



Meeting note

File reference	EN020019
Status	Final
Author	Steffan Jones
Date	12 June 2014
Meeting with	Triton Knoll Offshore Wind Farm Limited (TKOWFL)
Venue	Room 4/01, Temple Quay House, Bristol
Attendees	Kathryn Powell – The Planning Inspectorate David Price – The Planning Inspectorate Hannah Pratt - The Planning Inspectorate Steffan Jones – The Planning Inspectorate Sarah Green – The Planning Inspectorate Legal Team Kim Gauld-Clark – TKOWFL Gill Moore – TKOWFL Liz Dunn - Legal Adviser - Burges Salmon
Meeting objectives	Update meeting regarding the Triton Knoll Electrical System proposal
Circulation	All

Triton Knoll Offshore Wind Farm Limited (TKOWFL) was 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 developer' it means TKOWFL.

Project and programme update

The Planning Inspectorate was informed it was likely to receive submission of the application for development consent for the Triton Knoll Electrical System (TKES) in Q1 of 2015.

The Planning Inspectorate advised the developer that it has the ability to comment on some of its draft documents. If the developer should request comments then draft documents should be submitted to the Planning Inspectorate at least 2 months prior to submission of its application.

EIA scoping and approach to the consented offshore substations

The developer raised some points relating to the scoping opinion provided by the Planning Inspectorate and in particular the approach to the assessment having regard to the already consented Triton Knoll Offshore Wind Farm (TKOWF). The developer affirmed their preferred approach including their intention not to reassess elements of the project that have already received consent through the DCO for the TKOWF. The Planning Inspectorate reiterated the advice provided in the scoping opinion, namely that the Environmental Statement (ES) to accompany the DCO application will need to assess the impacts of all works and activities subject to the DCO. The Planning Inspectorate also confirmed that it was happy for the developer, in preparing their ES, to make use of relevant existing information, provided it is available and if it is still robust. The Planning Inspectorate advised the developer that the ES needs to be clear on what they are assessing in terms of the description of the development, not least to ensure that consultees are fully aware of what is being included in the DCO.

The Planning Inspectorate asked for clarification regarding the applicant's intended approach towards inclusion of offshore substations in the Triton Knoll Electrical System (TKES) DCO. The developer confirmed that when it referred to substation platforms in its scoping request, it referred to the entire structure of a substation. It also confirmed that when referring to substations in the electrical system application, it was referring to those substations consented under Work 1A of the DCO for the TKOWF. The precise locations of those consented substations are not specified in the DCO for the offshore wind farm.

The developer asked to discuss some of the points raised in the Planning Inspectorate's scoping opinion particularly in relation to the assessment in the event that the offshore substation platforms (for which consent has already been granted) are also included in the DCO for the TKES. The Planning Inspectorate asked the developer to explain the relationship between the works to be included within the TKES DCO application and the consented DCO for the TKOWF project. The Planning Inspectorate was informed that under the relatively new OFGEM Offshore Transmission Owner (OFTO) regime, the developer is required to transfer its offshore substations and export cables to an Offshore Transmission Owner (OFTO) and that this is most likely to take place post-construction. The developer confirmed that if the offshore substations were to be included in the TKES DCO the intention would not be to construct an additional 4 substations to those 4 included in the consented DCO for the offshore wind farm.

A discussion was had about how the TKES DCO might include the consented offshore substations. The developer confirmed that they are exploring options in relation to this issue. The options discussed included varying the existing TKOWF DCO or including wording in the draft TKES DCO which seeks to dis-apply the already consented substations from the DCO of the offshore wind farm, thereby ensuring a maximum of only 4 offshore substations can be possibly constructed. The developer decided to consider these options in more detail and to discuss this with the Planning Inspectorate again at a later date.

The developer confirmed that Work 2A of the DCO for the TKOWF would no longer be required as the whole system will now be Alternating Current (AC).

The developer informed the Planning Inspectorate that it has received advice from the Department of Energy and Climate Change (DECC) and the MMO that they believe in principle it would be possible to transfer and split deemed marine licences (DML). The

developer intends to investigate further the details of how this can be done successfully, as an alternative to including the offshore substations in the TKES DCO.

Evidence plan

The developer confirmed it received a letter from the Planning Inspectorate providing comments on its Evidence Plan. The developer explained it was surprised by the content of the letter as it believed the approach had been previously agreed with the Planning Inspectorate. The developer also stated that the approach followed advice it had received from DEFRA via the Major Infrastructure and Environment Unit (MIEU).

The Planning Inspectorate stressed to the developer that they fully endorse the structured pre-application approach set out in the Evidence Plan; however noted MIEU's remit and the need for the Evidence Plan in essence relates purely to Habitats Regulation Assessment (HRA) matters, and the approach proposed by the developer goes beyond that remit. The Planning Inspectorate letter was intended to clarify this point and to ensure that the pre-application consultation plans for EIA and HRA were distinct from one another. The Planning Inspectorate suggested that this could be resolved by separating the plans and renaming the elements of the Evidence Plan that were not related to HRA issues.

The developer stated that they were reluctant to make any name changes following publicity and agreement, as this could potentially lead to some confusion with external parties, however they understood the Planning Inspectorate's comments and would consider an alternative name for the part of the plan beyond MIEU's HRA remit.

The developer also confirmed they intend to provide the Evidence Plan and/or any renamed document, as part of their application to demonstrate their non-statutory consultation. The Planning Inspectorate advised that the elements relating to EIA could form an appendix to the ES to demonstrate the approach to assessment. The Planning Inspectorate also reminded the developer that it is the act of agreement in the evidence being gathered that is most important, and not the plan in itself.

The Planning Inspectorate introduced the recently published pre-application prospectus which formalises its services for applicants for nationally significant infrastructure projects at the pre-application stage and advised that they could be involved in the pre-application plans for non-HRA matters. The Planning Inspectorate agreed in principle to chair future meetings of the Evidence Plan steering group and would confirm availability once the dates had been received from the developer. The developer was reminded that the Planning Inspectorate can act only as a facilitator in these circumstances and not as a mediator.

The developer will also consider meeting with the Consents Service Unit (CSU) in order to seek advice on the non-planning consents process for nationally significant infrastructure projects in England; the case team will provide the developer with contact information for the unit.

Transboundary

The developer confirmed they had recently received notification that the Secretary of State had completed the screening of transboundary matrix which concluded that the proposed development is not likely to have a significant effect on the environment in another EEA State. The Planning Inspectorate advised that the Secretary of State's

duty under Regulation 24 of the EIA Regulations is on-going and therefore the project would be re-screened in the event of significant changes in the proposals or in the understanding of potential effects. The Secretary of State will also re-screen the project if it is accepted for examination. Transboundary consultation would be undertaken in the event of a request being received from another EEA State.

s42 & s47 consultation

The developer informed the Planning Inspectorate that it intends to begin its statutory consultation under s42 and s47 of the PA 2008 in October 2014.

Discussions on the production of the developer's Statement of Community Consultation (SoCC) are on-going with the relevant Local Authorities (LAs) including Lincolnshire County Council and the MMO.

The developer was advised that the information presented in their Preliminary Environmental Information (PEI) should be based on that information to be included in its Environmental Statement (ES) and accessible and useful to members of the public.

It was declared that statutory consultees will receive 35 days to respond to consultation and that the developer will begin its consultation under s48 of the PA 2008 prior to commencing its consultation under s42 and 47.

Proposed application documents

The developer questioned whether it needed to include a Cable Statement document with its application for development consent. The Planning Inspectorate advised it did not need to include one. However, it was advised that it may be in the interests of the developer to include a Safety Zone Statement if including offshore substation platforms in the application.

The Planning Inspectorate advised the developer that it should be prepared to submit any Statements of Common Ground (SoCG) at the late pre-examination stage or early examination stage, as some ExAs have been requesting them in their Rule 6 Letters.

The developer confirmed it intends to submit what it calls 'position statements' with its application, giving an indication of where discussions are with some identified bodies prior to finalising SoCG.

TRITON KNOLL OFFSHORE WIND FARM Electrical System

Planning Inspectorate
12th June 2014



Programme

Dates	Activity	How?
Q1/Q2 2013	Consultation on Alternatives – substation and IEC	Public Exhibitions, newsletter, questionnaire, booklets and reports
Q1 2014	Consultation on the onshore cable route & alignment	Newsletter, questionnaire, project updates
July 2014	Landowner exhibitions	Exhibitions, booklets
Beginning of Q4 2014	s42 and s47 consultation on the proposal	PEI, exhibitions, questionnaire, booklets
End of Q1 2015	Application for DCO/dML submitted to PINS	
Q3 2015 / Q1 2016	PINS Examination	
Q3 2016	SoS Decision	

Evidence Plan

REVIEW PANEL	Proposed membership	
Offshore Ecology	<ul style="list-style-type: none"> Natural England (Offshore) MMO and Cefas Lincolnshire Wildlife Trust (offshore) Eastern Inshore Fisheries and Conservation Authority (IFCA) (also representing North Eastern IFCA) 	
Onshore Ecology	<ul style="list-style-type: none"> Natural England (Onshore) Lincolnshire Wildlife Trust (Onshore) 	
Historic Environment	<ul style="list-style-type: none"> English Heritage Lincs CC Archaeologist (on behalf of ELDC) Heritage Trust for Lincolnshire (on behalf of BBC) 	
Hydrology and Flood Risk	<ul style="list-style-type: none"> Environment Agency Lindsey Marsh IDB Witham Fourth IDB Black Sluice IDB County Flood Officer 	
Human Environment: issues including: <ul style="list-style-type: none"> L&V Noise and Air Quality Socio-Economic Traffic and Access 	<ul style="list-style-type: none"> Boston Borough Council, Planning Officer East Lindsey DC, Planning Officer Lincs CC, Planning Officer Natural England - AONB only 	Noise Technical : BBC/ELDC EHOs Traffic and Access Technical: 3 x Local Highways Officers

Offshore substations

- > Triton Knoll Offshore Wind Farm Order 2013, Work No. 1 (a)
 - *up to 4 collector substations fixed to the seabed by jacket or monopile foundations within the Order limits*
- > Transmission assets which will ultimately need to be transferred to the Offshore Transmission Owner (OFTO) along with the export cables.
- > Discussions are ongoing relating to transfer of part of benefit of Order and associated rights, powers and obligations.

Scoping Opinion - SoS

3.8the SoS considers that if the applicant intends to include **additional** OSP's to those consented already in the TKOWF DCO within the electrical system draft DCO, the impacts will need to be fully assessed both individually and as part of a cumulative assessment. If this approach is taken then the cumulative assessment for the electricity system EIA would require appropriate consideration of the substations already consented by the TKOWF DCO.

- > Clarification: OSPs referred to in Scoping Report are **not** additional to those already consented.

- > 3.56 the SoS considers that the potential impacts of noise and vibration on fish resulting from piling for the OSPs should be assessed within the ES. This will be particularly important given the herring spawning grounds in proximity to the array area. Likewise, any mitigation measures (e.g. piling restrictions and soft start procedures) should be reported in the ES for the proposed development and secured in the draft DCO as appropriate. The applicant may wish to consider whether mitigation measures and requirements previously agreed for the TKOWF are relevant for the proposed development.

Scoping Opinion – Appendix 2: Natural England

2.2 Natural England are satisfied that as consent for the Offshore Substation Platforms (OSP's) has already been granted as part of the DCO application for the Triton Knoll Offshore Wind Farm array, no further detailed assessment of them is required within the EIA for the Electrical System DCO application.

3.5 Natural England recognises that the impacts of the offshore substation platforms have already been assessed and consented as part of the DCO application for the offshore array and that TKOWFL is still considering the most appropriate manner for their delivery. We are therefore satisfied with the proposed approach of not undertaking an assessment of their impacts within the ES for the electrical system, save in relation to cumulative impacts. The rationale for this approach should be clearly explained within the ES. Consideration should also be given in drafting the DML to any proposed splitting of responsibilities for the electrical transmission assets to an OFTO.

The background

- > TKOWF seek a solution which will provide:
 - Comfort to regulators that requirements and conditions of DCO/dML are adequately secured;
 - Clarity regarding responsibilities and who to enforce against;
 - Clarity in commercial negotiations/agreements (TKOWF/OFTO);
 - Simplicity / resource efficiency for statutory advisors, regulators TKOWF and OFTO.

Possible Approach

EIA and draft DCO/dML

- > Impacts arising from construction, operation and decommissioning of offshore substations were assessed and appropriate mitigation measures were secured within the TKOWF DCO/dML;
- > No change to number, dimensions, installation or operational techniques relating to the offshore substations;
- > No change to characterisation of baseline environment
- > Therefore refer to the assessment already completed in respect of the TKOWF and commit to the same mitigations which will be secured through conditions/requirements within the DCO/dML for the TK Electrical System.

Mitigations secured in DCO/dML

- > Herring Spawning - dML condition 16:-
 - *No pile driving works shall be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme between 1st September and 16th October each year unless the MMO provides written confirmation to the undertaker beforehand that such works can take place, in all or in a specified part of the site, during this period or a part of this period.*
- > Pre-construction plans and documentation including marine mammal mitigation protocol;
- > Pre-construction and construction monitoring and post construction surveys
- > Offshore safety management and conditions relating to aids to navigation and interaction with Humber Region Licensed Marine Aggregates Dredging Area 440 – requirements of DCO

Key questions

- > If OSPs are included within Electrical Works DCO:
 - Confirmation regarding scope of assessment
 - Further discussion on DCO/dML drafting and approach

