



Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application: Millbrook Power

Reference: EN010068

Time and date: 10am, Tuesday 13 March 2018

Venue: The Forest Centre, Station Road, Marston Moretaine, Bedfordshire, MK43 OPR

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

Introduction

Jonathan Green introduced himself as an Examining Inspector (ExA) at The Planning Inspectorate appointed under the Planning Act 2008 (as amended) as the Single Examining Inspector for the application for a Development Consent Order for the Millbrook Gas Fired Generating Station. The application was made by Millbrook Power Limited under section 37 (2) of the Planning Act 2008 (as amended) and received by The Planning Inspectorate on 23 October 2017.

The ExA set out the general principles which he would follow in carrying out this type of Examination:

- to operate independently and impartially with a focus on a rigorous examination of the evidence that is put forward;
- to provide an open process with all of the evidence being publically available on our website;
- to be fair to all parties with the opportunity to hear all views on the proposed development; and
- to act in a timely manner in order to keep within the statutory time limits for the Examination.

The ExA introduced his colleagues from the Planning Inspectorate who were present Karl-Jonas Johansson, Case Officer; Hefin Jones, Case Manager and Laura Durant, Assistant Case Officer. Tracey Williams, the Inspectorate's Case Manager for this project, was unable to attend the Preliminary Meeting.

Media representatives present at the meeting: BBC Three Counties Radio station and BBC Look East - were advised that they could record the opening of the Preliminary Meeting and then leave.

Overview

The ExA set the scene for today's meeting. This Application is being examined as a Nationally Significant Infrastructure Project or NSIP under the provisions of the Planning Act 2008. The draft Development Consent Order – the DCO – refers to the gas fired generating station in its title. Technically it is the generating station that meets the test to count as an NSIP. But the order also covers the associated development that is seen as necessary to make the generating station operational.

That includes the electrical and gas connections which are required for the operation of the generating station. For convenience the totality of those works would be referred to as the Millbrook Power project and individual elements by their specific functions – the generating plant, the electrical connection and the gas connection.

Under the Planning Act 2008 an application for development consent is submitted to the Planning Inspectorate and, if accepted, fully examined by an independent examining authority leading through to a recommendation to the Secretary of State – in this case the Secretary of State for Business, Energy and Industrial Strategy - who will take the final decision.

The Planning Act 2008 requires wide consultation on any proposal before an application is submitted. Initial consultation took place in 2014 but the application was put on hold. A further public consultation took place in mid-2017 and the application was submitted in October last year. The Planning Inspectorate carried out an initial scrutiny of the application and the consultation process to check that it met the tests set out in the Planning Act 2008 and was accepted for examination on 20 November 2017.

Following acceptance of the application, a further period known as the pre-examination stage commenced which allowed for organisations and individuals to make relevant representations about the project setting out arguments in favour or against the project and highlighting areas of support or concern. Submitting a relevant representation in the prescribed form by the deadline set during that period meant that the person or organisation became registered as an Interested Party (IP).

IPs have a legal status, allowing them the right to attend meetings such as this, hearings such as Open-floor hearings and to submit written representations. IPs will be kept informed of new material submitted and any procedural decisions made during the course of the examination.

Anyone who did not submit a relevant representation during the specified period of the pre-examination stage is not registered as an IP for these purposes. The Planning Act 2008 does, however, allow the ExA the discretion to receive later material from people who did not register as an IP. It is still possible for certain statutory bodies, such as local authorities, to register as an IP at this stage even if they have not submitted relevant representations; and also for any affected person with land interests which are sought to be compulsorily acquired who has not been previously identified; and for any person who may be entitled to make a relevant claim for compensation to be accepted as IPs.

The ExA thanked everyone who had submitted Relevant Representations. These have been very helpful to the ExA in identifying the principal issues that he expected to have to address during the examination and to set out a plan for the different stages

of the work. Those first thoughts are set out in Annex B to the letter informing IPs of today's meeting.

The Preliminary Meeting is about discussing the procedure to be followed in the examination. The merits of the case will be considered during the six month examination period. Following the six month examination period the Planning Act then allows the ExA up to three months to complete his report making recommendations to the Secretary of State (SoS). The SoS then has a further three months to make his decision. During the examination period the ExA can request further information, hold hearings and carry out site inspections in order to get a full understanding of the issues before writing his report and making a recommendation to the SoS.

A brief written note of the Preliminary Meeting and the audio recording will be made available as soon as practicable on the Millbrook Power project page of the Planning Inspectorate website. A link to that website is in the letter sent to Interested Parties notifying them of the Preliminary Meeting. Participants were welcome to make their own record of the meeting but this is the only official record of the proceedings.

The ExA invited participants to introduce themselves.

The Applicant: Nick Johnson (Millbrook Power Limited), David Ball (Millbrook Power Limited), Chris McKerrow (Millbrook Power Limited), Claire Broderick (Pinsent Masons), Richard Griffiths (Pinsent Masons), Sarah Chandler (Peter Brett Associates) and Chris Leach (Peter Brett Associates).

Bedford Borough Council: David Doorne, Alastair Wren, Paul Lennox and Kim Healey.

Central Bedfordshire Council: Roy Romans, Stuart Robinson.

Marston Moreteyne Parish Council: Cllr Chris Martin.

Covanta Rookery South Limited: David Wood (Hogan Lovells International).

Individuals wishing to speak – Jeremy Ramsden (Interested Party).

Written Submissions

The ExA explained that the examination of the application will principally be carried out through assessment of written submissions with further questions being put to the Applicant and other interested parties where the ExA needed clarification. The next stage of the process provide the opportunity for all Interested Parties to make written submissions setting out in more detail the concerns they have highlighted in their initial relevant representations. The deadline for written representations currently set out in the draft timetable as Deadline 2 is Tuesday 17 April 2018. This is also the deadline for Interested Parties to submit any comments that they might have on the representations made so far all of which have been published on our website.

Additional Questions

Following today's meeting and taking into account points raised the ExA would be issuing a list of questions that he would like answered in writing and also requests for Statements of Common Ground (SoCG) between the Applicant and various statutory bodies. These will be addressed to the Applicant and various named organisations but

it will be open for others to make submissions on the points raised if they wish. It is likely that the ExA will have further questions needed to be put as the examination develops.

Publication of Material Submitted

The examination is an open and transparent process. All submissions received will be published on the Millbrook Power project pages of the Planning Inspectorate website. The opportunity to comment on all submissions is built into the timetable but it is important that the deadlines for submissions and comments are kept to. It may not be possible for the ExA to take into account material submitted after the set deadlines.

Hearings

Although written representation is the main approach to the examination, the Planning Act includes provision for various types of hearings to be held. These include Issue Specific Hearings, which are focused on individual topics; Open Floor Hearings (OFH) at which Interested Parties can put their views across orally and a range of issues can be discussed and finally Compulsory Acquisition Hearings (CAH). The draft timetable included provision for three Issue Specific Hearings; the first, to follow the Preliminary Meeting, will only consider general issues relating to the draft DCO, the second and third will cover local environmental impacts and go into more detail on the draft DCO. Provision has also been made in the examination timetable for an Open Floor Hearing and for a Compulsory Acquisition Hearing for parties affected by compulsory acquisition proposals.

The purpose of the hearings is for the ExA to get a better understanding of the written evidence that has been submitted and to put questions to the Applicant and Interested Parties. At these hearings the ExA will lead the questioning and they will not normally involve cross examination of witnesses by third parties.

The ExA welcomed comments on the need for these hearings and the topics to be covered. There is provision in the examination timetable at Deadline 1 on Tuesday 27 March 2018 for Interested Parties to notify him if they wish to attend any of the hearings, including the OFH and CAH. He stated that he did not have to hold these types of hearing if they are not requested.

Site Visits

The ExA proposed to carry out an Accompanied Site Visit in May immediately before the second hearing. That would include a tour of the site itself and of the neighbouring area. He would be accompanied by the Applicant and any other Interested Parties who wish to attend who would have the opportunity to draw particular features of the development to his attention. However, the site visit is not a time at which he could enter into discussion of the merits of the application.

He would welcome suggestions in writing for places that he should visit. These should be submitted by Deadline 1 on Tuesday 27 March. The ExA may also make unaccompanied visits to areas which have public access.

The ExA noted that he had received three additional submissions since the deadline for relevant representations and had used his discretion under S89(3) of the Planning

Act to accept those into the examination. Details of these can be found in Annex E of his letter of 12 February.

Since accepting the application he had received an updated version of the Book of Reference from the Applicant together with a schedule of changes. These principally cover changes of address and updated details on ownership or occupancy of parcels of land. He did not consider that updates constitute a significant variation in the original application and he will issue a decision on that in due course.

He had also on Monday 12 March received a legal submission from Covanta Rookery South Limited regarding an issue that would be discussed at the Issue Specific Hearing in the afternoon.

The importance of keeping to the timetable and allowing adequate time for submissions to be considered before hearings was reiterated.

Principal Issues

Item 3 on the agenda was the ExA's Initial Assessment of Principal Issues as set out in Annex B to the ExA's letter of 12 February. They are listed here in alphabetical order and not in order of importance. They represent the ExA's initial view based on his consideration of the application documents and relevant representations received concerning the Project. It is not a comprehensive or exclusive list of all relevant matters. He will have regard to all important and relevant matters in putting forward a recommendation to the SoS. This list does not exclude other issues being raised in the course of the examination through Written Representations. The ExA asked for comments.

Jeremy Ramsden had two points to make on the list of principal issues. The first related to Carbon Capture and Storage (CCS). He expressed the view that setting the power stations output to 299MW was a way of avoiding policy which required provision for CCS on power stations with capacity greater than 299MW. The output of the station would fluctuate ± 10 or 20MW. Mr Ramsden stated that to comply with the CCS regulations the stations output should be capped to 250MW as at its proposed output it would need CCS.

The ExA advised Mr Ramsden to expand on this issue in his written representation. It was further clarified that the ExA was familiar with this issue from previous examinations and will make a judgement on this in the Recommendation Report. The Applicant stated that it will address Mr Ramsden's issue when it responds to the relevant representations as Deadline 2 citing precedents from previous examinations. The Applicant was advised to clarify the issue around the ± 10 MW when responding to Mr Ramsden relevant representation.

Mr Ramsden's second point related to whether the UK should continue to invest in fossil fuel power stations rather than focus on renewable energy and battery storage systems. Mr Ramsden stated a view that there is no need for this gas fired peaking plant due to the rapid change in technology.

The ExA clarified that the examination of this project had to be done in accordance with the Planning Act 2008 and the National Policy Statement for Energy Infrastructure. It was further clarified that it was the SoS and not the ExA that made the decision whether new energy capacity was needed. The Applicant stated that it was of the view that Mr Ramsden's second point should not be included in the list of

principal issues as the National Policy Statement for Energy Infrastructure justifies the need for this type of generating station. The ExA suggested that this issue could be discussed at a future hearing. The Applicant stated that s104 of the Act clearly set out that the application had to be examined in accordance with the relevant National Policy Statement.

The ExA confirmed that the report would cover the question of whether provision needed to be made for CCS and that further thought had to be given to whether to include the issue of alternative technologies raised by Mr Ramsden in the examination.

Updates on Local Impact Reports and Statements of Common Ground

Bedfordshire Borough Council (BBC) confirmed that both BBC and Central Bedfordshire Council are drafting Local Impact Reports (LIR) and Statements of Common Ground (SoCG). It was further added that the two councils and the Applicant are mostly in agreement regarding the LIRs.

Timetable

The ExA led discussion on the proposed timetable (Item 4 on the agenda) which was set out in Annex C to his letter of 12 February and took comments on the time allowed at each stage and the timing of specific deadlines and events such as the hearings.

Deadline 1: The ExA advised that he might not hold Compulsory Acquisition or Open Floor Hearings if none were requested.

The Applicant did not anticipate the need for Counsel support at the hearings in May but would check this after the hearing this afternoon.

Deadline 3: It was agreed that deadline three be moved to Thursday 17 May 2018.

Item 13: It was agreed that the ExA would review whether to move the issue of the further written questions to Thursday 31 May 2018.

Item 19 on the timetable sets a date for publication of a Report on the Implication for European Sites - the RIES – which provides advice to the Secretary of State. It was now clear to the ExA that there are no European Sites which would be impacted by the proposed development. This is confirmed by Natural England. There was therefore no need for this Report and references to the RIES would be taken out of the timetable. That will result in some consequential renumbering of the items in the timetable and of the deadlines.

Deadline 6 and 8: Amended to read on the draft DCO instead of on the ExA's draft DCO.

Item 23: The request for resubmission of final version of updated application documents was removed from the timetable.

Following this discussion the Preliminary Meeting was closed.