



Meeting note

File reference	Consenting Forum
Status	Final
Author	Hannah Pratt
Date	3 October 2013
Meeting with	Defra Major Infrastructure & Environment Unit (MIEU), English Heritage (EH), Environment Agency (EA), Joint Nature Conservation Committee (JNCC), Marine Management Organisation (MMO), Natural England (NE), Natural Resources Wales (NRW)
Venue	Temple Quay House, Bristol
Attendees	Sheila Twidle (Planning Inspectorate (PINS)) Simone Wilding (PINS) Tim Hallam (PINS) Hannah Pratt (PINS) Gary James (MIEU) Heeran Buhecha (MIEU) (by 'phone) Chris Pater (EH) Carol Bolt (EA) Lisa Chilton (JNCC) (by 'phone) Alan Gibson (MMO) (by 'phone) Mel Nicholls (MMO) (by 'phone) James Bussell (NE) Laura Newland (NE) Sarah Wood (NRW) (by 'phone) Lisa Hopkinson (NRW) Andy Hill (NRW) Emyr Gwyn (NRW)
Meeting objectives	Regular Liaison meeting
Circulation	All attendees

Summary of key points discussed and advice given:

1. PINS update

PINS explained that the Environmental Services Team now forms part of the Major Applications and Plans (MAP) directorate. Mark Southgate is the director.

2. Eastern Marine Plans

The MMO explained that the draft East Inshore and East Offshore areas plans are currently being publically consulted upon (closing date 8 October 2013). Following the consultation, the MMO will document and analyse responses prior to making a recommendation on the plans to the Secretary of State for the Department for the Environment Food and Rural Affairs. The MMO aim to adopt the plan in late 2013/early 2014.

The MMO aim to produce 11 further marine plans, and work has commenced on the South Inshore and South Offshore marine plan.

The group discussed the weight to be given to emerging marine plans in respect of development under the Planning Act 2008 process. It was noted that Section 104 of the Planning Act refers to the need for the decision maker to have regard to marine plans in deciding an application and an emerging plan would be a material consideration.

Welsh Government is producing a Marine Plan for Wales – expected in 2015.

3. Pre-application

It was acknowledged that applications are frequently being submitted to PINS with a number of unresolved issues which results in great pressure for all parties during the examination stage. The group discussed the potential for tri-partite meetings during the pre-application stage whereby PINS could attend meetings between applicants and statutory consultees to act as a facilitator on unresolved issues, as well as enabling them to gain a greater understanding of the issues prior to applications being submitted. It was agreed that this could be a useful tool that could be initiated by either developers or consultees.

Concern was raised over the timing of the submission of applications and the overlap of high workloads. PINS and MIEU explained that they strongly advise developers to take into consideration the timing of applications by other developers, and for developers of more than one NSIP to avoid the overlap of pre-application and relevant representation stages of separate applications. PINS also explained they encourage applicants to avoid holiday periods; however it was acknowledged that submission dates are developer led.

The group discussed how a number of applicants have left very short timescales between their section 42 consultation and their submission date, resulting in insufficient time for applicants to work through the issues. The group agreed that in order for section 42 consultation to be effective and for applicants to be able to respond to issues raised, consultation may need to be undertaken six months before an application is submitted.

PINS encouraged all attendees that if they have any specific issues on a project that they consider must be addressed before submission, they should inform PINS during the pre-application stage.

NRW explained that on some projects they had been provided further information by the applicant during the pre-examination stage and asked what the status of that information was. PINS explained that in such cases, relevant representations should be about the application as it was submitted to PINS. If the Applicant submits the

further information to PINS at a later stage it will be at the discretion of the Examining Authority how this will be dealt with during the process. Consultees should draw attention to the further information that they have been provided in their relevant representation, and distinguish between the representations made on the application as submitted, and any comments on the further information subsequently provided by the Applicant.

It was acknowledged that withholding further information until the preliminary meeting was not helpful and the group discussed the potential for such information to be published during pre-examination.

NE explained they would be unlikely to sign Statements of Common Ground (SoCG) during pre-application as they would wish to ensure that the application would not be subject to further change. They felt in any case that SoCGs duplicate the content of the relevant representation and written representations and put additional work pressure on their staff. PINS explained that SoCGs are useful examination tools for the examining authority which provide clarity over what issues have actually been agreed and what they are disagreeing on in a single document. The potential for PINS to create a standard SoCG template was discussed.

4. Consistency

The group discussed how they ensure consistency in the advice they provide to different developers and in their responses to examinations. Consistency of approach between applications especially with reference to baseline data and methodologies was also discussed. It was acknowledged that survey and assessment methodology is continually evolving and that comparing data from different projects is not always possible.

JNCC explained they have internal quality assurance processes and that they will be undertaking strategic work to develop standards and UK-wide co-ordination.

5. AOB

MMO and EA stated that they would appreciate more detailed agendas for issue specific hearings in order for them to decide which individuals are required, and issues were raised regarding the consistency of examinations. PINS acknowledged both of these points and explained that how an examination is run is at the discretion of the examining authority, however explained that they are currently reviewing their work processes internally to ensure they deliver what matters to customers.

NE queried how a project is handed over to local authorities post consent. PINS explained that local authorities are often responsible for discharging a number of requirements and therefore must ensure they fully understand the content of the Development Consent Order (DCO) and the potential implications of the requirements. PINS explained that they are currently considering ways to make local authorities more aware of the work they will be required to do post-consent.

PINS clarified that paper copies of written representations should be provided if they are over 300 pages long.

PINS explained that Mark Southgate is part of the NSIP Sounding Board which has been set up by the Department for Communities and Local Government and involves

stakeholders including NE, EA and Welsh Government. The board is related to the 2014 Planning Act Review.

PINS explained that they are exploring the potential for secondment opportunities into the MAP directorate. Post meeting note: Opportunities are expected to be advertised in the next couple of weeks on the Civil Service job site.

Specific decisions / follow up required?

1. NRW to provide an update on the Welsh Marine Plan from the Welsh Government
2. PINS to develop a draft protocol for circulation which seeks to identify key stages and roles during pre-application that applicants and others may be expected to have reached in their pre-application discussions, and which considers the role of tripartite meetings.