

Meeting Note

File reference	EN010032 Rampion Offshore Wind Farm
Status	Final
Author	Mike Harris

Meeting with	E.ON
Meeting date	13 th April 2011
IPC Attendees	Owain George (Case Lead) Mike Harris (Case Officer) Tim Hallam (Project Lawyer) Gideon Amos OBE (Pre-application Commissioner)
Other Attendees	Eleri Owen (Consents Manager, E.ON) Vaughan Weighill (Project Manager, E.ON) Tim Proudler (Planning and Consents Manager, E.ON) John Houghton (Bond Pearce) Dave Watson (EIA Project Manager, RSK)
Location	IPC Board Room, TQH, Bristol.

Meeting purpose	Meeting to provide a project update.
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Summary of key points discussed	<p>Gideon Amos advised on the IPC policy of openness and that any advice provided in accordance with s.51 of the Planning Act 2008 (the 2008 Act) would be placed on its website. He described his role as pre-application Commissioner (including his approval of the Scoping Opinion) and explained that he would not be involved with the acceptance of any future application for this proposed project or its examination if such an application were to be accepted.</p> <p>E.ON provided an update on the progress of the project, the key messages on the programme being:</p> <ul style="list-style-type: none"> • Statement of Community Consultation (SoCC) work ongoing at present with consultation of local authorities on the draft SoCC expected within the next two months; • E.ON will seek development consent for the grid connection and cable route. They will also be going through the OFTO process, with regards the grid connection, in 2012; • Work to refine the onshore grid connection route is in progress. The route of this will be finalised shortly before submission of the DCO application. It is likely
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	<p>that the onshore cable(s) would be under-grounded, but this is not definite at present;</p> <ul style="list-style-type: none"> • S.46 notification to the IPC is expected in Q4 2011; • Submission of DCO application anticipated April 2012. <p>The IPC advised that it would welcome the submission of draft application documents for comments (on process matters and drafting points but not on the merits of the application) at any time prior to the submission of an application, although this should be a minimum of 6 weeks prior to submission in order to provide meaningful advice.</p> <p>E.ON gave an indication of the work to date with local authorities in the area (both elected members and officers). The IPC advised that it has also made contact with relevant authorities with a view to arranging Inception and subsequent Outreach meetings. Discussions were had as to whether it would be feasible to group meetings based on the on and offshore elements of the project. The IPC noted that this may be feasible but the final decision on which potential event(s) to attend would rest with the relevant authority.</p> <p>There was a discussion concerning whether E.ON and the IPC could produce a joint document outlining the pre-application process with a focus on ensuring the right groups have the appropriate knowledge about the process. The IPC advised that this would be inappropriate in view of its need to remain independent of all parties and that various advice and guidance notes are available for communities and organisations to explain the process. It was stressed that IPC Outreach work would also seek to ensure that all parties are well informed of their responsibilities and the wider process. The IPC said that they could prepare a project-specific presentation as part of such Outreach work.</p> <p>E.ON also provided an update on community involvement/engagement work to date, specifically that a Fisheries Liaison Group has been established and that further groups will be set up in due course. With regards to the work of such groups, E.ON queried what implications this may have for the Consultation Report submitted with the development consent application. The IPC advised that it is important to understand the distinction between informal and formal consultation and that this, amongst other matters, should be clearly set out in the applicant's consultation report.</p> <p>E.ON advised that some Local Authorities are seeking to lead on consultation on the draft SoCC on behalf of a</p>
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group of authorities. The IPC advised that applicants have to consult the authority(s) in which the proposed development is sited on the draft SoCC, although it may be advisable to seek the views of neighbouring authorities also. The IPC noted that there may be logical reasons for a number of authorities working together in this regard, although this remains their choice.

E.ON also queried whether the MMO assume the role of a Local Authority, in relation to offshore matters, in connection with consultation on the draft SoCC. The IPC advised that although the MMO are not a Local Authority they are a statutory consultee and the option exists for applicants to consult with them on the draft SoCC and on other matters. In this regard, reference was made by the IPC to the status of the MMO under s.42(1)(aa) of the 2008 Act. E.ON noted DCLG Guidance on Pre-application Consultation (paragraph 17, footnote 2), which refers to the possible role of the MMO in this regard.

There was a discussion concerning the fact that the South Downs National Park Authority was now a 'Local Authority' for the purposes of s.42 of the 2008 Act. E.ON confirmed that they would shortly be meeting with the National Park Authority.

The IPC provided an update on work to integrate the IPC with The Planning Inspectorate, recent relevant Ministerial statements and other announcement from DCLG on the progress of the Localism Bill, including:

- the proposals in the Localism Bill for amending the definitions of 'A' and 'B' Local Authorities;
- recent updates had confirmed that the regime will continue largely in the same form, that case staff were expected to transfer to the new organisation and that appointed Commissioners were now able to remain in post until 2014;
- designation of NPSs will be subject to a vote in the House of Commons;
- the relevant Secretary of State will become the decision maker in all cases;
- draft secondary legislation setting out transitional arrangements has not yet been published although it is understood that appropriate arrangements will be put in place prior to the Localism Bill (if enacted) coming into force, which is expected to be in April 2012.

With regard to the NPS timetable it was confirmed that the IPC has no further knowledge on potential designation dates beyond what is publicly available.

	<p>E.ON raised the following additional queries:</p> <ol style="list-style-type: none"> 1. Preliminary Environmental Information – E.ON agreed to draft a query for IPC EIA colleagues to respond to; 2. Transboundary Impacts – it was queried when the forthcoming IPC advice note would be available. The IPC would clarify the timing of this following the meeting and undertook to forward a copy of the published Advice Note in due course; 3. Consultation Report – The IPC advised that no IPC statutory guidance or advice note was imminent on this matter and that there was no standard format for the presentation of the report, although it may be worthwhile considering the approach taken on applications already submitted and accepted in light of the published s.55 acceptance checklists (on the IPC website). The IPC would welcome seeing a skeleton draft Consultation Report prior to application submission so advice on the proposed format and layout (although not on the contents) of this could be provided. It is important for the applicant to demonstrate how relevant consultation responses have been taken into account in the development of the application proposals. 4. Timing of pre-application consultation and publicity, specifically s.47 and s.48 – E.ON queried whether s.48 publicity should be carried out at the same time as s.47 consultation and how any changes to the scheme following consultation responses should be handled. The IPC advised that it is for E.ON to determine the timing of their pre-application publicity and consultations in order to comply with the relevant provisions of the 2008 Act, taking account of the published Guidance and having sought their own legal advice on which they can rely. The IPC advised that the primary function of s.47 is for the application to set out (in the SoCC) how they are to consult the local community about the proposed application whereas s.48 relates to the applicants' duty to publicise the application more generally. With regards to s.47 and s.48, reference was made by the IPC to the need for applicants to also comply with Regulations 10 and 11 of the EIA Regulations (SI 2009:2263). 5. Community Infrastructure Levy (CIL)/s.174 obligations – The IPC confirmed that it is not a charging authority in relation to CIL and that the IPC would not be a party to any CIL or s.174 agreements entered into between applicants and Local Authorities (s.174 amends s.106 of the TCPA 1990 so as, inter alia, to refer to development consent obligations under the 2008 Act regime).
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	<p>The IPC said that a Local Authority with the necessary schedules in place could charge CIL in relation to certain elements of a 2008 Act project. The IPC said that they could advise further on this point after the meeting if E.ON wished to put their request in writing.</p> <p>6. The IPC is not currently aware of further proposed NSIPs in the immediate locality of the Rampion project although there is a proposed offshore wind farm sited to the west of the Isle of Wight which is detailed on the IPC website.</p>
Specific decisions/follow up required?	<p>The following actions were agreed to be taken forward:</p> <ul style="list-style-type: none"> • E.ON will share their list of Local Authorities (and specific contacts) with the IPC to ensure that these lists correspond (it was advised that reference should be made to the list provided with the scoping opinion in the first instance); • E.ON will continue to share information with the IPC relating to its pre-application consultation; • E.ON will submit a written query concerning how much detail is expected with regard Preliminary Environmental Information; • IPC to organise Inception meeting with Local Authorities and E.ON; • IPC to keep E.ON advised of the likely publication dates of forthcoming Advice Notes and to forward copies of these when published; • IPC to provide further advice (should E.ON wish) on the ability of a Local Authority to charge CIL in relation to a 2008 Act project..
Circulation List	As per attendee list.