



Meeting note

File reference	WS010005
Status	Final
Author	Planning Inspectorate
Date	19 August 2021 and 25 August 2021
Meeting with	Augean South Limited
Venue	Microsoft Teams Meeting
Circulation	All Attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meetings would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Application was received by the Inspectorate on 30 July 2021.

On 19 August 2021, the Inspectorate contacted Augean South Limited to establish that the Inspectorate would be progressing to issue a decision to not accept the application and identified the main issues that had arisen from the consideration of the application. The main point of discussion was in relation to a Book of Reference not being provided with the DCO application.

Following the meeting on 19 August 2021 the Inspectorate provided an email with the signposting questions identified [Inspectorate signposting questions 19 August 2021](#)

The Applicant (Augean South Limited) was provided with an opportunity to signpost where in the submitted application documents the information requested in relation to land interests and other matters, was located. The signposting information was requested to be received by 23 August 2021.

Augean South Limited provided a document [Applicant signposting response 23 August 2021](#) that contained signposting information. Following consideration of the signposting information provided, a follow up meeting was held on 25 August 2021. The following advice was provided to the Applicant by the Inspectorate [and responses were provided by the Applicant on 26 August 2021](#):

- The Planning Inspectorate considers a Book of Reference is required due to the presence of Category 3 persons, identified in the submitted Consultation Report

and the Land Interests Table. The Infrastructure Planning: Applications Prescribed Forms and Procedures Regulations 2009 (APFP), Regulation 5(2) states that "The application must be accompanied by – (d) where applicable, the Book of Reference". A book of reference is considered to be necessary in this instance because Regulation 7(b) explains that part 2 of the Book of Reference contains names and addresses for service of each person within Category 3 as set out in section 57. Other NSIP Applicants, not seeking Compulsory Acquisition, had followed this approach and the Planning Inspectorate referred to the Little Crow DCO application as an example.

- Some information provided in the signposting document was not in the Application documents.
- Reference in the draft DCO (Article 12(7)) to Compulsory Acquisition, combined with reference to the potential ability to seek Compulsory Acquisition in a letter sent to a land interest on 14 June 2021 was considered inconsistent with the position stated in the Explanatory Memorandum and Application Form that no Compulsory Acquisition powers were being sought in the application.
- Overall, the Inspectorate considered that the application was not of a satisfactory standard to be accepted for examination.
- Guidance related to Compulsory Acquisition should be followed.

In the meeting on 25 August 2021 the Applicant reiterated the justifications and reasoning provided in their letter of 23 August 2021.

On 25 August 2021, the Applicant was informed that The Inspectorate would continue to progress to issue a decision to not accept the application and a letter confirming this decision would be provided.

Specific decisions / follow up required?

The Inspectorate will meet with the Applicant to give advice in respect of the issues that were identified in the application documents and other relevant information.