

# Meeting note

**Project reference** EN010058

**Status** Final  
**Author** Adam Price  
**Date** 19 February 2014  
**Meeting with** SSE plc.  
**Venue** Temple Quay House, Bristol

## Attendees

### Applicant

Andrew Scott (SSE)  
Chris Harris (SSE)  
Richard Lowe (URS)  
Bill Gregory (URS)  
Neil Titley (URS)

### Planning Inspectorate

Tom Carpen (Infrastructure Planning Lead)  
Jeffrey Penfold (Case Manager)  
Karl-Jonas Johansson (Case Officer)  
Adam Price (Assistant Case Officer)  
Will Spencer (EIA & Land Rights Adviser)

## Meeting Objectives

To provide the Planning Inspectorate with an update on the proposed Seabank 3 CCGT project.

**Circulation** Meeting attendees

## Summary of Key Points and Advice Given:

### Introduction

The Planning Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Planning Inspectorate's website under s.51 of the Planning Act 2008 ('PA 2008'). Further to this, it was made clear that any advice given did not constitute legal advice upon which the applicant (or others) can rely.

### Project Update

The applicant anticipates submitting an application for a Development Consent Order (DCO) to the Planning Inspectorate in Q4 2014.

The applicant also highlighted its intentions for an approaching round of statutory pre-application consultation.

The applicant is involved in on-going discussions with National Grid regarding the maximum capacity of the grid connection agreement due to exploring the possibility of installing "Peaking Plant" technology. Both single shaft and multi shaft configurations are being explored for the CCGT units and would form part of the DCO Application.

Section 156 PA 2008: 'benefit of order granting development consent' was discussed

The applicant confirmed its intentions to follow a Rochdale Envelope approach to design, enabling either configuration to be built. A maximum envelope for any Environmental Impact Assessment (EIA) work would be carried out for all potential configurations.

The Inspectorate advised making documentation clear in this respect. - both for consultation and formal submission – covering the different output configurations which have been assessed. The applicant stated the maximum capacity - 1400Mw - will be assessed and where the environmental effects may differ, the worst-case will be assessed and explained in the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES).

The applicant is undecided on the best approach to present the minimum envelope (partly due to the applicant's intention for the DCO to provide sufficient flexibility that the 'Peaking Plant' technology is optional). The Inspectorate advised that controls should be set out within the ES to manage any uncertainty with design. Attention was drawn to the Inspectorate's Advice Note 9 (Rochdale Envelope).

Discussions are on-going with Wessex Water regarding the final cooling water pipeline routing. It is anticipated that Wessex Water would both develop and run the connection, and form part of the DCO Application.

The Inspectorate queried whether Compulsory Acquisition powers will be sought? The applicant intends avoiding such powers being necessary as discussions remain on-going with landowners and affected persons.

The Inspectorate asked the applicant if they were satisfied that land for access during construction had been considered and if any works were to be undertaken on the proposed corridor? The applicant confirmed that discussions are on-going with Wessex Water with regard to land required as part of the construction phase and any proposed works upon the proposed corridor.

### **Non-statutory and Statutory Consultation**

Following the non-statutory consultation exercises, the proposed corridors for both the cooling water and electrical connections have been reduced.

Following initial investigations, Combined Heat & Power is not expected to be a viable option for the proposed development. Justification for this will be presented in a CHP Report to the DCO application.

Architectural design and landscaping concepts have been progressed - the applicant still intends on providing for a level of flexibility in approaching such matters.

The Inspectorate clarified if an application is accepted for examination, part of an Examining authority's role (ExA) is to examine the merits of the application against s104 PA 2008 (as amended).

The applicant advised that a project newsletter titled: 'Seabank 3 Consultation News' was issued in January and is available on the developer's website. A further newsletter is expected to be published ahead of the statutory consultation commencing, detailing how the consultation would be carried out and how people can become involved.

The applicant also advised that a Community Liaison Group (CLG) has been formed, comprising of local authorities, local community groups and various volunteers. The CLG will meet on a regular basis. Further information of the CLG can be obtained from the applicant directly. Minutes of the meeting will be available on the applicant's website.

The Inspectorate asked if the consultation would include s42 (statutory consultees) and s47 (people living within the vicinity of the land) consultation at the same time?

The applicant confirmed this and that information relating to anticipated submission dates and dates of the events proposed will be detailed in a Statement of Community Consultation (SoCC).

The applicant highlighted that successful and useful meetings have been held with the Environment Agency (EA) and Natural England (NE). Meetings were being sought with the RSPB. Future meetings are anticipated with these organisations following the statutory consultation stage.

Agreements on Statements of Common Ground (SoCG) are being sought early-on. The applicant intends to issue a suite of documents on CD to all statutory bodies and make the documents available on its website.

### **Meetings with Local Authorities**

The applicant confirmed that South Gloucestershire Council (SGC) has been identified as the host local authority. A joint Planning Performance Agreement has been agreed between SGC and Bristol City Council.

The Inspectorate offered, at the close of consultation, to help all parties identify any outstanding issues that could be addressed during pre-application, and to advise on the examination process.

### **HRA/EIA**

The applicant explained that the baseline conditions for the PEIR had been assessed prior to the commencement of construction of a haul road forming part of the Severnside Energy Recovery Centre development, which crosses through

the proposed development site, as well as the commencement of a new spine road around the north of the proposed development site and new drainage channel for the Red Rhine. These works are being delivered by third parties under existing planning consents and are independent to Seabank 3.

The applicant highlighted that this construction had resulted in the conditions of the land changing due to the on-going use of the land as access for vehicular movement during construction. The applicant asked what approach should be taken into explaining these changing conditions with the ES. The Inspectorate explained the need for the ES to clearly explain the baseline conditions used in the assessment and for the ES to describe the potential 'worst case' effects of the proposals.

The applicant explained that the siting of the various buildings on the site are subject to change and cannot fix the location of the stacks; it is intended that the Works Plans and Schedule of Development will designate the area within which certain structures will be sited, but there is flexibility within those areas for minor changes. The Inspectorate advised making clear within the ES what had been assessed and why this represents the worst case. The applicant explained that they would carry out testing for the PEIR in regards to this and that a mechanism would be put in place to allow flexibility in the positioning of the stacks. The applicant asked if a condition within the DCO would be suitable for this purpose?

The Inspectorate explained that this is a matter for the ExA; however, the ES should clearly explain the approach undertaken (in terms of the assessment parameters) and whether this has been agreed with relevant consultees, with supporting evidence provided where relevant

The Inspectorate asked if the applicant had been engaging with NE, particularly due to the proximity of the site to the Severn Estuary. The applicant explained that they have held discussions and meetings with NE and that a report to satisfy the requirements of the Habitats Regulations will be submitted with the DCO application. The Inspectorate drew attention to Advice Note 10 and recommended that the requested matrices adequately sign post where the evidence to support the conclusions of the assessment can be found in the application documents (e.g. the ES).

### **Carbon Capture Readiness and Length of Consent**

The applicant queried who the competent authority is for the Carbon Capture Readiness (CCR) report. The Inspectorate agreed to get back to the applicant on this aspect but advised that the ExA would be responsible for examining any evidence in relation to CCR. The Inspectorate advised that a CCR report should demonstrate how it meets the requirements of the National Policy Statements and the new CCR regulations.

The provisions of s154 PA 2008 'Duration of order granting development consent' was discussed. The applicant sought clarity on the process required when seeking to alter or extend the prescribed period of the life of a DCO being 5 years.

The Inspectorate caveated this approach, confirming that given that a DCO is made in the prescribed form of a Statutory Instrument, a robust justification must be given and made within the Explanatory Memorandum to the DCO, covering any impacts envisaged within the Environmental Statement. The applicant was also advised to consult any parties who may be affected by a change in the timescale of the DCO, in particular local authorities. This may be raised as an issue during an examination and it would be for the Secretary of State to make a decision.

### **Consents Service Unit**

The applicant had not considered entering into a Consents Management Plan with the Consents Service Unit. The Inspectorate highlighted the benefits of doing so, given that an Environmental Permit may be required as part of the project. The Inspectorate asked if the applicant is hoping to receive a 'Letter of No Impediment' from the EA. The applicant stated that they would seek to receive this before the examination stage, should the application be accepted.

### **Future Meetings**

Next meeting will be held following the applicant's statutory consultation exercise.

### **Specific decisions/ follow up required**

The applicant agreed to make minutes from the CLG available.

Both parties agreed to arrange a tripartite meeting with local authorities after the close of the applicants' formal consultation.

The Inspectorate agreed to examine who is the relevant authority for CCR.

The Inspectorate agreed to provide follow up advice regarding the applicant's query on the issue of generation licence and transference of rights.

The Inspectorate agreed to provide some guidance on the default should the justification for a consent duration of greater than 5 years not be accepted.