

## IPC Meeting Note

<b>Status</b>	Final
<b>Author</b>	Helen Adlard

<b>Meeting with</b>	TWA Orders Unit, Department of Transport
<b>Meeting date</b>	15 November 2011
<b>Attendees (IPC)</b>	Helen Adlard, Ian Gambles, Luke Barfoot, Lynne Franklin, Nicola Mathiason, Noreen Sutton, Robert Hanson and Tim Hallam
<b>Attendees (DfT)</b>	Martin Woods and Beverly Crossland
<b>Location</b>	IPC Office, Bristol

<b>Meeting purpose</b>	Future working arrangements concerning draft development consent orders (DCO)
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<b>Summary of outcomes</b>	<p><u>Background</u></p> <p>TWAOU outlined the process they follow when advising on proposed TWA Orders as background to understanding how they might work with the IPC and PINS in the future on DCOs.</p> <p>There is direct communication with applicants before and after they make applications, but not normally during a public inquiry. TWAOU aim to resolve all Order issues before an inquiry is held, but may need to liaise with applicants once the inquiry is closed and at the decision stage if drafting issues remain. The TWAOU consists of administrative/consents staff and they call on lawyers for drafting expertise and legal advice when required. They consult policy colleagues in affected Government Departments where proposed Orders raise novel questions e.g. the inclusion of a power to impose restrictive covenants or to disapply railway closure procedures. A nominated lawyer will take charge of the draft Order throughout the process ensuring there is only one live version.</p> <p><u>Future process on DCOs</u></p> <p>TWAOU will deal with all DCOs on transport matters. Their concerns at this stage are that by the time the</p>
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	<p>recommendation to the Secretary of State is received there are no loose ends remaining, for example, agreements of protective provisions, highways authority agreements to submitted details or conditions, or any linked consents. They would need to be informed of any procedural complications such as outstanding linked consents or special parliamentary procedure.</p> <p>TWAOU are uncertain whether the Home Office Gateway concerning powers of entry will apply to development consent orders but are trying to clarify the position with regard to TWA Orders given it comprises local legislation. If clearance is required TWAOU would need to know that clearance had been given if powers of entry are proposed to be included in a DCO.</p> <p>Other process questions that need to considered are:</p> <p>How could at pre-application stage any policy issues affecting Departments and raised in a draft DCO be notified to the IPC so that Departmental views about issues that needed to be examined might be taken into account?</p> <p>Early notification of the dates when an examination is due to finish and report received.</p> <p>TWAOU access to all necessary documents referred to in the report to the Secretary of State including the draft DCO with amendments from that submitted with the application, copies of plans and book of reference incorporating any changes agreed during the examination process and a copy of, or link to, a database of all those entitled to receive a copy of the statement of reasons.</p>
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<b>Follow up action required?</b>	<p>TWAOU will send a copy of its initial ideas on how the TWA model clauses should be updated to reflect need for SIs to be in modern language.</p> <p>TWAOU will follow up post examination process issues with Ian Gambles, Director of Operations.</p>
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