

Meeting note

Project name	South Humber Bank Energy Centre
File reference	EN010107
Status	Final
Author	The Planning Inspectorate
Date	17 March 2020
Meeting with	The Planning Inspectorate South Humber Bank Energy Centre (Applicant) team
Venue	Temple Quay House, Bristol
Meeting objectives	Pre-submission meeting
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 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.

Feedback on draft documents

The following was agreed:

- The Applicant will include cross-reference to provisions in the Development Consent Order (DCO) in relation to the description of the “additional works” in the Explanatory Memorandum (EM). These comprise works included in the DCO application in addition to the works comprised in the existing Town and County Planning Act 1999 (TCPA) planning permission (PP).
- The use of Highways powers will be explained in the EM.
- Draft plans have been updated as requested.

The Applicant informed the Inspectorate that North East Lincolnshire Council (NELC) is content with the mechanism switching implementation of the development under the existing TCPA PP to the DCO (Article 5). It was clarified that the intention is for the DCO requirements to replace the PP conditions.

The Inspectorate advised that the Applicant ensure that the drafting of Article 5 effectively prevented any person from implementing the PP after the development switched to being development under the DCO and not just the undertaker. The Inspectorate also suggested that the Applicant consider further explanation regarding conditions that may have already been discharged where there was no opportunity for the LPA to revisit the approved details in the context of discharging the equivalent DCO requirement which could relate to all works authorised by the DCO including the additional works not included in the PP.

The Applicant clarified that the environmental mitigation measures covered in the existing PP will be included in the draft DCO.

The Inspectorate advised that the Applicant ensure that no works were permitted outside of this by the inclusion of any tailpieces in the requirements which secure essential mitigation and that each tailpiece was justified in the EM.

It was explained that schedule 1 (Q9) is governed by the Environmental Statement (ES).

EIA/HRA update

The Applicant confirmed that it had taken any new developments into account when doing its cumulative assessment. The Inspectorate deemed the approach the Applicant was taking to Habitats Regulations Assessment (HRA) as sensible from the information that was provided at this stage.

Anticipated submission date

7 April 2020.

Any other business

The suite of application documents will include the Applicant's draft Statement of Common Ground (SoCG) with NELC. The Applicant has started drafting SoCG with Environment Agency and Highways England.

The Applicant informed the Inspectorate that it was aware of the potential legal challenges relating to the Energy National Policy Statements.

It was agreed that the Applicant would submit the application using a file sharing service and that the application could be published early.

The Applicant will provide the Inspectorate with electronic contact details when possible.

Follow ups

The Applicant:

- Review article 5 and related provisions on points discussed, including restrictions on implementing the PP and DCO;
- Review EM to ensure it provides justification for DCO provisions;
- Prepare email addresses for category 1/2/3 parties for the Inspectorate; and
- The DCO application to be submitted via file transfer not USB.

The Inspectorate:

- Review the updated plans (subsequently reviewed and agreed); and
- Issue the relevant warm-up letters to the Applicant (Completed).

Post Meeting Note

The Inspectorate, following confirmation of the application submission date, took away an action to consider any advice that the Applicant should have regard to from recent experience at acceptance. The Inspectorate suggests that applicants read s51 advice issued with any acceptance decision; but specific attention should be drawn to that issued with the Portishead decision regarding flood risk.