

Meeting Note

File reference	EN010016
Status	Final
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Meeting with	RES North Blyth Energy Ltd (RES)
Meeting date	21 June 2011
Attendees (IPC)	Gideon Amos (Pre-application Commissioner) Lynne Franklin (Lawyer) Nik Perepelov (Assistant Case Officer)
Attendees (non IPC)	Chris Lawson Richard Guyatt Claire Rees Rachel Small
Location	IPC Offices, Bristol

Meeting purpose	To discuss draft documents relating to compulsory acquisition in connection with the proposed North Blyth Biomass project
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Summary of key points discussed and advice given	<p>RES confirmed that as further work on the environmental statement is needed, the application is likely to be submitted in October 2011. The Marine Management Organisation continue to draft Marine Licence conditions.</p> <p>RES have agreed with the Port of Blyth arrangements for securing the land for the proposed power station site. Compulsory acquisition (CA) powers will therefore relate exclusively to third party rights within the Port land where voluntary agreement cannot be reached. RES confirmed that discussions around voluntary acquisition of rights needed to construct and operate the scheme are ongoing and will continue. The proposed upgrade to the site access is being considered in parallel by the highways authority. Likewise, Coal Authority interests are likely to be dealt with outside of the development consent process.</p> <p>RES indicated that there may be discrepancies between the detailed works, site boundary etc and the Ordnance Survey (OS) base overlaid on it. IPC advised that there may be greater danger in not using the OS base and that any discrepancies should be explained in the supporting documentation.</p> <p>All acquisition beyond the main site will be of new rights. It appears that no restrictive covenants or other third party rights on the site will be interfered with.</p>
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	<p>IPC advised that all land “required for, or affected by” the proposal should be highlighted on the land plan, in line with the definition provided in regulation 5(2)i in the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (APFP regs). This may include the access upgrade even though it may not form part of the authorised project in Schedule 1 of the development consent order (DCO). Likewise, though Crown Land cannot be acquired compulsorily, it would assist the Examining Authority (ExA) if it was nevertheless highlighted on the land plan.</p> <p>It will be for the ExA to determine whether a proposed compensation funding mechanism is acceptable. The ExA will wish to be provided with details of any agreement with parent companies established for this purpose. The ExA will also be helped by a legal argument as to the suitability and effectiveness of any proposal, so RES may wish to consider including a statement to this effect in their application.</p> <p>RES confirmed that they would consulting with Northumberland County Council on the proposed mechanism for discharging requirements and associated issues.</p> <p>RES intend to apply the Mining Code in their DCO IPC advised that this should be elaborated on in the application and that RES should have regard to existing guidance on this matter.</p> <p>IPC confirmed that no authorisation under s.52 has yet been given to any developer. Use of s.52 powers, however, is not a necessary condition in illustrating due diligence in identifying landowners.</p>
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Specific decisions/ follow up required?	
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Circulation List	Attendees