

## Meeting Note

<b>File reference</b>	EN010005
<b>Status</b>	Final
<b>Author</b>	Amy Cooper

<b>Meeting with</b>	RWE npower Renewables (RWE)
<b>Meeting date</b>	28 November 2011
<b>Attendees (IPC)</b>	Mark Wilson, Tim Hallam, David Price, Amy Cooper. (Apologies - Jessica Potter).
<b>Attendees (non IPC)</b>	Trevor Baker, Steve Bellew, Andy Lovell, John Houghton
<b>Location</b>	IPC Board Room, Temple Quay House, Bristol

<b>Meeting purpose</b>	Discussion on revised draft application documentation including the draft DCO, Explanatory Memorandum and Consultation Report.
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<b>Summary of key points discussed and advice given</b>	<p><b>Project Update</b> RWE said that the anticipated submission date is the end of December 2011.</p> <p><b>Grid Connection</b> RWE said that, from discussion with National Grid (NG), Bicker Fen is likely to be the onshore connection point, although they had not yet received a formal connection offer from NG. RWE said that on the basis that the connection point will be Bicker Fen, they are presently carrying out their alternatives assessment exercise.</p> <p>RWE said that a broad level of detail (such as corridor search areas) will be included in the ES and in the statement submitted with the application under Regulation 6(1)(b) of the APFP Regs. Likely cumulative and in-combination effects arising from the onshore and offshore connection infrastructure would be assessed in the EIA for this proposed project.</p> <p>When RWE receive the offer from NG, they intend to:</p> <ul style="list-style-type: none"> <li>- Review the area for 3-4 months to identify technological options/constraints.</li> <li>- Submit a scoping request</li> <li>- Submit the application (either to the IPC or via the TCPA 1990 planning regime) in Q1 2013. RWE noted</li> </ul>
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that they would know in about 3 or 4 months from now as to which consenting route would be followed.

### **Draft Consultation Report**

The IPC advised on the structure and content of the draft Consultation Report. Comments included:

- As part of the report or appendices, provide a list of the s.42 and other bodies/persons which have been consulted so that the IPC could identify any differences from its scoping consultation list.
- Within the tables relating to s.49 (taking into account responses), ensure justification is made where a response has not led to a change, note which responses were received beyond the deadline and the extent to which they were taken into account.
- Be aware that the IPC may request raw correspondence relating to the formal consultation under Regulation 5(5) of the APFP Regulations. In view of this, the IPC advise that the applicants prepare a copy of all consultation correspondence in advance.
- Chapter 4 '*Planning Act informal consultation*' is a misleading title and we suggest it is re-worded.
- It is worth summarising responses received from 'informal' non-statutory consultation and identify the extent to which RWE have taken them into account.

### **Transboundary effects**

RWE noted that they had carried out some informal transboundary consultation, mainly in relation to possible effects on shipping and fishing. RWE have produced a report and a chapter within the ES which will summarise the applicants' position that transboundary effects are minimal.

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 proposed project is likely to have significant effects on the environment of another EEA state then it must consult such states. In making this decision the IPC will carry out a transboundary screening assessment for all proposed projects, if possible before the application has been submitted, in order to determine whether they need to consult such states. The IPC has internal processes which set criteria based primarily on relevant European guidance, and best practice. The IPC have published Advice Note 12 in relation to transboundary impacts consultation.

### **Draft DCO & Explanatory Memorandum - Drafting Points**

RWE said that significant revisions have been made to the draft DCO and other draft application documents since these were last seen by the IPC. For example, the parameters in Requirement 7 of the draft DCO had been revised and

expanded, and text explaining their approach to identifying Associated Development has been included in the draft EM. The proposed wording to explain their approach to the Rochdale envelope had now been transferred to a separate chapter in the ES from the EM. RWE said that they were still finalising certain chapters in the ES.

It was noted that the provision for the Secretary of State to gain access to survey proposed Work No. 1 or its site a maximum of once a year had been removed. RWE noted that such a provision was usually included in consents granted by the Secretary of State under s.36 Electricity Act 1989. The IPC advised that given that the relevant Secretary of State will be the decision-maker in this case consideration be given to it being re-inserted.

#### **Draft DCO - Consultation Responses**

RWE said that to date they had received no consultation responses on the draft DCO from either Trinity House or the Marine and Coastguard Agency. RWE said that they had been in contact with MMO and to date they had had three meetings with them on the draft deemed Marine Licence. The wording of proposed conditions 13-15 on the draft deemed Marine Licence, which related to monitoring and surveys, had not yet been agreed with MMO.

The MMO had also raised the possibility that a further marine license might be required for the disposal of spoil were gravity base foundations to be used in the project. They were awaiting the MMO's further comments on the need for this and whether in principle such a Licence might be granted.

The IPC said that the applicant should identify in the application any other necessary consents and whether there were anticipated to be any reasons why these might not be granted.

#### **Statements of Common Ground**

The IPC advised that it would be helpful if a Statement of Common Ground could be agreed with the MMO, dealing with matters pertaining to other necessary consents and the draft deemed Marine Licence including proposed conditions, and for this to be submitted with the DCO application.

The IPC noted that, were the application to be accepted, the Examining Authority may request Statements of Common Ground between the applicant and other parties during the examination, including with, for example, JNCC.

#### **Plans**

In accordance with APFP Regulation 5(3), plans submitted as part of the application under Regulation 5(2) should be no

	<p>larger than A0 size and to a scale not smaller than 1:2500. If the submitted plans deviate at all from this we advise that this is clearly identified and justification is set out either in the EM or on the plan itself. The IPC advised that the applicant applies a reasonable approach to paper size, ensuring that information on the plan is clearly legible.</p> <p>RWE stated that indicative 3D plans will accompany the DCO application to provide a visual interpretation of the scheme in different scenarios/turbine combinations.</p> <p><b>Habitats Regulations</b> The IPC confirmed that Regulation 5(2)(g) of APFP Regs 2009 requires the habitats report to include sufficient information to enable the IPC to make an appropriate assessment if required. IPC Advice Note 10 provides a checklist to help establish if enough information has been provided.</p> <p>RWE said that the feedback they had received from JNCC so far on HRA matters had not raised any substantive issues of concern. RWE said that correspondence on HRA matters from JNCC and other relevant consultees would be submitted with the application.</p> <p>The IPC said that it would be helpful to receive a copy of the applicant's draft HRA report for review prior to the application being submitted.</p> <p><b>Fees</b> RWE intend to transfer the application fee to the IPC in mid December 2011, probably on or around 17 December.</p> <p><b>IPC Advice Notes</b> Further annexes to IPC Advice Note 11 (working with public bodies) will be published shortly to include EA, JNCC and NE.</p>
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<b>Specific decisions/follow up required?</b>	<ul style="list-style-type: none"> <li>• RWE to provide a list of s42 and other consultees.</li> <li>• RWE to provide the draft DCO with track changes.</li> <li>• IPC to identify if further information is required to undertake a screening of transboundary effects.</li> </ul>
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<b>Circulation List</b>	All attendees
	Jessica Potter