

## **Planning Act 2008 (as amended)**

### **Application by Navitus Bay Development Ltd for an Order Granting Development Consent for the proposed Navitus Bay Wind Park**

Thank you for your email of 28 May 2014 addressed to the Rt. Hon. Ed Davey.

Your email has been passed to me as your email relates to a proposed nationally significant infrastructure project (NSIP). I have been asked to reply as the Planning Inspectorate, an agency of the Department for Communities and Local Government, is responsible for examining NSIP applications for development consent under the Planning Act 2008 (the PA2008).

Offshore generating stations in England or Wales that have a capacity of more than 100 megawatts are classified as NSIPs and, therefore, for any development above this threshold an applicant is obliged to submit an application to the relevant Secretary of State for development consent under the 2008 Act. This application was submitted to the Planning Inspectorate on 10 April 2014, and was then subsequently accepted for examination on 8 May 2014.

We are currently in the relevant representations period, which is when members of the public can register with the Planning Inspectorate and make a “relevant representation” so that they will become an “interested party”. This gives members of the public an opportunity to participate in the examination of the application.

Shortly after the close of the period for making a relevant representation the Secretary of State will appoint the ‘Examining Authority’ to examine the application. The Examining Authority has up to 21 days to review the application and all relevant representations and identify the principal issues for examination. Following this, the Planning Inspectorate invites all interested parties to attend a meeting, known as the Preliminary Meeting, and is held to consider how the application will be examined. The meeting may include questions and answers about the key issues that will need to be examined, the timetable for the examination and other important organisational details. The merits of the application will not be discussed at the Preliminary Meeting, which is purely procedural.

Following the Preliminary Meeting, the Examining Authority has a statutory duty to complete its examination within 6 months after the last day of the Preliminary Meeting. The examination is a formal legal process, during which careful consideration is given to all the important and relevant matters, including the representations of all interested parties, any evidence submitted and answers provided to questions set out in writing and explained at hearings.

Within three months of the six month examination period closing the Examining Authority must prepare a report on the application to the relevant Secretary of State, in this case the Secretary of State for Energy and Climate Change. The report will

include a recommendation. The Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent.

The Planning Inspectorate has published a series of advice notes which explain the process, including information on how to get involved. These are available at the following address:< <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes>> . I would draw your attention in particular to advice notes 8.1 through 8.5.

If you have not done so and you wish to register as an interested party you will be kept informed of the Examination and be invited to engage in the process further by making detailed written representations (and oral representations at any hearings).

Relevant Representation forms must be completed online at the relevant time. The deadline for making a representation is 23 June 2014, and registration can be done by following this link: <http://infrastructure.planningportal.gov.uk/projects/south-east/navitus-bay-wind-park/?ipcsection=relreps> . You may also wish to sign up on this webpage to receive email alerts on the progress of the project.

I hope this information of assistance. If you have any further queries please send them to the Navitus Wind Park case team at the above address.

Mark Southgate