



Meeting Note

File reference	EN010015
Status	FINAL
Author	Richard Price

Meeting with	Channel Energy Ltd	
Meeting date	1 March 2013	
Attendees (Planning Inspectorate)	Simone Wilding Andrew Luke Richard Price Tim Hallam	Head of Case Management Senior EIA Advisor Case Officer Legal Manager (National Infrastructure)
Attendees (non Planning Inspectorate)	Natasha Bacon Gill Moore Craig Harwood Paul Carter John Houghton Claire Rees	RWE npower Renewables Ltd RWE npower Renewables Ltd RWE npower Renewables Ltd RWE npower Renewables Ltd Bond Pearce LLP Bond Pearce LLP
Location	Temple Quay House, Bristol	

Meeting purpose	Project update on emerging application for the Atlantic Array Offshore Wind Farm
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Summary of key points discussed and advice given	<p>The applicant was reminded of the Inspectorate's openness policy (that any advice given will be recorded and published on the web-site under s.51 of the Planning Act 2008 (PA 2008) and that any advice given does not constitute legal advice upon which applicants (or others) can rely).</p> <p>Project Update</p> <p>RWE stated that since the last meeting with the Planning Inspectorate (PINS) on 25 October 2012 it had been in dialogue with statutory bodies regarding the issues raised in their responses to consultation under s42 of PA 2008.</p> <p>RWE stated that the works and land plans had now been developed in draft form, and the compilation of its Consultation Report was now underway.</p> <p>RWE informed PINS that a further piece of non-statutory consultation was underway in the form of a questionnaire, partly in response to a meeting with a local MP who expressed concerns about some onshore amenity issues. The purpose of the questionnaire was to identify which persons within 1km of the proposed cable corridor and 2km of the proposed substation had received information about the</p>
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	<p>project. The questionnaire had been sent to approximately 2600 properties and responses were expected until mid-March 2013.</p> <p>RWE confirmed that the draft Development Consent Order (DCO) was out for informal consultation with statutory consultees and the deadline for responses was 1 March 2013.</p> <p>The application for development consent is expected to be submitted to PINS in late spring 2013.</p> <p>Process from now until submission</p> <p>RWE queried how many copies of the application should be provided on submission. PINS advised it would be no more than six and that it would confirm after the meeting.</p> <p>RWE stated that given the lack of willingness of several deposit locations to accept further documentation, they intended to reduce the numbers of those locations significantly. PINS stated that its starting point was to use two deposit locations for Examination documents, but that this was always dependent on the context of each project.</p> <p>RWE queried whether or not there was anything outside of Advice note 6 and DCLG's guidance on the pre-application process that they should take into account. PINS offered to review draft documents prior to submission, the prerequisite being that they are provided in a timely manner. This would not be a detailed review, but high level feedback had in the past been useful to other applicants.</p> <p>PINS advised that RWE make clear distinctions in its Consultation Report as to what constituted statutory consultation and what constituted non-statutory consultation. It was further suggested that RWE include in its Consultation Report any key correspondence that underpinned its content. PINS may request all responses to formal consultation at acceptance, and RWE should either prepare these in advance or make sure they have the resources in place to provide them at short notice.</p> <p>PINS also advised RWE that Statements of Common Ground are useful in clearly identifying areas of agreement and disagreement with relevant bodies and that if possible it would be helpful if these could be submitted with the application.</p> <p>PINS stated that it would be very helpful if RWE provided its GIS shape file two weeks in advance of submission of the application. PINS explained that it would write to the relevant local authorities (LAs) in advance of submission to enable them to get internal processes in place to respond with an adequacy of consultation representation within the first two weeks of the acceptance period. PINS will provide the</p>
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consultation report to the LAs electronically on submission of the application to make their adequacy of consultation representation.

PINS requested RWE to ensure that its payment of the application fee is cleared by the date of submission.

Process post-submission

RWE stated that feedback to date from regional bodies and LAs suggested a lack of familiarity with the process under PA 2008. The means by which this could be addressed was queried. PINS advised that relevant bodies should be directed to PINS Advice note series 8; CLG guidance on the examination of applications and a recently produced video for Thames Tunnel stakeholders (available: [here](#)). It was further advised that PINS would be happy for queries to be directed to its helpline, and if thought necessary a further outreach event could be arranged.

The Planning Inspectorate emphasised that all of the application documents would be published to the National Infrastructure pages of the Planning Portal website should the application be accepted for examination. PINS requested RWE inform it as early as possible of the dates for the 'relevant representation' period to allow preparation of registration functions on the project webpage.

RWE queried the point at which it would be decided where the examination would take place. The Planning Inspectorate advised that this would be decided at the pre-examination stage and is dependent, amongst other matters, on the location and impacts of each element of the proposal. It was explained that the Examining Authority is not formally appointed until after the applicant's submission of its s58 certificate, and that therefore firm decisions on venues cannot be made until after this point.

Works plans

RWE presented samples of its draft works plans. All onshore works plans would be provided at the scale prescribed in the APFP Regulations. The offshore works plans had been drafted at smaller scales to enable coherent mapping of the marine environment. RWE queried whether or not this would likely be an issue at acceptance. PINS advised that it encouraged a practical approach, but emphasised that where the applicant had diverged from the Regulations it should explain clearly where and why it had done so. RWE were advised to check the s55 Checklist for the Galloper Wind Farm application (available: [here](#)) in order to identify any issues which might be common to the two projects.

Responses from statutory consultees

RWE stated that some statutory consultees are not engaging with the applicant, despite them making submissions in

response to s42 consultation. As such, it is proving difficult for RWE to make progress on some of the issues raised during the s42 consultation. PINS emphasised that RWE should continue to attempt to seek response from these consultees, and that a record of its attempts should be made and included in the Consultation Report.

The Planning Inspectorate queried whether or not any Planning Performance Agreements were in place. RWE stated that while LAs had shown interest, the applicant had not received follow-up submissions on the scope of any such Agreement (s).

Transboundary consultation

PINS confirmed that the statutory notice had been published, and the deadline for any response is 6 March 2013. PINS agreed to inform RWE of any response, and that if Ireland wished to participate in the process it would be notified of the acceptance of the application and sent relevant information at the appropriate time. The Secretary of State is not under obligation to continue consulting Ireland if no response is received to the transboundary consultation. However there may be scope for Ireland to become involved should they wish, for example by them becoming an interested party or at their request and at the Examining authority's discretion during the examination.

Construction phase management (EIA and HRA)

PINS noted that the current iteration of the draft DCO allowed five years for commencement and six years for construction. It was queried how RWE intended to manage this in the context of potential baseline changes such as changes in the population of relevant species. RWE emphasised that they had taken account of this in the EIA, by assessing each topic in terms of the worst case for that subject. PINS advised that RWE should set out its approach as clearly as possible in its Environmental Statement and ensure that the worst case in terms of the construction programme has been assessed.

Need for compulsory acquisition

The Planning Inspectorate queried whether or not CEL envisaged the need to compulsorily acquire any land. CEL stated that work regarding land acquisition had been ongoing. While the applicant hoped to reach agreement with all relevant land owners prior to the submission of the application, one particular land owner involved had opted for the compulsory purchase approach in relation to a previous utility project and therefore might be predicted to do so again.

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The Planning Inspectorate referred to the draft Deemed Marine Licence (DML) and queried progress on the section

	<p>that would be relevant to Natural Resources Wales (NRW). RWE stated that future NRW officers had indicated to allow the MMO to take a lead regarding the DML. PINS urged RWE to get in touch with the new team to establish a working relationship and to alert them of forthcoming timescales. RWE also noted that CCW and Natural England were working closely together, but that no single body was taking the lead.</p> <p>RWE raised the issue of legal mechanisms which might allow for the partial transfer of the benefit of marine licences. PINS stated that they were not aware of any changes since the recent meeting with Renewable UK which Bond Pearce and Inspectorate staff had attended. RWE drew attention to the 'standard' transfer provisions in Article 7 of the draft DCO. It was noted that The Marine and Coastal Access Act 2009 does not allow for the partial split or the surrender of a DML. RWE confirmed that they would contact the MMO to check with them what, if any, progress had been made in this matter.</p>					
Specific decisions/ follow up required?	<ul style="list-style-type: none">• RWE to submit GIS shape file and application fee as requested.• PINS to inform RWE if any transboundary response(s) is received.					
Circulation List	<table><tr><td>All attendees</td></tr><tr><td>David Price (EIA Manager)</td></tr><tr><td>Gail Boyle (Senior EIA Advisor)</td></tr><tr><td>Jack Wride (Case Officer)</td></tr><tr><td>Ewa Sherman (Case Officer)</td></tr></table>	All attendees	David Price (EIA Manager)	Gail Boyle (Senior EIA Advisor)	Jack Wride (Case Officer)	Ewa Sherman (Case Officer)
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