

Stakeholder Meeting Note

File reference	EN010036
Status	Final
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Meeting with	Vattenfall
Meeting date	31 March 2011
Attendees (IPC)	Andrew Phillipson (Pre-application Commissioner) Simone Wilding (Case Leader) Patrycja Pikniczka (Assistant Case Officer) Sheila Twidle (EIA & Land Rights Manager) Tim Hallam (Lawyer)
Attendees (non IPC)	Göran Loman (Vattenfall) Elizabeth Dunn (Burgess Salmon)
Location	IPC Offices

Meeting purpose	To receive an update on the project and to provide advice on pre-application procedures.
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Summary of outcomes and advice given	<p>Advised on IPC openness policy as well as not being able to discuss the merits of a specific project with any party.</p> <p>Project Update and Programme Review</p> <p>Vattenfall gave an update on the main activities undertaken to date: The project team had decided to split their s.42 and s.47 consultation and to engage with the local communities as soon as possible. Two exhibitions were held: 1 in Herne Bay (ca. 75 attendees) and 1 in Whitstable (ca. 90 attendees). Vattenfall representatives were available on the days to answer any questions raised by the local communities.</p> <p>The s.47 community consultation started in January and finished in early March 2011 and Vattenfall's response to the feedback received will be published on the project website shortly. Vattenfall also undertook the s.48 publication in January 2011 and sent a copy of the notice to all EIA consultation bodies.</p> <p>The applicant has also had several meetings and discussions with Natural England, discussing particularly impact on birds (including cumulative impact), the maximum tip height (145m) and visual impact. Liaison meetings have also been held with other statutory consultees including the MMO and the Port of London Authority (PLA).</p>
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Vattenfall is currently in the process of finalising the draft DCO, Explanatory Memorandum and Environmental Statement, with a view to provide these for comment to certain of the statutory consultees as part of the s.42 consultation. S.42 consultation is currently expected to start around 18 April 2011 for a period of 35 days. Submission of the DCO application to the IPC is expected in August 2011.

This project is likely to be the first to go through the new marine licensing system (which comes into force on 6 April 2011). Vattenfall has also recently submitted applications to the MMO and PLA for licences for preliminary boreholes in the proposed turbine locations and export cable. A PLA licence will also be required for the construction of the extension project.

At the same time Vattenfall are working with the MMO on drafting the conditions for the draft marine licence that they are proposing be deemed by the DCO. Vattenfall had a meeting with the MMO in February 2011 and the MMO provided Vattenfall with standard, generic conditions of a draft FEPA-style licence. The project team are currently revising these to ensure relevance/suitability for the project with a view to submitting these amended draft conditions to the MMO for comment. However, it was unlikely that the MMO would be able to comment, particularly in relation to draft monitoring conditions, until it has the s42 consultation documents. Vattenfall intend to include the draft marine licence in their DCO application and are aware of the MMO's request to have at least 2 months to comment on the draft licence prior to submission of the application for development consent.

Vattenfall said that the 'red-line' boundary has been drawn so as to provide several different possibilities for landfall as currently it is not yet clear which option will be chosen. On the basis of this boundary the applicant has sought to identify a list of all persons with an interest in the land (in accordance with s.44 of the Planning Act 2008); however there is some unregistered land (a small section of beach, slipway and outfall to the west of the existing landfall). The applicant asked the IPC for a view on what they considered constitutes 'diligent inquiry' to discover all the land interests and the IPC said that they would revert on this after the meeting.

The project team have decided to deal with the cable to connect the KFE from the jointing pit (located underneath the car park on the sea front) to the substation as a planning application to Canterbury City Council (CCC). In other words the landwards works beyond the jointing pitch are now proposed to be dealt with in a separate planning application to be made to CCC and will not be included in the DCO submission.

Vattenfall noted the requirement to prepare a decommissioning programme under s.105 of the Energy Act 2004 when submitting an application for offshore wind and marine energy installations. Vattenfall have an agreement with the Crown Estate in relation to decommissioning including a commitment to payments to secure decommissioning. The IPC queried how these payments are proposed to be provided for legally. Vattenfall said that they would revert to the IPC on this.

Emerging EIA and draft DCO

Vattenfall wishes the technical specification of the turbines to remain as flexible as possible within a number of key parameters as otherwise it could constrain the promoter's procurement process to potentially one turbine type. The consultation and draft ES has used maximum parameters (including e.g. maximum number (17) and height of the turbines (blade tip (145m) and turbine hub height (85m)) and a capacity cap (51 MW) and identified and assess the worst case for the different scenarios. It is intended that this approach is also used in the final ES. Grid co-ordinates will be provided for the locations of the turbines (with some allowance for micro-siting). Vattenfall said that the 51MW capacity cap derived from their lease with the Crown Estate.

The applicant explained that the KFE project is different from most other offshore schemes in terms of size (smaller) and degree of certainty over layout and location. The promoter perceives the level of uncertainty to be limited. Foundations were expected to be all of monopile construction.

The IPC advised that Vattenfall should be as specific as possible when describing details of the numbers of turbines; height of and minimum distance between turbines, minimum distance between mean tide water level and the lowest point of the rotor blade and the location of turbines. The applicant was also advised to consider different scenarios including inter-relationships and cumulative impacts. Vattenfall's attention was drawn to IPC Advice Note 9 and the use of the Rochdale Envelope approach.

It would be helpful if Vattenfall set out in the ES the criteria for deciding which turbine locations might be omitted if fewer than the maximum number of turbines was needed, to identify the preferred locations to be omitted and the likely environmental impacts of this.

Vattenfall had yet to decide whether the Works Plan to be submitted with the DCO application would show the layout of the array or just the order limits and limits of deviation.

Vattenfall was advised to ensure that the project description in the Environmental Statement corresponds accurately to the

	<p>project description in the draft DCO. In the light of the promoter's decision to take the on-shore cables out of the DCO application (and to submit these instead as a separate planning application to CCC), Vattenfall were advised to assess the impact from the on-shore cables under cumulative impacts in the EIA and clearly set these out in the ES.</p> <p>Vattenfall advised that they are anticipating submitting a 'no significant effects' report in relation to Habitats Regulation Assessment (HRA), and will be discussing this with Natural England prior to submission of the application. The IPC advised that it is the applicant's responsibility to ensure that the IPC has sufficient information to comply with its duties under the Habitats Regulations and that the Commission is not bound to come to the same conclusion as the applicant as to whether there were 'no significant effects'. The IPC said that it would be useful to have early sight of a draft of the Habitats Regulations Report prior to the DCO application being submitted.</p> <p>Vattenfall were informed about the advice note on the Habitats Regulations which would be published on the IPC website shortly, which provided detailed information as to the approach to be taken. The importance of reporting the consultation with the statutory nature conservation bodies was emphasised.</p>
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Follow up action required?	<ul style="list-style-type: none"> • Vattenfall to submit their draft DCO, Explanatory Memorandum, Land Plans, draft HRA report, skeleton of consultation report and list of application documents to IPC for comment on technical aspects well in advance of submitting the application and no later than 6 weeks before the application is to be made. Vattenfall said that the first pre-application draft of the DCO would probably be sent to the IPC at the same time as the s.42 consultation with a further revised draft being sent following that consultation but prior to formal application submission. • IPC to provide advice on what they consider constitutes 'diligent inquiry' for the purposes of s.42(d) and s.44 of the Planning Act 2008. • Vattenfall to confirm their proposed legal mechanism for securing a decommissioning fund. • IPC to forward final IPC Advice Note 10 on HRA
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IPC Circulation List	Meeting attendees