



Meeting note

File reference	TR010020
Status	Final
Author	Hannah Nelson
Date	25 September 2014
Meeting with	Applicant
Venue	Teleconference
Attendees	<u>The Planning Inspectorate</u> Andrew Luke – Infrastructure Planning Lead Richard Kent – EIA and Land Rights Advisor Hannah Nelson – EIA and Land Rights Advisor <u>The applicant</u> Helen Apps – Highways Agency Ben Wade – Costain Graeme Willis – Jacobs James Harvey – Jacobs Gary Frost - Grontmij
Meeting objectives	Project update for the proposed A19(T)/A184 Junction Improvement scheme
Circulation	All attendees

Following introductions, the Planning Inspectorate (The Inspectorate) advised on its openness policy that any advice given would be recorded and placed on the National Infrastructure Planning Portal website under section 51 of the Planning Act 2008 as amended (PA2008). Any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

The Inspectorate explained that the purpose of the meeting was to gain an update on the project programme and provide comments on the Draft SOCC.

Programme

The applicant confirmed the intention to submit the s46 notice to the Planning Inspectorate in mid-October, along with a copy of all consultation material to be used for the s42 consultation and in advance of starting the consultation, in accordance with the requirements of the PA2008.

The applicant requested clarification on the press advert requirements under S.47 of PA2008. CLG Guidance on this matter states that having prepared the statement, then

the applicant should make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the proposed project, publish a notice in a newspaper circulating within the area of the land he wants to develop stating where and when the statement may be inspected, and publish the notice in such other manner as may be prescribed.

The applicant advised that the statutory consultation period is scheduled to commence on 13 October 2014 and will run until the 28 November 2014.

The applicant confirmed that environmental survey work remains ongoing but is due to finish shortly. A draft ES is expected to be produced by February/March 2015, with a target submission date for the application in June 2015.

The applicant agreed to provide a copy of their project programme to the Planning Inspectorate.

Draft SOCC

The Inspectorate stated that it had received a draft SOCC from the applicant, and did not have any major points to raise in regard to its content. The SOCC should provide sufficient detail of the project, referring to both positive benefits to the local community that would result from the development and to the issues which could be considered negative elements of the NSIP so as to encourage participation in the process. The scale of the proposal should be described.

The applicant confirmed that a standalone Preliminary Environmental Information (PEI) report would be provided as part of the consultation documents and would reflect the environmental information that has been collected to date, comprising the Scoping Report supplemented with additional information being prepared through the EIA process. The Inspectorate advised that the wording in the SOCC should accurately reflect the approach being taken to consulting on PEI.

The Inspectorate queried how the applicant had gone about defining the consultation zone for the project, and advised that the applicant should be clear on how this was defined when preparing the Consultation Report.

The applicant confirmed that the draft SOCC had been shared with the host authorities. The Inspectorate stated that the applicant would need to demonstrate in their Consultation Report how regard had been had to the comments received from Local Authorities on the Draft SOCC, and queried whether there were currently any areas of disagreement with Local Authorities on the approach to consultation. The applicant indicated that a limited response had been received from the Local Authorities on the Draft SOCC. The Inspectorate emphasised the importance of this part of the process, in that any adequacy of consultation response from the Local Authority would need to address whether consultation had been carried out in accordance with the SOCC.

The Inspectorate advised that it would contact the local authorities to comprehend their level of understanding of the PA2008 and their role in the process in order that advice / support could be provided if necessary. The applicant agreed to provide the Planning Inspectorate with contact details for the host authorities and the key liaison persons.

Consultation

The Inspectorate advised the applicant to make key consultees aware that the statutory consultation period is due to commence to ensure these consultees can make resources available to respond within the consultation period.

Following completion of the statutory consultation, the applicant intends to begin compiling their consultation report and it is expected that a draft will be available in early 2015. The Inspectorate advised that it would be beneficial to share the draft consultation report with the Local Authorities, in order that any issues around the adequacy of consultation can be resolved prior to the submission of an application to PINS.

The applicant identified that the results of the EIA and the proposed mitigation will not have been fully defined at the time of the S42 consultation. PINS advised that the PEI to be consulted on should cover all of the key environmental issues assessed as part of the EIA. The Inspectorate advised that additional non-statutory consultation may be necessary and beneficial in order to agree on the final design, outcomes of the EIA, mitigation and the content of the DCO in advance of submission of an application, as this is consistent with the front-loaded process intended under the PA2008 and would help to minimise the risk of unforeseen issues arising at examination should the application be accepted. The applicant was advised to consider agreeing such a programme of non-statutory consultation with consultees in advance. Any consultation undertaken in addition to the S42 consultation, and how regard has been had to that consultation, should also be documented within the Consultation Report, which should clearly distinguish between statutory and non-statutory consultation.

The applicant is referred to the Inspectorate Advice Note Sixteen on the Planning Portal website (<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-16.pdf>) which provides further advice on the developer's pre-application consultation, publicity and notification duties.

NSIP Thresholds

The applicant advised the Inspectorate that they intend to seek legal advice on which threshold under Sections 14 and 22 of the PA2008 the project falls within in order for it to be considered an NSIP. The Inspectorate agreed that legal advice on this matter was necessary, and advised that adequate justification will need to be provided with the application to substantiate their NSIP classification.

Scoping Opinion

The applicant advised that internal meetings are commencing to discuss the content of the Secretary of State's Scoping Opinion and how this will be reflected in the EIA and production of the Environmental Statement (ES). The Planning Inspectorate reiterated the need to validate any information used in older versions of the ES, and reminded the applicant to seek agreement on the content of the ES with the relevant consultees. Evidence of such agreements should be provided as part of the application.

Pre-Application Contact Plan

The Inspectorate's Pre-application Prospectus for applicants (http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus_May2014.pdf) establishes the use of a 'contact plan' to set out the pre-application engagement programme between the Inspectorate and the applicant.

The applicant confirmed that they would like to prepare a contact plan. The Inspectorate agreed to forward a template for a contact plan to the applicant. The Inspectorate advised that once they have had the opportunity to review the applicant's milestone programme, they would be in a position to advise on the content of the proposed plan.

The Inspectorate advised that the applicant should allocate time in the programme for a review of draft documents, and referred the applicant to the Inspectorate's Pre-application Prospectus for a list of documents that PINS are able to review.

Current Issues

The Inspectorate enquired as to whether a full project team had now been assembled. The Applicant clarified that they were in the process of appointing legal advisers, and the Inspectorate emphasised the value in seeking legal advice in advance of initiating the statutory consultation.

The applicant confirmed that the option to use material from the A19/A1058 Coast Road Junction Improvement Scheme (Project Reference TR010017) for the purposes of the A19(T)/A184 Junction Improvement project remains under consideration. The Inspectorate stressed the need for the applicant to seek their own legal advice on how this option could be progressed, particularly if / where consent may be sought outside of the PA2008.

The applicant provided an overview of the proposed International Advanced Manufacturing Park (IAMP) which has been identified for development on land to the south of the proposed scheme. At the time of this meeting there is no firm information on the extent, phasing, timing or funding for this proposal. The need to take this development into account in the EIA should be kept under review.

The applicant confirmed that National Grid (NG) assets will be affected by the scheme and they are due to meet with NG to discuss how the development can respond to and protect the interests of NG. The Inspectorate emphasised the need to agree any protective provisions for inclusion in the DCO.

AOB

The applicant agreed to provide the Inspectorate with a project team structure to ensure that the key points of contact for the project are known.

The Inspectorate suggested that the next teleconference could be programmed in for the end of October to allow for a general project update. It was also suggested that an additional meeting is arranged for January 2015 to discuss the outcomes of the statutory consultation and progress going forwards.

Actions

The Inspectorate:

- Contact the host authorities to comprehend their understanding of the Planning Act 2008 process
- Provide the applicant with a template for the pre-application contact plan
- Arrange dates and times for the future meetings

The applicant:

- Provide the project milestone programme to the Inspectorate
- Provide a draft Contact Plan to the Inspectorate
- Provide the Inspectorate with contact details for their liaison with host authorities.
- Provide the Inspectorate with a project team structure and contact details.