



Meeting note

Project name	Larkshall Mill Aggregate Manufacturing and Carbon Capture Facility
File reference	WS010006
Status	Final
Author	The Planning Inspectorate
Date	23 June 2022
Meeting with	David Jarvis Associates, OCO Technology Limited, SECNewgate
Venue	Microsoft Teams
Meeting objectives	Project Update Meeting
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 Inspectorate explained that the publication of the meeting note could be delayed up to six months, or until a formal scoping request had been submitted (if requested) by an Applicant for commercial reasons.

Project Update

The Applicant advised that its statutory consultation is due to commence on 4 July 2022 and will be carried out for a period of six weeks, closing on 12 August 2022. Following receipt of the Secretary of State's (SoS) Scoping Opinion in May 2022, the Applicant had been preparing its Preliminary Environmental Information Report (PEIR), which will be accompanying the statutory consultation.

The Applicant stated that its Statement of Community Consultation (SOCC) had been circulated to the relevant bodies; however, only Norfolk County Council (NCC) had provided comment. The Applicant has incorporated the comments of NCC as a result.

The Applicant described its consultation with adjacent landowners and occupiers regarding its Town and Country Planning Act (TCPA) planning application currently with Norfolk County Council for a carbon-negative aggregates facility at Larkshall Mill that could process 30,000 tonnes of Air Pollution Control residues (APCr). The Applicant confirmed it had received limited negative feedback. The Applicant commented that concerns from the Parish Council largely related to the proposed Development Consent Order (DCO) project, in respect of, 24/7 working and noise, traffic movements to the north, impact on Pingos.

The Applicant confirmed that the exhibition associated with its statutory consultation for the DCO will take place on 8 and 9 July 2022 and that the first half hour will include a pre-exhibition preview for local authority and parish councillors.

The Applicant confirmed that the responses to the TCPA application will be used to develop and inform the DCO application. The Inspectorate noted that this would be important to factor onto the Consultation Report for the DCO.

The Applicant confirmed that the TCPA application will go to committee on 23 September 2022. As noted above, the Applicant informed that it had provided a noise impact assessment in support of the TCPA application in May 2022 and consultation on this environmental information ends on 30 June 2022.

The Inspectorate queried whether it is the Applicant's intention that the TCPA application be superseded by the DCO application. The Applicant confirmed that although the TCPA application would deliver the majority of the infrastructure associated with the facility, the DCO application will include the infrastructure permitted by the TCPA application.

Programme Update

The Applicant stated that following the statutory consultation, which is due to end on 12 August 2022, it will commence drafting the Environmental Statement (ES) for the DCO application. The Applicant confirmed that it intends to submit draft documents prior to DCO application submission anticipated in Q4 2022. With regards to a review of the draft DCO, the Inspectorate commented that it would be helpful to flag specific parts of the DCO or any specific questions as part of the review. The Inspectorate advised that the Applicant should allow for a period of approximately six-eight weeks for the draft document review process.

Scoping queries

The Inspectorate advised it could not revisit or amend a Scoping Opinion but could provide further clarification should the Applicant have any specific queries. The Applicant provided an update on the impact assessments to be included in the ES and explained that the baseline information will include that provided with the TCPA application, together with some updates to the baseline should there have been any changes since this period. The Applicant anticipated that a decision would be forthcoming on the TCPA application around the end of July 2022. In the event that permission was granted, it anticipated being able to commence physical works at the site around October 2022. Thus, in such a scenario, construction works are likely to have commenced at the site prior to the submission of the DCO application, anticipated to be submitted c. late Q4 2022.

The Applicant stated the assessment of baseline scenarios for the proposed development sought through the DCO process was proving challenging due to the likely changing conditions at the site that would arise following grant of consent of the TCPA application. It also queried the need to provide a lux lighting plan in support the DCO application, given the likely start of construction at the site and that the proposed lighting scheme for the site would not change from existing. The Applicant sought the Inspectorate's views on the approach to baseline.

The Inspectorate advised that there are other NSIPs that have also been subject to a TCPA application and thus other Applicants are likely to have experienced the same/similar situations. The Inspectorate agreed to direct the Applicant to such projects on the National Infrastructure Programme of Projects.

The Applicant stated it had been surprised to see water resources identified in the Scoping Report as a matter to be included in the ES, on the basis that it did not envisage effects to groundwater or surface water receptors from the Proposed Development. The Inspectorate confirmed that the high sensitivity of the hydrogeological receptors in this area had been flagged as concern by the Environment Agency and recommended the Applicant seek to engage with the Environment Agency in this regard.

The Inspectorate enquired about the Applicant's Habitats Regulations Assessment (HRA), noting that a conclusion of no likely significant effects had been identified at the scoping stage. The Applicant confirmed its conclusion of no likely significant effects to European sites remained. The Inspectorate recommended the Applicant seek to agree the conclusion of its HRA with Natural England at the pre-application stage, where possible, and to provide evidence of any such agreements with Natural England within the Applicant's HRA report.

The Inspectorate queried when the Applicant intended to submit any Environmental Permits for the Proposed Development subject to the DCO application and flagged the advice contained in [Annex D to Advice Note 11](#) with regards to Environmental Permitting submission dates and also working with the Environment Agency. The Applicant advised that an Environmental Permit has already been submitted to the Environment Agency in December 2021, which also included for the DCO application level of development and confirmed it will form part of the information provided with the DCO application. The Applicant anticipated the Environmental Permit be issued prior to the Examination of the DCO application. However, it was aware that many statutory bodies are experiencing resourcing difficulties; therefore, decision timeframes have been extended.

AOB

The Inspectorate asked if the Applicant required compulsory acquisition or any rights over land. The Applicant confirmed that the DCO application did not need compulsory acquisition and all land is in the ownership of the Applicant. The Applicant identified the only rights over the land is a rights of way and this does not need alteration. The Inspectorate asked if the Applicant is to submit a Book of Reference and the Applicant agreed that it will be submitting a BoR with the DCO application.

The Applicant queried which SoS would be responsible for determining the DCO application. The Inspectorate agreed to confirm. The Applicant stated it would use SoS or 'relevant' SoS in its consultation material.

The Applicant and the Inspectorate agreed to schedule the next project update meeting for September following the Statutory consultation and in advance of draft document submission.

Post-meeting note regarding baseline and lighting plan query:

- Examples of other NSIPs that have also been subject to TCPA applications include: [South Humber Bank Energy Centre](#); [Wheelabrator Kemsley Generating Station \(K3\) and Wheelabrator Kemsley North \(WKN\) Waste to Energy Facility](#); and [Slough Multifuel Extension Project](#). The Inspectorate advises that it is for Applicants to determine how to carry out their assessments and that reasonable justification for their approach should be clearly set out within the ES but would advise the Applicant to take into account the timing of the TCPA application and the degree to which construction and/or operation has commenced at the point of the DCO application. This is likely to determine the existing baseline and any consideration of a future baseline(s) scenario.
- With regards to the lighting plan, as noted in paragraph 1.0.4 of the Scoping Opinion, the issuing of the Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.