

# Renewable UK Offshore Wind Conference Consenting Issues for Round 3

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Infrastructure / Energy Team of the Year  
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# Managing uncertainty of changes to IPC regime

- Abolition of IPC and replacement with Major Infrastructure Unit within Planning Inspectorate
- Transitional arrangements
- Different projects at different stages (R2, R2.5, R3)
- No need to re-apply
- Ongoing pre-application work unlikely to be wasted
- Maintain focus on project quality and quality consultation
- Future of National Policy Statements

# Opportunities to improve IPC regime under amending legislation (1)

- Scale back IPC transparency as it is getting in the way
- Remove formal requirement for Preliminary Environmental Information
- Allow “associated development” to be NSIP in its own right, if IPC agree, to assist OFTO consenting
- Amend “associated development” guidance as it is causing trouble in Wales

## Opportunities to improve IPC regime under amending legislation (2)

- Remove requirement to consult all landowners at pre-application stage (v onerous for grid)
- Scale back statutory consultee list
- Risk of unwelcome changes, which will need to be resisted e.g. more public inquiries

# IPC ability to refuse to accept application due to inadequate consultation

- A very powerful innovation
- Needs to operate proportionately
- What if no meaningful options to offer, to allow consultee/community influence?
- Credit for consultation outside the formal section 42, 47 and 48 process
- Key dilemma for developers: where consultee objects on significant issue when do you crystallise objection and submit, given lack of ability to amend thereafter?
- Quality –v- form of consultation

# Role of Marine Management Organisation

- A regulator as well as a consultee
- “Offshore community” consultation
- Deemed marine licence conditions
- Enforcement of conditions
- No MMO in Wales, marine licence separate
- MOUs between IPC/MMO and IPC/WAG

# Appropriate Assessment

- Round 3 Plan AA
- Deliverability of Plan AA mitigation measures?
- Contractual ZDA obligation to comply with AA findings for zone
- Risk of impact on project scale and deliverability (UK wide effect on certain birds)?
- Invocation of overriding public interest test?
- Should the industry be preparing for conflict between EU Habitats legislation and binding renewable energy targets?



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