



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

principal 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.