

Meeting note

File reference	EN010059
Status	Final
Author	Adam Price
Date	06 December 2013
Meeting with	
Venue	Telephone conference
Attendees	Developer Colin Turnbull (Peter Brett Associates) Richard Griffiths (Pinsent Masons) Robert Hutchinson (Pinsent Masons) Norman Campbell (Hirwaun Power Limited) Murray Davies (Hirwaun Power Limited)
	Planning Inspectorate (PINS) Tracey Williams (Case Manager) Jill Warren (Senior EIA and Land Rights Advisor) Patrycja Pikniczka (Case Officer) Adam Price (Assistant Case Officer)
Meeting Objectives	Update on the progress of the project
Circulation	All Attendees

Summary of Key Points and Advice Given:

Introduction

The Planning Inspectorate advised the developer about their openness policy (that any advice given will be recorded and placed on the National Infrastructure pages of the planning portal website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which developers (or others) can rely).

Project Update & Consultation

The developer provided an update on the progress of the project and its recent statutory consultation carried out between 17 October and 28 November 2013.

Project Status following Non-Statutory Consultation

The developer explained that the application has progressed since the non-statutory consultation was carried out in June 2013. Non-statutory consultation was carried out on number of options, the same as those at the Scoping stage. This description included 4 various technologies for the power station (CCGT, SCGT, Gas Engines, CHP) , stack heights 30 – 90 m 4 options for the gas connection and 2 grid connection options (overhead line/underground).

Statutory Consultation

The developer explained that non-statutory consultation carried out in June together with continuing environmental and technical assessments helped to inform the project and as a result the statutory consultation under s42, s47 and s48 was carried out on a narrowed project including one technology option for the power station Simple Cycle Gas Turbine (SCGT), 2 gas connections, 2 grid connections (unchanged) and a stack height of up to 35m. The developer explained that the project has been refined further following the statutory consultation.

The Inspectorate enquired whether the 'red line boundary' remains the same as the one that the developer used to carry out its statutory consultation. The developer advised that the application boundary had altered very slightly following the statutory consultation. The developer explained that those s44 persons affected by the very slight change in the redline boundary were to be informed of these changes and given 31 days to respond, spanning the Christmas period.

The Inspectorate advised that this should be clearly explained within the Consultation Report and pointed out DCLG Guidance on pre-application consultation (Guidance on pre-application process, p17 2013). The Inspectorate advised that the developer must have regard to the statutory guidance and that reference to it should be made in the consultation report.

The developer enquired whether a new s46 notification would be required as a result of the changes to the boundary. The Inspectorate advised that it is for the developer to consider whether the project has changed to such an extent that a revised s46 notice is required. The advice was given that if the developer intends to submit a revised s46 to the Inspectorate, this must be followed by statutory consultation under s42 of the Act.

Request for Revised Regulation 9

The developer asked for an update on the September request made to the Inspectorate for a revised list under Regulation 9 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). The Inspectorate confirmed that the list will be provided to the developer w/c 9 December 2013 and EIA consultees will be written to.

The Inspectorate explained that the Regulation 9 list is produced purely for the purpose of the EIA Consultation therefore the developer should not rely upon it. The Inspectorate clarified that Regulation 9 is a separate matter to consultation under s42 carried out under the Planning Act 2008 (as amended).

General advice on the preparation of application documents

The developer submitted its draft documents a few days prior to the conference call. The Inspectorate provided general advice to the draft documents advising that more detailed advice based on draft documents submitted on 29 November 2013 will be provided shortly. General advice was provided in the meantime.

The Inspectorate advised the developer to be explicit when preparing application documents and clearly describe what they are applying for. The Inspectorate advised that the consultation report is evidence of the developer's consultation carried out at the pre-application stage; and therefore the report should clearly explain how the consultation was carried out to meet the requirements of the Planning Act 2008 (as amended). The non-statutory consultation should not be given less consideration than statutory consultation in informing the preparation of the scheme. The developer was advised to clearly explain how the project progressed as a result of both consultation periods by providing a summary of the comments received and the developer's responses to these comments. Perhaps by grouping key comments received from statutory consultees in a table and explaining how those comments were addressed by the developer. Moreover, where the developer did not receive any comments, or has received the response with 'no comments', this should be also be clearly explained within the report.

The Inspectorate advised that the developer must have regard to statutory guidance and any departure from it should be explained in the report. The developer was advised to look at the Advice Note 14: Compiling the Consultation Report. The developer confirmed they were aware of the note.

The developer was advised to ensure that evidence is provided within the report and it is clearly titled. The Inspectorate advised the developer to look at recent projects and complete a s55 Checklist before submitting its application for consideration. The developer was advised to include original notices placed in the papers and sample letters sent out as part of the s42 consultation.

The Inspectorate advised the developer that they can request original responses to statutory consultation under Reg 5(5) of the Applications: Prescribed Forms and Procedures Regulations 2009 at any time during the 28 days of acceptance and that such a request is usually made when further evidence is needed. Therefore it is advisable to catalogue responses. The developer advised that they had catalogued responses.

Specific decisions/ follow up required?

- The Inspectorate requested hard copies of draft plans submitted by the developer on 29 November 2013. The developer agreed.
- The Inspectorate agreed to provide an updated Regulation 9 list to the developer in the w/c 9 December 2013.
- The Planning Inspectorate agreed to provide comments on draft application documents before Christmas.
- Both parties agreed to look at the potential dates for a meeting to be held in January 2014 to discuss draft documents.
- It was agreed by both the developer and the Inspectorate that arrangements for a second meeting; an outreach event with the host local authority would be confirmed in due course. The developer would seek some dates from parties.