

IPC Infrastructure Planning Commission

Meeting Note

File reference	EA Liaison
Status	Final
Author	Hannah Pratt

Meeting with	Environment Agency (EA)
Meeting date	19 September 2011
Attendees (IPC)	Sheila Twidle, Lynne Franklin, Dave Cliff, Karl Hardy Hannah Pratt
Attendees (non IPC)	Julie Foley, Julia Farthing, Carol Bolt, Maggie Dutton, Sally Holloway, Jane Morris
Location	EA's Offices Room G2 Horizon House, Bristol

Meeting purpose	Liaison Meeting
------------------------	-----------------

Summary of outcomes	<p>1. Advice Note Annex – Working with the EA</p> <p>The group discussed the progress being made on the IPC's Advice Note 11 'Working with public bodies in the infrastructure planning process'; the IPC are currently drafting the document for EA review.</p> <p>The EA stated that the note should highlight the importance for developers of applying for an Environmental Permit (EP) at least six months prior to applying to the IPC for a Development Consent Order (DCO). This will provide sufficient time for the EA to be at the 'minded to decision stage' (e.g. Draft Decision and Draft Permit) stage by the time a DCO application is at examination stage. Therefore, pre-application discussions between developers and the EA are essential to ensure that no 'show stoppers' arise in the examination stage. EA and IPC discussed why developers may not consider it appropriate to apply for their EP at this early stage for example because of the level of project detail available. Some developers wish to retain a degree of flexibility in their project design and may ordinarily have applied for the EP post-consent.</p> <p>It was highlighted that the details of EP applications may be altered post submission. The IPC noted that, should an EP be applied for during examination, developers will need to consider whether any material changes to the</p>
----------------------------	---

development arise as a result (in which case it may not be possible for the Examining Authority (ExA) to examine the changed application) and whether impacts were considered within the scope of the Environmental Impact Assessment (EIA) for the DCO application as made. After a DCO has been made changes to the DCO can only be sought and made in accordance with procedures governed by the Planning Act. The implications for the DCO of any changes proposed to the EP application are at the developers' risk, and this should be highlighted to developers during pre-application discussions.

2. IPC Process

The IPC provided the EA with an up-to-date project list, which is also available as part of the Board Papers, and noted that a number of projects have been delayed from the initial dates provided by developers. The IPC reiterated that they are reliant on information provided by developers as to when applications are likely to be submitted.

The IPC highlighted that in some cases communities may be unaware of the parallel consenting regimes of the IPC and EA. It was agreed that it would be useful for the EA to attend some IPC Outreach events for projects, where it would be likely an EP would be required, in order to explain the processes in relation to EPs.

3. Scoping Opinions

The IPC thanked the EA for their efficient and informative responses to scoping consultation requests and for the revised list of contacts.

4. Issue Specific Hearings

The role of the EA in issue specific hearings during the examination stage of the IPC process was discussed. The IPC explained that issue specific hearings are held at the discretion of the Examining Authority (ExA) (subject to the tests in the Planning Act) and may focus on matters requiring further exploration to ensure the issue is examined adequately. Any person registered as an interested party or statutory party can attend a hearing and request to speak. In addition, the ExA may also recommend that certain parties attend certain issue specific hearings (for example, LPAs to attend any issue specific hearing about the DCO and Section 106 Agreement) although attendance at these hearings is not mandatory.

The EA stated that they may not be in the position to be

	<p>able to attend hearings if they are still processing an EP application for the development. This reiterates the benefit to developers of applying for their EP approximately six months prior to the DCO application as the EA would be likely to be in a better position to give an indication to the ExA on the anticipated outcome of the EP application.</p> <p>5. Date of Next Meeting</p> <p>Next meeting in January 2012.</p>
--	--

Record of any advice given	N/A
-----------------------------------	-----

Specific decisions/follow up required?	<ol style="list-style-type: none"> 1) IPC to provide EA with draft Advice Note 11 Annex by 23 September 2011 (provided as required) 2) EA to exchange drafts of Advice Note 11 Annex with Natural England, to ensure consistency between Defra sponsored bodies. 3) IPC to identify to the EA the projects for which EA attendance at Outreach events would be useful. 4) EA to update the regional contacts on their scoping consultation list with the name of the local authority for which each contact corresponds.
---	--

Circulation List	All attendees
-------------------------	---------------