



Meeting note

File reference	EN010061
Status	Final
Author	Ewa Sherman
Date	25 September 2017
Meeting with	Ferrybridge Multifuel 2 (FM2)
Venue	Temple Quay House, Bristol
Attendees	Chris White – Infrastructure Planning Lead Robert Ranger – Case Manager Ewa Sherman – Case Officer Gail Boyle – Senior EIA and Land Rights Advisor Jake Barness-Gott – DWD Richard Lowe - AECOM
Meeting objectives	DCO amendment
Circulation	All attendees

Summary of key points discussed and advice given:

Welcome and Introductions

The Applicant and the Planning Inspectorate (the Inspectorate) team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured that those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under section 51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

Proposed amendment to DCO

The Applicant confirmed that FM2 project is currently under construction, having discharged the pre-commencement requirements.

Ferrybridge MFE 2 Limited (the 'Undertaker') is proposing to amend the Order which came into force on 19 November 2015 to replace an area proposed for biodiversity / habitat enhancement within the Ferrybridge Multifuel Site (FM2) to the north-east of the FM2 multifuel power station. An alternative area is located off-site and outside the current order limits, approximately 300 metres to the north-west, and is in the control of the Undertaker who is intending to secure it through a section 106 agreement. The proposed amendment would free up the land to the north-east of the FM2 multifuel

power station to accommodate proposals for an incinerator bottom ash (IBA) facility which will be promoted by a third party and secured through TCPA 1990 process, and will be subject to separate environmental permits from the Environment Agency. Currently ash is being transported by road to a facility in Sheffield, and the Applicant envisages that should the amendment to the Order be approved traffic movement will be reduced.

The Applicant considers that the proposed amendment to the Order for Ferrybridge Multifuel 2 (FM2) Power Station is not considered to be material as the alternative provision of land relates to the enhancement to facilitate development, and not to provide mitigation / screening. Due to the size of the FM2 visual screening of the site cannot be provided.

The Applicant has already held meetings with Wakefield Metropolitan District Council (WMDC) and West Yorkshire Ecology, in addition to correspondence with the Yorkshire Wildlife Trust (YWT). These parties were originally involved in the biodiversity / habitat enhancement scheme for the land to the north-east FM2.

The Inspectorate noted that they are not in a position to advise whether the proposed change is material or non-material; it is for the Secretary of State (SoS) for Department for Business, Energy and Industrial Strategy (BEIS) to decide. Under current legislation there is no formal route for the developer to obtain a view from BEIS formally or informally as to whether the proposed change is material or non-material prior to an application being made. However, depending on the route chosen by the Applicant different parts of the regulations will apply. The material change route will benefit from a statutory timetable.

The Inspectorate advised the Applicant to provide a robust case for the SoS and justification as why they consider that the proposal is a non-material change to the Order. The Applicant should consider and assess all potential impacts of the change such as noise, effect on the project and any interrelation between FM1 and FM2. A key question may be how the issue of landscaping has been considered during the DCO examination stage and how relocating of the consented area will affect the project.

The Inspectorate advised that it would be beneficial for the Applicant to ensure BEIS is aware of the Applicant's proposals and to discuss potential timescales with BEIS. They should also consider whether there is a need for the s106 agreement to be in at least in a draft form at the time of submitting the application to the SoS, who may require evidence that the content of the agreement can be secured.

Although the Applicant considers that the proposal is not material, it is important to remember that consultation might raise queries regarding the materiality of the proposal. Therefore the Applicant should give a robust justification for the proposal.

Process

The Applicant is aware of the DCLG's [Guidance on Changes to Development Consent Orders](#). The Inspectorate confirmed that while the whole process is run by the SoS, the Planning Inspectorate will publish all documents on behalf of the SoS on its website, and manage the consultation responses.

The Applicant confirmed they are currently updating and preparing the consultation information and plans to start the consultation in October 2017.

AOB

The Inspectorate will ensure that the project email address is still live and can be used for the Applicant's consultation.