



Meeting Note

File reference	EN070003
Status	Final
Author	Jack Wride

Meeting with	Applicant
Meeting date	04 December 2012
Attendees (Planning Inspectorate)	Tracey Williams (Case Manager) Oliver Blower (Case Officer) Jack Wride (Case Officer) Emma Fitzpatrick (Assistant Case Officer) Hannah Pratt (EIA Advisor) Hannah Nelson (EIA Advisor)
Attendees (non Planning Inspectorate)	Graham Wayte (TMPL - Thorpe Marsh Power Limited) Sarah Mee (TMPL - Thorpe Marsh Power Limited) Matt Royall (ENVIRON UK Limited) James Magor (ENVIRON UK Limited)
Location	Planning Inspectorate, Temple Quay House, Bristol

Meeting purpose	Introduction to the scheme and the Planning Act 2008 process
-----------------	--

Summary of key points discussed and advice given	Introductions The Planning Inspectorate advised that under its openness policy a meeting note would be published of the proceedings, including any advice given under s51 of the Planning Act 2008 (PA 2008). It was also noted that any such advice did not constitute legal advice on which the applicant (or others) can rely. Project Overview <i>(i) The adjacent Thorpe Marsh Power Station site</i> Thorpe Marsh Power Limited (TMPL) stated that the existing decommissioned coal powered generating station site at Thorpe Marsh (near Barnby Dun) is undergoing re-development as a combined cycle gas turbine (CCGT) generating station with a maximum capacity of up to 1500MW. Consent for the CCGT generating station was granted under s36 of the Electricity Act on 31 October 2011 and TMPL stated that all other licences had been obtained. The start of site works is anticipated to commence in May 2014. The generating station is envisaged to commence operation in April 2017.
--	--

The former coal-fired generating station is currently being cleared by its owners Able UK and the redundant cooling towers were demolished in 2012.

(ii) Thorpe Marsh Gas Pipeline

TMPL stated the proposal is for a gas pipeline to supply the consented CCGT generating station. The proposed scheme has three main elements:

- an off-take connection to the Gas National Transmission System (NTS);
- an above ground installation (AGI), adjacent to the National Grid off-take containing 'piggings' facilities;
- a cross-country pipeline approximately 18km in length between the proposed off-take facilities 1.5km west of Camblesforth and the Thorpe Marsh Power Station.

Current Project Status

TMPL stated that in 2009 Penspen (on behalf of the applicant) undertook a feasibility study of two potential routes to connect the proposed generating station to the NTS.

TMPL went on to say that further work was carried out assessing both routes with Environ reviewing the potential environmental constraints, in particular ecological issues via an Extended Phase 1 Habitat Survey and Breeding Bird Survey in July 2012.

Based on this information **TMPL** chose the 'Route 1' option, as described in the project background section above, as it was **TMPL**'s view that technically and commercially the difference between the two routes was negligible but Route 1 involved fewer environmental constraints. Further details on both routes can be found in the Scoping Report on the Planning Inspectorate website - Thorpe Marsh Gas Pipeline project page.

TMPL envisages the pipeline requiring a working corridor width of approximately 30m, narrowing to approximately 14m in places. **TMPL** proposed that, for the Environmental Impact Assessment (EIA) and draft Development Consent Order (DCO), a maximum gas pipeline corridor width of 400m will be used as the 'Proposed Route Corridor'.

TMPL commented that the evolving design process would likely reduce the 400m corridor width in certain areas. It was also confirmed that the Environmental Statement (ES) would relate to the finalised 'red line' route corridor.

The **Planning Inspectorate** noted that a loosely defined

corridor was appropriate at the scoping stage if the standard worst case scenario approach was followed in assessing potential impacts. However, it would be an unusually wide limit of deviation for a potential route corridor for an NSIP application, where there is limited scope for amendments once an application has been submitted.

The **Planning Inspectorate** advised that the Examining authority will look carefully at all aspects of the proposed works during the examination of any application and that there may be benefit in looking at how other comparable schemes have handled areas such as linear elements within their DCO.

Scoping Responses

TMPL stated that their Scoping Report was submitted to the Planning Inspectorate in October.

The **Planning Inspectorate** confirmed that the Scoping Opinion was expected to be published within the 42 day statutory timescale. It would also be supplied directly to TMPL via email [*the Scoping Opinion has since been published*]. Late responses received by the Planning Inspectorate for the scoping consultation would be forwarded to TMPL without comment.

TMPL acknowledged that the ES will take into account the cumulative impact with the new power station. The Power Station's ES identified impacts in areas such as skyline changes, on-site historic coal contamination and traffic generation, in particular during the construction phase.

The **Planning Inspectorate** informed TMPL that the Scoping Opinion does not get updated on an ongoing basis. If an applicant wishes to obtain a revised opinion, a new formal scoping request must be submitted to the Planning Inspectorate, which would be subject to the same statutory requirements and timetable as the initial request.

The **Planning Inspectorate** advised that best practice is for information received after receipt of a Scoping Opinion to be considered within the ongoing EIA process and to inform the application's ES. Where this information is used as part of the ES evidence base, it should be included and clearly referenced within the document

Without prejudice to the forthcoming Scoping Opinion the **Planning Inspectorate** noted that in general, where areas had not been scoped out as suggested by the developer, it should not automatically be viewed as an in principle objection.

The **Planning Inspectorate's** Scoping Opinion is based solely on the supplied information and it may be that further justification and/or evidence (such as a response from a

relevant prescribed nature body) is required in the ES to address these areas. Such issues would be highlighted in the Scoping Opinion itself.

Other EIA Issues / Consents

TMPL provided a brief overview of the ecological, geological, landscape, traffic, socio-economic, archaeology, flood risk (and wider water quality issues), heritage and agricultural areas that would form part of the ES. **TMPL** stated that no constraints had thus far been identified that would preclude development along the potential route.

The **Planning Inspectorate** advised on the importance of considering the cumulative impacts of the proposal with other schemes, such as the proposed generating station and its construction. Also that the Flood Risk Assessment should form part of the ES document suite. No comments were made on specific issues, which would be covered by the Scoping Opinion.

The **Planning Inspectorate** stated that other licences, such as wildlife consents, do not have to be submitted as part of the application. However, the Examining authority would likely have questions on this matter during an examination. Therefore, obtaining letters of comfort from the relevant organisations regarding progress towards a licence is advisable.

Consultation

TMPL reported that fairly extensive dialogue had been opened with Natural England to help frame their Scoping Report and initial preliminary work on the application. Some initial contact with the 'host' local authorities (identified as 'B' Local Authorities under the Planning Act 2008) had also occurred.

TMPL said that other consultation bodies had yet to be consulted outside of the scoping to avoid unnecessary confusion between the two inter-linked processes.

The **Planning Inspectorate** stated that the NSIP planning regime is a front loaded process with limited scope for making amendments once an application has been submitted. The three strands of formal consultation that are required under the PA 2008 are s42 of the Planning Act (Duty to consult), s47 (Duty to consult local community) and s48 (duty to publicise).

The **Planning Inspectorate** advised that engagement with statutory consultees and other relevant bodies should commence at the earliest possible opportunity.

The **Planning Inspectorate** also advised that all evidence

that the applicant receives before the formal consultation should be retained and incorporated where relevant.

Advice Note Eleven: Working with public bodies in the infrastructure planning process was put forward as a useful resource in this regard (including its associated appendices) as well as the 2008 PA (as amended) itself. These documents can be found on the Planning Inspectorate website.

The **Planning Inspectorate** confirmed that the EIA 'Reg 9' list of statutory consultees that were consulted as part of the scoping process will be provided as part of the Scoping Opinion (Regulation 9 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009).

The **Planning Inspectorate** advised that the TMPL take a precautionary approach when undertaking consultation, to ensure that all those required to be consulted are consulted.

The **Planning Inspectorate** stated that a key part of pre-application consultation is that under s49 of the 2008 PA an applicant must have regard to relevant responses and therefore there is a need to adequately detail consultation responses in the Consultation Report.

The **Planning Inspectorate** suggested looking at other projects (i.e. their s55 acceptance checklists) to see possible consultation pitfalls. One such area is the need to identify Preliminary Environment Information (PEI) in the Statement of Community Consultation (SoCC), which forms part of the s47 consultation strand.

The **Planning Inspectorate** noted that the timing of s46 notification and s42 notification is important, the applicant must notify the Secretary of State (via the Planning Inspectorate) at the same time or before s42 consultation commences.

TMPL reported good progress in identifying land owners on the potential route (approximately 70 owners) and resolving access issues.

The 2008 Planning Act Process

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

- **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. • 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 to 4 months. The pre-examination period allows time to publicise acceptance and allows time for parties to register as an interested party under s.56 of the 2008 Act. • 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 possible hearings. How the hearings are conducted is at the discretion of the Examining authority, but they are normally inquisitorial rather than adversarial. • 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. • Post Decision - The Planning Inspectorate advised that there is a 6 week window for judicial review under s.118(2) of the 2008 Act. The Planning Inspectorate confirmed that all but the pre-examination stage timescales were the maximum permissible, and that not all applications will require the maximum permitted time at each stage. <i>Advice Note 8.1: How the Process Works</i> may provide an additional useful overview of the process. The Planning Inspectorate confirmed that representations received by the relevant deadlines would normally be accepted unless they were vexatious or frivolous (s87 of PA 2008). The Examining authority has discretion to accept representation submitted past the relevant deadline. The Next Steps The Planning Inspectorate did not offer specific advice regarding project team composition, this being an issue for TMPL to determine, but highlighted that most NSIP applications benefited from a central project manager (often a planner) to oversee compilation of application documents and manage the various work stream pressures of examination. In addition to the consultation advice already given, the
--	--

	Planning Inspectorate suggested looking at the role that Statements of Common Ground can have in mapping out areas of agreement / disagreement. These can be explored prior to their formal request within the examination timetable. The Planning Inspectorate concluded by advising that where possible it was available to comment on procedural issues relating initially to the SoCC and then later the draft DCO and application documents (excluding the ES) if they were supplied more than six weeks in advance of the anticipated application submission date.
--	--

Specific decisions / follow up required?	Scoping opinion to follow shortly via email and online publication [<i>the Scoping Opinion has since been published</i>].
---	---

Circulation List	All attendees