

**Meeting Note**

<b>File reference</b>	<b>EN060001</b>
<b>Status</b>	<b>Final Draft</b>
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<b>Meeting with</b>	<b>'Host' Local Authorities of Willington Gas Pipeline and RWE Npower</b>
<b>Meeting date</b>	<b>23<sup>rd</sup> June 2011</b>
<b>Attendees (IPC)</b>	<b>Glyn Roberts (Pre-application commissioner) Simone Wilding (Case Leader) Katherine Chapman (Case Officer)</b>
<b>Attendees (non IPC)</b>	<b>Nicky Toon (South Derbyshire DC) Jim Malkin (East Staffordshire BC) Joanna Roberts (East Staffordshire BC) Tony Lovett (Staffordshire CC) Hugh Morris (RWE Npower) Matt Trigg (RWE Npower)</b>
<b>Location</b>	<b>East Staffordshire BC Offices</b>

<b>Meeting purpose</b>	<b>Meeting to explain the 2008 Planning Act (PA 2008) process for nationally significant infrastructure projects (NSIPs) focusing particularly on the role of the local authorities.</b>
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<b>Summary of key points discussed and advice given</b>	<p>IPC advised on its policy of openness and transparency and the record of the meeting to be published on the IPC's website under s.51 of PA 2008. Under s.51, no advice can be given on the merits of an application. IPC informed the local authorities (LAs) of the s.51 advice register on the IPC's web-site.</p> <p><b>The PA 2008 process for NSIP applications</b></p> <p>The IPC gave a presentation which outlined the legal framework for making NSIP applications and looked particularly at the role of LAs in whose area an NSIP is proposed (see slides of presentation in separate attachment).</p> <p>The role of National Policy Statements (NPS) and their role in decision making were discussed. The IPC advised that until designation of the relevant NPS, the IPC would make a recommendation to the relevant Secretary of State (SoS) for the SoS to make the final decision. Once the relevant NPS is designated, the IPC has powers to make the final decision. If the Localism Bill is enacted as currently proposed, the IPC will under the Localism Act make a recommendation to the SoS to decide a NSIP application whether a relevant NPS is designated or not.</p>
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The role of the 'host' LAs in open floor hearings was queried. The IPC advised that it is for the LAs to decide whether or not they wish to have representatives present at hearings. Issues should be raised through written representations prior to the hearing. It is therefore for the LAs to judge whether any additional points have arisen to make at the meeting or whether others may raise further issues to which the LAs would like to respond.

The LAs asked whose responsibility it is to discharge/approve requirements. The IPC explained that there are no express provisions in PA 2008 or related secondary legislation dealing with which body should approve/discharge requirements. The absence of such prescribed provisions under the PA2008 regime means that applicants have the opportunity to draft and statutory consultees suggest requirements on the basis of who they consider is the most appropriate body to discharge individual requirements and make a case to the Examining authority (and the decision maker) as to why the DCO should be made in this form. Paragraph 70 of the DCLG Guidance for LAs advises that LAs should recommend to the applicant and the IPC appropriate requirements "including any subsequent approvals to be delegated to local authorities for decision". The implication of this being that the discharge of requirements (other than those relating to the marine environment) will generally be dealt with by local authorities rather than the IPC. The LAs requested that they should be made aware of any changes made to draft requirements during the examination period. The IPC explained that it publishes all representations received on an application during the examination period on the relevant project page of its web-site. The IPC further encouraged the LAs and applicant to agree the wording of draft requirements as much as possible prior to submitting an application for development consent.

The LAs voiced concern over creating reports without having seen responses from Parish councils and statutory consultees, but appreciated the need to avoid work being duplicated. It was suggested that LAs could ask Parish councils to copy the relevant LA into any representation made to the developer. The IPC provided the LAs with IPC advice note 1 (Local Impact Report) for further information. It was discussed that the LAs' 'specialist expertise' in comparison to other statutory consultees is in their detailed local knowledge of their area.

There was concern expressed from all present LAs that resourcing may be an issue. The LAs asked to be kept up to date with the emerging application's progress and to be given early notice of when reports are likely to be required. The IPC encouraged the LAs to put in place a tailored process for PA2008 projects and ensure their delegation system allows them to meet the tight timescales of PA2008, to assist with resourcing and avoid duplication of work. The IPC further suggested that the LAs may wish to explore joint working arrangements to ensure that

	<p>available resources are used most efficiently and minimising the impact on individual authorities. Given the importance of the Local Impact Report (LIR), the IPC strongly recommended the LAs to start work on the LIR at pre-application stage to make sure that the tight deadline can be met, as there will be no scope for extending the deadline.</p> <p>For further information the LAs were pointed to IPC guidance notes 1 and 2 and CLG Guidance for Local Authorities on the IPC website. <a href="http://infrastructure.independent.gov.uk/legislation-and-advice/">http://infrastructure.independent.gov.uk/legislation-and-advice/</a></p> <p><b>Project Update</b></p> <p>RWE Npower (RWE) explained that they are currently starting further informal consultation with land owners. This is to ensure the limits of deviation that RWE require for the location of the pipeline is understood by land owners. RWE are also preparing a 'test' application for a Great Crested Newt licence to submit to Natural England (NE). The expectation is to receive a 'minded to grant' letter from NE to submit with the DCO application. There are approximately 10 other consents in total that RWE may require in addition to the DCO. RWE are currently working with their legal advisers on establishing exactly which consents and how and when to obtain these. RWE are also preparing a further draft DCO on which they're intending to consult informally several key stakeholders in September 2011. The 2<sup>nd</sup> and final formal consultation (s42, s47 and s48) is planned for spring 2012.</p> <p>RWE advised that a revised timetable for submission to the IPC is being prepared to ensure that sufficient time is allowed to prepare a sound application.</p>
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<b>Specific decisions/ follow up required?</b>	The IPC are to seek internal advice regarding the ability of commissioners to make changes to the DCO during examination.
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<b>Circulation List</b>	All attendees
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