

Meeting Note

File reference	EN010043
Status	Final
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Meeting with	Peel Energy (PE)
Meeting date	23 September 2011
Attendees (IPC)	Susannah Guest (Case Leader) David Price (Senior Land Rights and EIA Advisor) Alison Down (Land Rights and EIA Advisor) Nik Perepelov (Case Officer)
Attendees (non IPC)	Mark Worcester (Turley Associates) Jon England (Peel Energy) Paul Singleton (Turley Associates)
Location	IPC Offices, Bristol

Meeting purpose	To discuss the proposed extension to Scout Moor Wind Farm
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Summary of key points discussed and advice given	<p>The IPC explained that it was unable to provide advice on the merits of a proposal.</p> <p>PE are proposing to extend the existing Scout Moor wind farm, and gave a presentation on the options under consideration. The most up to date proposals have been shaped by ongoing informal dialogue with the relevant parties, including discussions with the relevant Local Authorities on the content of the Statement of Community Consultation (SoCC).</p> <p>The first phase of statutory consultation is anticipated to commence in Q4 2011, with a further phase due in Spring/Summer 2012 and a final stage in Autumn 2012. PE anticipates submission of an application/applications in Q4 2012.</p> <p>The IPC advised that if there are changes to the scheme between Community Consultation Stage 2 and Stage 3, then the Stage 3 consultation exercise may be more targeted, focussing upon the proposed changes and associated impacts. PE would however have to satisfy themselves that the requirements of the Planning Act 2008 (PA2008) had been met.</p> <p>The IPC noted that once an application is made, the IPC has 28 days to decide whether or not to accept the application. In coming to this decision, the IPC will consider, amongst other things, whether the various duties to consult have been adequately met. If the application is accepted, the process</p>
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moves on to the pre-examination stage, which is the first opportunity for members of the public to register their interest with the IPC as well as give an overview of the main issues they wish to be examined. The preliminary meeting, held about six weeks after the deadline for registering, will be an opportunity to discuss procedural matters verbally. The examination follows on from the preliminary meeting and can take no longer than six months. Should the Localism Bill be enacted in its current form, once the examination has closed the Examining Authority (ExA) will have three months in which to make a recommendation to the Secretary of State (SoS), who will make the final decision on the application.

IPC confirmed that developers are able to include provision/s for the transfer of benefits of part or all of the development consent order (DCO). It is the IPC's current understanding that DECC could be the relevant authority to sign-off any such transfer. Developers are advised to seek legal advice on technical drafting issues where appropriate.

IPC confirmed that there was no statutory requirement for a developer to seek a Scoping Opinion from the IPC, but that it was the recommended course of action. If a developer requests a scoping opinion from the IPC they will need to ensure that the requirements of Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA regs) are met. It is important that the information submitted with the scoping request defines the proposed development in sufficient detail. This will enable statutory consultees to fully understand the project and inform their opinion.

The IPC scoping opinion responds to the description of the proposed development as defined by the scoping request information. The IPC noted that a scoping opinion is provided for an application for a DCO. If subsequently the area and form of the DCO was altered, the developer may wish to consider the need to request a new scoping opinion in order to address any issues relating specifically to the new application. The EIA Regulations do not preclude developers from making more than one scoping request.

IPC noted that if simultaneous scoping requests are made in relation to two or more DCO proposals in the same area, developers should consider carefully how this should be explained so as not to confuse consultees.

PE asked about limits of deviation and the IPC's approach to the 'Rochdale Envelope'. The IPC directed PE towards the advice on use of the 'Rochdale Envelope' contained in Advice Note 9, which is available on the IPC website. The IPC also referred PE to the relevant National Policy Statements which contain some information on treatment of flexibility in the examination process.

	<p>PE indicated that they may make a scoping request(s) in mid-October. In the interests of expediency, it is helpful for developers seeking a scoping opinion from the IPC to provide information of the boundary in GIS shapefile format two weeks ahead of the scoping request.</p> <p>If a developer proposed to consult on two separate schemes at joint events (or similar), they should satisfy themselves that those who are being consulted have a clear understanding of what they are being consulted on.</p> <p>When sending their s.46 notice, developers are required to provide the IPC with the same information they intend to/are providing to the s.42 consultees. The IPC confirmed that there are no restrictions regarding ‘informal’ consultation with local authorities and other stakeholders prior to providing s.46 notification to the IPC. Informal consultation should be documented in the Consultation Report to provide a full picture of the consultation programme undertaken, though developers must nevertheless satisfy themselves that the necessary statutory duties have been complied with.</p> <p>The IPC confirmed that there is nothing within the PA2008 or associated regulations to prevent a SoCC being revised/updated as the project progresses. A developer would need to satisfy themselves that any actions undertaken are compliant with the provisions of the PA 2008.</p> <p>‘Preliminary environmental information’ (PEI) is defined in Regulation 2 of the EIA Regs. It is for developers to satisfy themselves that the requirements of the regulations have been met. Reference should be made to CLG guidance on the appropriate level of information to be provided in a PEI report to the different consultation bodies (Guidance on Pre application consultation). Developers may also wish to consider carefully how they approach the consultation bodies and the timing of the consultation.</p>
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Specific decisions/ follow up required?	<p>IPC to provide advice on whether there is scope for joint examinations of separate cases.</p> <p>IPC to send PE details of GIS shapefile requirements.</p>
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Circulation List	Attendees