



Meeting note

File reference	EN010071
Project	North London Heat and Power Project (NLHPP)
Status	Final
Author	Karl-Jonas Johansson
Date	9 November 2017
Meeting with	North London Waste Authority
Venue	Temple Quay House, Bristol
Attendees	The Planning Inspectorate Tracey Williams (Case Manager) Robert Ranger (Case Manger) Karl-Jonas Johansson (Case Officer) Richard White (Assistant Case Officer) Richard Kent (Senior EIA and Land Rights Advisor)
	North London Waste Authority Ben Stansfield (Stephenson Harwood LLP) Ursula Taylor (North London Waste Authority) Euston Ling (North London Waste Authority) Michael Bull (Arup)
Meeting objectives	Process for applying for a non material change
Circulation	All attendees

Summary of key points discussed and advice given:

The Applicant and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate continued by outlining its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 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.

Update from North London Heat and Power Project (NLHPP) about a potential non-material change application under consideration

The Applicant explained that when it sought the consent for the project it had applied for an output of "around 70MW" to allow for fluctuations in the electricity generated, primarily driven by the varying calorific value of the waste fuelling the generating station (whilst 70MW would be an average, output could peak at up to 78MW if the efficiency of the facility was maximised). When the Secretary of State granted the

Development Consent Order (DCO) it included a cap on electrical output of 70MW. The Applicant confirmed that the DCO as granted was capable of implementation

The Applicant stated that it did not consider that reverting to the wording it had applied for ('around 70MW') or changing the drafting of the DCO to allow a maximum output of 78MW would be a material change, because the Environmental Impact Assessment had been undertaken on the basis of the maximum waste input and therefore, there would be no significance in the difference in air quality with an electrical output of 78MW; there would be no physical change to the plant; there were no habitats issues; and no additional land would be required for the amended project. The Applicant also stated that the granted environmental permit would accommodate this change, also being based upon maximum waste input.

The Applicant clarified that the air quality sensitivity assessment wasn't submitted into the examination, only the results of the assessment. This assessment showed that an electrical output of 78MW would not have any significant effects.

The application process

The Inspectorate clarified that it only has an administrative role in the non-material change process and that it cannot advise on whether the change is material or not as it is the Secretary of State for Business, Energy and Industrial Strategy who is the decision maker. It was further clarified that the Secretary of State is unlikely to give a preliminary decision on whether the change is material or not.

The Applicant was advised that twin tracking both a material and non-material change request could cause confusion amongst the consultees.

The Inspectorate clarified that only parts of the material change process had statutory time limits and therefore an exact timescale for a material change application could not be given.

The Inspectorate confirmed that to date, no non-material change request has been refused and that the guidance on changes to DCOs states that a decision should normally be expected six weeks after the close of the consultation.

The Applicant confirmed that their contact at the department for Business, Energy and Industrial Strategy is Naomi Williams.

The Inspectorate explained that it could not advise who the Secretary of State would consult with regarding the materiality of the change as the Inspectorate only has an administrative role in the non-material change request process. The decision whether the change is material or not is taken after consultation has ended.

The Inspectorate informed the Applicant that it could apply for a reduced consultee list under Regulation 7 of the The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. It was further explained that there is no need for any consultation before submitting a non-material change request but if the Applicant thought it might be of benefit to its application it could conduct a non statutory consultation on the materiality of the change.

The Applicant was advised to set out all relevant information on why the change to the application was non-material when submitting its application to the Secretary of State.

The Applicant confirmed that the Borough of Enfield was still in favour of the project.

Specific decisions / follow up required?

None

