



Draft Meeting Note

File reference	WW010001
Status	FINAL
Author	Jeffrey Penfold

Meeting with	Thames Water Utilities Limited (TWUL)
Meeting date	12 December 2012
Attendees (Planning Inspectorate)	Mark Wilson (Principal Case Manager) Jeffrey Penfold (Case Officer) Lynne Franklin (Lawyer)
Attendees (non Planning Inspectorate)	Ian Fletcher (Thames Water) Rick Fornelli (Thames Tideway Tunnel) Alan Lewis – (Thames Tideway Tunnel) Stephanie McGibbon - (Thames Tideway Tunnel) Julian Galloway - (Thames Tideway Tunnel) James Good – (BLP)
Location	Tyburn, The Point, Paddington.

Meeting purpose	A meeting to discuss project progress in anticipation of submission.
-----------------	--

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 Planning Inspectorate's website.</p> <p>1. Actions from last meeting: TWUL queried the weight attached to an Adequacy of Consultation Representation made by a third party, specifically with reference to section 5.2 of the s55 acceptance checklist of Able Marine Energy Park (AMEP) - published on the Planning Inspectorate's website (the Secretary of State must have regard to an Adequacy of Consultation Representation when making his or her decision on whether to accept an application for examination). An Adequacy of Consultation Representation can only be made by a relevant local authority (because s55 only prescribes local authority consultees). It would be for the Examining authority to decide what weight to attach to any other submissions of this nature received.</p> <p>The Planning Inspectorate made reference to paragraph 90 of the DCLG Planning Act 2008 Guidance on Pre-application Consultation. It confirmed that with regard to the AMEP proposal, regard was had to third party representations received before the application was submitted.</p>
--	--

The developer explained its approach in identifying category 'A' and 'B' authorities following changes to the Planning Act 2008 introduced by the Localism Act. There are no category 'C' or 'D' authorities in London. The Planning Inspectorate confirmed that they were happy with the position.

The Planning Inspectorate advised that the GLA is a statutory consultee for the purposes of s42 of the 2008 Act if a proposal falls within the area of Greater London.

The Planning Inspectorate previously issued s51 advice to TWUL concerning the prescribed persons consulted on the scoping report. We advised TWUL that if a different approach is taken towards identifying prescribed consultees for the purposes of s42 consultation, then such an approach should be explained within the Consultation Report.

TWUL agreed to include a list of all 'A' and 'B' local authorities within the Consultation Report.

TWUL advised the Planning Inspectorate that it is identifying and refining the list of consents required.

The Planning Inspectorate welcomed a clear indication of what consents have been obtained and those that have not early on in the process. It was emphasised that the explanatory memorandum is the best place to state what consents, under s150 of the 2008 Act, are being disapplied. It was noted that protective provisions within the DCO will be included where necessary.

2. Non-acceptance – Daventry International Rail Freight Terminal (DIRFT):

In response to TWUL's question, the Planning Inspectorate confirmed why an application for the DIRFT scheme was not accepted for examination. The Secretary of State considered that the application was not of a standard that is satisfactory and has concluded that the applicant did not comply with Chapter 2 of Part 5 of the 2008 Act.

The Planning Inspectorate advised TWUL that there are lessons to learn from DIRFT; specifically that where there is an accumulation of flaws it may not be possible for a view to be reached that an application is of a satisfactory standard.

The Planning Inspectorate also advised TWUL that developers should ensure that no discrepancies exist between the electronic version and paper copy of the application.

3. Reporting Project wide effects:

TWUL clarified how the Environmental Statement (ES) will consist of 27 volumes – all of which will be substantial volumes.

As an example, volume 3 of the ES will be a project-wide assessment and pull together each topic area for example aquatic ecology.

The Planning Inspectorate asked how cumulative impacts were dealt with if the ES was structured primarily on a site specific basis.

TWUL commented that each associated development site is assessed including cumulative impacts at the site specific level. However, Volume 3 brings all the information from across the site specific chapters together and assesses the project as a whole. There is also a separate cumulative impacts chapter looking at the macro level in this respect.

4. Guide to the application:

As part of the application documentation a 'guide to the application' will be included and aims to assist readers' understanding of the project and how it fits together.

5. Meeting APFP Regs: Flood Risk Assessment:

Regulation 5(2)(e) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 requires applications to be accompanied by any Flood Risk Assessment or 'FRA'.

TWUL confirmed that although it originally opted for a standalone FRA, the document has now been brought into the ES as a project-wide FRA including site based assessments. This is on the advice of the Environment Agency.

The Planning Inspectorate confirmed it is happy with this approach.

ii) Nature Conservation Plan/information:

TWUL clarified that a similar approach has been adopted for the Nature Conservation Plan as for the FRA - with the prescribed plans being included in the Environmental Statement and cross referred to elsewhere.

PINS confirmed that it is happy with TWUL's adopted approach which avoids duplication and noted that advice of this nature has previously been given for other NSIP projects.

TWUL referred to access plans - for the purposes of satisfying APFP reg 5 (2)(k) - where construction access alters during the construction phase. Access plans also show diversions and stopping-up. Proposals for short duration stopping-up of roads however are not shown on plans. TWUL is considering further how 'short duration' should be defined.

The Planning Inspectorate advised that the DCO and supporting documents must clearly show land over which powers are to be exercised.

6. Demonstration of sharepoint site.

The Planning Inspectorate discussed changes to its website being made in the near future to improve user access. TWUL demonstrated their share-point site - used to push documents back and forth that are up to 50MB in data size.

The Planning Inspectorate supported the use of the share point site but made clear that the act of placing document(s) on the share point site did not constitute "submission". In this context it is important that TWUL ensure that the Inspectorate is informed directly when documents have been placed on the share point site. Planning Inspectorate case team will confirm when the documents have been downloaded and received.

7. Requesting copies of consultation responses/redaction.

If necessary, the Planning Inspectorate may request responses to statutory consultation exercises undertaken by TWUL when assessing the developer's duty under s49 of the 2008 Act. It is hoped this will not be necessary. It would also be preferable to take receipt of any raw responses in electronic form, as scanned items.

8 – AOB.

Future meeting dates were discussed as well as the dedicated Thames Tideway Tunnel team of the Planning Inspectorate.

TWUL indicated that it was considering how the Book of Reference and land plans may cross-reference each other given the scale of the book of reference and the extent of consultation.

A video produced by The Planning Inspectorate will be published shortly aimed at helping local authorities become involved in the planning process.

The Planning Inspectorate noted the need for consent as relevant from appropriate Crown authorities under s135 of the Planning Act 2008: 'Orders: Crown Land'. TWUL is confident that if and when the application is accepted for examination, relevant consents will be in place by such time.

Specific decisions/ follow up required?	<ul style="list-style-type: none">• The Planning Inspectorate to give advice on TWUL's draft Funding Statement.
--	---

Circulation List	All attendees