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By Email

Your Ref:

Our Ref: EN010015

Date: 29 July 2013

Dear Ms Bacon

Application by Channel Energy Limited for an Order Granting Development Consent for the Atlantic Array Wind Farm

Section 51 Advice following issue of acceptance decision

I write in relation to your application submitted to the Planning Inspectorate on 14 June 2013 for the above named project. You will be aware that the Planning Inspectorate, acting on behalf of the Secretary of State for Communities and Local Government, issued its decision to accept the application to proceed to examination on 12 July 2013.

In undertaking checks at the Acceptance stage some matters came to light which we feel would be prudent to draw to your attention at this stage. This letter therefore contains advice which is issued under section 51 of the Planning Act 2008 ('PA 2008') in relation to the section 55 checklist issued on 12 July 2013 to assist you in considering what action to take and when.

Section 42 consultation

Part 3.4 of the published section 55 checklist lists three consultees that were identified by the Planning Inspectorate, on a precautionary interpretation of the regulations, who were not listed as having been consulted by the applicant in the submission documents. These were

- The Scottish Fisheries Protection Agency / Marine Scotland
- Acute Trust – Northern Devon Healthcare NHS Trust
- Public Gas Transporter – LNG Portable Pipeline Services Limited

You may therefore wish to either give a clear explanation as to why these, or the equivalent bodies, were not consulted or make these bodies aware of the application and the opportunities to be involved in the process.

Draft Development Consent Order (DCO)

Part 4.4(b) of the published section 55 checklist draws attention to associated development being located in Welsh waters. Here the checklist states:

“It is noted that associated development offshore is included in Part 1 of Schedule 1 of the Draft Development Consent Order (Doc 3.1) (as Work No.2 and Work No. 3A). Associated development offshore can be situated in waters adjacent to England up to the seaward limits of the territorial sea and in the UK Renewable Energy Zone, save for any part in which the Scottish Ministers have functions. This project is not located in the UK Renewable Energy Zone and, given the limited scope of associated development in Wales and Welsh waters it would not be possible for such development to be located in waters adjacent to Wales. It is also noted that there does not appear to be any restriction in the Draft Development Consent Order (Doc 3.1) on such associated development being located in waters adjacent to Wales.”

With regard to the above wording you are therefore encouraged to provide clarification on this matter to the Planning Inspectorate, whether this is in the form of a document providing clarification of the approach taken, further evidence to support this approach or alternatively amendments to the submission documents to address this matter.

Land Plans and Book of Reference

As set out in the published section 55 checklist the Planning Inspectorate have identified some matters that require clarification regarding information set out in the Book of Reference (BoR) and the Land Plans submitted. In particular we draw your attention to parts 4.4(d) and 4.4(i) of the checklist.

In light of the comments made in the above mentioned parts of the checklist, it is suggested that you review the BoR and relevant Land Plans in order to provide clarification or amendments to the submission documents to address these matters. It should, however, be noted that this is not an exhaustive list of matters identified by the Planning Inspectorate and we would advise that you seek your own legal advice on these matters.

Designated features in Wales

Within parts 4.4(l) and 4.4(m) of the published section 55 checklist the Planning Inspectorate note that the Pembrokeshire Coast National Park, Gower AONB and other Landscape Designations in Wales are not presented on the application plans and that no Registered Landscapes of Outstanding Historic Interest in Wales, Registered Landscapes of Special Historic Interest in Wales, Registered Parks and Gardens in Wales, Registered Battlefields, Conservation Areas or World Heritage Sites are identified on the application plans.

Despite this it is noted that where relevant, this information is presented on Figures / Plans elsewhere within the submission documents. The Planning Inspectorate therefore concluded at the Acceptance stage that the relevant information had been provided within the submission documents. However, due to the project's proximity to south Wales, and location partly within Welsh waters, it may assist the Examination process if additional Land Plans were produced similar to those at Documents 2.10

and 2.11 identifying the above mentioned relevant designated landscapes. The Planning Inspectorate understand that you are intending to provide this information in any case.

Further information and clarification

Whilst we cannot pre-judge the issues that the Examining Authority will wish to examine, from the application documents it does seem to us that there are a number of matters on which you may wish to be prepared to provide further information and clarification during the course of the application process, as set out above.

As such it would be helpful and assist in the smooth running of the Examination process if any further information, clarification documents or amendments made to the submission documents are produced, at the latest, to be presented to the Examining Authority at the Preliminary Meeting.

In order for the Planning Inspectorate's Atlantic Array Case Team to prepare for and suggest logistics and timings for the Preliminary Meeting, it would be helpful if copies of the additional information be sent to the Case Team in advance of the Preliminary Meeting.

We trust you find this information helpful, however if you have any queries regarding the matters set out above please do not hesitate to contact our office.

Kind regards

Iwan Davies

Iwan Davies
Case Manager
Major Applications and Plans

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.