



## Meeting note

<b>Status</b>	<b>Final</b>
<b>Author</b>	Hannah Pratt
<b>Date</b>	7 March 2016
<b>Meeting with</b>	Environment Agency
<b>Venue</b>	Via teleconference
<b>Attendees</b>	<b>Planning Inspectorate</b> Sheila Twidle (Head of Environmental Services) David Price (EIA Manager) Tom Carpen (Infrastructure Planning Lead) Hannah Pratt (Senior EIA and Land Rights Advisor) <b>Environment Agency</b> Carrie Williams (Senior Advisor, Sustainable Places & Systems) Carol Bolt (Legal Services) Andrew Mozley (Embedding Sustainable Places Manager) Caroline Duckworth (Senior Advisor, Sustainable Places & Systems) Andy Eden (Senior Advisor, Flood and Coastal Risk Management)
<b>Meeting objectives</b>	Liaison meeting between the Planning Inspectorate and the Environment Agency
<b>Circulation</b>	All attendees

### **NPS policy for assessment of impact of climate change on 'safety critical elements'**

The Environment Agency (EA) explained that they have concerns over the wording of National Policy Statements (NPS) EN-1, the National Networks NPS and the Hazardous Waste NPS with regards to climate change allowances and safety critical elements. The EA consider that the high impact low likelihood scenario put forward in these documents is not robust and that upper end percentiles should be used in order to consider the implications of extremes of climate change on critical elements. The EA noted this contradiction has made it difficult for them to provide advice to applicants.

The Planning Inspectorate (PINS) noted that NPS's are due to be reviewed and update on a 5 year rolling basis and advised the EA to respond to the next consultation on this matter. The EA agreed that they would discuss this matter with other relevant government departments to seek agreement on a way forward and that they would raise the issue internally with local area teams.

In the meantime, PINS advised that when a scoping opinion is requested it would be a suitable time for the EA to raise this issue with PINS as it arises on individual projects.

PINS also noted that examining authorities take project specific advice from the EA into account when examining NSIPs.

### **Breach analysis requirements**

The EA raised concerns over the lack of clarification in NPS EN-1 with respect to consideration of failure of sea defences.

The EA stated that EN-1 infers the need to consider failure of an asset and mitigation for 1 in 1,000 year event (0.1% annual probability). The EA explained that they advise developers to consider the pre-development and post-development flood risk as part of their FRA and to assess the consequences of flooding and of defence failure for the 1% (fluvial), 0.5% (tidal) or 0.1% (fluvial and tidal) annual probability events. However, the EA considers that whilst they would want a developer to assess the implications of such an event (e.g. for occupants of the site and to demonstrate no effects to offsite areas), it is extreme to require a developer to mitigate against this level.

PINS and the EA agreed that if this were to become an examination issue, we would receive a steer on interpretation of EN-1 from the Secretary of State's decision.

The EA agreed that they would raise the issue internally with local area teams and provide advice on a project by project basis.

### **Abstraction reform**

The EA explained that there will be a reform of abstraction licences over the next few years. By the early 2020s, more than 25,000 existing licences are due to be transferred to permits under the Environmental Permitting Regulations; 5,000 of these would be new licences (i.e. those which are currently exempted). Defra is in the process of drafting primary legislation for this to take place and transitions are anticipated to commence around 2019. The aim is to reduce the volume of abstractions to assist with compliance of the Water Framework Directive. Allowances will be calculated on past usage and discussions will be held with operators over draft permits.

### **EA cost recovery**

The EA explained that their cost recovery service charges for discretionary advice but not for statutory advice. The EA is currently looking into what service(s) should constitute statutory advice and is working with Natural England for a consistent approach.

### **Highways schemes**

The EA and PINS noted that Highways England is proposing to submit approximately 40 new NSIPs over the next 3 years, which will be resource intensive for all parties. The EA and PINS agreed it would be useful to approach Highways England and suggest a meeting of EA, HE and PINS to discuss the preparation and submission of these projects with the aim of ensuring consistency of approach.

## **Actions**

- PINS to approach Highways England regarding a meeting for all parties.
- EA to feedback to relevant departments on consultations for revisions to NPS's as and when the opportunities arise.
- EA to raise issues of climate change allowances with relevant government department and to raise issues with developers and PINS early in the pre-application stage on a project-by-project basis.
- EA to share internal note on breaching flood defences with PINS.