



Meeting Note

File reference	Rampion Offshore Wind Farm - EN010032
Status	Final
Author	James Bunten

Meeting with	E.ON Climate and Renewables
Meeting date	15 January 2013
Attendees (Planning Inspectorate)	Jessica Potter (Principal Case Manager) Susannah Guest (Principal Case Manager) Sarah Green (Lawyer) Andy Luke (Senior EIA Advisor) James Bunten (Assistant Case Officer)
Attendees (non Planning Inspectorate)	Eleri Owen (E.ON Climate and Renewables) James Eaton (E.ON Climate and Renewables) Luke Webb (E.ON Climate and Renewables) John Houghton (Bond Pearce LLP) Claire Rees (Bond Pearce LLP)
Location	The Planning Inspectorate offices, Temple Quay House, Bristol

Meeting purpose	To discuss acceptance matters, the re-submission process and future timescales
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Summary of key points discussed and advice given	The Planning Inspectorate ('the Inspectorate') stated that a note of the meeting would be taken and would be published on National Infrastructure webpages on the Planning Portal under s51 of The Planning Act 2008 (PA 2008) as amended. The Inspectorate explained that, following withdrawal of the Rampion offshore wind farm application during the acceptance period, the purpose of the meeting was to provide advice under s51 of the PA 2008 to assist E.ON in submitting a new application for the project. The Inspectorate does not give legal advice upon which the applicant or others can rely. Update on the additional s42 consultation period E.ON advised that a number of prescribed consultees were missed from their original s42 consultation and stated a letter had been sent to those bodies on 9 January 2013 notifying them of the omission and the additional consultation period. E.ON outlined the documents included in the pack sent to the omitted bodies. This included the original draft Environmental Statement, non-technical summary, copies of the s48 notice, summary of the Consultation Report and a plan. E.ON confirmed that this
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material was similar to that sent in the previous s42 consultation and advised that the additional consultation period would close in February 2013.

Advice on the Rampion application documents

The Inspectorate noted that Acceptance checks were not completed due to the application being withdrawn and advised E.ON to check the application documents thoroughly before re-submitting. The Inspectorate also noted that there may be more discrepancies which had not been identified before the application was withdrawn. Notwithstanding this, the Inspectorate provided s51 advice about the application documents with a view to assisting E.ON in submitting a new application.

Consultation Report

The Inspectorate suggested E.ON consider an improved way of displaying the bodies consulted in the Consultation Report to ensure there is consistency with the submitted correspondence and assist the Inspectorate with cross reference against the Book of Reference.

The Inspectorate highlighted the importance of internal consistency within the application documents and noted certain instances of incorrect and missing dates and information, in particular in the Consultation Report.

Upon a request under Applications: Prescribed Forms and Procedure (APFP) Regulation 5(5) for copies of the consultation responses, the Inspectorate noted that it would be helpful if the information could be clearly categorised so that it was easy to identify letters sent and responses received in terms of s42 and s48 duties, and in respect of s42(1)(d) it could be helpful to present the information sorted by Categories 1, 2 and 3.

In respect of s47 consultation, the Inspectorate noted that the Consultation Report Annex D2 records that information on the SOCC was sent to local authorities for consultation but the letter did not provide a date for the deadline for responses. The Inspectorate suggested the Consultation Report could be clear about how a deadline was communicated.

The publication of revised DCLG guidance on the pre-application stage was reiterated and how it might be reflected in the Consultation Report was discussed. E.ON suggested it could provide an update within a proposed addendum to the Consultation Report explaining how it had met the requirements of the revised guidance. At resubmission this addendum would include details of the additional consultation activities undertaken since the

withdrawal.

Description of the Order Limits

The Inspectorate advised the Development Consent Order (DCO) should contain the most precise and accurate coordinates for the order limits following uncertainty as to whether the DCO, plans and GIS shapefile coordinates were consistent in showing the order limits of the proposed development.

Book of Reference

The Inspectorate queried that the Book of Reference had not included all Crown Estate land as required by APFP Regulation 3(d); this applies to Crown Land below the mean water mark where an applicant holds an agreement for a lease directly with the Crown. The headings and the content of Parts 2 and 3 should be reviewed to ensure consistency and avoid any typographical errors. The Inspectorate also suggested that E.ON may want to reconsider including the reference to persons unknown in Parts 2 and 3 particularly in respect of s57(5) of PA 2008 and APFP Regulation 7(1)(b). E.ON agreed to discuss these points further with its legal advisors.

Habitat Regulations Assessment (HRA)

In respect of the draft HRA report, the Inspectorate suggested it may be helpful to include any correspondence from Natural England and/or JNCC agreeing the approach and scope of the assessment, the assumptions on which it has been based, the level of supporting information and the conclusion of the 'no significant effects' report (NSE report).

The applicant indicated that given the location of the project, JNCC has delegated to NE to provide comments on ecological issues. The Inspectorate advised that, if this is the case, evidence of this delegation would usefully be provided as part of the application.

In respect of screening out sites, the Inspectorate advised that where the applicant has concluded that sites can be screened out, that evidence to support this conclusion should be included in the HRA Report for all sites including non-ornithological sites (see more information and appropriate matrices in Planning Inspectorate Advice Note 10). Where cross-referencing to material in the Environmental Statement as part of matrices in the HRA report, it is more helpful to include text that, as a minimum, provide a summary of the evidence and justification for reaching conclusions in the matrices themselves rather than providing simple cross-references back to the Environmental Statement, to ensure it is a standalone document.

Application presentation and navigation

The Inspectorate noted a number of discrepancies within the application documents between the electronic and paper copies which resulted in a significant amount of time being spent trying to understand the application. The Inspectorate confirmed that three complete and identical hard copies along with 10 identical electronic copies are required to be submitted. The Inspectorate advised that it is important for the application to be navigable in order to carry out the checks required for the s55 checklist. The Inspectorate noted that if an application is accepted, the electronic documents will be published on its website and so the application must be structured in a way that makes sense, with file names being self-explanatory and document numbering logical.

Electronic Index

The Inspectorate advised E.ON to check the electronic index submitted with the application to ensure it is accurate referencing every document submitted. Document titles in the electronic index should match the titles on the plans and the electronic file names, which of themselves should be self-explanatory. The Inspectorate stressed that the electronic index is a key reference document and therefore the accuracy of the document is paramount.

The Inspectorate had identified a number of apparent inconsistencies in the electronic index and offered to provide E.ON with a detailed list following the meeting. The list was not exhaustive and it is for the applicant to check it thoroughly before submitting a new application.

The Re-submission Process

The Inspectorate noted the updated DCLG 'Guidance on the pre-application process' and suggested E.ON familiarise themselves with it in respect of s50 PA 2008.

E.ON indicated that they are planning to submit a new application for the project as soon as possible (initially suggesting in the second half of February) and are currently waiting for responses from the recent consultation. Depending on the responses to that consultation E.ON were considering the addition of an addendum to the Consultation Report to record the additional consultation and overall compliance with the process.

E.ON and the Inspectorate agreed to hold a telephone conference in early February to discuss progress and an anticipated date for submission.

E.ON queried whether the re-submission would be treated as a new application. The Inspectorate advised it would be treated as a new application and that all acceptance checks

would need to be undertaken as for any other application. A new fee would need to be paid when the application is re-submitted.

E.ON stated that a 'schedule of all changes' could be included in the cover letter to the application, detailing which documents had changed since the previous submission. The Inspectorate agreed that a change log of the application documents would assist with navigation during Acceptance and Examination stages.

The Inspectorate also advised that reviewing the application documents against a s55 checklist may be a beneficial activity before formal submission.

Future acceptance period (timescales, etc)

The Inspectorate advised that they would need to consult all the relevant local authorities for their Adequacy of Consultation representations upon re-submission. E.ON offered to inform those local authorities who had already responded to the Adequacy of Consultation request that they could simply update and re-submit the original response if they did not feel the need to add further information.

Section 56 process

E.ON advised they have continued to work on their Statements of Common Ground (SoCG) despite the withdrawal of the application and plan to continue that work over the next few months in parallel with the resubmission.

E.ON stated that they were aware of the publicity and consultation requirements under s56 as well as the requirements under s58 and s59 of PA 2008 and the requirements in the Environment Impact Assessment and APFP Regulations. E.ON explained that if the next application is accepted for examination they wish to move quickly to fulfil these requirements and so the period for Relevant Representations (28 days) would follow as soon as possible after acceptance by the Inspectorate.

In response to The Inspectorate's query about the likely number of deposit locations that are planned, E.ON suggested no more than 6 deposit location sites, along the cable route and at a western, a central and an eastern point.

The Inspectorate stated they can do a procedural check of the s56 notice and give advice under s51, if requested.

The Inspectorate advised that information regarding the Relevant Representation period would be appreciated as early as possible in order to resource appropriately.

	E.ON enquired about the average time between the Relevant Representation period closing and a Preliminary Meeting. The Inspectorate advised around 6-8 weeks, but noted that this can vary depending on a range of factors including availability of venues for the Meeting. The Inspectorate noted that practical input is requested from developers to help set up hearings, meetings and accompanied site visits if scheduled by the Examining authority (ExA). E.ON agreed to identify a resource to support with this. E.ON asked whether they would be notified of the ExA's questions or agenda in advance of hearings to help to ensure the appropriate attendance. The Inspectorate advised they try to issue the agenda before hearings but the ExA can issue it any time up to the day the hearing is held. Sections 132 and 127 It was noted that a s132 application had been submitted to DCLG as part of the original application process. E.ON updated that they had contacted DCLG and had formally withdrawn the application and would resubmit it at the same time as the revised DCO application to PINS E.ON advised that progress has been made on the commercial front, and that they hoped an agreement could be made. The Inspectorate considered that the due process, if required could possibly mirror the s127 application procedure. The Inspectorate queried a potential s127 application with Network Rail. E.ON stated they had been making considerable progress. They did not consider a s127 application would be necessary at the moment. The Inspectorate noted that if Network Rail submitted a Relevant Representation albeit supporting the application, it could trigger the requirement for a s127 application. The Inspectorate asked whether there would be any other applications to expect as part of the Rampion application. E.ON noted a planning application (TCPA) to Mid-Sussex District Council for additional bays within the National Grid substation at Bolney as part of the overall connection to the National Grid. E.ON confirmed the application will have the same timescale as Rampion and that the cumulative impact had been addressed in the Environmental Statement. In respect of potential requirements, there was some discussion regarding West Sussex County Council's status as a "Relevant Authority". E.ON advised that it would discuss this further with the local authorities and county councils.
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	E.ON advised there will be significant compulsory acquisition applications for the application. E.ON queried whether a Specific Issue Hearing (SIH) on compulsory acquisition would cover all plots or only specific land owner objections. The Inspectorate confirmed that the SIH would focus mainly on the objections and advised that it could be a matter for discussion at the Preliminary Meeting.
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Specific decisions / follow up required?	
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Circulation List	All above