



Meeting Note

File reference	NE Liaison Meeting
Status	Final
Author	Hannah Pratt

Meeting with	Natural England
Meeting date	10 May 2012
Attendees (Planning Inspectorate)	Sheila Twidle (Head of Environmental Services) Dave Price (EIA and Land Rights Manager) Frances Russell (EIA and Land Rights Manager) Hannah Pratt (EIA and Land Rights Adviser)
Attendees (non Planning Inspectorate)	Eric Steer Nicola George John Gordon Oliver Lowe Kay Shuard Kathryn Murray
Location	Temple Quay House, Bristol

Meeting purpose	To present the Planning Act 2008 (PA 2008) and Localism Act 2011 process to members of the Natural England (NE) European Protected Species (EPS) team and discuss issues arising on current Nationally Significant Infrastructure Projects (NSIPs).
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Summary of key points discussed and advice given	<p>PINS explained the nationally significant infrastructure projects process from pre-application through to post-decision and highlighted how and where NE can be involved.</p> <p>The following matters were also discussed:</p> <ul style="list-style-type: none">• Annex C of PINS Advice Note 11: Working with public bodies in the infrastructure planning process, details NE's role in infrastructure planning and the arrangements NE has in place to assist applicants in the NSIP process. The importance of developers following the advice set out in the advice notes was iterated.• Under Section 42 consultation, NE's responses are sent directly to developers and not to PINS. PINS confirmed that NE can copy responses to PINS, and can write directly to PINS with their concerns throughout the pre-application phase. This could include sending PINS copies of letters of comfort, or requests for further information from a licensing perspective.
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- It was acknowledged that the Consultation Report submitted with an application is written from the applicant's perspective; NE could also provide to PINS their view of the background to their consultation with the applicant in their written representations, and explain where and why agreements cannot be reached.
- PINS strongly encourage developers to produce a Statement of Common Ground (SoCG) with NE. This could set out not only the matters which NE and the applicant agree but also those areas where they agree that differences remain. The background to the agreement should explain the basis of any disagreements and, if applicable, what information would be required to form an agreement.
- NE queried whether a letter of comfort from NE was required to be submitted by a developer with an application at acceptance stage. PINS explained that whilst not legally required, they would encourage applicants to provide one. The acceptance procedure considers whether an application is in accordance with s.55 of the 2008 Act; it does not mean that all issues regarding an application have been assessed and found acceptable, that is for the examination. Under Regulation 17 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended), the Examining Authority (ExA) has the power to suspend consideration of an application where they are of the view that an Environmental Statement should contain further information. An examination will be suspended until the ExA is satisfied with the information submitted by the applicant.
- PINS is not the competent authority for Habitats Regulation Assessments (HRA). PINS will produce a statement to inform an HRA report upon which they will consult towards the end of the examination period. The report will take account of the examination and consultation and will be appended to the ExA's recommendation to the Secretary of State (SoS). It will be for the SoS to decide whether to consult NE further in coming to their decision.
- As a result of the Localism Act 2011, there is increased flexibility for applicant's to make minor amendments to an NSIP once it has been submitted to PINS; however it will be at the ExA's discretion to decide whether to accept changes and proceed with the examination.
- NE is to undertake an internal lessons learnt task with regards to NSIPs. PINS stated they would consider contributing to the task once a few applications have been taken through to Recommendation/Decision

	stage.
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Specific decisions/ follow up required?	<ol style="list-style-type: none"> 1 NE to review the advice on their website regarding NSIPs and to ensure consistency with the PINS Advice Note 11 Annex C. The advice will underline the need to draft an EPS licence during the pre-application stage to assist the examination process and will highlight that if this is not done there may be significant risks carried by applicants in concluding the issue before the examination process is complete. 2 NE to write to PINS requesting advice on protected species pre-application process and to highlight the importance of pre-application discussions between applicants and NE in determining whether a licence is required, and if so whether one would be issued based on the draft licence application.
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Circulation List	All attendees