



Meeting note

File reference	Ferrybridge Multifuel 2 (FM2) Power Station – EN010061
Status	Final
Author	James Bunten
Date	7 February 2014
Meeting with	Multifuel Energy Limited (MEL)
Venue	Telephone conference
Attendees	Geoff Bullock – Dalton Warner Davis Richard Lowe - URS Ashley Comerford – SSE Jayne Williams – SSE Tom Carpen – Infrastructure Planning Lead Richard Kent – EIA Advisor James Bunten – Case Officer
Meeting objectives	Project update
Circulation	All above

Summary of key points discussed and advice given:

Introduction

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

Statutory consultation update

The applicant – Multifuel Energy Ltd (MEL) – advised that their statutory consultation period, which opened early November 2013, had closed on 20 December 2013 and noted they were currently reviewing the responses. MEL explained there was a limited response to their consultation and highlighted that in view of the limited number of responses, an issues rather than 'themes' based approach would be taken when responding to the consultees.

MEL advised they had identified additional section 42 consultees, following work carried out by their land agents, who are currently being consulted. MEL submitted a further s46 notification to PINS (who confirmed receipt) on 4 February 2014 and on the following day wrote to the additional bodies enclosing the same information as the

previous s42 consultation. MEL noted they included the same s48 notice as before and queried whether this was acceptable. PINS confirmed there is no need for an additional s48 notice as long as the information hasn't changed between rounds of statutory consultation. MEL confirmed that there had been no change in the information.

PINS suggested that MEL give consideration to referring to consultation as non-statutory and statutory, rather than informal and formal, in their Consultation Report. AC indicated that statutory and non-statutory are already referred to in terms of stakeholders and would be confusing. In addition, the material to date in the project referred to them as informal and formal stages. PINS were to have a further think about this and to revert on approach. MEL noted that we are affording the same weighting to informal and formal responses but that the strategy differed between the stages.

MEL asked about the procedure for statutory consultees only identified post-submission, and queried how it would be dealt with once an NSIP application had been formally accepted. PINS advised that if un-consulted statutory bodies were identified during the Examination stage, the Examining Authority (ExA) would consider seeking representations from those bodies' on the scheme and noted the potential for Judicial Review once the Examination has closed.

MEL also asked about how post-submission changes would be handled. PINS advised that the ExA is able to request additional information or pose further questions during the Examination and noted that in the event that the applicant proposed changes to the application, a decision would be taken, following consideration by the ExA, as to whether the changes were material. Material changes to the application cannot be made post-submission.

MEL set out how they conducted their s47 consultation and noted they will be responding individually to all the feedback forms that were received. PINS queried what the main issues were with MEL confirming that these broadly mirrored Ferrybridge Multifuel 1's (FM1) consultation with socio-economic issues being most frequently raised.

The Community Liaison Group was discussed with MEL who advised that meetings were well attended, and highlighted that positive feedback was received. MEL also noted that members of their staff regularly attended the meetings. PINS queried whether meeting notes were taken and advised they should be included in the Consultation Report's appendices when submitted.

Application documents

MEL advised they have compiled a document list and requested that PINS review it. PINS agreed to review the list and emphasised ultimately it is the applicant's discretion as to what documents are submitted with the application. The first draft of the Development Consent Order (DCO) is close to completion and MEL queried how comprehensive the submitted draft should be and whether an Explanatory Memorandum (EM) should also be submitted. PINS advised that a more fully developed draft of the DCO is more beneficial for a constructive review and emphasised that a draft EM should accompany the DCO. A set of draft documents should be submitted at the same time as they will reference each other.

PINS stated that draft versions of the land/work plans, Book of Reference (BoR) and Consultation Report would also be beneficial with feedback given at least 4 weeks later in a scheduled meeting. PINS advised that a further review could be given once an amended draft has been issued. AC indicated that this would be reviewed by team based on the outcome of an initial review and whether a further review was warranted conscious of the timing for submission of application. There were discussions regarding Limits of Deviation (LoD) with MEL querying acceptable limits for the DCO, following a review of other NSIP DCOs. PINS felt that the approach being suggested in terms of agreeing an acceptable downwards LoD with the Environment Agency (EA)(in view of ground water sensitivity) and possibly linking the LoD provision to a requirement that necessitates further survey work to establish the position of the ground water prior to construction is sensible. MEL advised they were to meet with the EA shortly to discuss this and other matters.

EIA and HRA update

Habitats Regulations Assessment (HRA) matters were discussed including the applicants correspondence to date with the relevant statutory nature conservation bodies (SNCBs) and the approach to documentation that will be needed to support the application in satisfying the requirements of the HRA Regulations.

Post meeting note - MEL has since advised that a SoCG has been agreed with Natural England to the affect that a HRA is not required for the application.

PINS noted the importance of mitigation being clearly defined in the relevant chapters of the ES in order for the ExA to navigate the document easily. MEL advised that their intention was to do this with a table to identify the mitigation, where this is referred to in the application submission.

Other matters

MEL advised they were in regular contact with Wakefield Metropolitan Borough Council (WMBC) and noted potential resourcing concerns following the Knottingley Power project application which will shortly be entering the Examination stage. MEL also advised WMBC are prepared to agree principles for a Statement of Common Ground (SoCG), however they didn't expect to start drafting one until WMBC began preparing their Local Impact Report (LIR). PINS emphasised engaging early with local authorities and stated that getting SoCG's agreed before submission can reduce issues arising during Examination.

MEL advised that a potential Planning Performance Agreement (PPA) had been discussed with WMDC and is waiting on a response ..

MEL advised they have already entered into one SoCG with Natural England, which will be included with the submitted application, and plan to enter into further SoCGs with the Highways Authority, English Heritage, Environment Agency and others.

There was discussion regarding non DCO consents needed with PINS advising that MEL should liaise directly with the Consents Service Unit for timescales.

There was discussion regarding the grid connection with MEL advising that they still plan to submit the application with a number of grid connection options. MEL stated that the number of options has reduced from 4 to 3, following the omission of the

overhead option, and noted that the grid connection will be included in the draft DCO as associated development. PINS advised that the 3 options should be covered in the Environmental Statement.

Programme

MEL provided an update on programme and advised that submission is still aimed for May/June 2014.

Any other business

PINS suggested holding an outreach session with host authorities, key consultees and the applicant in order for any potential issues to be discussed. Advice on the Planning Act 2008 regime and what to expect during the Examination could also be given. It was agreed that a day in April/May would be an appropriate time with a confirmed date to be confirmed in due course.

Specific decisions / follow up required?

MEL to confirm a firmer timeline for submission of draft documents for review.

PINS to confirm clarification on the following issues:

- Generation licence – is it sufficient for MEL to have a letter of intent from SSE that it can operate FM2 under the existing generation licence (if needed at all)?
- Ownership interest – what is the minimum level of interest that MEL must have in the Application Site for DCO purposes?
- Non DCO consents – is it necessary to be able to produce at Examination, a letter of 'no impediment' from the relevant consenting body in relation to each of the non DCO consents required?