

# IPC Infrastructure Planning Commission

## Meeting Note

<b>File reference</b>	<b>Offshore Consenting Forum, Non-case Specific</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Hannah Pratt</b>

<b>Meeting with</b>	<b>Joint Nature Conservation Committee (JNCC), Natural England (NE), Countryside Council for Wales (CCW), Marine Management Organisation (MMO), Welsh Assembly Government (WAG), Royal Commission on the Ancient and Historical Monuments of Wales, Crown Estate (CE) and English Heritage (EH)</b>
<b>Meeting date</b>	<b>16 December 2010</b>
<b>Attendees (IPC)</b>	Simon Butler, Sheila Twidle, Laura Allen, Karl Hardy, Simone Wilding, Hannah Pratt
<b>Attendees (non IPC)</b>	<u>JNCC</u> : Lucy Greenhill <u>Natural England</u> : Victoria Copley (dialling in) <u>CCW</u> : Andrew Hill (dialling in) <u>MMO</u> : Shaun Nicholson, Ashley Holt <u>WAG</u> : Tamsin Brown <u>Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)</u> : Deanna Groom <u>The Crown Estate</u> : Anne Savage <u>English Heritage</u> : Chris Pater
<b>Location</b>	<b>IPC Offices, Temple Quay, Bristol</b>

<b>Meeting purpose</b>	To set out key responsibilities with regards to off-shore NSIP developments.
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<b>Summary outcomes</b>	<b>of</b>
	<p><b>1. The Crown Estate (TCE) presentation on the development of the Round 3 ZAP process</b></p> <p>TCE delivered a presentation on the development of the ZAP process.</p> <p>TCE raised a number of concerns identified by Applicants which were discussed. These were:</p> <ul style="list-style-type: none"> <li>Applicants are aware of the requirements on them under the EIA Regulations 2009 to consult other member states where there are potential transboundary impacts. TCE raised concerns that there does not appear to be any clear guidance on the implementation of the requirements and the Espoo Convention. The IPC explained that it is</li> </ul>

currently looking into the requirements of the Espoo Convention and are in the process of drafting an advice note to provide greater clarity on this issue.

- Applicants are keen to scope out EIA topics during the formal scoping stage. The IPC noted that Applicants have sought to scope out topics within the scoping request made to the IPC. However, where limited information has been provided in the Applicant's scoping reports the IPC has been unable to determine whether the topic should be assessed, and therefore the IPC has not agreed at that stage to scope out this topic.
- Applicants are exploring the process of the way in which meaningful cumulative impact assessments can be undertaken when details of other projects are not available.

The group discussed the value of Applicants sharing information obtained during the ZAP and/or EIA process but acknowledged there may be some confidentiality restrictions in doing so. The IPC highlighted that Applicants must understand that, if information comes to light at examination stage that was withheld during the pre-application stage, this may affect the examination of their application.

## **2. English Heritage (EH) presentation on its latest offshore guidance**

EH delivered a presentation on the role of EH in the application process and the offshore guidance they produce which is available to Applicants and Regulators. EH explained that it has a statutory role to provide advice on the historic environment within territorial waters (12nm) which includes Designated Historic Shipwrecks. EH emphasis is on preserving in-situ archaeology. EH has also undertaken a Historic Seascape Characterisation assessment along the English coastline.

Information held by EH relating to the historic environment and location of scheduled ancient monuments, listed buildings and designated historic shipwrecks is available as data sets through EH's website which Applicants will be able to access.

The group discussed what expectations EH had on Applicants with regards to data gathering. All archaeologists working on projects should be registered with the Institute of Archaeologists and are required to publish their work to maintain their professional status. This archaeological information will be peer reviewed and archived on public record.

RCAHMMW explained that it is looking to extend its data collection role beyond the 12nm of Welsh waters to the UK Continental Shelf in recognition that Round 3 zones extend beyond territorial waters.

### **3. IPC Advice Note – Statutory Consultees**

The IPC has produced a draft Advice Note entitled “*Working with other public bodies: the role of statutory consultees in the infrastructure planning process*”.

Part 1 of the Advice Note will detail interactions with key stakeholders. Part 2 of the Advice Note will be annexes for details of interfaces between the IPC and specific statutory consultees. The IPC is currently working with the consultees to produce the annexes.

The draft Advice Note was circulated to consultees for their comments.

### **4. The Marine Management Organisation – Round 3 Schedule**

The MMO explained that they would be working with Applicants on projects to ensure they have a marine licence prepared by the time a draft Development Consent Order (DCO) application is submitted to the IPC. It is anticipated that this pre-application discussion would take approximately two years. The MMO advised that in order to achieve this timescale, Applicants will need to consult and engage with the MMO at the earliest opportunity in the development of a proposed DCO application, and include a set number of meetings scheduled throughout the pre-application period to ensure efficient programming of resources. The anticipated application submission date should also be discussed with the MMO in advance to enable the MMO to plan resources.

The group discussed the possibility of identifying a standard process to provide developers with a suggested streamlined process to be undertaken for the marine license. The MMO suggested 6-8 meetings to take place within the two year period.

The meetings should allow Applicants, the MMO and the MMO’s consultees to discuss the proposed data gathering methods to seek to provide developers with the assurance that the scope and quality of work is acceptable. Appropriate mitigation measures should also be developed in this time.

It was suggested that the MMO may wish to attend Inception Meetings in order to ensure their involvement at an early stage of the pre-application process.

	<p>The group discussed how this process can be communicated to Applicants. It was suggested that this could take place via TCE. Progress on this matter will be discussed in the next meeting.</p> <p><b>5. Update on other IPC Advice – Habitats Regulation Assessment</b></p> <p>The IPC has produced a draft Advice Note entitled "<i>Habitat Regulations Assessment (HRA) relevant to Nationally Significant Infrastructure Projects (NSIPs)</i>" and its interaction with the IPC application process. Comments have been received from IPC internal staff. It is anticipated the draft Advice Note will be circulated to meeting attendees for comment in the week commencing 20<sup>th</sup> December 2010.</p> <p><b>6. AOB</b></p> <p>None</p>
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<b>Specific decisions/follow up required?</b>	<ol style="list-style-type: none"> <li>1. IPC to circulate draft Advice Note on appropriate assessment for comment to attendees.</li> <li>2. Attendees to provide comments on the IPC Advice Note on statutory consultees by 12<sup>th</sup> January 2011.</li> </ol>
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<b>Circulation List</b>	Simon Butler, Sheila Twidle, Laura Allen, Karl Hardy, Simone Wilding, Hannah Pratt
	Lucy Greenhill
	Victoria Copley
	Andrew Hill
	Shaun Nicholson, Ashley Holt
	Anne Savage
	Chris Pater
	Deeana Groom
	Tamsin Brown