

**PROPOSED EXTENSION TO THE WALNEY
OFFSHORE WIND FARM BY DONG ENERGY**

**RESPONSE OF THE PPA AUTHORITIES TO THE
TECHNICAL REPORTS ISSUED BY DONG ENERGY
IN DECEMBER 2012 AND JANUARY 2013**

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Introduction

The Planning Performance Agreement (PPA) Authorities (Cumbria County Council, Lake District National Park Authority, Copeland Borough Council, South Lakeland District Council, Lancashire County Council and Lancaster City Council) have been consulted in respect of technical reports from DONG Energy for the proposed Walney Offshore Windfarm extension.

This is joint response on behalf of the PPA Authorities to the technical reports issued in December 2012 and January 2013. It is an interim response (Volume 1), pending receipt of all the reports requiring consideration by the PPA Authorities and completion of necessary consultation between the authorities.

This is an informal technical response made by officers of the PPA authorities and does not represent a formally adopted position of any of the authorities. The authorities reserve the right to make formal representations at a later date and to vary their comments in the light of any additional information that may become available.

Content

This volume includes comments in respect of:

- Noise Assessment
- Terrestrial Protected Species Survey
- Botanical Survey
- Archaeology and Cultural Heritage, Onshore Baseline Report

Comments will be made at a future date in due course in respect of:

- Intertidal ornithology
- Flood risk assessment
- Seascape and Landscape Visual Impact Assessment (impacts of offshore development)
- Landscape and Visual Impact (impact of onshore development)

The PPA Authorities will not commenting in respect of:

- Shipping and Navigation
- Marine archaeology

Comments on Reports

1. Noise (Subacoustech Environmental Limited, 17 December 2012)

- 1.1 These comments are made mainly in respect of the human impact of noise on the onshore environment. For impacts on marine wildlife, Natural England is generally considered to be the competent authority to review the report.
- 1.2 The PPA Authorities are satisfied that, whilst the information presented in the report is based upon assumptions and estimations, it is a fair representation of the potential noise impacts arising from the proposed development.
- 1.3 However, as the information is based on what will be the perceived levels of noise it is assumed that, in the event that noise levels become an issue for residents in that area or appear to be exceeding the forecasted levels, the developer will engage with the relevant local authorities and residents to resolve the issue. This is of particular relevance when considering that piling works will run through the night at a time when back ground noise drops significantly and receptors are more susceptible to increased levels of activity, particularly as this may occur continuously over a prolonged period of time.
- 1.4 Furthermore, there is potential for cumulative effects caused by a variety of onshore wind farm applications, in general proximity to the development area, being constructed simultaneously to the Walney extension and therefore the local authorities would expect the developer to work with all parties to ensure that if this were to pose a problem that measures would be put in place to mitigate the impacts on the local community.
- 1.5 The location of the proposed onshore activities relating to construction and decommissioning of the wind turbines is at this stage unknown and noise impacts will need to be addressed. Similarly, the onshore activities relating to operation of the windfarm may also have noise impacts, which at this stage are unspecified. Any issues concerned with noise will have to be addressed when this information becomes available which could be agreed through setting agreed limits if consent is applied for under section 60 Control of Pollution Act 1974 for which data on plant and equipment would need to be provided. Noise from associated activities, including traffic, helicopter movements, shipping and other servicing activity will need to be considered.
- 1.6 It is assumed that the developer will produce a community strategy providing direct contact details for the developer in charge of the construction and decommissioning work, which will be available to the public and the local authorities, so they have a direct line of contact to call in the event of any problems arising.
- 1.7 In conclusion, the PPA Authorities have no objections to the proposed development based on noise arising offshore, provided that:

- The developer is willing to continue to work with the local community to resolve any noise issues which arise (as suggested above)
- The potential for cumulative impacts of noise are addressed

1.8 Noise impacts resulting from onshore activities associated with construction, operation or decommissioning, including transport related impacts need consideration.

1.9 It is assumed that noise impacts on the marine environment will be considered by the relevant competent authorities, including Natural England in respect of marine wildlife

2. Terrestrial Protected Species Survey Report (RSK, November 2012)

2.1 The PPA Authorities consider that the surveys appear to have been carried out to a reasonable standard and in accordance with recognised guidelines.

2.2 Great crested newts. Surveys found evidence of this species. Section 4.1.2 notes that a European protected species licence will be required. The determining authority is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and will therefore need to be satisfied that the proposals are licensable. The PPA authorities consider that a shadow licence or letter of comfort from Natural England should be in place prior to determination of this application.

2.3 Water voles. Surveys found no evidence. Section 4.2 states that no further action is required. However, it is not clear whether or not there is suitable habitat and/ or a possibility that water voles could colonise in the period between surveys and the commencement of works. The PPA authorities consider that a requirement should be included in the Development Consent Order (DCO) that, prior to works within 8m of watercourses/water bodies, a precautionary re-survey for water voles is undertaken and a scheme of mitigation agreed if water voles are found at that time.

2.4 Otters. Surveys found evidence of otter activity south of substation option 2. Section 4.2 states that no holts were found and no further action is required. However, it is not clear whether or not there is a possibility that holts could be established prior to commencement of works, or whether or not the proposed works have the potential to result in breaches of legislation. As otters are a European protected species, it is suggested that Natural England should be asked to comment on the acceptability of the proposals. The PPA authorities consider that pre-commencement re-surveys may be appropriate, which could be the subject of a requirement of the DCO.

2.5 Bats. No evidence of bats found, but trees with potential to support roosting bats could be affected by construction. Section 4.3 outlines a precautionary approach if trees 1 or 2 would be affected and the PPA authorities consider that this forms the basis of a DCO requirement.

- 2.6 Wintering birds. It is not clear whether the survey area included only the land that would potentially fall within the footprint of development and/or surrounding land where birds could be indirectly affected by the development. If qualifying features of Morecambe Bay SPA (such as pink-footed goose) are present in the wider area, construction and operation could result in disturbance and displacement of this species. The determining authority is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and will therefore need to be satisfied that the proposals will not result in a likely significant effect on the European site, alone or in combination with other plans or projects. It is therefore suggested that the views of Natural England are sought.
- 2.7 Belted beauty moth. Table 14 states that the proposals will result in a loss of habitat but that mitigation proposed for the saltmarsh SAC will mitigate these impacts. Without seeing detailed mitigation/compensation proposals, it is impossible to comment upon the acceptability of these. The PPA authorities consider that the applicant should provide details of mitigation for consideration and that mitigation is covered by a DCO requirement.
- 2.8 Birds. Table 14 states that there will be a loss of foraging and breeding habitat (permanent for the substation; temporary for cable route). Breaches of the Wildlife and Countryside Act 1981 (as amended) will need to be avoided during construction. This can be dealt with by a DCO requirement. However, DONG Energy will need to demonstrate that compensation for the loss of foraging and breeding habitat can be delivered to ensure that the proposals do not result in a loss of biodiversity.
- 2.9 Table 14 also notes that decommissioning would result in temporary impacts upon protected species (habitat loss, killing, injury, disturbance) but states that there would be “no effect following appropriate mitigation for that species and reinstatement”. As mitigation proposals are not included, it is not possible to comment upon this.

3. Botanical Survey Report. (RSK, November 2012)

- 3.1 The vegetation surveys appear reasonably thorough to enable an assessment of impacts and inform mitigation/compensation proposals.
- 3.2 Although much of the survey area is of limited biodiversity value (improved grassland), there are a variety of habitats of greater ecological value (including UK BAP priority habitats and habitats associated with the European designated site). There is also a range of species of value within Lancashire. It would clearly be appropriate for impacts on such species and habitats to be avoided where possible. The applicant should demonstrate that adequate mitigation and compensation for unavoidable impacts can be delivered.
- 3.3 Although the survey identifies the substation options as of generally low biodiversity value, it should be noted that the areas of improved grassland that would be lost under the footprint of the substations have been identified as the UK BAP priority habitat 'coastal, floodplain grazing marsh'. This is a rare or

threatened semi-natural habitat which is the subject of concerted action by many different organisations involved in wildlife conservation (see Natural England's Nature on the Map tool). It would therefore be appropriate for the applicant to demonstrate how compensation for the loss of this priority habitat can be delivered.

3.4 Giant hogweed (Schedule 9 Wildlife and Countryside Act 1981 (as amended)) is present in the wider area. The applicant will need to adopt appropriate working methods to prevent the spread of this species.

3.5 The proposals affect habitats associated with the European designated site (and SSSI). The determining authority is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and will therefore need to carry out a Habitats Regulations Assessment prior to determination of this application. The applicant will need to ensure that sufficient information is submitted to enable the determining authority to carry out such an assessment. The views of Natural England should also be sought.

3.6 The preliminary impact assessment includes a number of statements to the effect that impacts will not be significant following re-seeding/habitat recovery. However, details of avoidance (in the first instance) and then mitigation and compensation for unavoidable impacts on habitats and species of conservation value have not been provided. It is therefore not possible to comment on the significance of the impacts or the acceptability/appropriateness of any proposed mitigation and compensation.

4. Archaeology and Cultural Heritage, Onshore Baseline Report (RSK Ltd, 10 December 2012)

4.1 The report has been briefly assessed and the following comments are provided for discussion.

4.2 The report is quite short and does not appear to provide full details of the work undertaken (e.g. the full date and duration of the field reconnaissance has not been given), although the appropriate standards and guidance have been referenced in the introduction to section 2.

4.3 The historical background supplied is a reasonable summary but it is notable that there is no detail of the documentary research undertaken or what sources were used to produce either this summary or the gazetteer beyond the general list set out in section 2.2.1, which does not seem sufficient to satisfy the referenced standards. It is possible, even likely, that a wider number of references were consulted, but their details are not recorded.

4.4 Section 2.2.1 and Section 6 do not mention any examination of aerial photographs.

- 4.5 The description of 'Events' noted in section 3.1.4 are incomplete, even with reference to only those included in the gazetteer (see below), and the first item identified (site 43) does not even seem to be an event (although the process of looking for such sites could be deemed an event). None of the reports associated with these (or other) events are referenced.
- 4.6 No details of the historical maps consulted (section 3.1.5) such as sheet numbers, scale and date, have been provided, nor have any extracts been reproduced, e.g. to demonstrate the extent of site 43. No reference has been made to any consultation of non-OS historic maps, such as William Yates' 1786 survey or Tithe Maps.
- 4.7 Historic Land Characterisation broad types are noted in section 3.1.6 but what this means is not explained nor are any inferences apparently drawn from this information. There is no discussion of the potential dates and significance of any landscape features such as the extant or former boundaries and field systems.
- 4.8 It seems odd that only one site not already extant in the Historic Environment Record or National Monuments Record has been identified and included in the gazetteer from the assessment and field survey work undertaken. Even a rapid viewing of aerial photographs and historic maps available on the web will show that there are features such as further areas of ridge and furrow and former field boundary lines still to be recorded within the study area. Whilst many of these will be of low importance their presence should still be noted as it provides an assurance that other more significant sites will have been recognised.
- 4.9 The summary of potential contained within section 4 seems appropriate.
- 4.10 The examination of the possible sub-station sites in sections 5.1.1 and 5.1.2 should perhaps note that contour evidence from the 1848 OS 1:10,560 mapping (sheet Lancashire 30) appears to demonstrate that peat cutting has occurred over Heysham Moss. A watching brief undertaken during the construction of the recent large road (A683) that divides the Option 1 and Option 2 sites (HER PRN23677) was limited in its results but also suggests limited depths of surviving peat along the road line. Is there any other information available that would indicate the depth of peat on these sites (e.g. Middleton et al 1995 *The Wetlands of North Lancashire*)? In its absence the conclusions drawn assume that peat does survive and suggest further investigation, which is an appropriate precautionary approach.
- 4.11 Whilst the visual impact of the two substation options on known heritage assets is not likely to be high, the impact on the historic landscape in general needs to be assessed. In particular the effect on the openness of the moss landscape and the surviving area of wetland (Heysham Nature Reserve) and views from the main road and houses on high ground to the north west need to be considered.

- 4.12 The assessment of the impact of the various cable route options in section 5 is made more difficult by some of the issues raised above, although the study does demonstrate that there are not likely to be heritage remains within the study area of sufficient importance to make the laying of the cables impossible. It would also appear to indicate that there are no strong heritage grounds to prefer one cable option over another.
- 4.13 The tables developed in sections 5.1.3 to 5.1.6 appear to be worthy of further consideration and, at this stage, it is not considered that enough is known to develop a scheme of mitigation. Where mitigation is being proposed, it may need to be reconsidered; for instance would it be better to record ridge and furrow earthworks before works start rather than hold a watching brief on them? The cropmark site 29 may suggest early settlement - could this be impacted by the cable and thus would it be sensible to assess this further? The WWII site 12 appears to be directly impacted by cable option 3 (not just near it) - should this not be assessed in advance if the route is chosen? Are there further areas or features (such as historic boundaries) where topographical recording in advance of construction is merited? It is suggested that further desk-based assessment and field investigation is still required before a scheme of mitigation can be formally agreed. Works to be considered should include aerial photographic and LiDAR assessment, documentary study, formal field walking, geophysical and metal-detecting survey, limited trial trenching.
- 4.14 Examination of Figure 1 and the gazetteer supplied as Appendix B indicates a few errors and some missing data (although it is possible that some of the sites omitted have been added to the HER since the original data request was made):
- 4.15 The third Listed Building at the former Middleton Towers holiday camp, a stone-built folly tower, HER site PRN16338, is missing.
- 4.16 Site 9 is HER site PRN382.
- 4.17 Sites 14 and 15 are duplicated as sites 33 and 34.
- 4.18 Site 17 falls on saltmarsh, seaward of the coastal defences, according to the NGR supplied. It seems more probable that this pillbox would have been located on or just behind the coastal defences in a similar manner to other sites on this section of coast, such as the brick and concrete pillbox at Meadow Farm SD 4214656187.
- 4.20 Site 31, a medieval moat, is assigned a low importance. As neither its exact site nor its level of survival is known, this should be changed to 'unknown' (c.f. site 28).

- 4.21 Site 40 includes HER sites PRN26060, 31149, 31150 and 31151
- 4.22 Site 42 is HER site PRN16339
- 4.23 Site 43 is not marked on Figure 1
- 4.24 The following non-designated HER sites are missing: PRNs 11340, 31238, 35591 and 35621 (see attached)
- 4.25 The following HER events are missing: PRNs 23672, 23677, 23679, 26898, 31126 and 35620 (see attached).
- 4.26 Visual impact discussions and the data supplied as Figure 2 and the gazetteer in Appendix C have not been checked as part of these comments
- 4.27 In conclusion, whilst there are issues with the assessment that has been provided, it would appear that there are no heritage reasons to prevent the installation of a cable within the study area, and that the impact (as currently understood) does not make it possible to prefer one cable option over another. A further stage of desk-based and field study is required.