

By email

4 October 2011

Dear Sir/Madam,

Proposed Application for a Development Consent Order for an Offshore Windfarm Extension at Kentish Flats (IPC reference. EN010036) – Chapter 2 ‘Pre-application Procedure’ of the 2008 Planning Act (PA 2008).

I am writing to you in respect of the above proposed application, which we have been informed by the developer (Vattenfall) is likely to be submitted to the IPC soon after, but not before, 13 October 2011.

In advance of this submission, we thought it would be helpful to inform you of the process where we will be requesting a representation from your authority on the adequacy of the applicant’s pre-application consultation.

On receipt of an application the IPC must decide whether or not to accept the application, and has 28 days to make this decision. In accordance with s37 of PA 2008, the developer must submit a consultation report with the application. This consultation report should set out the developer’s pre-application consultation processes, a summary of the relevant responses to its consultation and how it has taken account of responses received in developing the application. Developers must have regard to relevant guidance on the pre-application process issued by the Secretary of State and the IPC (s50 (3) PA 2008) including guidance on the consultation report contained in IPC Guidance Note 1.

As soon as we receive the application, the IPC will be inviting you, as a s42b local authority consultee, to submit an ‘adequacy of consultation representation’ which the IPC must have regard to in deciding whether or not to accept an application (s55 (4)(b) PA 2008). This ‘adequacy of consultation representation’ means a representation about whether the developer has complied, in relation to the proposed application, with its duties under sections 42, 47 and 48 of PA 2008 relating to consultation and publicity.

Given the short statutory time limit for the acceptance stage, we would like to email your invitation to submit an ‘adequacy of consultation representation’ together with an electronic copy of the developer’s consultation report. To accord with s229 of PA 2008, I therefore ask if you could **confirm by 11 October 2011 the appropriate email address and contact name** for us to send an electronic communication for this purpose. It would

be very helpful if you could also confirm that you will accept email communications of other procedural notices from the IPC in connection with the examination of this application.

Please be aware that the IPC must determine whether the application can be accepted within the period of 28 days, beginning with the day after the date of receipt of the application. As a result we will be seeking a representation from you **within 14 calendar days of the date of our invitation**. In light of this, you will obviously want to ensure that your authority has appropriate internal approval procedures in place to meet this deadline.

Please also note, should the application be accepted, the IPC will be inviting your local authority to submit a 'local impact report' which should give details of the likely impact of the proposed development upon your authority's area. The deadline for the submission of the 'local impact report' will be set by the Examining authority following the 'preliminary meeting' which is likely to take place a few months after the acceptance of an application. You are therefore encouraged to start thinking of the content and your internal approval procedures for this as early as you can.

For further information on the above or any other queries, please do not hesitate to contact me. In my absence please, contact Katherine Chapman who is the case officer.

Further details of the process for development consent applications including relevant legislation, guidance and advice notes can also be found on our website: <http://infrastructure.independent.gov.uk>.

Yours sincerely

Simone Wilding
Case Leader

Email: kentishflatsext@infrastructure.gsi.gov.uk

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This letter does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.