

Meeting Note

File reference	EN010024 – Navitus Bay Offshore Wind Park
Status	Final
Author	Owain George

Meeting with	Local Authority Members & Officers	
Meeting date	24 February 2012	
Attendees (IPC)	Robert Upton (Pre-Application Commissioner) Susannah Guest (Principal Case Manager) Owain George (Case Manager)	
Attendees (non IPC)	<u>Morning Session:</u>	
	Peter Finney	Dorset County Council
	Chris Stokes	Dorset County Council
	Derek Burt	Dorset County Council
	Alan Griffiths	Dorset County Council
	Ron Coatsworth	Dorset County Council
	Ron Whittaker	Bournemouth Borough Council
	John Wilson	Bournemouth Borough Council
	David Smith	Bournemouth Borough Council
	Mike Greene	Bournemouth Borough Council
	Mark Anderson	Bournemouth Borough Council
	Rae Stollard	Bournemouth Borough Council
	Geoff Turnbull	Bournemouth Borough Council
	Steve Davies	Bournemouth Borough Council
	Rebecca Evans	Eneco
	Helen Cassini	Eneco
	<u>Afternoon Session:</u>	
	Leo Randall	New Forest National Park Authority
	Julian Johnson	New Forest National Park Authority
	Tony Gentle	New Forest National Park Authority
Richard Frampton	New Forest National Park Authority	
Vicky Myers	New Forest National Park Authority	
Rob Ainslie	New Forest National Park Authority	
Steve Avery	New Forest National Park Authority	
Laura Harry	New Forest National Park Authority	
Sarah Kelly	New Forest National Park Authority	
Sarah Manchester	New Forest National Park Authority	
Alan Alvey	New Forest District Council	
Goff Beck	New Forest District Council	
Sue Bennison	New Forest District Council	

	Elizabeth Lewis New Forest District Council Diane Andrew New Forest District Council Tony Swain New Forest District Council Alison Hoare New Forest District Council Steve Clarke New Forest District Council Allan Glass New Forest District Council Colin Wise New Forest District Council Ann Sevier New Forest District Council Michael Thierry New Forest District Council Barbara Woodfield New Forest District Council Anna Rostand New Forest District Council Steve Rippon-Swaine New Forest District Council Derek Tipp New Forest District Council Anna Budge New Forest District Council Chris Elliott New Forest District Council Steve Clothier New Forest District Council Stuart Yeo New Forest District Council Andy Groom New Forest District Council Neil Williamson New Forest District Council David Groom New Forest District Council David Cranmer South Downs National Park Authority Helen Cassini Eneco Rebecca Evans Eneco
Location	Morning Session – Tregonwell Room, Bournemouth Town Hall Afternoon Session – Council Chamber, Lymington Town Hall

Meeting purpose	IPC Outreach event for local authorities, providing a presentation on the IPC application process followed by a question and answer session
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Summary of key points discussed and advice given	<p>The IPC explained its openness policy and that it was unable to provide advice on the merits of a proposal.</p> <p>IPC provided a presentation on the Planning Act 2008 application process with particular focus on the roles and responsibilities of the relevant local authorities, and advice to members on how to engage and participate. The presentation is available via the IPC website.</p> <p>The IPC also explained that the Localism Act 2011 abolishes the Infrastructure Planning Commission and transfers its functions to the Planning Inspectorate. As a result, a national infrastructure directorate will be formed within the Planning Inspectorate to examine applications for nationally significant infrastructure projects and make recommendations to the Secretary of State who will be the decision-maker.</p>
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Topics raised by attendees following the presentations are as follows:

Current Status of the Application

Eneco advised that section 42 consultation (consultation with prescribed consultees) would commence in the summer, with submission of an application expected by the end of 2013.

Local Impact Reports (LIR)

Local authorities in whose areas applications for nationally significant infrastructure projects are submitted are strongly encouraged to produce LIRs. The Secretary of State must have regard to the LIR in deciding applications. Relevant local authorities should prioritise preparation of their LIR irrespective of whether the local authority considers the development would have a positive or negative impact on their area. Where a number of relevant local authorities are involved, local authorities might consider a joint LIR submission.

Parish councils, organisations and members of the public may make representations to the local authority or directly to the applicant about the scheme (prompted, for example, by the applicant's consultation). The LIR could include reference to these representations, but only where they are relevant to a particular local impact which the local authority itself wants to highlight.

Representations by Elected Members

Should an elected member wish to make a representation in an individual capacity, they could register at Pre-examination stage as an interested party. They should ensure that they identify that the relevant representation is made in a personal capacity and not on behalf of the local authority.

Can a decision be Appealed?

IPC clarified that there is no right to appeal once a decision on an application has been made. An application can be made to the courts for Judicial Review however the grounds for such an Judicial Review relate to the process and not to the merits of the application.

Planning Performance Agreements (PPAs)

IPC was supportive of the use of Planning Performance Agreements. The IPC confirmed that it does not have any role in facilitating PPAs and that any negotiations should be between the developer and the local authority.

Preliminary Environmental Information (PEI)

Where an application is EIA development, stakeholders will have the opportunity to comment on Preliminary Environmental Information (PEI) at the pre-application stage and make relevant

and written representations to the Examining Authority on the Environmental Statement (ES) at the pre-examination and examination stages. Although not required by legislation, a developer may decide to share relevant chapters of the draft ES with stakeholders prior to submission of a Development Consent Order application in order to obtain comments and address any issues prior to submission.

Policy basis for decision making

The IPC advised that National Policy Statements (NPS) are produced by Government. The Energy NPS suite has now been designated and is available on the IPC website. NPSs undergo a democratic process of public consultation and parliamentary scrutiny, before being designated (i.e. adopted). They provide the framework within which IPC Commissioners make their decisions (or recommendations to the Secretary of State).

Transboundary Effects

Transboundary impact may arise, for example, as a result of emissions to air or water, or there may be visual or economic impacts. Consultation is undertaken in association with applications for a Development Consent Order where the IPC is of the view that the proposed development has significant impacts on the environment of another European Economic Area State or a state so requests. Advice Note 12 (available on the IPC website) explains the duty of the IPC and sets out the way in which projects may be screened in order to identify whether or not there are likely to be significant impacts on another state. The requirement to consult arises from the IPC's obligation under the EIA Regulations (Regulation 24); the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention); and the EU Directive 85/337/EEC as amended.

Development Consent Orders

The IPC advised that a number of different consents can be incorporated into a Development Consent Order. This allows for developers to submit a single application instead of several different applications to a number of consenting bodies. Specific to offshore wind applications, developers may wish to include any marine licences, for example, within their DCO application.

Compulsory Acquisition

The IPC confirmed that information relating to Compulsory Acquisition of land must be included in the application documentation.

Member opportunities to contribute

New Forest National Park Authority advised all attendees of its intention to implement a scheme of delegation to allow engagement with members to engage and take part in the formation of submissions to the IPC.

	<p><u>Alternative Locations</u></p> <p>IPC confirmed that the Examining Authority must make a decision on the application before them; they cannot take into consideration other alternative locations.</p> <p><u>Definition of offshore</u></p> <p>Section 15 defines a generating station for the purposes of the Planning Act 2008 (PA2008) regime. S.3 PA2008 sets out a threshold for an offshore generating station and s.4 PA2008 sets out a definition. For any further information on the definition of offshore, individuals should seek their own legal advice.</p>					
Specific decisions/ follow up required?	IPC to attend further Outreach session in July for Members and Officers of Borough of Poole & Purbeck District Councils and Isle of Wight Council if requested.					
Circulation List	<table><tr><td>All Attendees</td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table>	All Attendees				
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