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Kim Gauld-Clark

By email

Your Ref:

Our Ref: 140604_EN020019_2518450

Date: 4 June 2014

Dear Kim

Application by Triton Knoll Offshore Wind Farm Limited for an Order Granting Development Consent for the Triton Knoll Electrical System

Section 51 advice regarding Evidence Plan process

Thank you for allowing us to participate in your Evidence Plan Kick Off meeting on 15 May 2014, I hope you found our presentation useful. We are sorry we could not attend in person, but you will understand that due to work pressures this is not always possible. In future we will endeavour to attend as this will allow us to be more fully engaged with the discussion. As discussed previously we have considered the proposed approach to the Evidence Plan and have provided comments below for your consideration; please note that these comments constitute s.51 Advice and will be published on the PINs website.

As explained in our presentation the Evidence Plan process arises from a commitment in the Habitats and Wild Birds Directive implementation review and is a formal mechanism to help ensure compliance with the Habitats Regulations. The MIEU's remit is to facilitate swift, proportionate resolution of Habitats and Wild Birds Directives issues for nationally significant infrastructure projects in England at pre-application only.

We understand that you are proposing to use the Evidence Plan process for the following topics and with the following stakeholders:

- Offshore ecology - Natural England, Marine Management Organisation and Cefas, Lincolnshire Wildlife Trust and Eastern Inshore Fisheries and Conservation Authority (IFCA) (also representing North Eastern IFCA)
- Onshore ecology - Natural England and Lincolnshire Wildlife Trust
- Historic environment - English Heritage, Lincolnshire County Council CC Archaeologist (on behalf of East Lindsey District Council) and Heritage Trust for Lincolnshire (on behalf of Boston Borough Council)

- Hydrology and flood risk - Environment Agency, Lindsey Marsh Internal Drainage Board (IDB), Witham Fourth IDB, Black Sluice IDB and County Flood Officer
- Human environment (including traffic and access, landscape and visual, noise, air quality and socio-economics) - Boston Borough Council, East Lindsey District Council, Lincolnshire County Council and Natural England

We acknowledge and welcome that you have proposed a structured pre-application engagement with a wide range of stakeholders. However, from the above explanation, you will understand that this cannot be undertaken as part of a MIEU Evidence Plan as this falls outside its remit. MIEU's Evidence Plan can only deal with Habitats Regulations issues. However, you can though prepare a structured approach to pre-application engagement by working closely with the Planning Inspectorate. This approach would also accord with our recently published pre-application prospectus, which we highlighted to you in our presentation and which is available at the link below:

<http://infrastructure.planningportal.gov.uk/application-process/pre-application-service-for-applicants/>

The prospectus includes information on our pre-application offer and in particular our ability to review and comment on draft documents (see section 3.3). Of particular relevance to you is our ability to provide comments on ES chapters covering the draft methodology and approach to EIA as well as comments on Habitats Regulations Assessment (HRA) reports and the formulation of Statements of Common Ground (SoCG).

Such plans are intended to be a formal mechanism to agree upfront what information the applicant needs to supply to the Planning Inspectorate as part of a Development Consent Order (DCO) application; they are not application documents in their own right. Therefore, the emphasis should always be on using the processes set out to co-ordinate the production of a better application through programmed consultation and to seek consensus with the key consultation bodies.

As previously mentioned, we could also arrange for you to meet with the Consent Service Unit (CSU) who can provide a lead contact to work with applicants and relevant consenting bodies, to co-ordinate the handling of 12 different non-planning consents which may be required in addition to development consent under the 2008 Act.

I look forward to our meeting on Thursday 12 June 2014 where we can perhaps discuss these matters in more detail and agree how best to proceed.

We would also note from your preliminary programme from your presentation that it allows for a single round of Section 42 and Section 47 consultation. We are interested to know if you are programming any time for follow up consultations? This can be a useful position to have in the event of a significant consultee response. As with all applications we advise that you carefully plan your pre-application programme to allow sufficient time for you to respond to consultation responses and prepare your draft documents, for PINs to provide comments and for you to act upon our comments.

Yours sincerely

Hannah Pratt

**Hannah Pratt
EIA and Land Rights Advisor
on behalf of the Secretary of State**

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.