

# IPC Infrastructure Planning Commission

## Stakeholder Meeting Note

<b>Author</b>	<b>Nik Perepelov</b>
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<b>Meeting with</b>	<b>Thames Water (TW)</b>
<b>Meeting date</b>	<b>April 13<sup>th</sup> 2011</b>
<b>Attendees (IPC)</b>	<b>Mark Wilson (Case Leader) Simon Butler (EIA and Land Rights Manager) Lynne Franklin (IPC Lawyer) Will Spencer (EIA advisor) Nik Perepelov (Assistant Case Officer)</b>
<b>Attendees (non IPC)</b>	<b>Clare Gibbons – Thames Water (TW) Suzanne Burgoyne – TW Alan Lewis – TW Dermot Scanlon – TW Julian Galloway - TW James Good – BLP Law</b>
<b>Location</b>	<b>Thames Water Offices, London</b>

<b>Meeting purpose</b>	To give s.51 advice on the content of Thames Water's scoping report for the proposed Thames Tunnel project.
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<b>Summary of outcomes</b>	<p>The meeting covered the topics which would be provided in written advice.</p> <p>It was emphasised that the advice given at the meeting (and provided in the written report) was given under s.51 of the Planning Act 2008 ('the Act') and did not constitute a formal scoping opinion under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ('the EIA regulations'). The advice given does not prejudice any future decisions to be made by the Commission.</p> <p>Advice not contained in the report is also summarised below.</p>
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<b>Record of any advice given</b>	The list of bodies previously provided was on the basis of information available at the time and without an accurate red line plan. These are the bodies who would have been consulted by the Commission on the scoping opinion if the Commission had had jurisdiction to deal with a scoping
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opinion request. The Commission have since received shape files for the Phase 1 Consultation Area for the Thames Tunnel project and will update the list in due course to reflect any changes. This will assist TW but it remains TW's responsibility to identify the bodies that would need to be consulted in order to comply with s42 of the Act. TW were advised to consider IPC Statutory Guidance Note 1.

The following advice was provided::

EIA scoping is not a mandatory exercise under the EIA Regulations 2009, however, the Commission typically advises applicants for NSIPs to request a Scoping Opinion.

The provision/content of a Scoping Opinion by the Commission does not preclude requests for further environmental information if an application is accepted for examination.

It is for TW to decide whether the consultation report submitted with the application for development consent should report on the consultation undertaken in the course of the non mandatory scoping exercise they have undertaken.

In general, the timing of scoping requests is important. For example, there is a need to avoid scoping too early or too late in respect of the level of detail and flexibility attached to the design of the scheme for which the request is made. It is for an applicant to determine whether or not they may wish to re-scope a scheme in light of any modifications made. Likewise, CLG guidance on pre-application notes that consultation may need to be an iterative process, so it is for the applicant to judge whether a change to the scheme warrants further consultation. This might include consideration of responses received from statutory consultees. In this case it is for TW to decide whether to submit a Regulation 8 scoping request as and when the Commission has jurisdiction to deal with the application.

Applicants should think carefully about other consents and licenses which may be required, and how obtaining them may impact on the consenting process. The Commission have identified best practice in the case of another scheme where the promoter has formulated a consenting strategy to aid this.

Preliminary environmental information ('PEI') should be appropriate for the intended audience although it can only reflect the information available to the applicant at the

	<p>time. Although the Commission is unable to comment directly on the form and content of PEI- aside from that prescribed in the EIA regulations- applicants should ensure that it is a document capable of generating meaningful responses. If the PEI has been drafted in a way which has not assisted meaningful consultation leading to concerns about the adequacy of the consultation by prescribed consultees and the public this may be raised by the local authorities in their “adequacy of consultation” representations. The Commission must take these representations into account when deciding whether or not to accept an application. Schedule 4 of the EIA regulations does not require a consideration of waste strategies to be included in the environmental statement (except insofar as the handling of waste has environmental impacts). As such, the Commission does not necessarily expect a separate chapter on waste in the environmental statement but expects the issue to be dealt with appropriately in some other application document.</p> <p>TW stated that the Secretary of State has recommended that the project should be an NSIP and the draft Order under Section 14 of the Act) is reasonably well advanced.</p>
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<b>Specific decisions/follow up required?</b>	
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<b>IPC Circulation List</b>	<b>Attendees</b>