



Meeting note

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| File reference | EN010083 |
| Status | Final |
| Author | Emma Cottam |
| Date | 16 November 2016 |
| Meeting with | Wheelabrator Technologies Inc |
| Venue | Temple Quay House, Bristol |
| Attendees | Planning Inspectorate Mark Wilson – Infrastructure Planning Lead Alison Down – EIA and Land Rights Advisor Emma Cottam – EIA and Land Rights Advisor Developer Claire Brook Chris LeCointe Chris Ratcliffe Kate Ashworth Andrew Stevenson |
| Meeting objectives | Discussion to inform production of Scoping Report |
| Circulation | All attendees |

Summary of key points discussed and advice given:

The Inspectorate explained its statutory duty, under section 51 of the Planning Act 2008 (as amended) (PA2008), to record the advice that is given in relation to an application or a potential application and to make this publically available. All parties were informed that any advice given by the Inspectorate does not constitute legal advice upon which the Developer (or others) can rely.

The Developer explained that it intends to submit an application for a Development Consent Order (DCO) for construction of the Wheelabrator Kemsley Generating Station (which has an extant permission under the Town and Country Planning Act 1990 (as amended) (the T&CPA)), to include all the subsequent amendments to the permitted scheme which have been subject to planning applications under the T&CPA, and the ability to operate the facility at up to 75MW.

The Developer noted that the permitted scheme is now lawfully under construction.

The Developer explained its intention to produce a new Environmental Statement (ES) to accompany the DCO application. It was discussed that the ES produced to

accompany the permitted scheme (dated 2010) could be provided as an annex to the new ES.

The Developer noted that a related planning application, which seeks the construction of a standalone Incinerator Bottom Ash (IBA) building adjacent to the permitted scheme, is currently with Kent County Council for determination. The Developer has not yet decided how the material will be transported between the generating station and the IBA. The Developer intends to assess the effects of the IBA application within the cumulative effects chapter of the ES. It was explained that the related underground grid connection would also either be considered within the cumulative assessment or, if contained within the application site, would be assessed in the ES as part of the proposed development. The Developer noted that it has consent from UK Power Networks to implement the grid connection.

The Inspectorate advised that an approach adopted by other developers during the pre-application stage was to take a precautionary approach to consultation and assessment by drawing the DCO boundary wide; then to consider consultation responses. If the Developer concluded, in light of the responses received, that it was appropriate to draw a tighter DCO boundary for the submitted DCO application then this could be explained and justified in the Consultation Statement, ES and any other relevant application documents.

The Developer advised that it has been undertaking discussions with statutory bodies, noting that it has a meeting with the Environment Agency (EA) scheduled for the week commencing 21 November 2016. The Developer intends to discuss with the EA the changes to technology which would be covered by the DCO application and the associated environmental permit. The Developer clarified that the DCO scheme would not present a change to the fuel input associated with the permitted scheme; and that it proposes to operate the DCO scheme within the limits imposed by the permitted scheme on emissions and Heavy Goods Vehicle movements.

The need to include in the ES an outline of the main alternatives (to the DCO scheme) studied by the Developer was discussed. The Inspectorate noted the requirement to explain how the environmental effects had been taken into account in selecting the preferred option.

The Developer noted that it would shortly be issuing the Statement of Community Consultation to the relevant planning authorities. The Inspectorate commented that the rationale for making a DCO application, having already secured planning permission for construction and operation of the generating station, would be more understandable to the public in the context of the change in ownership of the project and the resulting change in the commercial objectives. This could usefully be communicated during the pre-application stage.

The Developer intends to submit the Scoping Report to the Inspectorate in December 2016, and anticipates submitting the DCO application in the summer of 2017.

The new EIA Directive was discussed; and it was noted that as the Developer intends to submit the Scoping Report prior to 16 May 2017, the current EIA Regulations would apply at the time that the DCO application is submitted. The Developer confirmed it would consider the effect of the implementation of the revised Directive in terms of the production and content of the EIA.

Actions:

Developer to provide the Inspectorate with a GIS shapefile two weeks prior to submission of the Scoping Report.