

Fens Reservoir – WA010004

Anglian Water and Cambridge Water

Section 51 Advice Log

Version: 27 November 2024

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Anglian Water Services Limited and Cambridge Water) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

Project name s51 Advice Log - Index	
Date of meeting	Meeting overview
05 October 2022	Inception Meeting
09 May 2023	Project Update Meeting
05 March 2024	Project Update Meeting
30 July 2024	Project Update Meeting
25 October 2024	Section 51 advice regarding the Programme Document submitted by Anglian Water and Cambridge Water
27 November 2024	Project Update Meeting

Project name -s51 Advice Library

Topic Meeting date: 27 November 2024

General
 The Inspectorate outlined how s51 advice is given and that the Applicant has a chance to review the advice before it is published. Further interaction with the Inspectorate can highlight the issues that are being discussed and more commercially sensitive issues that may not yet be publicly available.

Issues Tracker
 The Inspectorate advised that the Issues Tracker should be available for regular review by the Inspectorate and other statutory bodies. The Inspectorate then highlighted that where positions have been agreed/not agreed that should be noted to try to minimise the risk of issues not being resolved before Examination and to encourage dialogue between those bodies on the key issues.
 The Inspectorate outlined that the enhanced service allows more time for frank discussions on these issues i.e. how things are going locally, and discussions with statutory consultees, etc.
 The Inspectorate highlighted that at the moment the issues tracker is showing engagement and that things will be resolved but it needs some more detail i.e. the actual risk assessments and how these might be resolved. Mona Offshore Wind Project is in Examination and has a good example in their submission at Deadline 2.
 Secondly with regards to water resources and flood management the Inspectorate asked if the Applicant is engaging with all the relevant agencies i.e. the lead council, the lead flood authority for the area and perhaps the affected consultees as these are not currently indicated.
 With traffic and transport which came out of the statutory consultation that should be evidenced as being considered in the risk assessment within the issues tracker.

Adequacy Of Consultation Milestone (AoCM)
 The Inspectorate advised that the Applicant needs to ensure that the Inspectorate has enough time to review the AoCM to ensure valuable feedback can be provided and relevant time is available to the applicant to assess and act on that feedback.
 The Applicant is reminded of prerequisites pertaining to AoCM under the Statutory Guidance and our Prospectus. The Inspectorate would deem 10 working days as sufficient time to provide feedback dependent on the standards of the submitted AoCM. However, the Programme Document,

	<p>should reflect in advance the applicants perceived position in timetabling this milestone.</p>
<p>Programme Document</p>	<p>The Inspectorate advised the Applicant to update the summary of the case and the programme timetable in the Programme Document to give readers a better idea of what the project is and how the project is progressing.</p> <p>The Inspectorate advised the Applicant to consider outlining when to hold meetings offered under the relevant tier. The Applicant is not required to use all meetings, however the Programme Document should include a comprehensive timetable which indicates when they would want any meetings with the Inspectorate.</p> <p>The Inspectorate advised that the Prospectus lays out all the relevant components and the Inspectorate can bring in specialist support for reviewing relevant documents where appropriate.</p> <p>The Inspectorate outlined that things can also change as the project develops but the Programme Document helps the Inspectorate and other statutory parties to plan resources for each milestone during the pre-Application phase.</p> <p>The Programme Document should help to give the Inspectorate plenty of advance notice of planned and/or perceived milestones to allow for adequate resourcing of specialist accordingly to any issue raised by the Applicant.</p> <p>The Inspectorate is unable to signpost to examples of a well structured Programme Document. However, we would be able to review and give feedback on the next iteration of the Programme Document with a view to the public version, once published on the Applicant's website, being an example for others to follow in future.</p>
<p>Meetings</p>	<p>The Inspectorate highlighted that the applicant may decide that they wish to cancel certain meetings closer to the time.</p> <p>The following milestones might lead to useful meetings for example:</p> <ul style="list-style-type: none"> • AoCM • Post Scoping Meeting • Statutory Consultation
<p>Technical/specialist advice</p>	<p>The Inspectorate highlighted that if there is an issue with engagement there is the possibility for the Inspectorate to escalate these issues because there are commitments from these statutory bodies to meet the resourcing needs for the enhanced scheme.</p>

	<p>The Applicant asked for the level of engagement that the Planning Inspectorate will have.</p> <p>The Inspectorate advised that initially all contact would be via the project mailbox.</p> <p>The Inspectorate advised that with really technical questions the Applicant will still need to engage with their consultants however the Inspectorate will aim to answer what we can based on the issues and experience from other cases and Examination.</p>
Site Inspection	<p>Following a query from the Applicant the Inspectorate highlighted that they can do an Unaccompanied Site Inspection (USI) during the pre-application stage if required.</p>
Evidence Plan	<p>The Applicant asked how the Inspectorate envisages the evidence plan process working. The applicant uses it on Habitats Regulations Assessment and Water Framework Directive but they wondered if this would be suitable for any other aspects or whether there are any other good examples of its use.</p> <p>Post meeting note</p> <p>In response, the Inspectorate advises that Annex H provides guidance on the use of Evidence Planning in the HRA process and also refers to how this can be used to support wider Environmental Impact Assessment matters. The Applicant can apply principles within this advice to other aspects and matters within the Environmental Statement.</p> <p>Prior to the start of the pre-application service, other projects have incorporated expert topic groups on cultural heritage within their evidence plan process. The Evidence Plan process is considered most applicable for complex areas of assessment that may require a high level of engagement from stakeholders to agree for example on baseline survey methodologies, assumptions and approaches to modelling and assessment, assessment outcomes and mitigation. The Applicant could make use of multiparty meetings to discuss standalone matters. The Evidence Planning Process works best where it is used as a working forum alongside the development of other documents such as Principal Areas of Disagreement Summary Statements (PADSS), rather than as a forum for updates. Materials should be prepared in advance of meetings. It is recommended that time in meetings is used to discuss specific matters and effective use of steering group to support where discussions on particular issues have stalled.</p>
Outline control documents	<p>The Applicant asked what is a good example of a mature control document? Then the applicant highlighted that they</p>

	<p>may want to discuss the issues on this with the Inspectorate in the future. The Inspectorate agreed to take that away and provide a response.</p> <p>Post meeting note</p> <p>The Inspectorate advises that it would expect a level of detail and completeness as provided at the draft document stage, close to the point of submission allowing for time to address any comments. It is anticipated that mature documents would have been informed by consultation with the relevant stakeholders so that any areas of disagreement, potential 'blockers' or novel approaches can be understood.</p> <p>The Inspectorate is not able to signpost to any specific examples of mature control documents, but would refer the Applicant to the <u>Commitments Register</u> advice page on the Inspectorate website.</p>
Principal Areas of Disagreement Summary Statements (PADSS)	<p>The Applicant asked whether there are any particular good practice examples of a PADSS. The Inspectorate advised that it is difficult to signpost to good practice as this is relatively new and recent examples are at Examination.</p> <p>The Inspectorate advised that it is not going to define 'disagreement' as this is a judgement of the stakeholder and Applicant, it would be expected that points of principal disagreement would either narrow or become more defined as things progress through pre-application, the purpose is to provide more focus in determining points for examination.</p>
Policy Compliance Document	<p>The Inspectorate advised that it is good to start this, if not started already, to indicate how your project is complying with policies as this can help with conversations with local authorities or statutory consultations with the policies they will be relying on to come to positions on the scheme.</p> <p>It doesn't have to stick to the National Policy Statement (NPS) but also consider what is significant from the statutory parties.</p> <p>The applicant asked if there is a template/good example for setting compliance out.</p> <p>The Inspectorate highlighted that a number of submissions from National Highways schemes may be a useful starting point however they have tended to concentrate on the NPS incorporating extra information on what the statutory parties deem significant is very useful to show what everyone is working towards i.e. their policy positions.</p>
Design Approach Document (DAD)	<p>Post meeting note</p>

	<p>The Inspectorate refers the Applicant to advice issued to Outer Dowsing Offshore Wind Farm on <u>26 October 2023</u> and <u>19 January 2024</u> and the <u>submission version</u>.</p> <p>The Applicant should refer to the new advice page on Good Design on the Inspectorate website.</p>
Multi-party meetings	<p>The Inspectorate advised that it could also be the facilitator for multi-party meetings if necessary. The meetings with statutory parties and local authorities should be aimed to get a bit more certainty around positions in terms of what the Applicant is working towards and the methodologies for approach and whether the baseline data is agreed with those other parties. This is all aimed at making the Examination easier. In addition, local issues need to be fed back to the Inspectorate so that the Inspectorate can provide valuable feedback.</p> <p>The Inspectorate highlighted with regards to collaboration, the applicant will be closer to the statutory parties and local authorities than the Inspectorate as they are more aware of what the issues are so the applicant should be leading those discussions but if there are issues that can be fed back to the Inspectorate the Inspectorate can discuss certain issues with statutory parties where necessary.</p>
Preparation of Compulsory Acquisition and Temporary Evidence Position	<p>Post meeting note</p> <p>The Inspectorate advises that a form of tracker is now required for submission with the application (see the new National Infrastructure Planning guidance and Prospectus). Iterations of the tracker should be made available to inform interactions with the Inspectorate during pre-application. This can only be of benefit to the Applicant, Inspectorate preparations and the wider system.</p>
Multiparty application readiness check	<p>Post meeting note</p> <p>Given the only recent launch of the new pre-application offering, this approach is yet to occur on any projects. Feedback is therefore unavailable. We will be unable to confirm permanency until after any trials have been completed and the experience/value analysed. If the Applicant wishes to explore this further, then it could be discussed at a future project update meeting to explain the features of the trial/ next steps.</p>
AOB	<p>The Applicant agreed to provide a list of questions that we did not get round to in the meeting. The Inspectorate agreed to provide responses. (See separate Summary of Questions document).</p>

	<p>The Applicant outlined that if there are any areas where the Inspectorate is keen to be involved in i.e. engagement with other parties they are keen to hear back on that.</p> <p>The Inspectorate outlined that at the next meeting if the applicant can outline what they expect from the Inspectorate over the next six months to a year using an updated Programme Document. We can then discuss any issues within that document at that meeting.</p>
Next Meeting	<p>The Inspectorate agreed that an early February meeting after the scoping opinion will be useful then a meeting to align with the design phase and to align with the public consultation in the Autumn.</p>