

Meeting note

Project name	North Sea Wind Power Hub
File reference	N/A
Status	Final
Author	The Planning Inspectorate
Date	10 May 2019
Meeting with	Intertek / North Sea Wind Power Hub (NSWPH)
Venue	Temple Quay House
Meeting objectives	Inception / Feasibility meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Overview of concept

The Applicant described the concept of an offshore hub which multiple offshore windfarms could connect to. Power would be converted from alternate current (AC) to direct current (DC) and then exported by interconnectors to surrounding countries. It also suggested there would be a possibility of converting electricity generated into hydrogen and exporting via pipelines. The Applicant said that it was working for a consortium called the North Sea Wind Power Hub and its role was to focus on planning and permitting within the UK Exclusive Economic Zone (EEZ). It was likely that the hub itself would be outside the EEZ, however windfarms and export and transport infrastructure may be within it.

Queries to the Inspectorate

The Inspectorate provided a general description of the PA2008 process and explained the Development Consent Order (DCO) as a concept. The Applicant was informed that DCOs form part of legislation and any changes sought to a DCO after consent are governed by a separate process. The Inspectorate highlighted potential difficulties in this regard should ownership of the development asset become convoluted.

The Applicant asked about the anticipated impact on their application following the UK's exit from the European Union. The Inspectorate explained that the European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit from the European Union. There is no immediate change to legislation or policy affecting national infrastructure.

The Applicant asked about possible stumbling blocks to their proposed approach. The Inspectorate explained that the PA2008 applies to certain types of development defined as being a Nationally Significant Infrastructure Project (NSIP) specified within relevant

sections of the PA2008 (for example for offshore generating stations to be considered NSIPs, they must be located in waters in or adjacent to England up to the seaward limits of the territorial sea, or in a Renewable Energy Zone, except the Welsh zone or any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions). The Applicant was also made aware of the possibility of including Associated Development within the application for a DCO. The Inspectorate explained it was not able to give legal advice regarding whether a Proposed Development is an NSIP or not. Applicant's should take their own legal advice to confirm if their Proposed Development would constitute a NSIP. The Inspectorate explained that section 35 of the PA2008 allowed the Secretary of State to direct that development be treated as development for which a DCO is required.

The Applicant enquired about the relevant legislation applicable to the development of hydrogen pipelines in the UK. The Inspectorate explained that the PA2008 and supporting statutory instruments are relevant to applications made for DCOs. The Applicant was advised to contact the Department for Business, Energy and Industrial Strategy (BEIS), particularly those who deal in the oil and gas sector as they may have more information regarding the regulatory frameworks that apply to hydrogen pipelines and generating stations.

The Inspectorate noted that the Proposed Development may lack an established regulatory framework and identified this as a stumbling block. The Applicant was encouraged to establish communication with relevant consultation bodies to understand this in more detail and establish relevant design and mitigation requirements. The Inspectorate addressed issues in relation to the nature of the Proposed Development and the PA2008 process. The Inspectorate explained that the PA2008 process is generally underpinned through implementation and adherence with UK Government National Policy Statements (NPS). The Inspectorate explained that many elements of the development described would fall outside of consideration addressed in NPS's, though the over-arching NPS for energy does have some provision for new energy development types.

The Applicant asked about the possibility of getting single consent that spanned multiple jurisdictions. The Inspectorate replied that it was not aware of a legal framework whereby this would be possible and considered it unlikely that planning control would be devolved across nation states. The Inspectorate did mention the Trans-European Networks for Energy (TEN-E) process through which each jurisdiction offers its own consent and there is a co-ordinated effort to align the timing of decision making.

The Applicant asked about how the TEN-E process and PA2008 process work together, as the project had been put forward as a Project of Common Interest (PCI). The Inspectorate advised that both these processes are designed to avoid delays in getting consent and therefore align relatively well, there are similarities in need for pre-application consultation and similar timeframes. Therefore, it fits better than other processes with slower timeframes, however there are still difficulties in aligning similar but not identical processes.

The Applicant asked about issues in relation to design elements and particularly foundation technologies in relation to offshore developments (Mono-pile, Jackets, Gravity base, Bucket and Floating). The Inspectorates advised reviewing [Advice Note Nine: Rochdale Envelope](#) and how this can provide an assessment framework to address uncertainty and support the inclusion of flexibility in applications for DCO. The

Inspectorate explained that any application for a DCO made by the Applicant would need to be accompanied by a robust assessment of environmental effects.