



Meeting Note

File reference	Thames Tunnel - WW010001
Status	FINAL
Author	Jeffrey Penfold

Meeting with	Thames Water Utilities Limited (TWUL)
Meeting date	28 November 2012
Attendees (Planning Inspectorate)	Mark Wilson (Principal Case Manager) Lynne Franklin (Lawyer) Jeffrey Penfold (Case Officer)
Attendees (non Planning Inspectorate)	Ian Fletcher (TWUL) Richard Fornelli (TWUL) James Good (BLP)
Location	The Planning Inspectorate, Temple Quay, Bristol.

Meeting purpose	A meeting to discuss project progress to date.
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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>Project updates - The Growth and Infrastructure Bill ('the Bill') and DCLG consultation on expanding 'one-stop shop':</p> <p>The current position of the Bill was discussed. The Bill is due to have its report stage and third reading on 17 December 2012.</p> <p>The developer made reference to the recently published consultation exercise conducted by the DCLG: <i>Nationally significant infrastructure planning: expanding and improving the 'one stop shop' approach for consent</i>. The Planning Inspectorate confirmed that work is currently underway between Government departments in anticipation of the consultation deadline.</p> <p>The consultation document clarifies the Government's intention to remove the requirement for developers to</p>
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obtain separate consents/certificates as prescribed under ss127, 131, 132, 137 and 138 of the 2008 Act. The amendments are not however being consulted upon as the Government has tabled amendments to the Bill which, subject to Parliamentary approval, will seek to achieve this.

The developer queried that should the Bill receive Royal assent and consequentially remove all existing certification/consent procedures, what is proposed to replace them in order to consider relevant subject matter?

As discussed in the DCLG November 2012 consultation paper, it is proposed that (although the certification process may be removed) the protections which exist within the 2008 Act in relation to special category land will remain and the issues will need to be considered by the relevant Secretary of State making a decision on the DCO. To enable the Secretary of State to take a view on these matters the relevant subject matter will still need to be examined and hence should be addressed in the Statement of Reasons.

The Funding Statement:

The Planning Inspectorate gave feedback on an updated draft of the Funding Statement provided in advance of the meeting.

The Funding Statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. The Planning Inspectorate clarified that a Funding Statement is considered alongside any other evidence submitted.

The Planning Inspectorate advised that the delivery mechanism for the Thames Tideway Tunnel should be clearly explained and within the context of the current financial market. TWUL should demonstrate the proposal's viability, in terms of delivery, in the Funding Statement.

It was noted that the Funding Statement will reflect the position at the time the application is made.

The Planning Inspectorate advised that the Funding Statement should indicate that it is an interim statement as details in respect of the IP delivery model are still to

be finalised further to secondary legislation soon to be published by the Government. The developer confirmed it will need to update the Funding Statement once the details of the delivery model have been confirmed and that a final statement would be made available to update the Examining authority (Exa) as such information became available.

Scale and content of application:

The Planning Inspectorate and the developer discussed document delivery and proposed assembly of the application. No specific concerns were raised.

Key milestones within the consenting process:

The Planning Inspectorate clarified the purpose of a Preliminary Meeting which is to hold a discussion about how the application should be examined. Before this meeting, a draft examination timetable is issued to Interested Parties a minimum of 21 days beforehand together with a request to parties to identify matters for discussion at the Preliminary Meeting. The developer will have an opportunity to make representations at the Preliminary Meeting and may wish to consider whether to provide information which would help the ExA in finalising the examination timetable and reaching a decision about how the application should be examined – for example indicating practical considerations about the compulsory acquisition hearing time that might be required having regard to the number and character of affected persons and sites.

The Planning Inspectorate emphasised the importance of utilising the pre-application stage to progress other consent requirements and attempt to seek agreement with relevant bodies.

The Planning Inspectorate clarified the purpose of an 'adequacy of consultation representation' requested from prescribed local authority consultees under s43 of the 2008 Act. A point was raised about Transport for London (TfL) and whether it would be asked to make an adequacy representation given it is an agency of the GLA. PINS clarified that only a local authority or the GLA is entitled to be consulted about the adequacy of consultation at s55 stage.

There would however be nothing to prevent the GLA taking on board and adopting (as their own) any comments made by TfL about adequacy of consultation.

. It was however noted that DCLG guidance on pre application consultation (para 90) advises that complaints (by third parties) about the adequacy of consultation should be made to the relevant local authority, The Planning Inspectorate or both no later than the point at which the application is made.

This is the advice which is given by PINS when representations are received at the pre application stage. Attention was drawn to the acceptance decision made in relation to the AMEP scheme (available on PINS' website) which records the approach taken by the decision maker to third party representations about the adequacy of consultation.

The Consultation Report:

The Planning Inspectorate advised the developer that considering the size of the proposal and numerous land interests, it may be beneficial for the Consultation Report and Book of Reference to read interactively. The applicant noted the scale of the exercise given the extent of the project.

Submitting application documentation:

A file 'sharepoint' is to be established for the transfer of large files between the Planning Inspectorate and the developer.

The developer confirmed it anticipates submitting an application for a DCO during Q1 2013 subject to Board approval. The Planning Inspectorate advised the developer to look carefully at the requirements for application documents as prescribed within secondary legislation – in particular: The Infrastructure Planning (Applications: Prescribed Forms And Procedures) Regulations 2009 (APFP) paying particular attention to whether Regulation 5 of APFP stipulates mandatory submission or 'where applicable'.

Future workshops:

The Planning Inspectorate's Environmental Services department will be attending Habitats Regulation Assessment workshop in Q1 2013.

The Planning Inspectorate will present to members of the Thames Tideway Tunnel Forum on 12 December 2012, giving an overview of the NSIP application process.

Specific decisions/ follow up required?	<ul style="list-style-type: none">• The Planning Inspectorate to provide assistance on PINS' data requirements.
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Circulation List	Meeting attendees.