

Meeting Note

File reference	Dogger Bank Offshore Wind farm - EN010021
Status	Final
Author	Jeffrey Penfold

Meeting with	Forewind
Meeting date	7 September 2011
Attendees (IPC)	David Cliff, Glyn Roberts, Sheila Twidle, Lynne Franklin, Kathryn Powell, Laura Allen and Jeffrey Penfold.
Attendees (non IPC)	Lee Clarke – General Manager, Forewind Mark Thomas – Head of Onshore Development, Forewind Sharn Ward – Offshore Consents and Stakeholder Manager, Forewind Stephen Collings – Partner, Eversheds Simon Bailey – Forewind Solicitor (telephone) Hazel Tait – Forewind Solicitor (telephone).
Location	Temple Quay House, Bristol.

Meeting purpose	Project update meeting and discussion of matters raised in Forewind's letters of 26 July and 22 August 2011
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Summary of key points discussed and advice given	<p>Forewind Progress Update</p> <p>Forewind provided update on current progress and the ongoing timetable for the project. Proposed submission date of first application(s) is December 2012. Any changes to this will be communicated to the IPC when known.</p> <p>Model Clauses 4 and 5 – Consent to transfer benefit of the order.</p> <ul style="list-style-type: none"> • IPC advised that the relevant Secretary of State would be the 'consenting body' as referred to in clause 5.1 of the Infrastructure Planning Commission (Model Provisions) (England and Wales) Order 2009. • The consenting process required by article 5 of the Infrastructure Planning Commission (Model Provisions) (England and Wales) Order 2009 to approve a transfer of the benefit of the Development Consent Order (DCO) was discussed and the IPC advised Forewind to consider discussing with DECC what information may be required and tests adopted before a transfer is granted. • It will be for the Examining Authority to decide whether or not powers should be capable of transfer – this will be dependent on the facts and circumstances (for example what safeguards are put place).
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- The IPC will provide Section 51 advice about any procedural steps which may be involved pursuant to article 5 if further information is obtained from DECC.

Consultation Strategy and Statement of Community Consultation (SoCC):

- Discussion on combining the s.42 and s.47 consultation processes for co-located projects. For example, can a single SoCC be produced for more than one application and can consultation go ahead before deciding upon a final application strategy?
- IPC advised that the application material submitted will need to cover, and explain, the approach to consultation adopted. Compliance with s.42 and s.47 must be evident and explained in the application. Consultation must be delivered in accordance with the SoCC. An adequacy of consultation representation will be requested from the relevant Local Authorities during the acceptance stage of the application which will be taken into consideration by the appointed Commissioner who will determine whether to accept the application.
- Discussion took place of the practicalities of submitting either a single or multiple applications where projects are adjacent to each other. IPC advised that how Forewind decides to bring forward the proposed development (i.e. several phases submitted as separate DCO applications or combining several phases within one DCO application) will be for Forewind to determine. However the projects would need to be properly defined in the draft DCOs including any necessary phasing details and be properly considered under the EIA Regulations and through other application documentation. Forewind recognised that there are advantages with submitting a single application, in terms of clarity and simplicity of the project description with regard to third parties, subject to these caveats.
- IPC advised that careful consideration should be given to the pre-application consultation procedure in order not to confuse the consultees with multiple project consultation.
- The IPC also emphasised the need to reach all relevant local consultation groups including hard to reach groups. The IPC suggested that the relevant local authorities may be able to assist Forewind in this regard.
- Agreed that Forewind would submit a letter to the IPC seeking further advice relating to consents strategy. The IPC will consider any further queries raised and respond as appropriate.

Scoping for Project(s):

- It was noted that the IPC has previously provided Forewind with a Scoping Opinion for the proposed Dogger Bank Offshore Wind Farm project in November 2010 (available on

the IPC's website).

- The IPC advised that scoping is not a mandatory requirement under the EIA Regulations. The IPC advises that an applicant may wish to consider the need to request a new Scoping Opinion where the proposed development changes substantially during the EIA process, prior to the submission of an application. However, this is for an applicant to determine.

Expected Duration of a DCO:

- Any change to the duration of the DCO from what is set out in the Miscellaneous Prescribed Provisions (five years) needs to be explained and justified within the Explanatory Memorandum. The implications of such a change, including the environmental implications as set out in the ES, will also need to be addressed as appropriate within the overall application documentation, including implications for the draft requirements.

Definition of Commencement of Development:

- Forewind queried the definition of 'commencement' in the context of offshore wind farms. The IPC referred to s.155 of the Planning Act 2008 and the definition of 'commencement' under the Town and Country Planning Act 1990.

Section 53 – Rights of entry

- Forewind sought clarification from the IPC on whether all s.42 consultation had to have been completed for an applicant to satisfy the criteria for making a request to the IPC under s.53 of the Planning Act 2008. IPC confirmed that the requirement under s.53(2)c requires that the 'proposed applicant has complied with section 42', the IPC has interpreted this to mean that the developer has detailed the consultees which the developer has identified and consulted in accordance with section 42 of the Act. Forewind did not indicate if and when a s.53 application would be submitted to the IPC.

Statutory Consultee List:

- Forewind explained that it would like to reduce the area included with the DCO site boundary. The IPC emphasised that the consultees identified by the IPC (and provided in the scoping opinion) was based on the proposed DCO boundary submitted with the scoping request. Although it may help inform Forewind's identification of consultees under s.42 of the Act, the IPC cautioned that a reduced DCO boundary may change the consultees that Forewind is required to consult under s.42 of the Act and it is for Forewind to satisfy themselves that all relevant persons are consulted.
- IPC advised that the Consultation Report should explain why (where it was possible to exercise discretion) prescribed Consultees had or had not been consulted. Additional

	<p>consultees to those prescribed under s.42 may be consulted by Forewind if considered appropriate.</p> <p>AOB:</p> <ul style="list-style-type: none"> • IPC advised on recent changes to IPC guidance and advice. Guidance Note 2 has been withdrawn with some of its content on matters concerning the draft DCO and Explanatory Memorandum moved to a new Advice Note 13. Advice Note 6 has been updated and now includes an acceptance checklist which applicants may wish to use to assist in preparing their application documentation. • Where the IPC determines that a proposed development is likely to have a significant effect on the environment of another EEA State, the IPC will undertake transboundary consultation in accordance with Regulation 24 of the EIA Regulations. The procedure is set out in Advice Note 12 (Development with significant transboundary impacts consultation).
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Specific decisions/ follow up required?	<ul style="list-style-type: none"> • IPC to forward comments on the developer's draft SoCC (this has been provided); • Forewind to submit letter on the following seeking further IPC advice: <ul style="list-style-type: none"> - combining examinations of multiple DCO projects; - whether s46 notice can be submitted for more than one project.
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IPC Circulation List	David Cliff
	Sheila Twidle
	Lynne Franklin
	Kathryn Powell
	Laura Allen