



Meeting Note

File reference	Thames Tunnel - WW010001
Status	FINAL
Author	Jeffrey Penfold

Meeting with	London borough councils
Meeting date	11 May 2012
Attendees (Planning Inspectorate)	Janet Wilson (Head of Case Management) Mark Wilson (Principal Case Manager) Jeffrey Penfold (Case Officer)
Attendees (non Planning Inspectorate)	Suzan Yildiz (Southwark Council) Sarah Newman (Southwark Council) David Cliff (Southwark Council) Kate Johnson (Southwark Council) Janet Laban (The City of London Corporation) Ted Rayment (The City of London Corporation) Adam Hutchings (Wandsworth Council) Claire Gray (Lewisham Council) Brian Regan (Lewisham Council) Patricia Cuervo (Kensington and Chelsea Borough Council) Brett Henderson (London Borough of Hammersmith and Fulham) Dianne James (Westminster City Council)
Location	Southwark council offices

Meeting purpose	A meeting to discuss the proposed Thames Tunnel by Thames Water Utilities Limited (TWUL); Statements of Common Ground (SOCG); the production of Local Impact Reports (LIR); and methods of joint working.
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Summary of key points discussed and advice given	<p>Attention is drawn to The Planning Inspectorate - National Infrastructure Directorate's openness policy and commitment to publishing any advice under s51 of the Planning Act 2008 (the 2008 Act) on The Inspectorate's website.</p> <p>Development consent process: A presentation (attached below) was given by The Planning Inspectorate which provided a general overview of the development consent process for Nationally Significant Infrastructure Projects (NSIPs) covering the following areas:</p> <ul style="list-style-type: none">• section 14 order – The Planning Inspectorate perspective;• the consenting process;• key deadlines for local authorities;• pre-application: effective engagement with
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- communities and organisations;
- LIRs;
- SOCG;
- written representations;
- considerations for local authorities;
- effects of the Localism Act 2011;

Statement of Community Consultation (SoCC):

The Inspectorate clarified that during the 28 day acceptance period, local authorities (consulted under s42(1)(b) of the 2008 Act) will be invited to submit an adequacy of consultation representation. The adequacy statement must confirm whether the applicant complied with its duties under sections 42, 47 and 48 of the 2008 Act. This process should be undertaken objectively by local authorities, regardless of their views on the application. An Inspector will decide at the end of the period whether the developer has fulfilled its proposed consultation as proposed in the SoCC.

The Inspectorate clarified that applications must be accompanied by a consultation report prepared under s37 of the 2008 Act. The report represents the culmination of the three different strands of consultation and publicity set out in s37. The primary purpose of the report is to capture and reflect upon all of the responses received from the three distinct pre-application consultee groups and explain how the developer has met its duty (s49 of the Act) in the preparation of the application to have regard to the views expressed.

If there is any uncertainty about this, the applicant may be asked to provide a copy of all of the consultation responses that have been received at the pre-application stage.

London Borough of Hammersmith and Fulham commented that difficulty may be experienced in gaining committee or cabinet sign-off on a draft SoCC within a short time frame.

The Inspectorate advised that local authorities would be given 14 days from the date of submission to provide an adequacy statement. This was acknowledged to be a tight timescale, but was in order for The Inspectorate to meet the statutory 28 day deadline in relation to whether or not to accept the application. Local authorities are advised to plan for this in advance and The Inspectorate would expect them to start preparing an adequacy statement in advance.

Applicants can assist by providing local authorities with early sight of the Consultation Report. Local authorities should also plan ahead to ensure that the necessary delegations are in place to meet the deadline for the adequacy statement.

Statements of Common Ground (SoCG) and Local Impact Reports (LIR):

The Inspectorate encouraged those present to discuss and

work through the issues raised by NSIP proposals with prospective applicants well before the application is submitted, and to engage with applicants in the preparation of SOCGs.

Local authorities should try to share resources and expertise where possible. For example, it may make sense for some local authorities to work jointly on the transport impacts of the Thames Tunnel project or on other issues where there are clear cross boundary impacts.

The local authorities should seek to agree as much as they can as early as possible in the examination. A deadline for the receipt of a SoCG will be set in the examination timetable. Experience suggests that a suite of discrete topic based SoCGs, rather than a very large single submission would aid the production of SoCGs.

The London Borough of Hammersmith and Fulham confirmed that it had requested work schedules from TWUL in order to schedule and prepare for SOCG meetings.

Lewisham Council confirmed that discussions had taken place with Wandsworth Council with regard to SOCG and LIR production.

Examining Authority (ExA) structure:

The City of London Organisation queried what the ExA consists of and its appointment?

The Inspectorate confirmed that the ExA will consist of either a single Inspector or panel of three or more Inspectors. The decision is taken with regard to the perceived level of public interest, scheme size and complexity. It is anticipated that a panel of 5 Inspectors will be appointed for the Thames Tunnel proposal.

LIR:

Southwark Council queried the notice period for submission of a LIR and whether a formal request will be submitted to the local authority for its receipt by The Inspectorate?

The Inspectorate confirmed the ExA will circulate a procedural decision concerning the details and timetables in respect of various aspects of the examination to all interested parties after the Preliminary Meeting in a Rule 8 letter of The Infrastructure Planning (Examination Procedure) Rules 2010. This will specify, amongst other things, the deadline for the submission of LIRs. A period of 6 weeks is typically given for the receipt of LIRs by the ExA.

Local authorities were strongly encouraged to use the pre-application period to start their own evaluation of the local impacts of the proposal. Compilation of a LIR should

commence as soon as the application has been accepted formally by the Secretary of State and aim for the report to be as objective as possible. A LIR should concentrate on the issues caused by the proposed development on the local authority's area and written representations aim to apply weight to specific issues. The Inspectorate advocated the integration of existing evidence such as a local authority's Core Strategy, Development Plan Documents and other material considerations.

LIRs need to be useful documents for the Examining Authority. The more objective / technical they can be the better; although it is recognised that in assessing impacts there is inevitably an element of subjectivity. There is no expectation that the LIR needs to come to a conclusion about the development.

The Inspectorate asked the attendees to explore the links between the SoCG, LIR and written representations in order to avoid duplication and promote consistency and brevity. A suggested approach could be to start with the Statement(s) of Common Ground and to focus the LIR on those matters where further work to reach agreement is required or where there are matters which cannot be agreed.

Lewisham Council queried whether the public should be consulted on the content of a LIR?

The Inspectorate confirmed that it is for the local authority to decide on the content of a LIR and any consultation techniques it wishes to undertake; however, there was no requirement for local authorities to undertake a public consultation on the LIR

Southwark Council commented that this could potentially cause consultation fatigue and The Inspectorate agreed this was a risk.

Written representations & interested parties:

Written representations are the most appropriate place for Councils to air any objections in principle to the development; however, the authorities should be aware that the ExA can disregard representations which are about the merits of National Policy Statements (NPS). In particular, councils should recognise that the need for the Thames Tunnel project is explicit in the NPS on waste water which was recently designated.

London Borough of Hammersmith and Fulham responded to a query on the SoS Safeguarding Direction. After JR was threatened the SoS issued a revised Safeguarding Direction that permitted a Planning Committee resolution to be made.

Resources and capacity of local authorities:

Local authorities were encouraged to think carefully about their role within the process. In particular, it is not the role of local authorities to examine the application; this is the role of the ExA. Planning Performance Agreements (PPA) may be the only way in which to agree on resources for this process. The Memorandum of Understanding (akin to a PPA) between TWUL and 9 councils was acknowledged by The Inspectorate.

Lewisham Council queried which consents/permissions a Development Consent Order (DCO) can confer deemed consent for.

The Inspectorate confirmed that s33 of the 2008 Act lists those consents which are amalgamated into a DCO if and when granted.

Section 106 agreements and requirements:

Wandsworth and Southwark Councils raised the issue of s106 agreements and requirements and whether The Planning Inspectorate would discharge them.

The Inspectorate gave reference to the recently consented Rookery South Energy from Waste Facility where the discharge authority was the local authorities; however provision was created in the DCO for The Inspectorate (then IPC) to act as the discharge authority of last resort where there was disagreement between parties in this regard.

AOB:

London Borough of Hammersmith and Fulham queried how site visits are undertaken and who is invited to attend?

The Inspectorate confirmed that that all interested parties have a right to know when and where site visits take place. The ExA may invite interested parties to accompany them on site visits. The number of interested parties invited would depend on how logistically the accompanied site visit could be achieved.

London Borough of Hammersmith and Fulham queried whether any of the previous NIP applications had been JR'd? The Inspectorate listed applications that had been JR'd or have the potential to in the future all of which are available on the NIP website.

London Borough of Hammersmith and Fulham queried what causes delays to NIP applications? Inadequate detail on Habitat Assessments was cited as a common cause of delay.

The potential for The Inspectorate outreach events located within those London boroughs affected was also discussed and will be affirmed at a later date. Southwark Council welcomed this. The Inspectorate was interested to hear from the boroughs how best to arrange these, acknowledging that

	it was unlikely that The Inspectorate's resources would allow for an outreach event in every borough along the route of the tunnel. It was likely that outreach activity would be focused on the councils during the pre application stage and more widely during the interested party registration period, post submission.
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Specific decisions/ follow up required?	<ul style="list-style-type: none">• Future meetings and outreach events to be arranged.
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Circulation List	Meeting attendees