



## Meeting note

<b>File reference</b>	EN010068
<b>Status</b>	<b>Final</b>
<b>Author</b>	Karl-Jonas Johansson
<b>Date</b>	13 February 2015
<b>Meeting with</b>	Millbrook Power Limited
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>Applicant</b> Chris McKerrow Nick Johnson Paul Wormald Richard Griffiths  <b>Planning Inspectorate</b> Tom Carpen (Infrastructure Planning Lead) Ken Taylor (Infrastructure Planning Lead) Vicki Hodgson (Legal) Karl-Jonas Johansson (Case Officer)
<b>Meeting objectives</b>	Meeting regarding the overlapping redline boundaries between the Rookery South DCO and Millbrook Power's draft DCO
<b>Circulation</b>	All attendees.

### Summary of key points discussed and advice given:

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

The applicant explained that the proposed Millbrook Power station would be located in land within the Order Limits of the Rookery South DCO. Covanta are the beneficiaries of the Rookery South DCO and the applicant has shared their proposals with Covanta.

The applicant proposes that the Millbrook power station will co-exist with Covanta's (or its successor's) power station in the Rookery South pit. The applicant proposes that its DCO would make changes to the Rookery DCO to enable this to happen. The applicant explained how it would envisage the practical arrangements working particularly as it would not be possible to determine which of the two power stations would be built first. The applicant explained how it is proposed that Covanta's compulsory acquisition rights would be limited in operation so as to allow for the

Millbrook power station, for access, for modification to a proposed cycle path and for landscaping requirements.

The applicant explained that neither it or Covanta think that the proposed overlapping redline boundaries would be a hindrance for both projects to co-exist. The applicant explained that it intended to insert a protective provision in Schedule 7 of the Rookery South Order which would allow for the addition of protective provisions to benefit the Millbrook power station. The applicant proposes that the amendments of the Rookery South Order would be made under s120(5)(b) of the 2008 Planning Act. The protective provisions would allow road access to both plants under all circumstances and accommodate the building of both stations.

The Inspectorate informed the applicant that the Examining Authority might question why the exercise of the Secretary of State's powers under s.120(5)(b) of the 2008 Planning Act to amend the Rookery South DCO would be the appropriate. The Inspectorate also advised that the applicant needed to ensure it had consulted all relevant stakeholders regarding the impact of the proposed protective provisions and amendments to the compulsory acquisition powers.

The Inspectorate advised the applicant that the Examining Authority is likely to seek confirmation during the examination that the protective provisions has been agreed between the applicant and Covanta. The applicant informed the Inspectorate that Covanta has no representatives in the UK and therefore an agreement might not be in place before the Preliminary Meeting. The applicant informed the Inspectorate that even if no agreement was in place when the application was submitted, the DCO would contain the necessary provisions to accommodate the two projects to co-exist. Provisions would be made to allow the landscaping plan for undergrounding of the electricity cable and gas pipeline. Any mitigation necessary would be secured by the Millbrook Power DCO. The applicant advised the Inspectorate that the only compulsory acquisition powers it would seek would relate to the gas and electricity connections and would be outside the Rookery South redline boundary.

### **Specific decisions / follow up required?**

- Draft documents meeting to be arranged for early March.