



Meeting Note

Please note that this meeting took place before the work of the Infrastructure Planning Commission (IPC) transferred to the Planning Inspectorate on 1 April 2012.

Meeting notes are published by the Planning Inspectorate in the online Register of Advice: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/register-of-advice/>

For ease of reference, this includes the notes of meetings held with the IPC prior to 1 April.

File reference	EN010048
Status	Final
Author	The Planning Inspectorate

Meeting with	DRAX Power Limited
Meeting date	22 February 2012
Attendees (IPC)	Tom Carpen (Principal Case Manager) Tracey Williams (Case Manager) Noreen Sutton (Lawyer) K-J Johansson (Assistant Case Officer)
Attendees (non IPC)	Chris Limbert, Rebecca Harvey (Drax) Jonathan Riley (Pinsent Masons) Chris Girdham (Dalton Warner Davis)
Location	Temple Quay House, Bristol

Meeting purpose	Introductory Project Meeting with Drax
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Summary of key points discussed and advice given	<p><u>Introductions</u></p> <p>The IPC and Drax Power Ltd gave brief introductions to their teams. The IPC explained that it has recently been re-organised into teams with a focus on national infrastructure sectors led by principal or senior case managers.</p> <p>The IPC advised on its openness policy stating that any advice given will be recorded and placed on the IPC website under section 51 of the Planning Act 2008 (PA 2008). The IPC can only advise about the process for nationally significant infrastructure projects (NSIPs), not on the merits of a project and any advice given does not constitute legal advice.</p> <p>Overview of the Project</p> <p>The Drax project team provided an overview of their proposal for</p>
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a Carbon Capture and Storage (CCS) facility to be located at the Drax Power Station site, Selby, North Yorkshire.

There are three partners involved in the project: DRAX, Alstom, and BOC. The project will be known as the White Rose CCS Project (formerly known as UK OXY CCS).

The proposal is a demonstration project for an ultra supercritical 426 MWe gross Oxy-Fuel power station with a carbon dioxide capturing facility, using both coal and biomass combined with pure oxygen as fuel. As the site is owned by Drax compulsory acquisition will not be required.

The development of the proposal is dependent on being granted NER funding for CCS demonstration projects from the European Commission as well as receiving appropriate funding and market support from the UK government.

Timescales

Statement of Community Consultation (SoCC) - the project team are planning to meet with Selby District Council in March to discuss their SoCC with an aim of publishing it in April 2012.

Scoping Opinion – plan to submit a request for a Scoping Opinion to the IPC in May 2012.

S42 and s47 PA 2008 Consultation – plan to have the project's Preliminary Environmental Information ready in September 2012 and will commence their consultation then.

Draft Consent Order – plan to submit the application at the end of December 2012.

The IPC advised the developer that submitting the project at the end of December might cause some time constraints as the 'Acceptance' process has to be carried out within 28 calendar days, and there are a number of public holidays over the festive period.

SoCC

The IPC drew attention to the requirements of Regulation 10(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, under which the SoCC must, if a project is EIA development, include information on how the applicant intends to publicise and consult on the Preliminary Environmental Information (PEI). The IPC advised that compliance with this requirement is one of the matters that would be considered when the IPC considers whether or not to accept the application under section 55 of the PA 2008.

The IPC indicated that the draft SoCC can be sent to us for advice on its content before it is published.

With regard to s47 consultation the developer indicated that the project website will have an interactive section so that people can feedback their views on the project

Scoping Opinion

The IPC advised that it would like to be notified when the developer plans to submit a request for a Scoping Opinion. Ideally this would be at least 2 weeks before the request so that the IPC Environmental Impact Assessment (EIA) team can draw up a consultation list of those organisations we are required to consult under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. It may also be useful for the IPC to carry out a site visit once the Scoping Opinion request has been received. Further information on the Scoping opinion can be found in *IPC Advice Note 7 'Screening and Scoping under the EIA Regulations'*

Outreach

The IPC advised that a flexible approach is taken to outreach and that the aim is to undertake sessions where it will be helpful and necessary. Outreach sessions are held to ensure that consultees, local authorities and the communities have a better understanding of the purpose and role of the IPC and the opportunities they have to engage in the planning process both at pre-application stage and following the submission of an application to the IPC. Outreach does not form part of the statutory process and it may not be necessary to hold outreach sessions for every project. *IPC Advice Note 2 'Working together on NSIPs'* contains further information about the IPC's Outreach programme.

The IPC advised that before an Outreach session is held it plans to organise an 'Inception' meeting with the developer and with local authorities defined as 'a' and 'b' authorities under s43 PA2008 to explain the NSIP planning process.

Consultation

The IPC advised the developer to have a clear audit trail of consultation carried out. The Consultation Report that is required under s55 of the PA 2008 to be submitted with the application should clearly detail the consultation and engagement carried out by the developer at the pre-application stage, what has been done in compliance with PA 2008 s42, 47 and 48 including how issues raised by consultees have been taken into account in the development of the scheme.

The IPC also advised that the Consultation Report should include information on informal consultation and engagement in addition to the formal consultation under the Planning Act PA2008.

Please refer to *IPC Advice Note 14 – Compiling the Consultation Report*.

DCO

The IPC referred to *Advice Note 13 'Preparing the draft order and explanatory memorandum* and advised that we encourage developers to send in a draft of their DCO, along with a draft Explanatory Memorandum, relevant plans at least six weeks before formal submission, for technical comment. We would not comment on the merits of the draft documents

The IPC advised that the DCO is a critical document in the NSIP process as it sets out the powers the applicant is seeking. There is limited opportunity to make changes to a DCO once accepted, particularly where material amendments are proposed which result in changes to the scheme that have not been previously consulted on. You may wish to consider a recent decision, with reasons, by the Examining Authority for the Brig y Cwm application, where a change was sought during the examination.

Any flexibility required within the draft DCO should be considered when being drafted by the developer.

The IPC Advised that you may wish to refer to *IPC Advice Note 9: The Rochdale Envelope*, which considers the issue of the degree of flexibility with regards to an application for a NSIP under the 2008 Act regime.

Future of the IPC

The developer was informed that under the Localism Act, the IPC will be abolished. On the 1st of April 2012 the IPC will become a directorate within the Planning Inspectorate (PINs). This will be a seamless transfer and any national infrastructure projects already notified under the PA 2008 will not have to start the process again.

Please see the attached leaflet for further information.

Further actions

- The developer to send further information about the proposal which will trigger the IPC to set up a project page on our website. Tom Carpen will be the main contact for the developer until a case manager is appointed.

Specific decisions/ follow up required?	<ul style="list-style-type: none">• Arrange an Inception meeting with the local authority and a site visit once a Case Manager has been appointed.
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Circulation List	All attendees