



Meeting note

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| File reference | TR050004 |
| Status | Final |
| Author | Susannah Guest |
| Date | 2 November 2016 |
| Meeting with | Ashfield Land |
| Venue | Temple Quay House, Bristol |
| Attendees | Claire Cope (Ashfield Land) Ben Copithorne (Camargue) Matthew Sheppard (Turley) |
| Meeting objectives | Susannah Guest (The Planning Inspectorate) Hannah Pratt (The Planning Inspectorate) Project update meeting |
| Circulation | All Attendees |

Summary of key points discussed and advice given:

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

The developer provided an overview of activities since the last meeting and discussed elements of scheme evolution. An overview was provided of the recent round of statutory consultation (S47 PA2008) and the developer explained that they were currently reviewing the responses received. The developer noted that more information had become available during the advertised consultation period and so a decision had been taken to extend the consultation period by a period of 3 weeks (ie from 30 September to the extended date of 21 October).

The Inspectorate noted that they had seen or been copied in to some elements of the consultation correspondence over the course of the summer. Various matters were discussed. The Inspectorate advised that if a developer were aware of any issues that might be appropriately raised in an Adequacy of Consultation Response, it would be helpful to cover these matters in the Consultation Report. It was agreed that the focus of the Consultation Report was on the developer's compliance with statutory requirements and processes. A Consultation Report could usefully contain narrative about other elements of engagement but the critical content of the document should reflect the tests applied to an application at Acceptance (in accordance with s55

PA2008). The developer explained the process that they had undertaken in respect of formal consultation with the relevant local authorities on the Statement of Community Consultation (SoCC) and believed they had held all events publicised in accordance with that SoCC.

In respect of the scheme evolution, the developer noted that as a result of consultation an area of land to the west of the A43 would no longer form part of an application.

The developer updated that there had been a small delay in the traffic modelling information linked to the timetable for Northamptonshire County Council (NCC) bringing forward its new SATURN model but that it was hoped that more clarity would be achieved through the use of the new NCC model which is expected to be available imminently. The developer confirmed that these traffic modelling elements would be well developed in advance of any Phase Two consultation and that the modelling would help them to determine whether any highways works would be a Nationally Significant Infrastructure Project (NSIP) in their own right. The Inspectorate advised the developer to clearly set out and justify within their application documents the status of the respective works.

The developer explained that a Phase Two consultation was anticipated in spring 2017. The developer confirmed the intention to consult on a draft Environmental Statement and a draft Development Consent Order and that these would be available for the Phase Two consultation.

The developer explained their current approach to survey work and noted that where they have yet to obtain consent to access some areas of land, they intend to discuss the matter with the relevant statutory body to seek advice on whether an approach based on extrapolation of data could appropriately be used. For information, the Inspectorate provided a brief overview of the s53 access to land process and associated timescale.

The Inspectorate noted that there had recently been proposals for a Strategic Rail Freight Interchange in very close proximity to the Rail Central site – The Inspectorate had received a Scoping Request for the proposed Northampton Gateway Scheme on 21 October 2016. The developer noted the proposals and confirmed that they would be including the project as part of their cumulative impact assessment. The Inspectorate considered it would be helpful if both developers could be as clear as possible in any consultation activity about the existence of the other to assist those who wish to provide consultation responses.

The Inspectorate confirmed that it had received queries about how the PA2008 regime would or could deal with a situation of two Nationally Significant Infrastructure Projects (NSIPs) of the same 'type' (i.e. Strategic Rail Freight Interchange) in very close proximity to each other.

Following submission and acceptance of a Nationally Significant Infrastructure Project (NSIP) application made in accordance with the Planning Act 2008 (PA2008), an Examining Authority (ExA) will be appointed to formally examine "the application". The application seeks approval for the proposed development as identified in the accompanying plans. If made, a Development Consent Order cannot give permission for a wholly alternative site or a wholly different scheme to that which has been

identified as the proposed development, or development site, within the DCO application.

The PA2008 does not explicitly provide for a situation whereby an ExA could be appointed to consider more than one application simultaneously (that is to effectively hold a joint examination of multiple applications) although this is not explicitly precluded. Notwithstanding the legality of such an approach, in practical terms the scale and complexity of the issues in examining two separate and independent NSIP applications within a 6 month examination timetable could have implications for achieving legally robust and distinct decisions as implied by PA2008. Furthermore, presumably such an approach would require separate applications to be submitted on very similar timescales and would need the agreement of both applicants.

However, aside from the legislative and logistical issues of an approach to examining two applications together, if a project requires an Environmental Impact Assessment (EIA) to be submitted as part of the application, the EIA Regulations necessitate that the applicant undertakes an assessment of cumulative effects, and considers alternatives to the proposed development. The assessment of cumulative effects would take into account other reasonably foreseeable schemes including any other relevant NSIPs. Given the scale of the proposed development for an NSIP it is highly likely that an EIA/ES would be required. More information on cumulative effects assessment including a proposed methodology can be found in Planning Inspectorate [Advice Note 17](#). It is therefore safe to assume that the decision maker would be equipped with an assessment of the likely cumulative effects associated with both schemes including if they were both operational. The developer confirmed that they would be undertaking a cumulative assessment which would include the Northampton Gateway Strategic Rail Freight Interchange project.

When making a decision on whether or not to grant consent for an NSIP, the Secretary of State will have regard to any important and relevant matter; as will the Inspector(s) appointed to examine an application and report to the Secretary of State. The impact of a proposal on existing uses and its compatibility with other developments is a matter that could be raised in submissions and could be capable of being relevant and important.

Specific decisions / follow up required?