

APPENDIX 1: BURBO BANK EXTENSION OFFSHORE WINDFARM



APPENDIX 2: CONSULTATION RESPONSE ON BEHALF OF DENBIGHSHIRE COUNCIL

PLEASE SEE REPORT BELOW:

BURBO BANK WINDFARM EXTENSION MAJOR INFRASTRUCTURE PROJECT
SECTION 42 CONSULTATION
RESPONSE TO PRELIMINARY ENVIRONMENTAL INFORMATION (PEI) ON BEHALF OF
DENBIGHSHIRE COUNTY COUNCIL
30 MAY 2012

1. PREFACE

Reference is made to your letter dated 16 April 2012 which gave notice of the formal pre-application consultation period and invited comments on the Preliminary Environmental Information (PEI) in accordance with the provisions of Section 42 of the Planning Act 2008.

Comments on behalf of Denbighshire County Council ('the Council') take the form of an observations report which follows this preface. The response incorporates comments from the Council's Renewable Energy Planning Officer, Senior Highways Engineer, Public Protection Technical Officer (Pollution Control) and Biodiversity Officer. Reference is made to the relevant chapters in the PEI Technical Report; reference is made only to sections of the Report which the Council wish to provide comment on.

As the onshore works will not form part of the Development Consent Order and will instead require planning permission from the Council, we advise that comments specific to the onshore works contained in this response are provided without prejudice based on the information available, and does not constitute a formal determination under Town and Country Planning Act 1990. The Council therefore reserves the right to fully assess the onshore works at the planning application stage.

These comments have been considered by Denbighshire County Council's Planning Committee and constitute the authority's formal response to the consultation.

2. GENERAL NOTES

Layout of the Report

The PEI Report is well laid out and has a logical format, however it is a very long document (276 pages in total) which required a significant amount of time to review; this should be taken into consideration when the documents are submitted and interested parties should be given adequate time to review the information during the pre-examination stage. The Non-Technical Summary is also well laid out and provides sufficient information for the reader to familiarise themselves with the key elements of the project without being overly simplistic.

For information, in relation to other EIA developments (both NSIP and non-NSIP projects), we have previously received comments from the public which criticise the scope of the ES Non-Technical Summary; members of the public and local interest groups often do not have the time or resources to review the full ES and often rely on the Non-Technical Summary as a source of information, but in many cases they have found it to be too brief or overly simplistic, therefore we would recommend that the final Non-Technical Summary retains the level of information presented in the PEI Non-Technical Summary. However it may also be prudent to produce a more condensed version of the ES in, for example, the form of an executive summary.

Welsh language and planning policy

It is noted that the consultation documents have been produced in English only. Given that the project affects both England and Wales, Welsh language consultation documents should have been made available.

It is recommended that when the application is submitted to the Planning Inspectorate, a Welsh language version of the ES Non-Technical Summary is made available and publicity materials and public notices should also be bilingual.

In the onshore section of the Report, some reference is made to English planning policy and English statutory undertakers (e.g. PPS9 and Natural England), however as all onshore works will be within Wales, reference to England only policies and agencies should be removed and replaced with the relevant Welsh counterparts.

Local supply chain

Whilst this comment is not pertinent to the PEI Report or the consents process, the Council would also wish to enquire about the opportunities for local businesses in the supply chain should consent be achieved?

To enhance the sustainability credentials of the project and provide tangible economic benefits to host communities who will be impacted by the Project, the Council would welcome a commitment from DONG Energy to adopt a sustainable procurement strategy and to maximise opportunities for the local supply chain during the design, construction and operation of the windfarm. As far as practical, products and services from within North Wales and the North West of England should be procured and we welcome the inclusion of a local business weighting criteria in the supply chain tender process.

3. COMMENTS ON PEI REPORT

SECTION 3: OFFSHORE WIND ENERGY AND ELECTRICITY MARKET

Section 3.1. makes reference to the Westfield project rather than the Burbo Bank Extension project (end of 2nd paragraph).

SECTION 4: ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Section 4.2 sets out the Rochdale Envelope Principle. For the avoidance of doubt, the report should clarify what the 'the worst case scenario' assessment entails; have the assessments been based on a theoretical 'worst case scheme' (i.e. a scheme which would consist of 75 no. turbines with a tip height of 225 meters, even though this isn't a feasible arrangement), or have each of the three realistic development scenarios presented in section 7.1 (Scenario 1, Scenario 2 and Scenario 3 respectively) been individually assessed and the most significant impacts from the three assessments reported in the PEI Report?

Section 4.7 refers to mitigation measures and states the intention is to provide specific details within the individual chapters of the ES, however it would exceedingly useful if all proposed mitigation and enhancement measures are collated into separate stand-alone section of the ES or in a separate Mitigation Statement, and it should be made explicit which measures will be taken forward.

Section 4.9 details the surveys undertaken and planned. Will these surveys in their entirety be available for prescribed consultees and interested parties to consider, and will they be available on the Project website?

SECTION 5: LEGISLATIVE CONTEXT, PLANNING AND REGULATORY REQUIREMENTS

Table 5: Onshore consents: Reference to Natural England should be replaced with the Countryside Council for Wales (CCW).

SECTION 6: SITE SELECTION

Section 6.6 states that '*all cables to and from the onshore cable that are associated with this Project application are to be buried (no additional overhead cables are required)*'. However, as the voltage from the substation will need to be stepped up to 400kV to interface with the National Grid substation, clarification is sought as to whether this single high voltage cable will be underground, or will this section of cable be replaced with overhead lines at the value engineering stage?

SECTION 7: PROJECT DESCRIPTION

Section 7.6 states works on the onshore substation will be carried out during the summer months. Will the onshore export cable route also be constructed during the summer months?

Carrying out construction works during the summer months in coastal areas will have a more significant impact on tourism than it would during the winter months. Has the time of year been factored into the recreation and tourism impact assessment?

SECTION 8: CONSULTATION

Were community consultation materials (leaflets, flyers, display boards etc.) bilingual (English and Welsh)?

It is noted that consultation with landowners along the onshore cable routes have been carried out. However, as the proposed substation will be located on the St. Asaph business park, have adjoining businesses on the business park also been consulted?

We would like to draw your attention to an issue which arose when the Council determined the planning application for the Gwynt y Mor substation. A neighbouring business (Qioptic) had particular concerns over vibration and security, and it would be advisable to discuss this matter with them and other adjoining businesses directly to avoid objections at the planning application stage.

Section 8.4 sets out the provisions for further consultation. Once the application is accepted by the Planning Inspectorate, we would encourage you to extend to period of time for interested parties to register their interest rather than strictly adhering to the statutory 28 day minimum period, given the length and complexity of the application documents.

SECTION 12. OFFSHORE HUMAN ENVIRONMENT

Section 12.4 summarises the Landscape & Seascape Visual Impact Assessment (LSVIA); a correction is required in Table 39: Prestatyn, near Nova Centre view point is in Denbighshire not Flintshire.

The regeneration of Rhyl is a strategic priority for the Council, and the coastal resorts are a key component of the visitor economy in the county and we would therefore recommend an additional view point from Rhyl promenade to ensure the impacts are fully considered (e.g. Rhyl Aquarium which was used in the North Hoyle SLVIA). However we do acknowledge that the Prestatyn view point noted above would be broadly representative of views from Rhyl promenade as well.

Section 12.4.7 acknowledges that the operational windfarms (North Hoyle and Rhyl Flats) combined with the Gwynt y Mor windfarm will be a significant source of cumulative effects in views from the viewpoints along the Welsh coast (however the existing Burbo Bank windfarm is the most prominent offshore windfarm when viewed from the Flintshire coast).

However, as each windfarm has a different array layout and consists of different turbine specifications which vary in size, will the offshore windfarm seascape appear to be cohesive? This is a particular concern with regards to onshore wind energy developments; the scale of wind turbine development in the county varies significantly, and when different scales of development are assessed in combination, there is the potential for the windfarm landscape to appear disjointed, resulting in more significant cumulative effects. Have the offshore SLVIA taking into account the layout, height and form of the existing windfarms as well as the volume of turbines when considering cumulative and in-combination effects?

Do the turbines under consideration vary significantly in size and form from the turbines within the existing Burbo Bank array and within the other offshore windfarms? If so, will it be obvious from the coastline that the turbines differ in size and does this affect the magnitude of effects? (e.g. will the existing windfarm and the extension look like a single larger scheme or will it be obvious that they are two separate schemes. If it is the latter, will this result in a more significant visual effect?).

Section 12.4.8 refers to their being limited opportunities for mitigating visual impacts, however one mitigation measure would be to ensure the turbine specification visually compliments the existing arrays. However, it is noted that the visual impact of the existing offshore windfarms along the North Wales coast varies significantly depending on the climatic conditions (weather, visibility, position of the sun in the sky etc.) and we would agree that it will be very difficult to mitigate for this given the variability of the climate, and standard turbine colours would be preferable to blend with the existing offshore developments.

MISSING INFORMATION: ONSHORE TRAFFIC AND TRANSPORT RELATING TO OFFSHORE WORKS

The report doesn't seem to contain any information about onshore traffic and transport movements which relates to the offshore works. Section 15.5 concentrates on the environmental effects caused by traffic and transport which relate to the onshore works only, however there will inevitably be onshore traffic and transport implications during the construction of the offshore windfarm.

For example, where will the construction compound and site office for the offshore construction works be located? (Liverpool Docks, Mostyn Docks?) How will the turbine components be transported to site, will they be transported by sea or will some components be transported by road? What implications will this have on shipping and the road

network? What is the number and frequency of vehicular movements to and from the construction compound during the construction phase? Will abnormal loads be required? Etc.

Therefore additional transport impact assessments are needed which should be reported in final Environmental Statement.

ONSHORE WORKS

Please note comments given on the onshore elements of the proposal are given without prejudice based on the information provided and does not constitute a formal determination under Town and Country Planning Act 1990:

SECTION 13. ONSHORE PHYSICAL AND CHEMICAL ENVIRONMENT

It is noted that the impacts on geology, hydrogeology and ground conditions and on hydrology and flood risk are most likely to occur during the construction phase and Section 13 makes reference to the Construction Environmental Management Plan (CEMP) as a mechanism to manage and mitigate those impacts. This would be a key document to enable the Council to assess if measures have been put in place to adequately mitigate identified environmental effects; it would be preferable if this document is submitted with the planning application so the development proposal can be assessed in its entirety rather than the approval of the CEMP being subject to a pre-commencement planning condition.

All proposed mitigation measures to reduce environmental effects during operation (e.g. surface water drainage measures; maintenance protocols etc.) should be identified in the supporting information accompanying the planning information.

As mentioned earlier, it would be beneficial for all mitigation and enhancement measures which are to be taken forward to be collated into a stand-alone section of the ES, or in a separate Statement.

SECTION 14. ONSHORE BIOLOGICAL ENVIRONMENT

Par. 14.1.1 refers to Nature England, who has no jurisdiction in Wales and Par. 14.1.3. refers to PPS9 which does not apply in Wales. Reference should instead be made to CCW and Welsh planning policy (Planning Policy Wales and Technical Advice Note 5). Appropriate planning policies contained in the Denbighshire UDP should also be referenced.

The Council is happy with the proposed surveys to be carried out in 2012, but will reserve detailed judgement on the ecological impacts until the Phase 2 ecological surveys have been carried out. However, based on information in the PEI Report, the Council's Biodiversity Officer has put forward the following comments:

Landfall location: From a biodiversity point of view option 1 would be preferable since it avoids the Wildlife Site; however it is appreciated that this could be more contentious. Option 2 will be possible if scrub/gorse clearance is undertaken outside of the bird nesting season and adequate mitigation is provided. In fact removal of some of the scrub would be beneficial for the herb-rich grassland behind the dunes which is being taken over by scrub.

Onshore cable route: Section 14.1.3 Baseline states "*The proposed cable route corridor crosses three Local Wildlife Sites, at Ffrith Beach at the northern end of the proposed cable route, in the centre of the scheme, near the River Clwyd, and at the southern end of the proposed cable route*".

Which wildlife site is referred to as being at the southern end of the cable route as this site isn't identified on the map? For information it is the River Clwyd and Adjacent Fields Wildlife Site which the cable route crosses as it crosses the river south of Rhuddlan.

Please contact the Council's Biodiversity Officer for more information on this site.

Grid connection point: Sub-station option B would be preferable since this avoids taking the cable through the mitigation area for the Gwynt y Mor onshore works.

SECTION 15. ONSHORE HUMAN ENVIRONMENT

15.2 Landscape and Visual Impact Assessment

With regards to the substation, the Council had recommended additional viewpoints to inform the LVIA at Bodelwyddan historic park, St Asaph Cathedral and Scheduled Ancient Monument's with public access. It is not

clear if these additional viewpoints have been incorporated into the assessment. Viewpoints used within the assessment should be tabled in the report similar to Table 39 which lists the viewpoints for the offshore LSVIA.

Details of mitigative landscaping should be included with the planning application rather than being subject to a pre-commencement planning condition.

15.4 Recreation, Tourism and Socio-Economics

Has time of year being factored into the assessment for construction impacts? Is in noted previously in the PEI Report that onshore construction works are likely to be carried out during the summer months which would have a more significant impact on tourism and recreation interests than if works were carried out in the winter. It is recommended that construction activities in coastal areas avoid peak times of the year to mitigate the impact on the visitor economy; if peak times cannot be avoided affected businesses should be compensated for any loss of income they may incur.

Similarly, during operation, maintenance activities on the jointing bays should be scheduled during quiet times to avoid disruption.

15.5 Traffic and Transport

Please refer to the point made above in relation to the offshore works; have the onshore traffic and transport movements which relate to the offshore works been assessed?

The Welsh Government has advised that planning applications for windfarms should not be determined until such time as a Transport Management Plan (TMP) has been agreed by all relevant highways authorities. As the planning application for the onshore works will be ancillary development, this advice will apply. Therefore an approved TMP should be produced (either as a stand-alone document or within the CEMP) and be submitted with the planning application as the Council will be unable to determine the application without it.

The TMP should contain the information set out below:

Introduction - includes background including the number of abnormal loads and other vehicles.

Description of Route - detailed description of the access route to the site for all vehicles delivering abnormal loads, HGV's delivering materials, concrete etc. identifying road types and characteristics and any improvements proposed a condition survey of the existing highway network will also be required.

Traffic Management - methodology for moving abnormal load convoys whilst minimising delays to other traffic including contingency plans in the event of incidents or emergencies.

Delivery Times - including timings for traffic sensitive locations; delays to negotiate any constraints.

Details of Trial Runs - the TMP to be supported by documented trial run information, witnessed/observed by the Highway Authority and police. Document to include or refer to separately submitted full video coverage of the route.

Proposed Highway Improvements or Works - location, nature and details of all potential horizontal and vertical constraints such as junctions, bends and steep gradients, swept path analysis of constraints. Outline design of proposed permanent improvement works the plans should show all improvement works within the highway or third party land.

Structures - carriageway width at all highway structures, headroom at all bridges and the proposals for assessing the impact on highway structures, non-highway structures and embankment slopes possible effected by loads.

Proposals to ensure Public Awareness - including consultation proposals; notification for travelling public and communities.

Site Accesses - Full details of all accesses at road crossings, including the detailed design, layout and drainage etc. including wheel wash facilities.

Site compounds - full details of the site compound locations indicating material storage areas staff car parking, loading and unloading facilities off the highway including wheel wash facilities.

Please refer to the attached letter from the Welsh Government for further information. To avoid delays, we would strongly advise discussions with the relevant highways authorities take place well in advance of the planning application stage.

15.7 Noise and Vibration

The Council's Public Protection Technical Officer has reviewed this section of the PEI Report and has put forward the following comments:

There is mention of the Horizontal Directional Drilling (HDD) being undertaken on a 24hr basis and yet the noise levels are likely to be greater than the 40dBLAeq,8h night time target. We would therefore request that this element of work is undertaken during the normal working day. However, if it is absolutely necessary that the work continues during the night time period then we would request that robust mitigation measures are used. We would also request that we are informed of these situations.

A contact number should be provided to the public so that any nearby residents affected by noise can contact the site and the situation can be investigated and improved, if necessary, at the time.

For information, no noise complaints have been received by the Council to date with respect to the construction of the Gwynt y Mor substation and underground cables, therefore we recommend you consult with RWE Renewables Ltd with respect to this scheme when devising a noise mitigation strategy.

SECTION 17. IN-COMBINATION AND CUMULATIVE EFFECTS

The Denbighshire LDP is at an advanced stage in its production and includes a strategic development site in Bodelwydden. At the LDP Examination, the Welsh Government challenged the housing targets within the Plan which has prompted an additional round of consultation seeking to identify potential additional housing sites in the County. This may result in additional housing development sites being allocated in the vicinity of the site which should be taken into consideration when assessing cumulative effects. Please refer to the Council's website for more information:

<http://denbighddms.wisshost.net/english/default.asp>

Scottish Power Energy Networks are proposing new overhead electricity lines from Clocaenog Forest to St. Asaph to provide a grid connection to 3 no. consented windfarms within the Clocaenog Forest Strategic Search Area (SSA-A as defined in TAN8) and the proposed Clocaenog Forest windfarm being progressed by RWE Npower Renewables. This project is classed as a nationally significant infrastructure project as new 132kV lines and substations are required. This project, in combination with the new National Grid substation and Gwynt y Mor substation all converge in St. Asaph and therefore the Council would recommend the cumulative effects of these projects are assessed.

For further information of the Scottish Power Energy Networks project, please contact:

Scottish Power Energy Networks, 3 Prenton Way, Prenton, Merseyside, CH43 3ET

4. FURTHER INFORMATION

This report has been prepared by Denise Shaw - Renewable Energy Planning Officer with contributions from the following Denbighshire County Council officers:

Mike Parker - Senior Highways Engineer

Sean Awbery – Public Protection Technical Officer (Pollution Control)

Lizzy Webster - Biodiversity Officer

Any queries should be directed to Denise Shaw in the first instance; contact details for other officers can also be provided:

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