



Meeting note

Status	Final
Author	Patrycja Pikniczka
Date	14 November 2014
Meeting with	Devon County Council
Venue	Temple Quay House, Temple Quay, Bristol, BS1 6PN
Purpose	Initial discussion about a proposed application for a new railway line and associated development
Attendees	<p><u>The Planning Inspectorate</u> Mark Wilson (Infrastructure Planning Lead) Patrycja Pikniczka 'Pat' (Case Officer/Planner) David Price (EIA and Land Rights Manager) Will Spencer (EIA and Land Rights Advisor)</p> <p><u>Applicant</u> Stuart Langer (Environmental Impact Assessment co-ordinator) Ben Naylor (Project Manager) Lewis Ward (Transport Planning Officer)</p>
Circulation	All attendees

Summary of key points discussed

Devon County Council 'the applicant' proposes to reinstate a railway line between Tavistock to Bere Alston. The proposed development is a 5.5 mile stretch of railway line that is located upon the alignment of a former railway which closed in 1968 and has since been dismantled (although the majority of structures such as embankments, cuttings and bridges remain in place). The reinstatement would allow for the return of direct services between Tavistock and Plymouth. The proposed development is included in the West Devon Borough Core Strategy and it has been identified in Devon County Council's Local Transport Plan (LTP).

As the former railway line was a double track and a new single track is proposed, in some locations, the applicant is looking to construct trail routes adjacent to the railway, which will also link into the surrounding area. The applicant considers this to be associated development in accordance with the Planning Act 2008 and will include it within their Development Consent Order (DCO) application. The DCO would also

seek permission for other structures associated with the proposed development including for instance a new train station with car park in Tavistock.

The applicant intends to submit its application in April 2017.

The applicant advised that it is currently in discussion with key consultees including Network Rail, English Heritage, Natural England and Environment Agency.

Scoping Opinion

The applicant had already requested the Planning Inspectorate to provide an EIA screening and scoping opinion in accordance with EIA Regulation 8(7). The applicant was advised that, in the event the proposed development was determined to be EIA development, the scoping process would follow immediately after. The applicant was informed that the Scoping Opinion would be provided on or before the 42 day statutory deadline without exception. It was explained that during the 42 day statutory timeframe the Environmental Services Team (EST) is required to conduct its own wider consultation with key consultees in accordance with the EIA Regulations 2009. The Inspectorate advised that information gathered from the consultation may provide the applicant with greater clarity on certain matters. The Inspectorate advised about the importance of early discussions and engagement with all statutory consultees and other relevant local authorities.

Environmental Impact Assessment 'EIA'

The Inspectorate emphasised the importance of the pre-application stages to identifying and addressing issues prior to examination. The applicant was advised to target agreements with landowners and statutory consultees at the pre-application stage where possible. The Inspectorate encouraged this as an approach to support a more efficient use of examination time and potentially be of benefit to the whole process.

The applicant was also informed about the role EST has in supporting with sections 52 and 53 of the Act. S.52 and s.53 refer to information about interests in land and access to land respectively and can be important to obtaining necessary information for compiling the ES. The applicant was advised that any applications made under sections 52 and 53 should only be made as a last resort and after other options had been extinguished.

Pre-application advice

The Planning Inspectorate advised that free advice is offered to developers at the pre-application stage. It was explained that the Planning Inspectorate's Pre Application Prospectus offers applicants a pre-application contact plan including where required round table meetings with other key consultees. The applicant was advised that although any advice given by the Inspectorate about making an application or making a representation about an application must be recorded and published on the website, the 'Pre-application prospectus for developers' offers the withholding of information for up to 6 months should this be requested by applicants in advance of any formal stage in the process.

The applicant was advised that the Inspectorate can provide comments on draft application documents including the Statement of Community Consultation (SoCC), Habitats Regulations Assessment (HRA), Development Consent Order (DCO), Explanatory Memorandum (EM), Book of Reference (BoR) and plans. The advice was given that draft documents should be submitted in the most finalised form for the Planning Inspectorate to provide the most meaningful comments.

The applicant was advised to consider including the submission to the Inspectorate of draft application documents for comment / review in any project plan. It was explained that comments on draft documents are provided to the applicant usually within 6 weeks from receipt. The applicant was also advised to look at advice on draft documents given on other projects for more information. Moreover, the Planning Inspectorate advised that there are also some 'good practice' examples on the National Infrastructure Planning website of certain application documents.

Pre-application consultation & consultation report

Attention was drawn to section 46 of the PA2008 and the need for the applicant to formally notify the Inspectorate about the application before or at the same time as commencing consultation with the prescribed consultation bodies under section 42 of the PA2008. The Inspectorate should be provided with the same information as the prescribed consultees at that time.

The applicant was advised to be clear, and open to the public with regard to potential options during the pre-application consultation. The Inspectorate advised that the Consultation Report is a document that provides evidence of how the applicant has complied with its pre-application duties under sections 42, 47, 48 and 49 of the PA2008. The applicant was advised to be clear in its consultation report when explaining how the project evolved as a result of consultation and when explaining its non-statutory consultation and statutory consultation.

The Planning Inspectorate advised that a SoCC should be prepared in consultation with other relevant local authorities and that consultation must be carried out in accordance with the SoCC. The applicant was advised that any departure from that consultation strategy must be explained within the Consultation Report.

Given the applicant's dual role as both an applicant and a statutory consultee it was advised that they explain how they will conduct these roles in terms of propriety. The Council was asked to provide clarity to the Inspectorate and others about the organisational structure in relation to this and any safeguards (Chinese Walls) that are put in place to ensure transparency of conduct throughout the application process.

The Planning Inspectorate advised the applicant to look at existing Advice Notes on the National Infrastructure Planning webpage for more detailed information on various topics related to the DCO process. In addition, the Planning Inspectorate advised that the applicant must have regard to 'DCLG Guidance on pre-application consultation' when carrying out its pre-application consultation and that any departure from that guidance must be explained within the report.

The inspectorate also advised that other consents and permits can also be gained through the DCO process with the agreement of the consenting body. The Applicant

was advised to liaise with the Consent Services Unit in order to facilitate this and consult the appropriate organisations as early as possible.