

Stallingborough Combined Cycle Gas Turbine (CCGT) Generating Plant and Carbon Capture Plant (CCP) – EN010161

RWE Generation UK plc

Section 51 Advice Log

Version: 31 October 2024

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (RWE Generation UK plc) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

Project name - s51 Advice Library

Topic

Meeting date: 31 October 2024

Planning
Inspectorate's
Standard Pre-
Application Service

The Inspectorate outlined that the new pre-application service commenced on 1 October 2024. One of the key changes is a move from meeting notes to an advice log.

Invoices are sent twice a year which is a fixed rate. They are sent out in April and October and cover the forthcoming 6 months. These are shown on the Inspectorate's website [Nationally significant infrastructure projects: application fees - GOV.UK](#). Invoices do not set out the hours working on a case, but the accompanying cover would set out the number of chargeable days.

For the standard service there would be a maximum of six project update meetings per annum, not including evidence plan meetings. The Programme Document should outline when the key meetings would be likely to take place and outline when key resources would be likely to be needed.

The Inspectorate advised on the process for draft document review in line with the pre-application prospectus, including Inspector review of the Development Consent Order (DCO) and Explanatory Memorandum. The Adequacy of Consultation milestone was intended to de-risk the Acceptance process, allowing the Applicant time to resolve any issues prior to submission. This would be submitted approximately three months before the submission of the Application. The aim of the new service was to de-risk the acceptance and the following stages and to provide more certainty of timescales.

Feedback on the Programme Document was discussed. The detail is shown below.

The Applicant asked whether the same Inspector(s) could be appointed to an Examining Authority if they have given advice during the pre-application stage. The Inspectorate advised that amendments to The Infrastructure Planning (Examination Procedure) Rules 2010 and The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, do not prevent this, however the Inspectorate would need to consider reputational risks in doing so.

Project update

The Inspectorate advised that it would be helpful at future meetings to have an update of negotiations with landowners and overview of Compulsory Acquisition powers likely to be sought in the Development Consent Order.

The Inspectorate queried if host authorities (North Lincolnshire Council and North East Lincolnshire Council) had responded

	<p>either formally or informally to the non-statutory consultation and whether there was any direct feedback on the consultation approach. The Applicant advised that neither North East Lincolnshire Council nor North Lincolnshire Council had responded formally. The Applicant advised that an Expert Topic Group meeting was held with host and neighbouring local authorities on 15 August 2024 at which the Applicant detailed the key themes of feedback received from non-statutory consultation activities. The Non-Statutory Consultation Report has been shared with host authorities, the Inspectorate and is available on the Applicant's project website.</p> <p>The Inspectorate advised the Applicant to draft and update the Consultation Report to include any additional measures that have been put in place to identify and engage hard to reach groups. It would also be useful to highlight if any consultation responses were received from persons under 18, for GDPR purposes.</p>
Next Meeting	Likely to be February 2025, to be arranged with the Applicant.
AOB	<p>The Inspectorate signposted the Applicant to review the new good design advice page launched on the 23 October 2024; Nationally Significant Infrastructure Projects: Advice on Good Design</p> <p>The Inspectorate advised that National Policy Statement EN-1 outlines the Critical National Priority infrastructure but also requires applicants to clearly demonstrate application of the mitigation hierarchy.</p> <p>The Inspectorate highlighted the volume of NSIPs in the Lincolnshire area and the impact on Local Authority capacity to engage in various stages of consultation. It advised to be mindful of other project consultation timings when developing its pre-application programme. The Applicant noted this and advised that a draft Planning Performance Agreement has been shared with North East Lincolnshire Council (NELC) to support the additional demands on NELC's resources.</p> <p>The Applicant advised it would seek to coordinate with land owners when requesting access for surveys where possible and aim to share information to avoid repeated requests for access.</p> <p>The Inspectorate advised that concerns had been raised by Local Planning Authorities (LPA) around archaeological sensitivities and scope of survey effort in relation to other NSIPs in the Lincolnshire area. The Applicant was advised to make effort to agree the scope of the survey effort with the LPAs during the pre-application stage.</p>

Topic	Review of programme document: 31 October 2024
Expert Topic Groups	It would be helpful to include timescales for when the Applicant considers these to be helpful/necessary.
Project Update Meetings with the Inspectorate	It would be helpful to include timescales for when the Applicant considers these to be helpful/necessary.
Statement of Community Consultation (SoCC)	It would be helpful if the programme for preparation of the SoCC, consultation on the SoCC and consideration of any feedback, is separated.
General	The Applicant should consider separating the draft document review from the targeted consultation in the programme timeline, so these do not run in parallel. The Inspectorate advises that draft document review should follow any targeted consultation, as the more complete the documents are when provided to us, the more thorough our advice can be. However this needs to be balanced against seeking advice on key elements sufficiently early to frame and shape project development.
Draft document review	This is currently listed in the Programme Document as “Q3 2026”. This will need to be refined to ensure Inspectorate resources are available to support the review. Six weeks should be allowed for the Inspectorate to review the documents and provide feedback. The Applicant should consider the best time to provide draft documents in line with the Inspectorate's published pre-application guidance and provide advanced notice to the Inspectorate of its intention. There should be sufficient time after PINS feedback for the Applicant to address comments before the submission of the application.