



## Meeting note

### File reference

**Status**

**Final**

**Author**

Susannah Guest

**Date**

11 March 2016

**Meeting with****Venue**

Temple Quay House, Bristol

**Attendees**

*Eversheds:*

Morag Thomson

Laura-Beth Hutton

*The Planning Inspectorate:*

Simone Wilding

Pauleen Lane

Susannah Guest

Will Spencer

**Meeting****objectives**

Post-Decision Feedback Meeting

**Circulation**

All attendees

### **Summary of key points discussed**

Attendees were reminded of the Planning Inspectorate's openness policy that any advice given will be recorded and published on the planning portal website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which the applicants (or others) can rely.

Eversheds provided a brief overview of their examination experience and subsequent receipt of the Secretary of State's decision letter and Examining Authority's Recommendation Report.

Eversheds commented on the feedback received at the 'Draft Documents' stage. It was noted that some elements of the s51 advice subsequently issued after the Acceptance decision could have more helpfully been included in the draft documents feedback. Eversheds noted that providing feedback at an earlier time could have helped in preparing subsequent information.

Eversheds indicated that the examination had been well organized and that the detailed nature of the hearing agendas was very much welcomed. The Planning

Inspectorate indicated that this was a deliberate recent and evolving change in practice.

Eversheds indicated that the electronic index could be more user-friendly and that the examination library was not particularly helpful in its current state. The Planning Inspectorate explained that they were expecting an IT up-grade within the next few months that would likely require a review of the electronic index and would hopefully aid in the navigation of the website.

Eversheds noted that there are currently multiple formats for a Book of Reference in use by different promoters. The attendees agreed it would be helpful if a consistent format could be agreed and emerge as best practice, particularly if that was more integrated with Land Registry as well.

Eversheds queried the need for applicants to prepare their own lists of statutory consultees, when The Planning Inspectorate has already prepared such a list under Regulation 9 of the EIA Regulations. There was a concern that applicants are unnecessarily duplicating efforts and The Inspectorate is understood to have a comprehensive electronic system that can generate consultee lists quickly. The Inspectorate explained that the 'Regulation 9' lists are prepared under different legislation to those prepared by applicants. A precautionary approach is used to prepare the lists (as they relate to an EIA) and the process is based on a simple GIS tool, with far more 'manual' research required to prepare the list than may appear to the outside. To inform their own consultation, applicants can submit a Regulation 6 notification (the trigger for the Regulation 9 list) at an earlier stage and request an EIA scoping opinion separately.

Eversheds commented that they found the Examining Authority's Report well-written and accessible to read. They also discussed the conclusion of the Examining Authority's Recommendation Report and the Secretary of State taking a different view in his decision. Eversheds queried the approach taken by the Examining Authority during the Examination which in their view did not provide a clear indication of risk or concern to the applicant in respect of National Policy Statement compliance. Eversheds considered that the Examining Authority could reasonably have been more explicit with written or oral questioning to ensure the applicant was aware of any concern and could have responded accordingly.