

Meeting Note

File reference	Natural England Liaison
Status	Final
Author	Hannah Pratt

Meeting with	Natural England (NE)
Meeting date	16 June 2011
Attendees (IPC)	Ian Gambles, Simon Butler, Hannah Pratt
Attendees (non IPC)	Mike Wilkinson, Alan Law
Location	IPC Offices, Temple Quay House, Bristol

Meeting purpose	NE and IPC Liaison Meeting
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Summary of outcomes	<p>1. Natural England (NE) update</p> <p>NE gave a brief update on the changes to their organisation, and highlighted future proposals which will take place over the next three years. In order to make the required 30% savings over three years approximately 500 of the 2,600 workforce have taken voluntary redundancy in the past few months, and further reductions in the workforce may take place over the next three years.</p> <p>Looking ahead, NE are seeking to provide consistent advice with one single functional view to all developers across England. This has resulted in a change from a regional focus on projects to a centralised reorganisation of services and functional teams. The 'Land Use' and 'Marine' teams will be responsible for working on onshore and offshore proposed Nationally Significant Infrastructure Projects (NSIPs) respectively.</p> <p>Alan Law is the accountable manager for IPC and NSIP developments, deputised by Rob Cooke.</p> <p>2. Providing advice to developers</p> <p>NE and IPC discussed the approach to be taken in producing an annex to IPC Advice Note 11: Working with public bodies in the infrastructure planning process (part 1). The annex will detail the specific role played by NE and their interaction with the IPC and the developer at key stages in the infrastructure planning process. The annex</p>
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should also provide developers with information on how NE's functions, including their statutory role within EPS licensing, may affect a developer's timetable for proposed NSIPs. The annex should also explain the interface between marine and terrestrial projects, set out the level of advice and information NE will give a developer during the pre-application stage and their role throughout the examination.

It was noted that the Planning Act 2008 (the 2008 Act) regime is more 'front-loaded' than other planning regimes. For some projects NE will need sufficient time during the pre-application stage to be able to form a considered view on a project. In view of this, developers must plan their consultation so as to engage with NE at a sufficiently early stage. NE and the IPC agreed to provide developers with a firm and consistent message on the level of engagement required between NE and developers. The benefits of conveying this message through the annex to Advice Note 11 was recognised by NE and the IPC.

The IPC explained that developers should discuss their draft DCO application with NE sufficiently early in the pre-application stage; the IPC will not generally be involved unless the developer requests an EIA scoping opinion and/or seeks advice under s.51 of the 2008 Act. Precise details of draft DCO provisions and requirements can be considered during the examination stage, possibly in issue-specific hearings. However, these should not result in a DCO application substantially different to that for which the developer has applied.

The IPC explained that formal consultation obligations for developers arise under Section 42 (and s.47) of the 2008 Act. When an EIA scoping opinion has been requested by a developer, the IPC is required to consult the 'consultation bodies'. If the proposed application is likely to affect land in England, NE would be consulted.

In addition, in terms of Habitats Regulation Assessment (HRA), the IPC expect developers to agree a screening approach with NE. An explicit statement on the stage that the HRA process has reached for a project should be provided to the IPC with a DCO application, with agreement from NE where possible.

NE queried the extent to which they can raise any concerns about application of process on specific projects to the IPC at the pre-application stage. The IPC responded that any concerns are best raised first with the developer and best efforts made to resolve any issues. The IPC are happy to receive correspondence from NE on any specific

project, which should be directed to the case leader, and will endeavour to provide constructive advice whenever possible. All projects are handled on a case by case basis with regard to the demands of the case and the available resources, but the IPC regularly attends tri-partite meetings to assist with discussions and will always consider requests for assistance of this nature with the pre-application process. The IPC cannot discuss the merits of a project. NE and developers should be aware of the IPC's openness policy.

3. IPC workload

The IPC stated that developers and their advisors are now beginning to understand the DCO application process in greater detail. The IPC are expecting between six and eight applications by October 2011, and up to 20 in the current financial year. Between 60 and 80 projects are normally expected to be at the pre-application stage..

4. Future of the IPC

The IPC explained that, subject to the will of Parliament, the Localism Bill is due to be enacted in Autumn 2011. Subject to the making of subsequent secondary legislation bringing relevant provisions into force, the IPC will cease to exist on 31 March 2012. The IPC will integrate with the Planning Inspectorate and a directorate responsible for national infrastructure will be formed. The DCO application decision making functions of the IPC will in all cases be passed to the relevant Secretary of State, Commissioners will integrate with Inspectors to become a single body within the new Planning Inspectorate, and will no longer be called Commissioners.

The Government is committed to ensuring continuity of the current regime, and the IPC aims to provide consultees and developers with continuity in terms of their interface with the IPC and PINS.

5. AOB

The group discussed the success of the on- and off-shore consenting forums. In order to focus the attention of these forums, the IPC has drafted Terms of Reference which are currently with attendees for comment.

As part of NE's improvement programme a panel of industry representatives will be invited to give their views on NE's service and discuss how NE can be more responsive. The IPC stated they would welcome the opportunity to be engaged as part of the review.

	<p>NE asked if the IPC can respond to the consultation on the Natural Environment White Paper. The IPC stated they could respond on how the paper may affect the DCO application procedure but the IPC cannot play a role in forming policy.</p> <p>The role of the National Infrastructure Planning Association was discussed. They are a non-statutory private organisation that, amongst other matters, gives advice to potential applicants. The IPC has no direct involvement with the organisation.</p> <p>Regular meetings between the IPC and NE were suggested, approximately quarterly.</p>
Record of any advice given	N/A
Specific decisions/follow up required?	<p>NE to forward the following to the IPC:</p> <ul style="list-style-type: none"> - Updated NE organogram - Updated NE contact list – Rob Cooke <p>All</p> <ul style="list-style-type: none"> - Seek to arrange regular liaison meetings (quarterly)
Circulation List	All attendees