



Meeting note

File reference	EN010024 Navitus Bay Offshore Windfarm
Status	Final
Author	James Bunten
Date	13 June 2013
Meeting with	Navitus Bay Development Limited
Venue	The Planning Inspectorate Offices, Temple Quay House
Attendees	Helen Cassini - Navitus Bay Development Limited Daniel Bates - Navitus Bay Development Limited John Houghton - Bond Dickinson Claire Rees - Bond Dickinson Susannah Guest - Principal Case Manager Robert Upton - Pre-application Inspector Hannah Pratt - EIA Advisor Justin John - Lawyer James Bunten - Assistant Case Officer David Watts - Consents Services Unit John Gordon - Consents Services Unit
Meeting objectives	Project Up-date
Circulation	All above

Summary of key points discussed and advice given:

The meeting took place in two parts. The initial part of the meeting was between Navitus Bay Development Limited (NBDL) and the Navitus Bay Case Team of the Planning Inspectorate and the second part of the meeting was between NBDL and the Consents Services Team of the Planning Inspectorate.

Introductions

The Planning Inspectorate (The Inspectorate) advised on its openness policy, noting any advice given would be recorded and placed on the National Infrastructure Portal website under section 51 of the Planning Act 2008 as amended (the 2008 Act). It was noted that any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

Project up-date

NBDL provided an update on the onshore elements of the scheme stating that the sub-station location and the cable route had now been confirmed. An announcement was made in February 2013 advising of this.

NBDL advised that phase 3 consultation had been completed. Amendments to the scheme (including amendments to the offshore boundary and maximum number of turbines) had been made following responses from various bodies including MCA, Trinity House and local yachting interests. NBDL noted that over 1500 responses were received from consultees during this phase.

NBDL outlined that section 42 and 47 consultation were scheduled for September 2013 to align with Preliminary Environmental Information 3 and that s48 publication was also anticipated for September 2013. NBDL added that the revised anticipated submission date would be March 2014, and asked for the Planning Portal website to read Q1 2014.

The Inspectorate up-dated that they were in the process of responding to a number of s53 requests made by NBDL. NBDL noted their progress in acquiring or signing agreements over land in the cable corridor. The Inspectorate encouraged NBDL to identify as soon as possible any assets of statutory undertakers on, over or under the cable corridor route that might trigger section 127/138 processes. The Inspectorate emphasised that early discussions regarding protective provisions would be beneficial for both parties. The Inspectorate noted that either requesting draft provisions from parties who may be affected, or providing draft provisions to those affected parties, may help with focusing discussions.

NBDL advised that they hope to have a draft Environmental Statement chapter on Socio-Economic impacts available by 1 July 2013 which would include the methodology adopted. It was noted that a meeting was being arranged with Bournemouth Tourism in July 2013. The Inspectorate commented that for other applications they had been invited to, and subsequently hosted, tripartite meetings. The Inspectorate was clear to state that their role would not be as mediator, but purely to ask questions of the parties. Feedback from those attending previous tripartite meeting had been that they proved beneficial for the parties.

NBDL highlighted that Scottish Natural Heritage (SNH) had published draft guidelines on visualisations for proposed wind farms in May 2013, with potential final publication being scheduled for February 2014. NBDL noted that they had been considering the implications of this and whether any action would be needed in how their visualisations were to be presented. NBDL outlined a verbal risk assessment and some viable options for addressing this matter, noting that their aim was to provide information without confusing stakeholders and those utilising the images. The Inspectorate encouraged NBDL to speak with relevant authorities as well as considering an audit trail on this matter as part of the application documentation.

The draft Development Consent Order (DCO) was discussed, with The Inspectorate highlighting section 135 of the Planning Act 2008 in respect of Crown Land. It was advised that the time period for a final Secretary of State decision on a current application had been extended due to s135 considerations and achieving clear consent from the appropriate Crown Authority. The Inspectorate therefore strongly encouraged NBDL to have an explicit statement from Crown Estates in place, preferably before examination. The Inspectorate noted that it is easier if the principle of consent is agreed early, so that only changes that occur during examination need to be negotiated instead of waiting until the end of examination to instigate the process of consent.

The Inspectorate also queried whether any provisions under s278 Highways Act 1980 might be required and encouraged NBDL to speak with the Highways Authority.

It was noted that there have been on-going discussions between NBDL and the Marine Management Organisation about Deemed Marine Licences (DML) within a DCO and a potential approach for a DCO to contain two DML; one for the generating station and one for the OFTO.

The Inspectorate advised that if possible NBDL should be looking to discuss and submit Statements of Common Ground with the application documents rather than waiting until later on in the Pre-Examination/Examination phases where time and possibly resources would be more limited. The Inspectorate highlighted the usefulness of these documents, noting that they inform the Examining Authority (ExA) of issues and possible questions at an early stage.

The Inspectorate noted that it would be helpful for the ExA to have information itemising how mitigation measures that were identified in the Environmental Statement would be secured through the draft DCO. It was also noted that indications of non statutory or more detailed information which an ExA might find useful at submission could be found by reviewing the ExA's first and second round of written questions in other Examinations. This could be relevant for information in respect of, for example, funding statements where the ExA may be looking for evidence against a worst case scenario.

NBDL advised that they have begun early work on the Consultation Report. The Inspectorate noted the revised DCLG guidance on Pre-application and encouraged NBDL to be clear in the Consultation Report about dates and timeframes for all the statutory time periods. The Inspectorate advised that any changes between phases of consultation, for example if organisations cease to exist or change form or name, could usefully be included. For offshore schemes, NBDL were advised that it is helpful to have a clear categorisation of local authorities and their status under section 43.

The Inspectorate noted the provision of Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, Regulation 5(5) about requesting consultation responses and encouraged NBDL to consider collating this information in advance of formal submission. As the period for an Acceptance decision is a maximum of 28 days, preparing this information early could be extremely helpful in responding in a timely manner to any such request from The Inspectorate.

The Inspectorate encouraged NBDL to submit draft documents when prepared. Such draft documents could include the following: DCO, Explanatory Memorandum, Book of Reference, Statement of Reasons, Funding Statement, Consultation Report, Plans and any draft Habitats Regulation Assessment report.

Specific decisions / Follow up required