



Meeting note

Status	Final
Author	Siân Evans
Date	5 September 2014
Meeting with	Tetronics
Venue	Temple Quay House, Bristol
Attendees	Graeme Rumbol (Tetronics) Dr David Deegan (Tetronics) Kate Colclough (Tetronics) Mark Wilson (The Planning Inspectorate) Siân Evans (The Planning Inspectorate)
Meeting objectives	To discuss the NSIP regime in relation to Tetronics' technology
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate advised that a note of the meeting would be taken and published on their website.

Tetronics outlined their technology to process Air Pollution Control Residue (APCr) from Energy from Waste (EfW) plants and expressed concerns about the thresholds which would bring these hazardous waste plants into the Nationally Significant Infrastructure Projects (NSIP) regime. Tetronics explained that they do not have experience of either the Town and Country Planning Act (TCPA) or the Planning Act 2008 (which authorises NSIPs) but feedback from their clients is that it would be quicker and less costly to use the TCPA regime.

The Planning Inspectorate confirmed that the current threshold for any hazardous waste facility, except landfill or deep storage, is 30,000 tonnes of hazardous waste per year. In particular, Tetronics were unclear about why the threshold was set as low as this. Many EfW facilities where they would co-locate their APCr technology were not NSIPs (generate less than 50MW). The Planning Inspectorate do not set the thresholds for NSIPs and advised Tetronics to talk to the Department for Communities and Local Government and the Department for Environment, Food and Rural Affairs (Defra). Tetronics confirmed that they are doing this.

The Planning Inspectorate advised that the NSIP regime is not as onerous as Tetronics or their clients may think. The process is now bedding in and it provides more certainty than the TCPA regime as there are statutory deadlines for the completion of the planning process. There is a National Policy Statement (NPS) for hazardous waste

applications (published by Defra) and therefore the examination of the application will not be taken up with discussions about the need for the project but can focus on the local impacts. While the NPS can be a material consideration in TCPA applications, Examining Inspectors must have regard to it in their consideration of an NSIP application.

Feedback from developers is that they value the certainty in timescales that the NSIP regime provides, which is particularly useful in securing funding for projects. In the TCPA regime there is a risk that applications can be called-in by the Secretary of State or, if an application is refused by the local authority and then an appeal is submitted to the Planning Inspectorate, it can be recovered for determination by the Secretary of State. Both of these scenarios would extend the process. Public Inquiries held under the TCPA process have no statutory timescale in which to be completed.

Also, only individuals and organisations who register to take part in the examination of a NSIP application at a fixed point in the process have the right to participate in the examination. This again creates greater certainty for developers of controversial infrastructure projects. The structured / prescribed way in which interested parties register and participate in the NSIP process also helps to reduce the administrative burden of handling controversial applications.

The Planning Inspectorate explained the statutory timescales with reference to a diagram showing the 6 steps of the application process. This can be viewed on the Planning Inspectorate's website here:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png>

The pre-application stage is statutory and involves consulting with the communities affected; statutory bodies (including local authorities) and land owners. The length of time and resources devoted to pre-application consultation depends on the scale, complexity and how controversial the project is. The developer will determine the scale and nature of any community consultation, in consultation with the relevant local authority. The Inspectorate can also provide advice about this aspect of the process.

The main purpose of the pre-application consultation is to ensure that NSIP applications are as complete as they can be before being submitted to the Inspectorate. Once submitted, the scope to change an application is limited and as such there must be a period of robust engagement with consultees so that there is no need to change an application post submission.

The Planning Inspectorate highlighted their pre-application service. This is a free service designed to help applicants in carrying out their pre-application duties. This can be viewed on the Planning Inspectorate's website here:

<http://infrastructure.planningportal.gov.uk/application-process/pre-application-service-for-applicants/>

Tetronics offered to explain their technology to other members of the team at the Planning Inspectorate and also thought it may be useful for clients of Tetronics, who would ultimately be submitting applications, to have a meeting with the Planning Inspectorate to discuss the NSIP regime.