



The Planning Inspectorate

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Steve Brine MP
House of Commons
London
SW1 0AA

Your Ref:

Our Ref: EN010024

Date: 8 April 2014

Dear Mr Brine,

Planning Act 2008 (as amended)

Emerging application by Navitus Bay Development Ltd for an Order Granting Development Consent for the proposed Navitus Bay Wind Park

Thank you for your letter of 24 March 2014 addressed to the Rt. Hon. Eric Pickles MP, Secretary of State for Communities and Local Government. As your letter 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. As you may be aware, the Navitus Bay Wind Park application is such a development but it has not yet been formally submitted to the Planning Inspectorate for examination. The developer currently anticipates submitting the application sometime in April 2014.

The call in power that your constituent refers to only applies under the Town and Country Planning Act 1990 (as amended) not under the Planning Act 2008. However, under the 2008 Act an application will ultimately be determined by the relevant Secretary of State. The application will be submitted to the Planning Inspectorate for examination and if it is accepted an Examining Authority will examine the application and write a recommendation report for the Secretary of State for Energy and Climate Change, as he is the decision maker for energy NSIPs. The Secretary of State's decision will be fully informed by the recommendation report that follows a thorough and impartial public examination of the application.

It is not appropriate for me to comment on the merits of the development as this might prejudice the future impartial consideration of an application by the Examining Authority. However, it may be helpful if I explain some elements of the process and how your constituent can become involved, should he so wish.

Under the 2008 Planning Act, National Policy Statements (NPSs) play an important part in the determination of NSIP proposals. NPSs set out national policy for a range of developments and there are six designated Energy NPSs, of which the Renewable Energy NPS (EN-3) is the one most relevant to onshore and offshore wind farm NSIP developments. In addition, the overarching NPS for Energy (EN-1) states that the decision-maker (the Secretary of State for Energy and Climate Change) should start with a presumption in favour of granting consent for energy developments that meets the requirements of the NPSs and associated legislation, given the national urgency for such infrastructure (EN-1, para 4.1.2). The decision-maker, however, must weigh any potential adverse impacts of a proposal, including any long-term and cumulative adverse impacts and environmental considerations, against the benefits of the proposal (EN-1, para 4.1.3). Your constituent can find out more about the Energy NPSs and the statutory framework for deciding NSIP applications in Section 1.2 and 4.1 of the Overarching NPS for Energy (EN-1). Please see the following link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

The NSIP regime is based on the principles of fairness, openness and impartiality. On submission of an application, the Inspectorate has 28 days within which to decide whether or not an application meets the standards required to be formally examined. If the application is accepted, the PA2008 provides an opportunity for individuals, organisations and groups to register as 'interested parties' and to submit a 'Relevant Representation'. Developers are required to advertise, in local and National newspapers and at the site of the proposed development (or as near as reasonably practicable to the site and at a place accessible to the public) the acceptance of an application and the period within which any Relevant Representation must be made, which is at least 28 days. All Relevant Representations will be read by the appointed Examining Authority in conjunction with the application documents.

If your constituent registers as an interested party they 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). The Inspectorate has produced advice notes that provide an overview of the PA2008 process and explain how to get involved: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>. Relevant Representation forms must be completed online at the relevant time. The forms will be available on the Navitus Bay Wind Park project webpage: <http://infrastructure.planningportal.gov.uk/projects/south-east/navitus-bay-wind-park-formerly-isle-of-wight/>. Your constituent 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.

Yours sincerely,



Director of Major Applications and Plans

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.