

## Meeting Note

<b>File reference</b>	<b>EA Liaison</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Hannah Pratt</b>

<b>Meeting with</b>	<b>Environment Agency (EA)</b>
<b>Meeting date</b>	<b>25 May 2011</b>
<b>Attendees (IPC)</b>	Simon Butler, Sheila Twidle, Simon Dilly, Tim Hallam, Dave Cliff (joined later), Hannah Pratt
<b>Attendees (non IPC)</b>	Julie Foley, Julia Farthing, Carol Bolt, Maggie Dutton, Sally Holloway, Jane Morris
<b>Location</b>	<b>IPC Offices, Temple Quay House, Bristol</b>

<b>Meeting purpose</b>	Liaison Meeting
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<b>Summary of outcomes</b>	<p><b>1. Environment Agency (EA) responses to scoping opinion requests</b></p> <p>The IPC explained they have a strict 42 day statutory deadline from receiving a developers scoping request to issuing a scoping opinion. In order for the IPC to take consultee responses into account in the scoping opinion, the 28 day deadline given in scoping consultation letters is 'non-negotiable'. Any responses received after this date will be forwarded to developers and will not form part of the opinion.</p> <p>EA had good performance in responding within the timetable and IPC would appreciate that EA reinforce the importance of timely replies to all staff.</p> <p><b>2. Timing of Development Consent Orders (DCO) and Environmental Permit (EP) licence applications</b></p> <p>The Penfold Review identified, amongst other matters, relevant factors that are likely to affect the customer experience of non-planning consenting processes including flexibility, providing upfront advice, consultation and likelihood of issuing permits. The EA are currently producing guidance which aims to clearly set out their role and remit within the planning and permitting processes. It will set out "critical factors" for permitting, with the aim of giving earlier indication on the likelihood of authorising</p>
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permits and to enable developers to refine their EP applications accordingly. A copy of the draft EA guidance would be circulated for information to the IPC.

IPC mentioned MMO have produced guidance on their process for applicants and would forward the name of the contact to EA.

EA mentioned best practice guidance for local authorities and permitting bodies being prepared by Defra and DCLG. EA agreed to send draft report if possible to IPC.

The group discussed their concerns regarding the likely interactions between the development consent process and other permitting regimes, in particular environmental permitting. It was agreed that early discussions by developers with EA and IPC was important.

The EA said that the time for the EA to determine EP applications for major schemes similar to NSIP developments can take around 12 months, from the point of submission. In order for the EA to get to the 'minded to decision stage' (e.g. Draft Decision and Draft Permit) stage by the time a DCO application was at examination stage, developers would need to apply to the EA for an EP at least six months prior to applying to the IPC for a DCO. If the EA has reached the minded to decision stage this would potentially provide the IPC, developers, and other interested parties (including the local community) greater indication during the examination stage as to whether or not an EP will be granted.

The IPC agreed that their case work leads would inform potential DCO applicants of the need to make early contact with the EA to begin the application process for a permit. The group agreed that it was important for the IPC and EA to consistently promote this early engagement with developers.

The group acknowledged though that it was up to applicants to decide upon their own consenting strategy including when to submit applications for particular consents. There was also discussion regarding the applicants own duties to consult under s.47 and s.42 of the 2008 Act.

### **3. IPC Advice Note 11 – working with other public bodies**

The IPC published Advice Note 11 (part 1) on the IPC website in mid-May. Part 1 is a generic document which applies to all public bodies that the IPC work with under

	<p>the 2008 Act regime, although EA had identified some 'EA specific' issues in this document which they would raise with the IPC following the meeting.</p> <p>Part 2 will comprise annexes relating to individual public bodies. The EA and IPC will continue to work together to revise and finalise this draft annex. The EA were to send a further revised draft of this to the IPC in early June.</p> <p>Other draft annexes relating to the IPC working with the MMO and CCW were in preparation. The IPC were to check internally whether these could be forwarded on to the EA.</p> <p><b>4. Expected future DCO workload</b></p> <p>The IPC shared an overview document of its expected workload, as detailed on the IPC's website, and noted in this regard that they are reliant on information provided by developers on when applications are likely to be submitted.</p> <p><b>5. AOB</b></p> <p>The group discussed how the front loaded nature of the DCO process affects resourcing in both the IPC and the EA. The EA have sometimes received s.42 consultation documents in a piecemeal fashion, making it difficult to cross reference between documents. The group discussed different ways of working with developers to reduce potential resourcing difficulties.</p> <p>The EA and IPC agreed to exchange contact details in order to progress understanding of the implications of the Water Framework Directive. A meeting would be arranged and report back on progress to this group, where appropriate.</p>
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<b>Record of any advice given</b>	N/A
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<b>Specific decisions/follow up required?</b>	<p>EA to forward draft of their guidance note on planning and permitting to the IPC for information.</p> <p>EA to check with Defra/DCLG regarding sending the draft guidance on best practice to local planning authorities and permitting bodies to the IPC.</p> <p>IPC to forward contact name for MMO to EA.</p> <p>EA to send revised draft annexe to Advice Note 11 to IPC</p>
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	<p>in the first week of June 2011.</p> <p>IPC to check whether draft Advice Note 11 annexes for MMO and CCW can be forwarded to the EA.</p> <p>Next meeting end of August/early September 2011.</p>
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<b>Circulation List</b>	<p>All attendees plus Karl Hardy Lynne Franklin</p>
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