



## Meeting Note

<b>Status</b>	Final
<b>Author</b>	Simone Wilding
<b>Venue</b>	Friends of the Earth Headquarters, Central London
<b>Date</b>	30 May 2014
<b>Attendees</b>	Friends of the Earth (FoE): Nahomi Luhde-Thompson, Sian Berry, Rachel Fulcher, Lillian Burns, Chris and Alyson Austin, Andrew Boswell, Denise Carlo, Theo Simon Simone Wilding - PINS Andrew Maginn – CLG
<b>Meeting objective</b>	For CLG/PINS to listen to the experience of FoE on NSIP applications to date and to provide advice as appropriate
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The Planning Inspectorate explained that it could give advice under s.51 Planning Act 2008 (as amended); a note of the meeting would be taken and any advice would be published on the website.

As context for the meeting CLG provided an overview of the Government response to the consultation on the review of the Nationally Significant Infrastructure Planning Regime published in April 2014. Two further consultation documents are currently being prepared for consultation in early summer:

- 1) Further streamlining consents
- 2) Changes to Development Consent Orders (DCOs) post decision.

Friends of the Earth (FoE) expressed their opinion on National Policy Statements (NPSs) and how these are operating in practice. Their main concerns related to the following:

- People feel disempowered by the role of the NPSs in decision-making.
- To FoE the NPSs create an unequal dialogue from the start.
- NSIP designation is confusing, and detracts from the status of the local plan, as the NPS then comes into play.
- Local people affected by developments were not engaged in the production of the NPSs.
- Local authorities often not impartial, especially when promoting own scheme. Concern that Local Impact Reports could be affected by bias.

PINS/CLG explained that setting policy in NPSs is the relevant decision making departments' responsibility. The level of public consultation and the degree to which this caught public interest has varied between the different types of infrastructure sectors. From the response to the 2014 review and anecdotal industry feedback NPSs are seen as one of the key success factors of the 2008 Planning Act regime.

In relation to the pre-application process FoE raised many points in relation to ensuring a quality standard for pre-application consultation and in FoE's view there not being anyone policing this part of the process. PINS advised that the Planning Act places numerous duties on developers that they need to comply with in order for an application to pass the acceptance tests. This includes demonstrating how responses to pre-application consultation have been taken into account in their Consultation Report. However, the Inspectorate can only test the duties set out in the legislation and guidance and not go beyond this.

When approached by local communities about the process whether during pre-application or pre-examination PINS seeks to be as helpful as it can within its means. The Inspectorate has developed a wealth of material to enable people to engage and this is still being constantly evolved. Concrete suggestions for improvement are always welcome.

FoE highlighted the Relevant Representation form as a barrier for people to engage in the process. This is also PINS experience. As the content of the form is prescribed in legislation it requires an amendment to the regulations to make it significantly more user-friendly. This has therefore been identified as part of the 2014 review. The implementation plan for improvements to the Nationally Significant Infrastructure Regime therefore identified 'streamlining and possibly combining written and relevant representations' as one of the improvement measures to be taken forward over the remainder of the current Parliament.

FoE were also concerned that if people did not register as an Interested Party to then be excluded from the rest of the examination process. PINS explained that while only interested parties have the *right* to be heard by the Examining Authority, others *can* also be heard at the discretion of the Examining Authority. To date no one has been prevented from speaking at a hearing on the basis that they are not an Interested Party. FoE suggested that inspectors at the end of hearings should give all people in attendance at hearings (whether Interested Party or not) the opportunity to raise anything that hasn't yet been said but they consider is important for the ExA to take into consideration.

To make preliminary meetings and hearings less daunting for laypeople interested in a project FoE noted the difference that room layouts can make. A round table set up is more valued by FoE. While for example the room layouts for Merthyr Tydfyll and Heysham had felt to FoE as receiving unequal treatment, the room layout for the A552 examination was seen as a big improvement.

FoE also highlighted the volume and type of documentation for NSIP applications and examinations as a big hurdle for laypeople to get involved. Particularly very large document files which take a long time to download and the speed and frequency with which documents are added during examination. PINS understands the challenge and has therefore put considerable effort into improving the documentation handling aspect of the project pages on the National Infrastructure Portal. The challenge for the Inspectorate is to strike the right balance between reducing file sizes and minimising the number of files it splits larger documents into. A very recent improvement is the ability to sign up to alerts on individual projects. This enables anyone – whether Interested Party or not – to receive alerts each time something is added to the relevant project page and thus making it easy to stay up-to-date with what's happening on a project. The volume of documentation on the project is also in part a result of more people participating.