Order_as_made_by_the_Secretary_of_State.pdf