



Meeting note

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Status	Final
Author	Hannah Dickson
Date	6 November 2015
Meeting with	Navitus Bay Development Limited
Venue	Temple Quay House
Attendees	Helen Cassini, Stuart Grant, John Houghton, Jackie Anderson, Hannah Dickson, Ken Taylor, Tom Carpen, Hannah Pratt, Frances Russell, Dave Anthony.
Meeting objectives	Post examination feedback meeting
Circulation	NBDL PINS

Summary of key points discussed and advice given:

The purpose of the meeting was to give both the developer and the Planning Inspectorate (the Inspectorate) an opportunity to feedback and to discuss the Navitus Bay offshore wind farm application processes from pre-application to post-decision. The Inspectorate explained its openness policy and the requirement to publish any advice under Section 51 of the Planning Act 2008 (the Act).

Pre-application Advice

The applicant advised that they found the Inspectorate's pre-application advice useful and open. The applicant acknowledged that the Inspectorate had issued new guidance half way through their pre-application stage and that this would have been useful to them at an earlier stage. PINS confirmed they were happy with the amount and frequency of contact and meetings.

Scoping

The applicant advised that they found the scoping process good and that the scoping was as they expected and there were no surprised or unexpected issues.

Consultation carried out by the applicant

The applicant confirmed that this was lengthy, with four stages. PINS referred to adequacy of consultation responses from local authorities. These documented some local residents' perceived issues and PINS stated that it would have been useful if the applicant could have, if possible, alerted PINS to these potential issues during the pre-application period.

Section 52/53

PINS stated that this was the first Section 52 they had received. The applicant stated that both the Section 52 and Section 53 processes were fairly slow and that this had the potential to affect some of their contractual milestones. PINS acknowledged the process had been lengthy and explained that as a result of lessons learnt PINS has updated its advice notes and put measures in place to speed up the process.

Application Documentation

The applicant stated that the cost to produce the application documentation was very expensive, particularly as 4 copies were required. PINS have since revised policy and now push towards electronic working wherever possible. PINS guidance now only requires 2 hard copies of the application documents.

PINS confirmed that the application documents were of a high standard. The colour coding of the documents made it easy to navigate the large volume of documents. This also made it easy to cross-reference with these throughout the examination. PINS also commented that the application documents were written in plain English.

PINS explained why they had asked for 4 hard copies of the application documents and asked whether this had caused the applicant problems. The applicant confirmed the cost of printing and logistics was particularly expensive, whilst acknowledging that some printing was unavoidable, such as the visuals.

Acceptance

PINS explained to the applicant that although policy has been revised in terms of how many hard copy documents are required, it is useful to have a hard copy during acceptance for note making and comparison purposes. PINS also advised how the content of the s55 checklist is now kept to a minimum and our checks are now summarised in a much more concise way.

Section 51 advice was given post acceptance in respect of a small issue with the composition of the Book or Reference.

The timing of the application being submitted was a problem for PINS. The application came in over Easter where there were two Bank Holidays and our 28 days acceptance period was therefore reduced which made looking at the large volume of application documents more of a challenge. NBDL acknowledged that the timing was not ideal.

Examination

PINS were happy with the level of communication with NBDL in respect of venues and liaison with the applicant's staff. Our Programme Officer found their contact on the applicant's side to be very helpful.

NBDL thought that PINS could have used their knowledge of venues in the area better, however they did appreciate that venues in that area were generally in high demand and were often booked up a long time in advance. PINS confirmed that this is one of the problems our Programme Officer faced, in addition there was also an issue for PINS not being able to use hotels/venues where the owners are IPs or were not willing to host hearings in respect of this application.

IT was an issue for the applicant. They are aware that our website is now better than it was, but during the examination they found the PINS website very slow. PINS responded saying that they were aware of this and that our website has changed, informing NBDL that we now publish documents under their relevant deadline rather than document type. PINS also now publish the exam library after each deadline. PINS confirmed that as a result of problems we had with the earlier deadlines on this case, changes were made with how we published and tracked documents. PINS processes have also been changed due experience on this case in respect of Relevant Representations. PINS acknowledged that changed referencing of the Relevant Representations caused the applicant confusion and issues with tracking the relevant representation.

PINS asked the applicant for their thoughts on PINS publishing deadline documents as they were received as this had never been done before. PINS informed the applicant that they had received some criticism from other interested parties who believed that PINS had withheld the applicants documents to the last minute which was not the case. The applicant confirmed that they didn't deliberately withhold their documents as they had work to do right up until the last moment. NBDL informed PINS that an approach that they did take was to share their deadline responses with bodies such as MCA and Trinity House in advance of the deadlines. Feedback from these bodies was that sharing their deadline responses even in a basic draft form helped them and this approach was appreciated.

NBDL suggested that if there was a way to bulk download documents it would be useful.

The issues that PINS experienced on decision day were discussed. IT had been a problem and PINS website stopped working due to the sheer volume of hits. In addition to this there were other IT errors which were due to PINS inexperience in refusing an application. PINS confirmed that our processes have since changed to ensure that something like this does not happen again and apologised.

Other areas that caused problems for the applicant were paper copy deposit locations during pre-application. Electronic locations were hard to come by due to patchy internet access.

Examination Timetable

NBDL felt that an open floor hearing held very early in the timetable worked well, and the groupings of Issue Specific Hearings also worked well. Generally the applicant felt

that the timetable gave flexibility and was structured well. They did however feel that the overrunning of the issue specific hearings created problems for them in terms of ensuring that their experts and those of others attending were available. PINS agreed and were confirmed that they were aware that the days were very long, also explaining that the new timetables contain post hearing deadlines to allow for evidence to be submitted in writing.

Open floor hearings

PINS explained that the approach taken was a new and novel one but that felt that it worked well. The applicant was positive saying that the 3 minute rule for speakers worked well and was the best way to manage the day. The applicant also referred to the panel's handling of interested parties (IPs) and said that they were impressed with how the panel reminded individuals that they had read their Relevant Representations and also demonstrated that they had by referring back to their representations. The applicant felt that people were reassured by this. The overall feeling from the applicant is that the panel had dealt with IPs sensitively, as well as being happy that the hearing was dealt with in one day, adding that to split the open floor hearing would have led to confusion.

The Isle of Wight open floor hearing still used the same system but there was no need for the panel to be as strict with speaking times given the lower level of attendance. In both hearings the panel showed themselves to be flexible. PINS confirmed that using the same system was a conscious decision to ensure that the hearings were seen to operate fairly. NBDL found that responding at the end of each session worked well.

NBDL felt that these events were staffed at the correct level and that there was always someone for queries to be directed to.

Issue specific hearings

NBDL felt that these were grouped well, although their main issues were timings. They felt that the level of time given to opposition groups was disproportionate addressing seating arrangements in particular. Regarding the seating arrangements PINS confirmed that this was a conscious decision as all IP's are equal. PINS also clarified that in making the decisions on who will speak and attend we ask IP's to write to us to notify us whether they intend to speak or not. All IPs are treated in the same way and no more weight is given to objectors over non objectors.

In relation to the agendas, the applicant confirmed that the invited attendees in the agenda were useful. They did not consider the detail within the agenda's to be too much, however they did note that the agendas for the second week of hearings had clearly evolved for the better from the first week.

Action points were appreciated by the applicant, and they acknowledged that they were published quickly. The applicant asked if it was possible to have them published the same day. PINS explained that this can be logistically difficult however that they do endeavour to publish action points as soon as practicable.

Overall the applicant felt that hearings were well conducted by the panel and well controlled. The panel were considered to be very good at the hearings and speakers.

The applicant noted that the panel requested a large number of Statements of Common Ground (SOCG) which they did not consider added value. The main opposition groups were not always amenable to signing SOCGs and the applicant advised that perhaps some advice from PINS to the opposition parties in respect of SOCGs would have been useful. They would have welcomed guidance from the Inspectorate relating to the sailing clubs and which ones to agree SOCGs with. A general request for relevant sailing clubs was used in the Rule 8 letter, which the applicant consider too broad.

Examination Questions

The applicant felt that the volume of questions was too high. PINS explained that with applications submitted now, Inspectors are appointed at the point of acceptance, meaning early identification of issues and therefore the probability of fewer and better informed Questions. This wasn't the case with this particular application and the panel therefore felt that they needed to ask lots of very detailed questions. NBDL noted that the questions became more focussed during the examination.

The numbering of questions was not felt to be consistent in its approach. The applicant thought that this could have been due to the number of topics and the number of panel members.

When answering the ExA's questions, PINS noted that it did help that the applicant used the Word version of the questions. PINS also clarified they request unlocked versions of responses from the applicant as these are very useful to have internally.

Site Visits

The applicant agreed that the publishing of note of USVs was useful and that IP's found it reassuring to have that information. They considered the more information in this respect the better. The applicant did however observe the lack of an offshore site visit, which they considered would have been useful. The applicant did note that the panel had undertaken visits independently to other offshore wind farm. They consider that there should have been a specific offshore visit to the proposed Navitus Bay area, particularly once the mitigation option was introduced.

Mitigation Option

The Inspectorate considered that the applicant's timing for introducing the mitigation option was appropriate as it was submitted ahead of hearings allowing for it to be examined with the six month timetable. It was noted that IPs responded to it in a way that was not anticipated and it was acknowledged by PINS that due to the legal nature of the process it was difficult for IPs to understand what they were expected to do and respond to. It was noted that the inception of the mitigation option was submitted as an appendix to a Deadline 3 document. The applicant explained that the

use of the appendix was a pre-cursor to the actual mitigation option which was submitted at Deadline 4.

Advice Note 16 was not in existence at this time, otherwise the applicant confirmed that this would have been useful.

With regards to the ExA's decision to include two DCOs to the SOS, the applicant agreed that this the most sensible approach.

The Inspectorate explained how the introduction of the TAMO was new ground, and therefore lessons have been learnt from how this was handled for example being clearer in our correspondence to IP's when asking them to comment on the materiality of the option.

Panel

The applicant was initially surprised by the composition of the panel, commenting that they were expecting panel members to have more offshore wind experience and noting that two of the panel were completely new to National Infrastructure. Four panel members were no surprise to the applicant. The submission of the mitigation option meant that this proved to be an asset.

Recommendation/Decision

The applicant felt that the report was well structured and on the whole showed a clear thought process, stating that they felt that at some points the conclusions were out of balance, particularly in respect of impacts on tourism. The applicant considered that the rationale within the recommendation report in relation to the mitigation for effects on salmon was light.

AoB

Opposition Groups

These were very well organised local groups that were very focussed. The applicant felt that the ExA and the Inspectorate gave them a fair hearing. The applicant felt that they understood the need for a precautionary approach, however considered that they were given just a bit too much speaking time. They did however recognise that the situation was unique and therefore the Inspectorate dealt with this as best they could.

Leaking of recommendation

The leaking of the outcome of the recommendation report and the anticipated decision a week prior to the decision date caused the applicant an enormous amount of stress and upset and they asked what could be done to ensure this never happens again, saying that they would also be wanting a formal investigation into the leak. The Inspectorate confirmed that this would need to be directed to DECC, but to copy to the Inspectorate.

General

Finally, the Inspectorate informed the applicant that the panel had acknowledged the applicant's hard work and willingness to work with all parties involved.