

# Meeting note

<b>Project name</b>	Rail Central SRFI
<b>File reference</b>	TR050004
<b>Status</b>	<b>FINAL</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	1 March 2019
<b>Meeting with</b>	Gazeley GLP Northampton s.a.r.l. and Ashfield Land Management Ltd (the Applicant), Turley, Womble Bond Dickinson
<b>Venue</b>	Temple Quay House
<b>Meeting objectives</b>	Update meeting at the request of the Applicant

## Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

### Request to defer the Preliminary Meeting

The Applicant explained that they are intending to request a deferment to the Preliminary Meeting, to delay the start of the examination for this project. This is in anticipation of submitting a request in the future to change the highways mitigation which forms part of the scheme applied for.

The Applicant confirmed it is in the process of undertaking a strategic review of its overall highway package and has identified discrepancies in the highways modelling that was undertaken at the pre-application stage. As a result, it is anticipated that the highways mitigation proposed as part of the scheme will need to be revised to reflect the updated modelling. The potential design changes to the highways mitigation will not be known until the Applicant has completed its strategic review. The Applicant will consider if the changes are likely to give rise to any additional environmental effects, the Applicant also explained that further land may be required (outside of the current order limits) which may trigger the Compulsorily Acquisition Regulations process.

The Applicant set out its initial thinking on programme. It expects to have completed the revised highways mitigation design by mid-April 2019, it will hold discussions with key transport stakeholders and landowners throughout April and May 2019 with the intention to submit a proposed change request to the Examining Authority in June 2019 ahead of a Preliminary Meeting in July.

The Inspectorate advised the Applicant to consider the resourcing implications which the proposed changes may have on the consultees and their availability to provide comments within certain timeframes. The Inspectorate asked how much confidence the Applicant could give that the consultees would be able to provide responses to allow them to achieve their targeted timescales.

The Inspectorate referred to paragraph 45 of the Guidance for the Examination of Applications for Development Consent, which says "The Secretary of State's expectation is that Examining Authorities will not normally agree to postpone the start of the examination for longer than three months." It was noted that the Applicant's proposed timeframes indicate a delay of longer than three months.

The Inspectorate advised the first step for the Applicant to undertake is to write to the Examining Authority to request a delay to the start of the examination, detailing why the delay is considered by the Applicant to be necessary, the implications of continuing with the scheme as proposed, and the Applicant's proposed timeframes. It is for the Examining Authority to decide whether it consults Interested Parties on the deferral request. It is the Examining Authority's final decision as to whether a delay can be agreed.

The Inspectorate advised the Applicant that the justification for the delay and for the change to the application must be robust and there should be good reasons as to why the issues were not identified and dealt with proactively at the pre-application stage (as detailed in Advice Note 16).

When considering the Applicant's proposed timeframes and the length of any proposed delay to the preliminary meeting, the Inspectorate explained to the Applicant that it takes time to prepare the rule 6 invite letter to the preliminary meeting and also the Inspectorate usually allows 28 days from issuing an invite to the Preliminary Meeting, to the meeting taking place. In addition, the Applicant will also need to ensure it builds-in enough time for any relevant consultation to be carried out in accordance with the Inspectorate's Advice Note 16 (the flowchart on page 4 of the Note was referred to). Each of these processes are likely to add further delay to the Preliminary Meeting, which the Applicant explained, could potentially be delayed until approximately August 2019 (potentially a 5 month delay).

The Inspectorate advised the Applicant that it will need to consider if the proposed changes would alter the application to such a degree that it could not be examined without breaching principles of fairness and reasonableness (reference was made to the Inspectorate's Advice Note 16). For example, the Applicant would need to consider that any changes proposed had not been consulted on during the pre-application stage and that relevant representations had been made without the knowledge of any proposed changes. The Inspectorate asked whether the Applicant envisaged continuing with the application submitted in the event that the proposed changes were not accepted and what the implications of this might be; and whether the Applicant proposed to proceed to examination if the request for a deferment was not accepted.

The Applicant was advised to consider whether the updated environmental information would be publicised and consulted upon in accordance with the EIA Regulations.

## **Actions**

The Applicant was advised to write to the Examining Authority at the soonest opportunity, setting out the deferment requested and the justification for it.