



Meeting note

Project	Tilbury2
Meeting	Presentation to local authorities and statutory consultees
Date	4 April 2017
Author	Richard Price
Status	Final
Attendees	See Appendix A
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate presented to attendees about the Planning Act 2008 (PA2008) process, with specific focus on the opportunities for local authorities and other statutory consultees to engage.

The Planning Inspectorate's presentation is provided at **Appendix B** to this note.

Local authorities

The Planning Inspectorate would wish to clarify in light of its presentation the matter of which local authorities would be entitled to submit a Local Impact Report (LIR) to the examination of the application.

Section 56A of the PA2008 establishes which local authorities¹ can produce an LIR under s60 of the PA2008. To paraphrase, any local authority within which the proposed development is located (upper-tier, lower-tier or unitary), and any local authority which shares a boundary with a local authority within which the proposed development is located, may produce a LIR.

The Planning Inspectorate has published an advice note which deals explicitly the preparation of LIRs: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>

The Planning Inspectorate would also wish to clarify that **two** applications have been decided having regard to the National Policy Statement for Ports, namely:

- The Able Marine Energy Park; **and**
- The York Potash Harbour Facilities Order.

¹ "Local authority" has the same meaning as in s336(1) of the Town and Country Planning Act 1990

The documents associated with the examination of both projects, together with the made Development Consent Orders; the Examining Authorities' recommendation reports; and the Secretary of State's decision notices/ statements of reasons, remain available to view on the Planning Inspectorate's website:
<https://infrastructure.planninginspectorate.gov.uk/projects/>

EIA scoping

A number of attendees stated that they had not received the Planning Inspectorate's scoping consultation letter, dated 28 March 2017. Following the meeting the Planning Inspectorate was able to confirm to all of the attendees who stated they had not received a scoping consultation letter that the letter had been sent to the address confirmed by their respective organisations².

The Applicant queried whether the Planning Inspectorate would consider any scoping consultation responses after the deadline of 25 April 2017. The Planning Inspectorate confirmed that any scoping consultation responses received after the 28 day deadline would not be taken into account within the Secretary of State's scoping opinion. However, they would be passed on to the developer and published on the Planning Inspectorate's website.

Specific decisions/ follow up required?

- The Applicant and the Planning Inspectorate to schedule a themed meeting dealing with EIA parameters.

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

² Except, due to an administrative error, Essex County Council (ECC). ECC was subsequently offered an extension to the deadline for consultation responses to reflect its delayed receipt of the consultation letter

Presentation attendees

Organisation	Name	Position
The Planning Inspectorate	Richard Price	National Infrastructure Case Manager
	Hannah Pratt	Senior EIA and Land Rights Advisor
Essex County Council	Graham Thomas	Head of Commissioning, Strategic Growth and Development
Thurrock Council	Matthew Gallagher	Principal Planning Officer
Environment Agency	Tim Butt	Sustainable Places – Planning Advisor
Natural England	Jonathan Bustard	Casework Manager – West Anglia & Norfolk/ Suffolk
Historic England	Debbie Priddy	Inspector of Ancient Monuments – Planning Group
Anglian Water	Kathryn Taylor	Growth and Planning Manager
	James Tilbrook	AWG Property
Marine Management Organisation	Paul Kirk	Marine Manager
	Laura Opel	Case Officer
Port of London Authority	Helena Payne	PLA Planning
RWE	Matthew Trigg	Development Planning Manager
Gravesham Borough	Wendy Lane	Assistant Director Planning
Council Highways England	Jan Burgess	Spatial Planning Manager, Area 5
Port of Tilbury London Ltd (PoTLL)	Peter Ward	Commercial Director
	John Speakman	Senior Asset Manager
Vincent + Gorbing (for PoTLL)	Martin Friend	Director
Pinsent Masons (for PoTLL)	Robbie Owen	Partner, Head of Infrastructure Planning

Planning Inspectorate's presentation



The Planning
Inspectorate

Participating in the Planning Act 2008 process

Richard Price, National Infrastructure Case Manager

Hannah Pratt, Senior EIA and Land Rights Advisor



NSIP proximity...





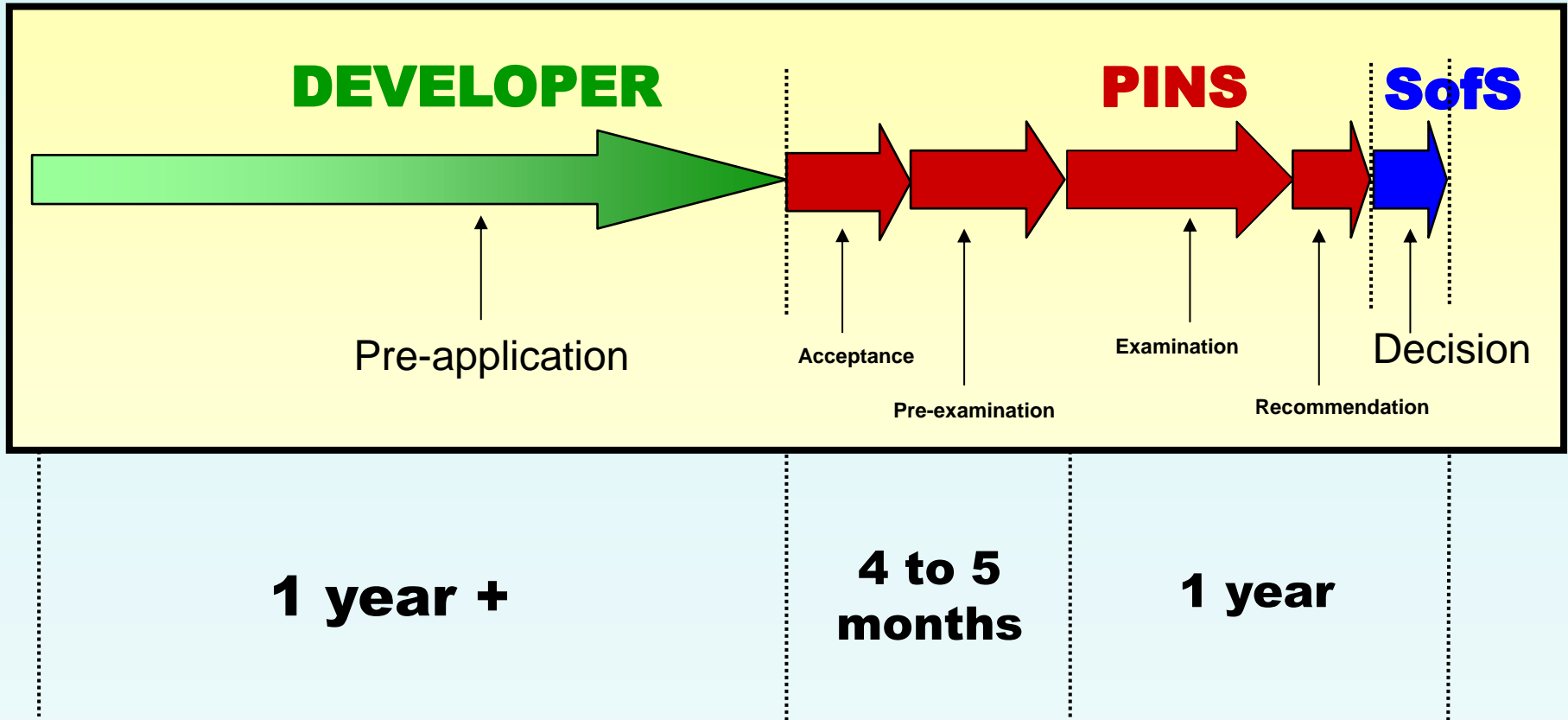
Principles



- Single consents regime
- Statutory timescales
- National policy statements
- Frontloaded
- Written process
- Inquisitorial

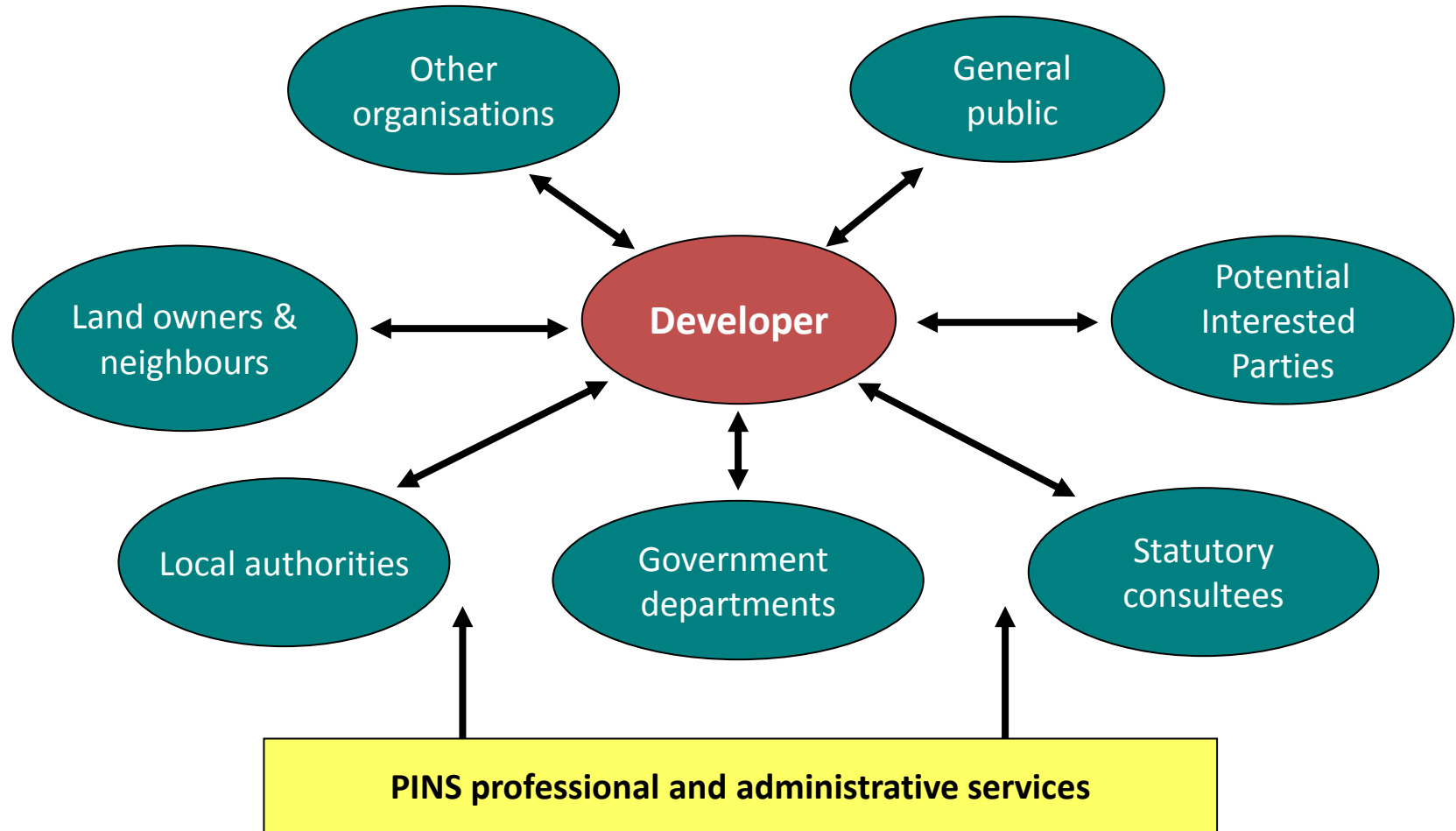


The PA2008 process





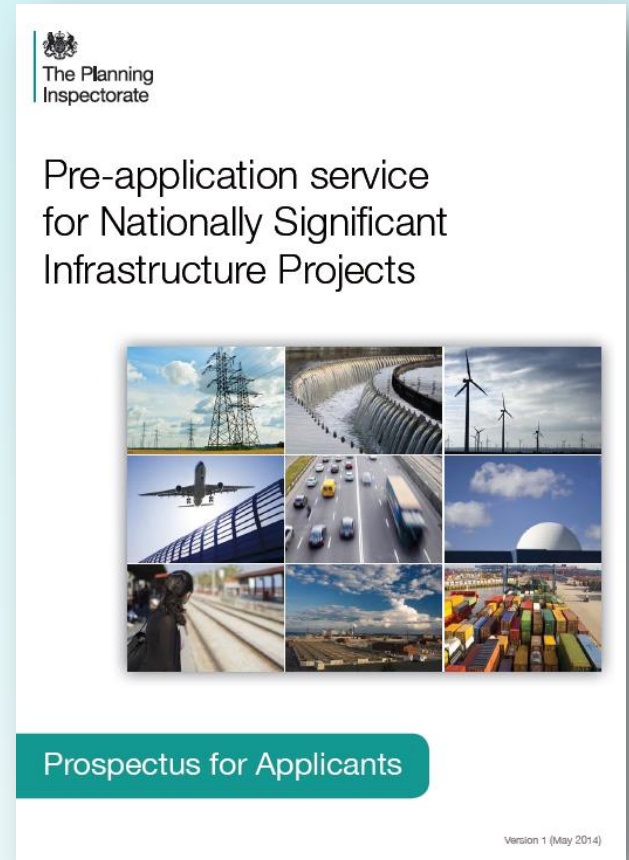
Pre-application engagement model





Utilising the Pre-application service

- Pre-application Prospectus
- Not just for Applicants
- s51 advice
- Outreach
- Draft documents review
- Better Pre-app engagement = smoother examination





Pre-application for local authorities

~~UNPREPARED~~



- Statutory consultee
- 'Community Champions' (SoCC)
- PPAs
- Objective technical evidence
- Discharge of Requirements (on land)*
- Enforcement*

* early and on-going dialogue: No shocks, no surprises!



Perspectives...

Local authorities

Ensure local views taken into account
(political)

Development Plan policies followed

Alternatives?

Resources and business continuity

Land owner?

Robust mitigation measures

PINS (ExA)

Fair, transparent process for everyone
involved

Balance local impacts against national
need

Consider the application as made

Gathering evidence to make a well-
reasoned recommendation

Complete the examination within
statutory time limits



Pre-application for other statutory consultees

- EIA consultation bodies (Scoping)
- Statutory Government advisors
- Statutory undertakers
- Protective provisions
- Early and ongoing dialogue!
- Other consents/ licences
- Statements of Common Ground



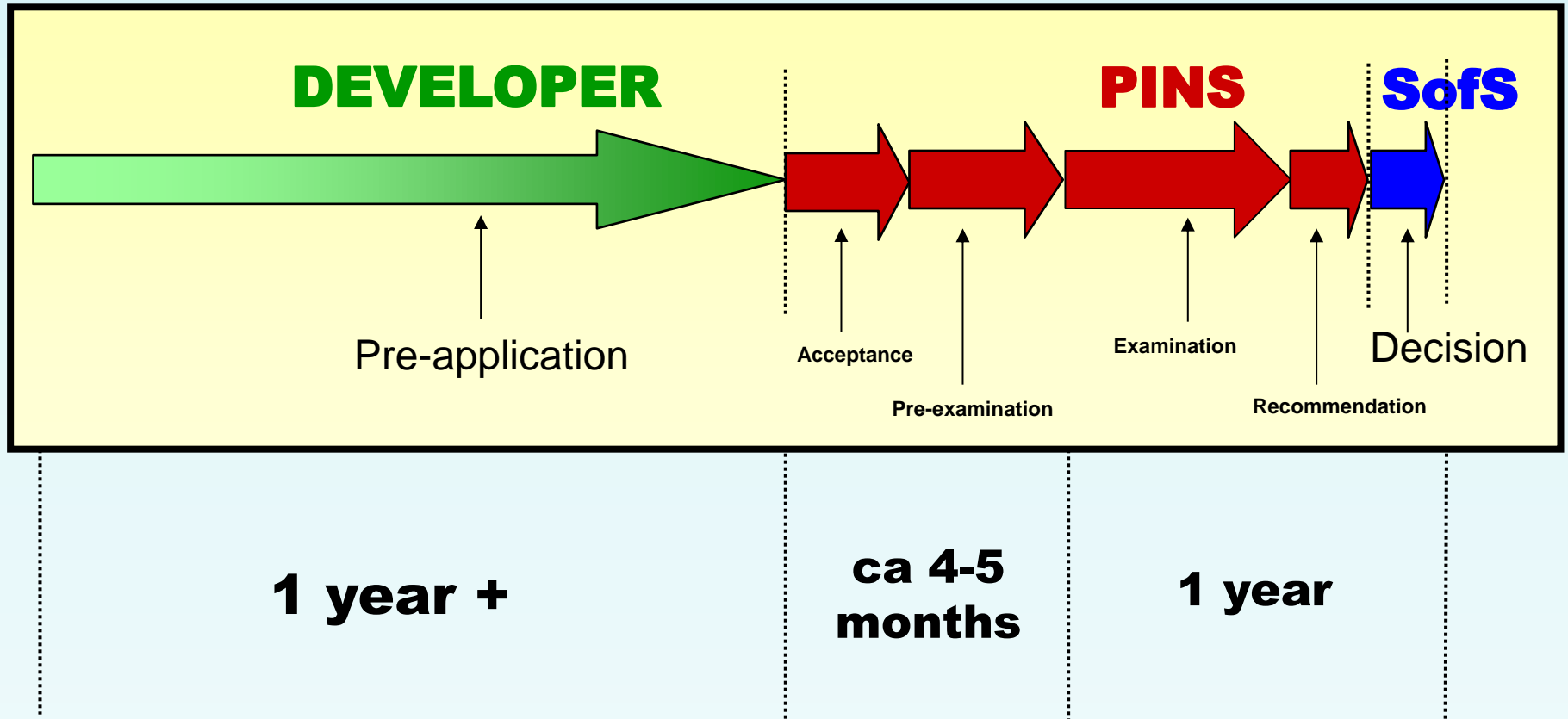


Environmental considerations during Pre-application

- Environmental Impact Assessment
 - EIA Scoping: 28 days for responses (25 April 2017)
- Preliminary Environmental Information
 - Habitats Regulations Assessment
 - Evidence Plans
- Licences and permits



The PA2008 process (again!)





Acceptance stage

- APFP Regulations
- 28 days to decide
- Full application
- Principal tests:
 - NSIP
 - Consultation Report
 - **Adequacy of Consultation**
 - Full suite of documents
 - Ensure all plans are correct
 - Satisfactory standard





Pre-examination

- Application accepted
- Examining Authority appointed
- **Relevant Representations**
- Initial Assessment of Principal Issues
- Preliminary Meeting
- **Local authorities**
 - Local Impact Report
 - SoCG

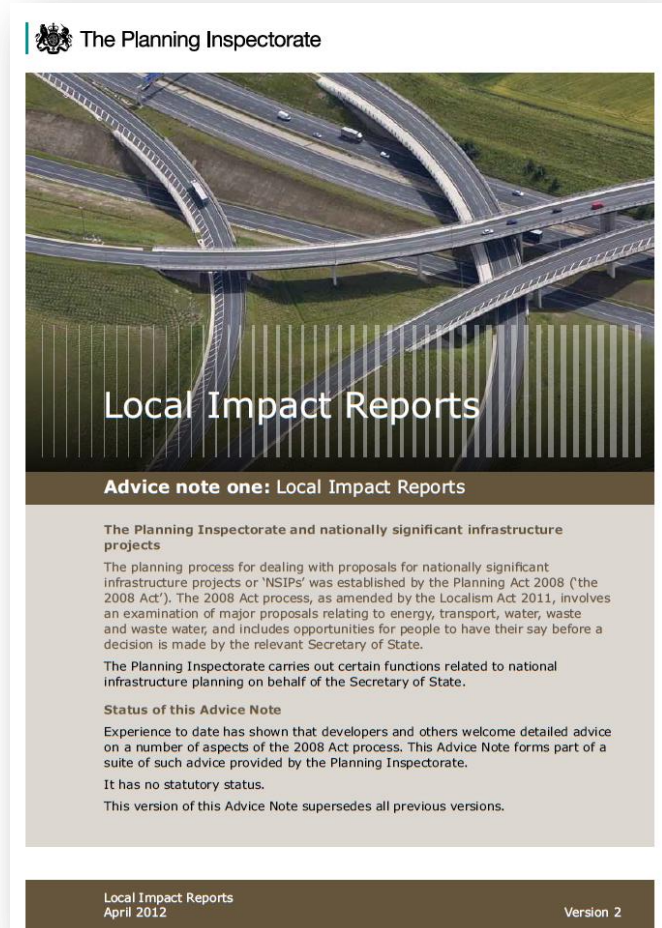




Local Impact Reports

“...a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”.
(Section 60 PA2008)

- ExA and SoS must have regard
- Positive, negative and neutral impacts on local area
- Joint LIR
- Get ahead!



<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>



Environmental matters



- Environmental Statement and HRA Report
- Securing mitigation
- Environmental management plans
- Monitoring strategy
- Licences and permits

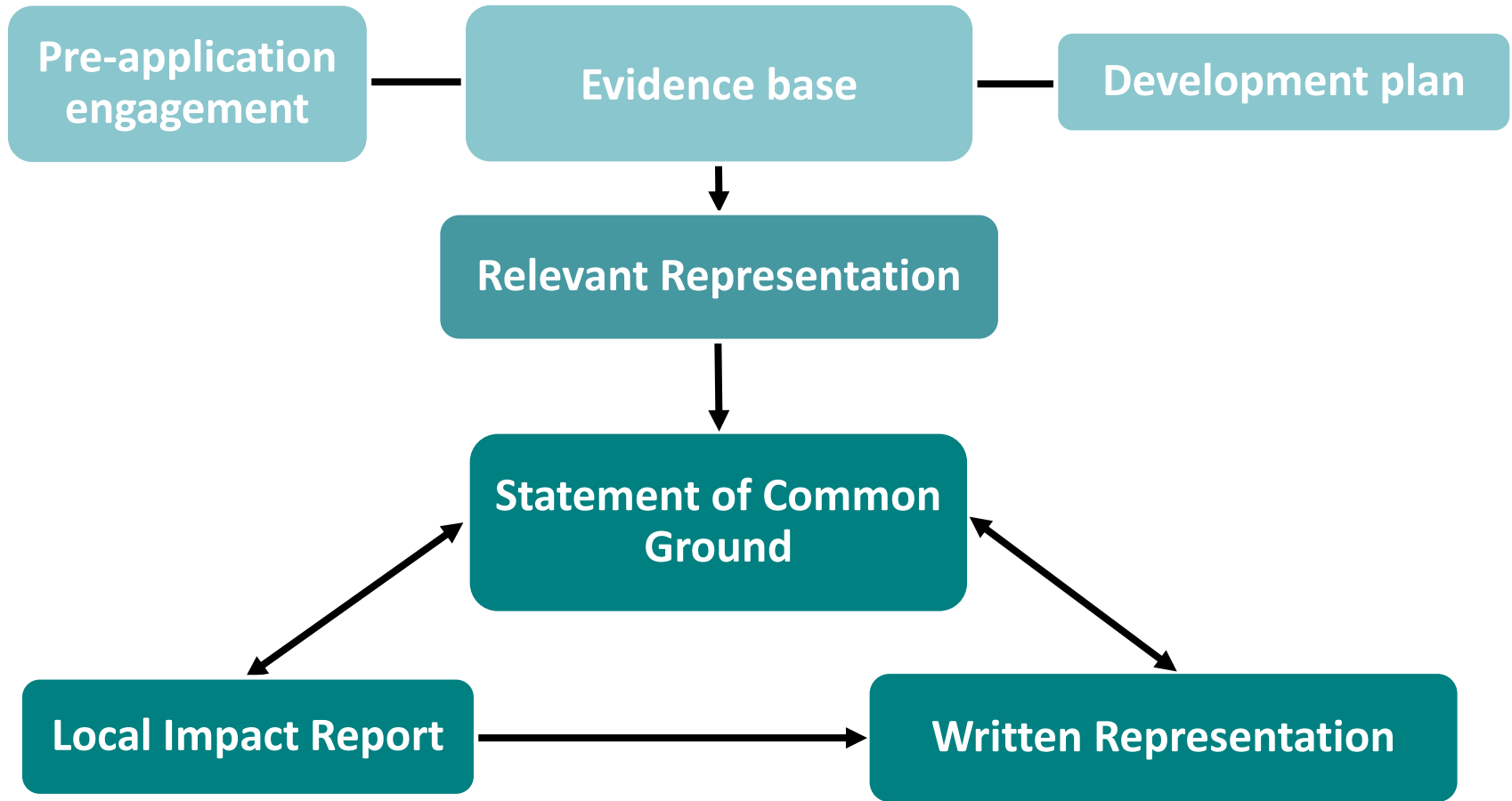


Examination stage

- Six months
- Certainty
- Inquisitorial
- Relevant and important
- NPS(s)
- Local policy context

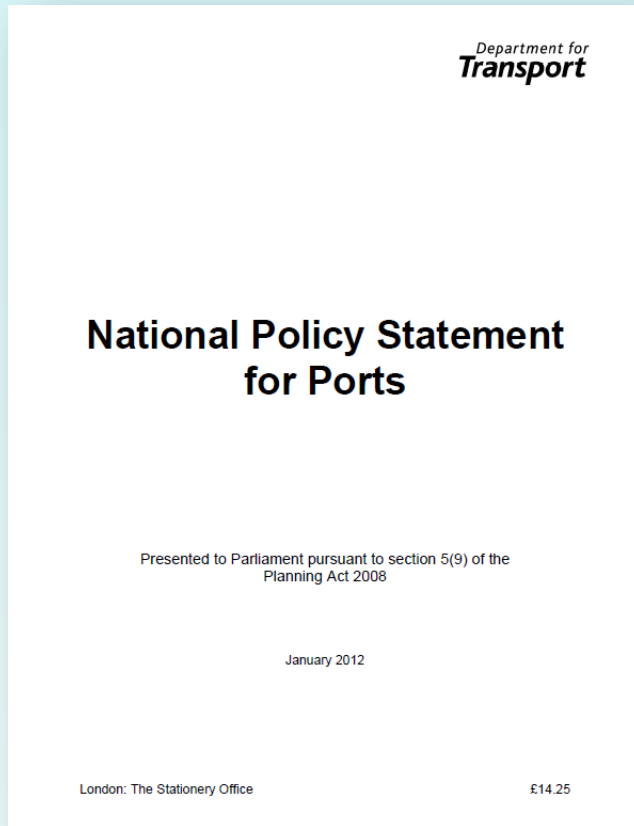


Key examination documents/ submissions for local authorities





Ports



<https://www.gov.uk/government/publications/national-policy-statement-for-ports>



<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park/>



Recommendation stage

- ExA has three months
- Recommendation report taking account of:
 - National Policy Statement(s)
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Recommended DCO included



Decision stage

- Relevant SoS has three months
- Decision taking account of:
 - National Policy Statement(s)
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Judicial review





Legislation, guidance and advice

National Infrastructure Planning

[Cymraeg](#) [FAQs](#) [Contact](#) [Sitemap](#)

Enquiries: 0303 444 5000

The screenshot shows the website's navigation menu with the following items: Home, Projects, Application process, Legislation and advice, and Help. The 'Legislation and advice' menu is expanded, listing: Legislation, Guidance, Advice notes, National Policy Statements, Consents Service Unit, and Register of advice. A search bar is visible with the text 'Search project name' and a 'Go' button. The main content area features a banner image of wind turbines and a 'Welcome to National Infrastructure' section.

Welcome to National Infrastructure

Here you can find out about proposed major infrastructure within England and Wales.

This site is managed by the Planning Inspectorate agency responsible for examining planning applications for nationally significant infrastructure projects.

- Planning Act 2008 and Regs/ Rules
 - DCLG Guidance (statutory)
 - PINS Advice notes (non-statutory)
 - **Advice note 1:** Local Impact Reports
 - **Advice note 2:** The role of local authorities in the development consent process
- <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/>



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Questions?

