

Paul Lancaster  
Planning Reform Team  
Department for Communities and Local Government  
1<sup>st</sup> Floor / Zone H9  
Eland House  
Bressenden Place  
London SW1E 5DU

[www.bwea.com](http://www.bwea.com)  
19<sup>th</sup> June 2009

Dear Mr Lancaster,

**RE: Planning Act 2008: Consultation on the Pre-Application Consultation and Application Procedures for Nationally Significant Infrastructure Projects**

BWEA welcomes the opportunity to provide comments on this second consultation package on the Statutory Instruments to fall out of the Planning Act 2008, and provides this submission on behalf of the UK wind energy industry.

BWEA was established in 1978 and is the representative body for companies active in the UK wind, wave and tidal energy market. Its membership has grown rapidly over recent years and now stands at over 470 corporate members as well as a number of academic members.

The UK has a rich variety of renewable energy resource, including 40% Europe's wind resource. This resource will need to be utilised if the UK is to deliver its share of Europe's 20% renewable energy target by 2020. Given the UK's low base-line levels of renewable heat, the majority of this target will need to be met through onshore and offshore wind. It is therefore important to support and encourage the growth of the sector if the UK is to meet its national and European renewable energy and carbon reduction targets.

In representing the wind industry, BWEA is in a unique position to comment on the circumstances which affect the future growth and development of the sector. BWEA has also fed into the UKBCSE response to this consultation and supports the UKBCSE's submission. We also welcome the IPC's active engagement with the industry at this important stage in the development of the infrastructure planning framework.

Thank you for the opportunity to submit comments on this consultation document. If you have any queries please do not hesitate to contact me. BWEA would be pleased to clarify any issues raised and offer any further information which may be required.

Yours sincerely,

**Duncan Ayling**  
**Head of Offshore**  
BWEA  
020 7901 3018

# **Planning Act 2008: Consultation on the Pre-Application Consultation and Application Procedures for Nationally Significant Infrastructure Projects**

## **General Comments**

BWEA welcome the Planning Act and the associated guidance. We believe that the new infrastructure planning framework will create a system that is, in broad terms, both simple and flexible. The ability of the system to provide a degree of flexibility at the level of individual applications will be particularly important for wind energy developments and especially for offshore Round 3 developers, in order to design and develop schemes in the way that is most appropriate.

In addition to the UKBCSE's submission, BWEA has the following headline comments:

### **The need for strategic infrastructure planning**

BWEA consider the need for a strong planning framework to be imperative to the delivery of the Government's renewable energy and carbon reduction targets. Given the lead times required to deliver the large renewable energy infrastructure required to meet the UK's 2020 target, and the importance of retaining developer confidence in the planning system, it is necessary for the detailed principles and processes of the new planning framework for infrastructure to be agreed, and put into operation in a timely and supportive manner.

### **Information management**

BWEA wish to emphasise the benefits of digital communications, both at the pre-application consultation and application stage. Given that the UK is in the process of developing an entirely new consenting framework; BWEA see great potential benefit in moving to a more digitally-based system of processing, distributing and filing project case-work. BWEA, along with the RTPi, believe that a move away from a requirement for paper-based documents, unless specifically requested, would improve both the effectiveness and efficiency of distributing, recording and assessing project information. In our view, such a process would also further facilitate the submission of - and responding to - consultation responses.

### **Applications**

BWEA appreciates the importance of the non-technical summary of the development proposals, as required within the application form. However as these may, in some cases be several pages in length, we recommend that this be provided in addition to the application – similar in format to that of the consultation report – rather than on the face of the application form.

### **Consultation requirements**

We do not agree with proposals for the introduction of a requirement to carry out public consultations on Draft Environmental Statements, as this is not a current planning requirement and such details would be expected to be addressed in consultations at the pre-application and scoping stages. We consider such a requirement to be overly burdensome on the promoter.

We would also welcome further clarity with regard to the responsibilities placed on statutory consultees to respond to consultations in a timely manner. The industry

recommends that guidance be provided on how promoters and the IPC are to deal with late submissions from statutory consultees.

### **Resourcing**

It is essential that determining authorities and statutory consultees are given the necessary resources to support this new planning framework. Demands placed on statutory consultees and local planning authorities – particularly at the pre-planning and early application stages – are likely to increase significantly over the coming years, as the planning system at all levels becomes increasingly 'front loaded' and applications for renewable energy development continue to rise. The industry will make every effort to work with Government Departments in order to better assess the likely demand for the IPC's services, and associated resourcing requirements.

### **Transboundary issues**

BWEA believes that there is also a need to provide guidance concerning transboundary stakeholders. Clarification is sought for transboundary projects as this issue affects a number of points in the guidance, including signage requirements.

### **Further guidance**

In addition to written guidance, BWEA would welcome the inclusion of a flow-chart demonstrating the stages involved for a promoter in the development and submission of an application to the IPC. BWEA has also identified a number of areas in which further guidance would be welcome for applicants, statutory and non-statutory consultees.

## **BWEA Response to Consultation Questions**

### **Regulations on applications and procedure**

#### **Q 1: Do you agree with the list of statutory consultees? Are there any others which you feel should be included?**

BWEA welcomes the list of statutory consultees listed, and agree with recommendations made by UKBCSE. We remain concerned that the current list includes a number of national and regional bodies who will have neither an interest in individual developments, nor the resources with which to respond. For example, we are concerned that promoters of offshore wind energy developments would, according to the Regulations, be required to consult the relevant Strategic Health Authority, and the Equality and Human Rights Commission, in relation to each individual application. The list appears to be overly comprehensive and risks becoming unnecessarily time consuming, costly and burdensome for developers.

We recommend the Joint Nature Conservation Committee also be included in this list.

We would welcome further clarity with regard to the responsibilities placed on statutory consultees to respond to consultations in a timely manner, and propose the introduction of a time limit beyond which a response will not be taken into account. The industry also recommends that guidance be provided on how promoters and the IPC are to deal with late submissions from statutory consultees.

**Q2a: Do you agree with the set of information we are requiring within the notices to publicise proposed applications and applications that have been accepted by the Commission, and notify prescribed persons of accepted applications?**

BWEA broadly agrees with the information required of applicants for inclusion within notices publicising proposed applications and those that have been validated by the IPC, as put forward in Annex 1.

As discussed during the stakeholder workshops and with DCLG colleagues, we also understand that, if circumstances prevent fulfillment of all criteria listed under the ***Duty to publicise proposed applications*** – e.g. where no local newspapers are currently in circulation – the IPC will look sympathetically at the reasonable efforts made by the applicant in publicising the application. However, we would appreciate brief guidance regarding the interpretation of “local” (ref local newspapers) in respect of offshore wind energy developments which might be visible to some degree for some considerable distance.

We are broadly satisfied with the proposed requirements to notify prescribed persons of accepted applications.

**Q2b: Should anything else be included? Or should anything be omitted, for example on the grounds of being too burdensome?**

Please see above response.

**Q3: Is the information required to be stated on the application form appropriate? If not, what omissions or additions would you make? Are the descriptions in the form’s guidance note clear and sufficient?**

BWEA is, in general terms, satisfied that the information required for inclusion within the application form is both appropriate and sufficient. However, we seek detailed clarification with regard to responses to the consultation carried out under part 5 of the Act.

While it is essential that all responses from statutory consultees are included within applications, BWEA does not consider it appropriate, or especially useful to the IPC, for each and every individual consultation response to be included as part of an application. The industry considers such a requirement to be overly burdensome on the part of the applicant, and impractical to implement, due to the potential volume of consultation responses.

However, it is important that an audit process be put in place in order to ensure that the consultation process is seen to be fair and thorough. BWEA recommend that promoters be required to retain all consultation responses, for inspection by the IPC – if necessary.

The industry believes that wherever possible applications should be made to the IPC electronically and therefore does not support the need for 3 copies of all documents to be provided and also in a paper format. Scanning of key documents will minimise the need for hard copies of a range of the required documentation. However, to

address the issue of accessibility we accept that a hard copy of a developer's proposals should be made available in the vicinity of the development e.g. in the local library. Equally, it may also be appropriate to provide hard-copy maps for certain types of complex developments.

**Q4: Are there any other plans, documents or information which should be required to accompany the application, including for specific types of infrastructure? Should anything be omitted, for example on the grounds of being too burdensome? Should anything in the existing lists be described in a different way?**

As stated above, we consider requirements regarding the complete details of consultation responses to be overly burdensome. Please see response to question 3 for further details in relation to consultation responses.

Regarding ***Applications for specific projects***, BWEA recommend that wording be altered, stating that developers should provide a "corridor of search" and laying methods for cables "if known". However, we do not consider it reasonable to require applicants for offshore generating stations to include "*details of the route and method of installation for any cable*", as such details may not be finalised at the application stage, with a number of possible routes under consideration. This is especially likely to be the case in circumstances where there may be a number of projects in a similar area, and where there may be an opportunity to consolidate cable connections.

It is important that developers are provided a degree of flexibility in the siting of cables on- and offshore, and that the applicant is able to choose the most appropriate method of determination.

BWEA suggest that using a Rochdale envelope style of consenting (using indicative layouts etc within a given boundary), will provide greater ease and flexibility for the developer and consenting body. It would also prevent the need for developers to continuously be returning to the IPC for multiple consent applications for the same connection.

**Q5: How feasible and appropriate is it for application documents to be made available for consultation, and submitted to the Commission, in electronic formats, in addition to paper copies?**

The industry believes that for both administrative burden and environmental reasons maximum use of submission in electronic formats should be made. The Government's proposals for publicity requirements and the need for information to be made available in hard-copy at a readily accessible location in the vicinity of the development will ensure that those without access to a computer can be aware of and participate in the pre-application consultation / application process. Active promotion of the use of electronic communication should be included in the Regulations and Guidance.

It is also suggested that the applicant consult consultees in advance and agree which parts of the submission they wish to receive. This would then be recorded and provided to the determining authority.

Please see the General Comments made above in relation to the format of EIA and application materials to the IPC and Statutory consultees, and in relation to question 3.

**Q 6: Do you agree that applicants should not be required to re-submit information on the persons and organisations which have been notified of an accepted application?**

BWEA agree with the view that applicants should not be required to re-submit information on the persons and organisations which have been notified of an accepted application. This will eliminate some duplication and is welcomed.

However, the list of persons to be notified of an accepted application is the same as the list of consultees. Therefore we have the same concerns that the need to notify numerous persons / bodies which will have no interest in individual applications will place an unnecessary onerous burden on developers. Focus should be on informing those with a direct interest in, or affected by a development, such as local communities and their representatives. Equally, given the specific requirements on the information to be included in the notification of an accepted application, the Regulations and Guidance should actively promote electronic notification in order to minimise the administrative burden and environmental impact of providing hard-copy information.

***Transitional issues***

**Q 7: Do you agree that consultation exercises which were commenced prior to the entry into force of new standards should benefit from transitional provisions?**

BWEA consider it to be essential that applicants should benefit from transitional provisions, where consultation exercises were commenced prior to the entry into force of new standards.

Prior consultation work should be recognised and the developer should not be penalised with further unnecessary repetitive requests. However, in cases where transboundary stakeholders have not been consulted, guidance should clearly indicate that a level of consultation is required.

The arrangements recognise the length of time many developments take from initial identification, through community consultation up to submission of an application. However, by providing specific requirements for consultation and publicity and limiting the timescales (including October 2007 before which consultations will not be allowable, and October 2011 after which applications under the old regime will not be accepted) provides the necessary safeguards, and ensures a sensible timescale for moving to the new regime.

**Q 8: Do you agree that transitional provisions should be made, that could, in the circumstances described, deem a consultation exercise commenced prior to October 2009 to have met the new requirements?**

As stated above, BWEA believes that it is essential for the transitional period to provide a provision for consultation which has commenced before the date of commencement of the regulations to potentially meet the new requirements.

**Q 9: Do you agree with the proposed tests which the consultation exercise must meet before being deemed to meet the new requirements?**

BWEA agrees with the proposed tests set out in section 13 *Transitional matters* which the consultation exercise must meet before being deemed to meet the new requirements.

**Q 10: Is there anything else on which you would like to comment?**

BWEA has no further comment to add.

***Guidance on pre-application consultation***

**Q 11: Are the principles outlined in the guidance clear, if not please give your views as to how this can be improved?**

In general terms, BWEA consider the guidance to be clear, and welcome the clear acknowledgement that the consultation process will not be a 'one size fits all' approach, with the need for consultation exercises to be thorough, effective and proportionate.

BWEA suggest that there is a need for greater recognition within this guidance of the ongoing, iterative process of consultation and the fact that a number of consultation stages are likely to be required in relation to some projects e.g. at the pre-application and, scoping stages.

We do not agree with proposals for the introduction of a requirement to carry out public consultations on Draft Environmental Statements, as this is not a current planning requirement and such details would be expected to be addressed in consultations at the pre-application and scoping stages. We consider such a requirement to be contrary to good practice and overly burdensome on both the promoter and statutory consultees. It is currently common practice for applicants to clearly state within an ES where an issue has been scoped out of the ES, and the reasons for doing so, following informal discussions with relevant consultees.

It may therefore be appropriate for the IPC to request that discussions between promoters and consultees in relation to the detailed scope of the ES be documented and submitted with the ES. Alternatively, it may be appropriate for the introduction of a consultation milestone after the EIA studies are complete / substantially complete and before the ES is drafted or substantially drafted. This would allow consultees to comment on the findings of EIA studies thus allowing time for applicants to address further comments before finalizing the ES.

It is also important to state that any new information that might impact on a proposal is a) legitimate and verified as true and b) not deliberately withheld so as to scupper or delay a developments progress.

While we appreciate that not all direction on pre-application consultations will be included within this document, BWEA recommend that further guidance be provided on the following:

- to Local Authorities regarding the reasonableness of any requests they may have of the applicant concerning the pre-application consultation process;
- to the general public regarding the extent of the involvement that they can reasonably expect from the IPC pre-application process;
- to applicants / promoters regarding the most appropriate means of responding to consultees who may object very strongly.

Please see BWEA recommendations above in relation to the format of pre-application materials.

**Q 12: Has everything been covered that needs to be covered, if not please explain what other information you think should be included?**

In addition to our response to question 11, BWEA believes that there is also a need to provide guidance concerning transboundary stakeholders. The guidance describes European Union / European Economic Area (EEA) states. However, this would exclude Isle of Man, for example, from being involved in offshore developments that are closer to their territorial boundary than to the UK coastline as they are not an EEA state.

Please see additional comments below regarding *Annex 4 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009*:

Publicity for EIA applications

9. - Publicity for EIA application notice is outside of the remit of these regulations if onshore works are in Wales, as these fall under different legislation.

Publicity for transboundary stakeholders such as Isle of Man has not been addressed.

EIA applications for orders granting development consent

11. (c) i – Same issue as raised above.

11. (c) ii - This section should include 'if unfeasible' for offshore works.

Application not complying with EIA requirements

12. (2) (a) – This section requires clarification, as this provision is not valid for developments that begun screening prior to commencement of the IPC, and did not require an EIA through the authority at the time.

Development with significant transboundary effects

16. (c) i. This section discusses EEA states. The Isle of Man is not an EEA state and would be affected by offshore wind farm proposals.

### **Q 13: Do you have any other views about this guidance?**

It is recognised that given the differing scale and nature of NSIPs, it is not possible to set out an overly prescriptive framework. Nevertheless, the extensive nature of consultation and the requirement for the IPC to determine whether the applicant has complied with the consultation obligations means there is a potentially significant burden for the promoter and also the risk of challenges to pre-application procedures, in particular, under section 118(7) of the Planning Act 2008. Accordingly, it is important that the Guidance does not create pitfalls for an applicant who has complied with the spirit of the consultation procedures. We therefore believe consideration should be given to the inclusion of a statement to make it clear that the promoter should seek substantial, rather than technical compliance with the guidance.

There are also a number of points of clarification that we would like to see in the guidance:

Regarding paragraph 156, we agree that local authorities will have an important role to play concerning the adequacy of a promoter's consultation, and the need for the IPC to have regard to local authority representations when deciding whether or not to accept an application, and recommend the development of guidance for local authorities, as stated in response to question 11.

However, it is the role of the IPC to take a view as to the weight to be accorded to all representations. It is of paramount importance that no one stakeholder appears to have a disproportionate influence over the decisions of the IPC.

At paragraph 158, reference is made to the requirement to re-consult on changes to the scheme and revised options. It would be helpful if this paragraph could be clarified to state that the obligation in such circumstances is to provide such information to the consultees so as to fairly enable them to understand the nature of the change. Otherwise, we have concerns that this might be interpreted by some parties as a requirement to recommence the consultation procedure from the beginning.

The applicant is under an obligation to have regard to the local authority's responses to the promoter's consultations under section 47(2) of the Act (paragraph 173). We think it would be helpful if some guidance could be given for the comfort of promoters that they should not be expected to comply with any excessive or unreasonable requirements for consultation given by local authorities. Here, we seek to clarify where the IPC has the ability to ignore frivolous and vexatious issues - not just from Local Authorities but all key stakeholders.

The Planning Act provides for a minimum of a 28 day period for consultation but paragraph 118 includes in the comments:

*"though it is expected that, while this may be sufficient for projects which are straight forward and uncontroversial in nature, many projects - particularly larger or more controversial projects - may require considerably longer periods than this".*

BWEA see dangers in this element of the guidance as it provides for a potentially open ended debate about the length of the period necessary for consultation. Whilst

we must recognise that different projects will have different requirements, we think it would be helpful if an indication that, save in exceptional cases, it would not be expected that the consultation period would be longer than, say, 56 days.

BWEA seek further guidance in relation to the requirement, in paragraph 162, to include those living in "the vicinity of the land", as we believe that further clarity as to the meaning of "vicinity" would be beneficial to all parties.

We also seek clarification in paragraph 191, as to what "alternative solutions" to the project may be. The boundaries of this are unclear and we seek clarity on this issue.

Paragraph 204 includes an explanation of what the Consultation Report should include. There are various requirements for explaining the way in which the promoter has responded to consultation, including how the application was influenced and the changes made as a result of consultation responses received. There is also a welcome requirement to explain why any significant relevant recommendations put forward in consultation responses were not followed. We believe that some guidance should be given on the standard expected of such responses given the number that may be required. The requirement should have some reasonable limits, by, for example, requiring sufficient information to enable the consultee to understand the principal grounds on which the consultation has been taken into account/disregarded but without requiring a full technical rebuttal.

### ***Model provisions and the Planning Act***

#### **Q 14: Do you agree that separate sets of model provisions should be made for each infrastructure type, in the final statutory instrument?**

Subject to comments below in relation to question 17, we believe that the "common" model provisions will generally provide appropriate powers for the construction and maintenance of both onshore and offshore wind energy developments.

However, we believe there to be a need for more legally orientated advice on the scope and details of these draft provisions. We also recommend restating the six tests, designed to ensure that planning conditions are both necessary and effective:

#### The Six Tests

- i. necessary
- ii. relevant to planning
- iii. relevant to the development to be permitted
- iv. Enforceable
- v. Precise, and
- vi. reasonable in all other respects

**Q 15: Do the draft model provisions capture all the types of provision which are needed for energy, highways and water projects? If not, what additional provisions may be needed?**

In relation to offshore wind, BWEA would welcome the inclusion of a model provision for the temporary stopping or alteration of shipping lanes. Please also see response to question 11, above.

**Q 16: Do you agree that specific model provisions are necessary for types of NSIP infrastructure other than railways and harbours? If the answer to the previous question is yes, what types of development, associated development or ancillary matters should be covered by model provisions?**

Model provisions for all types of energy infrastructure will be beneficial in assisting energy developers in preparing their draft Orders.

**Q 17: What other comments do you have about the draft model provisions, and in particular what additions would need to be made in order to cover common types of development, associated development or ancillary matters needed for NSIPs?**

Section 120 and Schedule 5 of the Planning Act set out provisions which can be included in development consents relating to, or matters ancillary to, development. Paragraph 2 of Part 1 to Schedule 5 enables development consent to provide for:-

*"the creation, suspension or extinguishment of, or interference with interest in all rights over land (including rights of navigation over water), compulsorily or by agreement."*

Off-shore wind farms will occupy areas which are likely to be subject to rights of navigation and therefore a common provision for extinguishment should be included in the body of the Order.

Article 4 of the Model Provisions contains provisions relating to the Secretary of State's consent being required to enable the transfer of the benefit of an Order. We presume that will apply only in circumstances where a promoter seeks an Order to be made specifically for their benefit or for a named undertaker. Restrictions of this kind would represent a commercially undesirable obstacle in the case of offshore wind farms and therefore the industry would not wish to see it applied as a generality.

Schedule 4 sets out model provisions in respect of requirements under article 1. As a general point, it is noted that the conditions referred to approvals by "relevant planning authorities". In the case of offshore wind farms, these will be outside the jurisdiction of the relevant planning authority. We presume the Order can be modified in order to take account of the position offshore.

## ***Regulations on Environmental Impact Assessment***

**Q 18: These regulations transpose into secondary legislation the requirements of the Directive, consequently there are established principles to which we must adhere, however it would be helpful to have your views as to whether there appear to be any omissions?**

BWEA does not believe there to be any omissions.

**Q 19: Regulations 5 and 6 of the EIA Regulations provide for screening and scoping opinions respectively. These regulations also allow the Commission to ask for further information from the person requesting the opinion. The regulations do not specify a time limit within which the Commission's request must be complied. Do you think such a time limit should be provided and if so what should the time limit be?**

While developers will be keen to respond to such requests from the Commission as quickly as possible, in order to ensure that projects retain momentum, BWEA suggests that a time limit would be appropriate in this situation and that it should reflect the complexity of the request. BWEA believes that an approximate 4 week time limit would seem appropriate.

**Q 20: If the Commission grants a development consent order it may also include requirements within that order. The EIA regulations do not currently provide for the means of ensuring that where necessary those requirements are subject to an EIA. It will be necessary to provide for this and your views are invited as to how this can best be achieved.**

BWEA recommend that this issue be treated in the same way as a planning condition – i.e. any planning conditions need to be confirmed as being met by the issuing authority. BWEA would prefer that in the case of the IPC that this function is not offloaded – for example to a local planning authority, as this could just add to delays.

The industry would normally expect that all matters that are likely to be the subject of a requirement under development consent will have been fully explored prior to the granting of an Order and will have been assessed in the EIA. Where the Order requirements have not already been subject to EIA previously, we would assume that a screening process to determine whether further EIA would be necessary, and then duly undertaken if necessary, will be needed to be incorporated before the Order requirement can be commenced/implemented.

Promoters will be concerned to ensure that any such a requirement does not cause a significant delay. If the requirement relates to a matter that has not been the subject of assessment and, is in the view of the IPC likely to have a significant environmental effect, then it would be very desirable if the nature of any proposed requirement could be raised as early as possible in the examination process to ensure that the process of assessment did not delay a final decision.

If it is not considered possible to define a requirement until a hearing has been held, there is the possibility of employing a "minded to grant letter" where EIA is required

in respect of a proposed requirement. This would not be ideal as clearly it would create significant delay.

**Q 21: Do you agree that the approach we propose to take with the two Schedules is the correct approach?**

BWEA is in agreement with this approach. However, supporting guidance must be consistent with the Regulations, unlike the current EIA Regulations and Circular 02/99 which are unfortunately inconsistent in places.

**Q 22: Is there anything else on which you would like to comment?**

BWEA has no further comment.

***Planning Act 2008 and the Habitats Directive (92/43/EEC)***

**Q 23: Do you agree with the scope of the draft proposed changes? If not, what changes should be made to its scope, and why?**

BWEA is in agreement with the changes as proposed.

**Q 24: Is there anything else on which you would like to comment?**

BWEA has no further comment.

***Guidance on associated development***

**Q 25: Are the principles outlined in the guidance clear, if not please give your views as to how this can be improved?**

Paragraph 215 only includes development in England and waters adjacent. It is also important to include reference to projects which effect both England and Wales.

The industry welcomes paragraph 216 and confirmation that it is for developers to decide the scope of their application, and whether or not to include associated development in their consent application. We understand that it is the responsibility of the IPC to decide whether development is associated development, having regard to any guidance issued by the Secretary of State.

It is important, however, that in preparing applications, a promoter has a strong degree of certainty as to what can be included within the associated development category. In contentious cases there may be some conflict with the provisions of paragraph 219; which could lead both to delay and uncertainty. Accordingly, we consider that the guidance that onshore works can be "associated works" as specified in Annex A should be established as the general principle unless exceptional circumstances indicate otherwise. It would also be helpful for the examples of

associated development provided in paragraph 228 and Annex A to be expanded to include, but not necessarily be limited to:

- Onshore works: All onshore connection works, including cables, sub-stations and other infrastructure, landscaping and all other works
- Grid reinforcements by licensed operators including sub-stations
- Offshore works: offshore cables, sub-stations, structures and platforms associated with the connection, construction and/or operation of the offshore wind farms.
- Additional Ancillary Works: works and developments associated with the construction, operation, maintenance and/or decommissioning of the offshore wind farms and associated development, such as ports, harbours, onshore and offshore structures and facilities.

BWEA recommend that an example of associated development could be the extension of a port in support of an offshore wind farm.

In relation to transboundary issues, it is possible that offshore projects consented under the IPC may apply for onshore connections in Wales. In this case, onshore infrastructure such as cables, transmission and substation infrastructure will require consent outside of the IPC application. We therefore seek guidance as to whether it would be appropriate for a promoter to include Welsh onshore works – either in detail, or at all - within an English IPC application. Clarification is sought for transboundary projects as this issue affects a number of points in the guidance, including signage requirements. The remit of the IPC does not extend to transmission / onshore works in Wales.

**Q 26: Has everything been covered that needs to be covered, if not please explain what other information you think should be included?**

BWEA consider the general reference to onshore works to be sufficiently wide.

**Q 27: Do you have any other views about this guidance?**

As discussed above, BWEA has some concerns that offshore development issues are not sufficiently addressed within the guidance. We believe that it is important that promoters are able to clearly understand the nature of the application that they need to make with as little uncertainty as possible. This is of particular importance in relation to offshore renewable energy developments, which have not previously been determined under the formal planning regime.

In this regard, we think that the examples of associated development should be regarded as the general approach unless exceptional circumstances apply.