

Meeting Note

Status	FINAL
Author	Robert Ranger

Meeting with	Otterhampton Parish Council (OPC)
Meeting date	5 July 2011
Attendees (IPC)	Mark Wilson (Case Leader) Rob Ranger (Case Officer)
Attendees (non IPC)	Steve Chinn (Chair of Working Party) Mervyn Brown (Vice-Chair of OPC) Paul Gripton (OPC)
Location	IPC Offices, Temple Quay House

Meeting purpose	<p>To discuss the role of the Infrastructure Planning Commission and opportunities for engagement with the application process under the 2008 Act, with particular reference to the forthcoming application at Hinkley Point in Somerset.</p> <p>This meeting was held at the request of Otterhampton Parish Council</p>
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Summary of outcomes	<p>IPC advised on its openness policy, that any advice given will be recorded and placed on the IPC's website under s.51 of the Planning Act 2008 (the act) and also to note that any advice given under s.51 does not constitute legal advice upon which applicants (or others) can rely.</p> <p>OPC Otterhampton Parish Council (OPC) is responsible for the villages of Otterhampton, Stockland and Combwich. There is a lot of associated development proposed for their area, particularly in and around Combwich. Asked if the IPC had visited the proposed associated development site in Combwich?</p> <p>IPC Confirmed that they had.</p> <p>OPC Feel that seeing the site is vital to properly understand the relationship between the wharf that forms the focus of the proposals, and the surrounding environment; particularly neighbouring residential property.</p>
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	<p>Combwich Wharf was used to transport abnormal indivisible loads (AIL) in the construction of existing nuclear development at Hinkley Point. OPC accepts that it is the function of Combwich Wharf to bring in those AIL's , and that it can help to keep these loads off the road network.</p> <p>However, OPC sees the proposed associated development as being beyond that, in three distinct parts; refurbishment of the AIL wharf, construction of a new goods wharf, and a new laydown facility. They have concerns about the quantity of goods transport proposed, and general concerns regarding the laydown facility.</p> <p>There is also some concern about what the AIL will be. Past experience suggests generators and other large machinery that cannot be dismantled or stripped. OPC would welcome more information on this point.</p> <p>OPC is a small parish, but is the proposed site of multiple large projects; including mitigation works connected with the Bristol Port project, the Environment Agency habitat creation scheme and the Hinkley to Seabank Connection.</p> <p>There is some objection within Combwich to the works proposed in connection with the Hinkley C Project. OPC would like to understand how best to put their views and navigate the 2008 Act process.</p> <p>IPC The IPC was established in 2009 to administer the 2008 Act process for Nationally Significant Infrastructure Projects (NSIPs). The proposed Hinkley C generating station was one of the first forthcoming applications of which IPC was advised. Meetings with the local authorities, Environment Agency, Highways Agency and others were held, and these tripartite meetings continue. They have been very useful in allowing stakeholders to air their differences in an open forum.</p> <p>Notes of all the tripartite meetings held are published on our website.</p> <p>The issue of the weight of interest evident in Combwich has been raised in these meetings.</p> <p>OPC noted that reference. Their feeling is that the scale of the proposed development in Combwich emerged at the stage 2 consultation; it had not been evident at stage 1. They are concerned that this aspect of the consultation may have failed.</p> <p>IPC The IPC cannot prescribe the developers approach to</p>
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	<p>consultation, but will make a determination on the adequacy of consultation when an application is submitted. The views of local authorities will be sought before this decision is made. The Act does not define parish or community councils as “local authorities” for this purpose, but there is nothing to prevent engagement and discussion between local authorities and parish councils on the issue. This would be a matter for them.</p> <p>The document submitted in October 2010 by OPC was received, and will be made available to the commissioner appointed to determine whether or not any application should be accepted, along with any other correspondence received.</p> <p>OPC is committed to listening and engaging with EDF as far as possible, and at least one future meeting is planned, but feels that there is unlikely to be any movement in proposals at this stage. There remain differences of opinion on some points and ultimately, the issues will have to be considered by the Examining authority when an application is submitted.</p> <p>IPC The examination is a real opportunity to consider the merits of any proposal. It is not a “rubber stamp” exercise. It is likely that any decision will be taken by the Secretary of State. The Examining authority’s report will make a recommendation that will inform that decision. In exercising its responsibilities the Examining authority will not be subject to any lobbying or pressure outside of representations made during the examination process.</p> <p>OPC Does the parish council have to register as an interested party to the examination, given that they are a statutory consultee? How can members of the parish council’s constituency best make their representations?</p> <p>IPC The 2008 Act requires that people who wish to participate in the examination register as an interested party by submitting a relevant representation at the appropriate time; after the application has been accepted, but before the examination begins.</p> <p>The relevant parish or community councils are automatically interested parties. However, it can be useful to submit a relevant representation as well, so that the Examining authority can see the direction of and issues reflected in the evidence that will be submitted and consider that when planning the examination.</p> <p>It is vital that anyone else wishing to register as an interested party submit a relevant representation at the</p>
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	<p>appropriate time. Relevant representations must be made on the correct form and that form must be completed correctly; the regulations are very specific about what is required.</p> <p>The IPC has made it as simple as we can by creating a form that contains all this information, but some members of the public interested in other cases have completed their forms incorrectly and have not been able to register.</p> <p>Also, interested parties are sent quite formal procedural correspondence throughout the process that some people who have registered on other projects were not expecting to receive.</p> <p>Where many people wish to make the same arguments it can be best to coordinate and submit a single representation on behalf of many people; rather than to submit many identical representations.</p> <p>The process is quasi-judicial rather than political; it is an examination and not a referendum. Whilst the weight of public opinion is capable of being an issue, It is the quality of the arguments that are made that is important, rather than how often they are made. In order to be most effective, a representation should be logical, realistic and evidence-based.</p> <p>OPC Particular concerns exist around the use of the laydown area for road freight, and the interpretation of PPS25 in the consultation documents produced by EDF. Flooding and flood risk are likely to be raised in OPC's representations to the examination.</p> <p>IPC The 2008 Act process allows examinations to be tailored to the unique projects they relate to. The way in which the application will be examined will be decided following a preliminary meeting, at which OPC can make representations about what they think the principle issues will be and what meetings or hearings they would like held. It is an opportunity to discuss the procedure rather than the merits of the case.</p> <p>The National Policy Statement (NPS) is the principal framework against which applications will be determined. Other national and devolved policies, including PPSs, are a material consideration and much is reflected in the NPS itself.</p> <p>OPC Understands that a Development Consent Order can be made subject to requirements, which have the same role as conditions attached to a planning permission.</p>
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	<p>If the DCO is ultimately granted for the Hinkley C development, who would be responsible for enforcing its requirements; particularly any relating to the use of Combwich Wharf?</p> <p>IPC The 2008 Act process is developing, and custom and practice are still emerging. The local authority is responsible for enforcing the terms of any DCO, but it is not yet clear who will be responsible for discharging any requirements that call for schemes / plans to be submitted; nor is it clear how disputes over requirements are to be adjudicated. This will likely be set out in the terms of any DCO.</p> <p>OPC What can be included in the Local Impact Reports that local authorities are invited to produce during the examination?</p> <p>IPC The guidance is not intended to be prescriptive. Local authorities have broad discretion to tailor their LIRs to the circumstances of the case.</p> <p>Some people have suggested that there is a tension between making representations on the proposal and performing a technical analysis of its impacts. There have been various approaches to this. Some local authorities have produced quite technical LIRs, and separate representations expressing a view on the balance of the issues; others have produced LIRs that led to conclusions on merits. Either approach is acceptable.</p> <p>OPC Can a DCO contain provisions that allow compulsory acquisition of land or rights?</p> <p>IPC Yes. If such provisions are sought, it is likely that a Compulsory Acquisition Hearing will be held as part of any examination to consider whether or not they are justified.</p> <p>OPC Will the IPC be holding any events in Combwich to discuss the 2008 Act process and help people to register?</p> <p>IPC The IPC intends to hold events in the local area once an application is submitted. It is not felt that there is an appetite for such events now, since they could distract from the consultation being carried out by EDF. However, when events are held it is almost certain that they will include an event in Combwich. The IPC may contact OPC at the appropriate time and seek their input.</p>
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Circulation List	Attendees

