

# IPC Infrastructure Planning Commission

## Inception Meeting Note

<b>File reference</b>	<b>WS010001</b>
<b>Status</b>	<b>FINAL</b>
<b>Author</b>	<b>Alan Nettey &amp; Emre Williams</b>

<b>Meeting with</b>	<b>Relevant Stakeholders to the proposed East Northamptonshire Resource Management Facility</b>
<b>Meeting date</b>	<b>19<sup>th</sup> January 2012</b>
<b>Attendees (IPC)</b>	<b>Pauleen Lane</b> (Pre-Application Commissioner) <b>Alan Nettey</b> (Case Manager) <b>Emré Williams</b> (Case Officer) <b>Will Spencer</b> (EIA and Rights Officer)
<b>Attendees (non IPC)</b>	<b>Alan Jones</b> (Peterborough City Council - PCC) <b>Cllr John Holdich</b> (Peterborough City Council - PCC) <b>Cllr Peter Hiller</b> (Peterborough City Council - PCC) <b>Steve Winstanley</b> (Peterborough City Council - PCC) <b>Theresa Nicholl</b> (Peterborough City Council - PCC) <b>Phil Watson</b> (Northampton County Council - NCC) <b>Nick Hodgett</b> (Rutland County Council - RCC) <b>Cllr Gill Mercer</b> (East Northamptonshire District Council - ENDC) <b>Sue Wheatley</b> (East Northamptonshire District Council - ENDC) <b>Leslie Heasman</b> (MJCA, on behalf of Augean PLC)
<b>Location</b>	Peterborough City Council's Offices. Stuart House, East Wing, St Johns Street, Peterborough.

<b>Meeting purpose</b>	The aim of this IPC inception meeting was to explain to attendees the role of the Commission and outline the processes and procedures that are relevant to development consent applications for proposed nationally significant infrastructure projects, such as the proposed East Northants Resource Management Facility.
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**Summary of outcomes**

**1. Introduction** – Pauleen Lane gave a presentation to attendees to address the process for making an application to the IPC and the role the relevant local authorities play therein. During and after the presentation there were several matters discussed around the IPC application process, the Planning Act 2008 (PA2008) requirements and the role of LAs in the IPC application and examination process. A summary of the key messages arising from the questions asked are set out below:

**2. Confirmation of pre-application consultation** – s.47 Duty to consult local community in the PA2008, requires an applicant to prepare a draft Statement of Community Consultation (SoCC) and then consult with the relevant “B” LAs about what is to be in the statement. Following the consultation, the applicant is then required to publish the SoCC and must carry out consultation in accordance with the proposals set out in the statement. The SoCC provides an outline of what will be carried out during the consultation process with regard to a proposed development and how and when this consultation will occur. The relevant “A” and “B” LAs can then make submissions at acceptance as to whether they consider that “adequate consultation” was undertaken.

Furthermore, s.42 of the PA2008 requires the applicant to consult the “A” and “B” LAs and other prescribed consultees about the proposed development.

The transition of the project from the TCPA 1990 Act application process to the PA 2008 Act application process during the pre-application stage had changed the way the local authorities were required to engage with the proposal and the developer through the pre-application process. This had subsequently generated additional considerations and resource implications for the local authorities.

**3. Statements of common ground (SoCG)** – Where agreement has been reached between the applicant, and other bodies such as relevant LAs and other statutory bodies this should be documented in a SoCG. These could be submitted with the application, although there is no statutory requirement to do so. In any event, if an application is accepted and proceeds to the Examination stage, a preliminary meeting will be held where the Examining authority will timetable a date by which any SoCG should be provided. With this in mind applicants should continue to work with LAs and other statutory bodies and the IPC encourages all parties to undertake preparatory work on such statements as early as possible in the process.

**4. Funding for LAs to undertake certain activities** – A planning performance agreement (PPA) between the applicant and a relevant LA can be used to provide funding towards the LA undertaking certain agreed activities, such as considering pre-application s.42 consultation documents.

**5. s.106 agreement** –proposed planning obligations should amongst other things be relevant to the proposed development. Section 174 of the PA 2008 amends s.106 of the Town and Country Planning Act 1990 (TCPA 1990) to allow for development consent obligations to be entered into, in connection with an application for an order granting development consent. Whilst the obligation would not form part of the draft DCO, they are important as they may affect the overall impact of the proposed development.

It is advised that an applicant should agree the heads of terms of any proposed development consent obligation with the LA before an application is submitted and that ideally a fully drafted agreement (or unilateral undertaking) which has been consulted upon be referenced in the consultation report and included with the application.

**6. Adequacy of consultation** – the IPC will request an adequacy of consultation representation from both the “A” and “B” local authorities (as defined in s.42(b) and s.43 of the PA 2008 i.e. ENDC and NCC, and those authorities that border them) following submission of an application to the IPC.

The authorities will then have 14 days to submit an adequacy of consultation representation to the IPC. The authorities may choose to submit a joint statement; furthermore, authorities are encouraged to commence preparation of their representation in the lead up to an application being submitted to the IPC.

**7. Local Impact Report (LIR)** – when an application is accepted by the IPC and the applicant has certified its compliance with s.56 (under s58(2)), the IPC will invite the “A” and “B” LAs to submit a LIR in accordance with s.60 of the PA 2008.

The LIR can have regard to the national context, but the focus of the report should be on local issues, in particular giving details of what the authority considers are the likely impacts of the proposed development on its area or any part of that area.

**8. Status of Local development plans** – local development plans are likely to be a relevant matter when examining an application. However, relevant National Policy Statements, particularly where these have been

	<p>designated, would be given greater weight at examination than local development plans due to their special status in relation to proposed nationally significant infrastructure projects.</p> <p><b>9. Hearing venues</b> – where ever possible, hearings will be held at appropriate facilities within the locality of the proposed development.</p> <p><b>10. Objections to previous applications</b> – objections to previous applications for proposed development at the site will not be ‘carried forward’ to an application to the IPC. As such, persons wishing to become interested parties would be required to register and submit a relevant representation for any application that progresses to examination through the IPC process.</p> <p><b>11. Notification of the relevant representation period</b> – Augean confirmed that, should its application be accepted by the IPC, it would notify all relevant persons and bodies in accordance with s.56 of the PA 2008. It would also notify all contacts on its stakeholder database of the relevant representation period once that has commenced.</p> <p><b>12. IPC Transitional Arrangement</b> – The IPC is to be abolished by the Localism Act, and its staff and Commissioners are in the process of being integrated into the Planning Inspectorate. As of April 2012 all decisions as to whether or not to grant development consent will be made by the relevant Secretary of State, and the IPC’s functions will be carried out by the Planning Inspectorate. This will not lead to a change in the process or the service provided.</p>
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<b>Specific decisions/follow up required?</b>	1. IPC to circulate PowerPoint presentation and note of the meeting.
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<b>Circulation List</b>	Attendees

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

Before sending information to the IPC, please consider our Openness Policy, which can be viewed on our website or a copy will be provided free of charge on request