

# IPC Infrastructure Planning Commission

## Meeting Note

<b>File reference</b>	110322_Minutes of Onshore Consenting Forum 8 Feb 2011
<b>Status</b>	Final
<b>Author</b>	Will Spencer, Simon Butler

<b>Meeting with</b>	Onshore Consenting Forum
<b>Meeting date</b>	8 February 2011
<b>Attendees (IPC)</b>	Simon Butler (SB) Sheila Twidle (ST) Will Spencer (WS) Simon Dilly (SD) Katherine Chapman (KC)
<b>Attendees (non IPC)</b>	Simon Birch, Environment Agency (SBI) Stephen Trow, English Heritage (STR) Andrew Canning-Trig, Natural England (ACT) Chris Botting, Forestry Commission (telephone) (CB) Sarah Wood, Countryside Council for Wales (telephone) (SW)
<b>Location</b>	IPC Offices, Temple Quay, Bristol

<b>Meeting purpose</b>	To set out key responsibilities associated with Onshore NSIP Developments.
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<b>Summary outcomes</b>	<b>of</b>	<p><b>Introductions</b></p> <p>SB introduced the purpose of the forum, explaining the intention for it to be the first in a series of meetings which provide an opportunity for attendees to discuss the range of NSIP proposals on the IPC's Programme of Projects and identify opportunities for knowledge sharing on best practice and up-to-date guidance and advice. The forum is intended to be 'open' and the possibility of having a rolling chair' to the meetings was suggested.</p> <p>SB explained the IPC openness/transparency policy and advised attendees not to raise issues that they would not wish to be made public. A copy of the finalised meeting note would be made available on the website.</p> <p>SBI and STR explained their concern regarding the scope and ability to contribute to the forum. SB clarified that the purpose of the forum was to discuss all onshore</p>
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Nationally Significant Infrastructure Projects (NSIP) and not just wind schemes.

SW stated she was pleased the forum had been arranged, in order to identify/resolve the common/generic issues to the IPC consenting process.

It was recommended that the forum should be known as the 'Terrestrial Consenting Forum'. The IPC consider that 'Onshore NSIP Consenting Forum' might be more appropriate. It is therefore recommended that attendees consider these alternatives and provide feedback at the next meeting. **Action: All**

The opportunity to communicate with the Offshore Consenting Forum was discussed and will be monitored in due course.

### **Terms of Reference**

STR requested clarity regarding the Terms of Reference for the forum, given that offshore projects have onshore impacts and vice versa. SB explained that there will be opportunities to discuss issues at either forum, or through pre-application consultation stages with the Applicant. It was also explained that the IPC is expected to be 'neutral' and cannot be seen to be driving any specific projects. KC commented that consultees can also raise issues through the relevant local planning authorities, e.g. through their Local Impact Report.

SB sought suggestions of the Forum for potential additional attendees at future meetings. STR explained that this issue would need to be discussed with other relevant bodies following a formal request from the IPC. **Action: SB**

Other suggested attendees included:  
Forestry Commission England.  
Cadw  
JNCC  
Highways Agency.

Careful consideration will be given to ensure representation at the Forum is proportionate to the needs to the individual organisation.

### **IPC Process: Pre-application consultation and EIA Scoping**

SB requested feedback from attendees on current IPC process, such as any issues not being addressed. SBI

stated that the EA have undertaken an internal review and that despite some inconsistencies between the responses from area offices overall the process had gone well. STR agreed. All attendees provided evidence to demonstrate where their business processes had evolved to cope with demands of NSIP Applications.

SB stated that the IPC value responses from consultation bodies. The statutory period for EIA Scoping consultation (28 days) and preparation of the final scoping opinion (42 days) was explained. The need for consultation body's response within the statutory deadline of 28 days was made clear. Any late responses would not be included in the scoping opinion, which is the IPC's formal opinion of the information to be included in the applicants Environmental Statement (ES).

KC stated that a realistic timetable is requested from applicants to make resource management easier. SW expressed concern that the timetable shown on the IPC website has been used by applicants to leverage consultees to respond more quickly. KC added that timetables are becoming more realistic as knowledge on length of process increases but accuracy cannot be guaranteed. ST commented that scoping opinions are becoming more helpful to applicants, thereby encouraging them to adhere to timetables. SB recommended consultation bodies contact applicants for advice as to whether/when they are likely to require consultee input.

It was explained that some consultation bodies (e.g. MMO) are seeking to firm up draft Licences with the Applicants prior to submitting the DCO Application. Other consultation bodies (Natural England) are seeking to provide formal assurances on the applicant's approach to licensing e.g. approval of European Protected Species (EPS) Licence mitigation proposals. It is evident that such an approach encourages applicants to complete necessary survey work prior to submission.

ACT comments:

- Would call such a licence a 'Notice to Proceed'.
- Suggest consultees sit down to agree suitable procedure.
- NE would wish to avoid a situation where its licensing process prevents operational development of an IPC approved application.

STR comments:

- Willing to help in process.
- Concern regarding issue of applicant willingness to invest time and resources where uncertainty remains

on securing DCO application.

SBI comments:

- Would provide guidance rather than formal assurances.
- Formal consultation on the Environmental Permit (EP) within the IPC examination process would not be possible. The information to be provided by applicants within the ES is also unlikely to match that required by the EA when assessing EP applications.

SBI queried whether EA pre-application work is statutory (for fee charging purposes). SB explained that pre-application consultation is statutory for NSIPs. The IPC cannot advise on whether consultees can charge for any statutory/discretionary work undertaken. ST suggested that consultees should seek legal advice on this issue.

IPC has published statutory guidance and advice to explain the pre-application process and outline the information to be provided when consulting the prescribed bodies under s42 of the Planning Act 2008 and the local community under s47:

- IPC Guidance Note 1 on Pre-Application Stages (Chapter 2 of the Planning Act 2008), Revision 1, 29 March 2010
- Advice note 8.1: How the process works, February 2011

It was agreed that the current approach to EIA scoping consultation is appropriate. Each Consultation Body will advise the IPC when contact details change.

#### **Advice and Guidance: IPC and Statutory Consultees**

SB directed attendees to current and forthcoming IPC Advice Notes and statutory guidance on the IPC website. It was clarified that the Advice Notes are the IPC's 'advice' only (not statutory 'guidance') and are prepared on a 'need' basis.

#### **Consents under s150 of the Planning Act 2008**

ACT sought advice from the IPC regarding requests to remove consents under s150 of the Planning Act 2008. SB stated that applicants can decide not to include 'deemed consents' in their application, provided there is agreement from the relevant statutory body. It was agreed that the appropriate contact within each body may not be clear to applicants. One solution could be to provide relevant links on the IPC website.

	<p>KC to review applications to identify those where deemed consents are to be progressed separately. <b>Action: KC</b></p> <p><b>Programme of Projects: Dialogue on lessons learnt</b></p> <p>KC provided a summary explanation on the processes undertaken by the IPC once an application for a DCO has been submitted.</p> <p>ST explained the relevance of the Local Impact Report (LIR) to be prepared by the relevant local planning authority. Deadlines for submitting LIRs are set out within the procedural decision by the Examining Authority either at or following the preliminary meeting.</p>
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<b>Specific decisions/follow up required?</b>	<p>Meeting note to be prepared and circulated. <b>Action: WS</b></p> <p>Date of next meeting not confirmed – possibly in 3-4 months.</p> <p>Clarity required on the Terms of Reference, possibly using those for the Offshore Consenting Forum. <b>Action: SB</b></p> <p>Query on whether the devolved administrations/other relevant bodies should be involved in the forum. <b>Action: SB</b></p> <p>All attendees to consider ‘Terrestrial Consenting Forum’ and ‘Onshore NSIP Consenting Forum’ as alternatives to the name of the forum and provide feedback at the next meeting. <b>Action: All</b></p> <p>KC to review applications to identify those where deemed consents are to be progressed separately. <b>Action: KC</b></p>
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<b>Circulation List</b>	All attendees
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