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Mr. Brian Saunders

Your Ref:

Our Ref: EN010015

By e mail

Date: 19 November 2012

Proposed development: Atlantic Array Wind Farm Ref: EN010015

Dear Mr. Saunders,

Thank you for your email of 15th November 2012.

This is in reply to your questions regarding this proposed development, which you originally sent to the Welsh Government.

Please be aware that the Planning Inspectorate is responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs) under the 2008 Planning Act (as amended) under which the Atlantic Array Project is expected to be submitted in Spring 2013.

Details of the application process, responsibilities within it and the associated statutory framework can be found on our website and in our advice notes. The 8.1 - 8.5 series of introductory notes may be of particular interest for those seeking an overview of the process. A link to the relevant section of our website is provided below:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

You asked if the developer was required to “have completed an Appropriate EIA” before submitting an application.

There is no requirement on the developer to have completed an EIA prior to submission. Applicants can ask the Planning Inspectorate for a “Scoping Opinion” to establish what they need to cover in their Environmental Statement to accompany their application. You can find further information on screening and scoping in our Advice Note 7, which is published under “Advice Notes” on our website:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

You can also see the pre-application Scoping Report submitted by the developer and the Scoping Opinion issued by the Planning Inspectorate, on the project page of the proposed Atlantic Array application on our website:

<http://infrastructure.planningportal.gov.uk/projects/south-west/atlantic-array-wind-farm/?ipcsection=folder>

We are also aware that in this case, the developer has consulted on their draft Environmental Statement during July and August this year. This document can be viewed on RWE's (the applicant's) website at:

<http://www.rwe.com/web/cms/en/1524102/rwe-innogy/sites/wind-offshore/developing-sites/atlantic-array-offshore-wind-farm/consultation-documents/>

Where a proposal constitutes EIA development, the developer is required to submit their Environmental Statement (ES) at the same time as submitting their application. Further environmental information can also be submitted throughout the examination process.

The Planning Inspectorate has recently (19 September 2012) given the following advice which you may find useful and can find on the "Register of Advice" page of our website:

"A DCO application which requires an environmental statement can only be accepted if it is accompanied by an environmental statement that meets the minimum requirements.

If a DCO application has been accepted and it is considered at a later date during the examination or pre-examination stage that the information provided in an applicant's environmental statement is insufficient to permit a proper evaluation of the project's likely environmental effects and this information is required to give proper consideration to the likely environmental effects of the proposal, then a request can be made under Regulation 17 of the EIA Regs for further information."

You can see the full question and answer at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/register-of-advice/?ipcadvice=2f37e0159a>

You may also be interested in the related process for protected habitats that is covered by the Habitats Regulations Assessment (HRA). Please see link below for our advice note on this subject.

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2012/10/Advice-note-10-HRA.pdf>

You also asked if the developer is required to have a Derogation Wildlife Licence in their possession before an application is applied for.

It is up to the applicant to comply with the relevant statutory timeframes in regard to the timing of licences that are not put forward as part of a DCO application. When a DCO application is submitted to the Planning Inspectorate, a developer must list the other consents/licences required in their application form (part 24).

Information regarding the current status of other applicable consents, including any wildlife licence if one is potentially required, may be entered into the examination process and the

Examining Authority has the option to request further information regarding matters such as these that they feel are relevant to their consideration of the application.

We do not maintain a list of other consents sought in relation to any scheme that is at the pre-application stage. As no application for the Atlantic Array offshore wind farm has yet been submitted to the Planning Inspectorate, information regarding other consents is still to be supplied to us as part of the application submission to the Planning Inspectorate.

I hope that this information is of assistance to you, however if you have any further queries please let me know.

Stella Perrett

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Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our [Information Charter](#) which you should view before sending information to the Planning Inspectorate.