

Meeting Note

File reference	n/a
Status	Final
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Meeting with	Local and County authorities, statutory bodies stakeholders and promoters
Meeting date	30 th September 2011
Attendees (IPC)	Janet Wilson (Head of Case Management) Mike Harris (Case Officer) Nikita Perepelov (Case Officer)
Attendees (non IPC)	See annex
Location	Copeland Borough Council offices, Whitehaven, Cumbria

Meeting purpose	To explain the IPC process for preparing, submitting and examining applications for Nationally Significant Infrastructure Projects (NSIPs).
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Summary of key points discussed and advice given	<p><i>Overview</i></p> <p>The IPC gave a presentation focusing on:</p> <ul style="list-style-type: none"> the principles it adheres to, its purpose and future following abolition and integration with The Planning Inspectorate; the process for gaining consent for an NSIP including the pre-application process and all other stages. <p>The slides can be viewed on the IPC website via the following link - click here to access</p> <p><i>Question & Answer session</i></p> <p>Following the presentation there was a Q&A session at which the following queries were raised and advice given.</p> <p>Q. Within the context of the NSIP regime, what is the definition of the terms “local”, “community” and “consultation”?</p> <p>A. This will vary relative to the specific application. A developer will need to come to a view on the appropriate means and extent of their consultation under s.47 of the Planning Act 2008 (PA 2008). These are also matters to discuss with the relevant local authorities whilst consulting them on the Statement of Community Consultation (SoCC). This consultation will allow the local authority(s) to share their expertise and knowledge of the local area, including identifying known hard to reach communities, and help ensure that the consultation programme is appropriate to the circumstances of the locality.</p>
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Q. What criteria are used to assess the adequacy of consultation during the acceptance stage?

A. 'B' (host) and 'A' (neighbouring/adjoining) local authorities will be asked at the acceptance stage (s.55 of PA 2008) to comment on the adequacy of the consultation carried out by the developer during the pre-application stage. Once submitted to the IPC, the Commissioner making the acceptance decision is required to take them into account in making their decision. There is a 14 day deadline for this (within the 28 day acceptance period).

Q. For those areas with a number of potential projects, how will the inter-relationships between those projects be considered?

A. The consideration of such issues will be a matter for the Examining Authority (ExA) appointed to consider the application. Consideration of cumulative impacts is an established practice in environmental impact assessment (EIA).

Q. It was suggested that a large number of responses to consultation will relate to emergency planning and the ability of a largely rural area to cope with potential emergency incidents. It was therefore queried how such concerns would be dealt with?

A. A Development Consent Order (DCO) for an NSIP can deem or remove the requirement to obtain certain other consents and licences (though in some cases the agreement of the usual consenting authority is required). Where other consents are being sought in parallel to the IPC process the ExA may be interested in further understanding their progress and likely outcome.

Concern was expressed in a subsequent comment that some bodies, such as Cumbria County Council's Emergency Planning Officer, may not be able to raise their concerns. The IPC confirmed that the pre-application process allows for all to provide their comments on the proposals and organisations such as the Local Resilience Forum are statutory consultees in the process.

Q. Concern was expressed that some statutory bodies may not be sufficiently resourced to be able to engage in the process, potentially leading to some not responding to consultation and leading to promoters submitting applications anyway.

A. The IPC is aware of the resource challenge faced in providing responses to the requests of promoters. In spite of this, the intention of the front loaded nature of the system is to ensure that issues are raised and addressed (where appropriate) as early as possible. Where applications are made and the response of statutory bodies is absent, the Examining Authority will exercise their judgement.

A representative of the Environment Agency confirmed that they

	<p>are able to charge for providing advice, ensuring that support is adequately resourced and available to those requesting it.</p> <p>Q. What role will local referendums play in the decision making process?</p> <p>A. There is no element in the current IPC process for the results of local referendums to be taken into account. Despite this however, there is no set format for Local Impact Reports; they can include any relevant detail appropriate to the local area. The IPC is not able to comment on the wider issue of whether referendums should or should not be policy.</p> <p>Q. Is there any difference expected with regard to the response/role of 'B' and 'A' authorities, specifically in terms of the role of a County Council?</p> <p>A. In the context of producing Local Impact Reports the role taken by an authority is for them to decide. Joint working is encouraged wherever possible but it is for the local authorities themselves to consider if this is appropriate.</p> <p>Q. How would linked applications for Development Consent be handled? An example provided was an electricity generating station and transmission works.</p> <p>A. It was acknowledged that there may be significant benefits in considering the appointment of the same ExA and Secretariat case teams. However, any such decision would be considered on a case by case basis, having regard to the IPC's conflict of interest policy and the timing of any scheme.</p> <p>Q. The role which the Lake District National Park Authority (LDNPA) may take in the process was queried.</p> <p>A. It was confirmed that s43(3)(g) of PA2008 identifies a National Park authority as a local authority for the purposes of consultation. As such, the specific role would depend on whether they were a 'B' or an 'A' authority.</p> <p>Q. Would granting consent/recommending approval for one project prejudice the decision/recommendation on a future, related project?</p> <p>A. It was confirmed that a decision on one project would not prejudice consideration of future projects. The example given was that consent being granted for a generating station would not prejudice the decision on upgrade works to the transmission grid.</p>
Specific decisions/ follow up required?	IPC to consider producing a visual aid to describe 'B' and 'A' authorities
Circulation List	Meeting note issued to Copeland Borough Council for onward circulation to attendees.

Annex - attendee list

Cllr Michael Heaslip	Allerdale Borough Council
Julie Ward	Allerdale Borough Council
Kevin Kerrigan	Allerdale Borough Council
Steve Long	Allerdale Borough Council
Nik Hardy	BEC
Chris Shaw	CALC
Cllr Keith Hitchen	CALC
Suzanne Edgar	Carlisle City Council
Helen Jackson	Carlisle City Council
Chris Bamber	Copeland Borough Council
Chris Hoban	Copeland Borough Council
Cllr Joan Hully	Copeland Borough Council
Denice Gallen	Copeland Borough Council
John Hughes	Copeland Borough Council
Keith Parker	Copeland Borough Council
Louise Kirkup	Copeland Borough Council
Nick Hayhurst	Copeland Borough Council
Pat Graham	Copeland Borough Council
Paul Walker	Copeland Borough Council
Steve Smith	Copeland Borough Council
Keith Parker	Copeland Borough Council
Tony Pomfret	Copeland Borough Council
John Rennilson	CoRWM
David Haughian	Cumbria County Council
David Humphreys	Cumbria County Council
John Pearson	Cumbria County Council
Iain Fairlamb	Cumbria County Council
Mark Goodwill	Cumbria County Council
Paul Feehily	Cumbria County Council
Conor Ritchie	DECC
Robin Hooper	Eden District Council
Ian Streatfield	Environment Agency
Roger Yearsley	Environment Agency
Steve Hardy	Environment Agency
Andrew Dobson	Lancaster City Council
Phil Megson	Lancashire County Council
Andrea Key	National Grid
Charlie Webber	National Grid
Andrew Craze	NDA
Fergus McMorro	NuGeneration Ltd
Ian Shrubsall	NuGeneration Ltd
Matt Verlander	NuGeneration Ltd
Rosie Mathisen	NuGeneration Ltd
James Lough	NuGeneration Ltd