



Meeting note

File reference	EA Liaison meeting
Status	Final
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Date	14 November 2014
Meeting with	Environment Agency
Venue	Temple Quay House, Temple Quay, Bristol BS1 6PN
Attendees	Planning Inspectorate Sheila Twidle – Head of Environmental Services Tom Carpen – Infrastructure Planning Lead Hannah Pratt – EIA and Land Rights Advisor Environment Agency (EA) Sally Holloway (by teleconference) Andrew Mozley Carol Bolt Reena Rollason
Meeting objectives	Regular liaison meeting
Circulation	All attendees

Summary of meeting

The meeting was held to share the two parties' experiences and lessons learnt from working on Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008 (PA2008).

Procedural developments in consideration of applications

The Inspectorate explained that since the last liaison meeting, a number of lessons have been learnt from consented NSIPs and that the DCLG 2014 Review of the PA2008 took place. The main change to the Inspectorate's service is a drive to proactively offer advice to applicants to improve the quality of applications in advance of submission. The Inspectorate published a pre-application prospectus in May 2014 which sets out the services it can provide. In particular, the Inspectorate is encouraging round table discussions between applicants and other parties in order to identify issues at an early stage and work towards Statements of Common Ground (SoCGs) and requirements to be placed in Development Consent Orders (DCOs).

The Inspectorate also explained that Advice Note 15: Drafting Development Consent Orders was published in October 2014 which has drawn upon lessons learnt from examinations to date. The EA praised the usefulness of the advice note.

Pre-application engagement – practical experience

The EA and the Inspectorate acknowledged they had both experienced difficulties in engaging with some applicants during the pre-application stage. The Inspectorate explained that they consider regular updates from applicants either through meetings or teleconferences are beneficial to both parties. The EA agreed that earlier engagement on some cases could have been beneficial to resolve issues in the pre-application stage and in particular noted difficulties in responding effectively to Preliminary Environmental Information (PEI) that is poorly presented if they have not had previous engagement with applicants.

The Inspectorate stressed the importance of applicants addressing all issues during the pre-application stage, as there is a high likelihood that they will be explored during the examination.

The EA explained that in some examination questions put to them had been ambiguous and that answering such questions can be resource intensive. The EA asked if it was possible for questions to them to be more focussed. The Inspectorate advised that examining authorities are often seeking confirmation from the EA in order to complete their line of questioning and to inform recommendation reports, but agreed to encourage examining authorities to clarify their questions. The Inspectorate also suggested the EA could call the relevant case officer for clarification over such questions.

In relation to NSIPs with Environmental Permits (EPs), the EA explained that they are limited in their ability to respond to examination questions relating to Habitats Regulations as this risks pre-determination of the EP. In order for the EA to be able to provide assurance to an examining authority that an EP is likely to be granted, the EA requires an applicant to parallel track their DCO application with an EP. This approach is set out in the EA external guidance on Planning and Permitting Guidelines.

SoCGs

The EA noted a drive from some applicants to provide SoCGs at the time of submission and explained the EA's concerns that this places pressure on the EA before the complexities of issues are fully understood and that applications may change between the pre-application stage and submission. The EA consider SoCGs should not be resource intensive and should be an end product of reviewing and commenting upon documents.

The Inspectorate explained that SoCGs are useful for identifying where issues remain and therefore where to focus examination. However, the Inspectorate acknowledged the EA's concerns and explained that there is no expectation from the Inspectorate for SoCGs to be included at the submission stage. The Inspectorate agreed to consider reviewing their guidance on SoCGs.

PEI Reports

The Inspectorate explained that PEI is unique to each project and that Advice Note 7: Environmental Impact Assessment: Screening, Scoping and Preliminary Environmental Information (which is being reviewed and will be re-issued shortly) contains advice on what PEI may comprise. This advice note will be cross referenced by in revised DCLG guidance on the pre-application process. The EA stated that good quality PEI enables them to provide impact/solution driven s42 responses and cited the PEI report received for Hornsea 2 as a good example.

Consents Service Unit (CSU)

Both parties noted a new secondee from the EA (Mel Bischer) is to start work in the CSU on 17 November 2014.

EA change programme

The EA explained their structure has been simplified from a three to two tier structure (removing the regional layer). The EA's six regional legal teams have been reorganised into a national service who will work alongside the existing national flood risk and planning team. The EA is not anticipating external customers to notice any differences on a day-to-day basis.

The EA explained they commenced their cost recovery work on 1 April 2014. They are currently having internal discussions to clarify when the advice provided to the applicant would be under s42 (free of charge) and when their discretionary advice service (chargeable) would be appropriate. The EA noted that there is risk that applicants may not engage as early in the process as they previously have due to the introduction of the charges.

Update to the annexe in Advice Note 11 (Annex D)

The EA confirmed they had commenced work on updating their annex to the Inspectorate's Advice Note 11: Working with public bodies in the infrastructure planning process and agreed to consider including text on the Water Framework Directive.

AOB

The EA agreed to arrange training for the Inspectorate in relation to Environmental Permitting.