

NAVITUS BAY WIND PARK PROPOSAL

SUBMISSION OF LOCAL IMPACT REPORT

1. THE PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Members' views on and an endorsement of the submitted New Forest District Council Local Impact Report (LIR) for the Navitus Bay Wind Park. All subsequent matters such as the Statements of Common Ground, Further Representations or responses to questions from the Inspectorate will be dealt with by Officers under delegated powers with these decisions following the positions set out in the submitted LIR.
- 1.2 The most affected Town and Parish Councils and the District Councillors whose areas include the cable route have been advised as to the fact that this matter will be considered by Committee and invited to speak and the Council website has been updated to the effect that Members of the public or Residents groups can also attend and request the right to speak.

2. THE APPLICATION PROCESS

- 2.1 An application has been made by Navitus Bay Development Limited (NBDL) to the Government's Planning Inspectorate for a Development Consent Order (DCO) to construct a wind park of up to 194 wind turbines off the Hampshire and Dorset coasts. NBDL is a joint venture between Eneco and EDF Energy and the project would generate enough electricity (up to 970 megawatts) to power around 710,000 homes. The boundary of the wind park would be 14.5 miles from Milford on Sea at its nearest point (Figure 1 below). The cables that collect the power from the wind park would cross the District having made landfall at Taddiford Gap, leaving the District north of Sopley having crossed the River Avon where they enter Dorset. The proposal is a Nationally Significant Infrastructure Project (NSIP).
- 2.2 The planning process for dealing with proposals for such Nationally Significant Infrastructure Projects is established by the Planning Act 2008. The process involves an examination of major proposals relating to energy, transport, water, waste and waste water by the Planning Inspectorate, and includes opportunities for Local Planning Authorities, national bodies, interest groups and the public to have their say before a decision is made by the relevant Secretary of State (in this case the Secretary of State for Energy) informed by the recommendations of the Planning Inspectorate.

- 2.3 As part of the 2008 Act process Local Authorities are encouraged to discuss and work through the issues raised by NSIP proposals with prospective applicants well before the application is submitted, and to engage with applicants in the preparation of Statements of Common Ground (SoCG). These focus on agreeing matters of fact and methodology. Determining the council's position with respect to the proposals is done via the LIR and any subsequent representations.
- 2.4 Now that the Navitus Bay application has been accepted for Examination, the relevant Secretary of State has appointed an 'Examining Authority' to examine the application. In this instance the Examining Authority is from the Planning Inspectorate made up of a panel of four Inspectors, and it has invited relevant local authorities to submit Local Impact Reports. This is defined in the Planning Act 2008 as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. The actual content of the LIR is a matter for the local authority concerned.
- 2.5 As mentioned above the process requires the Council to work with the applicants prior to the submission of the formal application and thereafter. The Council has responded to previous consultations on Navitus Bay as follows:
- Initial work by NBDL sought a scoping opinion on its Environmental Statement in October 2011, with further officer responses throughout 2012 on viewpoints and landscape & visual assessment methodology.
 - On 2 September 2013 NBDL opened a 6-week public consultation exercise into their proposals. This was the fourth round of public consultation and focused on the environmental information available to date. This information forms the basis on which the Secretary of State will assess the likely impact of the proposals on all aspects of the environment. It was in effect the last opportunity that the public and the Council had to influence the content of the application. The Council produced its own response to the consultation exercise. A summary of the proposed response was presented to and agreed at a meeting of the Council's Planning Development Control Committee on 9 October 2013.
 - Subsequent to that, on 11 April 2014 the Planning Inspectorate made a request to New Forest District Council as to whether this Authority considered that the developer has complied with the duties of the Planning Act 2008 in relation to consultation leading up to the submission of its application (response sent 24th April 2014). It was confirmed that this was the case.
 - The most recent submission by the Council was in response to the Planning Inspectorate's request for 'Relevant Representations' on the proposal. The response set out the council's outstanding concerns with regard to the application (response sent 19th June 2014). These comments predominantly but not exclusively related to the expected impacts from the onshore elements

of the proposal and in particular the impacts arising from works along the cable route both during construction and thereafter.

- The attached Local Impact Report provides the detailed comments on these matters and takes on board the updated information now available.

2.6 After the examination has been concluded in March 2015, the Examining Authority will make a recommendation to the Secretary of State (SoS) in June 2015. The SoS must make the final decision by the end of September 2015 on whether or not to grant a DCO authorising the project. In coming to a decision, the SoS must have regard to any LIRs that are submitted.

3. THE STRUCTURE OF THE REPORT

3.1 The proposals comprise two key elements - the offshore turbine array and associated onshore infrastructure. Impacts in the LIR are therefore broadly grouped into those two areas.

3.2 On the basis of the documentation published in the developer's application considered in the light of ongoing liaison and negotiations, there remain outstanding concerns with regard to the following issues and the attached report sets out in more detail the Council's comments in the Local Impact Report in relation to the following key issues:

- **Offshore Seascape, Landscape and Visual Impacts** – visibility and impacts on character and the significance of impacts;
- **Onshore Landscape and Visual impacts** (including impacts on trees and hedgerows) - very substantial localised impacts during the construction phase; uncertainty as to longer-term and permanent impacts; significance of impacts; adequacy of mitigation and restoration measures relating to the cable route;
- **Air Quality, Noise, Vibration and EMF** – mitigating the effects of works during construction of the cable route and during operation of the scheme;
- **Ecological impacts** – cumulative impacts on protected species and protected habitats and related mitigation, including compensation measures;
- **Highways and Traffic** – in relation to consent processes, assess points, hours of working, and prior approval of a construction traffic management plan (including HGV movements and routes);
- **Socio-Economic** – with regard to tourism and the wider economic perspective.

3.3 New Forest District Council officers have worked with other authorities in Hampshire (New Forest National Park and Hampshire County Council) and other authorities in Dorset and the Isle of Wight who are directly affected. This joint working has enabled the local authorities to engage proactively with NBDL to identify key issues and to discuss these issues at regular intervals. Regular meetings have taken place between the Hampshire and Dorset authorities with NBDL to agree common ground (where possible) and the delivery of mitigation.

- 3.4 Members should be aware that there are topic areas that neighbouring authorities, including the National Park, still have concerns with, for example the possible effect of Electric and Magnetic Fields (EMF) surrounding the cables, the landscape and visual impact of the offshore array, noise during construction and operation, the impact on heritage assets and socio economic factors particularly impacts on the tourist industry. Whilst understanding these concerns and appreciating why they are relevant to the Authorities concerned NFDC officers do not believe these are major issues for the NFDC planning area for the reasons set out in the report.
- 3.5 In addition it should be noted that from information obtained from the Planning Inspectorate website the concerns identified above have been reflected in submissions from residents and Town/Parish Councils from within the New Forest District Council area. These are reflected as appropriate below and in an Annex to this report.

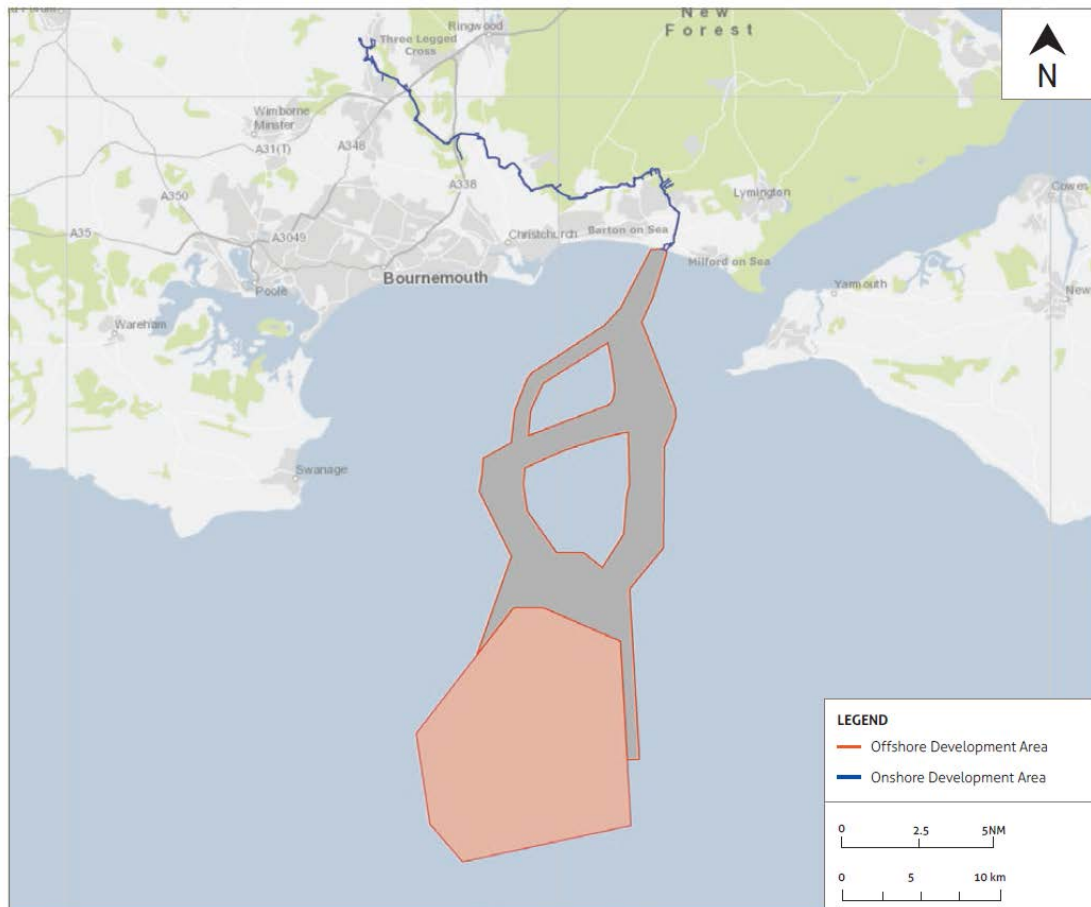
4. THE PROPOSED DEVELOPMENT

- 4.1 The application is submitted in what is effectively an outline format and as such full details are not provided at this stage and the impacts have to be judged on the 'realistic worst case scenario'. If in principle consent is granted these details will have to be worked up and submitted for approval with the relevant local planning authorities, including New Forest District Council.

5. OFFSHORE

- 5.1 A number of different options are being considered and include up to 194 wind turbines, up to three offshore substation platforms, and offshore cabling connecting the turbines with the substations. Export cables would then bring the electricity onshore (landfall) in open fields at Taddiford Gap between Barton on Sea and Milford on Sea (see Figure 1 below)

Figure 1 – Illustrative location of offshore and onshore elements

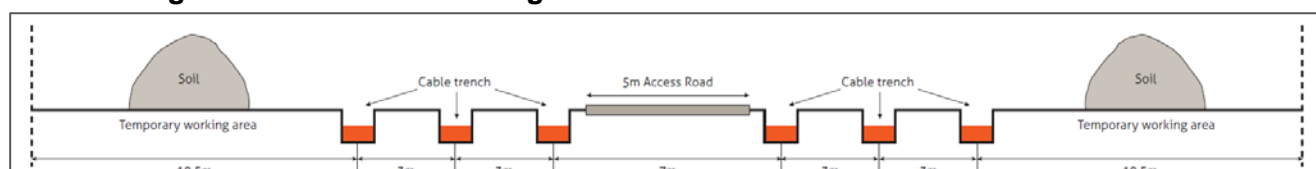


6. LANDFALL

- 6.1 The offshore cables will make landfall at Taddiford Gap, where they will connect to the onshore cables in purpose built joint bays. The landside cables would be installed in ducts running under the cliff, which would involve Horizontal Directional Drilling (HDD) from the landward side, under the cliff to a point offshore (See Figure 2 below). To prevent the cables becoming exposed to coastal erosion the drilling profile is designed to allow for a 50 year erosion rate in line with the Shoreline Management Plan for this section of coastline.

- 7.2 The working width for the trench route would be no wider than 40m, within which will be the temporary access track, up to 6 cable trenches and associated temporary working area each side of the track (see Figure 4 below). Four temporary compounds within New Forest District would be required along the cable route during the construction phase, situated at Taddiford Gap, land east of Bashley, A35 (Hinton Admiral), and Slape Copse (River Avon). These compounds would house storage facilities and temporary management offices.

Figure 4 – Indicative working width for cable installation



Source: NBDL Environmental Statement, Non-Technical Summary, April 2014

- 7.3 At various points along the route it may not be possible or desirable to install the cable using open trench techniques (e.g. in rivers and streams) and at those points trenchless HDD techniques will be used (i.e. drilling downwards and across) without the need for digging a trench. NBDL have supplied details of where those trenchless crossing points are proposed; with additional site compounds at each end of the trenchless sections of the cable route (see Onshore Cable Route maps attached to the report).

8. ONSHORE SUBSTATION

- 8.1 In order to transform the electricity from the wind park to feed into the National Grid an onshore substation will need to be constructed. This will be sited near Ferndown in East Dorset. No impacts on the New Forest District are expected from this element of the proposal.

9. THE DEVELOPMENT CONSENT ORDER

- 9.1 As noted above by the use of the term 'up to' in the DCO the developer has flexibility to construct the wind park with a generating capacity of less than 970MW. Hence, less than this maximum capacity may be constructed as long as what is constructed is in accordance with the terms of the Order. This practice of setting a maximum, or otherwise allowing for a degree of flexibility in what may be constructed, is also used for other aspects of the development, including the number of wind turbine generators, the foundation type(s), and the number of cables. This approach is commonly referred to as the 'Rochdale Envelope' and is a typical approach when such projects are being considered and cannot be objected to. It does however mean that if an "in principle" consent is granted extensive work will be required before commencement and this raises significant future resourcing issues, a point considered in more detail below.

- 9.2 For a development such as this, which is an Environmental Impact Assessment (EIA) development, the developer must provide an Environmental Statement (ES) with their application which will set out the worst-case scenario assessed as part of their EIA. The constructed development must remain within the parameters of what was assessed in the EIA.
- 9.3 It is important for Members to note that this is an Interim DCO, and further changes will be recommended by the appointed Examination Panel which the Council will have to comment on at Officer level guided by the contents of this LIR as submitted. The final DCO will set out what further work is required and what conditions must be implemented to mitigate impacts of the project. More detailed documents and mitigation measures (e.g. construction management plans and method statements) are still to come, and these would be submitted to local authorities post-consent and must be agreed with council officers before construction begins. In this regard the Navitus DCO is akin to an outline consent, with further details to follow and signed-off by local authorities.

10. THE COUNCILS RESPONSE

- 10.1 Officers are of the view that many of the wind park elements will lead to significant impacts but that the most substantial ones will be temporary construction impacts, and that the majority of the longer term impacts are capable of mitigation. Such measures are the subject of ongoing discussion with NBDL, along with discussion on matters that can be agreed through Statements of Common Ground. As mentioned above, it will be crucial that a further Planning Performance Agreement (PPA) is in place. This would be similar to the existing PPA (which expires post-submission of the LIR) and would provide payments to NFDC for all officer time spent in relation to work on the Navitus Bay development.
- 10.2 Relevant government guidance makes it clear that the LIR should concentrate on identifying what these impacts are rather than reaching a value judgement on their acceptability. Whilst the proposed LIR does do this it also goes further in that it identifies the Councils overall position thereby empowering the Officers to respond further without recourse to Members as will inevitably be required as the process continues.
- 10.3 The Local Impacts and the Council's position can be summarised as follows:

Offshore Seascape and Visual Impact – There will be significant impacts. The turbines will be very noticeable indeed, but their impact will not universally be viewed as adverse, and in the light of the Council's own policies and the national planning context the impacts are not considered so severe as to warrant an objection.

Onshore Landscape and Visual Impact – Substantial localised impacts during the construction phase.

Good progress is being made on negotiations to minimise longer-term and permanent impacts, and to reach agreement on mitigation and restoration measures relating to the cable route so no objection raised.

Air Quality, Noise and Vibration – Limited impacts identified for construction phase.

Proposals are in place to mitigate the effects of works during construction of the cable route and during operation of the scheme as a whole; and requirements agreed for controlling dust and works traffic movement. No objection raised

Land Contamination – Limited impacts may arise during construction phase.

Controls and remediation in place so no objection raised.

Highways and Traffic – Significant localised impacts from traffic during construction.

Requirements agreed in relation to consent processes, assess points, hours of working, and prior approval of a construction traffic management plan (including HGV movements and routes). No objection raised.

Biodiversity, Biological Environment and Ecology – Significant localised impacts; cumulative impacts on protected species and protected habitats.

As requirements agreed in relation to mitigation, including compensation measures with specific requirements agreed within a landscape and ecology management plan no objection raised.

Drainage, Water & Cliff Stability – No significant impacts.

Socio-Economic – No significant impacts.

Onshore Heritage and Built Environment – No significant impacts.

10.4 Other Local Authorities especially those in Dorset raise more significant concerns with regard to the landscape and visual impact of the wind park out to sea and its impact on the coast, noise and disturbance during construction and thereafter and the tourism economy. The New Forest National Park Authority raises a variety of concerns such as onshore and offshore landscape and visual impact and impact on heritage assets.

10.5 These concerns are respected and understood but it should be noted that the wind park is further away from the Hampshire coastline than from the Dorset coastline, and given the particular sensitivities of the National Park which is designated for its national landscape value, and of Dorset's Jurassic Coast which is a designated World Heritage Site, different criteria will apply and a greater level of concern over impacts is to be expected.

- 10.6 A small number of affected Parish and Town Councils in the NFDC district have registered as Interested Parties and are making their own Relevant Representations to the Panel. Among the issues they raise are queries over access points, localised impacts from cabling work, the loss of trees, loss of habitats, and the impacts on the local economy and tourism. These are understood but not supported in the light of the further work undertaken on this matter with the applicants that they will not be aware of or the reasons set out above. In any event, following the release of a series of questions from the Planning Inspectorate it is clear that all of these issues will feature in the Examination process.
- 10.7 The Local Impact Report prepared by officers and attached at Annex 1 has been submitted to the Planning Inspectorate in order to meet required Examination deadlines. If the Committee takes a different view or wishes to add anything to the report, its views will be submitted to the Planning Inspectorate with a request that these be substituted for those already submitted.

11. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS

- 11.2 The Planning Development Control Committee has the opportunity of commenting on the response and its assessment of the likely impact of the Navitus Bay project on the local environment. Any environmental, crime and disorder, equality and diversity implications are picked up in the Report.

12. CONCLUSION

- 12.1 It is clear that impacts will inevitably occur, especially through the construction phase. However, the officers' considered view is that when tested against the relevant local and national policies and guidance, given the benefits of the development the impacts are not so severe as to warrant objections being pursued through the hearing sessions.

13. RECOMMENDATION

That the Local Impact Report attached at Annex 1 as submitted to the Planning Inspectorate be endorsed as the New Forest District Council's formal response to the application by Navitus Bay Development Limited for a Development Consent Order.

Attached:

- Annex 1 - Local Impact Report
- Annex 2 - Onshore Trench Cable Route maps
- Annex 3 - Response to the Preliminary Environmental Information (Oct 2013)
- Annex 4 - Response to the Adequacy of Consultation (Apr 2014)

- Annex 5 - Relevant Representation (Jun 2014)
- Annex 6 – Parish and Town Council Relevant Representations (Jun 2014)

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Annex 1



New Forest
DISTRICT COUNCIL

Application for Development Consent Order to construct
and operate the Navitus Bay Offshore Wind Park.

Local Impact Report

Planning Inspectorate Project Ref: EN010024

October 2014

1. Introduction

2. Terms of Reference

3. Relevant Planning Policy

- National Policy
- National Planning Policy Framework
- Local Policy Context:
Core Strategy (2009)
Sites and Development Management Plan (2014)
- Hampshire Minerals and Waste Plan (2014)

4. Project Description

5. Assessment of Local Impact

5.1 Strategic Issues

5.2 On-Shore Noise and Vibration

5.3 Offshore In Air Noise and Vibration

5.4 Air Quality

5.5 On-Shore Electric and Magnetic Fields (EMF)

5.6 Land Contamination

5.7 Highways and Traffic

5.8 Biodiversity, Biological Environment and Ecology

5.9 Offshore Seascape, Landscape and Visual Impact

5.10 Onshore Landscape and Visual Impact

5.11 Socio-Economic Impacts

5.12 Surface Water and Hydrology

5.13 Cliff Stability

5.14 Onshore Heritage and Built Environment

6. Conclusions

1. Introduction

- 1.1 This Local Impact Report (LIR) has been prepared on behalf of New Forest District Council (NFDC) in response to an application by Navitus Bay Development Limited (NBDL) to the Government's Planning Inspectorate for a Development Consent Order (DCO). The DCO would enable the construction of a wind park of up to 194 wind turbines off the Hampshire and Dorset coasts connected to the national grid via an onshore cable route that enters the District at Taddiford Gap and exits across the River Avon north of Sopley, before continuing to the connection point at Mannington Heath which lies north of Bournemouth within East Dorset District Council.
- 1.2 By the use of the term 'up to' in the DCO the developer has flexibility to construct the wind park with a generating capacity of less than 970MW. Hence, less than this maximum capacity may be constructed as long as what is constructed is in accordance with the terms of the Order. This practice of setting a maximum, or otherwise allowing for a degree of flexibility in what may be constructed, is also used for other aspects of the development, including the number of wind turbine generators, the foundation type(s), the number of cables and the width of the onshore cable corridor. This approach is commonly referred to as the 'Rochdale Envelope' and is a typical approach when such projects are being considered and cannot be objected to. It does however mean that if an "in principle" consent is granted extensive work will be required by the applicants and this Council regarding the onshore works within the District before during and after commencement and this raises significant future resourcing issues a point considered in more detail below.
- 1.3 The Council, as a local authority affected by the development and therefore an interested party, has been invited by the Planning Inspectorate to submit a Local Impact Report. This report once agreed by Members will form a crucial part of the examining authority's considerations in making a recommendation to the Secretary of State.
- 1.4 As the proposed scheme is a nationally significant infrastructure project (NSIP) the Council was expected to engage with the applicant before the proposal was submitted, and, as also required, it has more recently worked with NBDL in the preparation of Statements of Common Ground, in considering the Statement of Community Consultation, and commenting upon the quality of the applicant's consultation process.
- 1.5 This LIR forms the next part of the process but NFDC will have to make further comments most likely in response to questions asked of it throughout the examination period. The LIR will be considered by the Planning Development Control Committee. All subsequent work will be undertaken by Officers using delegated powers with their position effectively pre-determined by the decision made on the LIR.
- 1.6 The structure of this report in terms of its assessment of impacts is that detailed comments are set out before a summary of the impacts is set out in bold text.

2. Terms of Reference

- 2.1 The Planning Act 2008 defines a Local Impact Report as “*a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)*” (Section 60(3)). Correspondingly the Act also requires that the Secretary of State, in coming to a decision, must have regard to any LIRs (Section 104).
- 2.2 This Local Impact Report covers the New Forest District area outside the National Park, for which the council has planning responsibility. With regard to the New Forest National Park this LIR has taken into account the duty placed on NFDC in Section 11A of the National Parks and Access to the Countryside Act 1949 (National Parks), and Section 85 of the Countryside and Rights of Way Act 2000 (AONBs). NFDC must have regard to the statutory Park purposes when coming to decisions or carrying out its activities relating to or affecting land within the New Forest National Park. The National Park land will be considered in the LIR submitted by the New Forest National Park Authority which is responding separately.
- 2.3 The structure and content is a matter for the local authority but NFDC has had regard to the Planning Inspectorate’s Advice Note One: LIRs (April 2012). This states that the LIR should set out the local authority’s view of likely local impacts, and give its view on the relative importance of different social, environment or economic issues and the impact of the scheme upon them.
- 2.4 The impacts of the proposed scheme have been covered in the applicants Environmental Statement covering over 250 documents. NFDC will concentrate mostly on the onshore elements within this Local Impact Report as these are considered the most relevant for this district.
- 2.5 The key local impacts addressed are as follows:
- **Onshore Landscape and Visual impacts** - localised impacts during the construction phase which will last several years; uncertainty as to longer-term and permanent impacts; adequacy of mitigation and restoration measures relating to the onshore cable route;
 - **Offshore Seascape, Landscape and Visual Impacts** – visual impact and impacts on the character of the landscape and seascape;
 - **Air Quality, Noise and Vibration** – regarding the proposals to mitigate the effects of works during construction of the cable route and during operation of the scheme as a whole;
 - **Highways and Traffic** – in relation to consent processes, assess points, hours of working, and prior approval of a construction traffic management plan (including HGV movements and routes).
 - **Biodiversity, Biological Environment and Ecology** – (onshore and offshore) cumulative impacts on protected species and protected habitats and related mitigation, including compensation measures;
- 2.6 It must be noted that other Councils impacted by the proposal have differing views as to the impacts that will occur. In making its comments and defining the Impacts in this LIR the Council is not intimating that it does not agree with any of these submissions made. Given key factors such as the differences in the status of land within the

affected Council areas, the differences in local economies and the differences in geographical proximity to the offshore works, such differences in view are to be expected. Similarly the Council is aware that some of its residents and Town/Parish Councils have made representations, not all of which concur with the views expressed in this report. The key point is that these representations have been made direct to the Planning Inspectorate and from the first set of Examining Authority questions it is clear that representations from all parties will be fully considered by the Examination Panel prior to any recommendation being made to the relevant Secretary of State.

3. Relevant Planning Policy

3.1 National Policy

- 3.1.1 The legislative framework for making the transition to a low-carbon economy and related decarbonisation of the electricity market is set out in the Climate Change Act (2008) and the Energy Act (2013). The government's broad approach is set out in the 2011 White Paper on electricity and the National Renewable Energy Action Plan (2010), and includes clear objectives for how offshore wind energy will help deliver the UK's energy needs.
- 3.1.2 The Secretary of State for Energy will make a decision on the Development Consent Order for Navitus Bay based on an assessment of whether the proposal is consistent with the Government's National Policy Statements.
- 3.1.3 In this case that is *National Policy Statement EN-1* (the overarching national policy for energy) and *National Policy Statement EN-3* (for renewable energy infrastructure). These NPSs are the primary basis for considering and examining Nationally Significant Infrastructure Proposals (NSIPs) relating to renewable energy.
- 3.1.4 EN-1 states that there should be a presumption in favour of granting consent for such projects unless more specific and relevant policies set out in the NPSs clearly indicate that consent should be refused. EN-1 also states that there is an urgent need to deliver large-scale renewable energy schemes, vital if the Government is to meet its aim of reducing greenhouse gas emissions by 80% by 2050 (from 1990 levels). The UK has committed to achieving 15% of its total energy needs from renewable resources by 2020 and offshore wind energy is the main way of achieving this.
- 3.1.5 In evaluating the proposal, PINS will need to consider the environmental, social and economic benefits and adverse impacts of the project, as identified in the NPSs, the application or elsewhere, including the Local Impact Report(s).
- 3.1.6 EN-3 builds on the advice in EN-1 on the basis that the need for infrastructure covered by the NPS has been demonstrated, and that there are ambitious renewable energy targets in place. It sets out that a Development Consent Order for an offshore wind park will normally include a deemed Marine Licence. The licence is concerned with the protection of the environment, human health and legitimate uses of the sea.

The Marine Management Organisation (MMO) is the body normally responsible for such matters and is an important consultee in respect of offshore wind proposals.

3.2 National Planning Policy Framework

- 3.2.1 The National Planning Policy Framework (NPPF) does not contain specific policies for NSIPs but does include matters relating to energy and climate change.
- 3.2.2 One of the core principles of planning set out in the NPPF is to “*Support the transition to a low carbon future in a changing climate... and encourage the use of renewable resources (for example, by the development of renewable energy)*” (Paragraph 17).
- 3.2.3 This includes playing a role in shaping places to secure reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (Paragraph 93).
- 3.2.4 Further to this it states that “*local planning authorities should work with other authorities and providers to..... take account of the need for strategic infrastructure including nationally significant infrastructure within their areas*” (Paragraph 162).

3.3 Local Policy Context

- 3.3.1 The Development Plan for New Forest District consists of the Local Plan Part 1: Core Strategy (adopted October 2009), the Local Plan Part 2: Sites and Development Management (adopted April 2014), and the Hampshire Minerals and Waste Plan (adopted October 2013). In addition there are a number of Supplementary Planning Documents relating to design and local distinctiveness guidance for specific settlements, parking standards, and mitigation for European Sites.
- 3.3.2 Of particular importance to the Navitus Bay application are the following policies:

Core Strategy (2009)

- 3.3.3 CS1 – Sustainable development principles: new developments will be expected to meet a number of criteria in relation to communities, local services, minimising risks of damage to the environment (especially international nature conservation designations) and landscape value.
- 3.3.4 CS3 – Protecting and enhancing our special environment (Heritage and Nature conservation): States that development proposals must protect and, where possible, enhance sites of recognised importance for nature and heritage conservation. The policy includes a large number of criteria to ensure that the special characteristics of the Plan Area’s natural and built environment will be protected and enhanced.
- 3.3.5 CS5 – Safe and healthy communities: Development should not result in pollution or hazards which prejudice the health and safety of communities and their environments, including nature conservation interests and the water environment. Appropriate mitigation measures may be required to enable development. When the opportunity arises, particularly through development proposals, remedial measures will be taken to address existing problems of land contamination or air quality.

- 3.3.6 CS6 – Flood risk: States that flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding. A sustainable and practicable approach to coastal protection... to a level consistent with predicted sea level rise and increased river flows arising from climate change, will be established.
- 3.3.7 CS17 – Employment and economic development: The strategy is to improve workforce skills by working with local education and skills agencies, and local business organisations to establish training facilities to enhance workforce skills, and encouraging the provision of new training facilities on employment sites.
- 3.3.8 CS19 – Tourism: Supports local tourism by encouraging measures which would relieve tourist pressures on the most sensitive areas of the New Forest National Park and which would protect and enhance vulnerable habitats and landscapes. Also important is the enhancement of the visitor appeal of coastal environments and coastal settlements, with improvements to the quality of recreational opportunities and managed access to the coast.

Sites and Development Management Plan (2014)

- 3.3.9 Policy DM1 - Heritage and Conservation: Development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. In assessing the impact of a proposal on any heritage asset, a number of criteria set out what must be taken account of.
- 3.3.10 Policy DM2 - Nature conservation, biodiversity and geodiversity: Development proposals which would be likely to adversely affect the integrity of a designated European or Ramsar site will not be permitted unless there is no alternative solution and there are imperative reasons of overriding public interest which would justify the development. Where development is permitted, the local planning authority will use conditions and/or planning obligations to minimise the damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.
- 3.3.11 Policy DM4 - Renewable and low carbon energy generation: Benefits associated with development proposals relating to renewable energy schemes will be given significant weight, provided that they avoid unacceptable impacts on nature conservation designations; heritage assets (including the setting of heritage assets); the immediate and wider landscape, giving particular importance to impacts on the New Forest National Park; residential amenity both during and after construction; and the road network.
- 3.3.12 Policy DM6 - Coastal Change Management Area: Alongside Policy CS5 (above) the development plan has defined areas which are likely to be affected by physical changes to the coast as “Coastal Change Management Areas” (which applies in the Taddiford Gap area where the cable will reach landfall). Certain types of essential infrastructure and Ministry of Defence installations may be permitted, and other

specified types of development within designated erosion zones subject to time-limited planning permissions.

Hampshire Minerals and Waste Plan (2014)

- 3.3.13 The Minerals and Waste element of the Local Development Plan comprises the Hampshire Minerals and Waste Plan (adopted October 2013). The Proposals Map shows that sharp sand and gravel are to be found in the vicinity of the cable route. However it does not include any specific policies that would be relevant to this development.

4. Project Description

Offshore Array

- 4.1 A number of different options are being considered and include up to 194 wind turbines, up to three offshore substation platforms, and offshore cabling connecting the turbines with the substations. Export cables would then bring the electricity onshore (landfall) in open fields at Taddiford Gap between Barton on Sea and Milford on Sea.

Landfall and Onshore Cabling

- 4.2 The proposal describes how the offshore cables will make landfall at Taddiford Gap, where they will connect to the onshore cables in purpose built joint bays. The landside cables would be installed in ducts running under the cliff, which would involve Horizontal Directional Drilling (HDD) from the landward side, under the cliff to a point offshore. To prevent the cables becoming exposed to coastal erosion the drilling profile is designed to allow for a 50 year erosion rate in line with the Shoreline Management Plan for this section of coastline.
- 4.3 The onshore cable route would be laid underground from landfall at Taddiford Gap to the onshore substation at Mannington, Dorset. Along a distance of about 35km the onshore cable route passes mostly through agricultural land, and will be buried in trenches or deeper underground via horizontal drilling methods (e.g. under rivers, watercourses, selected roads, sensitive ecological habitats). From Taddiford Gap the buried cable passes inland northwards over agricultural land passing between the settlements of New Milton and north of Hordle into the New Forest National Park, whereupon it turns west and passes south of Bashley. After Bashley it then dips south and passes out of the National Park area, and traverses the district across to Hinton where it again passes into the National Park. Leaving the National Park at Waterditch, it turns northwards and passes to the north-east of Sopley, and then turns eastwards to pass under the River Avon to the north of the village of Avon. The cable corridor therefore traverses a largely rural area, characterised by scattered settlements and a low population density.
- 4.4 The working width for the trench route would be no wider than 40m, within which will be the temporary access track, up to 6 cable trenches and associated temporary working area each side of the track. For certain sections of the route where it is either not physically possible or not desirable to install the cable using open trench

techniques, trenchless (horizontal drilling) techniques would be used which leave the surface of the land undisturbed.

4.5 Trenchless crossings are proposed for:

- Golden Hill (Ashley Lane)
- The railway mainline (east of New Milton)
- Danes Stream
- Great Woar Copse Ancient Woodland (west of New Milton)
- Beckley Moor Copse Ancient Woodland (south of Bashley Cross Road)
- B3055 at Bashley Cross Road
- A35 Lyndhurst Road (south of Hinton Admiral)
- Under the River Avon (west of Slape Copse)

4.6 Four temporary compounds within New Forest District would be required along the cable route during the construction phase, situated at Taddiford Gap, land east of Bashley, A35 (Hinton Admiral), and Slape Copse (River Avon). These compounds will house storage facilities for plant and temporary management offices. In addition, there will need to be temporary drilling compounds at either end of each trenchless section of the route.

Onshore Substation

4.7 In order to transform the electricity from the wind park to feed into the National Grid an onshore substation will need to be constructed. This will be sited near Ferndown in East Dorset.

5. Assessment of Local Impact

5.1 Strategic Issues

5.1.1 NFDC has previously responded to various phases of consultation by NBDL. The September 2013 consultation exercise was the fourth round of public consultation. This was the final round of consultation before the application was submitted and focused on the environmental information available to date, to which NFDC provided a response on 10th October 2013. Around this time the council also provided comments to NBDL on the draft DCO.

5.1.2 The council has engaged with relevant Parish and Town Councils at various points in the process, including providing advice to them about how to engage with PINS and the wider application process. It has also provided information on its own website about the proposal and has made available all key NFDC responses to the process. More recently the council directly invited comments from the Parish and Town Councils on the LIR and advised as to the date the matter was to be considered at Committee and asking whether they wanted to speak. The website was also augmented in this respect giving residents and residents groups the chance to engage if they so wish.

- 5.1.3 The NFDC Development Plan, without containing detailed policies specific to the principle of the scheme currently being proposed (i.e. the cable trench, landfall works etc) allows for such development in certain circumstances, provided particular criteria are met (see above).
- 5.1.4 This LIR considers the potential impacts of the proposal on the district and its residents, but also aims to draw to the attention of the Examining Authority to measures which this council believes would prevent, reduce or offset those potential impacts.
- 5.1.5 By necessity, should the Secretary of State give consent to the scheme, the council will be expected to be involved with the discharge of conditions that may be attached to the DCO as well as monitoring work. This would involve significant resourcing and incur financial implications for NFDC and it will thus be important to ensure that this is addressed by the applicant via a Planning Performance Agreement (PPA). A PPA has been in place for the pre-application stage of the project between NBDL and NFDC which acknowledges the impact and cost implications for this council.
- 5.1.6 Ensuring the right level of resources for the post-consent phase will be vital to the delivery of this scheme. Detailed discussions are taking place between the affected local authorities and NBDL on this element, but agreement has not yet been reached on this. Although not directly within the remit of the Examining Authority (ExA), NFDC recommend that the ExA give consideration to this point in relation to the effective implementation and delivery of the conditions attached to the DCO.

Strategic Issues Summary:

- **The timely and efficient discharge of requirements that may be attached to the DCO in a manner that ensures that they are met and the relevant environmental concerns are fully addressed would involve significant resourcing and have major financial implications for NFDC. Ensuring the right level of resources for the post-consent phases (the agreement of requirements, the monitoring of works on site and the monitoring of the corridor post completion) will be vital to the delivery of this scheme and this element must be considered as part of the process in order for an informed decision to be made.**

5.2 On-Shore Noise and Vibration

- 5.2.1 Wherever possible, the 35 km (22 mile) onshore cable corridor has been routed to avoid noise and vibration sensitive receptors. In general, the majority of the construction work has been programmed to take place during core daytime hours to minimise disturbance.
- 5.2.2. However, at times, working may be required outside the core hours for areas where the cable corridor has to pass under rivers and roads, at the landfall and several other restrictive areas where trenchless duct installation techniques will be undertaken using a horizontal direct drilling (HDD) method.

- 5.2.3 The Best Practicable Means (BPM), as defined by the Control of Pollution Act 1974, will be implemented as part of the working methodology, and these are detailed in the code of construction practice (CoCP). These standards will be incorporated into a detailed Construction Environmental Management Plan (CEMP) with the CEMP containing subject specific management plans (SSMPs) including the Noise and Vibration Management Plan (NVMP).
- 5.2.4 Guidance contained within British Standard 5228-1:2009+A1:2014 will be used to ensure noise levels from the construction/engineering activities are within acceptable limits. This British Standard gives recommendations for basic methods of noise control, relating to construction site or related civil engineering works being undertaken where work activities/operations generate significant noise levels. It also includes industry specific guidance and is the document to which reference is made to ensure that the BPM are employed during the construction works.

Construction Phase Noise

Hours of operation and noise limits

- 5.2.5 The *core hours* for construction work will be between 08:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:00 hours on Saturdays. Following detailed discussion with Navitus Bay Development Ltd (NBDL), a threshold noise level of 70dB $L_{Aeq\ 10\ hr}$ was deemed appropriate to avoid significant disturbance for the core daytime construction periods due to the following factors:
- The cabling installation works will be temporary and transient in nature and therefore receptors will only be subjected to construction noise for a limited period of time i.e. a receptor will not be subjected to noise levels at the threshold criterion for a period of more of more than 10 days in any fifteen consecutive days, or a total of 40 days in any 6 month period.
 - The occupants of dwellings affected by the works will be given advanced notice of the construction activities taking place in the vicinity of their property through the implementation of the public awareness campaign.
 - The vast majority of noise sensitive receptors will experience noise levels below the threshold criterion.
- 5.2.6 Where/ due to operational reasons, work is required to be undertaken outside of the above core hours, such as at the landfall, under rivers and roads etc., further noise constraints will come into effect and reduced threshold noise limits dictated by baseline noise survey measurements will apply for the evening and night-time periods. Separate authorisation will be required for such *out of hours* work and this will be secured through a Section 61 application to the Local Authority.

Mitigation

- 5.2.7 The CoCP will require that BPM is employed during the construction work and these measures will include the use of appropriately silenced plant and machinery,

adoption of quiet working practices where reasonably practicable, avoidance of unnecessary revving of engines and switching off engines when not in use, location of construction compounds as far away as possible from noise sensitive receptors etc etc.

5.2.8 For a limited number of properties within 20 to 50m of the construction activity the threshold criteria of 70 dB $L_{Aeq,T}$ is predicted to be exceeded and the temporary impact from such works is considered to be significant. The affected locations within the district include:

- Single dwelling on Lyndhurst Road, Hinton Admiral
- Properties in close proximity to the works on Bashley Road & Bashley Cross Roads
- Two dwellings on Mark's Lane, New Milton
- Single dwelling on Bashley Drive, New Milton
- External amenity area to Bashley Caravan Park
- The Plough Inn, Hordle
- Farm buildings on Vaggs Lane, Hordle
- Properties in close proximity to the works on Ashley Lane, Hordle (west of the cable corridor)
- Properties in close proximity to the works on Hare Lane, Hordle

5.2.9 In such locations additional mitigation measures will be employed in the form of temporary earth bunds and/or acoustic screens. Where residential properties are located in very close proximity to the cable corridor (within 5m) an additional buffer zone will be provided to the receptor, within which construction activities that have the potential to cause annoyance/ nuisance will not be permitted. This is likely to be the case for one property in Hare Lane.

5.2.10 Where satisfactory noise levels cannot be achieved despite the use of appropriate mitigation measures, noise insulation or temporary re-housing of occupants could be implemented by the project. However, once mitigation measures have been introduced, it is predicted that there will be no areas along the length of the cable corridor during the construction phase that will have the potential to qualify for noise insulation or temporary housing.

5.2.11 The CoCP will require that contractors identify as far as practicable, through design or monitoring, construction activities that may breach the agreed noise limits and which may reasonably require additional mitigation. In addition the principle of monitoring to ensure compliance with the agreed noise limits is set out in the CoCP and a detailed scheme of monitoring will be agreed through the Noise and Vibration Management Plan post consent of any permission.

Construction Phase Vibration

5.2.12 Unmitigated construction induced vibration, from both horizontal directional drilling (HDD) and open trench works, has the potential to exceed just perceptible levels at the nearest receptors in the vicinity of the onshore cable corridor works ie where properties are located within approximately 20 metres of the onshore development area. However, mitigation would be adopted through the application of Best

Practicable Means (BPM) such as by locating vibration producing plant away from the sensitive receptor, use of smaller plant which generates lower levels of vibration and in some exceptional cases cut off trenches may be used to interrupt the direct transmission path of vibrations between source and receiver.

- 5.2.13 It is considered that these mitigation measures would serve to reduce the effects of ground borne vibration and as such it is not envisaged that vibration will have any significant effect.

Local Community Liaison

- 5.2.14 With lessons learned from previous large construction and engineering projects dealt with by NFDC Environmental Health it is important that a robust community liaison system is put in place. This not only reduces the resources of the EHO and the number of complaints but also allows the contractor to deal with any complaints directly and more efficiently.
- 5.2.15 The appointed contactor or Navitus Bay Development Ltd will employ a community liaison person and they will, amongst other duties, also provide details of a website that will be available for the Local Authorities to use in their websites. The website will be updated as often as necessary with construction schedules and any other useful related information.

Construction Traffic Noise

- 5.2.16 Construction traffic has the potential to give rise to noise impacts at surrounding sensitive receptors. This effect is generally greater on local sections of road closest to the site access routes, or on sections of roads that are subject to low levels of pre-construction traffic.
- 5.2.17 The assessment utilises the 18 hours Annual Average Weekday Traffic (AAWT) for each road link. For roads subject to very low volumes of traffic flow i.e. 18 hours AAWT flow < 1,000 vehicles, calculations of traffic noise are unreliable. In this instance, a qualitative assessment has been undertaken based on the increase in HGV movements.
- 5.2.18 Based on the AAWT traffic flows for the 59 road links considered, 53 road links subjected to flows in excess of 1000 vehicles/18 hours period, the increased traffic flows would constitute an increase in road traffic noise of 0.1 to 1.6dB_{LA10, 18hr} which is not considered significant. A difference of 3dB is only just discernible to the human ear.
- 5.2.19 6 of the 59 road links considered are subject to very low traffic flows (<1,000 vehicles/18 hr period). The most significant effect will be attributable to HGV movements associated with construction work. During the peak hourly period, there are estimated to be four additional HGV movements using these roads links, which is not predicated to give rise to a significant impact.
- 5.2.20 On the site access routes, the construction traffic will vary depending upon the work area; however, the peak traffic movements on these routes, regardless of location, is predicted to result in 14 HGV's and 180 cars/light goods vehicles (LGV's) per hour.

The noise associated with this traffic at 32 kph (20 mph) for a notional receptor at 10 metres from the road centreline would give a predicted hourly sound pressure level of 69dB(A), which does not exceed the 70dB(A) daytime construction limit. This represents a worst case and traffic flows on other access routes, and during non-peak periods would be lower and hence would generate lower noise levels.

Operational Noise and Vibration

5.2.21 Once the cable corridor has been constructed the only operational on-shore noise of significance will be in East Dorset DC from the electricity sub-station where it connects to the National Grid. There are no significant noise or vibration effects for New Forest District from the cable corridor once operational.

Onshore Noise and Vibration Summary (Construction Phase):

- **There will be some noise disturbance from the cable installation to a limited number of noise sensitive receptors; however, as this is transient, even with elevated noise levels up to a threshold of 70dB^{LAeq 10 hr}, it would be of limited duration. Good community and public relations will ensure that the occupiers of noise sensitive properties are notified of scheduled noisy construction works and therefore together with the above threshold limit, mitigation measures and normal daytime restrictions and tighter evening and night-time limits for any necessary out of hours working, there will be no long term significant effects.**
- **There will be minimal vibration affecting sensitive locations and therefore no significant effect.**
- **There will some disturbance at peak hours at some noise sensitive locations from construction traffic on some access routes; however, this will only be during peak hours and will not exceed the threshold level of 70dB^{LAeq 1hr} and therefore there will be no significant effect.**

Onshore Noise and Vibration Summary (Operational Phase):

- **There will be no noise or vibration from the cable corridor once the construction has been completed.**
- **There will be no operational traffic noise.**
- **The sub-station where the cable corridor links to the national grid is outside the NFDC area and therefore has no noise impact.**

5.3 Offshore – In Air Noise and Vibration

5.3.1 The proposal is to install 194 wind turbine generators approximately 23 kilometres offshore from the proposed landfall located at Taddiford Gap between Barton on Sea and Milford on Sea where the offshore and onshore cables are connected.

5.3.2 The assessments undertaken by Navitus Bay Development Ltd relate to the potential impact from the construction of the offshore turbine area which is proposed to take place 24 hours/day, 365 days/year over a 4.5 year period and the ensuing noise from the operation of the wind turbine development.

- 5.3.3 The predicted noise from the construction activities has been assessed in accordance with methodologies contained in British Standard 5228-1:2009+A1:2014 and that operational noise has been screened against the guidance contained in 'The Assessment and Rating of Noise from Wind Farms' (reference ETSU-R-97 (1996). Reference has also been made to additional guidance contained in documents such as the Institute of Acoustics 'Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' May 2013 and Renewable UK research into Amplitude Modulation.

Construction of Offshore Turbine Area – Noise and Vibration Assessment

- 5.3.4 The assessment carried out has considered guidance contained in BS 5228 and the predicted noise levels from the loudest construction activity (piling) have been determined using the methodology contained in ISO 9613-2 for the attenuation of sound during propagation outdoors. A worst case assessment has been undertaken based on 2 piling rigs working concurrently and continuously 24 hours a day, seven days a week for 365 days a year. This represents a highly precautionary approach and is extremely unlikely as in reality there would be periods of non-piling activity (vessel set up, surveys and enabling works, unsuitable weather conditions) during any 24 hour period.
- 5.3.5 The closest noise sensitive receptors to the nearest piling activity are those along the Swanage coastline and the Needles Burial at Sea Site which have a separation distance of 14 km and 13km respectively. The predicted noise level from this piling activity is 27 dB(A) at the burial at sea site and 29 dB(A) at the Swanage coastline, both of which are well within the most stringent night-time threshold criterion of 45 dB(A) set out in BS 5228.
- 5.3.6 Given the increased separation distance from the nearest piling activity to noise sensitive receptors along the NFDC coastline noise levels will be even lower than those predicted above and noise from the construction works is not considered to be significant.
- 5.3.7 With regards to vibration, the driven piling activities associated with the offshore foundations will generate vibration in the immediate vicinity of the piling works. However, due to the considerable distance between this activity and nearest onshore receptors (in excess of 14km to the Swanage coastline), the vibration levels are expected to be negligible and below the level which would be perceptible within residential premises. Such impacts are therefore not considered significant for the NFDC area.

Operation of Offshore Turbine Area – Noise

- 5.3.8 The method used to assess the impact of the wind farm on the nearest noise sensitive receptors is that contained in ETSU-R-1997 'The Assessment and Rating of Noise from wind Farms'. This guidance indicates that:

'If the noise is limited to an $L_{A90, 10 min}$ of 35 dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary'

- 5.3.9 By adopting this 35 dB(A) threshold, the Navitus Bay scheme has been assessed against the most stringent criterion possible. For the purpose of the assessment it has been assumed that all 194 turbines are operating at their maximum operational noise signature and that the turbines used will be chosen so as not have a tonal component. The noise level at the Swanage coast, (some 6 kilometres closer than the coastline with NFDC) is predicted to be no higher than 26 dB L_{A90} , based on normal spherical spreading of sound with a further reduction of 3 dB at residential properties closest to the shoreline due to the change from propagation over water to land.
- 5.3.10 However, it has been found that under certain meteorological conditions (such as during a temperature inversion) noise from wind turbines can travel greater distances over water than would be expected from classical acoustic theory. In such cases the normal spherical propagation, whereby the noise level reduces by 6 dB for every doubling of distance, changes to cylindrical propagation with a reduction of 3 dB for every doubling of distance. The point at which this change may occur is uncertain and it is evident that this can affect the noise level experienced by the receptor.
- 5.3.11 NBDL has therefore undertaken a further assessment for such conditions based on the transition from spherical to cylindrical propagation occurring at a distance of 1350 metres from each turbine (half way between the transition point adopted in the Swedish method of 700m and the lower value of 2000 metres adopted in the Danish method) giving rise to a predicted noise level at the closest residential receptors in Swanage of 31 dB L_{A90} . If the worst case transition distance of 700m is adopted then this predicted noise level increases to 34.8 dB L_{A90} which is only marginally below the threshold criterion of 35 dB(A).
- 5.3.12 The conditions in which the worst case noise propagation occur are likely to be infrequent and Navitus Bay are currently working with the Met office to better understand the likelihood of these events occurring and further clarification on this is awaited.
- 5.3.13 However, it should be noted that due to the greater separation distance between the wind turbine area and the NFDC coastline it is considered extremely unlikely that the 35 dB(A) criterion will be exceeded at noise sensitive receptors within the NFDC area.

Amplitude Modulation

- 5.3.14 A listener located in the vicinity of a wind turbine would perceive the noise from the rotation of a turbine's blades as going up and down in loudness in a regular manner, often referred to as 'amplitude modulation'. However, in some circumstances the character of the noise has been found to alter with a shift to lower frequencies of the dominant noise spectrum with significant levels of amplitude modulation occurring in the far field downwind of the wind park. Research into this has been undertaken by Renewable UK and their findings in their report entitled 'Wind Turbine Amplitude Modulation: Research to Improve Understanding as to its Cause and Effect' have indicated that it is not possible to be prescriptive as to whether any particular site is more or less likely to give rise to this type of amplitude modulation being generated

as it is likely to be due to a combination of site and installation specific factors, including meteorology.

5.3.15 If amplitude modulation were to occur from the development, a phenomenon that, with current knowledge on the subject cannot be predicted in advance, a penalty of up to 5 dB is likely to be applied to the predicted noise levels, taking account of the Renewables UK template planning condition. The only guaranteed solution to mitigate fully against such occurrences is the cessation of the offending turbines during those conditions under which the problems arise.

5.3.16 However, given the number of turbines operating in UK waters and the apparent lack of complaints received this would seem to indicate that this will not be an issue. It is understood that the Marine Maritime Organisation (MMO) is the licensing authority for all offshore activities and they have a range of enforcement powers in the event of a breach. The controls that would be put in place in the event of such a breach still require further clarification.

Offshore In Air Noise Summary:

- **It is considered that the noise from the worst case construction activities will not significantly impact on noise sensitive receptors within the New Forest District Council area even if 24 hour working is undertaken.**
- **Under normal operating conditions and even in certain meteorological conditions the noise from the wind turbine generators is likely to be within the ETSU noise criterion of 35 dB(A) at the NFDC noise sensitive receptors. Further clarification is awaited from Navitus Bay about the likelihood of such weather conditions occurring and about the enforcement powers available to the MMO should a breach of the noise limit occur.**

5.4 Air Quality (Construction Phase)

Traffic

5.4.1 The Local Authority assesses air quality in accordance with current Government policy. 7 pollutants from a number of sources including traffic, industry and shipping are assessed against Government set objectives. In Lyndhurst the pollutant of concern is nitrogen dioxide (associated with traffic) which can cause a number of health issues e.g. respiratory problems.

5.4.2 In 2005 New Forest District Council declared an Air Quality Management Area (AQMA), covering the majority of Lyndhurst High Street, for the likely exceedance of the traffic related annual mean objective for nitrogen dioxide

5.4.3 Monitoring has shown a noted decrease in nitrogen dioxide concentrations over recent years at the real time analyser site in Lyndhurst High Street; however, a number of monitoring sites within the village are still exceeding the annual mean objective concentration for nitrogen dioxide, mainly in the street canyon area of the High Street (between the area just below the Crown Hotel and the traffic lights at the junction with the A337).

- 5.4.4 The current proposed route for construction traffic (15% of all development construction traffic) includes travelling through Lyndhurst. The maximum number of vehicle movements (mainly HGV's) per day associated with this proposed development could be as high as 150, extending over a 2 year period. It is therefore considered that the additional traffic is likely to have an impact on the local air quality within the AQMA; in particular within the street canyon in the High Street as construction vehicles leave the development area.
- 5.4.5 Due to the uncertainty with regards to the impact of the construction traffic on local air quality in Lyndhurst, the developer has instructed consultants (ARUP) to model the impact. The modelling method has been agreed with the EHO but the outcome is still awaited.

Dust

- 5.4.6 Dust can occur from land being prepared for development due to earth moving, site plant and vehicle movements on unmade roads. The effects of dust include general annoyance through to statutory nuisance when the levels of dust are determined to be unacceptable to local residents. The extent to which dust is likely to be a significant factor with any development site is dependent on appropriate mitigation methods being applied for example the application of dust suppression techniques.
- 5.4.7 NBDL were made aware during a meeting in June 2014 that there is the potential for sensitive receptors to be significantly affected by dust. As a result NBDL have confirmed that dust mitigation measures will be included in the Construction Environmental Management Plan (CEMP) and any subject specific management plan. Such plans will be agreed post consent; however, several general mitigation measures have already been provided in the Code of Construction Practice which covers the site management, operation of vehicles, machinery and storage of materials.

Shipping

- 5.4.8 In 2005 NFDC declared an AQMA for the likely exceedance of the 15 min mean objective for sulphur dioxide due to emissions from the refinery in Fawley impacting on Fawley village. The AQMA was revoked in 2013 following improvements in abatement techniques and reductions in emissions from the refinery. Concerns were therefore raised regarding the potential for localised increases in sulphur dioxide concentrations from potential shipping movements associated with the construction of the off shore wind park, should the Port of Southampton be used for this purpose.
- 5.4.9 Further to a meeting in June 2014, NBDL have advised that they are unlikely to use the Port of Southampton; however, if the port were to be used, a vessel would only visit every 3 to 4 days and would take up existing port capacity and not increase shipping traffic.
- 5.4.10 It should also be noted that in 2015 a new part of the MARPOL convention comes into force that reduces sulphur emissions from the current level of 1% to 0.1% within the English Channel Emission Control Area, thus any vessels used will have lower sulphur emissions than current.

Air Quality Summary (Construction Phase):

- **Dust - Dust mitigation methods will be agreed post consent in the relevant management plan and significant dust impact on properties in the vicinity of the cable corridor and construction site access routes are not anticipated.**
- **Traffic - Until the results of the air quality modelling have been submitted, the impact of the construction traffic movements on nitrogen dioxide concentrations within the Lyndhurst AQMA is unknown**
- **Shipping - It is unlikely that the Port of Southampton will be utilised; however, if it were, it is considered that the vessel traffic would not increase sulphur dioxide emissions so as to impact on the former AQMA in Fawley.**
- **Odour - There are no anticipated works that would give rise to any odour impacts.**

Air Quality Summary (Operational Phase):

- **There are no impacts associated with the operational phase from traffic, shipping or dust.**

5.5 On-Shore Electric and Magnetic Fields (EMF)

5.5.1 The onshore cables transmit electricity from the landfall at Taddiford Gap, Barton on Sea to the proposed onshore substation in the district of East Dorset.

5.5.2 The configuration of the onshore cables will comprise up to a maximum of six circuits, each made up of three, single core cables. Each 'cable circuit' will be laid in a trench with a target depth of between 1.1-1.2 metres depending on landowner agreements. The cables will be covered by a 'top tile' prior to backfilling and reinstatement of the ground above.

5.5.3 For each of the 'cable circuits' the onshore cables will be installed in either a 'trefoil' or 'flat' formation. With the 'trefoil' configuration, the cables are laid in a triangle formation with 2 cables at the bottom and one on top. The 'flat' configuration is where the cables lie side by side.

EMF Explained

5.5.4 All equipment that generates, distributes or uses electricity is capable of producing both electric and magnetic fields e.g. the Earth's magnetic field and alternating fields such as those produced by TV, mobile phone, radar and satellite communications.

5.5.5 The strength of an electric field is measured in volts per metre (V/m) which diminishes rapidly with distance from the source and is shielded by most common building materials, trees and fences etc.

5.5.6 The strength of a magnetic field is measured in micro Tesla (μT). Such fields are found in all areas where electricity is in use.

EMF National Guidance

- 5.5.7 In the UK there are no statutory limits for electric and magnetic fields but Public Health England (PHE) recommends that the guidance given in ‘ICNIRP 1998’ (*ICNIRP Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz)* published in *Health Physics* 74(4): 494-522 (1998)) is adopted.
- 5.5.8 The ICNIRP reference level of magnetic fields for public exposure is 100µT and for electric fields is 5 kV/m.
- 5.5.9 The ICNIRP guidelines are also referenced in the Department of Energy & Climate Change (DECC) Code of Practice ‘*Power Lines: Demonstrating compliance with EMF public exposure guidelines – a voluntary Code of Practice*’ (DECC 2012a).

EMF Assessment

- 5.5.10 The Electro Magnetic Fields Assessment for Export Cables (onshore) can be found within *Technical Appendix: Volume B – Offshore – Appendix 2.1 EMF Calculations Report*.
- 5.5.11 This assessment concluded that any *electric field* would be contained within the cable as a result of screening around the cables installed as part of the cable construction.
- 5.5.12 With regards to *magnetic fields*, calculations have been undertaken for the export cables between the landfall at Taddiford Gap (NFDC) to the onshore sub-station within East Dorset for voltages 132kV to 275kV to assess for compliance with the ICNIRP exposure guidance.
- 5.5.13 As mentioned above, the cables within each ‘cable circuit’ can be laid in either a ‘trefoil’ or ‘flat’ configuration; however, due to thermal load conditions, the cables may be installed in the latter formation.
- 5.5.14 For circuits installed in the trefoil configuration the maximum EMF lies between 3.5 µT and 6.0 µT. Whereas circuits installed in the flat formation the maximum EMF is calculated to be between 18.9 µT and 29.7 µT. Each maximum EMF is based on a calculation at 1.0 metre above the ground with the cable circuits buried at a depth of 1.1 metres below ground.
- 5.5.15 At all configurations the EMF steeply decreases in the horizontal plane, beyond the boundaries of the cable track.

Rampion Decision on Electro-magnetic fields (“EMF”) effects and public health

- 5.5.16 This is reproduced below and is of relevance to the Navitus Bay proposal in that it highlights the Secretary of State’s stance on EMF:

The ExA recommended that if the Secretary of State considered it necessary, he should include a requirement in the DCO in relation to EMF [ER 4.305]. The Secretary of State is satisfied on the basis of the commitments made by the Applicant in the Statement of Common Ground submitted to the Examination on 06 August 2013 that the Applicant will take steps to ensure the onshore works comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines on exposure to EMF’s as implemented by the 1999 EU

recommendation. This is consistent with current Government Policy on EMF exposure and as set out in EN-5. In particular, the Applicant has confirmed that it will comply with ICNIRP guidelines relevant to magnetic fields caused by underground cables by ensuring that the 100 microtesla reference level for public exposure to magnetic fields is not exceeded. The Secretary of State therefore considers that it is not necessary to make provision for this in the DCO. (Paragraph 21, Rampian Decision Letter, 16 July 2014)

EMF Summary:

- **Irrespective of the chosen cable circuit configuration the calculated values lie well below the maximum level of 100 µT (micro Tesla) contained in the ICNIRP (1998) guidelines and the DECC Code of Practice (DECC2012a), and are therefore consistent with current Government policy on EMF exposure.**
- **There are no apparent issues with electric fields.**

5.6 Land Contamination

- 5.6.1 Land contamination considerations will be addressed and controlled through a Contaminated Land Management Plan (CLMP).
- 5.6.2 The aim of the CLMP is to manage the potential impacts arising from works associated with the construction of the cable corridor on or adjacent to land which is known or has the potential to be contaminated land i.e. the former landfill sites at Dudley Avenue, Hordle and the Neacroft Pit, Bransgore.
- 5.6.3 The principal contractor will undertake a site assessment, investigation and risk assessment at any location where the potential for contamination has been identified either through pre-construction site investigation or if unexpected contamination is observed during construction work. These would be carried out in accordance with best practice and standard industry guidance and in liaison with the NFDC Environmental Health Officer (EHO).
- 5.6.4 The Environmental Incident Control Plan (EICP), to be prepared prior to commencing construction and approved by the Local Planning Authorities, will provide controls in order to manage any accidental contamination caused by construction activities.

Land Contamination Summary (Construction Phase):

- **Both identified land contamination and unexpected contamination will be addressed and controlled through a Contaminated Land Management Plan (CLMP) to be agreed post consent.**
- **Any unexpected land contamination and any other emergency pollution incidents will be dealt with under the agreed Environmental Incident Control Plan (EICP).**
- **Any remediation required to be undertaken will be included in the CLMP and EICP; therefore, there should be no lasting significant impact.**

Land Contamination Summary (Operational Phase):

- **There will be no impact during the operational phase.**

5.7 Highways and Traffic

- 5.7.1 Hampshire County Council, as the local transport authority for the Plan Area, has taken the lead for NFDC in relation to the assessment of Highways and Traffic impacts.
- 5.7.2 NFDC notes that the key issues relate to the various Articles in the DCO which set out the provisions of the application as they relate to highway and street works. These articles refer to Schedules in the DCO which identify the streets subject to street works, streets to be temporarily stopped up and access points from the highway to gain access to construct the cable route respectively (with further “Requirements” in relation to consent processes, assess points, hours of working, and prior approval of a construction traffic management plan). The Code of Construction Practice (CoCP) also sets out legally binding minimum standards in relation to highways, traffic and transport issues.
- 5.7.3 County Council highways officers have been in regular dialogue with the developers regarding the matters addressed in all of these documents. HCC has entered into a Statement of Common Ground with NBDL which sets out that the baseline data and impact assessments are appropriate, and the means of managing traffic are acceptable in principle (subject to detailed consultations with the highway authority). The impacts on roads for which HCC is responsible are not so severe that the development should not go ahead.
- 5.7.4 The DCO requires that the developer seek the approval of Hampshire County Council (HCC) on matters of detail regarding these impacts prior to beginning work on the highway. This will allow HCC to apply its powers under relevant legislation to seek to mitigate and minimise any adverse effects in the same way as with any other large development through the imposition of reasonable conditions on any subsequent consent which may be sought.
- 5.7.5 NFDC refers the Examining Authority to Hampshire County Council’s Local Impact Report on this matter for more detail.

Highways and Traffic Summary:

- **The DCO which set out the provisions of the application as they relate to highway and street works, with requirements in relation to consent processes, access points, hours of working, and prior approval of a construction traffic management plan. The CoCP sets out legally binding standards. NFDC is satisfied that these provisions will reduce and mitigate the impacts and that Hampshire County Council’s approval will be required prior to works on the highway.**

5.8 Biodiversity, Biological Environment and Ecology

Offshore impacts

- 5.8.1 The Council has reviewed the Environmental Statement with respect to offshore ecological impacts. Its ecological role in considering such issues is limited by its locus. It has however carefully considered issues and sought advice from partners such as Natural England, particularly in relation to impacts on migratory species which contribute to the special qualities of the New Forest District area. Appropriate predictive modelling and assessment for migratory birds has been used to inform conclusions in the Environmental Statement (ES). Whilst the potential risks and impacts are recognised in the assessment, it is considered that these are unlikely to significantly affect species populations and designated features of nature conservation sites within the District if the necessary mitigation proposed within the ES is secured.
- 5.8.2 Due to the uncertainty associated with modelling, best practice measures should be put in place to mitigate, monitor and compensate construction and operational impacts. The Council is prepared to defer to Natural England's submissions in this respect and would support their recommendations as well as those of the Hampshire & Isle of Wight Wildlife Trust.

Offshore Ecology Summary:

- **Impacts identified in the ES are unlikely to significantly affect species populations and designated features of nature conservation sites if the necessary mitigation proposed in the ES is secured. NFDC defer to Natural England's submissions on this element.**

International Designations on the cable route

- 5.8.3 The onshore cable route affects a number of internationally designated sites for which the Council has a statutory responsibility to consider and conserve in its decisions and activities. The sites include Avon Valley SAC, Avon Valley Ramsar, and Avon Valley SPA.
- 5.8.4 Through the adoption of avoidance and mitigation measures such as route choice and non-trenchless crossing techniques it has been demonstrated direct impacts on internationally and nationally designated site interests within the District are capable of appropriate management and the conclusions of the ES in this respect are sound.

International Designation Summary:

- **The use of conditioned details such as the Construction Management Plan and Landscape and Ecological Management Plan will be necessary to allow the Council and its partners to secure details of delivery with the applicant and operator.**

National Designations on the Cable route

5.8.5 Nationally designated sites affected by the route include three Sites of Special Scientific Interest; the Council has a duty under the CROW Act to further the conservation of such sites in its decisions and functions.

- River Avon System SSSI
- Avon Valley SSSI
- Highcliffe to Milford Cliffs SSSI

National Designations Summary:

- **The cable route is close to the New Forest SSSI and Burton Common SSSI but has been routed to avoid direct impacts.**

Local Designations within Cable route in the Council area

5.8.6 Five locally designated wildlife sites (known locally as Sites of Importance for Nature Conservation or SINC) are within the terrestrial route. Although a local designation, these sites comprise habitats that are nationally important and that support habitats and species listed under Section 41 of the Natural Environment and Rural Communities Act 2006 as being of principal importance for the conservation of biodiversity. They may also comprise habitats that are irreplaceable such as ancient woodland. The sites affected are:

- Breakhill Copse
- Breakhill Heath
- Golden Hill
- Great Woar Copse
- Beckley Moor Copse

Non-statutory Local Wildlife Sites – Sites of Importance for Nature Conservation (SINC)

5.8.7 The Environmental Statement has correctly identified local wildlife sites within the District area. Five sites are within the onshore development area within the District. Three of these are crossed by trenchless techniques and so impacts will be avoided.

5.8.8 The remaining two SINC sites, Breakhill Copse and Breakhill Heath will be crossed by open trenching and 2.74 ha of the sites are within the onshore operational area. Impacts are therefore predicted to be significant at a county scale, however there are opportunities to mitigate some of the impacts of site operations through careful detailed scheme design. In particular the open habitat ecological interest of the sites could be enhanced. The draft Landscape and Ecology Management Plan (LEMP) establishes adequate processes to provide mitigation and achieve appropriate detailed site design. In addition the provision of resources for off-site enhancement will provide additional offset.

SINC Summary:

- **Significant ecological impacts on the sites will be avoided and the overall conclusions in the Environmental Statement with regard to the SINC sites are sound provided the draft LEMP is satisfactorily agreed.**

Other habitats of importance

5.8.9 Designated sites are only a representative sample of the biodiversity resource of an area and the identification of local wildlife sites in particular is constrained by survey coverage and access. In addition features such as hedgerows are not normally identified as designated sites in their own right but are important in supporting habitat connectivity as well as being of importance in their own right as habitat.

5.8.10 The cable route affects 6 woodland areas of mixed or coniferous woodland:

- Sandpit Copse
- Honeylake Wood
- Dark Firs
- Tiley's Plantation
- Long Acre Plantation
- Slade Copse

5.8.11 Overall the Environmental Statement acknowledges the loss of woodland cover represents a significant impact at county level if not mitigated.

5.8.12 33 lengths of hedgerow have been assessed as being within the cable route area. Of these 33, 19 are important hedgerows as defined by the Hedgerow Regulations and 23 comprise priority habitat as defined by the NERC Act. Of the 33 lengths, 23 will be directly impacted by some form of loss.

5.8.12 The impact assessment and subsequent information from NBDL estimate a total of 640 metres of hedgerow will be temporarily removed within the New Forest District Council area by the operational process.

5.8.13 Individual and small groups of trees are also of importance as wildlife habitats but work in the Environmental Statement to date has not identified specific impacts. This issue is covered as part of the Council's response on landscape and arboriculture.

5.8.14 From initial analysis of the Environmental Statement it is estimated that 528 m of the cable route within the New Forest District Council area affects semi-improved grassland. Based on a 40m wayleave this represents an impact on over 2 ha of this habitat.

Mitigation of habitat impacts through trenchless crossing/installation

5.8.15 Of the sites identified it is proposed a number will be crossed using trenchless techniques. It is the use of this methodology that has informed conclusions within the Environmental Statement and Habitats Regulations Assessment that impacts on

internationally and nationally designated will be avoided and are unlikely to be significant.

- 5.8.16 Whilst there is no reason to disagree with this approach, the deliverability of the technique will depend on engineering considerations which are yet to be fully investigated. The Council's understanding is that the DCO commits the applicant to the methodologies proposed and assessed, thus if trenchless crossings prove unfeasible the application would need to be re-opened, allowing further consideration of any new proposals. The mitigation proposed therefore ensures direct impacts will be avoided on these sites.
- 5.8.17 Trenchless crossing is also proposed for wildlife sites such as local wildlife sites (SINC) which comprise ancient woodland but not those that have been assessed as not being ancient.

Protected species

- 5.8.18 Although further survey is required during the consenting process of significant sections within the New Forest District Council area, work to date has shown the route affects:
- 26 badger setts, including two main setts (this covers the whole route including Dorset and National Park area, site specific location is currently not publicly available to ascertain the number within the Council area)
 - The foraging habitat area of bats, surveys for which have found ten different species to be active in the area affected by the route.
 - The habitat of common protected reptiles species (adder, grass snake, common lizard, slow worm) within the Council area
 - The habitat of migratory fish, especially within smaller watercourses

Impacts on sites, habitats and species prior to compensation

- 5.8.19 Appropriate habitat and species survey techniques and efforts for the current level of scheme design have informed the Environment Statement. The Statement was submitted without the benefit of survey work for part of the Hampshire area, however this has since been completed and is satisfactory.
- 5.8.20 It will be necessary for more detailed surveys and updates to be required post consent as part of the conditioned Landscape and Ecological Management Plan (LEMP). This is due to the mobile nature of some wildlife and the more appropriate in depth techniques that are possible once final design decisions are made. Sufficient provision appears to have been made in the DCO and LEMP to allow this process to occur to the satisfaction of the Council. In particular negotiations are in place with regard to the completion of a Section 106 Agreement covering funding for ecological and landscape measures to be provided beyond the application site.
- 5.8.21 Direct impacts on internationally and nationally designated nature conservation sites within the Council area will be mitigated by the use of trenchless crossing and if these are successful direct impacts will be avoided. Residual effects such as visual and noise disturbance will be mitigated through conditioned plans such as the

Landscape and Environment Management Plan and Construction Method Statements. Overall the impacts on these sites are not likely to be significant.

- 5.8.22 The proposal will result in disturbance and loss of other local sites and habitat within the cable route where trenchless techniques are not employed. In some cases the losses will be mitigated by restoration of a feature that is a direct replacement, such as the re-planting of hedgerows. However there will be a temporary loss of ecological function while the reinstatement takes effect, in some cases this could be over a timescale of in excess of 20 years as new planting become established.
- 5.8.23 In other cases such as open excavation through woodlands the choice of route has sought to reduce the level of impact by utilising existing gaps (e.g. Breakhill Copse, Dark Firs, Tiley's Plantation) or skirting the edge of the site (e.g. Sandpit Copse, Honey Lake Wood). However in several cases the area of impact on the site is significant e.g. Sandpit Copse where over 25% of the site is affected by the onshore operation, and Dark Firs, Tiley's Plantation and Long Acre Plantation where over 10% of each site is affected.
- 5.8.24 In total, 2.74 ha of local wildlife site designated habitat and 3.6 ha of broadleaved mixed woodland will be affected by the wayleave and excavated route. It is estimated 640m of hedgerow will be removed. The impact on local wildlife sites and mixed woodlands is significant at a county level and also affects habitats that are identified at a national level as being of principal importance under Section 41 of the NERC Act. In addition to the direct losses there will be impacts through disturbance to the remaining habitats during the construction phases.
- 5.8.25 A number of other habitats of local importance such as approx. 2ha of semi-improved grasslands are subject to direct loss and disturbance and as the Environment Statement considers these of lower significant no direct measures such as trenchless crossing are proposed for mitigation. There remains the opportunity to reduce the level of impacts through the conditioned method statements however as these cannot be guaranteed at this stage it is considered appropriate to conclude substantial impacts.

Woodlands (including semi-natural mixed & broadleaf and plantation mixed woodland)

- 5.8.26 The Environmental Statement demonstrates that within the District 3.46 ha of non-ancient woodland habitat outside of SINC sites will be directly affected by the onshore development area. A degree of ecological avoidance and mitigation is provided by routing the development route at the edge of the woodland block or utilising existing open habitat gaps within the woodlands.
- 5.8.27 The post-development reinstatement of scrub and grass rides in woodland along the areas affected by the development offers the potential to contribute to habitat heterogeneity within the woodlands. However the conditioned measures to secure site specific details of avoidance and mitigation as part of the Landscape and Ecological Management Plan are necessary to allow the detailed design of the scheme, and deliver the necessary quality of mitigation required to maintain the ecological functionality of the woodland areas. Of particular concern is the woodland

area at Sandpit Copse, where 26.7% of the site is affected by the onshore development areas and where particular care will be required.

5.8.28 Overall, provided the conditioned details are secured to the satisfaction of the Council at condition stage, the conclusion of negligible impact in the Environmental Statement is appropriate.

Hedgerows

5.8.29 The Environmental Statement acknowledges that a large number of hedgerows are present on agricultural area within the Onshore Development Zone. Whilst the development areas will be reinstated, the ecological functionality of the features will be lost for a significant period, perhaps up to 25 years. In addition habitat features associated with the ecological value of the hedgerows such as grass margins with undisturbed soils are likely to be adversely affected.

5.8.30 Within the District the Environmental Statement and subsequent confirmation of hedgerow removal requirements indicates:

- 640 metres of hedgerow will be removed and subsequently reinstated
- 23 lengths of hedgerow will be affected by removal

5.8.30 Of significance is the high number of these hedgerows that are of nature conservation value and of sufficient quality to be considered important hedgerows within the definition of the Hedgerow Regulations; 19 of the 23 lengths affected are classified as being important in the Environment Statement.

5.8.31 The conclusion of the Environment Statement, that this temporary loss is of only county importance and will be reduced to not significant by reinstatement and other mitigation measures, fails to recognise the landscape context and the ecological functionality provided by the features.

5.8.32 By providing biodiversity gain and offsetting as part of the LEMP this issue is capable of being addressed and the conclusions of the Environment Statement are supported on this basis provided adequate measures are secured.

Other habitats including heathland, semi-improved grasslands and rivers and streams

5.8.33 Areas of remnant heathland within the landscape and areas of semi-improved grassland will be subject to temporary loss and reinstatement as a result of the development. These habitats are recognised as requiring special attention to their conservation and enhancement (i.e. they comprise Section 41 habitats within the Natural Environment and Rural Communities Act).

5.8.34 Stream crossings where they utilise open trenching will also lead to temporary disruption, as well as the engineering activities potentially facilitating the spread of non-native invasive species unless appropriate biosecurity measures are put in place. Extensive efforts have been made in recent years by a variety of partners including the District Council and local communities to control non-native invasive plants. In addition as part of the Government's Catchment Based Approach to

achieving Water Framework Directive, the Council is working with partners to address water quality issues, particular the cumulative impacts of diffuse pollution.

- 5.8.35 It is important to secure details of mitigation with respect to these habitats within the Landscape and Ecological Management Plan and Construction Plans, including appropriate biodiversity gain, to ensure a significant level of impact is adequately mitigated and enable the conclusion of no significant impact in the Environmental Statement to be supported.
- 5.8.36 Officers are currently finalising details of an appropriate scheme and if agreement is forthcoming NFDC consider the conclusions of no significant within the Statement are supportable.

Protected Species

- 5.8.37 To date appropriate measures have been shown of being capable of implementation to protect protected species, and species of importance, from adverse effects of development. There is a need to undertake more detailed surveys to inform the design of mitigation and enhancement measures and detailed operational decisions.
- 5.8.38 The use of conditions such as the submission of a Landscape and Ecological Management Plan represent adequate measures to appropriately manage this detailed stage.

Landscape Fragmentation

- 5.8.39 In addition to the temporary impacts on specific sites and features of designated wildlife importance, the proposals will have the effect of leading to the temporary loss and disturbance of more common features of the wide countryside. These may have limited intrinsic nature conservation importance but they are important in providing corridors and stepping stones for the movement of species or help support other aspects of species ecology. The fragmentation of the landscape through human activities at a local and national scale is currently thought to be contributing to the decline in species and vulnerability of habitats. Developments that exacerbate this fragmentation even over medium term timescales can therefore be viewed as having significant impacts on the local scale. Without appropriate measures to mitigate and compensate it is therefore likely the proposal will result in adverse impacts, although the scale and significance is difficult to quantify.

Reinstatement, Mitigation and Compensation

- 5.8.40 It is proposed that where the cable route has been excavated within woodland it will be reinstated in line with a proposed model which allows replacement shrub planting in the edges and establishment of a grassland ride through the centre of the route. Whilst this can be viewed as a positive diversification of the habitats within woodland and in some cases will represent welcome compensation, there are nevertheless medium term losses and where the sites themselves may be relatively small the significant of the residual impact is large at a local and county scale.

- 5.8.41 NBDL have sought to minimise hedgerow loss by reducing the working width required to be removed from 40 metres to 20 metres wherever possible. Even taking account of this reduction 640m of hedgerow will be removed to facilitate construction and there will be disturbance effects during the operational period. Following the completion of the groundworks the hedgerows will be reinstated by replacement hedgerow shrub planting and there will be a requirement to maintain this through establishment, even so the function of the hedgerow for wildlife will be compromised for a period of at least 20 years.
- 5.8.42 Following their discussions with parties including the Council, NBDL have proposed to provide compensation for the impacts on hedgerows by providing funding for a third party to provide and facilitate planting of an equivalent length of new hedgerow within the Council area or surrounding landscape in various locations. Details are yet to be agreed and may form part of conditions. The establishment of over 600m of new hedgerow does represent a significant enhancement but it is noted that many of the hedgerows subject to temporary loss are significant in hosting priority habitat or being classed as important for cultural and landscape reasons. Without appropriate safeguards the compensation planting may only deliver a limited degree of offset.
- 5.8.43 In respect of protected species industry standard techniques for the avoidance of impacts and mitigation of effects are to be applied and will be secured via condition. Full quantification of effects is currently not possible as surveys on significant portions of the route within the Council area were not completed until after the application was made earlier this summer and at the time of writing the results are not available to the Council. From the information available to it appears appropriate controls and processes could be put in place to ensure protected species are safeguarded and mitigation and any necessary compensation secured. Thus overall the populations would be maintained in a favourable status even through individuals of species may be disturbed or re-distributed.
- 5.8.44 The Environment Statement acknowledges that there are short and medium term negative impacts on biodiversity after mitigation has been taken into account. NBDL propose providing funding to local bodies who undertake work to deliver biodiversity improvement projects as a compensation measure for residual impacts. To date the details in terms of objectives, delivery and levels of funding are still to be agreed for the Hampshire area. The Council's ecological adviser and landscape specialists are liaising with NBDL and local partners such as the Hampshire Wildlife Trust, New Forest National Park and New Forest Land Advice Service to identify relevant projects and levels of funding. The application of government endorsed methodologies of calculating biodiversity offset has been tabled by ecological advisers from the Council and Dorset County Council, though this requires interpretation and further investigation as some features such as hedgerows are not permanently lost. Early indications are that NBDL are unlikely to agree the levels of funding being suggested and it is likely that this matter will remain a difference between parties to be examined as part of the Examination.

Ecological Conclusions

- 5.8.45 The information in the Environmental Statement to date illustrates that there will be impacts on features of importance for biodiversity during the operational phase and for a period of up to 25 years. Although efforts have been made to mitigate or avoid impacts through methods such as trenchless installation and reduction in working areas there remain impacts through short term loss of features, disturbance to habitats, displacement of species and fragmentation of the landscape.
- 5.8.47 The Council's experts have also considered impacts due to offshore development that have relevance to its biodiversity responsibilities within the Council area e.g. the possible impact of the offshore turbine operations on migratory birds that form part of the feature interests of sites within the New Forest District. To date the information available suggests these are unlikely to be significant on a population scale but the Council's adviser is continuing liaison with Natural England and other parties to review the evidence and ensure appropriate monitoring processes are put in place.
- 5.8.48 It is accepted that the measures NBDL have incorporated to date within the application and draft details for conditions are appropriate to demonstrate impacts on international and national designations are capable of control to avoid significant impacts and ensure the integrity of such sites in the District are not adversely affected.
- 5.8.49 However whilst measures are proposed for more local biodiversity assets (i.e. locally designated wildlife sites, mixed woodland) and the wider countryside, there remains residual impacts which without adequate compensation are significant at a county and local scale and that lead to a diminution of the District's biodiversity. Compensatory measures could play a significant role in offsetting this impact and if adequate levels of delivery can be agreed and secured by appropriate delivery mechanisms, the effects of the proposals could be minimised to a degree where they are not significant and even provide some degree of positive enhancement to the Council area. Clearly much of the open coast is already good habitat, but there is scope for some targeted improvements. Some habitat improvements could conceivably also reduce visual impact. As mentioned above such measures are being developed with NBDL.

Ecological Summary:

- **International Sites - Through the adoption of avoidance and mitigation measures such as route choice and non-trenchless crossing technique it has been demonstrated that direct impacts on internationally and nationally designated site interests within the District are capable of appropriate management and the conclusions of the ES in this respect are sound.**
- **Woodlands - Overall, provided the conditioned details are secured to the satisfaction of the Council at condition stage, the conclusion of negligible impact in the Environmental Statement is appropriate.**

- **Hedgerows - By providing biodiversity gain and offsetting as part of the LEMP this issue is capable of being addressed and the conclusions of the Environment Statement are supported on this basis provided adequate measures are secured.**
- **Protected Species - The use of conditions such as the submission of a Landscape and Ecological Management Plan represent adequate measures to appropriately manage this detailed stage.**
- **Other Habitats - Officers are currently finalising details of an appropriate scheme and if agreement is forthcoming NFDC consider the conclusions of no significant within the Statement are supportable.**
- **The assessment of the above Impacts is informed in part by the proposed Section 106 Agreement regarding the delivery of ecological and landscape enhancements on areas beyond the application site. This Agreement will need to be confirmed prior to any decision on the DCO being made.**

5.9. Offshore Seascape, Landscape and Visual Impact (SLVIA)

- 5.9.1 Chapter 13 of the ES deals with Seascape, Landscape and Visual Impact Assessment (SLVIA). Visual impacts arise from the changes in views experienced by particular people or viewing populations. Seascape and landscape impacts are changes affecting the character of defined terrestrial or coastal marine areas.
- 5.9.2 The methodology employed follows the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA 3), which is the current and most appropriate guidance to use. It should be noted that this guidance is not prescriptive, and that its effectiveness depends to a significant extent on the application of appropriate professional skill and judgement.
- 5.9.3 Attention needs to be drawn to three particular aspects of the methodology:

1 Visualisation techniques (photomontages)

There has been a great deal of debate and controversy in recent years over the use of photomontages and other forms of visual representation in relation to proposed new development in general, and especially in relation to wind turbines.

The photomontages submitted by NBDL accord with the national guidance that was in force at the time of submission (SNH 2006), although revised new guidance had been issued in draft. The final version of the new national guidance (SNH 2014) was issued in July 2014 and replaces the 2006 guidance. It has always been the case that photomontages are merely one tool in the assessment toolbox, and can never tell the whole story. However, the new 2014 guidance gives a much closer approximation to reality than the previous 2006 guidance that it replaces. Although they are under no obligation to do so, it would be very helpful to the Examination if NBDL were to re-issue their visualisations using the new (SNH 2014) guidance. Other parties have sought to generate some comparative visualisations using the SNH 2014 methodology (within the limits of the data available to them). It does seem

clear that the photomontages in the ES, whilst technically correct at the time of submission, do under-represent the likely impact of the development.

2 Significance of impacts for EIA purposes

In Chapter 5 of the ES (para 5.7.23) it is stated that:

“Potential impacts identified as major or moderate are generally considered to have a likely significant effect in EIA terms. However, owing to the nature of certain environmental effects, the application of the matrix approach is not capable itself of determining whether or not an effect is likely to be significant. For such EA topics (eg landscape and visual, terrestrial ecology, and cultural heritage) the professional opinion of the topic specialist, having regard to the assessment findings, is required to determine whether the potential impact is significant or not.”

Chapter 13 states that in contrast to the approach adopted more generally throughout the ES (as indicated above) where effects assessed to be ‘moderate’ or greater are deemed to be significant for EIA purposes, for the SLVIA the threshold of significance for EIA purposes is shifted from ‘moderate’ to ‘major-moderate’. Paragraph 13.3.103 seeks to explain the reason for this change in threshold, and states:

“Professional judgement is used to determine whether or not an effect is significant. The tables and words in the methodology illustrate and explain the judgements rather than directing or dictating them, Moving the significance threshold eg from ‘Major-Moderate’ to ‘Moderate’ would not make the effects identified under the current methodology as Moderate become significant. Rather, the methodology and judgements used to identify the effect and the way in which those judgements are combined would need to be recalibrated to reflect this alteration.”

This explanation for the change in threshold of significance is not at all clear. Throughout Chapter 13 there are many effects that have been assessed to be ‘Moderate’, and have been deemed to be ‘not significant’ for EIA purposes. Unless there is a clear and compelling rationale for changing the threshold of significance for the SLVIA chapter, there could be many more impacts that are significant for EIA purposes than those that have been identified as such.

There are apparent inconsistencies in the way that impacts have been assessed for settlements (see below) which may have resulted in an underestimation of the significance of impacts on Milford on Sea.

3 ‘Valency’ of impacts

It is standard practice in EIA to categorise impacts as either adverse or beneficial, and for most kinds of environmental impact it is relatively easy to determine whether impacts are adverse or beneficial. However, because public opinion on the landscape and visual impact of wind parks is so divided, some practitioners are reluctant to assign a ‘valency’ (i.e. a judgement as to whether the impacts are positive or negative). Some individuals perceive wind turbines to be obtrusive and objectionable, whereas others perceive them to be positive features of interest in the landscape or welcome manifestations of renewable energy generation. No information is available as to the attitudes of residents and visitors to the district on this matter, but opinions typically tend to be strongly polarised. In line with

representations made by the Council at the preliminary document stage, the submitted ES correctly specifies that seascape, landscape and visual impacts should be treated as 'adverse', because for EIA purposes it is necessary that the realistic worst-case scenario is assessed.

Assessment of Impacts

- 5.9.4 The ES identifies that there will be impacts that are significant for EIA purposes for walkers on two long distance routes that pass through the district:
- The E9 European Long Distance Route, and
 - The Solent Way Long Distance Path.

It also identifies that there will be significant impacts on users of public footpaths around Barton Common and Barton-on-Sea Golf Course.

- 5.9.5 There are apparent inconsistencies in methodology in relation to impacts on settlements. The opening paragraph (13.5.519) states in relation to settlements generally that: *“Residents and visitors within settlements are judged to be high-medium sensitivity to offshore wind development.”*
- 5.9.6 For the coastal parts of Swanage, which is assessed to have a **medium** magnitude of effect, the ES states (Paragraph 13.5.524): *“taking into account the **high-medium** sensitivity, this results in a **major-moderate** significance of effect, which is considered to be **Significant** under the EIA Regulations for this SLVIA.”*
- 5.9.7 However, in the assessments for four other settlements: Poole seafront; Bournemouth seafront; coastal parts of Christchurch; and coastal parts of Milford where in each case the magnitude of effects is also judged to be **medium**, the significance of effect is judged to be **moderate** and **not significant** for EIA purposes. The text for these four does not include the words *“taking into account the high-medium sensitivity”*, and yet paragraph 13.5.519 tells us that sensitivity in all the settlements is high-medium, and this is confirmed in the tabulated summaries at the end of Chapter 13.
- 5.9.8 The ES recognises that in views from the coast at Milford (Viewpoint 25 'Milford Promenade', Vol B Chapter 13 p143) the wind park 'would occupy a large proportion of the sea view', and would compromise the existing views of the Needles. The ES states:

“The Project would be seen adjacent to the Needles on the Isle of Wight, and whilst it does not lie immediately next to them, it would compete as a focal point as the turbines would appear as a similar height. Their presence would detract from the distinctive view of the Needles and would fundamentally alter the open seaward context within which they are viewed.”

5.9.9 The ES goes on to state that the Project would appear: *‘conspicuous and well defined but would not become the foremost feature in the view’.*

- 5.9.10 For the settlement of Milford on Sea, the ES states that the significance of impacts for those viewing from coastal parts of the settlement would be 'moderate' but that under the methodology adopted this is deemed to be below the threshold of significance for EIA purposes. It is not clear why the significance of impact has been judged to be 'moderate' rather than 'major-moderate' as for the coastal parts of Swanage. However, irrespective of whether the impact is assessed to be moderate or major-moderate, given the description of the change in view quoted above, with

which the Council concurs, the Council's view is that this should be judged a significant impact for EIA purposes.

- 5.9.11 NBDL declined to accept the Council's recommendations for additional coastal viewpoints in the district, on the grounds that because Milford Promenade was already included, additional viewpoints within the district would be very similar and therefore it was unnecessary to include them. This being the case, presumably it would not be disputed by NBDL that from many parts of the district's coastline in addition to Milford, the turbines would also be conspicuous, would occupy a large proportion of the horizon and would detract from distinctive views of the Needles. The Council considers these impacts to be significant.

Offshore SLVIA Summary:

- **The wind park would be very noticeable indeed. From Milford seafront and many other parts of the district's coast it would be conspicuous, would occupy a large proportion of the existing open sea views, and would detract from distinctive views of the Needles. These impacts will certainly be perceived as significant by the local population.**
- **The council's view is that the impacts are also 'significant' for EIA purposes. However, notwithstanding the council's view that the significance of impacts has in some instances been underestimated, and that the visualisations tend to under-represent the impacts, taking into account the wider planning context the anticipated SLVIA impacts are not so severe as to substantiate an objection to the development from the Council or the submission of any further evidence. It should be noted this view does not conflict with the stronger concerns raised by other authorities in relation to the coast of the New Forest National Park, Isle of Wight and Dorset Jurassic (World Heritage Site) coast, where sensitivities are greater and different criteria would be expected to apply.**

5.10 Onshore Landscape and Visual Impact (LVIA)

- 5.10.1 The project description is for a cable corridor 40m wide containing six cables, because this has been identified as the realistic worst case scenario. Discussions with NBDL have indicated that it is possible that four cables would be sufficient, in which case the working corridor could be reduced in width, and the environmental impacts would be correspondingly reduced.
- 5.10.2 All the cabling will be underground, the majority being laid by trenching, but with shorter sections being drilled to avoid surface disturbance, principally in order to cross watercourses or roads or to minimise disturbance to the most ecologically sensitive areas.
- 5.10.3 The initial onshore assessment work done for NBDL used Guidelines for Landscape and Visual Impact Assessment 2nd edition (GLVIA 2) which prior to 2013 was the most appropriate guidance on methodology.
- 5.10.4 Following publication of the revised 3rd Edition (GLVIA 3) in April 2013, the offshore SLVIA was re-run using the updated guidance, but NBDL chose not to apply the new guidance to the onshore impacts, based on what appears to be misinterpretation of advice from the Landscape Institute. However, a desk-based comparative study was undertaken and included as Appendix 12.5 to show how the assessment might have varied under GLVIA 3 as opposed to GLVIA 2. The finding of the comparative study,

that there were differences, but none that materially affected the conclusions, is accepted.

5.10.5 It is inevitable that there will be a range of adverse environmental impacts during the construction phase, but the stated intention for the Project is to eliminate or reduce to negligible levels the long term or permanent impacts on the landscape.

5.10.6 The degree of confidence that can be placed on this intention being translated into physical reality depends on many factors, of which the key ones being:

- Knowledge and understanding of the existing environment being affected
- The extent of information available on the proposed development and how it will be built, ie detailed construction plans, working methods etc
- Details of proposed landscape restoration
- Provision for resources to implement restoration measures

5.10.7 The initial ES submission was deficient in a number of respects, and did not give confidence that these intentions would be realised, but there has been productive dialogue with NBDL and the majority of matters at issue have now either been informally resolved or are in the process of negotiation.

5.10.8 The absence of a Landscape Management Plan has been addressed by adapting the original Ecological Management Plan to become a combined Landscape and Ecological Management Plan (LEMP), which is currently still a working draft and is in the process of being refined.

5.10.9 The originally submitted draft DCO only gave consideration to trees covered by TPO. Many trees not covered by TPO will be affected by the development, including many that are of high amenity value. It would be completely impractical and has never been the practice of the Council to seek to make TPOs on every tree of TPO quality throughout the district unless there is a specific reason to do so. It has now been agreed informally through negotiation that the submission documents will be amended to make reference to other trees of amenity value in addition to those covered by TPO. It has also been agreed informally that provision for an assessment of trees for their amenity value, together with safeguarding measures to minimise losses and ensure appropriate replacement planting will be included in the emerging LEMP. Formal agreement of these additional measures will be needed to ensure that trees of amenity value not already covered by TPO are adequately considered.

5.10.10 A Biodiversity Fund is also being incorporated into the emerging LEMP which will support additional landscape and ecological measures such as offsite tree and hedgerow planting. The details of this are currently being finalised and, as previously referred to, a Section 106 Agreement will be required.

Significance of impacts

5.10.11 Chapter 12 states at paragraph 12.3.38 that impacts assessed to be moderate or above are deemed to be significant for EIA purposes, but an addendum was subsequently issued stating that this was an error, and that the ES should have stated instead that only impacts assessed to be major-moderate or above in this topic area would be deemed significant for EIA purposes.

Assessment of impacts

- 5.10.12 There will be substantial but temporary adverse landscape and visual impacts during the construction phase. The detailed plans show the areas that will be affected by trench construction, and those where trenchless cabling will be undertaken, which avoids surface disturbance in selected areas by using a horizontal drilling method with a drilling compound set up at either end of the section.
- 5.10.13 Consideration of impacts on woodland and hedgerows is included above under the heading “Biodiversity, Biological Environment and Ecology”.
- 5.10.14 There is a reasonable degree of confidence that:
- landscape restoration along the cable route will be satisfactorily achieved, and that;
 - subject to formal agreement of a package of restoration principles and measures (including a Biodiversity Fund which will cover additional offsite replacement planting) the longer-term impacts will not be so great as to cause serious concern.
- 5.10.15 The degree of confidence that currently exists in relation to landscape restoration could be increased if a more detailed version of the LEMP were to be provided, but NBDL’s current position is that it does not accept the need to provide significant additional detail until after the Secretary of State’s decision.
- 5.10.16 Before setting out its final position on the likely impacts in this respect the Council would note that it remains its view that it would be preferable, in order to give greater confidence in the successful delivery of an appropriate landscape restoration plan, for a more detailed version of the LEMP to be produced at this stage. It is recognised that there would be some practical difficulties in presenting a complete and fully detailed LEMP at this stage, because it would necessarily have to be based on various assumptions regarding construction and working methodology where definitive information may not currently exist (e.g. whether there will be 6 cables requiring a 40m working corridor, or whether there will be only 4 cables and a lesser working corridor). Nonetheless, it is the Council’s view that it would assist the Panel’s consideration of the impacts of the onshore cabling for supplementary information such as further illustrative details, albeit not necessarily comprehensive details, to be provided at this stage.

Onshore LVIA Summary:

- **There were significant shortcomings identified in the original submission, but these have largely been resolved through extensive and constructive dialogue, in particular through the emerging Landscape and Ecological Management Plan. Subject to formal agreement on the appropriate version of this document and on the other matters currently under negotiation, there will be a reasonable degree of confidence that following the inevitable major disturbance caused by construction works, long-term and permanent impacts can be reduced to acceptable levels.**

5.11 Socio-Economic Impacts

- 5.11.1 The council has noted the comments from Parish and Town Councils about visitor impact on the area but such is the distance from the shoreline that the overall impact of this is deemed to be negligible.
- 5.11.2 There is merit in the argument that positives could be gained from the development either from those wishing to see the turbines from the shore but also that of contractors using visitor accommodation, particularly during the construction and decommissioning phases.
- 5.11.3 With regard to the supply chain, until a port is formally identified it makes it very difficult to gauge the impact (positive or negative) upon the New Forest area. Whilst a number of sites have been identified, the council believes that there is much greater prospect of benefit to the supply chain, skills base etc. if Southampton is selected ahead of Portsmouth or Yarmouth. This would be potentially true also of the visitor accommodation benefit during construction phase as much of the requirement is likely to be focussed around the chosen port location. There remains a degree of uncertainty regarding the overall economic benefits of this project until such a time as the port location is decided.
- 5.11.4 Of direct concern will be the economic and social impact felt by the onshore cable corridor through New Forest district. Whilst it is noted in Volume D / Chapter 3 (Document 6.1.4.3) of the application that local communities would be informed of closures/diversions through advertisements in the press etc. there would regardless be impact upon the movement of people and goods through the disruption caused. Whilst this is difficult to measure until the council is notified of the exact plans, it is likely to have an impact not only upon the visitor economy but also the wider economy which relies on these routes for the movement of goods and/or people.
- 5.11.5 With regard to direct employment the scheme proposal sets out the benefit to the area with regard to construction. New Forest has a slightly higher proportion of residents employed in construction than either the national or regional average. As such, it stands to potentially gain more as a local area with the linked benefits that any growth in wages would benefit the local economy. Whilst this impact is likely to be negligible, it is nonetheless a potentially positive impact.
- 5.11.6 Paragraph 3.4.37 of Document 6.1.4.3 does not appear to take account of tourism jobs within the New Forest. The council fails to understand why the New Forest visitor numbers have not been included, particularly given the acknowledgement of tourism industry benefit during construction and decommissioning phases.
- 5.11.7 The applicant refers to potential training and development of skills associated with this project but NFDC can see nothing in here about the legacy of the project. Whilst on the one hand it represents a good opportunity to create jobs, particularly amongst those acquiring new skills, this council is unclear how the wider economy is going to benefit from this once the construction phase has been completed. Are we to assume that they would need to go elsewhere in the country to find other renewable energy projects or are there potential developments within the local economy which would

benefit indigenous economic growth and grow the renewables sector as much as it currently exists?

- 5.11.8 Whilst the impact on tourism related businesses is considered to be minimal, there is nonetheless likely to be a perception that some of the natural beauty might be damaged. As such, NFDC is keen to pursue assistance with marketing to dispel these beliefs and provide some resilience to coastal businesses that are likely to feel the impacts to the greatest extent. The Schedule of Mitigation refers to a communications protocol but no such requirements are included in the DCO.
- 5.11.9 Allied to the above, the DCO does not include provisions for a complaints procedure during the construction phase. Until the council has more information on this there remain concerns about negative social impacts (for example, initial meetings with NBDL had discussed the possibility of NFDC providing direct links from its council website to the NBDL website with details of how to report problems or make a complaint).
- 5.11.10 Hampshire County Council has highlighted that beneficial impacts must be weighed against impacts on the visitor and tourism sector and NFDC supports HCC in seeking suitable mitigation or compensation for marketing purposes.

Socio-Economic Summary:

- **Impacts on socio-economic elements are considered to be acceptable/low, both from a tourism but also wider economic development perspective. However, there is the possibility of a perception of damage as the onshore works progress and this is a matter that should be discussed further under the heading of Community Benefit as suggested by the County Council.**

5.12 Surface Water and Hydrology

- 5.12.1 In relation to drainage of water there are no significant issues in principle. Drainage surveys will be carried out and flooding regimes are being discussed in detail with Environment Agency.
- 5.12.2 With regard to water quality, freshwater habitats are an important feature for the New Forest, and this council has always flagged up the risk of sediment being transported into sensitive areas. NFDC would require that any proposed discharges to ditches or watercourses from impermeable areas are such that there will be no increase in flow rates as a result of the works for storms up to 1 in 100 years allowing for climate change where applicable.
- 5.12.3 The Code of Construction Practice includes provisions for minor watercourse crossings. It is noted that watercourse crossings could take up to 2 weeks each, but it remains unclear how long a minor field ditch crossing would take. Wherever possible the over-pumping should not continue overnight, particularly if not supervised. Any such work should be commenced during the early part of the day so that any night time over-pumping is kept to a minimum.

5.12.4 An assessment should be carried out on the likely effect of failure of any such over-pumping arrangement and how this will be mitigated. This should be submitted to the appropriate statutory body prior to commencement of each area of work.

5.12.5 Any watercourse bank disturbed by the work must be reinstated to the previous bank height as soon as possible on completion of the work and an inspection policy will need to be set up to ensure that the bank remains at that height after the work. Much of the flooding in the New Forest District Council occurs from relatively minor watercourses.

Drainage and Water Supply Summary:

- **In relation to drainage of water there are no significant issues in principle.**
- **The Code of Construction Practice includes provisions for minor watercourse crossings, but further assessments should be made in relation to over-pumping and these submitted for approval before commencement of works.**

5.13 Cliff Stability

5.13.1 Currently the cliff line at Taddiford Gap is undefended and naturally eroding. There are no plans for active intervention for that stretch of cliff in the adopted Shoreline Management Plan and a geotechnical investigation will be carried out pre-construction in order to confirm the cliff structure and composition. This work will form the basis for the detailed design and construction method statement that will be produced prior to construction commencing. This council is satisfied that through such measures the impacts will be minimised.

5.13.2 Discussion has centered on the risks of direct erosion, the exposure of features, and indirect erosion further along the coastline. The substation on the landfall site has a design life of 50 years which exceeds the lifespan of the proposed scheme, and a decommissioning plan would be produced as part of the development.

Cliff Stability Summary:

- **The substation on the landfall site has a design life of 50 years which exceeds the lifespan of the proposed scheme, and a decommissioning plan would be produced as part of the development.**

5.14 Onshore Heritage and Built Environment

5.14.1 The assessment and evaluation work undertaken to date on the archaeological impact is sufficient for an informed planning decision to be made. The appropriate mitigation would be archaeological observation and recording during ground works, perhaps preceded by some trial trenching at one or two locations.

Heritage Summary:

- **The Council defers to English Heritage submissions on this element and would support its recommendations on mitigation for the impact on underwater archaeology.**

6. Conclusions

6.1 The Council is of the view that many of the wind park elements will lead to significant impacts within the NFDC Planning area, but that the most substantial ones will be temporary construction impacts, and that the majority of the longer term impacts are capable of mitigation. Such measures are the subject of ongoing discussion with NBDL, along with discussion on matters that can be agreed through Statements of Common Ground. A section 106 Agreement covering proposed ecological/landscape enhancements off site will be required. In order to support the project delivery process and ensure that Impacts are minimised as described above, a suitable PPA must be in place to provide the authorities affected by the onshore works with sufficient resources available to cover the cost of essential work in negotiating and agreeing details if consent is granted, and for monitoring works during construction and thereafter to ensure compliance.

6.2 NFDC concludes that the local impacts can be summarised as follows:

Offshore Seascape and Visual Impact –

There will be significant impacts. The turbines will be very noticeable indeed.

However these impacts will not universally be viewed as adverse, and in the light of the Council's own policies and the national planning context the impacts are not considered so severe as to warrant an objection.

Onshore Landscape and Visual Impact –

Substantial localised impacts during the construction phase will occur.

Good progress is being made on negotiations to minimise longer-term and permanent impacts, and on mitigation and restoration measures relating to the cable route, so no objection raised subject to formal agreement of these matters.

Air Quality, Noise and Vibration –

Limited impacts identified for construction phase.

Proposals are in place to mitigate the effects of works during construction of the cable route and during operation of the scheme as a whole; and requirements agreed for controlling dust and works traffic movement are in place. No objection raised

Land Contamination –

Limited impacts may arise during construction phase.

Controls and remediation in place so no objection raised.

Highways and Traffic –

Significant localised impacts from traffic during construction.

Requirements agreed in relation to consent processes, assess points, hours of working, and prior approval of a construction traffic management plan (including HGV movements and routes). No objection raised.

Biodiversity, Biological Environment and Ecology –

Significant localised impacts; cumulative impacts on protected species and protected habitats.

Good progress on agreement of requirements in relation to mitigation, including compensation measures within the emerging landscape and ecological management plan, so no objection raised subject to formal agreement of these matters.

Drainage, Water & Cliff Stability –

No significant impacts.

Socio-Economic –

No significant impacts.

Onshore Heritage and Built Environment –

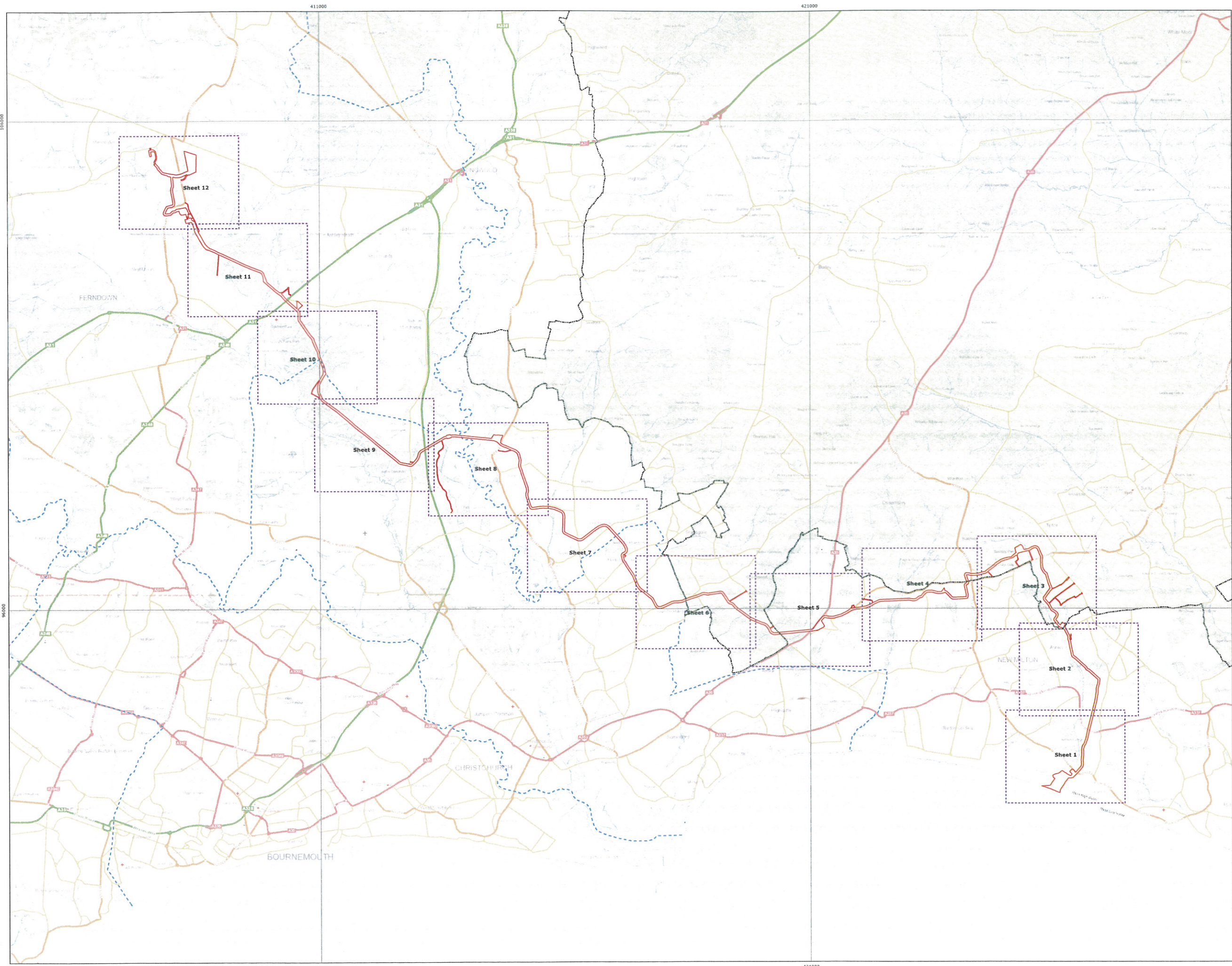
No significant impacts.

Strategic Issues -

In order to support the project delivery process in the event that consent is given, and to ensure that environmental impacts are minimised as described above, it will be crucial to ensure that as planning authority the Council is able to respond in a timely and well-informed manner on the discharge of requirements that may be attached to the DCO.

This would involve significant resourcing and have financial implications for the Council. Ensuring the right level of resources for the post-consent phase will be vital to the delivery of this project and negotiations are underway with the Applicants on a suitable PPA to cover the work involved in the prior negotiation of and subsequent discharge of requirements and the monitoring of works both during construction and thereafter.

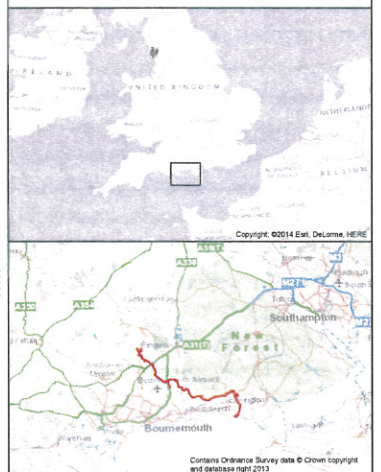
N.B. - The Council is not proposing to submit any further representations regarding the impacts defined above, subject to the completion of the required Section 106 Agreement and the Planning Performance Agreement both of which are being considered in association with the applicants with a view to them being completed during the Examination process.



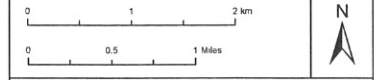
Navitus Bay Wind Park

Trenchless Crossings Plan (Key Plan)

- Legend**
- Order Limits
 - Sheet Extant
 - National Park
 - Administrative Boundaries



Plan Title: Trenchless Crossings Plan (Key Plan)
Doc Ref: 2.5
APPF Ref: 5(2)(j)
Sheet No: Key Plan
Author: Navitus Bay Development Limited
Coordinate System: British National Grid
Datum: OSGB 1936
Scale@A0: 1:25,000
Date: 10/04/2014



Rev:	By:	Chk:	App:	Amendments:	Status:	Date:
01	CG	DB	HC	--	Final	10/04/2014

NAVITUS BAY WIND PARK PROPOSAL

NEW FOREST DISTRICT COUNCIL RESPONSE TO CONSULTATION ON PRELIMINARY ENVIRONMENTAL INFORMATION 3 (Sept. 2013).

Introduction

This document comprises the response to consultation by New Forest District Council on the Preliminary Environmental Information (PEI3) submitted as part of the Navitus Bay Wind Park proposals.

It should be noted that whereas the PEI3 document contains 33 chapters, the Council is only providing comments on the 14 topics highlighted in the list below. This is because the remaining topics are considered either to have no direct bearing on this Council's interests or are matters which will be responded to by the Councils with expertise on those particular matters (e.g. Hampshire County Council will be responding on highway matters).

FULL LIST OF CHAPTERS IN PRELIMINARY ENVIRONMENTAL INFORMATION (PEI3)

1. Introduction
2. Navitus Bay Wind Park Project
3. Environmental Impact Assessment Methodology
4. Habitats Regulations Assessment Overview

OFFSHORE

5. **Physical processes**
6. Offshore water quality
7. Offshore air quality
8. In-air noise
9. Benthic ecology
10. Fish and shellfish ecology
11. Marine mammals and megafauna
12. Offshore ornithology
13. **Seascape landscape and visual**
14. Offshore archaeology
15. **The setting of heritage assets**
16. Shipping and navigation
17. **Commercial fisheries**
18. Aviation and military activity
19. Other offshore infrastructure
20. Telecommunications and broadcasting
21. **Offshore socio-economics and tourism**
22. **Offshore recreation**

ONSHORE

23. **Ground conditions, contaminated land, soils and land use**
24. **Onshore water environment**
25. **Onshore air quality**
26. **Noise and vibration**
27. Terrestrial and freshwater ecology

- 28. Onshore ornithology
- 29. **Onshore landscape and visual**
- 30. **Onshore cultural heritage and archaeology**
- 31. Traffic and transportation
- 32. **Onshore socio-economics and tourism**
- 33. **Onshore recreation.**

1. **CHAPTER 5: Physical processes.**

1.1 **Summary of report's findings**

The potential for disturbance of seabed sediments and associated reduction in water quality is recognised but are likely to be short term and are assessed as negligible. Likewise, the impact of the turbines once built on wave and tidal patterns, and on surfing locations will be minor as swell waves will be unaffected. Overall, the impact of the project will be not significant on these issues.

1.2 **Response**

Methodology:

Table 5.3 advises that the potential effect of disruption to processes within the intertidal zone has been scoped out because directional drilling would install the cable underneath this area. However, following the 25 year lifetime of the project and the decommissioning of the structures, the buried cables are to remain in situ. The cables in the intertidal zone will at some stage become exposed on the seabed and at the landfall site as cliff erosion continues, and this will cause future maintenance issues, health & safety issues and will affect coastal processes in this sensitive area. Whilst paragraph 5.33 states that as the cable would be designed to not become exposed during the lifetime of the project, the physical processes would not change and therefore the impacts have not been considered further. However, as the cables become exposed in later years, the exposed cables are likely to have an impact. This matter needs to be considered further (see also comments on Chapter 23).

With regard to the baseline information, Table 5.6 gives the source of information about waves to be the Channel Coastal Observatory wave buoys at Boscombe and Milford with the data duration being 8 years and 6 years respectively. These buoys have been in operation since June 2003 for Boscombe and March 1996 for Milford. Further historic data is therefore available and should be utilised in the assessment.

Whilst the developer has undertaken their own bathymetric surveys, no reference is made to additional bathymetric data available through the Channel Coastal Observatory which would be a source of further data which is freely available.

Paragraph 5.52 states that the landfall infrastructure is located to avoid cliff erosion, although no plan is provided within the PEI(3) to show the proposed location of the landfall infrastructure or where the DD cable will exit above the cliff. It is difficult therefore to assess the likely impact of works at landfall on the basis of the information currently provided.

There is a drafting error in the numbering of tables (two tables are numbered 5.5 (pages 16 & 37) and there is no Table 5.12.

Conclusions on likely impact and Categorisation of impact

Paragraphs 5.204 – 5.207 refer to the magnitude of effect of the construction at landfall and conclude that the effect would be imperceptible. In light of comments above concerning the need to consider the possible/likely exposure of the cables at landfall at a point beyond the lifetime of the project (given that the cables will remain in situ), the categorisation of the magnitude of effect and the resultant conclusion of negligible significance would appear to be premature and unjustified at this time.

2. CHAPTER 13: Seascape, landscape and visual impact (SLVIA)

2.1 Summary of report's findings

The SLVIA identifies the two distinct components requiring separate consideration as:

- (1) assessment of landscape effects – the effects on landscape (including seascape) as a resource;
- (2) assessment of visual effects - the effects on people affected by changes in views and visual amenity.

The assessment considers the nature of change potentially experienced by specific types of 'receptors' (who or what is being affected by change). In respect of landscape effects the 'receptors' (the things experiencing change) are the components of the landscape, as in the character and value of the existing landscapes (and seascapes), recognising that the area contains both national and international designations such as AONBs, National Parks, World Heritage coastline, etc.

In respect of visual effects, the 'receptors' are the people experiencing changes in views or visual amenity. The most sensitive visual 'receptors' are deemed to be local residents, recreational walkers and those using the burial at sea site, with cyclists and recreational sailors also having a high-medium sensitivity.

Visibility data from the Met office is cited suggesting the turbines might be visible for 50% of the time.

As a general rule, for impact assessment purposes, environmental effects need to be identified as either 'adverse' or 'beneficial' (or occasionally neutral) and this approach is adopted throughout the PEI3 with the exception of SLVIA. No judgement is made in the SLVIA chapter as to whether effects are positive or negative. The reason given is that public opinion varies so widely as to whether wind turbines are perceived as unwelcome intrusions or positive assets in the landscape.

The methodology takes the approach that any SLVIA effects assessed to be 'moderate' or less are deemed to be 'not significant' for Environmental Impact Assessment (EIA) purposes, in contrast to the approach taken throughout the rest of the PEI3, where 'moderate' effects are deemed to be 'significant' for EIA purposes.

Three viewpoints along the New Forest District coastline have been included in the assessment (Milford Promenade, Sea-Wall Solent Way, Hurst Castle). The impact of the project from these points is assessed as being significant.

2.2 Response

Methodology

The SLVIA methodology in PEI3 relies upon the second edition of the Guidelines for Landscape and Visual Impact Assessment ('GLVIA 2') issued in 2002, despite the fact that the third edition ('GLVIA 3') is now available, having been published in April 2013. The reason stated is that the Landscape Institute had advised that studies commenced using GLVIA 2 should continue with that guidance rather than switching to GLVIA 3. However, it is our understanding that this general advice was given by the Landscape Institute in the first few weeks following publication of GLVIA 3, and was primarily intended to avoid creating large volumes of extra work for projects that were at an advanced stage or nearing completion. Since six months has now elapsed since the publication of GLVIA 3, and the assessment process is still far from complete, it would be more appropriate to adopt the methodology of GLVIA 3 rather than GLVIA 2 from here on.

The approach taken to the assessment of magnitude of impact and sensitivity of receptors appears generally sound, subject to two main caveats. Firstly, it is not clear to what extent if at all the size of viewing populations has been taken into account. A public viewpoint visited by one million people annually is surely different from a public viewpoint visited by one person annually. Secondly, the approach taken to the assignment of significance for EIA purposes has not been adequately justified.

Table 13.5 and paragraph 13.50 state that any impacts which are assessed to be *moderate* or less under the SLVIA methodology are deemed to be *not significant* for EIA purposes. This is in contrast to the approach taken in the PEI 3 as a whole set out in chapter 3 (paragraph 3.28) which states that impacts which are *moderate* or *major* are deemed to be *significant* for EIA purposes and only those which are *minor* or *negligible* will be deemed to be *not significant*.

Paragraph 13.49 states that the 'special' methodology used for the SLVIA was 'agreed by statutory consultees' in 2012, but this appears to be incorrect. NFDC and others were consulted on methodology in July 2012, but the document issued for consultation (SLVIA Methodology, produced by LDA Design, dated June 2012) stated under significance of effects (paragraph 1.12.5) that

"Effects that are Major-Moderate or Major are the most significant. Effects of Moderate Significance or less are additional considerations."

Whilst this phrasing draws a distinction between effects which are moderate and those that are major, it does not suggest that moderate effects should be categorized as 'not significant'.

There are various places in this chapter where impacts on landscape and seascape character have been assessed (correctly) as *moderate*, but which are then categorised as being '*not significant*' for EIA purposes (see for example Table 13.15 and Table 13.17). What this means is that unless this issue is resolved, impact on landscape and seascape character is likely to be underestimated in the EIA.

The approach taken that 'moderate' impacts are deemed to be 'not significant' for EIA purposes has not been adequately justified and is therefore not accepted.

Conclusions on likely impact and Categorisation of Impact.

Visibility data from the Met office is cited suggesting the turbines could be visible for 50% of the time. However, since it is reasonable to assume that the times when people will be outdoors enjoying the coastal landscape will predominantly be those time when the weather, and therefore the visibility is best, so in broad terms, at the times when people are most likely to be outdoors, the turbines will be visible.

As a general rule, for impact assessment purposes, environmental effects need to be identified as either 'adverse' or 'beneficial' (or occasionally neutral) and this approach is adopted throughout the PEI3 with the exception of SLVIA. No judgement is made in the SLVIA chapter as to whether effects are positive or negative (the 'valency' of the effects). The reason given is that public opinion varies so widely as to whether wind turbines are perceived as unwelcome intrusions or positive assets in the landscape. In this instance, given the nature of the landscapes within the district, including coastline and designated landscapes, often specifically valued for their relatively natural, open, wild character, the landscape impacts are clearly adverse because the development would not be in character with the existing landscape. In terms of visual impact, the descriptions given in the text illustrate the way in which views will change, for example the wide open seascapes in which the Needles are currently seen will change to a backdrop of multiple turbines. It is considered that visual impact should also be generally deemed adverse.

Visual impact from various viewpoints has been assessed. Three viewpoints along the New Forest District coastline have been included, although in earlier consultations the Council had requested that a greater number of viewpoints within the district should be included.

Visual impacts for Viewpoint 25 (Milford Promenade) are assessed as being *major* to *major-moderate* for local residents and *major-moderate* to *moderate* for visitors, all of which are deemed *significant* for EIA purposes. The assessment is that the wind farm will occupy a large proportion of the sea view, will detract from the distinctive view of the Needles and will fundamentally alter the open seaward context within which they are viewed, and "will appear commanding and well defined but will not however appear completely dominating within the view".

Visual impacts for Viewpoint 26 (Sea-Wall, Solent Way) are assessed as being *major-moderate* or *moderate*, and are deemed *significant* for EIA purposes. The assessment is that the dominant feature within the view will continue to be Hurst Castle, but that the wind turbines will be clearly visible and will appear to sit behind the Needles.

Visual impacts for Viewpoint 27 (Hurst Castle) are assessed as being *major* for walkers and *major-moderate* for visitors all of which are deemed *significant* for EIA purposes. The assessment is that the turbines will appear slightly taller than the stacks of the Needles, and will fundamentally alter the silhouette of the Needles.

Photomontages are available for these three viewpoints. They are best viewed in hard copy when printed out at A1 size and seen from the correct viewing distance (450mm). The photomontages have been based on the taller (8MW) turbines as being the 'worst case scenario'. Were 5 MW turbines to be employed, even though the numbers would be greater, the overall visual impact is predicted to be less. The main photomontages have been prepared according to Scottish National Heritage adopted 2006 guidance, but some additional photomontages have also been prepared for comparison purposes using the 2013 draft revised SNH guidance. The 2013 method of presentation has a narrower field of view and shows the images at a physically larger size, so the turbines appear more prominent, when the image is viewed from the stipulated viewing distance. It is considered that alternative photomontages, based on the SNH 2013 guidance would be a helpful addition to the environmental information provided by Navitus Bay. Notwithstanding that point, whilst photographs, photomontages and other forms of visual representation (such as dynamic 3D imagery) can be very useful they cannot substitute for experience in the real world.

The PEI3 recognises that the offshore turbines would have major visual impacts from some parts of the district's coastline, and would alter the open context in which the Needles are currently viewed. It is evident that, especially if the larger turbine option is employed, the wind farm would be very noticeable in views from our coastline. The PEI3 concludes that it would not be a dominating influence in these views, but whether or not the turbines will appear 'dominating' in the views could be considered a primarily subjective judgement - individual opinions are likely vary considerably.

The assessment of the offshore turbines as having 'moderate' impacts on landscape and seascape character appears fair based on the available information.

The landscape and visual impacts are considered to be adverse, and any that are 'moderate' or greater should be treated as 'significant' for EIA purposes, in the absence of any adequate justification to the contrary.

3. CHAPTER 15: The setting of heritage assets

3.1 Summary of report's findings

The report considers the how the setting of heritage assets within 30km of the turbine area will be impacted. The five assets considered to have the greatest sensitivity all lie outside this District. The report concludes that the impacts will not be significant.

The assessment of the impact of the project on the Jurassic Coast is ongoing and will form part of the Environmental Statement when the application is submitted.

3.2 Response

Methodology

The methodology applied appears to have taken account of all the relevant evidence that was reasonably available to the company and would appear to be based upon accepted methodologies of assessment that are set out and promulgated by national heritage bodies such as EH and recognised as being currently valid.

Conclusions on likely impact

The conclusions on likely impact appear to be reasonable given the evidence used. It is unclear however how designated assets that were assessed in the field were identified for further assessment. It must be presumed that this was done on the basis of EH guidance on assessment of setting. If that is the case then the conclusions reached are considered to be reasonable.

Categorisation of Impact.

None of the assets selected for further assessment appear to fall within this Council's area.

4. CHAPTER 17: Commercial fisheries.

4.1 Summary of report's findings

During the construction phase, moderate impacts are predicted to individual vessels due to a loss of access from the application of safety zones around structures and interference to fishing operations by construction vessels and plant. Changes to the availability of commercially fished species resulted in the assessment predicting major impacts for rod and line vessels with moderate impacts to the general categories of static gear, towed gear and charter angling. During operation and decommissioning, moderate impacts are predicted for individual vessels. Where significant effects are identified, appropriate mitigation is being developed with fishermen through the development of a fisheries liaison programme and commercial discussions with identified vessel owners.

4.2 Response

Methodology

Data appears to be wide-ranging and well-considered. The assessment would appear however to contain little in the way of supply chain analysis and the wider impact that reduced (or increased) catches may have as a result of the development. Similarly the same can be said for chartered rod and line fisheries and any impact this may have on the leisure industry albeit this is likely to be minimal or negligible.

Conclusions on likely impact

The evidence appears to support the conclusions on impact in general terms. The assessment recognises that the project may lead to vessels being displaced to alternative fishing grounds and that this may increase competition for resources or increase steaming times to access alternative fishing grounds. Some figures as to the extent of likely displacement would have been useful in this section in order to understand more fully the likely impact of the development, although the difficulties in gathering this type of information are acknowledged.

Categorisation of impact

In order to mitigate the impact of the project on commercial fisheries it is proposed to set up a project specific fisheries liaison programme and to commence commercial discussions with individual vessel owners identified as likely to experience a material reduction in fishing grounds due to the establishment of the turbine area and/or cable laying activities. There are no specific initiatives mentioned here as to how any loss of income may be recompensed or indeed the impact this may have on the wider supply chain community. However, in this District, the fisheries industry or businesses relating to this are not as significant employers in comparison with the districts further along the coast. Specifically ABI data for 2007 shows that just 0.05% of employees in the New Forest were employed in fishing. As such, any impact upon the wider economy of the New Forest is likely to be negligible. Although the leisure and tourism industry represents a significant part of the local economy, the proportion of this reliant upon the chartered pleasure fishing trips is small. In any event, the area of operation of such vessels is large enough that they could be dispersed outside of the operation zone with minimal effect.

5. **CHAPTER 21: Offshore socio-economics and tourism**

5.1 **Summary of report's findings**

The assessment considers the potential impact of the offshore components of the project on the local supply chain and local tourism industry, specifically in relation to the tourism economy and individual businesses.

With regards to local employment, a proportion of jobs generated would be secured by the local supply chain, dependent on the level of skills, training, capacity and

success in the procurement process. The project is assessed as having either a minor or moderate beneficial impact on the local employment.

With regards to coastal resort tourism, potential impacts are likely to be minor during the construction and decommissioning phases but a moderate adverse impact during the operational phase, although this is anticipated to reduce to minor adverse impact with mitigation measures in place, which could include information dissemination during the construction phase, a visitor centre and funding to local authorities to deliver measures which would promote local tourism.

With regards to inland tourism businesses, these are unlikely to be directly affected by the offshore components, although they would be susceptible to any change in the overall visitor numbers. The potential impact is assessed as being negligible during all project phases.

The overall assessment is that the potential impacts of the offshore component on socio-economics and tourism would be not significant following mitigation.

5.2 Response

Methodology

With regards to the study area, taking Hampshire as a whole is not helpful, given its diversity. For example, the economy in the north of the county sees lower unemployment and a high reliance on the aerospace industry (and related supply chains), which is clearly significantly different to the economy of the New Forest and other coastal authorities.

The level of tourism sensitivity is assessed in relation to the proportion of visitors attracted from outside the study area. However, this ignores the movement of individuals within the study area who can still be classes as tourists. Indeed, those taking day trips are a critical part of the visitor economy.

The assessment of wage inflation (in relation to socio-economic receptor sensitivity) should be informed by reference to data from the ONS Annual Survey of Hours and Earnings. This is a measurable (dis)benefit and should therefore be considered as part of the social economic impact report. This date is referred to oat paragraph 21.55, yet a source is not provided. In any event, this warrants further analysis as the low wage, part time characteristics are a reflection in part of the tourism related economy.

The survey of tourism businesses only includes an area a far east as Christchurch (Table 21.10). This would appear to be inconsistent with the acknowledged study area as shown in Figures 21.2.

The percentage of people employed in tourism at paragraph 21.52 refers to Hampshire, but a much high percentage needs to be considered for the New Forest Area (14.9%).

The figures quoted in 21.84 and 21.85 for overnight trips and day visitors is inconsistent with data held by New Forest District Council which record 13.5m visits (including day visitors) and a value to the local economy of £400m.

In the section on commercial fishing (section 21.5.2) reference should be made to the impact of displacement for fishing vessels. In other words, whilst the study focuses on loss of fishing grounds, it focuses on the loss of vessels within the affected area yet also of note is the impact upon vessels who do not fish in these areas yet whose catch may be impacted by the displacement of directly affected vessels.

At paragraph 21.186 the small size of the visitor focus groups (36 participants in all) is acknowledged. The results from such a small number of people cannot reasonably be treated as an accurate reflection of views held more generally.

Conclusions on likely impact

Given the evidence provided, the conclusions reached are not unreasonable.

Categorisation of impact

Whilst the categorisations would appear reasonable, the above points should be noted.

6. CHAPTER 22: Offshore recreation.

6.1 Summary of report's findings

The report acknowledges the significant use of the area for offshore recreation, with some activities such as offshore angling being of regional importance. Impacts on the following activities are assessed as being negligible over all phases of the development: bathing, cycling, walking & horse riding (on coastal public rights of way). The impact of the project on onshore angling would be minor, reducing to a negligible impact during the operational phases as fish stocks recover. Likewise, the impact of the project on recreational sailing would be minor during the construction phase as some events would need to divert their routes, going to negligible impact during the operation and decommissioning phases. The impact of the project on marine mammal watching would be negligible to minor. The impact on bird watching will be assessed once the assessment of the impact on ornithology has been completed.

6.2 Response

Methodology

Whilst generally the methodology is sound, the following comments are provided.

Insufficient account would appear to have been taken of shore based angling activities as no figures are provided for this in terms of the estimated numbers of participants within the study area. Similarly for chartered trips (paragraph 22.99), no figure is provided for the scale of activity.

The desk based research referred to under paragraph 22.114 (Horse riding) doesn't appear to be locally focussed. The consultation evidence appears to be The British Equestrian Trade Association yet no detail is given as to the local context within this.

Paragraph 22.120 refers to 'considerable' yachting activity. Some scale in terms of actual numbers would be helpful, which would enable comparison with other (neighbouring) areas).

Table 22.9 provides estimates of participation in different forms of recreational activities. Whilst paragraph 22.129 acknowledges that extrapolating national statistics to the local area is a relatively crude method, the evidence is considerably weakened in its usefulness as it does not take into account the particular natural environment that influences recreational activity rates in this particular area.

Conclusions on likely impact

The conclusions would generally appear to draw upon the evidence currently available in a reasonable manner.

Categorisation of impact

Whilst the categories of impact are not objected to, the assessment has not captured those who believe that the impact of the development may be greater than in reality it will be i.e. perceived negative impacts. This may result for example in some sailors staying away from the area. This is referred to obliquely at paragraph 22.178 with reference to sailors who will divert around the area despite the restrictions not directly applying to them.

7. CHAPTER 23: Onshore ground conditions, contaminated land, soils and land use.

7.1 Summary of report's findings

The cable route crosses a number of bedrock formations and various watercourses. The soils along the route are of low to very low fertility, and the land is predominantly agricultural land. There will be a minor impact from the temporary loss of agricultural land along the cable corridor. All other impacts are predicted to be negligible. Best working practice and pollution prevention will be implemented during construction to mitigate the effects of potential contamination. Impacts on any ground conditions and soil receptors resulting from the construction, operation or decommissioning of the project would be not significant.

7.2 Response

Methodology:

The methodology used to assess the impact of the development on land contamination is satisfactory. There is a referencing error however at paragraph 23.14 in which it is stated that paragraph 121 of the Environmental Protection Act requires the developer to ensure that land after development cannot be classified as contaminated land. This reference is actually from paragraph 121 of the National Planning Policy Framework.

Conclusions on likely impact

Subject to the proposed targeted ground investigation works taking place as part of the detailed design process post application, it is agreed that potential contamination during works will be avoided with appropriate pollution prevention techniques in place.

In respect of potential impact due to ground instability, both at the landfall and throughout the route, paragraph 23.61 advises that landslides are not recorded inland, and as the landfall would be constructed using trenchless techniques which would avoid the risk of landslides, the risk is considered to be extremely low and has therefore been scoped out of this assessment. However, paragraph 23.102 recognises that notwithstanding measures to mitigate the risk of cliff instability at landfall such as burying the cables at a sufficient depth to avoid exposure, the use of horizontal directional drilling and locating jointing pits behind the predicted cliff recession line, a residual risk remains. For that reason, an ongoing assessment of the impacts on cliff instability at the landfall site is taking place and an intrusive geotechnical investigation will be undertaken to inform the detailed design stage. Paragraph 23.141 further advises that work on the potential impacts of cliff instability at the landfall site is ongoing and will be assessed further in the Environmental Statement.

The potential for landslip or cliff instability is not a matter which can properly be scoped out, and the reference to this at paragraph 23.61 conflicts with the later references to further work and assessment being undertaken. For the reasons contained in the Council's response to Chapter 5, the environmental information in respect of cliff instability is currently not sufficient to assess the likely impact of the development at landfall.

Categorisation of impact

The categorisation of impact with regard to potential contamination as not significant is reasonable, given the evidence gathered to date, and having regard to the mitigation measures proposed.

No categorisation of the 'magnitude of effect' on the issue of cliff instability at landfall is yet available, and therefore the impact cannot currently be categorised.

8. **CHAPTER 24: Onshore water environment.**

8.1 **Summary of report's findings**

The assessment considered the potential impacts on existing water quality, water resources, flood risk and hydrological conditions in watercourse catchment areas intersecting with the onshore development area.

Following the implementation of drainage measures, flood management measures and pollution prevention techniques, the reports concludes that the impacts associated with the construction, operation and decommissioning phases of the landfall, cable corridor and substation works on the water environment are not significant.

8.2 **Response:**

Comments provided only in relation to the potential flood risk element of the work. Hampshire County Council is now the lead Local Flood Authority and has ecological expertise. Water quality is a matter for the Environment Agency.

Methodology

It should be noted that a Flood Risk Assessment may be required for areas less than 1 ha in the New Forest District council area s noted in the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks (September 2007) Clause 10.3 (Proposed Development within Zone 1 where development is less than one hectare).

Conclusions on likely impact

No comment.

Categorisation of impact

No comment.

9. CHAPTER 25: Onshore air quality.

9.1 Summary of report's findings

This chapter deals with an assessment of air quality (dust) and gas emissions at the landfall, substation, and the cable corridor in between, and the impact of any reduction in air quality on people. A reduction in air quality may be caused by soil stripping, plant movement, materials storage, transport of materials and topsoil replacement. Whilst there are no air quality management areas defined within 15km of the site, there are 113 residential properties, one office and 12 businesses within 100m of the cable corridor, and 13 of the residential properties are within 20m of the site (seven within this District).

The project will follow a Code of Construction Practice which includes measures such as wheel washing, the use of water sprays in dry and windy weather and sheeting stockpiles of materials.

For properties beyond 20m of the cable corridor the assessment concludes that following the Code of Construction will mean that the risk to people is negligible. For properties within 20m the impact of disturbance through dust would be minor. In both cases, the embedded mitigation would mean that the impact would not be significant.

9.2 Response

Methodology:

Generally, the methodology used is satisfactory, however it would appear that some human receptor sites within 20m of the cable corridor may not have been identified e.g. A dwelling at The Paddocks, Bashley Drive, the tennis courts and play area adjacent to the cable corridor at Bashley Caravan Park and the golf course adjacent to the cable corridor at Bashley Park Golf Course, Sway Road, Bashley. Not all relevant environmental information may have been collected on this issue due to the non-identifying of potentially sensitive receptors.

The method of assessing likely impact departs from the standard method, in that the method assesses the sensitivity of an area rather than the sensitivity of an individual receptor (paragraph 25.31). The effect of adopting this approach is that the significance of the impact of dust entering the property of a resident living close to the construction works in the cable corridor is determined in part by how many other houses there are in the area. The more houses in the area, the greater the sensitivity of the area. However, the nuisance caused by dust is experienced at the same level by individual receptors, irrespective of how many other dwellings experience the nuisance. Whilst the approach is not incorrect, and the classification of the impact as being 'moderate' without mitigation and 'minor' with mitigation is not unjustified, the Council would like to see further mitigation measures put in place to assist with its handling of complaints about air quality. For example, for those parts of the cable corridor within 20m of dwellings, contractors should undertake to keep dust logs, noting the direction and strength of wind and the extent and density of dust clouds

which could be checked by the Council's environmental health officers in the event that complaints are made. Moreover, the contractor should undertake to provide a point of contact for residents in the area in the event of problems arising.

Conclusions on likely impact

See above.

Categorisation of impact

See above.

Other

The list of local development plans with policies of relevance to this issue is incomplete, in that it should include Policy CS5 of the New Forest Core Strategy which refers to development that result in pollution.

Paragraphs 25.28 and 28.50 make it clear that the effect on air quality as a result of vehicular emissions from plant and delivery vehicles and traffic emissions generally have been scoped out of the assessment. Section 6.4 of the Community Consultation Document advises that the assessment of air quality considered exhaust emissions generated by onshore construction activities, including vehicles and excavators. The CCD would appear to be in error.

10. CHAPTER 26: Onshore noise and vibration

10.1 Summary of report's findings

The assessment considers likely noise and vibration impacts within 300m of the onshore landfall (Taddiford Gap) and cable corridor. The assessment is not yet complete because consultation on details of mitigation measures is on-going. Noise may be generated by activities during the construction phase such as the erection of fencing, tree felling topsoil stripping, trench excavations, access route construction and construction traffic. Vibration during construction may be generated by excavation, heavy vehicles, hydraulic breaking etc. The operation and maintenance period is unlikely to produce any noise or disturbance and has been excluded from assessment (other than for the substation, which lies beyond the District). The decommissioning phase would have similar effects to the construction phase.

The assessment takes account of 'embedded mitigation' measures such as programming of works to avoid night working where possible and use of acoustic screening for static items of plant.

Without additional mitigation, the assessment concludes that the majority of the construction and decommissioning activities would likely exceed acceptable noise levels for properties within 20m – 50m of some areas along the cable corridor (up to

35 dwellings effected along the whole route). Traffic noise is not considered to be significant. Vibration would also be not significant.

Mitigation measures have not been finalised, but it is proposed that they should include a public awareness campaign during the construction phase, providing residents with local information about hours of construction and contact details in the event of noise disturbance, together with temporary acoustic fencing along several sections of the corridor within the District. In the event that satisfactory noise levels cannot be achieved, despite these measures, insulation of dwellings or temporary re-housing of residents could be implemented by the project, although this is only likely in one area, and it is envisaged that this will not be necessary.

10.2 Response

Methodology.

Assessment of the possible impact of noise during construction has been undertaken using the methodology set out in BS5228-1:2009 Annex E2. The criteria in the BS only extend to 22:00 hours. Notwithstanding the Council's general agreement that baseline noise surveys are not required, if 24 hour working is undertaken for unavoidable reasons, then the fixed noise rating assessment employed in Annex E2 of the BS would not be applicable and a baseline survey would be required to enable the significance criteria in Annexes 3.2 & 3.3 of the BS to be used.

The construction compounds are likely to result in longer term impacts due to their static character as compared with the impacts along the construction corridor which will move from one section to another. It is unclear how this has been taken into account in the methodology used.

The PEI(3) gives no indication of the values ascribed to 'receptor sensitivity' or 'magnitude of effect' for the issue of vibration during construction of the cable corridor, although the level of significance is given as 'minor'.

Conclusions on likely impact.

At table 26.6 a façade noise level less than 70 dB(a) is categorised as 'imperceptible'. Paragraph 26.44 advises that an imperceptible effect may still be audible/detectable, particularly during construction. In the Council's view, a LAeq of just under 70 dB is an average over the working day, therefore in reality, noise levels will be higher and lower at different times through the day. It is incorrect to categorise noise less than 70 dB(a) as 'imperceptible', notwithstanding the noise will be transient in nature. This is an incorrect transference of BS5228-1:2009 Annex E2 into EIA methodology and should be reconsidered as it may lead to a different positioning on the Impact Significance Matrix (Table 26.7).

Categorisation of Impact.

The Community Consultation Document (CCD) advises that the impact from the noise of construction is likely to be of minor significance once mitigation measures

such as acoustic screening are taken into account. This post-mitigation categorisation is not found in the PEI3 document.

Acoustic fencing placed on one side of the cable corridor only, such as that shown at Figure 26.4(d) would reduce the impact of noise disturbance to properties on one side of the fence but may increase the noise impact for other properties opposite the fence, due to noise being reflected to one side of the corridor. Further work on the design of mitigation measures needs to be undertaken in order for the conclusion of 'minor impact' post mitigation to be justified.

Other comments.

The PEI(3) does not identify the one part of the corridor in which dwellings may need to be insulated, or occupiers may need to be relocated to avoid unacceptable impact from noise. Given the significance of such mitigation measures on the lives of residents, the PEI(3) should have identified the properties that may be subject to such mitigation measures.

11. CHAPTER 29: Onshore landscape and visual

11.1 Summary of report's findings

The report considers the impact of the landfall site, cable corridor and substation on people and landscape.

Whilst the majority of receptors would experience minor impacts during construction, operation and decommissioning which are considered to be not significant, users of the coastal footpath and visitors to the coast along the footpath from the car park at Taddiford Gap will experience a major-moderate impact during construction which is classified as a significant impact. There would also be major-moderate to moderate impacts for users of the National Cycle Route along Lyndhurst Road, private residents and users of the footpath off Sway Road in Bashley and private residents and users of the footpath from Heath Road in Hordle. The construction of the cable corridor would involve the loss of some field hedging and trees which would have a moderate impact on two of the landscape character areas.

The landscape of the cable corridor would be reinstated.

11.2 Response

In respect of onshore impact, there will be a large sub-station which may have significant local impacts, but this is well outside the district boundary, so raises no landscape or visual issues for the Council.

There will be temporary impacts during the construction phase, some quite substantial, along the cable route which passes through the district, but subject to appropriate methodology and specification to minimize initial disruption and ensure satisfactory restoration of any disturbance caused, there should be no significant

long-term impacts. Parts of the cable route, e.g. where it crosses rivers, railways, major roads, sensitive ecological habitats, and at the point of landfall, will be tunnel bored rather than trenched, so there will be no surface disturbance in those sections.

12. CHAPTER 30: Onshore cultural heritage and archaeology

12.1 Summary of report's findings

There are 60 designated heritage assets within 500m of the cable corridor, landfall and substation of which 55 are listed buildings. None of located within the cable corridor, The Plough public house at Bashley lies 15m west of the corridor. A total of 358 non-designated assets such as barrows and remains of ridge and furrow agricultural practice lie within 500m of the cable corridor, landfall and substation, of which 51 would be impacted by the project. The impact significance is assessed as either minor or negligible, with mitigation measures in place.

12.2 Response

Methodology.

The methodology appears to have looked at all the relevant evidence. The evidence appears to have been assessed on the basis of acknowledged national guidance which seems to be reasonable.

Conclusions on likely impact.

The conclusions on likely impact appear to be reasonable based upon the evidence identified in the PEI(3)

Categorisation of Impact.

The impact significance appears to have been reasonably categorised and assessed based upon the value of the asset. The inevitability of unknown or uncertain values appears to have been covered with the agreement of the relevant professionals from the authorities concerned and a methodology for dealing with this scenario has been set out in the document.

13. CHAPTER 32: Onshore socio-economics and tourism

13.1 Summary of report's findings

The assessment considered the potential impact of the onshore components on the local supply chain and local tourism industry, specifically in relation to the tourism economy and individual businesses. During construction approximately 320 jobs would be created. Navitus Bay would implement a strategy to work with stakeholders to maximise potential benefits to the local supply chain, businesses and workforce.

There would be potential obstruction to those accessing tourism-related businesses during construction and decommissioning which would have a minor adverse impact. Some businesses expressed concern about potential landscape and visual matters from construction works, but these are considered to have a negligible impact. The impact would be not significant overall.

13.2 Response

Methodology

The study area selected for the impact of tourism which comprises a 2km strip either side of the cable corridor only contains a small (but not insignificant) proportion of New Forest businesses.

The figures presented at paragraph 32.67 for staying trips and £'s of visitor spend per annum would appear to be disproportionately small, compared to figures held by New Forest District Council for numbers of visits (13.5m including day visitors) and the value to the local economy (£400m).

Paragraph 32.83 states that only 22 of the possible 52 businesses responded to the survey. There is no mention in the methodology as to what lengths those responsible went to in order to extract replies. Were for example follow up requests made?

Whilst supply chains are referred to in the context of the construction, maintenance and decommissioning of the site, there is no reference made to the impact upon the supply chain to businesses impacted (positively or negatively) by the onshore developments. Whilst this information is not always easy to capture, it should nevertheless be noted that the impacts of such a development can go beyond just the businesses focussed upon within the study area.

Conclusions on likely impact.

The sensitivity of the tourism economy in the area is based on a comparison of the numbers of people employed in tourism in the area compared with the national average (paragraph 32.134 and table 32.16). The percentage of people employed in tourism in Hampshire (7.7%) is below the national average of 8.2%. However, this doesn't take into account the high proportion employed within the tourism economy within New Forest District. The Hampshire County Council Economic Profile for New Forest District (2006) estimated that 14.9% of individuals were employed within this sector compared to 8.3% within Great Britain or 8.6% within Hampshire. The assessment of the sensitivity of tourism for this District would therefore not be appropriately classified as 'medium'.

Other conclusions would appear to be reasonable, but with regard to tourism businesses in particular, the sample size of survey work was low and therefore any data received should be treated with caution.

With reference to mitigation (paragraph 32.146), in the first instance local training provides should be considered for funding as this has the potential to further the employment opportunities and associated supply chain benefits.

Categorisation of Impact.

The sample size of businesses concerned and the lack of correlating data (in comparison with the offshore sample) make it difficult to accurately make judgements about the soundness of the evidence provided in response. Whilst the categorisations would appear reasonable, the above points should be noted.

14. CHAPTER 33: ONSHORE RECREATION

14.1 Summary of report's findings

The report considers the potential impact of the onshore components of the project on cycling, horse riding, nature study (bird watching), walking, angling and shooting. The assessment concludes that there would be a moderate adverse impact on cycling, walking and horse riding, although this would reduce with mitigation. There would be minor impacts on shooting during construction and a negligible impact in terms of bird watching and angling. Mitigation measures would include distribution of information to those using the area for recreation during the construction phase.

14.2 Response

Methodology

In the section on 'survey methodology' at paragraph 33.52 reference is made to desk-based research and interviews. However, there is little detail given of the methods employed such as the number of interviews carried out, the response rate to requests for interviews or the level of information that interviewees were presented with on which to base their response to questions.

Table 33.8 provides estimates of participation rates of different types of recreation activity, based on national participation rates. Paragraph 33.66 acknowledges that these rates will vary locally, but there is no reference to any locally based data. Whilst it may not be possible to obtain data for all types of activity, it would be possible for example to monitor cycle path traffic, which would have demonstrated to some extent how significant the impact of the project would be on cycling. The absence of any locally based figures significantly limits the usefulness of this data.

The chapter does not pay sufficient regard to the seasonal nature of different types of recreational activity and the extent to which the impact of road/path closures/diversions will impact to a different degree depending on when the works take place i.e. if the 5 month window in that cycling is restricted is during the summer months, then the impact will be felt to a greater extent on cycling than if the works

took place during the winter. Moreover, there is little reference to the impact of road closures on visitor activity and the movement of leisure participants and visitors.

Conclusions on likely impact and categorisation of impact.

The conclusions reached are reasonable, based on the methodology used and data obtained, although the conclusions are made less robust by the lack of locally based participation figures.

Planning Act 2008 (as amended) Section 55**Application by Navitus Bay Development Ltd for an Order Granting Development Consent for the Navitus Bay Wind Park****Adequacy of consultation request – New Forest District Council Response****24th April 2014**

This document sets out New Forest District Council's formal response to the adequacy of consultation requested by the Planning Inspectorate (PINS), in accordance with Section 55 of the Planning Act, as amended by the Localism Act 2011. In formulating the response, this authority has considered how the applicant Navitus Bay Development Ltd (NBDL) has complied with Section 42, 47 and 48 of the above Act.

New Forest District Council officers have worked with other authorities in Hampshire (New Forest National Park and Hampshire County Council) and other authorities in Dorset and the Isle of Wight who are directly affected. This joint working enabled the local authorities to engage proactively with NBDL and to discuss issues at regular intervals. New Forest District Council also sent formal invitation to the affected Parish and Town Councils for comments on the adequacy of consultation and consultation generally – appended to this response are 3 representations from Parish Councils and one individual, together with attachments which are representations received by the 'Challenge Navitus' umbrella group.

1.) Duty to consult PA2008 – Section 42 (carried out between 2012 - 2013)

Following consultation by NBDL in September 2011 on Scoping Opinion for EIA which NFDC responded to, the Preliminary Environmental Information 2 was released in June 2012 and considered by NFDC Planning Development Control Committee with responses made to NBDL. These were in relation to environmental health, landscape & visual assessments, and coastal impacts in relation to ongoing work by NFDC coastal engineers. Updates throughout the pre-application process from NBDL about revisions to the specifications and extent of the wind farm site were received by NFDC and well explained. Preliminary Environmental Information 3 was received by NFDC in August 2013, and again this was considered by NFDC Planning Development Control Committee with responses duly made.

2.) Duty to consult the local community PA2008 – Section 47 (carried out between 2011 – 2013)

NFDC responded to the draft SOCC in March 2013 – re. the cable route consultation zones which omitted properties backing onto the cable route (NFDC supplied annotated map to NBDL who then amended the buffer zone in the appropriate places), a request for locations where documentation should be sent and minor, and minor comments on the SOCC. NFDC officers attended various public exhibitions within the district area and came away very satisfied that the exhibition content was effective and the exhibitions well staffed by NBDL. Additionally, comments received by Parish

Councils do not indicate any material shortcomings in the manner in which NBDL undertook its consultation through the various stages.

3.) Duty to publicise PA2008 – Section 48 (carried out in 2013)

NBDL kept this authority informed of the public notice it published in September 2013 and supplied electronic copies of that notice and accompanying documentation. Regular newsletters were also sent by email to this authority and distributed to various groups and recipients who requested it.

Conclusion

NBDL have publicised the development, sought the views of the local community, and consulted this council as a statutory consultee. NBDL have had regard to the responses received and amendments have been made to the proposal during the pre-application phase.

Concerns do remain from local Parish Councils and other groups in relation to the quality of the consultation material and outstanding issues with regard to the potential adverse effects that the project could bring. NFDC agrees that those points are valid ones, but these do not relate to the statutory duties of the consultation undertaken to date. Overall, NFDC is of the opinion that sufficient consultation has been undertaken during the pre-application stage and that the developer has complied with and met the requirements of the Planning Act.

NFDC does have an outstanding concern about the process going forward (should the application be accepted by PINS), with particular regard to the developer's unwillingness to provide local authorities with adequate hard copies of the documentation. NFDC notes that in Planning Inspectorate Advice Note 6 – *Preparation and submission of application documents* (June 2012) it states that '*At least one public inspection copy should also be made available at a location or locations in the vicinity of the proposed development. The Planning Inspectorate also strongly advises applicants to send a public inspection copy of their submission to the local authority(s) within whose area(s) the project is located.*' (Page 3). NFDC's ability to participate in the process going forward could be compromised by not having adequate access to printed copies of the full documentation and photomontages in an accurate format.

Appendix 1

Representations received (Email) from New Milton Parish Council

From: Theresa Elliott
Sent: 22 April 2014 12:33
Subject: Lack of information - Navitus Bay

Dear Mr Herring,

Thank you for your email dated 15th April, giving us until today to respond on information adequacy submitted by NBDL for the Planning Inspectorate to strike a view on whether the application should be accepted for consideration.

Both my colleague Claire and I were on annual leave all of last week, making today our first opportunity to respond.

From our meeting with NBDL in August I have noted that PTFE lining will be on the cable (benign but poisonous if ignited) and a 'top tile' but they were waiting for an assessment to come back in order to update the EIA. This update does not appear to have taken place according to the documents shown on your link to the Planning Portal.

Regards

Theresa Elliott
Assistant Town Clerk

Representations received (Email) from Milford on Sea Parish Council

From: Keith Metcalf
Sent: 23 April 2014 10:01
Subject: RE: Navitus Bay - Application for Wind Park

Dear Andrew,

Following our Planning committee meeting last night, members decided to respond as follows to the two questions:

Adequacy of the applicants consultation carried out

Members were content with the amount of publicity given to the windfarm proposals. The Parish Council has held copies of all Navitus Bay reports and background papers, which have been made available to the Council members and public at all times.

Likely impact of the development

The following concerns were discussed:

- The possible impact of waves hitting the wind turbine structures and the effect the new wave patterns might have on our precarious sea defences at Hordle Cliff, Milford Promenade, Hurst Spit and Keyhaven. The 14th. February 2014 storm dealt Milford a serious blow and considerable damage with over 100 beach huts lost, severe undermining of our sea defences and exterior and interior damage to The Marine Restaurant. If the wave

patterns are artificially disturbed out at sea, might this cause a change to how our coastline is affected by the waves hitting our shoreline?

- Members are also concerned about the impact on tourism at the point where the cables and pipes come ashore at Taddiford Gap and the route taken north-westwards. Downton Lane runs immediately alongside the route and the Shorefield Country Park is in Downton Lane. The Holiday Park has about 3,000 weekly visits and brings many visitors to our shops and restaurants, helping keep Milford-on-Sea commercially vibrant. Will holiday visitors be inconvenienced by the proposed pipe/cable laying process in this area?
- There appear to be varying reports from different wildlife organisations that indicate concern about migratory bird flight routes, Gannet fishing sites in the area and shell fishing etc. and we would like to be assured that the windfarm proposals have taken all of these concerns into full consideration

We would like these concerns registered and request that answers are sought from Navitus.

Thank you for allowing us an extension of one day to comment.

Keith Metcalf
Parish Clerk

Representations received (Email) from Bill Hoodless and John Lambon

From: Bill Hoodless (forwarding an original email of 14 April 2014 to Jackie Anderson)

Sent: 16 April 2014 11:56

Cc: Lambon John

Subject: Fw: Fwd: Navitus Bay Wind Farm .. invalid consultation

Dear Mrs. Anderson,

I believe you are the right person for me to advise of my concerns regarding the developer's (NBDL) consultation failings. If not grateful if you could forward.

Although the consultations were deemed Community Consultations, I was given the distinct impression that it is the statutory consultees carry the real weight. I'm assuming however that now matters are in the inspectorate domain, my comments on the invalidity of the consultation can equally be submitted to and formally taken on board by yourselves.

As an architect with over 40 years experience, whilst I have seen many failings in the Navitus Bay consultation process in many topic areas, I concentrate my expertise on visuals.

The message at each stage from NBDL is that they have followed industry standards endorsed by the Landscape Institute (the equivalent of my own Institute of Architects). I have approached the Landscape Institute and they have not commented. Nevertheless, in my view as an Architect there are serious failings and although I am forced to acknowledge that the industry standard, for right or wrong, remains the benchmark until revised, I cannot let NBDL's misrepresentations go unchallenged noting their stretching the boundaries of such standards.

Regardless of standards followed, I am sure you are aware that rules can and are bent. This has

been the case throughout this consultation when various graphic devices have been employed to effectively try and pull the wool over both the public's and statutory consultee's eyes. These include poor visibility base visuals, poor resolution, poor reproduction, lack of reference landmarks, indeed layout, all which collectively are tools at the disposal of a graphic communicator to minimize perception of true impact. This is notwithstanding the fact that the printed image can never replicate the naked eye or truth. But the issue here is that throughout the consultation NBDL, despite massive criticism, have not responded to these consultation criticisms and continued to employ graphic tricks to create impressions that the public and statutory consultees would, for the most part, accept in good faith, but in reality are misleading. The public outcry bears witness that I am far from alone in noting these deceptions but of course the majority and potentially the statutory consultees do accept at face value what NBDL put out at the consultations thus placing the validity of the consultation in question.

Fortunately, my expertise has enabled me to double check NBDL's visuals booklet for every single viewpoint. I find that the measurable turbines on the photomontages are undersize by an average of almost 46%. This is in part attributable to the turbine blades not being visible when in reality they are in fact the most visible element. This does not however excuse the undersizing of the wireframe images by an average of 12%. This is all taken from NBDL's own documentation, scales, images and benchmarks. As a professional I am obliged to analysis facts strictly as presented and my skills enable this.

Naturally there are variables but this remains tantamount to deception and on the basis that the visuals represent the main thrust of the developer's consultations, hence public perception, even that of the statutory consultees, this deception must be questioned in voiding the consultation process itself.

If you want details of my findings I will be pleased to forward them.

Please note also that the turbine images on page 25 of the Feb 2013 phase three community consultation booklet illustrated grossly undersize turbine blades. For example, the 8MW turbine sweep is illustrated at about 110m not 176m as stated. May be stating 176m excuses NBDL, but the deception is perpetrated with again an undersizing of close to 40%.

NBDL's PR has also been in overdrive.

For example, between consultation stages 2 and 3, NBDL nominally set back the boundary claiming it was in response to the public response on visual impact. Of course the reality was it was an inevitable set back to accommodate an essential navigation line and their PR team massaged the facts to promote the belief they had responded to the public on visual impact. Again my expertise enabled me to check the reality. In fact it was basic geometry. The truth was that the concurrent average increase in turbine height had effectively negated any visual improvement and of course it was a more economically effective scheme for NBDL. But, the public and media were led to believe it was a visual improvement and again a deception perpetrated.

Most recently, NBDL conducted a fourth round of public consultation to promote the impression

they have gone above and beyond. The truth there was absolutely nothing new, NBDL's representatives could advise on nothing except the process and they were not even aware of the concurrent revisions, despite being questioned on this very topic. People left these presentations most frustrated.

Unfortunately we have a David and Goliath situation where the resources and PR at NBDL's disposal can never be matched by a member of the public or indeed local organizations or expertise groups.

I trust now that it is in the domain of the inspectorate, our frustrations and comments will no longer fall on deaf ears and you will seriously question the adequacy of the consultation.

Regards and thanks,

John Lambon

DRAFT

Application by Navitus Bay Development Ltd for an Order Granting Development Consent for the Navitus Bay Wind Park

Registration and Relevant Representation from New Forest District Council - 19th June 2014

As a Local Authority New Forest District Council is automatically registered as an Interested Party in the process. This submission is provided as a relevant representation to assist the Examining Authority, when appointed, to form its initial assessment of the principal issues for discussion with regard to, without prejudice to the Council's final position which will be determined by Members, this proposal.

New Forest District Council officers are working with other authorities in Hampshire (New Forest National Park and Hampshire County Council) and other authorities in Dorset and the Isle of Wight who are directly affected. This joint working has enabled the local authorities to engage proactively with NBDL to identify key issues and to discuss these issues at regular intervals. Regular meetings between the Hampshire and Dorset authorities with NBDL to agree common ground (where possible) and the delivery of mitigation are ongoing, and this will feed into the Statements of Common Ground on various topic areas. In addition, dialogue is continuing with NBDL regarding suggested amendments to the DCO.

On the basis of the documentation published in the developer's application, there remain outstanding concerns with regard to the following issues and this council will set out its detailed comments in its Local Impact Report in due course. These comments predominantly but not exclusively relate to the expected impacts from the onshore elements of the proposal and in particular the impacts arising from works along the cable route both during construction and thereafter. It is anticipated that the council will make submissions on the following key issues:

- **Noise and vibration** – regarding the proposals to mitigate the effects of works during construction of the cable route and during operation of the scheme as a whole.
- **Cliff stability at Taddiford Gap** – in particular potential risks of direct erosion / increased land slide, exposure of features, and indirect erosion further along the coastline.
- **Onshore Landscape and Visual impacts (including impacts on trees and hedgerows)** - very substantial localised impacts during the construction phase which will last several years; uncertainty as to longer-term and permanent impacts; significance of impacts; adequacy of mitigation and restoration measures (closely linked to ecological measures) relating to the cable route
- **Offshore Seascape, Landscape and Visual Impacts** – visibility and impacts on character; significance of impacts
- **Water quality / flooding** - freshwater habitats are an important feature for the New Forest, with inherent risks of construction sediment being transported into sensitive areas.
- **Ecological impacts** – cumulative impacts on protected species and protected habitats and related mitigation, including compensation measures.
- **Transport and highways** – remaining clarifications on road closure (in relation to impacts on seasonal tourism, schools, regional events (e.g. New Forest Show), local farmers and access points including HGV movements / and space for turning on various sites.
- **Quality of the application material** - outstanding issues with regard to the potential adverse effects that the project could bring and the related ability of consultees to view the material in a useable format.

Navitus Bay Wind Park

Relevant Representations made to the Examining Authority by Hampshire Parish and Town Councils

Sopley Parish Council (10 June 2014)

At this stage we just would like to be registered as an "interested party" and that all communications are received by Sopley Parish Council.

The major concerns are:

Access to a 10 acre compound opposite Tyrrells Ford Hotel.

Access over small bridges in the local area.

Who has given permission for their land to be used as the proposed compound?

Milford on Sea Parish Council (20 June 2014)

There are several issues which Milford-on-Sea Parish Council wish to raise, as follows:

1. The impact of cabling work in Milford-on-Sea parish:
 - a. The length of time needed to complete cabling work and the likely impact of disruption to residents and tourists as a result of this. Particularly in terms of the required closure of the major A337 road, the closure of the coastal footpath and access to the beach, all of which could adversely impact on the tourist economy of Milford-on-Sea.
 - b. The impact on flood prevention measures currently in place in the area (the 1994 Downton Lane Flood Alleviation Scheme), potentially adversely affecting Milford-on-Sea village.
 - c. The area affected by the groundworks – size of the trench, the need for a permanent access road, replanting (or not) of vegetation.
2. The impact of the connecting station at Taddiford Gap with regard to noise/ construction disruption/ visual impact.
3. The loss of TPO'd trees amongst the estimated loss of 5000 trees.
4. The loss of important habitat and protected species in the area.
5. The effect of the wind farm itself on:
 - a. Coastal protection and wave patterns in the Milford-on-Sea area, particularly in light of the devastating storms in early 2014.
 - b. Migratory routes used by birds at Keyhaven and Milford-on-Sea Nature Reserves

New Milton Town Council (20 June 2014)

1. It is not acceptable that a significant, detrimental effect on our local seascape from the Barton coast is predicted in the Environmental Statement, urbanising the view with man-made structures and hence degrading the view from the coast. The view seaward from the coast provides an important natural setting for Barton sea front with its towering cliff scenery, wildflowers and unique Barton Fossils. The current natural quality of the seascape is important for the quality of life of our residents and for the tourists

who flock here every year.

2. New Milton and Barton-on Sea rely significantly upon coastal tourism and recreation to boost the local economy. Visitors are drawn to the area for its beaches and coastal scenery and numerous coastal recreational activities such as angling, boating and coastal walking. New Milton Town Council disagree with the Environmental Statement that there will be no significant negative effect on this economy. The five-year construction programme off the coast, across the shore locally at Taddiford Gap and then across the countryside combined with longer term degradation of the natural coastal views will have a significant detrimental impact on our economy.

3. While the importance of inter-relationships is identified in the Environmental Statement it is reported that there will be no significant detrimental effects from inter-relating impacts. However it is our view that impacts such as onshore noise and vibration will combine with construction impacts on traffic and pedestrians, onshore landscape impacts at Taddiford and seascape impacts at Barton to have greater negative impacts on local people and tourists together than when these impacts are considered as separate entities.

4. Similarly it is our view that tourists who come to stay locally come to visit the wider area and damaging inter-relationships with wider impacts will occur. Hence detrimental effects on, for example, the natural setting and appeal of the Jurassic Coast in Dorset will have knock-on detrimental effects for the tourist economy locally in the New Milton area.

5. Significant detrimental landscape and ecological impacts of the onshore cable route in the countryside around New Milton and Barton-on-Sea will occur in the short to medium term. Given our historic association with the New Forest mature trees are a much-valued feature in our landscape. The reported permanent loss of hundreds of mature trees from hedgerows on the cable route will leave a permanent scar in the landscape. The intention to avoid impacts to local woodlands of high ecological importance by tunnelling underneath is welcomed, but we are not confident that damage to roots and soil structure will be avoided and hence fear that these special places will also be damaged.

6. Throughout the Environmental Statement mitigation is important in reducing negative impacts, ranging from reducing any negative impacts on the tourist economy to ensuring television and other telecommunication signals are not affected. How can we be confident that impacts would be properly monitored and such wide-ranging mitigation would be effectively delivered, particularly given the long time-frames involved?

Netley Marsh Parish Council (23 June 2014)

Concern re New Forest National Park and the effect of the land based requirements of the scheme which will encroach on NFNPA land. Concern re views from land and affect this will have on tourism. Concern re Jurassic Coast and the potential Marine conservation area.