



Meeting note

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Author	Karl-Jonas Johansson
Date	26 November 2014
Meeting with	Millbrook Power Limited and invited stakeholders
Venue	Marston Vale Forest Centre
Attendees	The Planning Inspectorate Tom Carpen (Principal Case Manager) Alison Down (EIA Adviser) Linda Rossiter (EIA Adviser) Karl-Jonas Johansson (Case Officer) Millbrook Power Limited Chris McKerrow Nick Johnson Paul Wormald (Peter Brett Associates) Paul Taylor (Taylor Keogh Communications) Daniel Yardley (Taylor Keogh Communications) Millbrook Parish Meeting Cllr Chris Shrimptow Central Bedfordshire Council Cllr Sue Clark (also representing Cranfield PC) John Ellis Annabel Robinson Cllr Ken Matthews Cllr Mike Blair (also representing Ampthill TC) Stewartby Parish Council Cllr David Cooper Cllr John Symonds (Chairman) Lidington Parish Council Cllr Iain Clapham (Chairman) Cllr Jean Peall Marston Moreteyne Parish Council Cllr Robert Morris (Chairman) English Heritage Will Fletcher

Amphill Town Council
Cllr Mike Blair (Chairman)
Cllr Margaret Wright
Dawn Sutherns (Town Clerk)

The Forest of Marston Vale Trust
James Russell

Maulden Parish Council
Cllr Chris Tate

RJ Parrish and Son
Heather Parish

South Pilling Farm
Emma Tomkins
David Tomkins

**Meeting
objectives
Circulation**

Project update and to discuss stakeholder issues

All attendees

Plus Bedford Borough Councillors Tim Hill & Paul Prescod and officers Kim Healey & Melanie Macleod

Welcome and Introduction

The Planning Inspectorate opened the meeting by giving an introduction to the 2008 Planning Act which was followed by a project update presentation by Millbrook Power Limited (see attached slides).

Stakeholder Issues discussed

All parties were advised to engage as soon as possible so that issues raised by stakeholders may be resolved before the application was submitted, as there is very limited scope to change an application after submission.

Enforcement

In response to a question, the Planning Inspectorate explained that powers to enforce requirements are with the local planning authority and should be specified in the Development Consent Order (DCO).

Local Impact Reports (LIR)

The Planning Inspectorate covered the role of the LIR in its presentation. In response to a question, The Parish Councils (PCs) represented were advised by the Planning Inspectorate that they did not have to produce a Local Impact Report (LIR) but to assist joint-working, that they could submit evidence to assist the Local Authorities (LAs) with their LIRs.

Statements of Common Ground

The Planning Inspectorate covered the role of the LIR in its presentation. Several of the statutory parties expressed concerns regarding Statements of Common Ground (SoCGs) since their previous experience on a different application, had been one of pressure to agree SoCGs before the examination closed. The Inspectorate explained that no party should feel forced to agree a SoCG and if no common ground could be agreed, areas of Uncommon Ground could also be specified. The Planning Inspectorate advised that any SoCG submitted should be clear on what had and had not been agreed upon.

Appointment of Examining Inspector

In answer to a query, the Planning Inspectorate explained that matters were taken into account as part of the appointment process. The Planning Inspectorate advised that the appointment process looks at possible conflicts of interest and would also consider whether Inspectors had previously been involved in nearby applications. The Planning Inspectorate also advised that where resources allow, the Acceptance Inspector would also conduct the examination but this could not be guaranteed. It was also clarified that in the event of the application not being accepted and then resubmitted, a new inspector may be appointed to conduct the acceptance and examination.

How a decision is made

In response to a concern that there was a presumption in favour of the project and that there was limited scope to affect the decision, the Planning Inspectorate advised the decisions are made in accordance with the relevant National Policy Statements (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47855/1939-nps-for-fossil-fuel-en2.pdf), subject to a number of tests set out in the Planning Act 2008 (as amended). These tests include (but are not limited to), whether local impact outweighs the benefits of the scheme, any potential breaches of international obligations, for example to the environment, and taking into account anything the Secretary of State considers important and relevant.

Previous experience of the process

Some stakeholders wished to know if the relevant representations (RR) process had changed since their previous experience and suggested that parts of the application form and the terminology used needed to be simplified, eg so that members of the public understand what terms such as '*interest in the land*' actually meant in this context. It was noted that the RR form had been refined recently and will be subject to ongoing improvements, and it was agreed that the Planning Inspectorate would explore the possibility of further clarifying the terminology.

The stakeholders also explained that their previous experience of hearings had not been positive and that future hearings can be improved by Inspectors putting Interested Parties' questions to the applicant, or allowing those questions to be asked directly, and allowing sufficient time for these. The Planning Inspectorate offered to provide this feedback to the Group Manager for Examining Inspectors.

The Planning Inspectorate advised that a number of improvements had been made to its website in response to feedback, and it encouraged more feedback in future. It advised there will be a project specific web-page with a visual examination timetable available, and a project specific email address will also be set up following the meeting.

Responses received by the applicant

During its presentation, the applicant explained that all responses to its consultation will be included as appendices to the consultation report, and that the report itself will summarise the responses in a table.

Design and visual impact

The applicant stated that due to the nature of the project that it cannot submit a final design proposal at the point of submission and that the submitted application will utilise the 'Rochdale Envelope' approach as the power station's turbine design is yet to be chosen. This means that the final design would have to adhere to limits contained in any DCO and cannot go outside those limits.

An attendee raised concerns regarding the visual impact and expressed a preference for one stack rather than five as mentioned in the Preliminary Environmental Impact Report (PEIR). The applicant advised that the five stack scenario was the worst case scenario and that the DCO would commit them to five stacks or less and that the number of stacks would depend on the technology chosen in response to a range of factors. The applicant also advised, in answer to a question that as the project would be using single cycle turbines, there will be no plume from the stack. Concerns were also raised regarding the stack height. The applicant explained that the height had been modelled to be as low as possible without compromising on air quality and would benefit from being located in the Pit.

The applicant also advised that it would not be able to first build the power station with one stack/turbine and then add a second or a third one at a later date thus building up the capacity to 299MW and that the DCO would prohibit this by capping the plant at 299MW.

Concerns were also raised regarding the visual impact of the pylons on Ampthill Park. The applicant explained that there would be no more than 7 pylons but that the number of pylons and the type of connection to the power station would depend on the configuration preferred by National Grid for connection to the electricity network, which may not be known until the start of the examination process.

Some stakeholders advised that they felt they had too little information regarding the visual impact and advised that they wanted a much more fixed design proposal to be submitted, including the design of the grid connection.

The Planning Inspectorate explained that the Planning Act 2008 (as amended) allowed for flexibility in the design, but that the worst case scenario had to be fully assessed by the applicant. This does however not mean that the proposed design of the station should be unclear and advised the applicant to follow up the concerns raised with the respective stakeholders.

The Planning Inspectorate confirmed that a project can be built according to the maximum limits specified in the DCO but that this scenario had to be fully assessed in the Environmental Statement, and be the subject of consultation. It reiterated the benefit of providing comments on potential impacts of the proposed design at the pre-application stage, to allow the applicant to consider potential impacts it may be unaware of.

Some stakeholders advised that the worst scenario may not lead to a scenario that was best for the local communities, since the application cannot be materially amended after it has been submitted.

The applicant informed stakeholders that it would arrange briefings on the project before it submitted its DCO application and would also share with them the top-level results of the statutory consultation period.

Operating hours

A stakeholder sought clarification on how the applicant would be prevented from running the plant 100% of the year rather than c20% as stated in the Preliminary Environmental Impact Report. The applicant explained that the Environmental Permit would prevent the plant from running more than c20% of the year.

The applicant was asked by attendees to consider what community benefits they could provide for the local community, such as combined heat and power (CHP). The applicant advised that it is able to have further discussions on community benefits related to the scheme, however as the project is a peaking plant that would only generate power for c20% of the time, the applicant explained that exporting heat from the plant wouldn't be possible.

Other matters

A 'Low Level Restoration Scheme' (LLRS) on the project site has commenced and must be completed before any construction can take place. It was noted that the site was c15m lower than the surrounding land.

The LA and the applicant agreed not to use data from the Rookery South application as it is now out of date, and that all draft documents would be circulated to all stakeholders present.

Stakeholders also asked the applicant to use layman terms as much as possible in relevant documentation.

The application is expected to be submitted in February 2015. If consented, and subject to financing construction would start in late 2017 at the earliest, and the plant would be operational in 2019/20.

AOB

The applicant and the stakeholders agreed to discuss the following issues at future meetings.

- Flexible design
- Visualisation aids

- Viability of the project
- Change in energy policy after the general election
- Community benefits

ⁱ The Rochdale Envelope is a term used to describe circumstances where an applicant is seeking flexibility for aspects of its proposal, in which an applicant seeks options / parameters in which the final option / detailed design can be resolved after development consent is granted. It is named after a legal decision on the issue of assessing the impacts of this approach under Town and Country Planning Act legislation. Further information can be found in a Planning Inspectorate Advice Note (see link).