



Knottingley Power Project - Meeting Note

File reference	EN010050
Status	Final
Author	The Planning Inspectorate

Meeting with	ESBI
Meeting date	9 August 2012
Attendees (Planning Inspectorate)	Tracey Williams (Case Manager) Oliver Blower (Case Officer) Alison Down (EIA Advisor) Will Spencer (EIA Advisor) Michael Baker (Assistant Case Officer) Robert Hanson (Lawyer)
Attendees (non Planning Inspectorate)	Darragh Carr (ESBI) Pat Nolan (ESBI) Ben Wallace (ESBI) Vicky Redman (Bond Pearce)
Location	Temple Quay House, Bristol

Meeting purpose	Applicant to provide an update on the progress of the project and consultation to date.
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Summary of key points discussed and advice given	<p>The Planning Inspectorate advised that as part of their openness policy a note of the meeting would be taken and any s51 advice given would be published on the website.</p> <p>General Project Update The Planning Inspectorate was informed by the developer that the first round of public consultation is complete, with the next round expected around October/November 2012. The applicant indicated that the project is on track according to their project program.</p> <p>Technical Update and Environment In response to the Planning Inspectorate's Scoping Opinion (SO), the applicant confirmed that the comments made will be taken into account in the scope of the EIA Studies. The applicant enquired whether it would be possible to speak to an Environmental Officer regarding the contents of the SO.</p> <p>The Planning Inspectorate advised that the views given in the SO were matters for the applicant's interpretation and that the Planning Inspectorate would only be able to clarify points and not comment on the merits of the scheme. The applicant can write in and we can then take a view of whether the questions are requesting simple clarification or go beyond that, so we can</p>
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answer accordingly.

The applicant was encouraged to engage with statutory consultees regarding the remit and content of the ES.

The Planning Inspectorate enquired about consents to be included in the DCO. The applicant advised that an environmental permit will be required. The Applicant has been in discussions with the Environment Agency (EA) concerning the scope and timings of the application for the environmental permit. From these discussions there should be no impediment to development in principle.

Consultation Update

The applicant explained that community consultation to date had been well received and that feedback received at events suggests there is general local support of the project, with some reservations. The applicant stated that due to the nature of the area, the local population are generally aware of the technology and its impact. The issues of most prominence highlighted in the applicants consultation events include:

- Traffic generation during construction and operation. The applicant is considering road and canal options.
- A public right of way which runs across the site. The applicant indicated that this will be redirected and not cut off.
- The route of the proposed pipeline was raised. The applicant stated that they are considering a number of alternative routes.
- Jobs for local people. The applicant stated that they will endeavour to achieve this and are planning to deliver workshops in local areas to provide information to local people as to how to apply for jobs. These workshops will take place closer to the time of commencement of construction.

The applicant described how a Community Liaison Group (CLG) has been established, with the next meeting planned for 26 September 2012. A site visit with members of the CLG, to the applicant's operating CCGT plant in Marchwood, Southampton is also planned.

The Planning Inspectorate indicated that they may hold an Outreach event with the CLG meeting in due course. The Planning Inspectorate explained that Outreach sessions are held to ensure that consultees, local authorities and communities have a better understanding of the purpose and role of the Planning Inspectorate and the opportunities they have to engage in the planning process both at pre-application stage and following the submission of an application. Outreach

does not form part of the statutory process and it may not be necessary to hold outreach sessions for every project. Planning Inspectorate Advice Note 2 "*Working together on NSIPs*" contains further information about the Planning Inspectorate Outreach programme.

The applicant stated that they have begun drafting the Consultation Report regarding Phase 1 of the consultation, and will provide a copy of the Phase 1 draft to The Planning Inspectorate when ready.

Future Program EIA and Technical Issues

The Planning Inspectorate enquired whether any assessments were required under the Habitats Regulations 2012. The applicant responded that screening indicates that this is unlikely to be required due to the distance from any European Sites.

The Planning Inspectorate recommended that the applicant engage with those statutory bodies that did not to reply to the consultation at the scoping request stage and advised about the limited scope to change the scheme once an application is accepted. It was advised that Statements of Common Ground (SCG's) with the relevant bodies may be used.

Section 46 Notification

The Planning Inspectorate advised that the s46 notification will be required before or at the same time as the commencement of s42 consultation and referred the applicant to Planning Inspectorate Advice Note 16 "*The developer's pre-application consultation, publicity and notification duties*".

Section 42 Consultation

The Planning Inspectorate enquired whether the preferred option for the pipeline will be established when s42 consultation commences in the expected timeframe of October/November 2012. The applicant confirmed that this is their intention.

The applicant enquired about the timeframe for s48 publication. The Planning Inspectorate advised that there is no timeframe proscribed by the Planning Act 2008 (the Act) or its supporting Regulations, but it is recommended that deadlines for responses to the publicity run in line with other deadlines for s47 consultation.

Development Consent Order (DCO)

The applicant confirmed that there will be three main components to the DCO, including 2 Nationally Significant Infrastructure Project (NSIP) schemes:

- The generating station (NSIP)

- Electrical Grid connection (NSIP)
- Gas pipeline (associated development)

The applicant acknowledged that if National Grid were to recommend the electrical grid connection be laid underground, this would no longer constitute an NSIP.

The Planning Inspectorate 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, Book of Reference and relevant plans at least six weeks before formal submission, for technical comment. We would not comment on the merits of the draft documents. We do not provide comments on the draft ES.

The Planning Inspectorate 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 decision, with reasons, by the Examining Authority for the Brig y Cwm application, where a change was sought during the examination.

The Planning Inspectorate advised that an electronic application index must also be provided with the application and this can be sent to the applicant on request. Advice on how to complete the index is provided as an annex to Planning Inspectorate Advice Note 6 "*Preparation and submission of application documents*".

The applicant enquired whether a Flood Risk Assessment should be provided as a separate document outside of the ES. The Planning Inspectorate recommended that this could be the case if it helps with navigation around the documents.

The Planning Inspectorate enquired as to the need for compulsory acquisition (CA), the presence of Special Category Land (SCL) and whether any Statutory Undertakers (SU) will be affected. The applicant responded that at this time they believe that no CA should be required and to their knowledge at present there is no SCL on site and that one SU has been identified in terms of the canal navigation authority. The applicant stated that the owner of the "common lane" on site remains un-established. The Planning Inspectorate referred the applicant to Advice Note 4 "Section 52" and Advice Note 5 "*Section 53 – Rights of Entry*".

The applicant enquired about the extent to which the Rochdale Envelope and flexibility within the DCO applied. The Planning Inspectorate advised that any flexibility required within the draft DCO should be considered when being drafted by the developer

	<p>and referred the applicant to the advice set out in Advice Note 9 “<i>The Rochdale Envelope</i>”, which considers the issue of the degree of flexibility with regards to an application for a NSIP under the 2008 Act regime.</p> <p>The applicant also asked whether 2 options (water and air cooling) can be included within the DCO. The Planning Inspectorate advised that in principle this should be possible so long as both options are fully assessed within the ES using the worst case scenario principle and are fully consulted upon.</p> <p>AOB</p> <p>The applicant enquired how, to date the Secretary of State for the Department of Energy and Climate Change (DECC) has dealt with the recommendations on NSIP’s. The Planning Inspectorate advised that a recommendation is confidential to all but the relevant Examining Inspector(s) and the Secretary of State (SoS), and that no projects have yet received consent under the revised decision making process.</p> <p>The applicant enquired about the work capacity of statutory consultees given the current climate. The Planning Inspectorate recommended that it would be beneficial to commence discussions regards Statements of Common Ground (SCG) as soon as practicable</p> <p>The applicant informed The Planning Inspectorate that discussions with the relevant local authorities were underway concerning the need for any Planning Performance Agreements (PPA’s).</p> <p>The Planning Inspectorate advised that the applicant retain and redact any relevant correspondence as these may be requested by the Examining Inspector during the Acceptance stage.</p> <p>The Planning Inspectorate requested that the applicant provide the contact details of relevant officers at the local authorities with whom they have been corresponding.</p>
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Specific decisions/ follow up required?	<ul style="list-style-type: none"> • Applicant to provide questions regarding the SO to which The Planning Inspectorate will respond if appropriate. • Discussions to be held regarding outreach meeting with CLG, Inception meeting with local authorities and site visit • Applicant to provide The Planning Inspectorate with the contact details for relevant local authorities
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Circulation List	All attendees
