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Kim Gauld-Clarke

Your Ref:

By email

Our Ref: EN020019

Date: 21 May 2015

Dear Kim

Planning Act 2008 (as amended)

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

Section 51 advice

The Secretary of State made the decision on 21 May 2015 that the application for the proposed Triton Knoll Electrical System has satisfied the acceptance tests under s55 of the Planning Act 2008 (PA 2008). The Planning Inspectorate's acceptance checklist has been published on our website today. The Planning Inspectorate has made the following observations in relation to the application. This letter contains advice to you provided under s51 of the PA 2008.

S42(1)(d) Consultees

In order to establish whether all persons with an interest in land had been consulted under s42(1)(d), we carried out a comparison of the s42(1)(d) list provided at various appendices to the Consultation Report with addresses in the Book of Reference. We found that a small proportion of the addresses in the Book of Reference were not listed in these appendices.

On 13 May 2015 we requested, under Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) (APFP) Regulations 2009, that all consultation responses be provided by the applicant.

In response to our request for all consultation responses you provided information to the Planning Inspectorate on 14 May 2015 to explain the discrepancies between the Consultation Report and the Book of Reference. This largely addresses paragraphs 49 to 52 of the DCLG's PA2008: guidance on the pre-application process. One category 2 person - Lyndhurst Fry and Mary Fry of Trustee Farm, Wainfleet, Skegness, Lincolnshire PE24 4LA (in respect of right of access) – was not dealt with in your information.

However, it is important that persons with an interest in land are able to participate in the process. To ensure this happens we strongly advise that an audit is carried out prior to the notification of the deadline of relevant representations under s56, in order that there can be certainty that all those affected have been notified and are afforded the opportunity to submit a relevant representation.

Book of Reference

APFP Reg 5(2)(d) requires the application to be accompanied by a book of reference where applicable. Reg 7 defines a book of reference as being a book in five parts together with any relevant plans. You are advised to consider revising your Book of Reference (doc 4.3). In its current form the Book of Reference is split into 2 sections with a section designated for land within Boston Borough Council (BBC) and another section designated for land within East Lindsey District Council (ELDC). Thus it is in ten parts. It would be helpful for an appointed Examining Authority that a revised version be submitted which contains 1 section to the Book of Reference only, including in it the land within both BBC and ELDC.

Temporary Highways Modifications

The Planning Inspectorate seeks clarification regarding Paragraph 1.206 of the onshore project description in the Environmental Statement (Doc 6.2.3.1) which identifies a number of temporary highways modifications that may be needed to bring the largest abnormal indivisible loads to site and refers the reader to the Works Plans (Doc 2.2) for their locations. These areas are not identified on any plans within the ES, however are explained as being '*temporary highways modifications (such as the temporary removal of street furniture and the temporary plating/matting of grass verges)*'. The applicant is requested to provide an updated plan to the ES in order to clarify the location of these works and to confirm the extent to which these works have been considered in the ES.

Access for pre-construction surveys

The description of the onshore development (Doc 6.2.3.1), paragraph 1.17 refers to temporary access requirements to conduct pre-construction surveys. Reference is made to a map showing the locations of the proposed accesses being located within Volume 1 Chapter 2 of the ES however this figure does not appear to have been included here or anywhere within the ES. The applicant is requested to provide this plan.

Yours Sincerely

Sarah Jones

Sarah Jones
Case Manager

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.