



Meeting note

Status	Final
Author	Kate Mignano
Date	24 March 2017
Meeting with	Stop Rail Central Action Group
Venue	Teleconference
Attendees	Stop Rail Central Mark Redding Alan Hargreaves Brian Sumpton Andrew Bodman Sophie Hargreaves Planning Inspectorate Tom Carpen – Infrastructure Planning Lead Emre Williams – Case Manager Richard Price – Case Manager Kate Mignano – Case Officer
Meeting objectives	To discuss procedural aspects of the Planning Act 2008 process
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) explained the duties placed upon it under section 51 of the Planning Act 2008 (as amended) (the PA2008). A note of the meeting would be taken recording the key points discussed and any advice issued by the Inspectorate. The note would be published on the Inspectorate's website. Any advice issued by the Inspectorate would not constitute legal advice upon which an Applicant, or others, could rely.

Stop Rail Central (SRC) explained the group history, how it was formed in 2015 in response to the Rail Central Strategic Rail Freight Interchange proposed by Ashfield Land and how later in 2016, how it became active in objecting to the Northampton Gateway proposal by Roxhill. SRC is supported by local businesses and members of the public. The group explained how they are approaching the Nationally Significant Infrastructure Project (NSIP) applications, drawing knowledge from policy, past applications and seeking advice from different sources.

The Inspectorate explained how the NSIP process has enabled groups registered as Interested Parties for other NSIPs to play an active role in examinations and referred SRC to its website for examples of submissions from them.

It was explained that the Inspectorate's role during Pre-application is not to resolve issues between applicants and others, rather to prepare all parties for examinations. The Inspectorate can chair meetings between parties but does not get involved with issues or discuss merits of a proposed development.

Planning Act 2008 process

The Inspectorate summarised the stages of the PA2008 process, explaining how application documents, representations, local policies and the National Policy Statement (NPS) are considered by the Examining Authority throughout the examination and when preparing the Recommendation Report.

Department for Communities and Local Government guidance on a range of matters relating to the application process can be accessed at the following link:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

The Inspectorate has published a series of advice notes that are intended to inform applicants, consultees, the public and others about a range of matters in relation to the PA2008 process. These advice notes can be accessed at the following link:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Advice

The Inspectorate explained how during the Pre-application stage concerns about a proposal should be raised in the first instance with the Applicant. The Applicant must have regard to relevant responses received and demonstrate this in the Consultation Report. Concerns during the Pre-application stage regarding the Applicant's consultation can also be raised with the local authority who will be asked by the Inspectorate during the Acceptance stage to provide their views on the adequacy of the Applicant's Pre-application consultation. The importance of registering as an Interested Party by way of making a Relevant Representation was explored and it was confirmed that the Examining Authority will read all Relevant Representations and not just the submissions provided by the Applicant and Statutory Parties.

SRC asked for advice about the need case as set out in the National Policy Statement for National Networks (NPSNN) and how this is assessed. The Inspectorate explained that the need case is 'national need' as set out in paragraph 2.56 of the NPSNN. The impacts of the proposed application will be explored and it will be for the Examining Authority to assess these impacts against the tests in the NPSNN. The Examining Authority will set out how they have had regard to policy in the Recommendation Report, if the application is submitted and subsequently examined.

SRC asked how the cumulative impacts were assessed, especially in relation to other Strategic Rail Freight Interchanges in the local area; both granted and proposed. The Inspectorate confirmed that whilst every application is considered on its own merits, the Secretary of State and the Inspectorate must take account of cumulative impacts. The Inspectorate offered to provide a link to Advice Note 17 which explains in detail what is expected of applicants in respect of the EIA Directive, EIA Regulations

and the PA2008: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf>

SRC asked about Air Quality Management Areas (AQMA) and how potential impacts on them are assessed. The Inspectorate explained that it would expect Applicant's to assess potential impacts of their development on AQMAs. The NPSNN sets out what should be provided within the assessment of air quality impacts.

SRC asked about scheme viability and capacity. The Inspectorate summarised the tests in the NPSNN in respect of viability and reiterated that cumulative impacts arising from other development must be taken into account. The Examining Authority will assess all evidence provided to an examination, including any submitted Local Impact Reports.

The Inspectorate confirmed that if two separate applications close in proximity were submitted in or around the same time, there would be different Inspectors appointed as the Examining Authority for each project. Examining Authorities are made up of 1 to 5 Inspectors from a range of backgrounds that will run an inquisitorial examination.

SRC asked if the Inspectorate can dictate when an application is submitted. It was confirmed that the timing of the submission of an application is determined by the Applicant, not the Inspectorate. Expected submission dates are provided by the Applicant, when known, and these anticipated dates are published on the project-specific webpage on the Inspectorate's website.

SRC raised concerns regarding residential properties around the Rail Central site that were not highlighted in the Applicant's Scoping Report, and asked how policy 4.86 NPSNN will be taken into account. The Inspectorate reiterated that where persons are not satisfied with an Applicant's Pre-application consultation exercise, comments can be made to the relevant local authority or statutory consultees.