



Meeting note

File reference	EN010070
Status	Final
Author	Lowri Thomas
Date	6 February 2015
Meeting with	SSE
Venue	Planning Inspectorate, Bristol
Attendees	Martha Lovatt – SSE Jo Moran – Jacobs Sharon Woodruff – Jacobs Kathryn Dunne – Infrastructure Planning Lead Richard Kent – EIA Advisor Oliver Lowe - Consents Service Unit, Section Manager Melanie Bischer – Consents Service Unit, Section Manager Lowri Thomas - Assistant Case Officer
Meeting objectives	To outline the project and update the Inspectorate on the application's progress
Circulation	All

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 SSE.

The purpose of the meeting was to give the applicant an opportunity to provide the Inspectorate with an updated outline of the project and the application's progress and to identify an appropriate way forward.

Outline of the Keadby Project

The applicant explained that the project had evolved since the last pre application meeting with the Inspectorate, with more turbines now being proposed. The applicant also explained that they intend to present the maximum envelope in assessing the different options available to them.

The extension application will consist of a maximum of 25 turbines, however this number may be reduced depending on environmental and technical constraints that are the subject of on-going investigations (for example constraints identified in noise modelling and landscape and visual work). In regard to ornithology, the applicant explained that Natural England have agreed with the approach to the survey of additional parcels of land to include 1 years' survey for each viewpoint and which in total spans April 2014 to October 2015.

The Inspectorate questioned whether the heights of the turbines would be consistent throughout the site. The applicant explained that the heights of turbines may differ at different locations across the site for landscape and perception reasons.

The applicant stated they had received confirmation from National Grid that the existing grid connection was sufficient and there was no requirement for any new off-site grid connection works or upgrades.

The Inspectorate questioned whether the applicant still intends to use the same access route as used for the existing wind farm. The applicant stated that if the same size turbines (as existing) were used then this route would be sufficient, however if turbines with larger component parts were used, the access route would need to be reassessed.

The Inspectorate also sought clarification over the decommissioning of the existing site. The applicant explained that this is determined on a case by case basis and would need to be determined closer to the time. The Inspectorate clarified that potential decommissioning options would need to be considered as part of the EIA and a worst case approach adopted.

The Inspectorate advised that although the applicant was presenting the maximum envelope, for scoping purposes it may be helpful to provide indicative areas where new turbines are being considered, which may help provide more focused comments the scoping consultees. The applicant explained that the project is still evolving and changing and they are not yet in a position to rule out any options which they may later reconsider. The applicant did however agree to identify areas which are not being considered for new turbines.

Proposed Schedule

The applicant stated that they had produced a draft schedule but these dates were fluid and subject to change.

The applicant is to submit its scoping request to the Inspectorate on the 20 February 2015.

The applicant is intending to undertake two rounds of statutory consultation, with the first round beginning in May 2015 with public events being held in June 2015. The applicant's second round of consultation is scheduled to begin in Q3 2015.

The Inspectorate explained that the list of EIA consultation bodies prepared in accordance with Regulation 9 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations) is the list of bodies which have been notified by the Secretary of State. The applicant should not rely on this for list for section 42 consultation purposes and must make their own diligent inquiry, carry out their own investigations and take legal advice as appropriate to ensure everyone who should be consulted has been.

Before adopting a scoping opinion the Inspectorate must consult the prescribed consultation bodies. The Inspectorate recommended that applicants do not undertake any of their own consultation exercises during this period to avoid confusion amongst the consultation bodies around who to respond to.

The applicant intended to send draft application documents to the Inspectorate in February 2016 or March 2016, with the aim of submitting their application in late April 2016. The Inspectorate recommended changing the draft document submission date to early February 2016 to allow adequate time for the applicant to take any comments on board and make any necessary amendments in time for a late April submission.

The Consents Service Unit explained that their role within the Inspectorate was to offer advice and guidance to developers in relation to 12 non-planning consents such as protected species licensing, flood defence consents and environmental permits which may be required in addition to the Development Consent Order. The aim being to minimise any potential issues during examination or post decision. This could be achieved through the development of a bespoke Consents Management Plan. They explained that their advice and support was available at any point in the process, regardless of whether a Consents Management Plan was in place. They agreed to send further information to the applicant.

Approach to the SoCC

The Inspectorate stressed the importance for the applicant to emphasise to the community that the NSIP planning process is frontloaded in that their opportunity to change the proposal was during the pre-application stage. There is limited scope to make changes after a submission.

The Inspectorate also stressed the importance of engaging with people who do not live in the vicinity of the project but may still be affected by the project. This would include commuters or people who use transport routes or public rights of way near the project and are within the Zones of Theoretical Visibility.

A discussion was held regarding whether one Statement of Community Consultation (SoCC) could be produced to cover both rounds of statutory consultation, the Inspectorate stated it would get back to the applicant with advice on this matter.

Approach to the Preliminary Environmental Information

The applicant sought clarification to what form the PEI must take and how specific the information included needed to be. The Inspectorate advised that different applicants have different ways of presenting the information. Regulation 10 of the EIA Regulations states that the SoCC must state how the applicant intends to publicise and consult on the PEI and so applicants don't need to be too prescriptive as to the content of the PEI.

The Inspectorate noted that the Department of Communities and Local Government (DCLG) guidance on the pre-application process under the Planning Act 2008 (which contains information on PEI) is due to be updated shortly. The Planning Inspectorate's Advice Note 7: Environmental Impact Assessment: Screening, Scoping and Preliminary Environmental Information is also due to be updated in March 2015. The Inspectorate agreed to notify the applicant when these documents are published.

AOB

The Inspectorate stated applicants should start drafting Statements of Common Ground at the pre application stage, as it is helpful for them to be submitted with the application, even if only a draft version.

Actions

The Consents Service Unit agreed to send further information on their role to the applicant.

The Inspectorate agreed to send the pre-application prospectus to the applicant. This would aid in keeping a schedule of future meetings.

The Inspectorate also agreed to look in to how two rounds of consultation would be advertised within one SoCC.

The Inspectorate will update the website to state a submission date of April 2016.

The applicant will provide the Inspectorate with Local Authority contact details for this project.

Post meeting s51 advice

The Planning Inspectorate spoke with the applicant on 13 February 2015 in regard to the SoCC. The applicant had queried if it was possible to produce one SoCC to cover both rounds of statutory consultation.

The Planning Inspectorate advised that, because the applicant has not yet fixed the dates for their second round of consultation, it would be helpful to the community if a revised SoCC was produced for the second round of consultation, which could set out the dates on which they intend to hold exhibitions and the deadline for responses. The PA 2008 states that the SoCC should include how the applicant proposes to consult people living in the vicinity of the land about the proposed application. Therefore if a more generic SoCC was produced it could be less helpful to those being consulted.

In addition, if the scheme is subject to significant changes following the first round of consultation, the description of the proposal as set out in the SoCC would need to be altered for the second round.

The PA 2008 requires the local authority to be provided with 28 days to comment on the SoCC, prior to consultation. This is helpful to the applicant as the Local Authority may identify any overlapping consultations or events likely to be undertaken at the same time. The Inspectorate advised the applicant to provide a tracked changed version of the SoCC for the second round, so that the local authorities aren't duplicating the work undertaken on any generic text also included in the first round of consultation.

The applicant is keen to undertake two rounds of statutory consultation instead of a non-statutory phase, followed by statutory.