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110128\_WW010001\_Reply to Clare Gibbons

Dear Clare,

### **Thames Tunnel EIA Scoping**

Thank you for your letter of January 12<sup>th</sup>. As requested, I enclose a list of consultees the IPC has identified as ‘consultation bodies’ under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (“the EIA regs”) who would be consulted on a scoping opinion if the project were to constitute a proposed project. Our interpretation of the relevant schedule is precautionary in line with our published [Advice Note 3](#), which I enclose for your reference.

The list provided is of course produced on the basis of the information we have received. For example, in the absence of a red line plan, we have been unable to identify those bodies which constitute consultation bodies because of their geographical jurisdiction. Where this is the case, we have provided some general advice about identifying consultation bodies in line with our advice note. We would emphasise therefore that this list does not prescribe all the consultees you must (or may choose) to engage with.

The list of s42 statutory consultees under the Planning Act (“the Act”) is drawn from the same source as the consultation bodies under the EIA regs. As such you may find the list useful in considering how to comply with consultation requirements under s42 and therefore how to “shadow” the process. In your discussions with Defra about the proposed Section 14 Direction you may also wish to clarify the status of the “shadow” s42 consultation in the context of any provisions made by the Secretary of State as and when the scheme is formally designated as a nationally significant infrastructure project. At that time you will of course need to rely on your own investigations and due diligence when identifying statutory consultees, taking legal advice as appropriate and having regard to the IPC’s [Guidance Note 1](#) paragraphs 21 and 22. As per the guidance note, an applicant may reasonably choose to consult fewer consultees than we identify at scoping stage, though any differences should be explained in the consultation report submitted with the application for development consent.

As you will be aware, Schedule 4 of the EIA regs sets out the minimum information to be included within an Environmental Statement. I enclose [Advice Note 7](#) which deals with the EIA process, including scoping, in more depth and we would be happy to provide advice

on any specific queries you may have. I also draw your attention to the Scoping Opinions published on our website, and in particular to Appendix 3. This Appendix provides useful advice about detailed requirements under the EIA Regs. The IPC's [Guidance Note 2](#) also sets minimum standards for the production of application materials, including the Environmental Statement.

Finally, as you mentioned in your letter, the IPC would be happy to provide advice, perhaps through an informal meeting, about the process as it relates to the preparation of an environmental statement. It is also worth restating that any comments offered cannot constitute comments on the merits of the proposal and will have no legal status as a scoping opinion.

I hope this is helpful. If you have any other queries, please do not hesitate to contact me.

Yours Sincerely,

Mark Wilson  
Case Leader

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 email message 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.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.