

Meeting Note

File reference	EN010005 – Triton Knoll Offshore Wind Farm
Status	Draft
Author	Amy Cooper

Meeting with	RWE Npower Renewables Ltd (RWE)
Meeting date	20 September 2011
Attendees (IPC)	Jessica Potter (Case Leader), Tim Hallam (Lawyer), Simon Butler (EIA Manager), Paul Hudson (Pre- application Commissioner), Amy Cooper (Case Officer).
Attendees (non IPC)	Trevor Baker (RWE), Steve Bellew (GoBe), Andy Lovell (RWE), John Houghton (Bond Pearce)
Location	Conference Room 7, Temple Quay House, Bristol

Meeting purpose	Update on the proposed Triton Knoll Offshore Wind Farm (TKOWF) project and discussion on draft documentation including the draft DCO, explanatory memorandum and consultation report.
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Summary of key points discussed and advice given	<p>Project Update</p> <p>RWE advised that its anticipated submission date is now late December 2011. RWE explained that the s.42 and s.47 consultation period ended in July 2011 but dialogue with the nature conservation bodies on the matters raised is ongoing.</p> <p>Work between National Grid (NG) and RWE regarding an onshore connection to the grid is ongoing. The outcome of NG's grid connection review study is likely to be known at the end of October/early November 2011.</p> <p>RWE noted that the subsea export cable and onshore transmission works will not be included in the DCO application to the IPC for the TKOWF project. However, RWE expects that the onshore grid connection location will be known by the time an application is submitted to the IPC and cumulative effects will be addressed in the Environmental Statement (ES).</p> <p>The IPC advised that details of the proposed route and</p>
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method of installation for any cable must be submitted with the application. With regards the consenting strategy for the onshore electrical connection works (e.g. whether it will be via and an application to the local planning authority for planning permission, and a marine licence for the underwater cable, or an application to the IPC for development consent), if this is known at the time of submission, it should be identified within the application.

Consultation update and draft consultation report

RWE provided an overview of the comments received to its formal consultation and publicity under sections 42, 47 and 48 of the Planning Act 2008 (PA 2008). Consultees were given 42 days to respond and over 300 written responses were received. Over 430 people attended the public exhibitions.

The IPC advised that the EIA 'Regulation 9' list of consultation bodies previously provided to RWE was generated by the IPC at EIA scoping stage and took into account the project as proposed at that time, which included some onshore elements. IPC's Advice Note Three has also subsequently been revised. It is for the applicant to determine which consultees should be consulted for the project as it is now proposed.

RWE explained that the Marine Management Organisation (MMO) and ten local authorities (LAs) who were within a 40km zone of visual influence were consulted on the draft revised Statement of Community Consultation (SoCC) for the project.

RWE asked who the IPC would invite to submit an adequacy of consultation representation in the case of a project that has no onshore element and whether there was a role for the Marine Management Organisation (MMO) in this respect. The IPC agreed to consider this matter and confirm the position following the meeting.

(Post meeting note:

In deciding, under s.55(3)(e) of the PA2008, whether the applicant has complied with Chapter 2 of Part 5, the IPC must, under s. 55(4), have regard to (inter alia) any adequacy of consultation representation received by it from a local authority consultee. A 'local authority consultee' means a local authority, as defined in section 43, consulted under section 42(b) about a proposed application. Where a project does not fall within the area of any local authority (for example, because it is entirely offshore), the IPC's view is that there is no 'local authority consultee' for the purposes of submitting any adequacy of consultation representation.

However, the IPC recognises the distinctive circumstances of the proposed TKOWF project, it having no onshore element.

With this in mind, the MMO may wish to provide comments to the IPC about the adequacy of the applicant's pre-application consultation. For this to happen, RWE would need to provide a copy of its consultation report to the MMO at the earliest possible stage and the IPC would need to receive any comments from the MMO about the adequacy of the applicant's pre-application consultation within 14 days of the date of receipt of the application by the IPC. The IPC will also make the MMO aware of this advice.

RWE had provided the IPC with a draft consultation report shortly before the meeting. The IPC provided some comments on the structure of the draft consultation report:

- IPC Guidance Note 1 and Advice Note Fourteen provide guidance and advice about how best to structure a consultation report.
- Ensure all consultation has been described and clearly distinguished within the report. This includes consultation undertaken informally and under previous consenting regimes.
- Use the appropriate wording for each section, for example sections on informal consultation should not refer to sections of the Planning Act 2008 to avoid being misleading.
- The schematic diagram presenting an overview of all consultation undertaken is useful and may be a helpful tool for readers in visualising the pre-application consultation that has been undertaken.
- The consultation report must demonstrate compliance with statutory requirements including deadlines. For example, it should clearly set out the timescales given for LAs to comment on the draft SoCC. Wherever possible, applicants should append supporting evidence such as relevant correspondence.
- S.48 publicity: for clarity, you may wish to append the newspaper clippings and type up the wording used if the clipping is illegible

Draft DCO

RWE had provided drafts of its Development Consent Order (DCO) including deemed marine licence, explanatory memorandum (EM) and other draft documents prior to the meeting. RWE advised that it will shortly consult the MMO, MCA, Trinity House and relevant LAs on the draft DCO and EM.

Following that consultation, RWE would provide the IPC with a further, revised draft of the DCO, EM and other application documents. Given the degree to which details of the project are proposed in the draft DCO and deemed Marine Licence to be reserved for later approval the IPC would wish to receive assurance from the MMO that they understand the

implications of what is being proposed.

There was some discussion regarding the flexibility sought in the project described within the draft DCO. This echoed the points made in the IPC's letter to RWE on 11 July 2011. The IPC stated that wherever flexibility is proposed to be included within the draft DCO, the EM must fully explain and justify the approach, which should be consistent with what has been assessed in the Environmental Statement.

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 TKOWF to set out in the draft DCO, explain in the Explanatory Memorandum, and if possible show on the Works Plan how the maximum capacity of the project (1200MW) relates spatially to the proposed development area.

The IPC explained that the Environmental Statement and draft DCO should be capable of being treated as 'stand alone' documents, although they should be mutually consistent with each other. The IPC advised that to comply with the APFP Regulations 2009, an applicant must submit a land plan and works plan as part of any application for development consent. The IPC said that the proposed 'bridging' document could either be an appendix to the ES or the contents of this could be included as an integral element of the ES.

It is for the developer to seek its own legal and other advice upon which it can rely regarding the level of detail that should be provided on application plans. If known, any areas in which no development will take place due to site constraints should be shown on the works plan. Developers may also wish, for example, to submit, in addition to the works and land plans, indicative layouts in the ES illustrating the proportion of space within the red line boundary which is likely to be required for the project under different development scenarios.

Detailed drafting matters

- RWE explained that the phasing provision previously included within the draft DCO is no longer considered to be required, since the project would not be built-out on a phased basis.
- RWE anticipates that any temporary accommodation will be co-located with offshore platforms. RWE said that the definition of "accommodation platform" in the current draft of the DCO will be removed.
- RWE confirmed its intention to submit with the application a route corridor statement to meet the requirements of APFP regulation 6(1)(b)(i).

- RWE stated that it considers platforms for offshore substations to be associated development.
- RWE clarified that no ancillary works are currently anticipated to be included within the draft DCO.
- RWE confirmed that the draft DCO will include a proposed requirement which provides a seven year time limit for commencement of the development following consent being granted. The IPC advised that, as always, the EM should explain any departure from the Model Provisions Regulations 2009.

Draft Deemed Marine Licence

The draft deemed marine licence is found in Schedule 2 of the draft DCO as currently drafted. The IPC advised that, if accepted for examination, the Examining authority must be in no doubt as to what further approvals will be required should development consent be granted, and from whom. The IPC noted the absence of any specific conditions in the draft Marine Licence requiring the submission to and approval of final project design (e.g. layout, turbine and foundation type) by the MMO, and requiring that the project could only be built in accordance with those approved details.

RWE explained that it would take the IPC's comments forward through a revised draft deemed marine licence for further discussion with the IPC prior to formal application submission.

Transboundary effects

Noting the IPC's Advice Note Twelve, RWE have conducted an assessment of the likely transboundary effects of TKOWF and provided the IPC with a draft report. RWE explained that it had received no comments during the s.42 consultation to indicate that there would be significant transboundary effects resulting from the project.

The IPC advised that the report should indicate who has been consulted and explain the approach taken. It is the responsibility of the IPC to decide whether or not to consult other EEA states about a proposed project under Regulation 24 of the EIA Regulations. Where the IPC is of the view that a project is likely to have significant effects on the environment of another EEA state it must consult such states. In making this decision the IPC will conduct a transboundary screening assessment for all proposed projects to determine whether they need to consult such states.

RWE queried whether the report provided sufficient information for the IPC to carry out this assessment. The IPC agreed to review the report and respond to RWE with advice on this matter with a view to RWE submitting a final transboundary effects report prior to submission of the DCO application.

	<p>Habitats Regulations</p> <p>It was noted that discussions continue with the nature conservation bodies in relation to Habitats Regulations Assessment (HRA) and a Statement of Common Ground (SoCG) may be included within the application.</p> <p>The IPC confirmed that regulation 5(2)(g) of the APFP Regulations 2009 requires the HRA report to provide sufficient information to enable the IPC to carry out an appropriate assessment, if required. The IPC encourages applicants to populate and submit the tables appended to the IPC Advice Note 10. This information, together with the representations from nature conservation bodies, will help the IPC to decide whether sufficient information has been provided.</p> <p>RWE indicated that it is unlikely to submit a draft HRA report to the IPC prior to submission of the application. The IPC advised that the applicant think carefully about how they will present the HRA report given the requirements of the acceptance and examination processes. The HRA report should make clear statements and identify areas where issues remain outstanding between RWE and the relevant nature conservation bodies. Copies of any consultation responses from the relevant nature conservation bodies should be included in or annexed to the report. A stand alone document, rather than being included in the ES, is preferable but not mandatory.</p>
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Specific decisions/follow up required?	<ul style="list-style-type: none"> • IPC to update anticipated submission date on its website to show December 2011. • IPC to respond to RWE regarding the draft transboundary effects report. • IPC to clarify its approach regarding who will be invited to submit an adequacy of consultation representation for an offshore project which has no onshore element. • RWE to submit a further revised draft DCO to IPC, at least six weeks prior to submission of the application.
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Circulation List	All attendees.