



The Planning
Inspectorate

FINAL

Notes of Meeting

Title of meeting	PINS / Canal and River Trust meeting		
Venue	Meeting room 1, Little Venice, London		
Date	19 September 2014	Time	12:00 – 14:00
Attendees	PINS Simone Wilding (Head of Case Management)		
	Canal and River Trust Ian Runeckles (Strategic Planning Manager – South) Helen Edwards (Strategic Planning Manager – Midlands) Heather Clarke (Head of Planning) Tom Deards (Solicitor)		

The Planning Inspectorate (PINS) 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.

The Canal and River Trust (the Trust) gave a presentation to provide an overview of the trust's remit and operations (separately attached).

The Trust's involvement in nationally significant infrastructure project (NSIP) applications can arise from either land ownership or its statutory role with regards to inland waterways. The Trust has participated in a number of NSIP examinations and hearings to date. The Trust has also a Property Development Team which takes forward projects of varying scales including large multi-use regeneration schemes. The Trust therefore has a good understanding of promoters' needs and challenges in progressing applications.

The Trust and PINS welcome and encourage applicants to consult the Trust early during the pre-app stage; the Trust explained that this is particularly important since they have become a charity. The Trust therefore has to operate within its governance structure and respect partnerships arrangements. The Trust is therefore keen to seek as much agreement during pre-application in order not to slow down the process at a later stage.

The Trust only gets consulted on around 7% of TCPA applications at the pre-app stage, despite many more being relevant to them. Health and Safety is a priority for the Trust. The key driver for the Trust in their statutory party role is meeting their charitable objects, which are:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;

- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

The Trust therefore aims to unlock the full potential of the inland waterways to deliver public benefits.

The Trust has 6 Area Planners and 3 Strategic Planners for England and Wales who deliver all TCPA, NSIP and policy work. Having an efficient, compliant, consistent and agreed process in discharging their responsibilities and looking after the Trust's interests is therefore particularly important. Ensuring the Trust is alerted to relevant projects early during pre-application is a key element in achieving this. For NSIP projects which constitute EIA development (which is the overwhelming majority) the EIA scoping stage is therefore a key opportunity for identifying whether or not a project is relevant to the Trust. Which inland waterways are relevant for CRT is often not entirely obvious as eg some feeder channels can appear as small streams but are in practice very important for supplying water to the Trust's network.

Action: The Trust to provide to PINS the GIS layer which identifies all the waterways on which the Trust needs to be consulted on. In addition, the Trust will send a 2-page document to PINS to help with making the judgement on which water bodies the Trust should be consulted.

On the other hand the Trust often get sent a lot of information on projects (TCPA projects mainly) that doesn't relate to projects that are relevant to the trust. The Trust is therefore considering providing further advice on their website about when the trust needs to be consulted and who developers should write to.

PINS explained about the special status of Local Impact Reports (LIRs): Sections 104/105 of the Planning Act 2008 (as amended) explicitly require the Examining Authority and the Secretary of State to have regard to any submitted LIRs in forming their recommendation/making their decision. Particularly important issues the Trust may therefore want to flag to the relevant local authority for their consideration as to whether or not to include in their LIR. For all other representations it is for the Examining Authority to recommend and the Secretary of State to decide how much weight to attach to these. Such judgement will depend on whether and to which degree they consider the representations 'important and relevant' to the application.

PINS explained that while the Trust is a prescribed body to be notified of an accepted application where relevant, this does no longer automatically make them an interested party on such applications. The changes introduced through the Localism Act 2011 mean that for any application relevant to them (as judged by PINS), the Trust will still be invited to the preliminary meeting and receive the examination timetable which will also set a deadline for statutory parties to indicate whether they want to become an interested party. Where the Trust have got an interest in an application PINS strongly encouraged the Trust to submit a relevant representation and thus become an interested party during pre-examination. This will enable the applicant to respond to the Trust's needs earlier and enable the Examining Authority to take the Trust's view into consideration when identifying the principal issues for the examination.

The Trust are also a statutory undertaker and therefore often require protective provisions to be agreed mainly where compulsory acquisition is proposed. From the Trust's experience to date applicants often leave it until examination in approaching the Trust for agreeing protective provisions, which is rather late. The Trust are therefore considering to publish their standard protective provisions on their website to make it easier for applicants to understand the Trust's starting point. PINS strongly advise applicants against leaving the protective provision schedules in the submission draft DCO blank. As a minimum PINS expect that applicants submit a statutory undertaker's standard protective provision amended with the specific changes they are seeking to it.

The Trust's land usually also qualifies as open space (although not always). If it does and CA is proposed ss131/132 of the act are engaged; Also with many of the Trust's other assets SoS consent is required for disposal and compliance with the Charities Act also needs to be ensured. It may therefore be worthwhile flagging some of the Trust's particular needs to applicants by way of an additional annex to PINS' advice note 11, working with public bodies.

The Trust(then British Waterways) produced a joint publication with the Town and Country Planning Association to assist local authorities in taking the Trust's interests into consideration in development management decisions. While the publication predates the National Planning Policy Framework, it is still largely relevant today.

Action: The Trust to send a link to this publication to assist the PINS' Major Applications teams when dealing with major applications on behalf of a poor performing local authority.