

IPC Infrastructure Planning Commission

Meeting Note

File reference	EN010003 – Galloper Offshore Wind Farm
Status	Final
Author	Katherine Chapman

Meeting with	Galloper Wind Farm Limited (GWF)
Meeting date	2 September 2011
Attendees (IPC)	Paul Hudson (Pre Application Commissioner) Jessica Potter (Case Leader) Katherine Chapman (Case Officer) Sheila Twidle (EIA and Land Rights Manager) Laura Allen (EIA and Land Rights Advisor) Tim Hallam (Lawyer)
Attendees (non IPC)	Kate Tibble (GWF) Robert Gully (GWF) Julian Boswall (Burgess Salmon)
Location	IPC Offices, Temple Quay House, Bristol

Meeting purpose	Project update and discussion regarding the draft Development Consent Order (DCO).
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Summary of key points discussed and advice given	<p>1. Project Update GWF gave an update on the project. The application for development consent is due to be submitted to the Infrastructure Planning Commission (IPC) in October 2011, depending on the outcome of ongoing consultation.</p> <p>The Joint Nature Conservation Committee (JNCC), Natural England (NE), Marine Management Organisation (MMO) and Royal Society for the Protection of Birds (RSPB) are being provided with additional ornithology information from the Environmental Statement (ES) which GWF indicated will be cross-referred to in the Habitats Regulation Assessment (HRA). GWF has given these bodies 28 days to provide comments. The content of these comments may influence the submission date.</p> <p>2. Consultation GWF provided an update on its consultation activities. GWF indicated that the number of responses received during the formal pre-application community consultation (s.47 of the Planning Act 2008) from local residents was relatively small. GWF believes that this is largely due to the fact that a significant number of people in the immediate local area are also</p>
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landowners and therefore will also have been consulted by GWF under s.42. GWF suggested that local people may also be familiar with the development of Greater Gabbard onshore substation and therefore have a prior awareness of the extent to which similar works may or may not affect them.

During consultation with the local authorities (LAs), the primary LAs (the “B” authorities under s43 of the 2008 Act, being Suffolk Coastal District Council and Suffolk County Council) identified the need for further detail to be provided on the proposed use of the Rochdale Envelope for aspects of the proposed built form of the onshore development. GWF informed the IPC that it has responded to this request and has refined the description of the proposed onshore development. GWF stated that the two primary local authorities now agreed this was within the spirit of the Rochdale Envelope. Notwithstanding this, GWF informed the IPC that some flexibility will be sought in the design parameters of the onshore GWF substation, primarily in the GWF compound.

3. Statutory Consultees

There was some discussion regarding the role of statutory consultees in reviewing environmental information and complying with statutory deadlines. GWF indicated that some of the statutory consultees were not clear about what information was required to be included in the Preliminary Environmental Information (PEI) which is produced by an applicant at the pre-application stage. Confusion arose over whether the PEI should be a draft ES. The IPC confirmed that this was not the case.

GWF explained that it had received some late responses in respect of the s.42 consultation, but had chosen to treat them as though they had arrived during the statutory period.

4. Draft Development Consent Order (DCO)

The IPC’s response (issued 1 September 2011) to GWF’s draft DCO documents was discussed. GWF informed the IPC that the draft DCO has also been sent to Suffolk County Council, Suffolk Coastal District Council, MMO, Trinity House, JNCC and NE.

GWF explained the constituent parts of the development proposed in the DCO, both offshore and onshore. GWF confirmed that, as provided for in the draft DCO, the primary limiting factor of the proposed Galloper Wind Farm is the maximum capacity of the development which is set at 504MW.

In relation to proposed Works 8-10, including the National Grid (“transmission”) substation, GWF stated that whilst it proposes to include these works in the DCO, it will be seeking to transfer the benefit of the consent in relation to these assets to National Grid post-determination of the DCO application, but before construction commences. GWF explained that the distinction made between the “connection works” and the “transmission

works” in the draft DCO requirements reflected that split.

GWF explained that at present it has not yet been determined whether a s.106 agreement will be required. The IPC noted that if a s.174 agreement is required, Heads of Terms are required when the DCO application is submitted to the IPC for acceptance.

5. Offshore Platforms

GWF informed the IPC that it has not been confirmed whether an accommodation platform, and/or a collection platform, is required, and the DCO will seek to allow for this flexibility. The current draft of the DCO provides for “up to 1” accommodation platform and “up to 1” collection platform. GWF explained that the accommodation platform (if needed) would be used for the temporary accommodation of maintenance staff/contractors, and as a means of emergency accommodation if weather conditions are unfavourable. The IPC noted that the DCO should clearly explain whether the accommodation platform would be used for both Greater Gabbard and Galloper wind farms or Galloper wind farm alone.

6. Draft Marine Licence and MMO

GWF referred to the draft deemed Marine Licence that is included within the draft DCO. It has been intentionally drafted so that it can operate as a ‘standalone’ document. The draft Marine Licence has been provided to the MMO for comments, which have been received, though further comments are expected. GWF is currently in talks with the MMO regarding a Statement of Common Ground (SOCG). GWF expects that it would not be in a position to finalise the SOCG with the MMO until the development consent application has been submitted to the IPC.

The current provisions of the draft DCO provide that the IPC would have no further role in the Marine Licence or DCO following determination of a DCO application. Responsibility for discharging matters such as layout, turbine type and foundation type would pass to the MMO as marine licensing authority. The IPC stated that the acceptability of this approach will be at the discretion of the appointed IPC Commissioner(s). The IPC noted the absence of any specific conditions in the draft Marine Licence requiring the submission to and approval of details by the MMO, and requiring that the project could only be built in accordance with those approved details. GWF will address this in the next draft of the Marine Licence.

The IPC highlighted that this approach would be likely to necessitate an important role for the MMO in the IPC examination process, if the application is accepted. The applicant should seek confirmation from the MMO that they understand the implications of this and may wish to submit this as part of the DCO application. GWF drew parallels between the MMO's role

under GWF's proposed approach and its role under the predecessor consenting regime (s.36 of the Electricity Act).

The IPC queried whether it was likely that a variation may be sought to the Marine Licence after any grant of consent. GWF explained its understanding that any variation could only be granted by the MMO. The IPC emphasised the importance of the ES for the MMO in discharging the requirements of the Marine Licence

GWF explained that as drafted the DCO provides for subsequent approvals relating to the onshore elements of the project to be dealt with by the local planning authority.

7. Plans

GWF confirmed that a 'land plan' as required under Regulation 5(2)(i) of the APFP Regulations 2009 and a 'works plan' as required under Regulation 5(2)(j) will be provided with the DCO application for both the onshore and offshore development. The IPC confirmed that the 'works plan' can form multiple drawings and does not have to be a single plan. It is for the developer to decide what level of detail it feels is appropriate for inclusion in these plans. GWF advised that a separate plan would be provided with the application showing the 'no build areas' identified in draft requirement 4.

GWF indicated that flexibility will be sought in the design parameters of the onshore GWF substation. They explained that the works plan (and possibly other plans) relating to the onshore GWF substation is likely to comprise plans showing, amongst other matters, the height limits identified in draft requirement 19, and with any limits of deviation identified in the DCO.

The IPC advised that the greater the level of detail that could be provided, and the more these parameters could be tied down, the better. For example, it would be helpful if drawings showing sections across Works No.s 6 and 9 could be submitted with the application. GWF stated that detailed section drawings could be provided in relation to the land form surrounding the GWF onshore substation.

GWF explained that the proposed offshore development would include three areas of proposed development: A, B and C. The IPC explained that once an application is submitted, a Commissioner with no previous involvement in the project will be appointed to decide whether or not to accept the application for examination. With this in mind, it would be helpful in understanding the proposed development for GWF to explain in the DCO and Explanatory Memorandum how the maximum capacity (504MW) relates to the proposed development areas. For example, whether all the maximum capacity could be located in one or two of these areas, and if so which, or if it is required to

be spread over all three areas.

8. Environmental Statement (ES) and Habitat Regulation Assessment (HRA) update

GWF informed the IPC that the ES is currently in the advanced stages of drafting. GWF does not intend to submit a draft ES to the IPC prior to submission.

GWF explained to the IPC that the approach undertaken in the ES has been to identify the 'worst case' for each of the design variations identified, for example in relation to the different options considered for turbine foundations. The inter-relationship between the impacts on single receptors will be considered carefully in the ES. GWF explained that the structure of the ES will follow that of the PEI and that during the s.42 consultation no responses received indicated that any of the consultation bodies were dissatisfied with the approach taken by GWF.

GWF informed the IPC that the HRA Report is also currently being drafted. Whilst GWF does not intend to provide a draft HRA Report to the IPC prior to submission, it was indicated that GWF would provide the IPC with a copy of the ornithology technical appendix to the ES. GWF noted that the HRA Report will cross-refer to this document. GWF confirmed that the IPC's Advice Note 10 (HRA) has been referred to when producing the HRA Report, including completion of the checklists attached to the Advice Note.

9. Consultation Report

A draft Consultation Report structure had been provided by GWF shortly before the meeting. The IPC commented that the Consultation Report should have a clear structure and be easy to navigate and understand. This will assist both the IPC and LAs to review it during the 28 day application acceptance period (the LAs only receiving 14 days). With regard to structure, advice can be found in IPC Guidance Note 1 and DCLG Guidance on pre-application consultation.

More specifically, statutory and non-statutory consultation should be clearly distinguished (s42, s47, s48), compliance with legislation should be explained, and consultation periods should be made clear. The report should be accessible and explain: what was proposed, the views of the LAs and how these were taken into account, how consultation was carried out, responses received, how these were taken into account and how the project evolved as a result.

The IPC emphasised the need for the Consultation Report to explain how the developer has met its duty to have regard to relevant responses under s.49 of the 2008 Act. The IPC suggested that GWF look at the s.55 checklists for the projects

	that have been accepted by the IPC to date, which can be found on the IPC website. These will provide a guide as to what the IPC looks for and include comments on the Consultation Reports received thus far.
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Specific decisions/ follow up required?	<p>If there is time GWF will send a further draft of the DCO to the IPC prior to formal application submission, including proposed wording in relation to the compulsory acquisition provisions.</p> <p>GWF to keep IPC informed of any changes to its anticipated submission date.</p>
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Circulation List	All attendees