



Minutes

Title of meeting	PINS / DECC feed back meeting		
Venue	Room 3/03, Temple Quay House, Bristol		
Date	23 September 2014	Time	11:00 – 14:00
Attendees	PINS Mark Southgate (Director of Major Applications and Plans) Simone Wilding (Head of Case Management) Sheila Twidle (Head of Environmental Services) Pauleen Lane (Group Manager) DECC Giles Scott (Head of National Infrastructure Consents) Mandy King (National Infrastructure Consents) Rob Pridham (National Infrastructure Consents)		

1.	Introduction and overview <p>The meeting was opened by Giles Scott (GS). Since the last of these meeting in May 13, when DECC had received the first 4 or 5 reports, a further 11 or 12 reports have been received.</p> <p>GS commented that DECC have been very impressed with the quality of the reporting – they have all been dealt with effectively and competently. Clear and extensive linking to the National Policy Statements (NPSs) is particularly helpful for DECC. The Planning Act 2008 is proving to be a regime that investors and the public can have confidence in. GS also commented on the strong relationship between DECC and the case teams. All agreed that there is good co-operation.</p>
2.	Kings Lynn B overhead line <p>GS commented that Kings Lynn is a relatively simple scheme. The main issues of contention were around construction traffic. While the Inspector assessed different options, no conclusion was reached and hence nothing was included in the DCO about the southern route. Generally it would be preferable to ensure such issues are fully explored during examination and a clear recommendation made to the department. This is to ensure there are no 'loose ends' over which developers could be 'held to ransom' by a third party. GS advised that the Inspector had volunteered a requirement for no advertising on pylons and bird deflectors, which was not sought by Natural England. In DECC's view, these requirements were unnecessary and should therefore be avoided. PL said that she would feedback to inspectors such examples that DECC feel are unnecessary. The Secretary of State's (SoS) starting point is not to include anything for which there isn't clear and explicit evidence for its need.</p> <p>GS also advised that for storage of fuels on site, the reference in the code of practice would have been sufficient.</p> <p>On arbitration GS agreed to consider further about what would be most</p>

	appropriate for inclusion in DCOs.
3.	<p>North London overhead line</p> <p>North London overhead line was not a new line; it was an upgrading of one of two existing lines from 275kV to 400kV. GS said that again, this was a good report. The Inspector had assessed all objections, dealt with complex issues well and dealt clearly with the project's need case. The Inspector dealt with the Environmental Measures documents well, along with the Compulsory Acquisition Order, and the dismissal of the request from the Greater London Authority. The Inspector also came up with an emergency procedure for boats on the canal – DECC did not feel that this was necessary but went with it as it was potentially a public safety issue. The s132 certification was received from DCLG just in time. Particular points to note are that the SoS recommended that the LA should discharge the flood risk requirement in consultation with the EA rather than the EA as recommended by the inspector. DECC also put the timing back for 'taking possession' to the standard 14 days rather than the longer time frame recommended by the ExA. DECC did not consider that there was any particular justification to deviate from standard practice.</p>
4.	<p>East Anglia ONE offshore wind farm</p> <p>MK advised that this was a very positive report overall. The ExA adopted a tiered approach as set out by Natural England. This was the first DCO with a split deemed marine licence; a marine licence for generation and a marine licence for transmission. MK also advised that future development was dealt with well, with clear rationale applied. It was felt that the ExA placed little weight on the offer of a reduction in turbines, which left it to DECC to probe this. DECC did therefore run a short consultation during the decision period and saw that a reduction in turbines may not have led to a reduction in capacity but would result in 'a better environmental deal'.</p> <p>PL advised that the developer framed the reduction in turbines as an 'offer' rather than a formal change to the DCO, meaning that PINS could not accept it as a formal change request. The 'offer' could have been made more formally and also earlier.</p> <p>MK advised that making a recommendation on consent hinged on the s106 agreement being signed by all parties; there was some confusion as to whether this had been completed by the end of examination. It would be helpful to DECC if PINS could seek to ensure that s106 agreements are signed and submitted before the end of the examination. If this is not achievable then the case manager could ensure that a signed version is submitted to the SoS at the same time as the recommendation report to avoid such issues being left to be sorted by DECC during the very time pressured decision period. In addition, ExAs could consider during an examination whether there are elements in a s106 that could be dealt with through requirements instead to reduce the need for a s106 agreement to be signed in order to make the planning balance acceptable.</p>
5.	<p>Rampion offshore wind farm</p> <p>MK advised that one of the key issues on this project was the 26km of cabling, partly going through the South Downs National Park. It also has a split DML. There was an administrative error from PINS in that some of the representations made early in the examination were not published during the examination. Also, the last rule 17 letter went out very close to the end of the examination, with a</p>

	<p>final closing date which was the same date as the close of examination; this led to DECC having to run a small consultation during the recommendation period. This could have been quite a risk if the responses had thrown up anything. Ideally it should be avoided to have a response deadline so close to the examination close deadline. The ExA recommended that the SoS should include in the decision a requirement to manage EMFs (Electro-Magnetic Fields) although there are standard industry guidelines to deal with this. DECC considers a requirement which duplicates standard industry guidelines as unnecessary. DECC also generally observed that if the Examining Authority considers something very important it should be highlighted in the conclusion. This could also include where matters aren't fully resolved, particularly if it may trigger the need for further consultation during the decision stage.</p>
6.	<p>North Killingholme CCGT/IGCC</p> <p>RP advised that lots of correspondence from Able was received during the recommendation period prior to receiving the ExA report. RP further explained that it would have been helpful to have a table showing plots and their owners for the purpose of Compulsory Acquisition (CA). Some of the ExA's report recommendations for CA were not reflected in the draft DCO but were subsequently picked up by the DECC legal team.</p> <p>RP also advised that the report could have been clearer on the five construction examples and suggested that it would be helpful for future reports to include a half page summary – what the project is, what construction is etc. This will help DECC in producing the submission to the minister which needs to contain a short description of the project.</p> <p>The flood risk sequential acceptance test was not covered in the report. Flood risk should always be addressed even if it is just to make explicit that the ExA agrees with the developer. Also no information on cumulative air emissions had been included in the report requiring DECC to carry out a workaround for this. RP greatly appreciated the case manager picking up an error in the decision letter before it was published.</p> <p>PL advised that PINS ran into a problem with 'a receptor' and that there is a need to look at how this is dealt with in reports due to the limitations imposed on PINS re naming protected species and the difficulty this creates in explaining some situations clearly.</p> <p>RP advised that the combined heat and power condition in the DCO was not consistent with previous projects. RP also pointed out that the report was submitted early and asked that on future cases, if a report is submitted early it should be in the morning rather than in the afternoon. Otherwise DECC effectively loses a day.</p>
7.	<p>Clocaenog onshore wind farm</p> <p>GS commented on how well the inspector has dealt with the issues. The use of the Human Rights test is particularly noteworthy; it had never been used before and was used to assess the visual impact on three properties in close proximity to the project. The report in general was articulated well, balanced and extremely thorough. negative minor improvement opportunity would be that grid connection was only covered in the habitats chapter, which took a while to find.</p> <p>PL advised that it was covered in this chapter due to no grid connection being applied for. GS said that it could have been covered in the conclusion as well, but didn't want this issue to distract from what was an excellent report.</p>

8.	<p>Burbo Bank offshore wind farm</p> <p>MK advised that the report was well laid out and extremely easy to follow. The report included a statement that the SoS 'will require advice from Natural Resources Wales on the current position of the Welsh marine licence application prior to taking a decision on the DCO'. However, given that this licence is separate to the DCO process this would have been better phrased as the SoS 'may wish to seek advice on..' rather than 'will require advice on...</p>
9.	<p>South Hook Combined Heat and Power Station</p> <p>RP advised that the report was generally positive, well and clearly written and the level of detail was right. However, the report did not fully close off some safety issues which then required DECC to undertake further consultation during the decision stage. The recommendation to underground a grid connection was probably not relevant and therefore considered unnecessary. Further details will emerge once the decision is issued.</p>
10.	<p>Walney offshore wind farm</p> <p>MK advised that so far only one issue has arisen. The ExA recommended that no appropriate assessment (AA) is required. However, this is at odds with the evidence in the RIES and representations from Natural England. DECC considers that an AA is required as likely significant effects cannot be ruled out, but agree with the ExA that there will be no adverse impacts on site integrity . Again, further details will emerge once the decision is issued.</p>
11.	<p>Preesall underground gas storage (redetermination)</p> <p>A general discussion was had on the redetermination of Preesall. RP advised that it was about giving all parties a fair crack of the whip on unresolved issues. There have so far been two rounds of consultation with more to come. There is a need to ensure that all parties have had an opportunity to comment. RP did point out that in the original report the use of the phrase 'beyond reasonable doubt' was the wrong test to use.</p>
12.	<p>General issues</p> <p>GS asked if there was any possibility that the Report on the Implications for European Sites (RIES) could be updated during the DCO process. ST advised that it was issued as late as possible. When submitting the project, the applicant includes draft tables. The Environmental Services Team (EST) then update these to form the RIES, which then goes out for consultation 28 days before the end of examination.</p> <p>GS also asked about things in the DCO that are not challenged during examination – DECC legal have found instances of untested provisions. PL advised that PINS legal review before the start of the examination and look for anything unusual. PL asked GS to send any examples for help with the DCO Draft Advice Note that is currently being produced.</p>