



Meeting note

File reference	EA Liaison Meeting
Status	Final
Author	Hannah Pratt
Date	2 August 2013
Meeting with	Environment Agency (EA)
Venue	Teleconference
Attendees	<u>The Planning Inspectorate</u> Sheila Twidle – Head of Environmental Services Simone Wilding – Head of Case Management Hannah Pratt – EIA and Land Rights Advisor <u>Environment Agency</u> Julie Foley – Head of Sustainable Places Adam Ireland – Senior Advisor within the Embedding Team, Sustainable Places
Meeting objectives	Regular liaison meeting with the EA
Circulation	All attendees

Planning Inspectorate organisation changes

The Planning Inspectorate detailed their recent organisational changes and explained that the National Infrastructure Directorate (including the Environmental Services Team (EST)) is now part of the new Major Applications and Plans (MAP) Directorate. The national infrastructure case team has been consolidated into five teams (previously seven) and will continue to work on nationally significant infrastructure projects (NSIPs). The EST will continue to work on NSIPs and planning applications and appeals under the Town and Country Planning Act.

Under the Planning Reform, Town and Country Planning Act applications for underperforming local authorities will be dealt with by MAP from 1 October 2013; the volume of work this will create is unknown.

Changes to the Planning Act 2008

The Planning Inspectorate explained that the thresholds above which electricity line projects are required to use the Planning Act were amended in June 2013 by The Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013. The thresholds for highways and railway schemes were amended in July 2013 by The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013.

EA organisation update

The EA explained that their budget for flood risk related work looks positive as a result of the Defra Spending Review. However, there are likely to be budget cuts for non-flood risk EA work (e.g. regulatory and planning), and as a result the EA will focus their efforts on complex cases with work prioritised on environmental risk. The full implications for the EA as a result of the Defra Spending Review will not be known until approximately October 2013.

EA charging for planning advice and the Midlands pilot study

The EA delivered a presentation explaining their new proposed charging model whereby they provide a preliminary opinion and bespoke advice for planning applications. The preliminary opinion would be a free service available to all, used to screen early application documents, and could include a meeting to discuss environmental issues with the developer. The EA will provide a letter to the developer setting out whether they will have no objection or whether they consider additional work will be required.

The bespoke advice will be a chargeable service and will generally be for larger/complex projects but could include single item requests such as a detailed review of a technical report. It will also provide assistance with parallel tracking complex permits and consents, and meetings and timetables will be agreed upfront with the developer. A pilot of this new service was launched in the Midlands in July 2013, with an anticipated roll out across England from January 2014.

EA to feedback on NSIP examinations to date

The EA explained that they are becoming more confident in the Planning Act 2008 regime and in addressing examining authorities on deliverability of projects. They stressed that this depends on the level of pre-application engagement, and where this is limited the EA is more likely to request additional provisions in the DCO which can result in increased workload post permission; this is a risk for developers.

The Planning Inspectorate requested that the EA clearly detail all of their issues in their relevant representation in order to inform the Examining Authority at an early stage as to the degree to which the Examining Authority should examine a specific issue. The Planning Inspectorate also requested that when the EA makes a relevant or written representation during the examination stage they clearly distinguish any comments regarding section 127 from the remainder of their representation so that it could easily be withdrawn if an agreement regarding s127 is reached during the examination. It would therefore be helpful if a representation regarding s127 could be made separately from other representations.

The Planning Inspectorate explained that, as a result of the Localism Act 2011, if the EA does not respond to a Rule 8 letter then the Planning Inspectorate will not continue to notify the EA.

The EA explained that they will be presenting their lessons learnt on the Planning Act 2008 regime to the Department for Communities and Local Government (CLG) NSIP Sounding Board in September 2013. They will be highlighting the implications on resources, their experience of pre-application engagement, the alignment of planning and environmental permitting regimes, and providing examples from NSIPs.

EA Guidance

EA had prepared a draft paper in relation to Climate Change on which PINS had made comment. It was agreed that this paper provided a useful source as to where to find relevant information. It was discussed how this could be moved forward and how this could be made available to the public. It would not be possible to put this on the EA website, and it was not a PINS advice note. The possibility of adding this to the EA Annex to Advice Note 11 on the PINS website would be investigated.

Specific decisions / follow up required?

- EA to send a copy of the Defra Spending Review to PINS
- EA to produce an internal note explaining their agreed way of working with PINS
- EA to provide updates to PINS on their new charging model once experience is gained
- EA to feedback on whether cross-examination was useful
- PINS to send link to CLG paper on the likely underperforming local authorities to be dealt with by the MAP Directorate
- PINS to identify to the EA NSIP projects where they have had 2+ EA contacts
- Post meeting note: confirmation that the EA paper on Climate Change could be added to the EA Annex to AN11.