

**Application by Navitus Bay development Limited**

**Navitus Bay Wind Park**

**The Examining Authority's second written questions and requests for information**

**Issued on Wednesday 14 January 2015**

The following table sets out the Examining Authority's second written questions and requests for information.

Questions are set out using a document-based framework derived from the application, relevant representations and policy guidance.

Column 2 of the table indicates **which persons questions are directed at**. The ExA would be grateful if all bodies named could answer all questions directed at them, providing either a substantive response, or to indicate that the question is not relevant to them for a reason. The direction of questions in this way does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a **unique reference number** which combines a section number and a question number.

**When you are answering a question, please start your answer by quoting the unique reference number.**

If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the Navitus Bay case team by contacting [Navitusbay@infrastructure.gsi.gov.uk](mailto:Navitusbay@infrastructure.gsi.gov.uk) .

| <b>Question to:</b> |   | <b>Question</b>   |
|---------------------|---|---|
| <b>1.</b>           | <b>Biodiversity, Biological Environment and Ecology</b> |   |
| 1.1.                | Environment Agency, Applicant                           | Salmon migration piling restrictions - can the Environment Agency share with the applicant the model used to estimate noise exposure risk, to assist in bringing closure to adult salmon mitigation?  |
| 1.2.                | State of Alderney                                       | Can the State of Alderney clarify whether they are in agreement with the outcomes of the applicant's CRM assessment for gannet in relation to the Alderney West Coast and the Burhou Islands Ramsar site?   |
| 1.3.                | Natural England, State of Alderney                      | Natural England and State of Alderney to provide their views on the RSPB's Deadline V submission requesting the applicant to undertake a Population Viability Analysis to assess the impacts on gannet.   |
| 1.4.                | Applicant   | Applicant to confirm that the mitigation measure for no vehicle access within the Avon Valley SPA (i.e. forward of the trees screening the construction compounds) would be required during the construction of the crossing is included in the LEMP. |
| 1.5.                | Natural England   | Can Natural England confirm their response to the applicant regarding issuing a letter of no impediment for sand lizards (Summary of Natural England's Representations at Issue Specific Hearings, 11 December 2014, paragraph 3.12.1)?               |
| 1.6.                | Environment Agency                                      | Can the Environment Agency confirm that they are content with the information provided to them with regard to the proposals and environmental protection for trenchless crossings?  |

| Question to: |                                     | Question  |
|--------------|-------------------------------------|---|
| 1.7.         | Applicant                           | <p>In paragraph 3.4.3 of the Code of Construction Practice v2 general principles are set for minimising the impact of construction on the public and environment.</p> <p>Can a specific requirement be included to reduce the cable corridor width as much as practicable in areas of significant environmental impact (for example Hurn Forest)?</p>                     |
| 1.8.         | Mr D Gerry                          | To provide evidence that bats migrate across the English Channel, as stated in Deadline V submissions.  |
| 1.9.         | Natural England, Environment Agency | Do Natural England or the Environment Agency have any further comments on the In Principle Monitoring Plan?   |
| 1.10.        | Natural England, Interested Parties | <p>Can Natural England and other Interested Parties comment on the updated HRA matrices provided by the applicant in Appendix 13 of their response to Deadline IV (Part 2)?</p> <p>In doing so, can Natural England confirm whether they agree with the conclusions of the screening exercise and the European sites taken forward to the Stage 2 integrity matrices?</p> |
| 1.11.        | Natural England, Applicant          | <p>What would be the implications for the HRA should the s106 not be progressed and the biodiversity fund lost?</p> <p>Are there other options for securing the mitigation?</p>   |
| 1.12.        | Applicant                           | At Deadline IV, the applicant submitted updated HRA matrices. This included integrity matrices for the following sites, for which integrity   |

| Question to: |   | Question   |
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|              |   | <p>matrices were not provided with the original application documents:</p> <p>Solent and Southampton Water SPA</p> <p>Poole Harbour SPA</p> <p>Poole Harbour Ramsar</p> <p>Can the applicant provide the conservation objectives for the above sites?</p>  |
| 1.13.        | Applicant   | Can the applicant address Christchurch Harbour Ornithological Group's concerns regarding Black Tailed Godwit, as detailed in para's 3.4 to 3.13 in their Deadline V Statement?   |
| <b>2.</b>    | <b>Marine and Coastal Physical Processes: Sediment Dynamics, Waste and Debris</b> |  |
| 2.1.         | Applicant   | Can the Applicant provide maximum areas for scour protection in the DCO in addition to the maximum volumes already given?  |
| 2.2.         | Applicant, Natural England, Marine Management Organisation                        | Swanage Boat Charters Written Representation of 8 December 2014 states at paragraph 5.1.8; <i>"Due to the dredging of 23,1014,203 tonnes in Southampton Water during 2014, the seabed from the Isle of Wight to Portland is covered in fine silt, which was not present when the seabed surveys were carried out. There is concern that should piling be carried out, the vibration during piling would cause the fine silt to lift into the water column and degrade the underwater visibility over a wide area."</i> |

| Question to: |   | Question   |
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|              |   | Can the Applicant and regulating authorities comment?  |
| <b>3.</b>    | <b>Noise, Vibration and EMF</b>                               |  |
| 3.1.         | Applicant   | <p>How should the sound power output, tonal noise component and other design parameters of the chosen turbines relating to the noise impacts be secured?</p> <p>Is there any evidence that these will vary during 25 years of operation?</p>   |
| 3.2.         | Local authorities, Applicant                                  | <p>Condition 11(n) (Pre-construction plans and documentation) within the generation assets DML requires the applicant to provide a report setting out how the design details of the wind turbines will comply with the operational noise limits set out in the ES, to include the re-running of the noise propagation models prior to construction of the authorised scheme. In their Deadline V submission New Forest District Council have commented on the method of calculation, the timing of the report and the need for further assessment if the 35 dB(A) criteria is not met.</p> <p>Do the other local authorities and the applicant agree?</p> <p>How should this be secured?</p> |
| 3.3.         | Applicant, local authorities, Marine Management Organisation. | <p>To provide an update on discussions regarding the provision of a Communications and Monitoring Protocol that deals with both construction and operational noise arising from offshore.</p> <p>When will it be finalised and how will it be secured?</p> <p>Will it be in place for the full duration of construction, operations and</p>  |

| Question to: |   | Question   |
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|              |   | <p>maintenance?</p> <p>Should operation noise monitoring be carried out for the first year of operation, up to the end of the first year after all turbines have been commissioned or for the full duration of operation?</p>  |
| 3.4.         | Applicant, local authorities  | <p>How will it be decided whether a noise complaint is justified?</p> <p>How will compensation for any harm be determined?</p> <p>Could examples be provided of the type of mitigation measures that could be employed following a justified complaint?</p> <p>How will the sufficiency of these measures be established?</p>  |
| 3.5.         | Local authorities, Applicant  | <p>If the Communications and Monitoring Protocol is to require calculation of noise levels then how will the method of calculation be agreed and how will this address the concerns raised by Challenge Navitus and the PCBA?</p>  |
| 3.6.         | Local authorities   | <p>The Examining Authority could be minded to require limits of day time and night time construction and operational noise arising from offshore to be secured, in addition to the Communications and Monitoring Protocol.</p> <p>Could the local authorities comment on the levels that these limits should be set at, how they could be tied into the Communications and Monitoring Protocol and how they should be secured?</p> |
| 3.7.         | Applicant, Bournemouth Borough Council, New Forest District Council | <p>Could the applicant, Bournemouth Borough Council and New Forest District Council seek to resolve differences regarding Statutory Nuisance</p>   |

| <b>Question to:</b> |   | <b>Question</b>  |
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|                     |   | and provide agreed wording for article 14 of the DCO?<br><br>If agreement is not reached then could each party provide their own proposed wording?   |
| 3.8.                | Local authorities                                     | Could local authorities advise if their concerns regarding amplitude modulation have been satisfied and, if so, how?   |
| 3.9.                | Local authorities                                     | Do the local authorities have any concerns regarding low frequency noise effects and wind turbine syndrome?  |
| 3.10.               | East Dorset District Council                          | Could East Dorset District Council advise if their concerns regarding noise and vibration levels at residential properties in very close proximity to the cable corridor mentioned in their Local Impact Report have been satisfied and, if so, how?               |
| 3.11.               | Applicant   | Can the applicant advise which sections of the offshore cables may have no scour protection or may be buried less than 1.5m?<br><br>In these locations will the applicant comply with ICNIRP guidelines and will the EMF levels be below the 100 microtesla limit? |
| 3.12.               | Applicant   | In the response to the first round of Examining Authority questions number 5.2.12 the applicant referred to potential of mitigation being required for interference to signals from the Rowridge transmitter. How should this be secured?                          |
| <b>4.</b>           | <b>Air and Water Quality, Drainage and Flood Risk</b> |  |
| 4.1.                | New Forest District Council                           | Is New Forest District Council satisfied with the measures to address air  |

| Question to: |  | Question   |
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|              |  | quality impacts in Lyndhurst that the applicant has provided in the Construction Traffic Management Plan at Deadline V?  |
| 4.2.         | Applicant, Marine Management Organisation  | In part 2 of their Deadline V submission Bournemouth Borough Council proposed an amendment to the draft DML Schedule 13, Part 2 Condition 11 (Pre-construction plans and documentation) to assist with their management of water quality issues at blue flag beaches. Are the applicant and MMO happy for this to be incorporated? |
| 4.3.         | Applicant, Environment Agency  | In their response to the first round of Examining Authority questions number 11.15 the Environment Agency suggested an auditing process to ensure that Best Practicable Means measures mentioned in the Management of Environmental Issues section of the CoCP are delivered. Has this been addressed?                             |
| 4.4.         | Environment Agency   | In paragraph 44.1 of Deadline V Written Response the applicant has suggested that a secondary control dam at the Milford Flood Alleviation Scheme, 100m from the cliff edge at Taddiford Gap, will not be impacted upon by the project. Is the Environment Agency satisfied?   |
| <b>5.</b>    | <b>Offshore and Onshore Heritage and Built Environment including World Heritage Site</b> |  |
| 5.1.         | Applicant, English Heritage, local authorities   | Will the Archaeological WSI be completed before the end of the examination?<br><br>If not, do the IPs agree that the draft document adequately addresses their concerns?   |

| Question to: |  | Question  |
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| <b>6.</b>    | <b>Seascape, Landscape, Visual Impacts and Design</b>  |   |
| 6.1.         | Natural England  | <p>Summary of Natural England's representations at issue specific hearings:</p> <p>Can Natural England clarify paragraph 2.1.7 (page 16)?</p> <p>Reference is made to; "...viewpoints from Beachy Head and Durlston Castle (see above)."</p> <p>Durlston Castle is not mentioned 'above'. Does Natural England mean Hurst Castle and Swyre Head?</p>                                      |
| 6.2.         | Applicant  | What is the purpose of introducing 'visible seaward horizon line' and 'open seaward horizon line' at Deadline IV stage?   |
| 6.3.         | Applicant  | Could the applicant provide Admiralty nautical chart/s for the area (to include the coastline from St Aldhelm's Head to Fawley) with the Application and Turbine Area Mitigation Option schemes marked on the charts?   |
| 6.4.         | East Dorset District Council and Dorset County Council | <p>Do the Councils consider that Requirement 10 (Detailed design approval onshore) should be reworded to provide greater control over the design and landscaping of the sub-station building and site, given:</p> <ol style="list-style-type: none"> <li>1. the Green Belt location, and</li> <li>2. absence of specific design principles in the Design and Access Statement.</li> </ol> |
| 6.5.         | East Dorset District Council                           | Does the Council accept the applicant's reasoning for not increasing the  |

| Question to: |  | Question  |
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|              |  | period of replacement planting to 10 years? (Requirement 21(4))   |
| 6.6.         | Applicant, local authorities,<br>Natural England     | Will the LEMP be completed before the end of the examination?<br><br>If not, do the IPs agree that the draft document adequately addresses their concerns?  |
| <b>7.</b>    | <b>Tourism, Recreation and other Socio-Economics</b> |   |
| 7.1.         | Applicant, local authorities                         | The applicant has stated that there is no evidence that adverse impacts on tourism will occur.<br><br>What evidence can the applicant provide to show that adverse impacts would not occur?   |
| 7.2.         | Applicant, local authorities                         | If the Examining Authority is minded to conclude that there will be adverse impacts on tourism and that these should be mitigated, could the applicant and local authorities comment on the appropriateness of securing mitigation through the s106 Agreement?<br><br>Which funding under the s106 Agreement can be considered to mitigate impacts on tourism?  |
| 7.3.         | Applicant, local authorities                         | Could the applicant and local authorities comment on the extent to which monitoring of tourism and associated impacts during construction and operation could provide mitigation, both in terms of identifying actual levels of impact and in terms of demonstrating the effectiveness of the activities support by the funding secured under the s106 Agreement?<br><br>Can the terms of the s106 be flexible to allow for funding to be adjusted in |

| Question to: |                              | Question  |
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|              |                              | the light of the monitoring results?  |
| 7.4.         | Local authorities            | <p>What return on investment is anticipated for the funding?</p> <p>Is there any evidence of the relative effectiveness of funding of marketing with the funding of capital projects?</p> <p>Should specific measures be included to mitigate impacts on language schools?</p> <p>What value do the local authorities consider that tourism agencies and businesses can add to delivering and monitoring the activities supported by the funding?</p> |
| 7.5.         | Applicant, local authorities | <p>Is the applicant able to give any update on the anticipated socio-economic benefits, including the locations of ports and other facilities to support construction, operations and maintenance?</p> <p>How will the impacts of the supply chain and skills fund programmes be measured?</p> <p>To what extent could these be considered to mitigate against impacts on tourism?</p>  |
| 7.6.         | Applicant                    | <p>Could the applicant comment on the impacts on Tyrrells Ford Hotel that were raised at the Open Floor Hearing on the Isle of Wight?</p> <p>Have any similar impacts been identified on businesses along the cable route, including for those businesses that rely on outdoor activities?</p>  |

| <b>Question to:</b> |                               | <b>Question</b>  |
|---------------------|-------------------------------|--|
|                     |                               | What will be the mechanism for dealing with any impacts on businesses along the cable route that are identified during construction?   |
| 7.7.                | Applicant                     | <p>Could the applicant provide an update on progress with agreements with diving, angling and fisheries businesses?</p> <p>How will the applicant ensure that all impacted businesses of this type are covered?</p> <p>Can the applicant demonstrate that these agreements mitigate the associated impacts, including secondary effects and supply chains?</p> |
| 7.8.                | Applicant                     | How should the mitigations agreed with the British Horse Society be secured?   |
| 7.9.                | Applicant                     | Could the applicant have discussions with the Wessex Astronomical Society and advise on the associated impacts and the need for mitigation?  |
| 7.10.               | Applicant                     | <p>Could the applicant comment on the extent to which noise during piling will deter recreational diving and whether this can be addressed by a communications strategy or other mitigation?</p> <p>Could the applicant comment on the safety of diving wrecks in close proximity to the turbines?</p>   |
| <b>8.</b>           | <b>Compulsory Acquisition</b> |  |
| 8.1.                | Applicant                     | The Examining Authority has accepted a number of requests from people wishing to become IPs on the basis of their status as Category 1 or  |

| Question to: |                                       | Question  |
|--------------|---------------------------------------|---|
|              |                                       | <p>Category 3 persons.</p> <p>Does the applicant consider that a new Book of Reference is required to cover their interests?</p>  |
| 8.2.         | Applicant                             | To update position with regard to s135(2) letter from Secretary of State for Transport.   |
| 8.3.         | Applicant                             | To update position with statutory undertakers.  |
| 8.4.         | Applicant                             | Are additional protective provisions necessary?   |
| 8.5.         | Applicant                             | To update position with parties listed in Appendix 30 of the applicant's Response to Deadline II.   |
| 8.6.         | Applicant                             | <p>Could the applicant clarify whether Article 44 (introduced at Deadline V) obviates the need for the type of obligations annexed to the Funding Statement?</p> <p>If so, how is the Parent Company Guarantee (or equivalent document) to be secured?</p> <p>Would the PCG (or equivalent document) cover claims likely to arise under the compensation code, in relation to statutory blight and injurious affection?</p> |
| <b>9.</b>    | <b>Turbine Area Mitigation Option</b> |   |
| 9.1.         | Applicant                             | Applicant to provide assessments for the following listed viewpoints in   |

|      | Question to: | Question  |
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|      |              | <p>addition to the details listed alongside the viewpoints: :</p> <p>VP6 – Povington Hill – Photomontage</p> <p>VP7 – Swyre head – Photomontage</p> <p>VP9 – Durlston Castle - Photomontage</p> <p>VP12 – Old Harrys Rocks – Photomontage and wireframe</p> <p>VP20 – Hengistbury Head – Photomontage</p> <p>VP28 – The Needles – Photomontage</p> <p>VP32 – Limerstone Down – Photomontage and wireframe</p> <p>VPs 11, 21, 25 and 26 – Photomontages and wireframe</p> <p>In the event that photomontages cannot be provided, at the very least the extent of the Turbine Area Mitigation Option should be marked on the photomontages presented in relation to the Application scheme.</p> |
| 9.2. | Applicant    | <p>Applicant’s Summary of Response to Rule 17 paragraph 4.3 – reference is made to completion of the financial analysis on further layout scenarios on 16 October 2014.</p> <p>Can the findings of this analysis be made available and how does it compare with any financial analysis carried out in relation the Application scheme?</p>  |
| 9.3. | Applicant    | Can the applicant explain why the following individual factors influenced   |

| Question to: |  | Question  |
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|              |  | <p>development of the Turbine Area Mitigation Option:</p> <ul style="list-style-type: none"> <li>• Completion of the geo-technical survey?</li> <li>• One year wind data?</li> <li>• Turbine bids received and evaluated?</li> <li>• Financial analysis on further layout scenarios?</li> </ul>   |
| 9.4.         | Applicant                                  | Had the Turbine Area Mitigation been the original application would there have been different design options for the project? For example would there have been an opportunity to consider alternative cable routes between the turbine array (as proposed in the Turbine Area Mitigation Option) and landfall, or might the use of DC as opposed to AC have been considered for the cabling? |
| 9.5.         | Applicant                                  | What are the implications for the viability of the project, if the exclusion zone were to be extended to 12 nm?   |
| 9.6.         | Applicant                                  | To provide final agreed Table showing distances and horizontal spread.  |
| 9.7.         | Applicant                                  | If the number of offshore substation platforms would be reduced to two, why would the scour protection increase to 8,117 m <sup>2</sup> ? Can the item be expressed in m <sup>3</sup> , for consistency?  |
| 9.8.         | Applicant                                  | Could the applicant provide air-borne and underwater noise contours?  |
| 9.9.         | Local authorities, Challenge Navitus, PCBA | Could the local authorities, Challenge Navitus and the PCBA comment on the noise levels calculated by the applicant at onshore receptors during   |

| <b>Question to:</b> |  | <b>Question</b>  |
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|                     |  | construction and during operation?   |
| 9.10.               | Local authorities                            | Could the local authorities comment on the need for noise monitoring and noise complaints procedures during construction and during operation?   |
| 9.11.               | Applicant                                    | Could the applicant provide an assessment of the socio-economic benefits arising in the same manner as provided in the ES and subsequent clarification notes?  |
| 9.12.               | Applicant                                    | Does the reduced power generation provide opportunities for other cable options that could reduce impacts either offshore or onshore?  |
| <b>10.</b>          | <b>DCO, Assessment and Policy Background</b> |  |
| 10.1.               | Applicant                                    | <p>Article 26 - the power from A26(1) remains unrestricted for those plots which are not listed in Schedule 7, of which there are many (for example, 7-11, 24-27, 33-34). As currently worded, the rights to be imposed and the covenants which may be taken are not defined for plots not listed in Schedule 7 (other than the requirement that they must be required "for the authorised project or to facilitate, or is incidental to, it", as per Article 23). These appear to be the plots for which temporary possession may be taken (as set out in Article 32 and Schedule 9).</p> <p>This means that there are specific sets of rights/covenants which can be imposed for the Schedule 7 land, but more undefined rights/covenants which can be imposed on the other plots. Should the power to impose rights/covenants be removed or further restricted for those plots?</p> |
| 10.2.               | Dorset County Council, applicant             | Article 32(3) – Can Dorset County Council explain why a notice period of not less than 14 days should be changed to 28 days? Although Rampion  |

| <b>Question to:</b> |  | <b>Question</b>  |
|---------------------|--|--|
|                     |  | DCO allows 28 days, 14 days has been accepted in other DCOs.<br><br>Can the applicant explain why it is necessary to have consistent notice periods?                   |
| 10.3.               | Statutory authorities, local authorities | Are all statutory authorities and local authorities satisfied that the revised DCO and DMLs (V4) incorporate their requirements and conditions?                        |
| 10.4.               | Applicant, Crown Estate                  | To confirm the position with regard to consent under s135(2) of the PA 2008.   |
| 10.5.               | Applicant                                | To explain the 25 year lifespan of the project and whether it should be secured in the DCO.  |
| 10.6.               | Local authorities                        | Do the Planning Performance and s106 Agreements provide the local authorities with sufficient resources to implement and deliver the requirements attached to the DCO? |