

Meeting Note

File reference	Fieldes Lock – Rail linked power station
Status	Final
Author	Oliver Blower

Meeting with	Veolia Environmental Services, URS, Pinsent Masons
Meeting date	Friday 20 January 2012
Attendees (IPC)	Robert Upton (Pre-application Commissioner) Jessica Potter (Principal Case Manager) Chris White (Case Manager) Alison Down (EIA and Land Rights Advisor) Tim Hallam (IPC Lawyer) Robert Hanson (IPC Lawyer) Oliver Blower (Case Officer)
Attendees (non IPC)	Tim Leinster (Veolia Environmental Services) Andy Milsted (Veolia Environmental Services) Andrew Wooddisse (URS) Steve Pearce (URS) Richard Ford (Pinsent Masons)
Location	IPC Offices, Temple Quay House, Bristol

Meeting purpose	Follow-up meeting with the developer to discuss: matters arising from introductory meeting; consultation programme; DCO application scope; preliminary environmental information; and DCO submission documents.
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Summary of key points discussed and advice given	<p>IPC openness policy: protocol for meeting notes and exchange of information:</p> <p>The 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 (PA2008) and also that any advice given under s.51 does not constitute legal advice upon which applicants (or others) can rely.</p> <p>Matters arising from meeting no. 1 (introductory meeting): No further comments which were not covered by the agenda.</p> <p>Phase 1 consultation (update): The Developer confirmed that phase 1 consultation took place from November 2011 to December 2011. As part of the s47 consultation, leaflets were issued to properties in the vicinity, encompassing the majority of Hoddesdon and the periphery of Harlow. Six information events were held and the applicant</p>
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	<p>noted that they were attended by 233 people.</p> <p>Main concerns raised during the consultation were: potential adverse health effects; increased heavy vehicle movements; and visual impact (centring on the proposed coloured box section on the generating station roof).</p> <p>The Developer noted that the first information event was poorly attended due to the relatively late delivery of promotional leaflets and that this would be taken into consideration for phase 2. The IPC noted that the information events were mostly held during the day. The Developer explained that two events ran until 8pm and one until 9pm; however these meetings were poorly attended in the evening.</p> <p>The IPC asked about the level of contact with Local Authorities (LA). The Developer confirmed that they had been in contact with Hertfordshire County and Broxbourne District councils and had attended a meeting with Broxbourne planning committee the previous week. The Local Health Authority had requested a health impact assessment (HIA) and the developer stated that one had been commissioned.</p> <p>The IPC noted that the developer should remain aware of s45 and the 28 day period. The Developer responded that this will be built into phase 2 consultation.</p> <p>The IPC asked whether a flood risk assessment (FRA) was being produced. The Developer confirmed that they are in discussion with the Environment Agency (EA) and that a FRA is almost complete; modelling shows only a very small part of the development is in the floodplain. The Developer also noted that flood risk has not been raised as an issue during consultation.</p> <p>Programme:</p> <p>The Developer explained their intention to conduct s42 and s47 consultation in parallel from March to April 2012, with s48 publicity being conducted at the same time. They intend to submit draft documents (including draft DCO, explanatory memorandum etc) to the IPC circa 18 May with the final formal application submission intended for the end of June 2012.</p> <p>The IPC noted that the submission of draft documents is close to the expected submission date and that submitting draft documents earlier would be beneficial to allow sufficient time for the IPC to comment. The Developer responded that they will consider sending individual draft documents as and when they are completed, rather than wait to send a complete set of drafts.</p> <p>The IPC asked whether compulsory acquisition will be involved. The Developer responded that some compulsory acquisition may be involved but they are working towards negotiations with</p>
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land owners at present. With regard to special category land the **Developer** noted that the development may potentially involve small parcels of special category land, however the applicant will try to avoid such land wherever possible.

The **Developer** noted that they intend to submit a draft Environmental Statement (ES). The **IPC** informed the applicant that although it would be helpful for the IPC to see the draft ES the IPC will not be able to comment on it. The **IPC** referred to its openness policy which can be viewed in its entirety on the IPC website. The IPC elaborated that draft documents are not published as they are by their very nature incomplete. However, the IPC will publish their comments on any draft documents.

The **Developer** informed the IPC that a draft Habitats Regulations report will be made available and that impacts on any EU sites within a 10 kilometre radius will be assessed.

The **Developer** informed the IPC that the Environmental Permitting (EP) process will run in parallel but the EP application is likely to be submitted approximately three-four weeks after the DCO submission. The **IPC** informed the developer that it would be advantageous if the environmental permit application was submitted before the DCO application so that it could feed into the DCO provisions and if accepted into the examination of the application. If it was not possible to submit the application before the DCO submission, a letter from the Environment Agency explaining their preliminary position could be helpful so as to help clarify their position to the Examining authority should the application be accepted for examination.

The **Developer** asked which authority discharges and enforces DCO requirements and enforces other DCO provisions. The **IPC** informed the developer that the Local Planning Authority (LPA) enforces the requirements and other DCO provisions. For information on the discharge of requirements, the developer was referred in the first instance to the model provisions although in practice it was likely that it would be the relevant LPA that would be discharging requirements. The **IPC** noted that a planning performance agreement could be concluded with a LA, for example in relation to the negotiation of any s.106 (s.174) agreement. The **Developer** will discuss the matter with the relevant LA(s).

DCO application scope (description of development and application site boundary):

The **Developer** explained that there have been some changes to the 'red line' boundary and that the 'red line' around the substation will be tightened once details have been finalised. The **Developer** has now incorporated a combined heat and power (CHP) line to connect to the local commercial greenhouse industry and other potential heat users. It is intended that the

CHP corridor will primarily run along the existing highways.

The **IPC** enquired whether the CHP route extended into the areas of other local authorities. If the site boundary had changed since the draft Statement of Community Consultation (SoCC) had been consulted on, the developers should satisfy themselves that they have met the requirements of s47 of PA2008. The **Developer** confirmed that it extended into Essex, and that all authorities have been consulted.

The **IPC** asked whether agreements had been concluded with the greenhouse operators. The **Developer** confirmed that they are in discussion with the greenhouse operators regarding draft heads of term. Contracts with the greenhouse operators are unlikely to be signed until the project is operational.

The **Developer** noted that the CHP route was not included as part of the scoping report submitted to the IPC, but that as it follows the highway they considered that this was unlikely to be an issue. The developer asked the IPC whether it would be necessary to re-scope. The **IPC** informed the developer that requesting a scoping opinion was not mandatory and whether to seek a further one was a matter for them. However, if the proposed project substantially changed then it may be advisable to seek a further scoping opinion from the IPC. The **Developer** confirmed it was unlikely to be considered necessary to re-scope.

The **Developer** confirmed that CHP was mentioned during phase 1 consultation and more detail on this including the proposed route will be provided in phase 2.

Preliminary environmental information (PEI):

The **Developer** confirmed that they intend to consult on a full PEI report. The majority of information that will be included in the ES will be incorporated into the PEI; however some assessments for example those which are season-dependent may be incorporated into the ES after the PEI has been issued for consultation.

The **Developer** asked whether paper copies of the PEI would need to be provided when consulting on the PEI. The **IPC** said that whilst this was not expressly required under the PA2008 and the EIA Regulations 2009 the IPC considered that paper copies would be required since not all local people will have access to the internet.

The **Developer** enquired whether the IPC would be conducting outreach events. The **IPC** explained that they are developing a view on the need for any outreach events in relation to this project, but if such an event was required it was likely to take place before commencement of the phase 2 consultation.

The **IPC** enquired whether consultees have commented on the link between the London waste contract and the viability of the development. The **Developer** explained that should the London waste contract fall through they would be likely to seek other waste streams and there was a good prospect of that given overall need for this type of development, but the primary transportation method would remain rail with only about 10% of the waste likely to be delivered by road.

s42 phase 2 consultation materials:

The **Developer** explained that the consultation materials will consist of covering letters and draft documents. The **IPC** said that the developer should look carefully at s42(d) and s44 of the PA2008, as land ownerships etc. along the CHP route corridor would not have been dealt with in phase 1. The **Developer** said that their land referencing exercise for the CHP route corridor had now been completed and it was likely that there would be some additional landowners who would have to be consulted in phase 2.

s47 phase 2 consultation materials and methodology:

The **Developer** explained that phase 2 consultation materials will be similar to phase 1 material. More time will be allowed for the delivery of consultation leaflets. The developer's project website will also be updated. The **IPC** requested that the developer inform the **IPC** when leaflets are sent out.

The **Developer** noted that changes to the development for phase 2 consultation may include changes to the roof colour and that a balancing pond was no longer needed and would be replaced by a gas sub-station. They confirmed that they have been in discussion with CAGE regarding the design, and that CAGE were to date generally supportive although they had not yet visited the site. The **IPC** advised that the developer ensures that they adhere to the SoCC.

DCO submission documents:

The **Developer** has produced a schedule of intended submission documents which allows for a 2 to 3 week review period prior to formal application submission. The **IPC** will be kept informed of programme changes. The **IPC** confirmed the earlier that draft application documents (particularly the draft DCO) could be submitted the better.

The **IPC** asked the developer to note that all consultation responses can be required by the acceptance commissioner at the acceptance stage and that the **IPC** is also likely to request letters seeking consultation responses.

The **Developer** enquired as to what the **IPC** would be able to comment on at this stage. The **IPC** explained that it can comment on drafting issues and compliance with the PA2008

	<p>process, but cannot discuss merits. The Developer should familiarise themselves with the s55 checklist which is available on the IPC's website.</p> <p>The IPC confirmed that the changes to the PA2008 via the Localism Act will now mean that from April 2012 the Secretary of State will make the decision in all cases, but that the process has otherwise not changed substantially.</p> <p>The Developer informed the IPC that they would be seeking an appropriate degree of flexibility in relation to certain elements of the proposed development and relying on the Rochdale envelope approach in justifying these – for example, matters concerning the CHP connection, some elements of National Grid connections, and the stack height. This proposed approach would be reflected in the PEI and ES.</p> <p>Discussions with Network Rail: The Developer said that, via the relevant train operating company, agreement had in principle been reached with Network Rail regarding rail movements to and from the site. These will be limited to running at off-peak times.</p> <p>Date of next meeting: The IPC suggested that the next meeting should take place after the submission of the draft DCO and other draft application documents but they remained open to holding a meeting sooner if requested by the Developer.</p>
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Specific decisions/ follow up required?	n/a
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Circulation List	Attendees