



Meeting note

File reference	EN010068 Millbrook Power Project EN010069 Abergelli Power Project
Status	Final
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Date	15 April 2015
Meeting with	Abergelli Power Limited (APL) Millbrook Power Limited (MPL)
Venue	Conference Room 4, Rivergate, Bristol BS1 6PN
Attendees	Planning Inspectorate (PINS): Tom Carpen – Infrastructure Planning Lead Ken Taylor – Infrastructure Planning Lead Stephanie Newman – Case Manager Ewa Sherman – Case officer Applicants: Chris McKerrow – Millbrook Power Limited Dermot Scanlon - Peter Brett Associates LLP
Meeting objectives	Project updates
Circulation	All attendees

Summary of key points discussed and advice given:

The applicants were reminded of the Planning Inspectorate's openness policy stating that any advice given will be recorded and published on the Planning Portal website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which the applicants (or others) can rely.

Changes to project programmes

The applicants for both Abergelli Power Project and Millbrook Power Project attended the meeting to discuss changes to the programmes ahead of the postponed submission of the applications, now due in Q4 of 2015. PINS welcomed the opportunity to be kept up to the date with the proposed projects.

Abergelli Project update

APL advised that they have been engaging in discussions with Natural Resources Wales (NRW), providing more draft documents for review. The applicant wants to ensure that all the necessary environmental information is presented to address

comments raised already by NRW, and also to meet the requirements under the Habitat Regulations. Furthermore APL is working on further evidence to inform the HRA shadow assessment and No Significant Effects Report (NSER).

PINS suggested arranging a meeting with NRW, the City and County of Swansea Council (CCSC) and PINS in the next few months, once relevant draft documents had been considered to discuss any outstanding issues.

PINS stated that they would be able to provide further comments on the draft application documents should APL wish to submit them for review, and particularly wished to see an updated draft Habitats Regulations Assessment report. PINS advised that it wouldn't necessarily need to see all draft documents again provided comments made previously were taken on board. The applicant requested comments from PINS on chapters of the Environmental Statement, particularly relating to the approach used to present and assess the worst case scenarios.

APL said they intend to be in a position to provide draft Statements of Common Ground (SoCG) with the key stakeholders, including NRW and CCSC, at the time of the application submission, and would use the time between now and submission to develop these.

The applicant confirmed that they do not envisage undertaking additional statutory consultation for this project as no material changes to the scheme are proposed; however, they would continue engagement with consultees, as appropriate. The APL's Consultation Report would be updated to reflect any further consultation and the relevant extract from the updated draft Report would be sent to PINS for comment prior to submission of the application.

Millbrook Project update

PINS emphasized the importance of the continued engagement on the use of section 120(5) of the PA 2008 to alter the Rookery South (Resource Recovery Facility) Order (RSO), including the submission by the applicant of a revised draft DCO with the updated protective provisions for a review. PINS advised that further work between the applicant and Covanta (the beneficiaries of the RSO) would be beneficial to ensure that all outstanding issues are clarified, such as the amendment of Schedule 6 of the Rookery South DCO. MPL said they would forward their letter in response to s51 advice of 18 March 2015 relating to the matter.

MPL stated they would send the most recent drafts of Development Consent Order and Explanatory Memorandum for review by PINS, and would welcome receiving further comments in relation to the RSO issue, followed by a meeting, as required.

In regards to the pre-application consultation MPL confirmed that Luton Borough Council (LBC) has been consulted, along with other statutory consultees. PINS advised correspondence had been received from LBC suggesting that they had not received the consultation documents. Although it appears that MPL have met their duty in carrying out the consultation, PINS advised that MPL take this opportunity to further engage with LBC. PINS agreed to provide the details for individual at LBC who contacted PINS.

PINS advised that there would be no need to provide the full suite of draft application documents for another review. However, it would be beneficial to see the relevant parts of the Consultation Report with the updated information regarding the inter-relationship between the proposed Millbrook power station and the Rookery South Resource Recovery Facility, as well as the information dealing with the period between the end of March 2015 and timing of the proposed submission. The final Consultation Report should provide evidence of how any further consultation relating to the RSO has been addressed and how the consultees have been informed about any issues that may affect the proposed development. Although the applicant confirmed that, since no material changes to the scheme are proposed, they do not envisage undertaking additional statutory consultation, PINS advised that some additional consultation would provide opportunity to update stakeholders of the proposal and the intention to utilise section 120(5) to amend RSO. It would also reduce risks during the acceptance stage and potential challenges after a decision had been issued. The more closely the additional consultation replicates the consultation process required had an application been made to change the RSO under Schedule 6 of the PA2008, the more any risk would be minimised.

Practical matters

MPL were keen to understand the process of appointing of the Examination Authority to examine the DCO applications under the PA 2008. PINS explained that the choice of either a single Examining Inspector or a Panel depends on the complexity of the proposed project and a number of issues that are to be examined, and that each application is assessed on its own merits. PINS advised that working with Covanta on clarifying all issues relating to the DCO will help MPL to submit an application that can be examined within the statutory six months' period.

The applicant advised that they would be working on refreshing the Environmental Statements for both projects to ensure that all relevant new issues / proposed developments in the vicinity of both projects are taken into account and that the information derived from site surveys is up to date. They confirmed they would be happy to share the documents with various key consultees. APL and MPL will also consider any changes to Policy / legislation before submitting their DCO applications.

Specific decisions / follow up required

It was agreed that MPL and APL will provide updated contact plans as draft documents for PINS to view.

APL will suggest dates for a meeting between APL, NRW, CCSC and PINS.

PINS will provide further comments regarding the approach to assessing the worst case scenarios within the Abergelli Environmental Statement.