



Meeting note

File reference	EN060001
Status	Final
Author	Steven Parker
Date	28 August 2013
Meeting with	RWE npower
Venue	Teleconference call
Attendees	The Planning Inspectorate Oliver Blower - Case Manager Steven Parker - Assistant Case Officer
	Applicant Dave Tate – Project Manager Hugh Morris – Environmental Manager Adriana Gasparini – Legal Advisor Helen Burley - Consents Specialist
Meeting objectives	Advice on post-acceptance procedure
Circulation	All attendees

Introductions

The Planning Inspectorate advised of its openness policy and that any advice given would be recorded and placed on the national infrastructure pages of the planning portal website under s.51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the applicant (or others) can rely.

Clarification of next steps and procedures

The Planning Inspectorate clarified the next steps and procedures the applicant will need to take, with reference to advice given at a previous teleconference call held on 10 July 2013.

The Planning Inspectorate reiterated that the applicant will need to publicise acceptance of the application under s56 of the PA2008, and confirmed that there is no statutory deadline as to when to do this.

The Planning Inspectorate directed the applicant to s56 of the Planning Act 2008 and Regulations 8 and 9 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP regulations).

The Planning Inspectorate informed the applicant that it is for them to choose the deadline to register as an interested party and submit a relevant representation. However, the deadline must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the notice (s56(5) of the PA2008).

The applicant must send a certificate under s58 PA2008, certifying that they have complied with s56 of the PA2008 within ten working days after the close of the relevant representation period (regulation 10(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009). In addition to the s58 Certificate, the applicant will need to provide certificates of compliance in regards to s59 of the PA2008 (if the development involves compulsory acquisition), and Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (if the development is EIA development).

The Planning Inspectorate advised that any PM would normally be held 6 to 8 weeks after the close of the relevant representations period, in accordance with DCLG Guidance for the examination of applications for development consent. However, the Applicant was informed that the exact date of the PM will ultimately be at the discretion of the Examining Authority.

The Planning Inspectorate advised that it would normally liaise with the applicant to arrange the PM venue.

Proposed dates for pre-examination consultation

The applicant informed the Planning Inspectorate that the acceptance would be advertised once in the national and local press in the week commencing 2 September 2013, and once in the Burton Mail (local press) in the week commencing 9 September 2013.

The applicant confirmed that the Relevant Representation period will end on the 11 October 2013. The Planning Inspectorate advised that the Applicant may wish to clarify in the notice when the Relevant Representation period begins, if it does not begin the first day of publication of the notice. The Applicant confirmed that the Relevant Representation period will last longer than the minimum 28 days.

Pre-Examination Consultation

The applicant asked the Planning Inspectorate to confirm who the applicant should notify at this stage in the application process.

The Planning Inspectorate advised the applicant to have regard to those prescribed in s56 of Planning Act 2008.

The applicant asked the Planning Inspectorate whether there is a need to notify prescribed consultees highlighted in the section 55 checklist.

The Planning Inspectorate advised the applicant that those prescribed consultees should still be notified under s56.

In cases when contact details are not available it was advised that the applicant contact neighbouring parish councils or local authorities, who may be able to supply the required information. Furthermore if, for example, more than one parish council share the same point of contact, it would be advisable for the applicant to write separately for each council. The applicant was advised to contact the Planning Inspectorate for further advice if any issues could not be resolved.

The applicant asked the Planning Inspectorate on whether to carry out S47 consultation in addition to the S56 publicity requirements.

The Planning inspectorate advised the applicant that it was good practise to continue to contact those outside of the core zone of consultation, but that it was not a statutory requirement to do so.

The applicant asked the Planning Inspectorate to confirm the weblink and phone numbers to be stated on notification letters.

The Planning Inspectorate advised the applicant that they could either use a link to the home page of the national infrastructure pages of the planning portal website (<http://infrastructure.planningportal.gov.uk/>), or the project specific page of the national infrastructure pages of the planning portal website (<http://infrastructure.planningportal.gov.uk/projects/west-midlands/willington-c-gas-pipeline/>).

The Planning Inspectorate advised the applicant to use the following details:

- General enquiries telephone number: 0303 444 5000
- Project specific email address: Willington@infrastructure.gsi.gov.uk

The Planning Inspectorate informed the applicant that it is possible, and preferable, for those persons who wish to register as an interested party to submit an electronic relevant representation through the planning portal website during the Relevant Representation period. However, it is not possible to print a paper copy of the form, to complete by hand, through the planning portal website. Those who wish to register using a paper copy of the prescribed form should request one by telephone or email.

The Planning Inspectorate informed the applicant that under the Localism Act 2011, neighbouring local authorities ('A' and 'D' authorities) are no longer automatically registered as Interested Parties. Neighbouring local authorities who wish to register as Interested Parties are strongly encouraged to submit a Relevant Representation, however they may also become an Interested Party by 'opting in' at a later time.

The Planning Inspectorate clarified that the applicant must notify under s56(2)(b) each local authority that is within section 56A (i.e. A, B, C and D authorities).

S56 Notice - positioning along route and timescales

The applicant requested the timescales for when notices should be placed along the route, at intervals of no more than 5km along the route, in accordance with regulation 9(3) of the APFP regulation 2009.

The Planning Inspectorate advised that a precautionary approach would be to place these notices at the same time as the s56 notice is first published.

The applicant enquired in relation to s59(2) of the Planning Act 2008 (Notice of interests in land to which compulsory acquisition relates). The applicant explained that it has sub-divided Part 1 of the BOR into Part 1a, 1b and 1c to differentiate between the types of compulsory rights it is seeking as follows: Part 1a: "new rights" (CPO/CRO as per Articles 16 and 18 of the DCO), Part 1b: "temporary possession and surveys" (as per Articles 15, 24 and 25 of the DCO) and Part 1c: "non-intrusive surveys" (Article 15 of the DCO). The applicant explained that it has treated the rights of temporary use, temporary possession and survey as akin to "compulsory rights" for the purpose of the application. The applicant noted that s59 of the Planning Act 2008 refers to a notice to "affected persons" on land where a "compulsory acquisition request" is made. A "compulsory acquisition request" is defined as the "compulsory acquisition of land or of an interest in or right over land"). The applicant noted that Parts 1b and 1c of the BOR do not seem to refer to a "compulsory acquisition request" as such. The applicant enquired if the Planning Inspectorate would expect only Part 1a of the Book of Reference (BOR) in the S59 certificate or the entire Part 1 of the BOR.

The Planning Inspectorate advised that under s59, an applicant has to send to the Planning Inspectorate a notice setting out the names of all affected persons. These are all those who are interested in the land or any part of it (all category 1 and 2 people under s57) which an applicant is intending to compulsorily acquire. If an applicant is merely intending to temporarily use their land for storing materials or carrying out surveys but is not intending to acquire it or a right over it permanently then they are not an affected person and do not need to be included on the s59 notice. The notice could refer to the Book of Reference specifying where the names of the affected persons are to be found rather than setting them out all over again in the notice.

Potential dates for Preliminary Hearing

The Planning Inspectorate advised that the Preliminary Meeting (PM) would normally be held 6 weeks to 8 weeks from receipt of the relevant representations, in accordance with DCLG Guidance for the examination of applications for development consent. However, the PM date will ultimately be at the discretion of the Examining Authority. Consideration will be given to public holidays and venue requirements.

The applicant asked if the Planning Inspectorate would accept potential dates for the PM. The Planning Inspectorate emphasised that the exact date of the PM will ultimately be at the discretion of the Examining Authority; however the applicant could send preferred dates to the case manager who would make the ExA aware of them.