



Meeting note

| | |
|---------------------------|---|
| File reference | EN010066 |
| Status | Final |
| Author | Lowri Thomas |
| Date | 1 May 2015 |
| Meeting with | Vattenfall Wind Power Ltd & Burges Salmon |
| Venue | Planning Inspectorate, Temple Quay House, Bristol |
| Attendees | Kathryn Dunne (The Planning Inspectorate) Lowri Thomas (The Planning Inspectorate) Marie Evans (The Planning Inspectorate) Oliver Lowe (The Planning Inspectorate) Graham Davey (Vattenfall) Demelza Stevenson (Vattenfall) David Jones (Hyder) Elizabeth Dunn (Burges Salmon) Martin Wood (AMEC) |
| Meeting objectives | Update on the Nocton Fen Wind Farm project |
| Circulation | All attendees |

Summary of key points discussed and advice given

After introductions, attendees were made aware of the Planning Inspectorate's openness policy (that any advice given will be recorded and placed on the Planning Inspectorate's website under s51 of the Planning Act 2008, as amended by the Localism Act 2011 (PA 2008)). Any advice given does not constitute legal advice upon which applicants (or others) can rely.

Where this note refers to the Applicant, it refers to Vattenfall Wind Power Ltd.

The purpose of the meeting was for the Applicant to provide the Planning Inspectorate (hereafter referred to as the 'Inspectorate') with an update on the project and timescales.

Update on the project and timeline

The project began in 2011 when a potential site was chosen and consultation began between the Applicant and RSPB. One year of bird monitoring was undertaken before the site was taken forward. In 2013 the project and location was announced to the local community and non-statutory consultation began. It was at this time the Applicant informed the Inspectorate of their plans for an NSIP project.

In 2014, a request for a scoping opinion was submitted to the Secretary of State, as there was a principle concept and design for the project. The project at this stage had 23 turbines; however, after consultation with the public and statutory consultees this was then reduced to 20 turbines. The turbines for the project would have a maximum tip height of 149.5m and a 115m rotor diameter. The current turbine design is based on 3MW turbines; however, the Applicant stated that they would like to maximise the project's production capabilities and are therefore looking at future turbine design within the identified maximum tip height and rotor diameter.

There is less flexibility on the location of the turbines due to site constraints such as protecting watercourses, ecology, radio communication, and the need to ensure a suitable distance is maintained from residential dwellings. There are archaeological surveys to be undertaken, which may reduce the locations further. There is currently an allowance of 50m for micrositing to allow for ground conditions on site.

The Applicant intends to maintain some flexibility in respect of the cable route and grid access track within a defined corridor; however, the cable route will need to cross a railway line and therefore the crossing point is likely to be constrained. The Applicant's proposals are either Horizontal Directional Drilling (HDD) under the railway or installing a gantry bridge over the top of the railway. Both options will require Network Rail agreement through Protective Provisions or requirements. The Applicant confirmed that initial discussions have been held with Network Rail. The Inspectorate recommended that consultations continue with Network Rail to try and reach an agreement as to the preferred option as soon as possible. The Inspectorate also recommended the Applicant ensure they assess all of the options fully in their ES and in their pre-application documents, should an agreement not be reached by the time of any DCO application.

Current stage in the process and public consultation

The Applicant stated that land had been secured under option for the project. A grid offer had also been secured with a Distribution Network Operator (DNO) and this is to be signed off before the start of consultation.

There is a single landowner for the whole project site. Discussions between the Applicant and the landowner were underway for the access, grid route and mitigation land and the Applicant anticipated an agreement being reached; however, this could form part of the DCO if not.

The applicant explained that statutory consultation will start in June. It was originally planned for May but due to the need to consult on the Statement of Community Consultation with the additional host authorities, the date was changed.

The Applicant explained that the Preliminary Environmental Information (PEI) has been produced and will take the form of a draft Environmental Statement (ES). A Non-Technical Summary is also included to ensure the documents are accessible to all. The PEI will be issued for consultation from 8 June to 20 July 2015. The six week period was decided by the Applicant in conjunction with the local authorities and was considered sufficient when considering the scale of the project. The PEI will be released to deposit locations, local authorities and prescribed consultees for inspection two weeks before formal consultation will begin. This is to ensure sufficient time for preparation and resourcing before the start of formal consultation. The Inspectorate advised the Applicant to ensure it is clear to all parties that the documents would be arriving early.

The Applicant confirmed that proposed amendments to the highways and/or traffic management measures would be required to facilitate the construction of the project, in particular for the transport of abnormal indivisible loads. The affected roads are located beyond the jurisdiction of North Kesteven District Council and Lincolnshire County Council, which are both considered to be host authorities. As amendments to the highways/traffic management measures would be required in other local authority areas, Newark and Sherwood District Council and Nottinghamshire County Council are also host authorities for the project.

An outline Traffic Management Plan (TMP) will be included as part of the consultation documentation, as traffic was raised as an issue in the non-statutory consultation. The TMP will include the plan for abnormal indivisible loads and all other construction traffic.

The Inspectorate stressed the importance of ensuring that people were made aware that they were not only being consulted on the ES, but on the scheme as a whole. Responses on both are equally important. The Applicant stated that no focus had been set for consultation and they were seeking comments on how the ES had been drafted, as well as comments on the project as a whole.

Application Documents

The Applicant is aiming for the final design to be completed by August 2015 and draft application documents completed before Q4 2015. The Inspectorate advised the Applicant to provide at least two weeks notice of draft documents being submitted and to allow for at least three weeks for comments, well in advance of submission. The Applicant is currently proposing to submit in early 2016.

The Inspectorate raised the subject of Statements of Common Ground (SoCG) and the Applicant stated that they had already started to agree several SoCGs. Although these have not yet been formally signed, the Applicant hoped that these would be signed and published before the start of the consultation period. If this is not possible, the Inspectorate advised the Applicant to provide an outline of discussions taking place and any evidence if possible to assure parties that these discussions are taking place.

The Applicant confirmed that they are unlikely to include s150 consents within their draft DCO, as the level of detail required for this will not be available upon submission of the application.

Stakeholder engagement

The Applicant explained that they had created a Stakeholder Engagement Plan with key stakeholders which outlined how they would consult and what they were consulting on to ensure engagement.

The Applicant said they had a positive relationship with the host authorities, North Kesteven District Council, Lincolnshire County Council, Newark and Sherwood District Council and Nottinghamshire County Council. The Applicant has also been consulting with West Lindsey District Council in the same manner as the host local authorities, due to the close proximity of the project to this local authority area. A Planning Performance Agreement is in the process of being agreed and the Applicant is currently discussing the heads of terms with North Kesteven District Council. The Applicant is hoping to carry out non-statutory consultation with the host authorities after formal consultation to review the draft DCO in light of the PEI, Section 42 responses and the EIA. The Inspectorate offered to come to any meetings with local authorities to explain the process and aid understanding if the Applicant thought this may be helpful.

A Statement of Community Consultation has been agreed with all the host authorities.

Consents

The Consents Service Unit (CSU) within the Inspectorate explained how they could help the Applicant with providing advice on a range of non-planning consents which are required in addition to the DCO. CSU explained that there are 12 different consents within their remit, including European Protected Species Licences and Environmental Permitting, and they can work with the Applicant and the relevant consenting bodies as required, to co-ordinate an approach to handling these consents.

The Applicant stated they had already begun talks with the Environment Agency and has a Discretionary Advice Service agreement with Natural England to promote engagement. The Applicant has taken any assessment suggestions forward.

The Applicant identified areas such as watercourses, traffic movements and ecology, as areas they may need additional consents for and the CSU agreed to send further information about the service, guidance on licences and to begin contact with the consenting bodies as soon as possible.

The Applicant confirmed that no Habitats Regulations Assessment (HRA) would be required for the project as no European sites would be affected by the project. The Applicant stated that this conclusion has been discussed and agreed with Natural England. The Inspectorate recommended that the Applicant's conclusion with regard to HRA should be clearly recorded in the DCO application documents and any copies of correspondence with Natural England confirming the Applicant's conclusion should also be provided.

AOB

The Applicant queried the recently updated pre-application guidance (DCLG, March 2015) and what the changes were, in order to ensure that they had a clear understanding of the revisions made from the earlier published version, which was not available to view on-line. The Inspectorate reminded the Applicant that the justification in their approach to consultation was very important. The Inspectorate has published Advice Notes which have been created to inform developers, consultees, the public and others on the Planning Act 2008 regime and agreed to send the Applicant Advice Notes on the preparation of application documents and compiling the consultation report.

Future meetings

The Inspectorate agreed to send the Applicant the pre-application prospectus for developers, which includes a contact plan enabling the two parties to set up regular meetings or teleconferences to keep up to date with the progress of the application.

The Applicant and the Inspectorate agreed that it would be useful to have a meeting after the consultation period to discuss any issues which arose and to ensure everything was progressing as expected.

Close of meeting

The Applicant stressed the value of frequent and open engagement with the Inspectorate and both parties thanked each other for their time.