

## Meeting Note

<b>File reference</b>	<b>EN010044 – Roosecote (Barrow) Biomass Power Station</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Mike Harris</b>

<b>Meeting with</b>	<b>Centrica/RPS and Cumbrian Local Authorities</b>
<b>Meeting date</b>	<b>15<sup>th</sup> March 2012</b>
<b>Attendees (IPC)</b>	<b>Robert Upton</b> (Pre-application Commissioner) <b>Chris White</b> (Case Manager) <b>Mike Harris</b> (Case Manager)
<b>Attendees (non IPC)</b>	<b>Tony Jarvis</b> (Centrica) <b>Christopher LeCointe</b> (RPS) <b>Graham Hale</b> (Cumbria County Council) <b>Karen Johnson</b> (Cumbria County Council) <b>Mark Goodwill</b> (Cumbria County Council) <b>Eleanor Huddleston</b> (South Lakeland District Council) <b>Kate Lawson</b> (South Lakeland District Council) <b>Chris Hardman</b> (Carlisle City Council) <b>Jason Hipkiss</b> (Barrow Borough Council)
<b>Location</b>	Town Council Chamber, Kendal Town Hall, Kendal, LA9 4DL

<b>Meeting purpose</b>	IPC briefing on Planning Act 2008 consent regime and Centrica/RPS to provide an update on pre-application work for Biomass Power Station project at Roosecote.
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<b>Summary of key points discussed and advice given</b>	<p>The IPC opened the meeting and confirmed that the purpose of the meeting was to provide advice on the Planning Act 2008 consent regime and associated processes. It was noted that the IPC do not give advice on the merits of any aspect of an application and that any advice given is recorded on a published register of advice. It was also confirmed that legal advice is not given and that parties should seek their own legal advice where required.</p> <p><b>Project Update</b>  <b>RPS</b> on behalf of Centrica provided an update on their pre-application work including a description of the current design iteration of the project, consultation exercises and likely future work programme. It is currently envisaged that an application will be made to the IPC/The Planning Inspectorate in May 2012.</p> <p>Towards the end of the update, concern was expressed by <b>Cumbria County Council</b> that some local residents at Rampside and Local Members had not been fully engaged with during the formal consultation exercise. In particular residents of</p>
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Rampside had reported that they had not received any notification of the consultation meetings and indeed were not aware of the proposed development. It was suggested by **Cumbria County Council** that the residents of Rampside could be easily reached through an existing network. **Cumbria County Council** pointed out that there had not been any formal engagement of its Members by Centrica/RPS on the proposed development. **Centrica** and **RPS** expressed surprise at this feedback and confirmed that some residents from Rampside had appeared at their most recent exhibition. Nevertheless **RPS** confirmed that further discussions should be held with the County after the meeting to verify the facts and address any inadequacies in the consultation process as appropriate.

***IPC Presentation and advice***

The **IPC** gave a presentation on the Planning Act 2008 and associated processes (see attached). Following the presentation the following queries were raised and advice given.

The process for the discharge of requirements was queried. The **IPC** confirmed that the bodies discharging specific requirements would be set out in the Development Consent Order and that in general it is envisaged that this will be the body with specific knowledge of the relevant matter. It was confirmed that there is no fee payable to the body discharging a requirement and that Local Authorities may wish to consider how section 106 agreements may assist.

**South Lakeland District Council** questioned how potential changes to the scheme during the pre-application process up to the point of submission would be identified. The **IPC** confirmed that the Consultation Report submitted with the application (as required by section 37(3)(c) of the Planning Act 2008) would be expected to show how consultation activities have shaped the project; specifically, how comments from statutory bodies and the public have been considered.

In response to a request from **Cumbria County Council**, **Centrica/RPS** confirmed that all consultation responses submitted to date could be made available to local authorities on request.

The **IPC** questioned how the applicant is addressing the need for an Environmental Permit from the Environment Agency (EA). It was confirmed by **Centrica/RPS** that work is ongoing to ensure that an application to the EA is made in a timely manner so as to enable the Examining Authority appointed to consider an application accepted for examination to have confidence that an Environmental Permit would be likely to be issued.

Discussion centred on the timescales available for relevant Local Authorities to respond to the application for the Development

Consent Order. **Cumbria County Council** expressed particular concern that due to its' limited resources available and its' Constitution, it would be difficult for it to respond to any consultation by Centrica/RPS and the IPC in the timescales set out in the legislation.

It was pointed out to illustrate the point that a particular problem had arisen over Centrica's SoCC 28-day consultation over the Christmas holidays, and the adequacy of the level of engagement with the relevant Authorities, which in this case required an extension to be agreed between the parties.

**RPS** clarified that it was not within their gift to alter the timescales set out in the Planning Act but in this case had agreed to have regard to comments if they were received shortly after the relevant deadline on the SoCC consultation.

**Cumbria County Council** requested that this kind of problem must not be repeated in future consultations, and any pre-consultation discussions should take place between the relevant parties to mutually agreed deadlines, taking account of limited Local Authority resource implications and the long lead in times necessary in the case of Cumbria County Council to obtain Member endorsement of their responses to the proposed development through their Cabinet and Development Control & Regulation Committee. These concerns over the short timescales and limited resources were endorsed by **Barrow Borough Council**.

Following discussions about the potential timetable, should an application be submitted and accepted for examination, **Centrica/RPS** agreed to discuss with the local authorities their anticipated programme in order to assist the Local Authorities' resource planning.

It was confirmed by **Centrica/RPS** that there may be a need for Compulsory Acquisition and that discussions with land owners is ongoing.

The **IPC** confirmed that there is potential for Local Authorities to submit joint Local Impact Reports but that it is for them to determine the appropriateness of this based on the impacts as they are viewed for their area.

The **IPC** provided copies of advice and guidance notes and confirmed that further advice notes are available online (<http://infrastructure.independent.gov.uk/legislation-and-advice/>) and that the published section 51 Register of Advice (where the advice is not project specific) is also searchable (<http://infrastructure.independent.gov.uk/legislation-and-advice/register-of-advice-2/>). Please note that these links will change following the abolition of the IPC on 1<sup>st</sup> April 2012 when

	the functions will transfer to The Planning Inspectorate, although an automatic redirect will be in place.
<b>Specific decisions/ follow up required?</b>	Local Authorities to consider whether it would be beneficial for the IPC to provide a similar briefing to elected Members.
<b>Circulation List</b>	Attendees