

FREETHS

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Our Ref: PAS/1776/2093461/1

Dear Ms Anderson

**CHALLENGE NAVITUS' CONCERNS REGARDING RIES
INTERESTED PARTY NUMBER: 10029314**

Our client is Challenge Navitus.

Further to our conversation yesterday, I am writing to set out our concerns in writing as requested with regard to the published RIES document dated 20 February 2015.

Challenge Navitus has made numerous representations on HRA issues in the following documents (albeit that some of these concerns raised have now been addressed by the developer):

- CN-WR-3: Technical and legal deficiencies in Shadow Habitats Screening Assessment
- CN-WR-4: Technical and legal deficiencies in Shadow Appropriate Assessment
- CN-WR-6: Deficiencies in NBDL's Assessment of the Marine Environment
- CN-WR-13: Miscellaneous Issues
- CN-D3-2: Ecological Issues
- CN-D3-3: Benthic Habitats
- CN-D3-5: General Comments (Q.2.1.35 on nightjars)
- CN-D4-6: Divers, Cabling & Salmon
- CN-D4-8: The Marine Environment
- CN-D4-9: The Terrestrial Environment
- CN-D4-11: Noise and Vibration (para. 8.0.0.3)
- CN-D5-4: Miscellaneous Issues (section 4.3)
- CN-D5-7: The Marine Environment
- CN-D5-8: HRA and EPS Issues
- CN-D6-1: Response at Deadline VI
- CN-D6a-1: Response at Deadline VIa (section 8)

Despite these extensive representations, Challenge Navitus is not mentioned anywhere in the RIES document and neither are any of its concerns referred to, let alone addressed.

We cannot understand how this has come about.

Paragraph 1.3 of the RIES document sets out the background and scope of the RIES document and states that the report "compiles, documents and signposts information provided within the DCO application, and the information in relation to potential effects to European Sites submitted throughout the examination up to and including Deadline VIa (5 February 2015) by both the applicant and interested parties". Indeed, the report clearly seeks to reflect the views of all interested parties (eg paragraph 1.3 and Appendix 3) and so we cannot understand how the views of Challenge Navitus appear to have been completely ignored. Even the title of the document, "Report on the Implications for European Sites for Navitus Bay Wind Park", clearly demonstrates that points made by interested parties in relation to the HRA are wholly relevant and within the scope of this document.

PINS' suggestion on the telephone yesterday that legal or process related representations are not relevant to the RIES does not bear scrutiny. Nowhere in the introductory section of the RIES document is an exclusion made in relation to legal or process related representations. Furthermore it is of course essential that, when drawing any meaningful conclusions as to the outcome of the screening or appropriate assessment, regard must be given to the manner in which the assessment is conducted. Clearly the issues of process and the resulting outcome are inseparable in this context.

Moreover, Challenge Navitus' representations are by no means limited to legal or process points. For example, in its representations in CN-WR-4 (and elsewhere), Challenge Navitus raised concerns over the impact of noise disturbance of salmon in relation to River Avon SAC and River Itchen SAC due to NBDL's deficient application of the in combination requirement (page 5). Examples in other documents include: hydrological, EMF and heating effects from buried cables for onshore European sites; sediment transport and its several impacts on the Wight Barfleur Reef cSAC, piling noise and vibration on Greater Horseshoe Bats (St. Alban's Head to Durlston SAC); and collision avoidance rates for nightjars (Dorset Heathlands SPA).

There appears to be no logical reason as to how and why the RIES document has failed to deal with Challenge Navitus' representations. We will be raising this issue in our representations for deadline VII on 5th March 2015. In the meantime, we would request a clear explanation from PINS as to how and why this has come about.

Yours Sincerely



Penny Simpson
Partner