



Meeting note

Project name	Tilbury Energy Centre
File reference	EN010089
Status	Final
Author	The Planning Inspectorate
Date	14 June 2018
Meeting with	RWE Generation UK plc (RWE)
Venue	Offices of the Planning Inspectorate, Bristol
Attendees	The Planning Inspectorate Chris White – Infrastructure Planning Lead Richard Price – National Infrastructure Case Manager Emma Cottam – EIA and Land Rights Advisor Lucy Hicks – EIA and Land Rights Advisor Michael Breslaw – EIA and Land Rights Advisor The Applicant (RWE Generation UK plc (RWE)) Severine Poncelet – Project Manager Matthew Trigg – Development Planning Manager Bob Dunk – Project Manager Carol Cooper – Lead Environmental Manager Helen Burley – Consents Specialist Adriana Gasparini – Legal
Meeting objectives	Post-scoping discussion and project update
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The key purpose of the meeting was for the Applicant to provide a project update and to discuss various points raised in the Scoping Opinion.

Project update

The Applicant provided a brief project update and confirmed that the project description had not changed in the period since the last meeting with the Inspectorate.

The Applicant described two options for its water cooling inlet. The first option was to use and modify, if required, the existing Tilbury B infrastructure located beneath the jetty to the south of the site which is owned by the Port of Tilbury. The Applicant would be seeking to include Protective Provisions within the Tilbury2 Development Consent Order (DCO) in order to retain access to the inlet. The second option was to create a



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new water cooling inlet further east. The Inspectorate enquired whether the Applicant had considered the need to include both water cooling options within the draft DCO. The Applicant stated that it aimed to submit the draft DCO with only the preferred option, however there was a possibility that both options would be assessed and included in the DCO application.

The Applicant provided an update on the two underground gas pipeline routes confirming that the southern route remained its preferred option. Ecological and engineering surveys in respect of both routes were ongoing. Both pipeline route options would be included in the Applicant's statutory consultation, but it was the Applicant's intention to include one option in the DCO application.

The Applicant confirmed that it would need to develop greenbelt land and would therefore seek to satisfy the very special circumstances test in its application. Dialogue with Thurrock Council in this respect was ongoing and the Applicant stated that its intention was for a Statement of Common Ground to be prepared with the Council to cover this matter.

The Applicant confirmed that the Tilbury2 draft DCO sought to alter the layout of Fort Road; the principal road and services access to the RWE's site. Sewerage infrastructure serving RWE's site could also be affected by the Tilbury2 DCO, if consent is granted. The location of the access road, service corridor and sewerage infrastructure in RWE's application would therefore be subject to any changes provided through the Tilbury2 DCO.

The Applicant explained that an area on the ash fields (to the east of the former Tilbury B) would be utilised for ecological mitigation purposes if this is found to be necessary.

Programme update

The Applicant confirmed that it would undertake statutory consultation in September 2018. The DCO application was anticipated to be submitted in February 2019.

The new General Data Protection Regulation (GDPR) was briefly discussed. The Inspectorate advised the Applicant to view its updated Privacy Notice and to consider how it would inform relevant s42 consultees that their details would be placed in the public domain at a later date (ie through the Book of Reference (BoR) and/ or Consultation Report (CR) submitted with the application). The Inspectorate advised the Applicant that it would be required to redact personal information found within the CR and use unique identifiers instead of naming particular consultees.

Scoping Opinion

Key points from the discussion regarding the Scoping Opinion are summarised as follows:

- The Applicant outlined how it intends to describe the alternatives it has considered (such as the gas pipeline and water cooling options) within the Environmental Statement (ES). The Inspectorate advised that it should be clear how the likely



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significant effects on the environment have been taken into account in the choices made.

- The Applicant informed the Inspectorate that due to market forces being the main factor in determining the order of the construction phases, the Applicant would seek to maximise flexibility in this regard within the DCO. The Inspectorate advised that the ES should clearly describe all potential phasing scenarios and establish the worst case scenario applicable to each relevant aspect/ matter (a table was discussed as a possible way of presenting this information) and assess the resultant likely significant effects. The Inspectorate advised the Applicant to look at the Tees CCPP¹ documentation to see how they have approached this matter. The Inspectorate noted that if the Applicant uses the term 'commencement' it should be clear which scenario is being referred to. It should also be clear how phasing has been taken into account in the cumulative assessment.
- The Applicant confirmed its intention to assess 'decommissioning' independently of 'demolition' on the basis that they are distinct processes. The Applicant stated that 'decommissioning' is generally limited to activities associated with disconnecting the Proposed Development from the National Grid and the National Gas Network, decommissioning of a pipeline typically involves filling the pipeline with an inert gas and the removal of any hazardous substances from the proposed site. The Applicant confirmed that consent for these activities would be sought through the DCO. However, the Applicant stated that 'demolition' is a separate process and would be consented independently from the DCO. The Inspectorate advised the Applicant to take a proportionate approach to assessing the lifespan of the Proposed Development including any demolition activities and to describe and assess significant effects where these are likely to occur.
- The Applicant is proposing to scope out the requirement for bat surveys. If the Applicant intends to scope this matter out of the ES, the Inspectorate advised that the ES should explain the reasoning and justify the approach taken, with reference to the consultation response from NE.
- The Applicant enquired if all building dimensions would need to be stated in the ES, noting that various smaller structures would be required. The Inspectorate stated that it may be appropriate to identify and assess the maximum building height of a particular zone, noting this approach has been used in other DCO applications such as strategic rail freight interchanges. The Inspectorate advised that it should be clear what assumptions have been made in the ES assessments regarding the locations of the buildings and their maximum heights and the necessity for flexibility in this regard.
- The Applicant stated that it would develop a high level lighting strategy; the Inspectorate advised the Applicant to submit a draft/ outline version of this and secure its implementation through the DCO. The Applicant should ensure that the timescales of the likely significant environmental effects that may arise from lighting (particularly with regards to the potential phasing) are clear in the ES.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/tees-ccpp/>



Habitats Regulations Assessment (HRA)

The Inspectorate drew the Applicant's attention to a recent Court of Justice of the European Union (CJEU) judgment in respect of HRA screening and reliance on mitigation measures, being: [C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta \(2018\)](#). The Applicant was aware of the judgement and would consider whether it had any implications for its approach to HRA. The Inspectorate advised the Applicant to be clear on the different categories of proposed mitigation (ie embedded, further etc).

Any other business

The Inspectorate stated that Advice Note Fifteen: Drafting Development Consent Orders would be updated imminently. A new feature on the Inspectorate's website allows people to sign-up for email notifications when updates of this type are made.

Specific decisions/ follow-up required?

The following actions were agreed:

- To arrange a pre-statutory consultation meeting in August 2018.