



Meeting note

File reference	EN010061 Ferrybridge Multifuel 2 (FM2)
Status	Final
Author	James Bunten
Date	4 June 2013
Meeting with	Multifuel Energy Limited (MEL) and the Planning Inspectorate Case Team
Venue	Ferrybridge Power Station (MEL Offices)
Attendees	Ashley Comerford - SSE Jonathan Sime - SSE Jayne Williams - SSE Mark McCarthy - SSE/MEL Chris Ratcliffe - WTI/MEL Richard Lowe - URS Kerry Whalley - URS Geoff Bullock - DWD Ian Pollard - Wakefield Council Clive Saul - Leeds City Council Ian Foster - Environment Agency Tom Maillet – Wheelabrator Susannah Guest - Principal Case Manager Laura Allen - Senior EIA Advisor Richard Kent - EIA Advisor James Bunten - Assistant Case Officer
Meeting objectives	Up-date on the FM2 project and site visit
Circulation	All above

Summary of key points discussed and advice given:

The Planning Inspectorate (The Inspectorate) advised on its openness policy, noting any advice given would be recorded and placed on the National Infrastructure Portal website under section 51 of the Planning Act 2008 as amended (the 2008 Act). It was noted that any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

Introductions, safety briefing and site visit

The developer - Multifuel Energy Limited (MEL) – began by outlining the safety requirements for the site visit and then undertook an accompanied visit through the existing and operational power station environs to view the area for the FM2 proposals. This also allowed attendees to view the proximity of the FM2 proposals to

the under-construction FM1 site. MEL noted key elements of the scheme in various locations as well as providing information on a condition associated with an existing permission for FM1 in respect of the golf course. MEL noted the existing woodland and outlined its policy designation. In respect of associated development, MEL noted that there were three potential options for a grid connection, with one option being to use the same connection for both FM1 and FM2.

FM2 Project Update

MEL discussed the imminent submission of a Scoping Request to The Inspectorate (Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, Regulations 6 and 8). The Inspectorate outlined the process whereby the prescribed consultees would be issued with letters, a link to the documents and would be provided with a deadline for receipt of comments. The Inspectorate would issue a subsequent Scoping Opinion within 42 days of receipt of a request. MEL noted that certain issues had been scoped out and highlighted that reasoning would be provided in the Scoping Request for so doing.

In respect of consultation on a Scoping Request, The Inspectorate strongly encouraged the developer to consider the timing of any consultation that they were planning to undertake; the intention being to seek to avoid overlapping consultation periods. The Inspectorate commented that it can lead to confusion if consultation exercises are run simultaneously and responses which should be sent to the developer under s42 (and be reported in the Consultation Report accordingly) could be mistakenly directed to The Inspectorate.

MEL advised that they plan to have a two stage consultation process and provided a review of the consultation strategy. The strategy outlined a period for informal consultation in July 2013 which would include exhibitions, a letter, a dedicated project website as well as working with Community Liaison Group, which had already been established.

MEL stated that they have already started to engage with local authorities such as Selby District Council, North Yorkshire County Council and Wakefield Council as part of their informal consultation and noted that formal consultation with the local authorities would occur on the Statement of Community Consultation. MEL advised that formal consultation was anticipated in Q4 2013. MEL would look to align formal consultation under s42, 47 and 48 with the availability/production of the PEI.

There was discussion regarding potential s127 and/or s138 applications due to elements over, on or under the site that may be assets of statutory undertakers. In the event that such assets were present, The Inspectorate encouraged early engagement and discussion on potential protective provisions for inclusion in the Draft Development Consent Order (DCO) with those statutory undertakers affected.

MEL queried how associated development could be defined and subsequently presented in a Draft DCO. The Inspectorate encouraged the developer to seek their own legal opinion, but noted that this may be the subject of future conversations should the developer wish to submit a draft DCO to The Inspectorate before formal submission. The Inspectorate noted that the definition of associated development had more legal significance in respect of applications in Wales as s115 of the 2008 Act was very restrictive in what could be considered 'associated development' in schemes wholly in Wales.

By way of clarification, The Inspectorate stated that they do not publish draft documents received in the pre-application stage but, in accordance with s51 of the 2008 Act, do publish any advice that we subsequently issue on them.

MEL discussed the submission of draft documents and queried the most suitable time for review of any such draft documents. The Inspectorate suggested an on-going dialogue with the developer, to ensure timely and helpful meetings in the pre-application process. The Inspectorate also offered to speak with local authorities as and when it might prove helpful for them.

Specific decisions / Follow up required

All to agree a date for a follow up meeting, initial suggestions on timings would be after the first stage of consultation.