



Meeting note

Project name	Hinckley National Rail Freight Interchange
File reference	TR050007
Status	Final
Author	The Planning Inspectorate
Date	28 April 2021
Meeting with	Leicestershire County Council (LCC), Blaby District Council (BDC) and Hinckley and Bosworth Borough Council (HBBC)
Venue	Online meeting
Meeting objectives	Presentation on and explanation of the Planning Act 2008 process
Circulation	All attendees

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.

Presentation

The presentation is attached at **Annex A** below.

Questions

LCC asked whether the Inspectorate could provide any case studies for how local authorities have operated within the PA2008 process, particularly in regard to delegation. The Inspectorate advised it was unable to provide case studies as such however the Local Authorities (LAs) were encouraged to look at the Inspectorate's National Infrastructure website where there would be examples from other Nationally Significant Infrastructure Projects (NSIPS), including other Strategic Rail Freight Interchanges (SRFIs).

LCC asked about the degree to which the project consulted upon need to match the project that was submitted. The Inspectorate identified that it was a dependent on the degree of change of the project and pointed the LAs towards Paragraph 73 of the [Planning Act 2008: Guidance on the Pre-application process](#).

HBBC asked what is usually included in Statements of Common Ground (SoCG). The Inspectorate replied by explaining that it depended on the specifics of the project however agreements on requirements or evidence base could potentially be included. Additionally, SoCG can be used to record areas of disagreement and they are likely to be asked for at multiple deadlines in Examination and may change throughout.

HBBC enquired how often it was expected legal input would be needed. The Inspectorate stated it was unable to advise on this point however it indicated that this may vary on a case by case basis but emphasised the importance of knowledge of the Development Consent Order (DCO) process amongst the HBBC teams and to ensure delegation is in place ahead of any potential DCO submission. HBBC asked what documents delegation would be needed for. The Inspectorate advised this would depend on the individual LA set up although highlighted that the shorter deadlines for responses to information within the Examination would be hard to meet without delegation.

BDC asked about the need for LAs to respond to all evidence presented to the Examination with countervailing evidence. The Inspectorate explained the role of an Examining Authority would be to assess and examine all matters it considered relevant and important to its recommendation.

BDC and HBBC expressed concern about the description of the development being adequate in informing the local community about the impacts of the project. Which BDC had fed back to the Applicant as part of its comments on the draft Statement of Community Consultation (SoCC). The Applicant confirmed that a final version of the SoCC would be shared with them before publication and so the Inspectorate encouraged the LA to continue its engagement with the Applicant on this and raise its concerns directly with them.

Annex A: Presentation slides on PA2008 Process



The Planning
Inspectorate

Participating in the Planning Act 2008 process



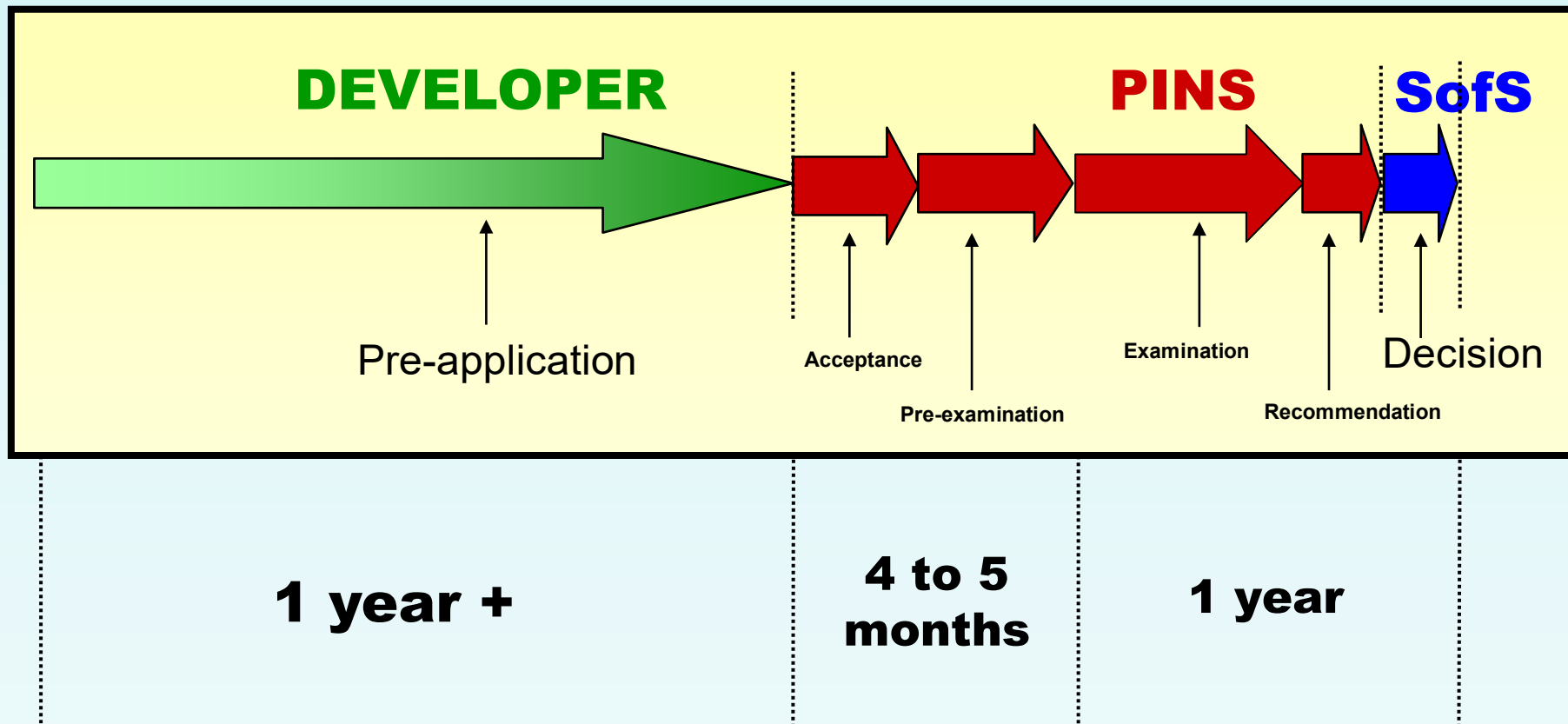
Principles



- Single consents regime
- Statutory timescales
- National policy statements
- Frontloaded
- Written process
- Inquisitorial



The PA2008 process





Perspectives...

Local authorities

Ensure local views taken into account
(political)

Development Plan policies followed

Alternatives?

Resources and business continuity

Land owner?

Robust mitigation measures

PINS (ExA)

Fair, transparent process for everyone
involved

Balance local impacts against national
need

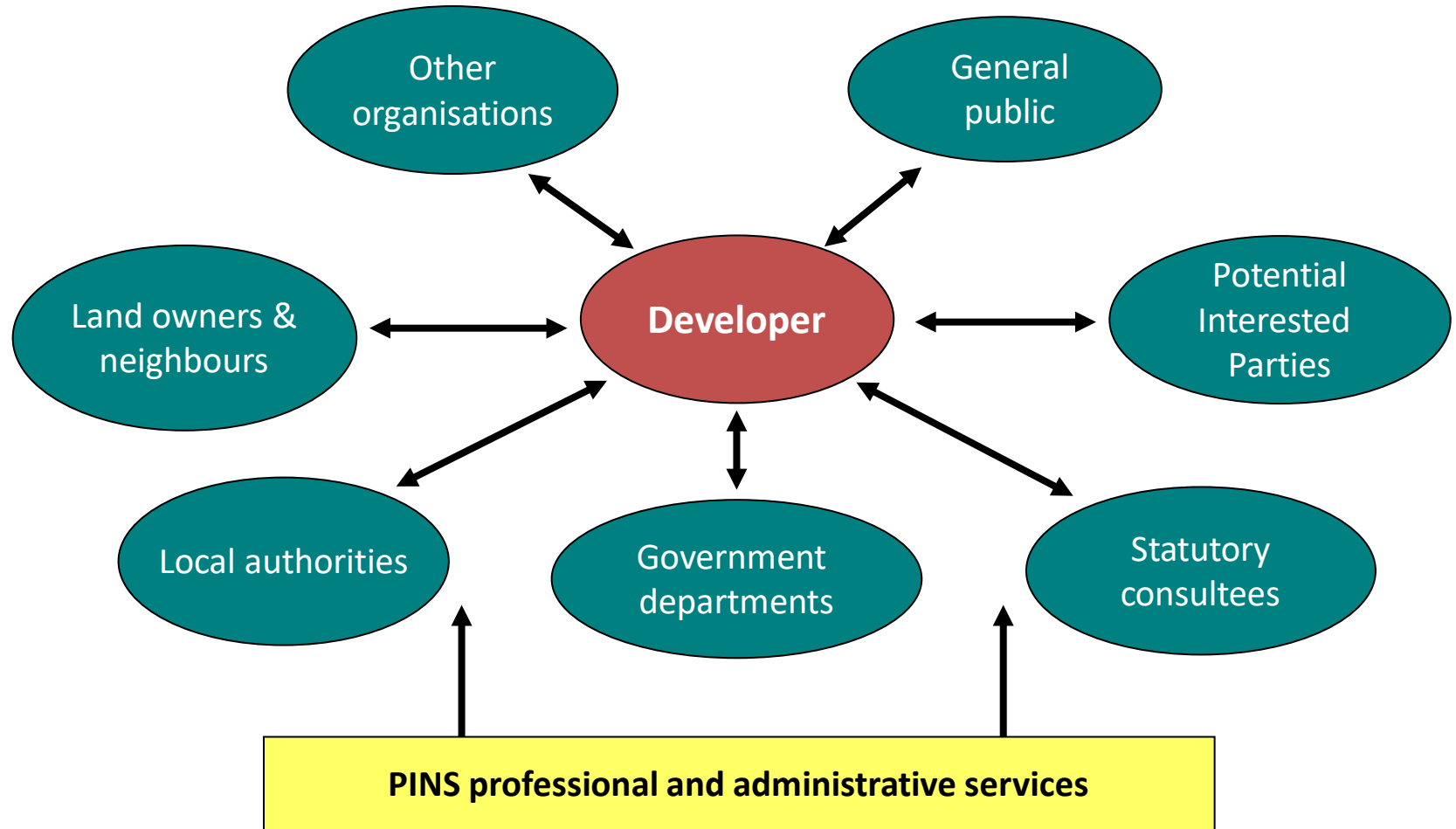
Consider the application as made

Gathering evidence to make a well-
reasoned recommendation

Complete the examination within
statutory time limits



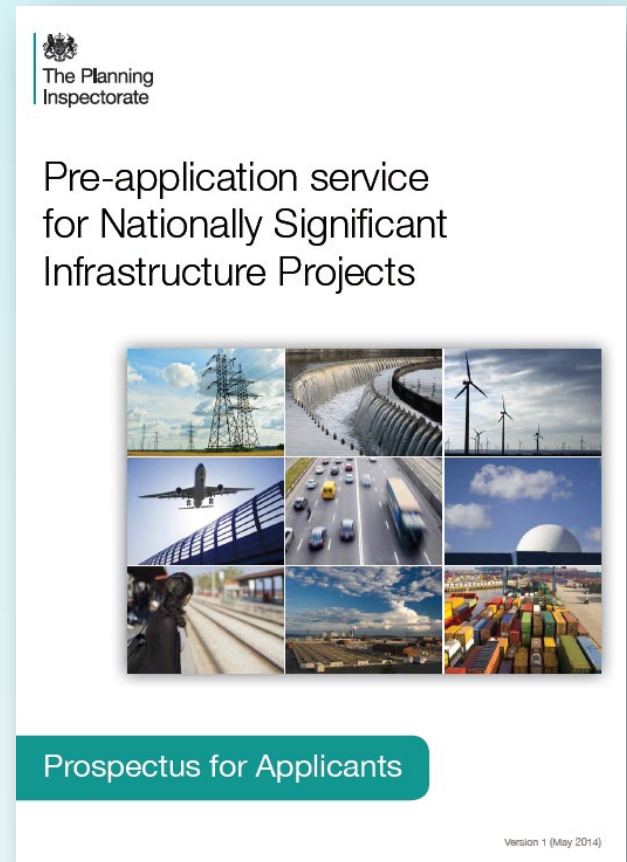
Pre-application engagement model





Utilising the Pre-application service

- Pre-application Prospectus
- Not just for Applicants
- s51 advice
- Outreach
- Draft documents review
- Better Pre-app engagement = smoother examination





Pre-application for local authorities

~~UNPREPARED~~



- Statutory consultee
- 'Community Champions' (SoCC)
- PPAs
- Objective technical evidence
- Discharge of Requirements (on land)*
- Enforcement*

* early and on-going dialogue: No shocks, no surprises!



Acceptance stage

- APFP Regulations
- 28 days to decide
- Full application
- Principal tests:
 - NSIP
 - Consultation Report
 - **Adequacy of Consultation**
 - Full suite of documents
 - Ensure all plans are correct
 - Satisfactory standard





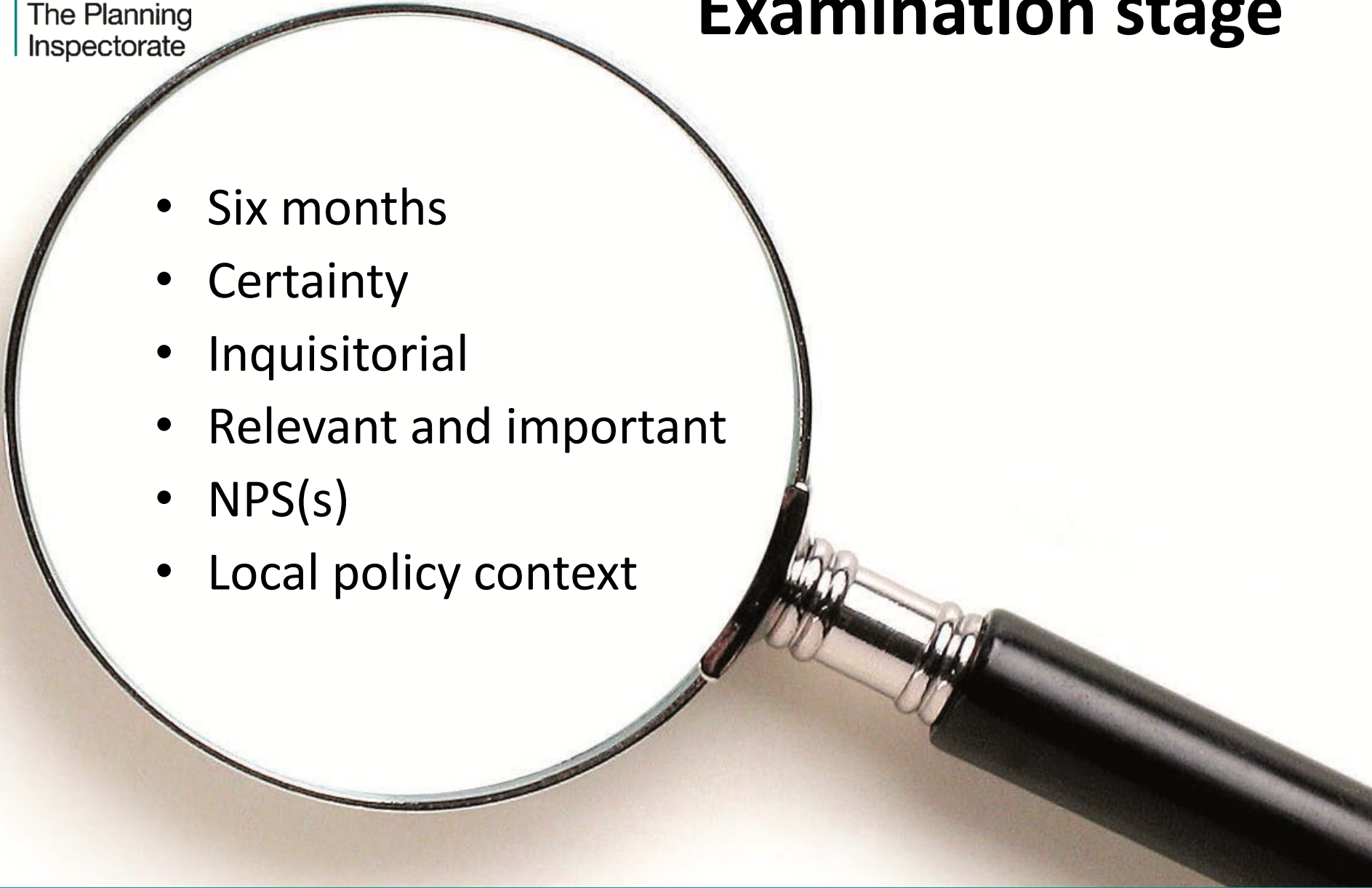
Pre-examination

- Application accepted
- Examining Authority appointed
- **Relevant Representations**
- Initial Assessment of Principal Issues
- Preliminary Meeting
- **Local authorities**
 - Local Impact Report
 - SoCG



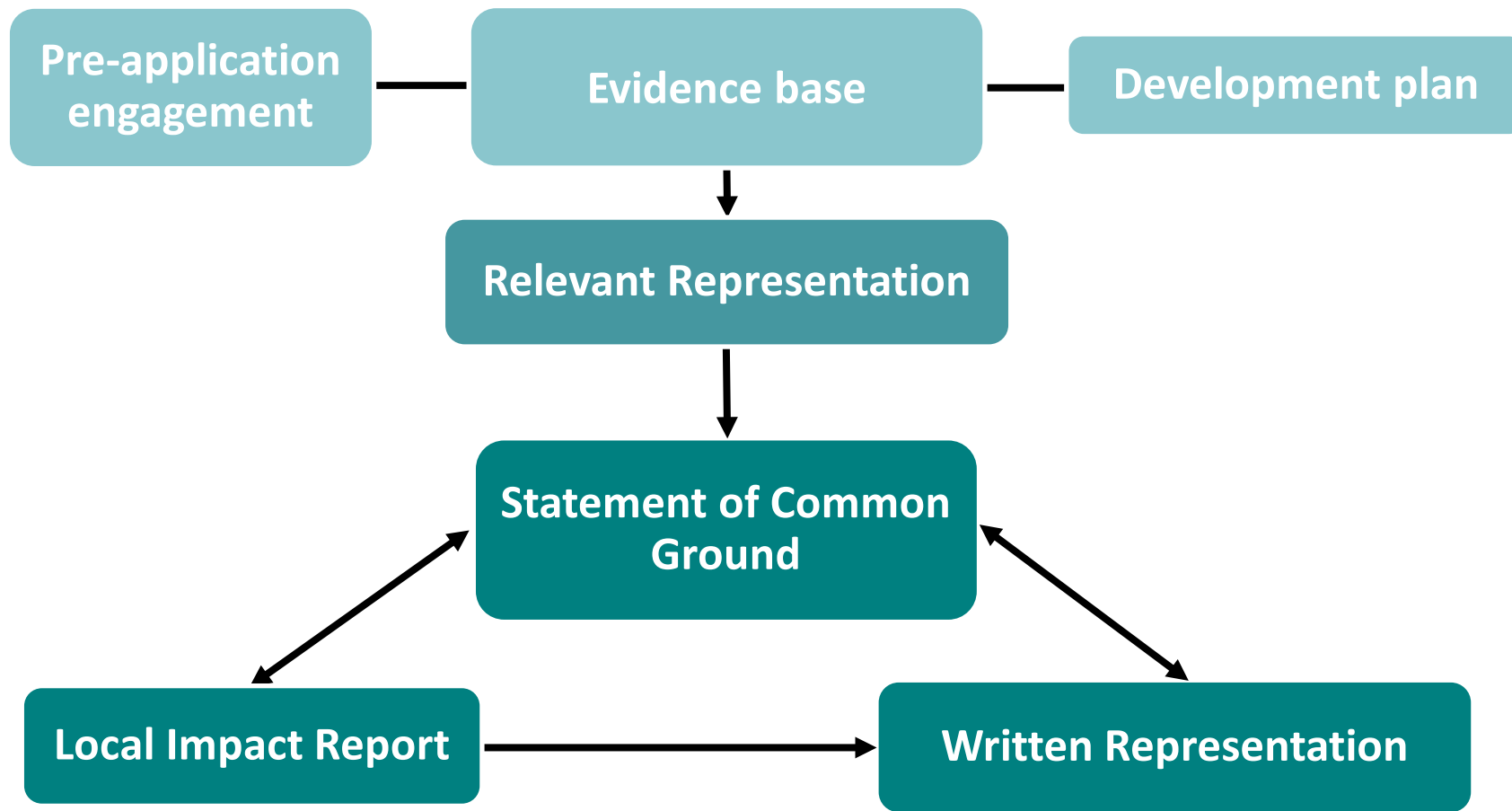


Examination stage

- 
- Six months
 - Certainty
 - Inquisitorial
 - Relevant and important
 - NPS(s)
 - Local policy context



Key examination documents/ submissions for local authorities

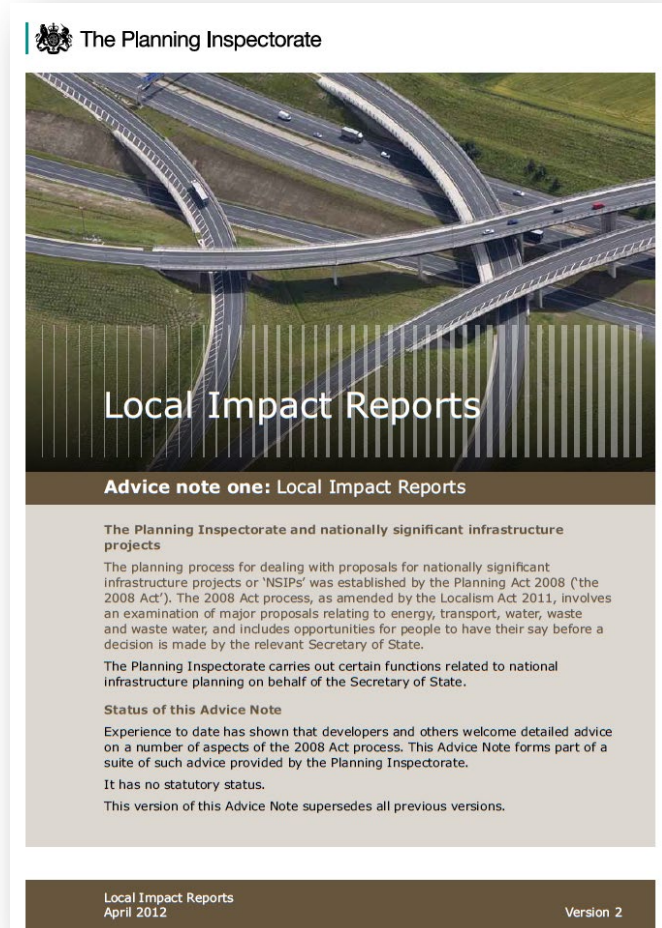




Local Impact Reports

*“...a report in writing
giving details of the likely impact of the
proposed development on the authority’s
area (or any part of that area)”.*
(Section 60 PA2008)

- ExA and SoS must have regard
- Positive, negative and neutral impacts on local area
- Joint LIR
- Get ahead!



<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>



Recommendation stage

- ExA has three months
- Recommendation report taking account of:
 - National Policy Statement(s)
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Recommended DCO included



Decision stage

- Relevant SoS has three months
- Decision taking account of:
 - National Policy Statement(s)
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Judicial review





The role of local authorities

Pre-application	Acceptance	Pre-examination	Examination	Post Decision
28 days to provide comment on draft Statement of Community Consultation (SoCC)	28 days for PINS / SoS to decide whether to accept the application for examination (14 days for local authority to submit adequacy of consultation representation)	Respond to the invitation to the preliminary meeting (rule 6 letter)	6 months for Examination (maximum)	Discharge of requirements and monitoring
Respond to developer consultation about the scheme (s42)		Consider the draft examination timetable and provide comments if necessary	Take receipt of the procedural decision including the examination timetable (rule 8 letter)	Enforcement
Discuss with developer about Section 106 agreements and requirements		Attend the Preliminary Meeting	Submit LIR SoCG and written representation early in examination	Responding to notifications - non material and material change applications
Local authorities are advised to begin work / arrange delegations for Local Impact Reports / Statement of Common Ground (SoCG)		Continue preparation of SoCG, LIR and written representation(s)	Attend and participate at hearings/ accompanied site visits	
Local authorities are advised to consider and make arrangements for joint working with other local authorities		Prepare for examination - legal and specialist support?	Submit a signed planning obligation by the deadline	
Agree the terms of any planning performance agreement with the developer		Continue negotiations with developer	Respond to ExA written questions and requests for further information	
		Submit a relevant representation	Comment on other interested parties' representations and submissions	




Legislation, guidance and advice

National Infrastructure Planning

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Projects

Section lists all national infrastructure planning applications that will be submitted; or are under examination; or have been decided (withdrawn or decided).

- Planning Act 2008 and Regs/ Rules
 - DCLG Guidance (statutory)
 - PINS Advice notes (non-statutory)
 - **Advice note 1:** Local Impact Reports
 - **Advice note 2:** The role of local authorities in the development consent process
- <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/>



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Questions?

