

Meeting Note

Status	FINAL
Author	Robert Ranger

Project Name	Brig Y Cwm Energy From Waste Generating Station
Project Reference	EN010004

Meeting with	Covanta Brig y Cwm Ltd
Meeting date	9 May 2011
Attendees (IPC)	Mark Wilson (Case Leader) Owain George (Case Officer) Rob Ranger (Case Officer) Lynne Franklin (Lawyer)
Attendees (non IPC)	Julian Boswall (Legal – Burges Salmon LLP) Anne Dugdale (Planning Manager – Covanta Energy) Liz Dunn (Legal – Burges Salmon LLP) Richard Horton (Project Manager – Covanta Energy) Peter Ireland (RPS – EIA Project Manager)
Location	IPC Offices, Temple Quay House

Meeting purpose	Meeting between Covanta Brig Y Cwm Ltd (CE), and their professional team, and the IPC case team to discuss related planning applications and their implications for the Environmental Statement (ES), and refinements to the construction/engineering approach to the proposal.
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Summary of outcomes	<p>IPC advised on its openness policy, that any advice given will be recorded and placed on the IPC's website under s.51 of the Planning Act 2008 (the Act) and also to note that any advice given under s.51 does not constitute legal advice upon which applicants (or others) can rely.</p> <p>CE seeking to update IPC on progress with the other applications related to the EfW proposal, including the heat pipe, grid connection and laydown areas, and the link between the environmental information being produced to support those applications and the ES submitted in support of the DCO.</p> <p>CE applications to other decision-making bodies (generally Merthyr County Borough Council) will include:</p>
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	<ul style="list-style-type: none"> • The heat pipe to Goat Mill Road industrial area, including laydown areas for construction, • Off-site development relating to the proposed EfW facility, including parking and additional construction laydown areas. <p>Neither of the above is considered to be EIA development in itself; however, in light of the association of the projects with the larger EfW project each application will be accompanied by an ES.</p> <p>There have also been two new potential connection options identified by Western Power Distribution;</p> <ul style="list-style-type: none"> • An underground solution connecting to Rassau substation. • An underground solution connection to Merthyr East substation. <p>.</p> <p>Further, the ES submitted to support the DCO application will be updated to consider the cumulative impacts of each of these projects. CE do not anticipate that this will result in suspension of the examination.</p> <p>CE intend to send copies of the update to the DCO ES to the prescribed list of consultees set out at other points in the regulations, and act similarly with regard to advertisements and notices to allow public comment, and suggest that any responses received are forwarded to the ExA.</p> <p>IPC notes the distinction between this approach and the approach to be applied where the ExA requests additional environmental information under regulation 17 of the EIA Regulations.</p> <p>CE There is no provision in existing regulations, guidance or practice for providing additional ES material in this way after the submission of an application under the 2008 regime. The approach proposed has been arrived at by considering the approach adopted in other regimes and following the spirit of the regulations and guidance.</p> <p>IPC will consider the approach proposed by CE and will give guidance/advice if they feel it appropriate. CE is invited to expand upon the reasoning for their proposed approach in correspondence.</p> <p>CE Pre-construction discussions with contractors and</p>
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	<p>other stakeholders have generated suggested amendments to the proposed scheme, which CE feels would be minor and the benefits would outweigh any harm.</p> <p>The amendments involve retaining over 400,000 tonnes of spoil on the site rather than disposing of it to landfill via the road network. This will have the effects of reducing traffic movements during construction and the amount of off-site waste disposal to landfill, and increasing the base AOD level of the site and EfW facility by up to 3 metres. The absolute height of the stack will not be affected.</p> <p>It is expected that the ES supporting the DCO will require only minor amendments to figures and photomontages, and amendments to recognise reduced impacts. New plans will be required to illustrate the amended proposal.</p> <p>IPC The merits or otherwise of any proposed amendment are not something the IPC can give advice on. The IPC considers that the 2008 process was designed to include considerable pre-submission consultation, and to minimise changes to a proposal subsequent to submission.</p> <p>CE understand that the 2008 process does not encourage amendments to proposals after submission, and that large changes would amount a new proposal requiring its own application; but consider that pragmatism requires and case law allows that there be scope for small changes. CE is entirely confident that the changes are minimal. They will set out their reasoning in correspondence.</p> <p>IPC Agrees in principle that non material changes can be made. It is not clear how extensive an amendment has to be before it amounts to a material change. This will be a matter for the ExA. The IPC will respond to CE's correspondence confirming its intentions regarding the proposed amendment and the updated ES material regarding offsite matters when it has been received and considered.</p> <p>CE Notes that copies of Relevant Representations have been published on the IPC website. CE's analysis of these representations would benefit from an electronic copy of the representations in a format that is able to be manipulated; for example, a spreadsheet or database. Does the IPC have such a copy?</p> <p>IPC The database exists, but includes personally identifiable information such as addresses and telephone numbers that the IPC cannot publish. All the information that can be released is already on the IPC website.</p>
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	<p>CE Will any timetable for the examination be extended to accommodate that time taken to process correspondence and representations, if a similarly large number of representations are received at later stages?</p> <p>IPC In general terms, Commissioners have a dialogue with the Secretariat on timescales and resource, and will take likely administrative processing time into account when designing examination timetables. Any requests for extensions or alterations to the timetable for this examination would have to be made to the examining authority at the appropriate time.</p> <p>CE What form of recording will be needed for the preliminary meeting?</p> <p>IPC Video recording will be needed, so that speakers can be identified.</p> <p>IPC Two officers have been identified to support the examination administratively; they are Eleri Davies, who will be the Examination Manager, and Amy Cooper, who will be the Examination Officer.</p> <p>CE Are all relevant representations received now on the website?</p> <p>IPC Yes. There is an ongoing process of cleaning and correcting them as a result of contact from the person who made the representation, for example, correcting the spelling of a handwritten name or the like.</p> <p>The IPC will also be inviting other persons to the preliminary meeting, where we are aware that they have a desire to participate but have not made a relevant representation. This group is largely made up of those who submitted forms that were incomplete.</p> <p>IPC CE has duties under rule 13 of the Examination Rules, with respect to site notices and publicity for hearings. There is no obligation to post site notices with regard to the preliminary meeting.</p> <p>CE Is aware of those duties.</p> <p>CE will be appointing counsel to represent them at the preliminary meeting, and understand that Merthyr CBC may be doing likewise.</p> <p>IPC parties to an examination may appoint such professional representation as they feel appropriate, but there is no obligation to do so.</p>
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Specific decisions/follow up required?	CE to send IPC correspondence by Friday 13 May on: <ul style="list-style-type: none"> • Their proposed approach to amending the DCO application ES • Their proposed approach to amending the plans of the EfW plant.
Circulation List	Attendees