



## Meeting Note

<b>File reference</b>	<b>Biomass Fuelled Generating Station at Penrhos Works, Holyhead, Anglesey, Wales</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Oliver Blower</b>

<b>Meeting with</b>	<b>Jones Lang LaSalle on behalf of Anglesey Aluminium Metal Renewables Limited</b>
<b>Meeting date</b>	<b>25 April 2012</b>
<b>Attendees (Planning Inspectorate)</b>	<b>Ian Gambles</b> (Director National Infrastructure) <b>Susannah Guest</b> (Principal Case Manager) <b>Oliver Blower</b> (Case Officer)
<b>Attendees (non Planning Inspectorate)</b>	<b>Mike Hopkins</b> (Jones Lang LaSalle) <b>Julian Sandbach</b> (Jones Lang LaSalle)
<b>Location</b>	Temple Quay House, Bristol

<b>Meeting purpose</b>	Introductory Meeting
------------------------	----------------------

<b>Summary of key points discussed and advice given</b>	<p><b><i>The Planning Inspectorate openness policy, protocol for meeting notes and exchange of information</i></b></p> <p><b>The Planning Inspectorate</b> advised on its openness policy, that any advice given will be recorded and placed on the Planning Inspectorate's pages on the Planning Portal website under s.51 of the Planning Act 2008 ["the 2008 Act"] and also to note that any advice given under s.51 does not constitute legal advice upon which the Applicant (or others) can rely.</p> <p><b>The Planning Inspectorate</b> advised that the Applicant should seek independent legal advice on which they can rely.</p> <p><b><i>Project Overview</i></b></p> <p><b><i>The Existing Site</i></b></p> <p><b>Jones Lang LaSalle (JLL)</b> explained that the site consists of a disused 1,250,000 sq.ft. aluminium processing plant owned by Anglesey Aluminium Metal Renewables Limited (a joint venture between Rio Tinto and Kaiser). The facility, when operational, was fed from a deep water jetty via an underground conveyor belt.</p>
---	--

**JLL** stated the majority of the site will be decommissioned by September 2012.

### ***Section 36 Consent Under The Electricity Act 1989***

**JLL** received section 36 consent from the Secretary of State on the 16 September 2011 to construct and operate a 299MW biomass fuelled generating station on the site. A direction was also given under section 90(2) of the Town and Country Planning Act 1990 that planning permission for the Development be deemed to be granted.

**JLL** met with the Department of Energy and Climate Change (DECC) on 18 April 2012 to discuss making potential changes to the section 36 consent. DECC's response by letter dated 19 April stated that *"any changes to the existing deemed planning permission would need to be minor and within the scope of the existing deemed consent"* The letter also expressed the view that *"The Department's conclusion is that there is no scope for the Development in its proposed revised form to be lawfully constructed on the basis of the section 36 consent previously granted"*. DECC's letter went on to state that *"the only way for the revised plans to be consented would be after a fresh application for a Development Consent Order under the Planning Act 2008"*.

**JLL** explained that their preferred course of action would be to make changes to the existing section 36 consent. If it is not possible to make alterations to the existing section 36 consent as minor changes, advice is sought of the Planning Inspectorate on the development consent regime under the 2008 Act.

### ***The New Proposal***

**JLL** explained that the operator is considering an alternative technology to that specified in the consented scheme.

**JLL** suggested that through the use of the alternative technology, building heights for the biomass plant could be reduced in scale when compared to the consented scheme.

**JLL** confirmed that it is their intention that the proposed biomass facility re-use the existing jetty and conveyor tunnel (originally used for the delivery of coke and aluminium ore), to receive deliveries of virgin biomass fuel by ship.

### ***Planning Inspectorate Process***

**The Planning Inspectorate** advised that the Planning Act 2008 and the Electricity Act 1989 represent two different consenting

regimes which are distinct. The Planning Inspectorate confirmed it does not have the power to alter section 36 consents under the Electricity Act 1989.

**The Planning Inspectorate** informed the Applicant that a full suite of Advice Notes explaining the process are available on the Planning Inspectorate's website.

**JLL** asked for an overview of the development consent regime, including indicative time frames.

**The Planning Inspectorate** explained in brief the 6 stages of the development consent regime, including indicative and prescribed time periods:-

### ***1. Pre-application***

**The Planning Inspectorate** advised that the development consent regime is 'front loaded'. In broad terms; at the pre-application stage the public and statutory consultees are consulted under sections 47 and 42 of the 2008 Act respectively. It is also at the pre-application stage that scoping and/or screening requests are made.

**The Planning Inspectorate** advised that the pre-application stage has no maximum time limit. However, the Applicant should seek legal advice on minimum time periods as prescribed in the 2008 Act and that of other relevant legislation. The Applicant should seek advice on the order in which certain requirements under the 2008 Act must be conducted.

**The Planning Inspectorate** advised that the Development Consent Order (DCO) can be a large document which will take time to draft and this should be factored into the Applicant's project programme. There is limited scope to change the DCO after its submission.

**The Planning Inspectorate** confirmed that the DCO can be worded to allow a degree of flexibility, and referred to Advice Note 9 in regards to the Rochdale Envelope approach.

**The Planning Inspectorate** confirmed that it can comment on the draft DCO, but would ask that it is presented at least 6 weeks before the submission of the application.

### ***2. Acceptance***

**The Planning Inspectorate** advised that it has 28 calendar days beginning with the day after the day on which it receives the application, to decide whether or not to accept the application under section 55(2) of the 2008 Act. Examples of the '*section 55 checklist*', on which the reasoning behind the decision is

recorded, can be found on the Planning Inspectorate's pages on the Planning Portal website.

### ***3. Pre-examination***

**The Planning Inspectorate** advised that the pre-examination stage has no prescribed maximum period, but experience to date indicates it will last approximately 3 months. The pre-examination period allows time to publicise acceptance and allows time for parties to register an interest under s.56 of the 2008 Act.

### ***4. Examination***

**The Planning Inspectorate** advised that the examination can last no longer than a period of 6 months as prescribed in s.98(1) of the 2008 Act.

**The Planning Inspectorate** advised that the examination is primarily conducted through written representations, with a small number of hearings. How the hearings are conducted is at the discretion of the Examining authority, but they are normally inquisitorial rather than adversarial.

### ***5. Recommendation & Decision***

**The Planning Inspectorate** advised that the Examining authority has 3 months to make a recommendation to the Secretary of State under s.98(3) of the 2008 Act, and the Secretary of State has a further 3 months to make a decision under s.107(1) of the 2008 Act.

### ***6. Post Decision***

**The Planning Inspectorate** advised that there is a 6 week window for judicial review under s.118(2) of the 2008 Act.

### ***Environmental Information***

**JLL** enquired whether they could use information from their existing environmental information compiled for the s.36 consent.

**The Planning Inspectorate** advised that there was no reason in principle that some of the existing environmental information could not be used, so long as it complies with requirements and is updated if required. However, the Applicant should seek legal advice on which they can rely.

**The Planning Inspectorate** drew to the Applicant's attention '*Advice Note 7: Environmental Impact Assessment, Screening and Scoping*' and '*Advice Note 10: Habitats Regulations Assessment*'.

**The Planning Inspectorate** advised that they must adopt a scoping opinion within 42 days of receiving a scoping request under regulation 8(6) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

**The Planning Inspectorate** advised that the Environmental Assessment must be based on the worst case scenario.

**The Planning Inspectorate** drew to the Applicant's attention the National Policy Statement for Energy Infrastructure '*EN-3: Renewable Energy Infrastructure*' which sets out national policy in regards to biomass energy generating stations.

**JLL** enquired if it would be possible to organise a meeting with the Planning Inspectorate's EIA team. **The Planning Inspectorate** advised that a meeting could be organised at a later date.

**The Planning Inspectorate** advised that the Applicant will need to show that they have all necessary consents and licences, and that if compulsory powers are sought they must meet the relevant legislative tests.

### ***Information Requirements***

**The Planning Inspectorate** advised that it would welcome a minimum notice of ten working days for advance notification of a formal screening and/ or scoping request. This should be accompanied by a GIS shapefile to identify the land subject to the screening and/or scoping request. The Applicant was directed to Advice Note 7 for further details.

**The Planning Inspectorate** requested that the Applicant provide preliminary project information for its website as soon as possible. The Planning Inspectorate committed to send a template outlining the required information immediately following the meeting.

### ***Other Matters***

**JLL** asked if the Planning Inspectorate could attend a meeting between the Applicant and the Local Authority.

**The Planning Inspectorate** advised that it is happy to conduct tripartite meetings. Furthermore, if appropriate, the Planning Inspectorate may conduct outreach events in the local vicinity for the general public and other Local Authorities to explain the process of the development consent regime. The Planning Inspectorate confirmed that it will not discuss the merits of the

	case with any party.

<b>Specific decisions/ follow up required?</b>	<p><b>The Planning Inspectorate:</b></p> <ul style="list-style-type: none"> <li>• Will send the preliminary project information template to the Applicant (<i>confirmed, sent 25 April 2012</i>).</li> </ul> <p><b>The Applicant:</b></p> <ul style="list-style-type: none"> <li>• To provide the preliminary project information.</li> <li>• To provide the GIS shape file.</li> </ul>
--	---

<b>Circulation List</b>	Attendees
-------------------------	-----------