



Meeting note

Status	Final
Author	Kate Mignano
Date	4 March 2015
Meeting with	Network Rail
Venue	Temple Quay House, Bristol
Attendees	Steve Davey, Natalie Fernandes, Elizabeth Wood-Griffiths Susannah Guest, David Price, Richard Hunt, Melanie Bischer and Kate Mignano
Meeting objectives	Discussion on NSIP Pre-Application stage with Network Rail
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate advised on its openness policy, that any advice given will be recorded and placed on the National Infrastructure Portal website under section 51 of the Planning Act 2008 as amended (PA 2008) and also to note that any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

Advice

Network Rail asked a series of questions regarding the approach to Development Consent Order (DCO) applications.

Network Rail (NR) queried when would be the appropriate time for a body such as NR to approach the Planning Inspectorate about a particular project at the Pre-Application stage. They enquired about the extent of useful information that should be provided for that initial contact.

The Planning Inspectorate advised that as soon as NR have identified that a scheme may need a DCO, it would be helpful for the Planning Inspectorate to be informed. If the scheme was subsequently progressed through the Transport and Works Act regime, this would still give the Planning Inspectorate good information about forthcoming work to feed into inspector resourcing considerations.

The Planning Inspectorate asked at which stage in their project delivery process NR would identify the necessary consenting regime to be followed.

NR explained that there is no specific trigger point, but by the end of the feasibility study phase (or at the latest GRIP stage 3) NR would know which consent regime a project would be following. At this point the project would likely be at the single option stage.

NR enquired about Pre-Application Environmental Impact Assessment scoping requests; the discussion focused on whether the scoping process was being used effectively or, in general, whether applicants were taking a risk adverse approach. The Planning Inspectorate commented that scoping when there is still more than one design option being considered can create more work and adds to uncertainty in the scoping process. However, on occasion this approach can still be beneficial depending upon the individual project characteristics.

The Planning Inspectorate advised that the environmental assessment should be proportionate to the likely impacts. The Planning Inspectorate advised NR to make full use of the opportunity that the scoping stage offers in order to scope out environmental aspects and refine the assessment. The Planning Inspectorate reminded NR that the scoping process is iterative and should reflect the changes made to the design of the proposed development. The Planning Inspectorate also emphasised the importance of ensuring that any changes made to the proposed development are consistently and accurately reflected through all relevant application documents including the Environmental Statement.

NR noted that their approach to Pre-Application consultation was normally through on-going non-statutory consultation with statutory bodies, followed by a single round of statutory s42 consultation. The Planning Inspectorate explained that although some applicants choose to consult under s42 using a single phase, this consultation can be carried out multiple times as the project develops and this can be the case particularly for larger projects that may evolve or be refined over time.

The Planning Inspectorate highlighted that the Consultation Report should capture and explain the consultation activity in the Pre-Application stage and advised that it is helpful to distinguish between statutory and non-statutory consultation processes. The discussion noted the difficulty faced by applicants when seeking to identify all those affected persons under s44 PA 2008 when the project is still in the early stages. The Planning Inspectorate noted that there are mechanisms for identifying additional land owners throughout the process. Should this happen at the Pre-Application stage it is important for the applicant to consider appropriate consultation and to record in the Consultation Report what consultation had taken place, when and why.

The Planning Inspectorate explained the provision in s35 PA 2008 for schemes that would not fall within the definition of a Nationally Significant Infrastructure Project (NSIP) to be directed into the regime.

The Planning Inspectorate advised Network Rail to review the Advice Notes, in particular Advice Note 7, and the Pre-Application Advice Service Prospectus. That Prospectus sets out in detail the service that can be provided to applicants during the Pre-Application including the following 5 key aspects:

- Knowledge and experience of the NSIP process
- Advice about making an application and the policy framework
- Review of draft application documents
- Facilitation and making the links

- A structured approach

In particular, it was explained that the Planning Inspectorate can facilitate meetings with statutory bodies and the Consents Service Unit can participate in Pre-Application round table meetings with these bodies and the developer. It was also explained that a 'Contact Plan' has been introduced as part of the Pre-Application service to applicants and how having a contact plan in place can assist setting out a framework of support from the Planning Inspectorate during the Pre-Application stage.

The Planning Inspectorate noted the importance of identifying all other consents required in addition to the Development Consent Order and engaging early with the relevant consenting bodies. The Consents Service Unit is available to assist applicants with this; they can offer advice and guidance in relation to 12 non planning consents including environmental permits and protected species licences to all applicants throughout the Pre-Application stage and beyond. The Consents Service Unit is not subject to the same rules as the rest of the Planning Inspectorate. Therefore discussions with the Consents Service Unit do not have to be published, although they are still subject to the Freedom of Information Act.

The Consents Service Unit asked the applicant what the key factors were in deciding when to apply for any additional consents required in relation to the Development Consent Order. They confirmed that the major driver was the development of the detailed design.