

Meeting Note

File reference	Natural England Liaison
Status	Final
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Meeting with	Natural England (NE)
Meeting date	19 January 2012
Attendees (IPC)	Sheila Twidle, Jessica Potter, Hannah Pratt
Attendees (non IPC)	Eric Steer
Location	IPC Offices, Temple Quay House, Bristol

Meeting purpose	To follow up on the regular meetings previously attended by Simon Butler and to introduce new representatives.
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Summary of outcomes	<p>1. IPC Advice Note 11: Working with public bodies in the infrastructure planning process The annex will detail the specific role played by NE and their interaction with the IPC and the applicant at key stages in the infrastructure planning process. It has been drafted and reviewed by both parties and shortly will be published.</p> <p>2. NE's scoping consultation responses The IPC noted that NE's scoping consultation responses are generally received within the 28 day deadline; however stated that the level of detail in responses can vary between projects. NE advised that they are developing a system to monitor their responses to scoping consultation in order to ensure a consistent approach for all projects.</p> <p>3. NE's Section 42 advice The IPC encourages applicants to agree a timetable with NE at an early stage in the project, identifying the timing of consultation and when NE's input will be required. NE explained that resource constraints often place considerable pressure on the statutory timescales for responding to s.42 consultation. NE acknowledged that they cannot charge for advice under s.42 of the Planning Act 2008 (PA 2008) because this is a statutory role however explained that they are currently looking into charging applicants in respect of other non-statutory functions at the pre-application stage. NE is also considering the potential to use Planning Performance</p>
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Agreements (PPAs) to agree a pre-application work programme.

NE noted that it would be useful if they were able to provide a letter to the IPC toward the end of an applicant's pre-application stage summarising the matters upon which agreement has been reached between NE and the applicant and any matters they consider to remain outstanding. NE noted that some s.42 consultation occurs early in the development of the project whereas dialogue often continues beyond the formal consultation stage and throughout the pre-application stage. The IPC stated that they strongly encourage applicants in their consultation report and in any other relevant application documents to identify any matters that they have agreed/not agreed with consultees. This should be evidenced by applicants including relevant copy correspondence to and from the consultees with their applications. In addition, the consultees could copy the IPC into pre-application correspondence with applicants, if consultees wished to ensure the IPC is made aware of any potential outstanding issues.

NE acknowledged the benefit in developing letters of comfort for applicants with regards to European Protected Species and stated that the process for this is detailed on their web site and a link to this is included in the annex to the IPC Advice Note 11.

NE raised the matter as to changes associated with the SoS being the decision maker and the implications with regard to the process for consent for development affecting a Site of Special Scientific Interest (SSSI). It was noted that, under section 28(1) of the Wildlife and Countryside Act 1981 (the WCA), the SoS must notify NE before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from NE. NE will be aware of the proposed operation (as a result of participating in the examination as an interested party) and consideration would need to be given to how the SoS's notification duty under section 28 (1) (2) should be met. In addition, under sub-section 28(1)(6)(b) of the WCA, the SoS would need to serve notice to NE and give a 21 day notice period before consent is granted in cases when NE advice on protecting the SSSI is not followed.

NE explained that Statements of Common Ground are signed off at senior adviser level or above.

	<p>4. Habitats Regulation Assessment (HRA) NE commented that they are able to provide up-to-date conservation objections and favourable condition tables for European Sites, and highlighted that they can assist in the HRA process by determining whether an applicant has identified the correct attributes for European sites in draft HRA documents. Technical Information Notes are available on NE's website</p> <p>The IPC explained that it advises applicants to provide copies of draft HRA reports to the IPC prior to submission and the IPC can give procedural advice on these drafts. The IPC explained that there is no formal process for the IPC to consult NE on draft HRA documents (or for the IPC to comment on draft HRAs) but applicants are encouraged to seek advice on draft HRA reports directly from the statutory nature conservation bodies at the pre-application stage.</p> <p>5. AOB NE also noted some confusion between an applicant informing the IPC about a proposed project (at which time it appears on the IPC website) and formal notification of a proposed application under s.46 of the PA2008. NE noted that the IPC website does not currently state whether a s.46 notification has been received by the IPC and it would be helpful if this information was available on the relevant project page of the IPC website. The IPC noted this, and said they will look into ways to clarify the website.</p>
Record of any advice given	N/A
Specific decisions/follow up required?	<ol style="list-style-type: none"> 1. NE and IPC to exchange lead contacts for each IPC project 2. NE to provide IPC with an organogram of NE. 3. IPC to provide NE with an organogram of IPC once the PINS 2012 structure is finalised. 4. NE to arrange a date between Easter and summer for the IPC to provide training to NE case officers on the PA 2008 process. 5. IPC to clarify a detailed point in relation to the recent Rule 13 and Rule 17 letter for the Ipswich Chord application. 6. IPC to look into clarifying on their website whether a project has been formally notified to them.
Circulation List	All attendees