



SCOPING OPINION Proposed Nocton Fen Wind Farm



August 2014



CONTENTS

EXECUTIVE SUMMARY

1.0 INTRODUCTION.....	1
2.0 THE PROPOSED DEVELOPMENT	4
3.0 EIA APPROACH AND TOPIC AREAS	14
4.0 OTHER INFORMATION	30

APPENDIX 1 – LIST OF CONSULTEES

APPENDIX 2 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

APPENDIX 3 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT



EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for Nocton Fen Wind Farm, Lincolnshire.

This report sets out the Secretary of State's opinion on the basis of the information provided in AMEC Environment and Infrastructure UK Ltd's report for Vattenfall Wind Power Ltd ('the applicant'), entitled Nocton Fen Wind Farm Environmental Impact Assessment Scoping Report (June 2014) (hereafter referred to as the 'Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Landscape and visual
- Cultural heritage
- Ornithology and ecology
- Geology, hydrology and hydrogeology
- Traffic and transport
- Residential amenity (including visual, noise, shadow flicker, and traffic)

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes that it is currently considered that there is no requirement for an assessment under the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2010 (as amended)

1.0 INTRODUCTION

Background

- 1.1 On 27 June 2014, the Secretary of State (SoS) received the Scoping Report submitted by Vattenfall Wind Power Ltd under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the 'EIA Regulations') in order to request a scoping opinion for the proposed Nocton Fen Wind Farm ('the Project'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the ES.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i the EIA Regulations;
 - ii the nature and scale of the proposed development;
 - iii the nature of the receiving environment; and
 - iv current best practice in the preparation of environmental statements.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been carefully considered

and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a Development Consent Order (DCO).

- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make.
- (EIA Regulation 8 (3))*
- 1.9 The SoS considers that this has been provided in the applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2, along with copies of their comments to which the applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the

scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses received from consultation bodies will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Opinion is structured as follows:

Section 1 Introduction

Section 2 The proposed development

Section 3 EIA approach and topic areas

Section 4 Other information.

This Opinion is accompanied by the following Appendices:

Appendix 1 List of consultees

Appendix 2 Respondents to consultation and copies of replies

Appendix 3 Presentation of the environmental statement.

2.0 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the proposed development

- 2.2 The proposed Nocton Fen Wind Farm comprises up to 23 wind turbines, with a total installed capacity of up to 69MW (based on the installation of 23 x 3MW wind turbines), together with associated infrastructure. Associated infrastructure will include a crane pad hardstanding at each turbine, a new access point from the existing highway, on site access tracks and associated water crossings, a meteorological mast, and underground electrical cabling connecting the wind turbines to a control building/substation.
- 2.3 Associated development may extend to off-site works to widen roads, allowing for turbine delivery and the passage of construction vehicles, but will include the electrical grid connection. The applicant is currently considering an underground connection from the wind turbines to the 132kV overhead line located to the west of the proposed turbines.
- 2.4 It is currently anticipated that the grid connection will be included within the DCO application for the project; however, it may be decided that the Distribution Network Operator (DNO) should take ownership of the grid connection planning application.

Description of the site and surrounding area

The Application Site

- 2.5 Nocton Fen Wind Farm lies within the local authority area of North Kesteven District Council, in the county of Lincolnshire, approximately 12km east-south-east of Lincoln (see Figure 1 to the Scoping Report). To the east of the site is the River Witham, to the north is the B1190 Barney Causeway, to the south is Nocton Delph, and to the west is a minor road connecting the B1178 to the B1188.
- 2.6 The site comprises large scale agricultural land divided by roads, a rail link, a 132kV overhead line, and the village of Nocton. The

latter is located to the west of the concept turbine layout (shown on Figure 2 to the Scoping Report). Car Dyke bisects the site in an approximate north-west to south-east direction. An operational anaerobic digester facility is also located within the site.

- 2.7 Within the site boundary are two scheduled monuments, Car Dyke in Nocton Wood, and Nocton Park Priory on Abbey Hill. The location of these Scheduled Monuments and other currently identified protected/valued features on or around the site are shown on Figure 3 to the Scoping Report.

The Surrounding Area

- 2.8 A number of sites designated for their nature conservation value are located within 2km of the site boundary including: Potterhanworth Wood Site of Special Scientific Interest (SSSI); Bardney Limewoods SSSI and National Nature Reserve (NNR); and Metheringham Heath SSSI. Figure 3 to the Scoping Report presents identified constraints with the vicinity of the proposed development. Figure 4 to the Scoping Report presents identified constraints within the wider area.

Alternatives

- 2.9 The Scoping Report does not include a description of alternatives considered at this stage; however, the Scoping Report indicates that the ES for the project will include a description of any alternatives considered by the applicant.

Description of the proposed development

- 2.10 Chapter 4 to the Scoping Report provides a description of the project and describes that initial feasibility studies indicate that the site could support 23 turbines, and on this basis is likely to comprise the following infrastructure:
- Up to 23 wind turbines;
 - Site entrance point(s);
 - Permanent meteorological mast;
 - On-site access tracks (new and upgraded) and watercourse crossings;
 - On-site underground electrical cables;
 - Electrical control building/substation and compound;
 - Crane hardstandings and switchgear/transformer housing at each turbine;
 - Upgrades to the local road network; and

- Grid connection and associated substation/control building to connect to the offsite 132kV overhead line operated by the DNO.
- 2.11 Temporary infrastructure is described as potentially including the following:
- Construction compounds;
 - Welfare facilities;
 - Waste water treatment facilities; and
 - Wheel wash facilities.
- 2.12 The project is currently considering the use of wind turbines with a generating capacity of 3MW, a maximum blade tip height of up to 149.5m, and rotor hub height of up to 100m (paragraphs 4.3.1 to 4.3.4 of the Scoping Report).
- 2.13 Each turbine will require a foundation measuring approximately 20m in diameter and up to 3m in depth, along with an adjacent crane pad. Piled foundations may be required, depending on ground conditions. Each turbine also requires its own transformer to step-up the voltage produced by the generators to that required for transmission. Each turbine transformer is likely to be contained within a small kiosk located next to the wind turbine tower, although they could be within the turbine tower itself, depending on the chosen turbine design (see paragraph 4.3.5 to the Scoping Report).
- 2.14 On-site access tracks would be required to link the wind turbines to each other and to the main access point from the public highway. On-site access tracks are likely to be approximately 6m in width, and may be wider (c.13m in width) at passing places or bends to allow for abnormal load turning. On-site access tracks are likely to be constructed of crushed stone (see paragraph 4.3.6 to the Scoping Report).
- 2.15 The wind turbines would be connected to the on-site control building/substation via high voltage cables. The cables are likely to be buried, laid in trenches to a depth of approximately 1.5m and 0.5m wide. It is anticipated that the trenches would follow the line of the access tracks (see paragraph 4.3.7 to the Scoping Report).
- 2.16 Each turbine would include a crane pad and a lay down area. Each crane pad is likely to occupy an area of 1,000m² and comprise crushed stone (see paragraph 4.3.8 to the Scoping Report).
- 2.17 A temporary construction compound, likely to occupy an area of 10,000m², would be required for the construction works. . The temporary construction compound would be required at the start of site set-up, until the end of construction. It is likely to comprise

storage areas, site offices, car parking, and welfare facilities (see paragraph 4.3.9 to the Scoping Report).

- 2.18 A meteorological monitoring mast may be required for the project. The mast is likely to comprise a lattice structure the same height as the wind turbine hub (see paragraph 4.3.10 to the Scoping Report).
- 2.19 The grid connection may include a substation and control building, to be located in close proximity to the proposed wind turbines. If this is required, the turbines will be connected to a substation/control building via the underground cables described previously. The footprint of the substation and control building compound would be approximately 55m x 35m. The control building is likely to be a single storey building, approximately 15m x 20m in area and approximately 6m in height. The Scoping Report describes that the building materials would be agreed with the local planning authority and would be similar to other buildings in the locality. The control building would connect the underground cabling from the turbines to a grid connection with the wider distribution network. A substation may be required depending on the requirements of the grid connection to the wider grid network. This is likely to be located adjacent to the control building (see paragraph 4.3.11 to the Scoping Report).

Proposed access

- 2.20 Site access will be required for the delivery of the wind turbine components, construction materials and plant, and for general construction traffic. Wind turbines imported from outside of the UK would be transferred from ships to 'abnormal load' haulage vehicles for transport to site via an appropriate route. The receiving port for any imported wind turbines is yet to be confirmed.
- 2.21 Highways improvements may be required to facilitate abnormal load deliveries and Heavy Goods Vehicles (HGV) deliveries. The site access point and routes to the site are currently under investigation, and will be informed by technical studies and consultation with statutory and non-statutory consultees and the public (see paragraph 4.3.12 to the Scoping Report).

Grid connection

- 2.22 An underground connection is currently proposed connecting the project to an existing 132kV overhead line approximately 3km west of the village of Nocton. The cables connecting between the project and the grid connection are likely to be laid in trenches approximately 1m in depth and 1m wide with excavated material used to backfill the trenches. A working area of approximately 8m wide will be required to undertake the work.

- 2.23 The Scoping Report confirms that it is currently anticipated that an underground connection would connect to the 132kV overhead line via a substation and transformer, which would be located adjacent to the overhead line. The substation and control building compound is anticipated to occupy an area of 60m x 45m. The substation may include two single storey buildings, which would be 15m x 10m in area and approximately 8m in height.

Construction

- 2.24 Limited information is provided on the construction of the project. The Scoping Report confirms that the construction process is anticipated to last approximately 18 to 24 months and will involve the following activities:

- Import of aggregate and construction of on-site access tracks and remedial works to the public highway;
- Formation of construction compound, temporary lay down areas, and crane pads;
- Construction of wind turbine foundations;
- Construction of control building (and potentially a substation) and excavation of trenches and cable laying;
- Construction of off-site grid connection;
- Connection of electrical cables to the control building;
- Delivery and erection of wind turbines;
- Commissioning and performance testing of wind farm equipment; and
- Construction site reinstatement.

Operation and maintenance

- 2.25 Once operational, the wind turbines will typically require routine maintenance or servicing twice per year, with a main service at 12 monthly intervals and a minor service at six months (see paragraph 4.3.15 to the Scoping Report).
- 2.26 The Scoping Report states that the project will be designed to have an operational life of 25 years (paragraph 4.3.16 to the Scoping Report). During its operational phase, the Scoping Report confirms that the land surrounding the turbines would continue to be used for agricultural purposes.

Decommissioning

- 2.27 The Scoping Report states that the wind turbines and associated infrastructure would be decommissioned in accordance with the requirements of the DCO. The report describes the process of decommissioning, which is anticipated to take less than 12 months to complete, and would include de-energising of all cables, which

would be cut-off below ground level and left in the ground, and demolition of above ground structures and removal from site. It is anticipated that some on-site access tracks may be left *in situ* for use by the landowner and that following decommissioning, land occupied by the turbine structures would be returned to its previous agricultural use (see paragraph 4.3.16 to the Scoping Report).

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.28 Little contextual information is provided in the initial chapters of the Scoping Report to describe the application site and surrounding areas, including sensitive receptors such as proximity to nearby dwellings, although further information is provided on Figures 3 and 4 to the report and more detailed information is provided in the topic chapters.
- 2.29 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations, and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas, and potential off-site mitigation or compensation schemes (if proposed). The applicant's description of the site does not indicate the total size of the site area within the DCO application site boundary. This should be included in the ES.

Description of the proposed development

- 2.30 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible, as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals may not be confirmed. The applicant should be aware, however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.31 The SoS notes that there is potential for 'associated development', such as alterations to the highways network, and potentially also the connection of the wider grid network (should the latter not be included in the DCO application), although associated development is yet to be determined. If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated

development' under the Planning Act 2008 (PA 2008) or is an ancillary matter.

2.32 The SoS welcomes the proposal to undertake a high level assessment of the grid connection, should it not be included in the DCO application. The SoS advises that any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to EIA. Where appropriate, the applicant should provide a schedule of consents that will be required in addition to the DCO, and who the relevant consenting bodies are. Cross reference should be made throughout the technical topic and project description chapters of the ES where such activities that fall under these additional consents are discussed.

2.33 The SoS recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation, and decommissioning stages, and include:

- Land use requirements during the construction, operational, and decommissioning phases, including both temporary and permanent land use change;
- Construction processes and methods, including site preparation, methods for excavation of foundations (and piling, as necessary), excavation of trenches, and cable installation, and extent of vegetation removal required to facilitate construction;
- Transport routes for abnormal loads and other construction traffic;
- Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
- A description and specifications of required infrastructure associated with the development (e.g. control building, substation, access tracks, and cabling);
- Maintenance activities including any potential environmental impacts;
- Emissions generated by the project (e.g. to water, air and soil, noise, vibration, light, heat, radiation); and
- Details of any embedded design measures included as part of the scheme design to mitigate impacts.

2.34 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

- 2.35 The SoS notes that the description of the project, including number, location, and size of wind turbines, together with the location and design parameters of associated infrastructure, are to be investigated further, and on the basis of the impact assessment. The SoS refers the applicant to comments made below relating to flexibility and the use of the 'Rochdale Envelope'.

Alternatives

- 2.36 The SoS notes that no description of alternatives was provided in the Scoping Report, although Figure 2 to the Scoping Report identifies 'substation options being considered' and the Scoping Report confirms that the applicant intends to provide a description of any alternatives considered by the applicant in the ES. The SoS welcomes the applicant's intention to provide a description of alternatives. The applicant is reminded that Schedule 4 Part 1 of the EIA Regulations requires that the applicant provide '*An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects*' (See Appendix 3 to the Scoping Opinion).

Flexibility

- 2.37 The applicant's attention is drawn to Advice Note 9 'Using the Rochdale Envelope', which is available on the Planning Inspectorate's website, and to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.38 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the project have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The project parameters will need to be clearly defined in the draft DCO and in the accompanying ES. It is a matter for the applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.39 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new scoping opinion.
- 2.40 The design parameters sought in the DCO in terms of alternative turbine design and infrastructure types should be carefully considered within each of the ES topic chapters. The ES should

assess the 'worst case' and explain how this will differ topic by topic within the limits of the parameters set out in the DCO. For example, maximum specifications in terms of the wind turbine components, lengths of new access track, and depths of foundations will need to be considered as part of the EIA and clearly presented as part of the ES.

Grid connection

2.41 The connection of a proposed wind farm into the relevant electricity network is an important consideration. Therefore, the SoS welcomes the intention to either include the wider grid connection and associated control building and substation (as required) within the proposed DCO application or undertake a high level assessment of impacts associated with the grid connection, should this be applied for by the DNO and/or as associated development, so that all potential effects can be assessed within the ES.

Proposed access

2.42 It is noted that further investigations are proposed to establish access to the site and the routes along which any abnormal loads and general construction traffic will travel to the site. Access routes should be clearly identified and assessed in the ES, including any alterations to the highways network to accommodate abnormal loads. The ES should also identify whether any alterations to the highways network are permanent or temporary and if temporary, how they will be reinstated. Should these measures be included as associated development, the ES will need to consider the impacts associated with these works within the ES.

Construction

2.43 Limited information has been provided regarding construction in the Scoping Report. Paragraph 4.3.14 of the Scoping Report notes that the construction process is anticipated to last 18 to 24 months. The ES should include detailed information regarding the construction programme, including any proposed phasing to the development.

2.44 The SoS considers that information on construction including: phasing programme; construction activities and methods; siting of construction compounds (including on- and off-site, where relevant); lighting equipment/requirements; and number of movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES. Information should be provided in the ES regarding any restrictions relating to the timing of construction activities.

Operation and maintenance

- 2.45 The Scoping Report contains information regarding the likely frequency of maintenance operations proposed during the operational phase of the project. Information on the expected frequency, nature and duration of any planned (or unplanned) maintenance activities should be considered as part of the description of the proposed development.
- 2.46 Information on the operation and maintenance of the proposed development detailed in the ES should cover, but not be limited to, such matters as: the number of full/part-time jobs provided by the development; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.

Decommissioning

- 2.47 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long-term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials, such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The Scoping Report included some limited information regarding decommissioning at paragraph 4.3.16. The SoS encourages consideration of decommissioning in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

Environmental Statement (ES) - Approach

- 3.3 The information provided in Chapters 1, 3, and 6 of the Scoping Report sets out the proposed approach to the preparation of the ES.
- 3.4 Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees. The SoS notes and welcomes the consultations that have already taken place regarding certain identified studies for the project, such as the scope of the bird surveys undertaken to date. The SoS encourages further appropriate consultations with relevant consultees in order to agree, wherever possible, the timing and relevance of survey work, as well as the methodologies to be used.
- 3.5 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Matters to be scoped out

- 3.6 The applicant has identified in the relevant sections of the Chapter 6 to the Scoping Report certain aspects within each topic area that are proposed to be 'scoped out'. The SoS's opinion on the topic-specific matters to be scoped out are discussed under the relevant topic area section of the Scoping Opinion (below). Section 6.12 of the Scoping Report includes two topic areas that have been scoped

out from the ES. The SoS's opinion on these topic areas are provided below.

- 3.7 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the SoS.
- 3.8 Whilst the SoS has not agreed to scope out certain matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Air Quality and Climate

- 3.9 The SoS agrees that the only potential adverse effects on air quality would be from dust generated by construction activities and that any further assessment of air quality effects can be scoped out (with the exception of potential effects from decommissioning, as limited information is provided and potential impacts may be similar to construction). The ES should address dust-related impacts and appropriate mitigation measures, which should be described within the ES and appropriately secured by requirement in the DCO.

Lighting

- 3.10 Insufficient evidence is provided to justify scoping out the potential impacts of lighting from the assessment. The lighting required during construction, operation, and decommissioning could have significant effects on local residents, Landscape and Visual Impact Assessment (LVIA) receptors, ecological receptors, and aircraft flying over/near the site, for example. It is also necessary to understand the characteristics of potential effects before it is possible to know whether standard construction practices and good site management are sufficient to control them. The applicant is advised to assess these impacts throughout the relevant topics in the ES.

National Policy Statements

- 3.11 Sector specific National Policy Statements (NPSs) are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs.

- 3.12 The relevant NPSs, i.e. EN-1, EN-3, and EN-5, for the proposed development set out both the generic and technology-specific impacts that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to both the generic and technology-specific impacts and identify in the ES how these impacts have been assessed.

Environmental Statement - Structure

- 3.13 Section 3.6 of the Scoping Report sets out the proposed structure of the ES on which the applicant seeks the opinion of the SoS. The SoS notes that the ES would comprise three volumes: the main text (Volume 1); ES figures (Volume 2); and appendices (Volume 3). The ES would cover a number of assessments under the following proposed headings:

- Landscape and visual;
- Geology, hydrology and hydrogeology;
- Ecology;
- Ornithology;
- Traffic and transport;
- Noise;
- Cultural heritage;
- Socio-economic effects;
- Shadow flicker;
- Aviation; and
- Infrastructure, telecommunication and broadcast services.

- 3.14 This list replicates the topics described within the Scoping Report, with the exception of the topic referred to as 'Other' within the Scoping Report, which includes topic areas scoped out of the proposed ES.

- 3.15 The SoS recommends that the ES chapter proposed for Noise be amended to 'Noise and Vibration', to allow for the consideration of potential vibration effects (see SoS comments on the Noise topic area below).

Topic Areas

Landscape and Visual (See Scoping Report Section 6.1)

- 3.16 The SoS welcomes the applicant's general approach to the LVIA, including reference to specific published guidance which the proposed assessment will follow. The intention to undertake a residential visual amenity assessment is also noted and welcomed (paragraphs 6.1.35 to 6.1.43 of the Scoping Report).

- 3.17 The Scoping Report refers to a desk study and field surveys, aided by computer generated analysis, visualisations, and photography, as part of the assessment. Reference is also made to photomontages and wireline views. The SoS advises that the ES should describe the methods and models used, provide information on the area covered, and the timing of any survey work. A clear description of the modelled scenarios should be provided, including how the 'worst case' approach to the assessment is reflected on modelling in terms of the Zone of Theoretical Visibility (ZTV), photomontages, and wirelines. The SoS welcomes the intention to consult with local planning authorities, Natural England, and Lincolnshire Wolds Countryside Service regarding the location of the viewpoints. The applicant's attention is drawn to the comments of East Lindsey District Council, Lincolnshire County Council and North Kesteven District Council in relation to additional/alternative viewpoints (see Appendix 2 to the Scoping Opinion).
- 3.18 The applicant is directed to the comments of North Kesteven District Council in Appendix 2 regarding the study areas for public rights of way and long distance trails/National Cycle Routes. The SoS expects consideration to be given to views experienced by sensitive receptors, including users of public rights of way and long distance trails, and justification should be provided as to extent of views assessed in the ES.
- 3.19 The assessment of effects on landscape character should make reference to how the landscape character is more or less able to accommodate change (in this case, associated with the development of the wind farm), in line with best practice guidance. References are made within the Scoping Report to both the second and third editions of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) handbook. The SoS considers that the third edition of the GVLIA handbook (GLVIA3) should be applied to the assessment. The SoS also directs the applicant to the detailed comments of Lincolnshire County Council and Natural England in Appendix 2 to the Scoping Opinion.
- 3.20 Cross reference between the assessment of impacts on cultural heritage, as well as ecology, should be provided such that the LVIA considers the extent to which effects and mitigation measures identified across the other topic chapters are considered in terms of their effects upon the landscape and vice versa.
- 3.21 The proposals will be for large structures. The SoS requests that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of these structures. The SoS recommends and welcomes the applicant's intention to include an assessment of night time effects, should the development include permanent lighting visible to the human eye. The applicant's attention is again directed to

the comments of North Kesteven District Council included in Appendix 2.

3.22 The Scoping Report identifies a number of effects to be scoped out of the ES, these are discussed in turn below:

- The SoS expects the LVIA to establish whether there would be any effects on A roads, long distance trails and tourist destinations beyond 10km and therefore, does not agree that these can be scoped out at this stage. The applicant's attention is also drawn to comments of North Kesteven District Council and Lincolnshire County Council;
- The SoS agrees that the operational effects of underground grid connection could be scoped out of ES; however, should the application include an overground option, the SoS would expect operational effects to be assessed in the ES;
- With regard to cumulative effects, if other existing or proposed wind turbines or other forms of development are to be excluded from the assessment of effects then clear justification will need to be provided. The SoS draws attention to the guidance given in The Planning Inspectorate's Advice Note 9 with regards to other major developments which should be included in the assessment of cumulative effects. In the interests of clarity and transparency of the findings of the assessment, the SoS encourages consideration of all wind turbine and other developments that may be relevant to the assessment of impacts to views and landscape character within the ES. The detailed methodology for the Cumulative LVIA should be included in the ES.

3.23 The SoS welcomes the inclusion of a Residential Amenity Visual Assessment as an appendix to the ES. The SoS would expect the findings of this assessment to be summarised in the ES chapter.

3.24 The Scoping Report states that only properties outside of settlements would be considered in the residential amenity visual assessment, as settlements are considered as separate receptors in the LVIA. The SoS is concerned that the treatment of settlements as single receptors for the purposes of the residential amenity visual assessment may tend to underestimate the level and extent of impact that may result to residents in those settlements. The SoS expects to see sufficient detail to enable an understanding of the visual impact that may result to different parts of those settlements, by reference to individual roads or groups of properties. The location of which should ideally be agreed with stakeholders.

3.25 Although it is noted that views from upper floor windows may be deemed less sensitive to change than ground floor windows, the SoS also expects that appropriate weight will be given to all views from residential properties. The SoS expects that equal weight

should be given to the sensitivity of views from the ground floor of the property, whether front or rear.

- 3.26 In the interests of clarity and transparency of the findings of the assessment, the SoS encourages the residential amenity visual assessment to consider effects on all residents that may be affected, within a study area which is justified in the ES. The applicant is also directed to the comments of North Kesteven District Council in Appendix 2.

Geology, Hydrology and Hydrogeology (See Scoping Report Section 6.2)

- 3.27 The baseline for the ES should explain in detail how the extent of the study area has been selected, including reference to potential effect pathways between the proposed development and geological, hydrological, or hydrogeological receptors. The SoS recommends that the ES identifies all water resources where hydraulic connectivity exists, particularly those most sensitive to changes in water quality.
- 3.28 The SoS notes and welcomes the proposed completion of three separate studies of effects to be appended to the ES including: a Flood Risk Assessment (FRA); Private Water Supply (PWS) assessment; and Water Framework Directive (WFD) assessment. Reference is also made in the Scoping Report to the consideration of climate change impacts in the proposed FRA. The SoS would expect details of all assessments and surveys to be included within the ES and results explained. Cross-reference should be made to the appendices. The applicant's attention is drawn to the comments of the Environment Agency at Appendix 2 to the Scoping Opinion regarding flood risk and the WFD. The Environment Agency advises that changes have been made to the waterbody polygons and descriptions for the second cycle of the River Basin Management Plans. These should be correctly considered in the ES. The Environment Agency also directs the applicant to additional management strategies and plans for relevant information. In respect of the FRA, North Kesteven District Council refers the applicant to North Kesteven District Council's Strategic FRA, including the 'fens hazard zone' maps.
- 3.29 The ES will need to carefully consider the underground grid connection and potential effects associated with public water supplies. The SoS draws the applicant's attention to the comments of the Environment Agency regarding the principal aquifer of the Lincolnshire Limestone to the west of the site. The applicant will need to assess the risks to the water environment as a result of the development and include for appropriate mitigation. The scope of any further studies required to inform the risk to the environment, such as ground investigations, groundwater monitoring and modelling, should be discussed and agreed with the Environment Agency and relevant local authorities.

- 3.30 The Scoping Report acknowledges that the preferred method for installing the turbine foundations is not yet known. The ES will need to consider the potential effects of the foundation installation including any effects associated with piling, should this be considered. The suitability of the ground conditions will need to be considered. The SoS draws the applicant's attention to the comments of Branston and Mere Parish Council at Appendix 2 of the Scoping Opinion with regard to ground conditions, including reference to peat.
- 3.31 Paragraph 6.2.5 of the Scoping Report refers to the site being located within Grade 2 agricultural land. The ES should describe the land classification of the site and consider effects on the current agricultural use of the site. The SoS reminds the applicant of the requirements in NPS EN-1 in relation to development on Best and Most Versatile Agricultural Land. The SoS directs the applicant to the comments of Natural England in Appendix 2 with regard to soils and agricultural land quality.
- 3.32 The Scoping Report identifies a number of effects to be scoped out of the ES, including selected operational effects, cumulative effects, effects on flows in existing drains, the need for a Peat Slide Risk Assessment, and detailed site investigations. These are discussed in turn below:
- The SoS would expect evidence to be provided in the ES to support the statement that effects on water quality during the operational phase would not be significant;
 - The SoS would expect surface water run-off to be fully assessed in the ES and account for all phases of the proposed development. However, the SoS agrees that effects associated with surface water run-off during operation could be scoped out provided that any necessary control measures are clearly in place from construction and will remain in place for the lifetime of the project. These measures would need to be described in the ES and delivered as part of the development;
 - The SoS does not agree, at present, that cumulative effects during construction and operation can be scoped out at this stage as there is only limited information provided in the Scoping Report on the cumulative projects/plans that would be considered. The cumulative effects of the proposed development should be clearly presented with specific reference to those schemes which have been considered and justification provided where other projects have been scoped out of the EIA;
 - The SoS considers that potential effects on flows within drains should be considered within the ES, including any potential effects on any up/downstream receptors or any receptors associated with the drains. The design of drain

crossings would need to meet minimum standards. The SoS welcomes the proposal to confirm the need for modelling with the Environment Agency and Witham First Internal Drainage Board;

- The SoS would expect the ES to confirm and assess the ground conditions at the site, and thus be informed as to whether there would be any risk of peat slide. The SoS refers the applicant to the requirements of EN-3 in respect of peat;
- As discussed above, the SoS encourages the applicant to consider the need for surface water quality and groundwater baseline monitoring in order to provide for an adequate assessment of the risks and potential impacts of the project. The applicant should agree the scope of any such works with the Environment Agency and local authorities.

3.33 The Scoping Report identifies potential likely mitigation measures. The SoS notes that these include both inherent mitigation (to be embedded in the design of the development) and additional mitigation (to be secured for the development). The SoS expects the ES to identify which mitigation measures are considered to be inherent in the project design and those that are to be delivered through a separate measure, such as a management plan. Mitigation relied upon for the purposes of the assessment should be appropriately secured by requirement in the DCO. The SoS expects appropriate mitigation measures, including pollution prevention control measures, to be implemented during all phases of the development to protect the integrity of sensitive water receptors.

Ecology (see Scoping Report Section 6.3)

3.34 The SoS notes that an extended Phase 1 Habitat Survey was undertaken at the site in August 2013, together with a desk study. The applicant is directed to the comments of Natural England with regard to potential sources of data and the scope of surveys. The applicant should also consider whether Phase 2 botanical and/or invertebrate surveys may be required, particularly given the predominance of arable habitats. The SoS draws to the attention of the applicant the comments of North Kesteven District Council in respect of the proposed surveys, and also the comments of Branston and Mere Parish Council with regard to the potential presence of flora and fauna associated with peat habitats.

3.35 The SoS notes that targeted Phase 2 surveys are currently proposed for badgers, bats, great crested newts, white-clawed crayfish, reptiles, water voles and otters. The SoS recommends that surveys should be thorough, up-to-date and take account of other development proposed in the vicinity. The SoS welcomes the on-going consultations with Natural England and the proposed consultations with both statutory and non-statutory consultees with regard to the scope of surveys and assessment.

- 3.36 The Scoping Report does not include detailed methodologies and timings for all of the proposed Phase 2 ecological surveys and therefore it is not currently possible to ascertain whether all of the surveys are proposed within the optimum time period. The SoS expects the survey methodologies, including timing and extent, to be detailed within the ES with reference to best practice guidance. The applicant is directed to the comments of Natural England in Appendix 2 with regard to guidance in relation to bats and wind turbines.
- 3.37 The applicant is directed to the comments of North Kesteven District Council and to consider the need for a tree survey and arboriculture impact assessment and arboriculture method statement, in line with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, should it be established that the proposed development is likely to affect existing trees and woodland. The SoS notes the presence of ancient woodlands and SSSIs designated for their woodland habitat, particularly in the vicinity of the cable route. The SoS expects the applicant to consider these potential ecological constraints, alongside other potential constraints (such as Nocton Park Priory Scheduled Monument), when determining the most appropriate cable route.
- 3.38 The SoS notes that the Scoping Report describes the scoping process as identification of Important Biological Resources followed by an assessment of the likely environmental changes and ecological zone of influence. The SoS reminds the applicant of the importance of explaining the study area and zone of impact/influence for each receptor within the ES. With regard to the assessment methodology, the SoS also recommends that confidence limits be stated in the ES, in line with the Chartered Institute of Ecology and Environmental Management (CIEEM) best practice guidance on Ecological Impact Assessments (2006).
- 3.39 The assessment should take account of inter-related impacts on ecological receptors, including potential impacts as a result of noise, vibration, air quality (including dust), and lighting. Appropriate cross reference should be made to other relevant chapters and reports included with the ES.

Ornithology (see Scoping Report Section 6.4)

- 3.40 The SoS notes that a suite of bird surveys have been undertaken at the site to date and that further surveys and desk studies are proposed. The SoS welcomes the consultations that have been carried out to date and encourages ongoing consultation with relevant stakeholders.
- 3.41 Table 6.10 of the Scoping Report refers to species on the Scottish Biodiversity List. The SoS recommends that species of principal importance for biodiversity in England (Section 41 species of the

Natural Environmental and Rural Communities (NERC) Act (2006), as amended) be considered for this site.

- 3.42 The SoS notes that there is limited information provided regarding Collision Risk Modelling (CRM), which may or may not be proposed as part of the impact assessment. The SoS considers that the requirement for, and the scope of, any CRM should be discussed and agreed with Natural England.
- 3.43 In relation to any proposed mitigation measures, the SoS considers that the ES should clearly explain how proposed mitigation measures, such as any off-site provision and management plans, are to be secured within the DCO.
- 3.44 The SoS directs the applicant to the comments of Natural England, North Kesteven District Council, and Branston and Mere Parish Council with regard to ornithology.

Traffic and Transport (see Scoping Report Section 6.5)

- 3.45 The SoS notes that the applicant does not intend to produce a formal 'Transport Assessment', due to the temporary construction works and low levels of transport movements during operation. Lincolnshire County Council has indicated that the Scoping Report appears to be acceptable in terms of the traffic and transport requirements (see Appendix 2). The SoS encourages the development of the assessment of transport impacts in association with the relevant local highways authority and the Highways Agency (HA). The SoS would expect on-going discussions and agreement, where possible, with such bodies.
- 3.46 The potential for congestion from road closures/diversions associated with the construction/decommissioning stages should be assessed (e.g. associated with the delivery of Abnormal Indivisible Loads (AILs) to the site or should the grid connection route intersect a road).
- 3.47 The SoS notes and welcomes the proposed Traffic Management Plan to mitigate potential impacts. The SoS encourages the applicant to discuss and agree the need, design, and likely effectiveness of such measures with relevant consultees. The potential impacts of any proposed measures (such as the reference in the Scoping Report to highway alterations to enable site and AIL access) should be described and assessed.
- 3.48 The ES should take account of the location of footpaths and any Public Rights of Way (PROW) including bridleways and byways. The ES should clearly set out impacts on these routes and their uses, within the context of the wider network. It is important to minimise hindrance to such routes where possible.

- 3.49 Paragraph 6.5.24 of the Scoping Report states that noise, vibration, visual, and ecological effects will be assessed elsewhere in the ES. The ES should consider the inter-relationships between potential impacts and the assessment should cross-refer to other relevant ES chapters and/or supporting appendices.
- 3.50 The applicant's attention is drawn to the comments of Lincolnshire County Council, North Kesteven District Council, and Branston and Mere Parish Council in respect of highways. North Kesteven District Council also recommends that the ES consider potential impacts on residential amenity within the Traffic and Transport ES chapter. The SoS agrees with this approach.

Noise (see Scoping Report Section 6.6)

- 3.51 The SoS recommends that the methodology and choice of noise measurement locations and noise receptors should be agreed with the relevant Environmental Health Department of the relevant Councils and with the Environment Agency.
- 3.52 Information should be provided on the types of vehicles and plant to be used during the construction phase. Once operational, noise sources generated should be identified and assessed. The type and magnitude of impacts from these sources, which are used in the assessment, should be agreed with relevant consultees. Where appropriate, effective measures should be provided to mitigate against noise nuisance.
- 3.53 Noise impacts on people should be specifically addressed, in particular any potential noise disturbance at night and other unsocial hours such as weekends and public holidays. Paragraph 3.6.4 of the Scoping Report refers to combined effects on residential amenity, including effects of noise; however, residential amenity in relation to noise is not specifically referred to within Section 6.6 of the Scoping Report. The SoS recommends that the effects of noise on residential amenity be considered in the ES.
- 3.54 The SoS does not agree with the proposal in Paragraph 6.6.22 of the Scoping Report for potential vibration effects during construction/decommissioning to be scoped out of the assessment. Insufficient evidence is currently provided to support the statement in the Scoping Report that the risk of significant effects from ground-borne vibration is very low. Indeed, the Scoping Report states that piled foundations for the turbines may be required, which indicates the potential for significant noise and vibration impacts. Furthermore, insufficient information is known about the presence and sensitivity of potential receptors to conclude that potential effects would not be significant. The SoS expects the ES to contain information regarding methods of construction (such as piling), the proximity to any sensitive receptors, and predicted noise and vibration levels. The SoS also

recommends that the proposed 'Noise' ES chapter be amended to 'Noise and Vibration'.

- 3.55 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological and ornithological assessments.
- 3.56 Consideration should be given to monitoring noise complaints during construction and when the development is operational.

Cultural Heritage (see Scoping Report Section 6.7)

- 3.57 Consultation responses received from East Lindsey District Council, Lincolnshire County Council, and North Kesteven District Council indicate a number of concerns in relation to the proposed study area, the zone of impact and potential receptors (see Appendix 2). The SoS expects these concerns to be addressed in the ES and if necessary amendments to the study area should be made. Reference is made to proposed consultations within the Scoping Report. The SoS welcomes and encourages consultation with relevant stakeholders regarding the scope of the cultural heritage studies.
- 3.58 The setting of cultural heritage resources (e.g. historic buildings, historic landscapes and archaeological sites) could be affected by the proposed wind farm and the SoS considers that these should be addressed in the ES. Cross reference should be made to the Landscape and Visual section of the ES, as appropriate. The applicant is directed to the comments of English Heritage, East Lindsey District Council, Lincolnshire County Council, and North Kesteven District Council regarding cultural heritage assets to be considered, including potential viewpoints.
- 3.59 Paragraph 6.7.25 of the Scoping Report states that the archaeological constraints of the site will be based on a desk based assessment. The SoS considers that, if necessary to inform the assessment of impacts, site-specific investigations (e.g. trial trenching) should be conducted. The SoS encourages the applicant to consult with relevant archaeological and/or conservation officers (as recommended in the response from English Heritage) and other relevant consultees regarding the need and location of any such investigations. English Heritage also refer to the need for a detailed pre-determination archaeological assessment of direct and secondary impacts from the turbine sites and associated cabling, concreting and access works etc.
- 3.60 Paragraph 6.7.50 of the Scoping Report refers to the potential for the micro-siting of turbines to avoid archaeological remains identified through surveys or during excavation. The potential

environmental effects of any such micro-siting should be included within the scope of all environmental topics considered as part of the EIA.

Socio-economic Effects (see Scoping Report Section 6.8)

- 3.61 Paragraph 6.8.6 of the Scoping Report refers to the presence of an operational anaerobic digester facility within the site. The SoS recommends that potential impacts on the operation of this business and others that could be affected should be considered as part of the assessment (such as the existing farming and agricultural business at the site). The ES should include, for example, the potential for the project to cause disruption (e.g. from noise, traffic or from the implementation of any necessary mitigation measures) during each development stage, as relevant. The SoS encourages the applicant to engage with local businesses regarding the potential for impacts, which should be assessed in the ES.
- 3.62 The SoS welcomes the proposal to assess potential effects on tourism and recreation and encourages the applicant to consult with local authorities and relevant interest groups and statutory consultees regarding this. The proposal to consider the findings of other assessment topics (including landscape/visual, cultural heritage and transport-related effects) is also welcomed. The applicant's attention is directed to the comments of North Kesteven District Council in Appendix 2 to the Opinion with regard to socio-economic receptors for consideration in the ES.
- 3.63 The SoS notes that the assessment is to draw largely on professional judgement to assess potential socio-economic effects, on the basis that there is limited or no relevant prescribed methodology or guidance available to inform the assessment. This notwithstanding, the applicant is encouraged to draw on evidence (e.g. quantitative data or comments from relevant consultees) to support the assessment where available and appropriate, especially where the conclusions could be a matter of dispute. This should include the likely effectiveness of any proposed mitigation measures. Copies of relevant correspondence from consultees should be appended to the ES.
- 3.64 The SoS notes the proposal for the generic significance criteria in Section 3.5 of the Scoping Report to be used in the assessment. The SoS acknowledges that this reflects the limited availability of published guidance on this matter; however, it is recommended that the assessment criteria should have regard to the geographic extent of potential effects and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.65 The SoS recommends that the types of jobs generated during both construction and operation should be considered in the context of the available workforce in the area.

Shadow Flicker (see Scoping Report Section 6.9)

- 3.66 The SoS encourages the applicant to consult with the relevant local planning authority regarding the scope of the assessment, including for example, the receptors of potential nuisance impacts that should be included in the assessment. The receptors identified as part of this process should be identified on a plan in the ES. The SoS directs the applicant to the comments of North Kesteven District Council contained in Appendix 2.
- 3.67 The assessment should consider the potential health impacts of shadow flicker and how these can be mitigated. The ES should also explain the proposed method of dealing with complaints relating to shadow flicker impacts.
- 3.68 The SoS notes that the assessment of significance for this topic will be based upon experience gained. The precise approach has not been provided in the Scoping Report. The SoS expects the ES to clearly state the method by which significance will be determined, having regard to magnitude of impact and sensitivity of the receptor.
- 3.69 The SoS reminds the applicant of the requirements in EN-3 regarding shadow flicker. Where the possibility of significant impacts as a result of shadow flicker exists, mitigation should be applied, as appropriate. Mitigation measures relied upon for the purposes of the assessment should be appropriately secured by requirement in the DCO.

Aviation (see Scoping Report Section 6.10)

- 3.70 The SoS notes that the MET Office has commented that whilst the project is in radar Line of Sight (LOS) to a radar station the impacts will not be significant and can be managed (see paragraph 6.10.4 of the Scoping Report). This correspondence should be appended to the ES. The proposed methods of managing the potential impacts should also be described.
- 3.71 The SoS notes the reference in the Scoping Report to concerns raised by the Ministry of Defence (MOD) regarding potential effects on LOS radar at certain RAF sites. It is stated that the MOD has confirmed that there will be no impact on low flying aviation (with lighting installed on the turbines), it is not clear whether there is potential for impacts on other types of aircraft which should be assessed in the ES. The ES should assess any such impacts where necessary.
- 3.72 As acknowledged in the Scoping Report, there are recent advances in radar technology that can be applied to mitigate potential impacts on radar as a result of operational wind farms. These measures, which include enhancements to existing radar technology, would need to be discussed and agreed with NATS En

Route if they are to be applied. All mitigation measures relied upon in the ES should be appropriately secured. The SoS notes and welcomes the applicant's intention to engage with NATS En Route and the Civil Aviation Authority (CAA).

Infrastructure, Telecommunications, and Broadcast Services (see Scoping Report Section 6.11)

- 3.73 The Scoping Report refers to the presence of a number of underground utilities in or around the site. These include:
- National Grid Gas Transmission and Gas Distribution high pressure pipelines; and
 - Western Power Distribution 11kv above and below ground electricity cables.
- 3.74 The SoS directs the applicant to the response of National Grid included in Appendix 2, which confirms that there are three National Grid high pressure gas transmission pipelines within or in close proximity to the site. The applicant is advised that National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent/temporary buildings, or structures, change to existing ground levels, storage of materials etc. National Grid has also provided specific comments in relation to pipeline and cable crossings.
- 3.75 The location of the above ground infrastructure is not described or illustrated in the Scoping Report. The SoS therefore welcomes the proposed investigations to identify these and to determine the appropriate mitigation to overcome any effects. The SoS recommends that the applicant consults with the relevant statutory undertakers at the earliest opportunity to identify infrastructure, telecommunication and broadcasting assets/receptors, potential effects, and to agree the scope of the assessment necessary. The applicant should also seek to agree the characteristics of mitigation measures necessary and provide evidence to justify their likely effectiveness. The ES should respond to the recommendations in the consultation responses from National Grid and the Health and Safety Executive (see Appendix 2 of this Opinion). The SoS recommends that the request by National Grid to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application be followed during the pre-application process.
- 3.76 The SoS notes the location of existing Network Rail infrastructure to the east of the site. It is unclear how the underground cable will traverse this asset. The SoS recommends that the applicant consult with Network Rail at the earliest opportunity.

- 3.77 The presence of infrastructure within the site has the potential for significant environmental effects, for example, should an existing underground pipeline or overhead line need to be diverted. This could generate additional noise, dust, and traffic and/or result in other impacts which could adversely affect nearby sensitive receptors. It could also otherwise disrupt the operation of the infrastructure. Any such potential impacts should therefore be considered as part of the EIA, as should any impacts which could arise from the implementation of any related mitigation measures.
- 3.78 The SoS does not agree with the statement in Paragraph 6.11.13 of the Scoping Report that it is inappropriate to apply significance criteria to the infrastructure assessment. It is possible that potential impacts will vary and therefore, such criteria would be helpful to understand their characteristics (e.g. type, extent, severity) and relative importance in terms of agreeing suitable mitigation, particularly in relation to potential impacts on the assets of statutory undertakers (where identified). It is also not possible at this stage to agree with the statement in the Scoping Report that residual effects would either be none or negligible, as no evidence is provided to substantiate this.

4.0 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Habitats Regulations Assessment (HRA)

- 4.2 It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required, or to provide sufficient information to satisfy the Secretary of State (as the CA) that an HRA is not required (i.e. that the proposed development is not likely to affect a European site and/or a European marine site). It is noted that paragraph 6.4.4 of the applicant's Scoping Report states that the applicant does not anticipate a HRA will be required in support of the proposed development, Special Protection Areas (SPAs) within 20km of the proposed development. The Secretary of State recommends that early agreement on this approach, with the relevant Statutory Nature Conservation Bodies (SNCBs) is sought, and that there is evidence of this agreement as part of the DCO application.
- 4.3 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure pages on the Planning Portal website.

Sites of Special Scientific Interest (SSSIs)

- 4.4 The Secretary of State notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.5 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.
- 4.6 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), Natural England in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB,

including advice on attaching conditions to the consent. The NCB will be notified during the examination period.

- 4.7 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.8 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests² in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.9 If an applicant has concluded that an EPS licence is required, the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.10 Applicants are encouraged to consult with Natural England and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from Natural England whether any issues have been identified which would prevent the EPS licence being granted.
- 4.11 Generally, Natural England are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, Natural England will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, Natural England will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why Natural England consider the proposals do not meet licensing requirements and

² Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by Natural England.

- 4.12 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals³. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In England the focus concerns the provision of up-to-date survey information, which is then made available to Natural England (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England can find further information on Natural England's protected species licensing procedures in relation to NSIP's by clicking on the following link:

http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

- 4.13 In England, assistance may be obtained from the Consents Service Unit. The Unit works with applicants to coordinate key non-planning consents associated with nationally significant infrastructure projects. The Unit's remit includes EPS licences. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

Health Impact Assessment

- 4.14 The SoS considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive, Public Health England, and North Kesteven District Council (see Appendix 2).

³ Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

- 4.15 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Other Regulatory Regimes

- 4.16 The SoS recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also, it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.17 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Transboundary Impacts

- 4.18 The SoS notes that the applicant believes that the proposed development is not likely to have significant impacts on another European Economic Area (EEA) State.
- 4.19 Regulation 24 of the EIA Regulations, which *inter alia* require the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.20 The SoS recommends that the ES should identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1
List of Consultees

APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
SCHEDULE 1	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board and the relevant CGT	NHS England
	NHS Lincolnshire West CCG
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
	English Heritage – East Midlands
The relevant Fire and Rescue Authority	Lincolnshire Fire and Rescue Headquarters
The relevant Police and Crime Commissioner	Lincolnshire Police and Crime Commissioner
The relevant Parish Council(s) or relevant Community Council	Branston & Mere Parish Council Potterhanworth Parish Council Nocton Parish Council Dunston Parish Council
The Environment Agency	The Environment Agency The Environment Agency - Lincolnshire and Northamptonshire
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency – Midlands
The Relevant Highways Authority	Lincolnshire County Council
The Coal Authority	The Coal Authority
The relevant Internal Drainage Board	Witham First District Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate

CONSULTEE	ORGANISATION
SCHEDULE 1	
The Forestry Commission	Forestry Commission

RELEVANT STATUTORY UNDERTAKERS	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Lincolnshire West CCG
The relevant Local Area Team	Leicestershire and Lincolnshire Area Team
The relevant NHS Foundation Trusts	United Lincolnshire Hospital Trust
The relevant Ambulance Trust	East Midlands Ambulance Service NHS Trust
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railway	Network Rail Infrastructure Ltd Highways Agency Historical Railways Estate
Water Transport	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 of Part 1 of Transport Act 2000)	NATS En-Route (NERL) Safeguarding
Universal Service Provider	Royal Mail Group
Environment Agency	The Environment Agency The Environment Agency - Lincolnshire and Northamptonshire
The relevant water and sewage undertakers	Anglian Water
The relevant public gas transporters	Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd

	<p>Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited National Grid Gas Plc National Grid Plc Quadrant Pipelines Limited SSE Pipelines Ltd Scotland Gas Networks Plc Southern Gas Networks Plc Wales and West Utilities Ltd</p>
<p>Electricity Distributors With CPO Powers</p>	<p>Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited UK Power Networks Limited National Grid Electricity Transmission Plc National Grid Plc Scottish Hydro Electric Transmission Limited</p>

LOCAL AUTHORITIES (SECTION 43)

Local Authority

North Kesteven District Council
West Lindsey District Council
East Lindsey District Council
Boston Borough Council
Lincoln City Council
South Holland District Council
South Kesteven District Council
Newark and Sherwood District Council
Nottinghamshire County Council
Lincolnshire County Council
North Lincolnshire County Council
North East Lincolnshire Council
Norfolk County Council
Cambridgeshire County Council
Peterborough City Council
Rutland County Council
Northamptonshire County Council
Leicestershire County Council

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Boston Borough Council
Branston and Mere Parish Council
Coal Authority
Dunston Parish Council
East Lindsey District Council
Energetics Gas Limited
English Heritage
Environment Agency
Fulcrum Pipelines
GTC Pipelines Ltd
Health and Safety Executive
Highways Agency
Lincolnshire County Council
National Grid (joint response by National Grid Electricity Transmission Plc and National Grid Gas Plc)
NATS En-Route Safeguarding
Natural England
North Kesteven District Council
Peterborough City Council
Potterhanworth Parish Council
Public Health England
Rutland County Council
South Holland District Council
Southern Gas Networks
Witham First Internal Drainage Board

From: [GCSXTurveyE](#)
To: [Environmental Services](#)
Subject: PROTECT FW: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation
Date: 09 July 2014 09:18:57
Attachments: [EN010066 Letter to stat cons Scoping AND Reg 9 Notification English.pdf](#)

Good morning,

I have been asked to reply to your email regarding the attached document.

Thank you for notifying us regarding this application, however, we don't believe we need to be a consultation body but we have no comments regarding this application.

Kind regards
Emma Turvey
Planning Services Support Supervisor
Boston Borough Council

From: planning
Sent: 09 July 2014 08:55
To: GCSXTurveyE
Subject: FW: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation

From: Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]
Sent: 30 June 2014 14:21
To: NSIP.applications@hse.gsi.gov.uk
Subject: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence in relation to the proposed Nocton Fen Onshore Wind Farm.

Kind regards,
Marie Evans
Senior EIA and Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5133

Helpline: 0303 444 5000

Email: marie.evans@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Secretary of State.

The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email may contain sensitive or personal data, please think before including in any forwarded correspondence.

Ever thought about a career in Local Government? Vacancies and information about working for Boston Borough Council can be found at www.boston.gov.uk/jobs Check out www.lgjobs.com for details of vacancies across all councils.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

BRANSTON & MERE PARISH COUNCIL

Assistant Clerk to the Council
Lesa Appleyard

16 Heathfield Avenue
Branston
Lincoln LN4 1UG
branstonpcassistant@yahoo.co.uk

28th July 2014

your Ref: 140630_EN010066_2576010

Ms Marie Evans
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Dear Ms Evans

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Nocton Fen Onshore Wind Farm

Branston and Mere Parish Council would like to make the following comments about this application, in response to your letter dated 30 June 2014.

The parish boundary of Branston and Mere Parish Council abuts Branston Causeway and therefore there are **a number of parishioners who will be directly affected** by the positioning of the proposed Nocton Fen Onshore Wind Farm.

The proposed site for the Wind Farm is in very open and flat countryside. Given the size and scale of the proposed wind turbines, they will be **visible from a great distance**.

The Parish Council is concerned at the **environmental impact caused by the construction** of the footings that will be required to install the turbines as the bedrock is believed to be 15m below the surface on this land. The Council is concerned about the large amount of material that will have to go into the ground to make the turbines stable and the effect this will have on the environment. Furthermore, the Parish Council foresees that the decommissioning of the site in the future will be complex and costs will be high.

The land on which the Wind Farm is proposed is **rare peatland**. This makes the land very environmentally sensitive as there is specific flora and fauna supported by peatland, for example, the Parish Council believes that the land is designated as a special area for golden plovers.

The Parish Council is concerned at the loss of **grade 2, very good quality agricultural land**, capable of producing a high level of yield from a wide range of agricultural and horticultural crops.

The Parish Council is concerned at **the likely increase in the number of vehicle movements that will be generated** in the area, particularly in the construction stage of the Wind Farm. One of the transport routes runs through the neighbouring village of Heighington which has narrow lanes and blind bends. Motorists use minor roads through Branston and Heighington to get to Lincoln, particularly when there is congestion on the B1188 and the Parish Council is concerned that the presence of HGVs and the nature of other site traffic using the roads through these villages to access the Nocton Fen Wind Farm will have disastrous results on the traffic flow in the whole area.

Yours sincerely

Lesla Appleyard

Lesla Appleyard, Assistant Parish Clerk



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Ms Marie Evans – Senior EIA and Land Rights Advisor
The Planning Inspectorate

[By Email: environmentalservices@infrastructure.gsi.gov.uk]

Your Ref: EN010066

14 July 2014

Dear Ms Evans

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Nocton Fen Onshore Wind Farm

Thank you for your consultation letter of 30 June 2014 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that the proposed EIA development is located outside of the defined coalfield. Accordingly, The Coal Authority has **no comments** to make regarding the information to be contained in the Environmental Statement that will accompany this proposal.

As this proposal lies outside of the defined coalfield, in accordance with Regulation 3 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 it will not be necessary for any further consultations to be undertaken with The Coal Authority on this Nationally Significant Infrastructure Project. This letter can

be used by the applicant as evidence for the legal and procedural consultation requirements.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

From: [Louise Stocker](#)
To: [Environmental Services](#)
Cc: [REDACTED]
Subject: Inclusion in consultation Re : 140630_EN01066_2576010
Date: 25 July 2014 16:40:36

To Whom it may concern,

Re : 140630_EN01066_2576010 : Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Nocton Fen Onshore Wind Farm.

Dunston Parish Council is apprehensive as to the effect that the Wind Farm will have upon the Parish of Dunston, and as such we would like to be included in the consultation process. As a community bordering the proposed site at Nocton Fen, we are particularly interested in establishing the full impact related to noise, wildlife, property prices, environment, highways, electrical supply stability etc. and expect this to become known when the full and final application details are available to parishioners.

We anticipate that a number of questions will evolve when this information is released, and would like to extend an invitation to one of our monthly meetings to you in an attempt to further discuss and clarify any arising areas of concern.

Kind regards

Louise Stocker
Clerk to the Parish Council of Dunston

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Evans,

APPLICANT: Vattenfall Wind Power Ltd
PROPOSAL: Consultation for Nocton Fen Windfarm.
LOCATION: NOCTON FEN WIND FARM, NORTH KESTEVEN, LINCOLNSHIRE.

Thank you for notifying this authority of the EIA Scoping Opinion requested in connection with a proposed wind farm at Nocton Fen in Lincolnshire.

I have read the documentation on the website and can advise that the main concerns of East Lindsey District Council as an adjoining authority, relate to the impacts of the proposed turbines on landscape character and visual amenities and the impacts on heritage assets.

To this end we would request that viewpoints looking westwards from the Wolds are included within the Environmental Statement and are taken into account in the assessment:-

- a. the viewpoint along the minor road between West Keal and High Barn identified by a marker post;
- b. the lay-by opposite the access to Middle Farm on Green Lane which is a minor road leading from the A153 to Hemmingby; and
- c. A158 between the bends south of Barr Farm.

In relation to heritage assets we do not agree with the suggested geographic limits for assessment purposes as many important designated and non-designated heritage assets that may well be impacted by the proposed wind farm lie beyond the stated distances. ELDC would expect the impacts of the development on the following additional heritage assets to be considered:-

- a. Tattershall Castle (the scoping document seemed to be contradictory about its inclusion in the assessment);

- b. Halstead Hall (SAM);
- c. Churches at Baumber (grade 1), Horsington (grade 11), Kirkstead (grade 1) and Langton by Wragby (grade 11);
- d. Manor House at Langton by Wragby;
- e. mast at Stenigot (grade 11);
- f. Woodhall Spa Conservation Area and listed buildings within it, particularly Petwood Hotel (grade 11) and its Peto Garden which is to be restored;
- g. Conservation Areas of Horncastle, Thimbleby, Wragby.

In addition there are the heritage assets of the River Witham and the old railway line which pass through both East and West Lindsey towards the bottom of the chalk cliff - both of which require consideration. The River Witham contains many sites of former abbeys, some of which are listed in their own right, eg. Tupholme Abbey (grade 1 and SAM), Kirkstead (grade 1) etc and other associated buildings, eg. Abbey Farm at Stixwold (grade 11 and SAM), in addition to its pumping stations (eg. grade 11 listed dogdyke pumping station at Tattershall). The former railway line retains many of its stations eg. Kirkstead, the old track, station names, platforms. The importance of these railway and river heritage assets is heightened by the presence of the national cycle route "Water Rail route".

Further information can be obtained on the above from Michelle Walker (Planning) or Robert Walker (Conservation).

ELDC looks forward to being consulted on the application once it has been submitted.

Yours sincerely



Michelle Walker
Major Applications Planning Officer

From: [Claire Ferguson](#)
To: [Environmental Services](#)
Subject: 140630-EN010066-2576010
Date: 01 July 2014 12:17:03

Dear Sir/Madam,

Thank you for submitting your recent plant enquiry.

Based on the information provided, I can confirm that Energetics **does not** have any plant within the area(s) specified in your request.

Please be advised that it may take around 10 working days to process enquiries. In the unlikely event that you have been waiting longer than 10 working days, or require further assistance with outstanding enquiries, please call 01698 404945.

Please ensure all plant enquiries are sent to plantenquiries@energetics-uk.com

Regards

Claire Ferguson

Technical Clerical Team

Energetics Design & Build

International House

Stanley Boulevard

Hamilton International Technology Park

Glasgow

G72 0BN

t: 01698 404979

f: 01698 404940

e: claire.ferguson@energetics-uk.com

w: www.energetics-uk.com

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

From: [Allen, Tim](#)
To: [Environmental Services](#)
Cc: [EAST MIDLANDS BUSINESS OFFICERS](#); [Walsh, David](#); sarah.harrison@west-lindsey.gov.uk; marianna_porter@n-kesteven.gov.uk; liz.stephen@heritagecollective.co.uk; [Rob Bourn](#); [Gould, Shane](#); [Searson, Claire](#)
Subject: Re: Nocton Fen Wind Farm NSIP your ref 140630 EN010066 2576010 FAO Marie Evans
Date: 21 July 2014 19:03:56

Dear Ms Evans

Addendum to advice below:-

I should of course have also included Lincoln Castle (scheduled monument) in the list of sites of particular setting sensitivity.

Yours sincerely

Tim Allen

Tim Allen | Inspector of Ancient Monuments

Land Line 0114 2303916

Mobile Phone: 07770 610214

English Heritage | 44 Derngate

Northampton | NN1 1UH

www.english-heritage.org.uk

On 20 Jul 2014, at 17:17, "Allen, Tim" <Tim.Allen@english-heritage.org.uk> wrote:

Dear Ms Evans

Thank you for consulting English Heritage in respect of Scoping Opinion to EIA on this case. We draw particular attention to the importance of understanding the historic landscape relations in fixed views and in movement through the landscape between key sites and routeways. We refer you our guidance Setting of Heritage Assets and our Wind Energy Guidance. As will be clear from the sites highlighted below, this zone between the Car Dyke and the Witham with Lincoln to the north and a startlingly rich group of monastic sites strung out along its length with Tattershall Castle at the south is especially sensitive to the introductions of large moving objects into this space.

We wish to highlight the following heritage assets and the viewpoint locations for further study without prejudice to other matters which may arise.

Views of Greetwell, Nocton and Potterhanworth churches as well as long distance views of Lincoln Cathedral from historic settlements.

The Car Dyke and points along this important Roman construction in particular scheduled sections but also as followed on foot with views along and out to adjacent sites (in particular those listed below when looking across the turbine field.

Views from and to the string of monastic sites along the Witham and associated post-dissolution houses at the scheduled monuments of:-

Stainfield Nunnery

Barlings Abbey

Bardney Abbey

Nocton Park Priory

Seney Place: the remains of a medieval moated monastic retreat house, Southrey

Tupholme Abbey

Stixwold Nunnery

Kirkstead Abbey

Views from the above sites and the Witham banks as one moves along this axis in particular looking towards Lincoln Cathedral.

Views from the scheduled King's Hill Barrow north of Bardney and views across the turbine field towards it and Bardney Abbey from the Car Dyke

Views from atop Tattershall Castle looking towards Lincoln Cathedral and the reciprocal view back from atop the cathedral.

Clearly these matters will require detailed further discussion which we will be engaging in with the applicant's consultants.

With respect to direct impacts on archaeological remains we refer you to the Local Authority Archaeological Curators and in respect of setting issues not treated here to the advice of the District Conservation Officers. We note however the potential for exception preservation of subsurface remains on the Nocton Fen site and hence emphasis the need for a detailed process of pre-determination archaeological assessment of direct and secondary impacts from the turbine sites and associated cabling, concreting, access works etc.

yours

Tim Allen

Tim Allen | Inspector of Ancient Monuments

Land Line 0114 2303916

Mobile Phone: 07770 610214

English Heritage | 44 Derngate

Northampton | NN1 1UH

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of English Heritage unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to English Heritage may become publicly available.

Portico: your gateway to information on sites in the National Heritage Collection; have a look and tell us what you think.

<http://www.english-heritage.org.uk/professional/archives-and-collections/portico/>

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

Ms Marie Evans
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2014/119741/01-L01
Your ref: EN010066_2576010
Date: 25 July 2014

Dear Madam

Application by Vattenfall Wind Power Limited for an Order granting Development Consent for the Nocton Fen Onshore Wind Farm

Thank you for your Environmental Impact Assessment (EIA) consultation letter of 30 June 2014.

We have reviewed the Scoping Report submitted and have comments to make in respect of groundwater protection, water quality and flood risk to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal. Our technical comments are provided below under the relevant chapter headings as presented in the Scoping Report.

6.2 Geology, Hydrology and Hydrogeology
Groundwater

The area of the site proposed for the turbines is of low environmental sensitivity with regard to groundwater. Therefore, we are generally satisfied with the proposed assessments outlined for the EIA in respect of this.

The elements of the design that will require careful consideration relate to the offsite infrastructure for the underground grid connection as the cable route is proposed to pass through the principal aquifer of the Lincolnshire Limestone to the west of the site. Consequently, we request an assessment of risk to the water environment and mitigation measures required for the route, particularly where it passes through the Source Protection Zone 2, as this could have an impact on public water supplies.

During all phases of development (construction, operation and decommissioning), the developers should adopt all appropriate pollution control measures to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Water Quality

This project should not have a significant impact on water quality and pollution during its construction provided that our pollution prevention guidelines are adhered to, which we are pleased to see referenced in paragraph 6.2.10.

The Scoping Report states that a Water Framework Directive (WFD) assessment will be carried out. This will assess impact during construction/decommissioning only. The effects during the operational phase have been scoped out and we are satisfied with this approach.

However, we would advise the applicant that the affected waterbody polygons and description have changed for the second cycle of the River Basin Management Plans and are now the Car Dyke North and Delph System; Witham 1st and 3rd Internal Drainage Board's systems, draining to the river Witham. A shapefile is available on the Environment Agency's Geostore website for these.

We would also refer the applicant to the Witham Catchment Abstraction Management Strategy (February 2013) and Anglian Water Services' Water Resource Management Plan for relevant information.

Flood Risk

We welcome the acknowledgement that a Flood Risk Assessment (FRA) will be required to support the application as the site lies largely within Flood Zone 3, high probability, as shown on our Flood Map. (We note that paragraph 6.2.3 attributes this flood risk to be from the sea, however, the source of flooding is fluvial, from the River Witham). The site is also largely within an area classified as 'danger for most' in the North Kesteven Strategic Flood Risk Assessment (Figure 15.1) with the potential turbine sited nearest to the River Witham being in an area classified as 'danger for all'. The FRA should consider not only the risk to and from the actual project but also temporary elements such as the construction compound etc.

We note from paragraph 6.2.30 the intention to follow the guidance of the National Planning Policy Framework and the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) to produce a compliant FRA. We recommend following the flood risk guidance in the NPS for Energy (EN-1), in particular Section 5.7, which offers more guidance than EN-3.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres measured horizontally from the foot of any bank of the landward side, or where there is no bank, within 9 metres measured horizontally from the top edge of the batter enclosing the River Witham, Car Dyke and the Nocton Delph. The need for this consent is acknowledged in the third bullet point in paragraph 6.2.29 and we would be pleased to discuss this further with applicant in due course.

Storage of excavated material (e.g. cable trenching material) on the floodplain during construction should be considered. Undertaking cable route excavation in sections to reduce the risk that this may pose during a potential flood event should be considered. The Environment Agency takes a pragmatic view; where the excavation has to take place, it requires that such storage will be made such to avoid directly affecting local residents i.e. allow breaks in the storage, note local topography and flood conditions,

identify who may be at risk etc.

Finally, it is recommended that all flood sensitive equipment is installed above the extreme (0.1%) flood level and should either the electrical control building or substation need to be manned, then consideration is given to flood warning and evacuation procedures for personnel.

The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

Please note that the view expressed in this letter by the Environment Agency is a response to a pre-application enquiry only and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Annette Hewitson
Principal Planning Adviser

Direct dial 01522 785889

Direct fax 01522 785040

Direct e-mail annette.hewitson@environment-agency.gov.uk

From: [&box_FPLplantprotection_conx.](#)
To: [Environmental Services](#)
Subject: RE: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation
Date: 08 July 2014 11:22:42
Attachments: [image001.jpg](#)
[image006.jpg](#)
[image007.jpg](#)

Scoping reply

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 0845 641 3060

To save you time, any future requests for information about our plant, can be emailed to FPLplantprotection@fulcrum.co.uk

Yours sincerely,

Dave Bowles
Design Engineer



Mobile: N/A
Tel: 0114 280 4143
Email: david.bowles@fulcrum.co.uk
Web: www.fulcrum.co.uk



FULCRUM NEWS

FREE GAS PIPEWORK "M.O.T." SERVICE LAUNCHED

We've introduced a free gas outlet pipework "M.O.T" for past customers to support them with gas safety. [Learn more.](#)

-
FULCRUM TV LAUNCHED

Fulcrum TV, our new online informational resource is now available through our website. [Learn more.](#)

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]
Sent: 30 June 2014 14:21
To: NSIP.applications@hse.gsi.gov.uk
Subject: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence in relation to the proposed Nocton Fen Onshore Wind Farm.

Kind regards,
Marie Evans
Senior EIA and Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5133

Helpline: 0303 444 5000

Email: marie.evans@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Secretary of State.

The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the email and any attachments. You should not disclose, copy or take any action in reliance on this transmission. You may report the matter by calling us on 08456413010.

Please ensure you have adequate virus protection before you open or detach any documents from this transmission.

The Fulcrum Group does not accept any liability for viruses. An email reply to this address may be subject to monitoring for operational reasons or lawful business practices.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

From: Tom.Anderson@gtc-uk.co.uk
To: [Environmental Services](#)
Subject: 140630-EN010066-2576010
Date: 09 July 2014 15:38:42

Dear Sirs

With regard to the above reference, we have no comment to make.

Kind Regards

Tom Anderson
Engineering Support Officer

GTC
Engineering
Energy House
Woolpit Business Park
Woolpit
Bury St. Edmunds
Suffolk
IP30 9UP
Tel: 01359 243376 (ext. 3376)
Fax: 01359 244046
Email: tom.anderson@gtc-uk.co.uk
Web: www.gtc-uk.co.uk

NOTE:

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP
VAT Number: GB688 8971 40. Registered No: 029431.

DISCLAIMER

The information in this E-Mail and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message, delete any copies held on your system and notify the sender immediately. You should not retain, copy or use this E-Mail for any purpose, nor disclose all or any part of its content to any other person. Whilst we run antivirus software on Internet E-Mails, we are not liable for any loss or damage. The recipient is advised to run their own up to date antivirus software.

Thank you

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

HID Policy - Land Use Planning
NSIP Consultations
Building 5.S.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN010066
Our ref: 4.2.1.4179

HSE email: NSIP.applications@hse.gsi.gov.uk

FAO Marie Evans
The Planning Inspectorate
3/18 Eagle Wing,
Temple Quay House
2 The Square, Bristol
BS1 6PN

Dear Ms Evans

21st July 2014

**PROPOSED NOCTON FEN ONSHORE WIND FARM (the project)
PROPOSAL BY VATTENFALL WIND POWER LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 30th June 2014 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

With reference to the scoping boundary shown in Figure 2 of the "Vattenfall Wind Power Ltd – Nocton Fen Wind Farm: Environmental Impact Assessment Scoping Report" June 2014, the proposed development does not fall within any of HSE's Consultation Zones for major hazard sites.

Based on information held by HSE, it would appear that the scoping boundary is within the Consultation Zones of two 'Major Accident Hazard Pipelines' operated by National Gas Grid.

One of the pipelines bisects the site in a north north west to south south east direction just west of the B1188. The other pipeline seems to run close to the scoping boundary along the south boundary at the eastern portion of the site.

On the basis of a preliminary assessment and the information as provided in the EIA Scoping Report, it is unlikely that HSE would advise against the project. However, as the site is within the vicinity of these pipelines, the applicant should consider contacting the pipeline operator for the following reasons:

- The operator may have legal interest in the vicinity of the pipeline. This may restrict certain developments within certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

Hazardous Substances Consent

The presence on, under or above land of certain hazardous substances, at above threshold quantities, may require Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which Consent is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 1992 as amended by the Planning (Control of Major Accident Hazards) Regulations 1999 and The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 & 2010.

The Scoping document does not make reference to the storage or use of significant quantities of hazardous substances and, in view of the nature of the proposal, such storage seems unlikely. However the developer is advised to consider whether storage or use of hazardous substances is involved and, if so, whether Hazardous Substances Consent would be required. Further information on Hazardous Substances Consent should be sought from the Hazardous Substances Authority.

Explosives sites

The proposed Nocton Fen Onshore Wind Farm development does not impinge on the separation distances of any explosives licensed site in the vicinity of the application.

Electrical Safety

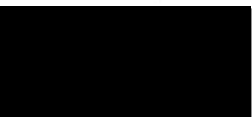
The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (ie the Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Miss Laura Evans
NSIP Consultations
5.S.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



PP Laura Evans
HID Policy - Land Use Planning

Your ref: 140630_EN010066_2576010

Marie Evans
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Rajinder Kaur
Asset Manager
The Cube
199 Wharfside Street
Birmingham
B1 1RN

1 July 2014

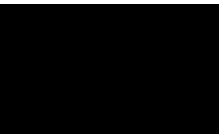
Dear Marie

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Nocton Fen Onshore Wind Farm

Thank you for your correspondence dated 30 June 2014 inviting comments on the above application.

The Highways Agency does not wish to make any comments on the above application.

Yours sincerely

pp 

Rajinder Kaur
Asset Manager
Email: rajinder.kaur@highways.gsi.gov.uk

From: [Phil Hughes](#)
To: [Environmental Services](#)
Cc: ["NSIP.applications@hse.gsi.gov.uk"](mailto:NSIP.applications@hse.gsi.gov.uk)
Subject: RE: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation
Date: 28 July 2014 14:43:40
Attachments: [OX5170 WT Nocton Wind Farm Landscape Scoping Review.pdf](#)
Importance: High

Dear Marie,

The following comments and attachment comprise Lincolnshire County Council's (LCC) response to the scoping consultation:

Landscape and Visual – see attached document.

Traffic and Transport - the Scoping report appears to be acceptable in terms of Traffic and Transport requirements. However, due to the close proximity to the River Witham, consideration should also be given to transportation via the waterways.

Cultural Heritage

- The Lincolnshire Historic Landscape Characterisation needs to be referenced as a source for Landscape Assessment;
- LCC would query the use of linear measure limits to visibility as it all depends on site topography. This rigid method has been queried successfully at some wind farm appeals by English Heritage (EH).
- Only 'publicly accessible' Parks and Gardens will be looked at which is wrong as all Parks and Gardens make up the distinctive landscape and there are lots of small designed parks and gardens which lie within the visibility zone and are on the Historic Environment Record (e.g. Blankney, Bloxholm, Leadenham, Carlton Scroop and more).
- The area of assessment for small villages is 5km – which is not far in an open area, and the area limit of residential visual amenity is 2km . These limits are queried – as with landscape it should really be site specific.
- The proposals for archaeological assets seem largely to meet NPPF. The Witham valley is mentioned as a non-designated area of assets but the report doesn't say how significant it is. EH regard it as a nationally significant area but too large to schedule – this may come out in the EIA.
- LCC objects to 'scoped out' undesignated settings beyond 500m and Grade II Listed Buildings, Conservation Areas and Scheduled Monuments beyond 5km – again it should be site specific.

Regards,

Phil Hughes
Strategic Planning Manager
Lincolnshire County Council

From: Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]
Sent: 30 June 2014 14:21
To: NSIP.applications@hse.gsi.gov.uk
Subject: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence in relation to the proposed Nocton Fen Onshore Wind Farm.

Kind regards,
Marie Evans
Senior EIA and Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5133
Helpline: 0303 444 5000
Email: marie.evans@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)
Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Secretary of State.

The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free. Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

Note: We are a Microsoft Office site. Our base version is 2010. Please make sure that files you send can be read in this format. Any form of reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of this e-mail is strictly prohibited save unless expressly authorised by the sender. The information contained in this message is intended for the named recipients only. It may contain privileged and confidential information and if you are not the addressee or the person responsible for delivering this to the addressee, you may not copy, distribute or take action in reliance on it. If you have received this message in error, please notify the sender(s) immediately by telephone. Please also destroy and delete as soon as possible the message from your computer.



WIND TURBINE DEVELOPMENT Nocton Fen, Lincolnshire

Landscape and Visual Impact Scoping Review

PREPARED FOR LINCOLNSHIRE COUNTY COUNCIL

July 2014

Prepared by:

Michelle Bolger, Senior Associate, Gillespies LLP

Qualifications:

Chartered Landscape Architect CMLI, Dip.LA, BA (Hons) LA, PGCE, BA (Hons) Eng

Date of issue:

July 22nd 2014

CONTENTS

1	Introduction	1
2	Recommendations	2
3	Review of LVIA scoping report	4

REFERENCE DOCUMENTS

1 Introduction

Scope of this report

- 1.1 In June 2014 Gillespies was instructed by Lincolnshire County Council (LCC) to prepare a review of the Landscape and Visual Impact Assessment (LVIA) scoping report submitted for a wind turbine development at Nocton Fen, near Nocton, Lincolnshire. The site is located in North Kesteven District (NKD) but is close to the boundaries with West Lindsey District (WLD) and East Lindsey District (ELD).
- 1.2 The development comprises the erection of 23 wind turbines, with a maximum blade tip height of 149.5m together with ancillary infrastructure including new vehicular access, a new control building, electrical infrastructure and an offsite sub-station. The LVIA scoping report has been prepared by AMEC Environment & Infrastructure UK Ltd as part of an Environmental Impact Assessment (EIA) scoping report on behalf of Vattenfall wind Power Ltd.
- 1.3 A desktop review of the LVIA scoping report was undertaken combined with a desktop study of published landscape character and other landscape assessments for the area. This was followed by a site visit to the site and the surrounding area in July 2014.

2 Conclusions and Recommendations

- 2.1 The Study Areas proposed are sufficient
- 2.2 The LVIA Methodology lacks criteria concerning the key landscape characteristics that indicate whether a landscape is more or less able to accommodate wind turbine development of the scale proposed. It is recommended that the consultants are asked to set out on what basis they are assessing the ability of the landscape to accommodate wind turbine development of the scale proposed.
- 2.3 The descriptions in the scoping report of the existing landscape are not consistent in their use of National Character Areas (NCAs) and Local Landscape Character Areas (LCAs). The descriptions of the existing landscape do not appear to recognise the unusual location of Nocton Fen contained by the higher land to the west and east. The LVIA must take account of the distinctive character that results from the narrowness of the fen in this location and the intervisibility between the LCA in which the site is predominantly located site and adjacent LCAs.
- 2.4 The consideration of designated landscapes should include a consideration of the impact on the Conservation Areas in village surrounding the site.
- 2.5 For final agreement of viewpoints a full grid reference and descriptive information should be provided for each viewpoint. As one of the relevant planning authorities in the NSIPs process the full viewpoint list should be agreed with Lincolnshire County Council as well as the other planning authorities.
- 2.6 With regard to specific viewpoint it is recommended that the following locations are considered for additional viewpoints:
- From the higher ground to the west of the villages running along the ridge between Potterhanworth and Methringham
 - From Methringham Barff
 - From higher ground to the east within 5km of the site such as from settlements such as Bucknal, the B1190 and from Henry Lane running north east from Bardney
 - From between 5-10km across the fenland from the south east such as from Carr Dyke.
 - From along Lincoln Cliff , between Bracebridge Heath south to Coleby and to Navenby

- From within the AONB.

- 2.7 Some of the viewpoints identified as for wireframes only, such as form Lincoln Cathedral should be considered for photomontages.
- 2.8 Details should be provided regarding the factors to be considered for the residential visual amenity assessment and an indication given of the thresholds at which they are considered to have an effect of such magnitude and proximity as to be overbearing or dominant.
- 2.9 The detail provided with regard to the Cumulative LVIA (CLVIA) is insufficient and a more developed methodology should be required, especially with regard to the assessment of sequential effects. The developments listed as scoped out of the CLVIA should be revisited.
- 2.10 Table 6.3 *Illustrative Matrix of Significant Effects* should be replaced with a written description.

3 Review of LVIA scoping report

References

- 3.1 The scoping report begins by stating that methodology for the LVIA will accord with the 3rd Edition of Guidelines for Landscape and Visual Impact Assessment (2013) (GLVIA3).¹ However there is a degree of confusion in Table 6.1 *Policy Issues Considered at the Scoping Stage*² where the second edition is listed as '*relevant to this assessment*'. The second edition is not relevant to this assessment.
- 3.2 In the same section of Table 6.1 there is reference to '*Land Use Consultants (2002) Landscape Character Assessment – Guidance for England and Scotland: Countryside Council for Wales /Cadw (2007)*'. This appears to be a confusion between two documents.
- The 2002 guidance which is elsewhere in the scoping report referred to as '*Countryside Agency and Scottish Natural Heritage Landscape Character Assessment - Guidance for England and Scotland (2002)*' and
 - Countryside Council for Wales/Cadw (2007) Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process.
- This second guidance has no relevance to this application.
- 3.3 The references to Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) are appropriate. However, a key reference on page 38 that '*Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change*' (our emphasis) are not explored further. The methodology that follows does not set out any criteria against which the capacity of the landscape to accommodate the proposed changes will be assessed.

¹ Scoping Report Paragraph 6.1.1

² Scoping Report page 37

Study Areas

- 3.4 The proposed LVIA assessment of effects on landscape character within a 35km radius Broad Study Area is considered to be sufficient. The proposed concentration on a 15km radius study area as the focus of the LVIA is also considered to be sufficient. However the statement that '*It is considered that whilst there will be visibility of the wind farm beyond 15km, significant effects on landscape character are only likely to arise within a more limited area*³' is confusing. The 'more limited area' is not defined. If this is referring to the area within 15km this is accepted.
- 3.5 The proposed 2km radius from the wind turbine footprint for the Residential Visual Amenity Assessment is also considered to be sufficient.

Baseline Overview

- 3.6 The Baseline overview contains the statement that '*the scale of the site is large with few opportunities for scale comparison at close range. Such qualities are considered to be key characteristics of the capacity of a landscape to accommodate large scale wind farm development.*⁴' This is of concern for two reasons:
- This statement appears to have jumped to conclusions about the suitability of the site following two short paragraphs describing the location (6.1.4 and 6.1.5).
 - This is the only statement in the scoping report that identifies that there are landscape characteristics that can be identified as making a landscape more or less able to accommodate wind turbine development. (See Paragraph 3.24 below)

Landscape Character

- 3.7 This section of the scoping report lacks clarity. For example it is not clear what the statement '*this wider study area takes in much of the low lying landscape features of the fens and broad river valleys*⁵' means. The study areas contains only a small proportion of the fenland within the east of England and even within the wider study area at least 50% of the area is not fenland..

³ Scoping Report Paragraph 6.1.17

⁴ Scoping Report Paragraph 6.1.6

⁵ Scoping Report Paragraph 6.1.7

- 3.8 Paragraph 6.1.8 states that the Site is covered by intensively farmed agricultural land that forms part of The Fens and South Lincolnshire Edge landscapes. It does not make clear that these are two NCAs; NCA 46 The Fens and NCA 47 Southern Lincolnshire Edge. By implication this statement suggests that the two NCAs are similar in being composed of *'intensively farmed agricultural land'*. In fact they are two very distinct NCAs. The site extends across both NCAs and the nature of the development means that both NCAs will be affected by the development.
- 3.9 At district level the report identifies the 4 district/boroughs landscape character assessment within the 15km study area, which will provide the basis for the assessment of landscape effects. The report makes special mention of the North Kesteven Landscape Character Assessment (NKLCA) (2007) and includes mention of the *Central Clay and Gravels LCA* as this is where the underground cable route would run. However, it does not list any other LCAs within the NKLCA, including the Fenland LCA in which the turbines will be located. LCAs in the West Lindsey Landscape Character Assessment (WLLCA) (1999) such as the Lincolnshire Lime Woods to the east of the site are also not mentioned.
- 3.10 The scoping report makes special reference to *'Lincoln Cliff' LCA* (wrongly referenced as a Landscape Character Type) which is some distance from the site but is a dramatic topographical feature in the context of the wider district. The scoping report identifies the *'landscape impact of the project in terms of views from the Cliff'* as being important. The effect of intervisibility from the proposed development in terms of the landscape and the villages that are located on the crest of this limestone escarpment should also be assessed.
- 3.11 Instead of considering the distinctive characteristics of the Fenland LCA (NKLCA) in which the proposed wind turbines will be sited the scoping report relies on a description from NCA 46 *The Fens*. NCA 46 is a large and generally broad NCA surrounding The Wash. By contrast the site is located in a narrow 'extension' of the NCA to the north sandwiched between two areas of higher ground. This is unusual for a fenland landscape. Although the site is typical of the Fenland LCA, consisting of very flat alluvial land with large, rich arable fields divided up by drainage channels, it is contained by the higher land to the west and east. The NKLCA describes the fenland as having a very strong and distinctive character and *'despite its absence of variation might be considered to present a sense of drama and melancholy'*.⁶

⁶ NKLCA page 96

- 3.12 Industrial and commercial use is largely absent in the landscape surrounding the site. This a rural landscape with very large, distinctively flat fields, with dykes dividing the fields rather than hedgerows and with trees belts sheltering the isolated farmsteads. The one industrial element in the landscape surrounding the site is the Sugar Beet Factory at Bardney Bridge. The LVIA scoping describes how this factory *'has a widespread influence over this part of the landscape due to its relative size'*.
- 3.13 Although the site is located in a typical Fenland landscape, the fens at this point narrows as it meets the Lincoln gap, bounded by the River Witham to the east. The NKLCA states that *'Although the sub-area itself is very open, the northern element is edged by the Lincolnshire Wolds to the north-east and the limestone edge to the west creating a funnel shaped enclosure in this section'*⁷. The narrowness of this section of the fenlands, means that there is constant intervisibility between this LCA and the adjoining LCAs. To the west lies the Car Dyke and areas of gently undulating lowland edged by areas of woodland. This is the *Central Clay and Gravels* LCA which creates a distinctive boundary to the Fen to the west. To the east are the undulating landform of the *Lincolnshire Lime Woods* LCA with the Lincolnshire Wolds AONB beyond which creates another distinctive boundary to the Fen to the east.
- 3.14 The LVIA must take account of the distinctive character that results from the narrowness of the fen in this location.

Landscape Planning Designation

- 3.15 The Lincolnshire Wolds Area of outstanding Natural Beauty (AONB) is mentioned as *'the key area of landscape to be considered'* and as a landscape high value.⁸
- 3.16 The Conservation Areas at the nearby villages of Nocton, Dunston and Metheringham need consideration within the LVIA. This line of villages comprising Potterhanworth, Nocton, Dunston, Digby and Scopwick, follow the spring lines rising from the limestone heath plateau and, as a result, present a linear distribution of settlement. These *'spring-line settlements'* all have attractive historic cores, some with prominent church spires that can be seen from higher ground to the west in the context of the fenland landscape that lies to the east, below the villages.

⁷ NKLCA (2007) page 96

⁸ LVIA Scoping page 44 para .6.1.21

3.17 Nocton Delph Drain which runs immediately south of the site is listed as a 'County Wildlife Area'. Nocton Wood and Potterhansworth Woods which lie just to the west of the proposed site are described as '*prominent and interesting features in the landscape*' by the NKLCA⁹. These wooded areas form a prominent landscape feature on the horizon to the west of the site and the effect on views of these features in the landscape should be included in the assessment.

Visual Receptors and Viewpoint Location

3.18 The mapping provided in the scoping report is presented at a scale that makes it difficult to distinguish the viewpoint locations with any precision. For example, Viewpoint 11 is listed as 'Nocton', views of the site in and around Nocton vary considerably depending on the position of the viewpoint. Whereas viewpoints within the village offer no view of the site, those on roads immediately east of the village, such as Nocton Fen Lane, will offer panoramic views of the site.

3.19 For final agreement of viewpoints we recommend that a full grid reference and descriptive information is provided for each viewpoint. As one of the relevant planning authorities in the NSIPS process the full viewpoint list should be agreed with Lincolnshire County Council as well as the other planning authorities some of which are listed in Paragraph 6.1.29.

3.20 The viewpoint selection shown on Table 6.2 shows a representative selection of viewpoints in the immediate the vicinity of the site, most of which lie within a radius of 5km from the site. Understandable that there is a preponderance of suggested viewpoints from the villages running along the ridge between Potterhanworth and Metheringham. These historic villages are often inward looking with wooded edges to the settlements. However, from viewpoints on the higher ground to the west, church spires, such as at Nocton, can be seen in the context of the fenland landscape that lies below the villages to the east. For example there are viewpoints along the B1188 which offer panoramic views towards the fens, looking across the villages which are nestled in the undulating wooded landscape in the foreground. One or more viewpoints from the higher ground to the west of the villages should be included.

⁹ NKLCA (2007) page 84

- 3.21 Other significant viewpoints are located on higher ground to the east of the villages (but west of the site), such as at Methringham Barff. At 15m AOD this viewpoint offers clear views across the Fens and should also be included in the assessment.
- 3.22 The LVIA should also include viewpoints from the higher ground to the east within 5km of the site, especially as the majority of the turbines are concentrated to the east of the proposed site. Viewpoints should be considered from settlements such as Bucknall and viewpoints along the B1190 and from Henry Lane running north east from Bardney as it rises near Bucknall Wood. The extent of Viking Way in this area should also be investigated, both north and south of Bardney.
- 3.23 There are only two viewpoints listed from between 5km and 10km from the site. Given the number and the height of the turbines, and landscape character of the fenland with '*extensive vistas to level horizons and huge skies, apart from in the north easterly direction where the Lincolnshire Wolds provide a marked "Upland" horizon*' (NKLCA)¹⁰ there are likely to be significant visual effects between 5km and 10km. For example:
- Viewpoint between 5-10km across the fenland from the south east should be considered such as from Carr Dyke.
 - Viewpoints from along Lincoln Cliff, between Bracebridge Heath south to Coleby and to Navenby should be considered as the Cliff at 780m AOD offers views across to the Fens.
 - Further consideration should be given to viewpoints from within the AONB
- 3.24 A viewpoint from Lincoln Cathedral is included in the Viewpoint selection, however, this and other more distant locations (no.s12-17 and 19-10) are marked for wireframe only. Given that Lincoln Cathedral is a landmark feature and as the KDLCA suggests that '*There are key vistas of Lincoln Cathedral as the Witham valley narrows through the Lincoln Gap*', these views should be fully investigated.

¹⁰ NKLCA page 95 9.1

Assessment Methodology

- 3.25 The key omission in the methodology is a list of criteria that considers how key landscape characteristics indicate whether a landscape is more or less able to accommodate wind turbine development of the scale proposed. GLVIA3 defines landscape sensitivity as deriving from '*combining judgements about its **susceptibility to change** arising from the specific proposals with judgements about the **value** attached to the receptors.*' (Emphasis added) One of the key changes between the 2nd Edition GLVIA and GLVIA3 is the emphasis on the fact that landscape susceptibility is determined by understanding how well the characteristics of a particular development fits the characteristics of the landscape. Appendix A contains a list of criteria developed for a wind turbine sensitivity study in Huntingdonshire. These are indicative of the criteria that need to be established for this assessment.
- 3.26 With regard to residential visual amenity paragraph 6.1.43 states that '*the widely recognised factors that are applied in inquiry decisions as the acceptability of visual effects on private properties are used to form a judgement as to whether the effect is of such magnitude and proximity to be overbearing or dominant in nature, to the extent that a property may be considered as an unattractive place to live.*' The factors described above should be listed and an indication given of the thresholds at which they are considered to have an effect of such magnitude and proximity as to be overbearing or dominant.

Significance Assessment and Criteria

- 3.27 As set out above no criteria have been provided. The objective of the assessment cannot be limited to a prediction of '*whether or not there would be a significant effects on the landscape*'¹¹ As quoted from EN-3 '*Modern onshore wind turbines that are used in commercial wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometers around a site.*'¹² In order to inform the decision making process the LVIA must identify the nature, the scale and the extent of significant impacts on landscape and visual receptors
- 3.28 Table 6.3 *Illustrative Matrix of Significant Effects* is confusing rather than helpful. We assume that it means that whilst some impacts will be clearly identifiable as either significant or not

¹¹ Scoping Report 6.1.44

¹² EN-3 Paragraph 2.7.48

significant there are others that will require professional judgement. However it contains internal consistency. We would recommend that it is replaced with a written explanation.

- 3.29 The bullet points in paragraph 6.1.48 are not criteria and need to be supplemented by detailed criteria in particular for effects on landscape character.
- 3.30 Bullet points one and two in paragraph 6.1.50 appear to draw a distinction between 'landscape elements' and 'landscape receptors'. However landscape elements are a type of landscape receptor.
- 3.31 The fourth bullet point in paragraph 6.1.50 concerns cumulative assessment and belongs in the Assessment of Cumulative Effects section. The methodology for the CLVIA is very brief and merely says that it will be undertaken in accordance with Scottish Natural Heritage (2012) guidance and Chapter 7 of GLVIA3.
- 3.32 The lack of clarity over the CLVIA within the scoping report is indicated by the last bullet point in Paragraph 6.1.59. The preceding bullet points list various landscape or visual receptors that will be identified and assessed. The final bullet point, quite inappropriately, is a very brief summary of the cumulative assessment methodology.
- 3.33 A more detailed methodology for the cumulative assessment should be provided.

Effects to be scoped out

- 3.34 It is not clear what paragraph 6.1.60 means and some clarification should be sought. It is not agreed that other wind turbines beyond 15km should be scoped out '*where there is clear separation and a lack of intervisibility*'. It is inevitable that there will be clear separation if the development is 15km distant. The SNH Guidance recommends the assessment of sequential cumulative effects as well as effects that result from intervisibility. This confirms the need for a more detailed cumulative methodology.
- 3.35 It is not agreed that turbine less than 50m in height should be scoped out entirely but it would be appropriate to only include such turbines that are within 3-5km of the nearest proposed turbine.

Mitigation

- 3.36 The assessment should also consider mitigation through location.

APPENDIX 1

14 Landscape Sensitivity Criteria

Huntingdonshire Planning Policy | SPD: Wind Energy Development in Huntingdonshire 2014

14 Landscape Sensitivity Criteria

14.1 The criteria that have been applied when assessing landscape sensitivity to wind energy development are described below in two groups, 'physical qualities' and 'perceptual qualities'. Only indicators of sensitivity likely to be relevant to the landscape of Huntingdonshire have been included.

Physical Qualities

Scale and Enclosure

14.2 Large scale open landscapes are likely to be less sensitive to wind turbine development than small scale intimate landscapes with a strong sense of enclosure. Turbines are more likely to appear out of scale and dominate landscapes with smaller and/ or irregular field sizes and landscapes with frequent human scale features.

Table 2 : Indicators of sensitivity – Scale and Enclosure

Least Sensitive				Most Sensitive
Large scale open, elevated landscape	Medium-large scale landscape with limited sense of enclosure	Medium scale landscape, may contain a variety of field sizes, some sense of enclosure	Small-medium scale landscape field sizes mostly smaller, sense of enclosure	Intimate small scale landscape, small irregular fields, strong sense of enclosure

Landform and Topography

14.3 A smooth, convex or flat landform is likely to be less sensitive to wind turbine development than a landscape with a dramatic rugged landform, distinct landform features or pronounced undulations because turbines are less likely to detract from visually important landforms, appear confusing or unsettling (due to turbines being at varying heights or on the crest of valleys).

Table 3 : Indicators of sensitivity – Landform and Topography

Least Sensitive				Most Sensitive
Smooth, convex or flat landscape, extensive lowland, elevated plateau	Simple, gently undulating landform, few distinct landform features	Distinct landform, convex hills, plateau incised by valleys	Distinct or irregular landform features, noticeable changes in level	Distinct or irregular landform, sharp/ marked changes in level

Land Cover Pattern

14.4 Simple, regular landscapes with extensive areas of uniform ground cover are likely to be less sensitive to wind energy development than landscapes with more complex or irregular land cover.

Table 4 : Indicators of sensitivity – Land Cover Pattern

Least Sensitive				Most Sensitive
Uniform groundcover	Large-scale fields, little variety in land cover	Medium sized fields, some variations in land cover	Irregular smaller scale fields, variety in land cover	Irregular small scale fields, complex and varied land cover

Landscape Sensitivity Criteria 14

Huntingdonshire Planning Policy | SPD: Wind Energy Development in Huntingdonshire 2014

Settlement Pattern and Density

14.5 More sparsely settled areas are likely to be less sensitive than more densely settled areas or areas with a high proportion of historic villages as there will be opportunities to site turbines so that they do not dominate distinctive settlements.

Table 5 : Indicators of sensitivity – Settlement Pattern and Density

Least Sensitive				Most Sensitive
Sparse settlement	Widely dispersed settlement	Dispersed settlement; modern housing	Frequent villages, some historic, limited sprawl or modern development	Frequent historic villages, historic settlement pattern apparent

Landmarks and Visible Built Structures

14.6 Landscapes that contain large scale infrastructure, major communications routes and large-scale developments are less sensitive to wind turbine development although development needs to be carefully sited to avoid visual clutter. Historic landmarks such as important views to distinctive church spires and towers increase sensitivity, especially where they occur frequently.

Table 6 : Indicators of sensitivity – Landmarks and Visible Built Structures

Least Sensitive				Most Sensitive
Few or no historic landmark features, landscape dominated by large scale development/ infrastructure or major communication routes	Few historic landmark features, large scale development/ infrastructure or major communication routes present but not dominant	Infrequent historic landmark features, some large development/ infrastructure, or major communication routes	Some historic landmark features, little influenced by large development/ infrastructure, or major communication routes	Frequent historic landmark features, lack of large scale development or infrastructure

Skyline

14.7 Prominent and distinctive skylines, or skylines with important landmark features that are identified in the landscape character assessment, are likely to be more sensitive to wind turbine development because turbines may detract from these skylines as features in the landscape, or draw attention away from existing landform or landmark features on skylines.

Table 7 : Indicators of sensitivity – Skyline

Least Sensitive				Most Sensitive
Large-scale flat or plateau landscape where skylines are not prominent and/or there are no important landmark features on the skyline	Large-scale landscape where skylines are not prominent and/or there are very few landmark features on the skyline – other skylines in adjacent LCAs are more prominent	Landscape with some prominent skylines, but these are not particularly distinctive. There may be some landmark features on the skyline	Landscape with prominent skylines that may form an important backdrop to views from settlements or important viewpoints, and/ or with many landmark features on the skyline	Landscape comprising prominent or distinctive skylines and/ or with particularly important landmark features on the skyline

14 Landscape Sensitivity Criteria

Huntingdonshire Planning Policy | SPD: Wind Energy Development in Huntingdonshire 2014

Visual Connections with Adjacent Landscapes

14.8 Where the landscape character assessment has identified that views to and from adjacent landscapes are important the sensitivity to wind turbine development may be increased as landscape impacts may extend to adjacent landscape character areas.

Table 8 : Indicators of sensitivity – Visual Connections with Adjacent Landscapes

Least Sensitive				Most Sensitive
Self-contained, very limited connections with adjacent LCAs	Occasional views from adjacent LCAs	Intervisibility with adjacent LCAs	Extensive views from adjacent LCAs	Extensive views from adjacent LCAs, these views are a key characteristic of one or more adjacent LCAs

Landscape Sensitivity Criteria 14

Huntingdonshire Planning Policy | SPD: Wind Energy Development in Huntingdonshire 2014

Perceptual Qualities

14.9 In the LUC study these are covered in the Landscape Value section although there are no individual sensitivity assessments.

Human Response

14.10 Landscapes whose scenic qualities are highly valued within the district are likely to be more sensitive to wind turbine development than landscapes of lower scenic quality or where there has been a loss of character due to agricultural intensification.

Table 9 : Indicators of sensitivity – Human Response

Least Sensitive				Most Sensitive
Landscape is considered to have low scenic quality such as an industrial area or despoiled land and is not highly valued	Landscape has low-medium scenic quality, valued locally but has been subject to agricultural intensification	Landscape has a medium scenic quality valued locally for its rural character	Landscape has a medium-high scenic quality, valued for its rural character and/or recreational opportunities	Landscape has a high scenic quality, valued for its recreational opportunities, tranquillity, varied topography, and/ or unspoilt character

Remoteness and Tranquillity

14.11 Relatively remote or tranquil landscapes, due to freedom from human activity and disturbance and having a perceived naturalness or a strong feel of traditional rurality, tend to be more sensitive to wind turbine development because wind turbine development will introduce new and uncharacteristic features which may detract from the sense of tranquillity and or remoteness/ naturalness. Landscapes that contain many signs of modern development are generally less sensitive.

Table 10 : Indicators of sensitivity – Remoteness and Tranquillity

Least Sensitive				Most Sensitive
Landscape with much human activity and development, significantly affected by major communications routes	Landscape with human activity and dispersed modern development, Some impact from major communications routes	Landscape with some modern development and human activity but retaining some rural and serene aspects	Landscape with little modern human influence and development, rural and serene aspects are most apparent	Tranquil landscape with little modern human influence and development, sense of quiet and isolation are preminent

REFERENCES

- Landscape Institute/Institute of Environmental Management and Assessment (2013)
Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)
- Countryside Agency and Scottish Natural Heritage Landscape Character Assessment -
Guidance for England and Scotland (2002)
- Countryside Agency Landscape Character Assessment Series
Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity (2004)
- Scottish Natural Heritage (2012)
Assessing the Cumulative Impact of Onshore Wind Energy Developments
- Scottish Natural Heritage (2014)
Siting and Designing Windfarms in the landscape- Version 2
- University of Newcastle for Scottish Natural Heritage (SNH)
Visual Assessment of Wind Farms: Best Practice (2002)
- Envision for SNH (2007)
Visual Representation of Wind Farms Good Practice Guidance
- Landscape Institute (2011) Landscape Institute Advice Note 01/11
Photography and Photomontages in Landscape and Visual Assessment
- The Highland Council (2010) (Updated 2013)
Visualisation Standards for Wind Energy Developments
- Scottish Natural Heritage
Visual representation of wind farms Consultation Questions and Overview (2007)
- English Heritage (2007)
Wind Energy and the Historic Environment
- English Heritage (2008)
Conservation Principles, Policies and Guidance
- English Heritage (2010)
Historic Environment Planning Practice Guide
- English Heritage (2011)
The Setting of Heritage Assets

GILLESPIES

1 St John's Square, London EC1M 4DH

T: +44 (0)207 253 2929

F: +44 (0)207 253 3900

E: design.london@gillespies.co.uk

www.gillespies.co.uk

London • Oxford • Manchester • Leeds • Glasgow

The Planning Inspectorate
3/20 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Land and Development
Laura Kelly
Town Planner
Network Engineering
Laura.kelly@nationalgrid.com
Direct tel: +44 (0)1926 654686

www.nationalgrid.com

SUBMITTED VIA EMAIL TO:
environmentalservices@infrastructure.gsi.gov.uk

08 July 2014

Your Ref: EN010068

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9

Application by Vattenfall Wind Power Limited for an order Granting Development Consent for the Nocton Fen Onshore Wind Farm

Scoping Consultation and notification of the applicants contact details and duty to make available information to the applicant if requested

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 30th June 2014 regarding the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

National Grid Infrastructure within or in close proximity to the Proposed Order Limits

National Grid Gas Transmission

National Grid has three high pressure gas transmission pipelines located within or in close proximity to the proposed order limits. The high pressure gas pipeline located within this area is:

- FM09- Hatton- Peterborough
- FM24- Hatton-Silk Willoughby
- FM22- Hatton- Silk Willoughby

Specific Comments – Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

Cables Crossing:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.

- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To view the National Grid Policy's for our Sense of Place Document. Please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further information in relation to National Grid's gas transmission pipelines can be accessed via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastransmission/gaspipes/>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: DCOConsultations@nationalgrid.com as well as by post to the following address:

The Company Secretary
1-3 The Strand
London
WC2N 5EH

In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely

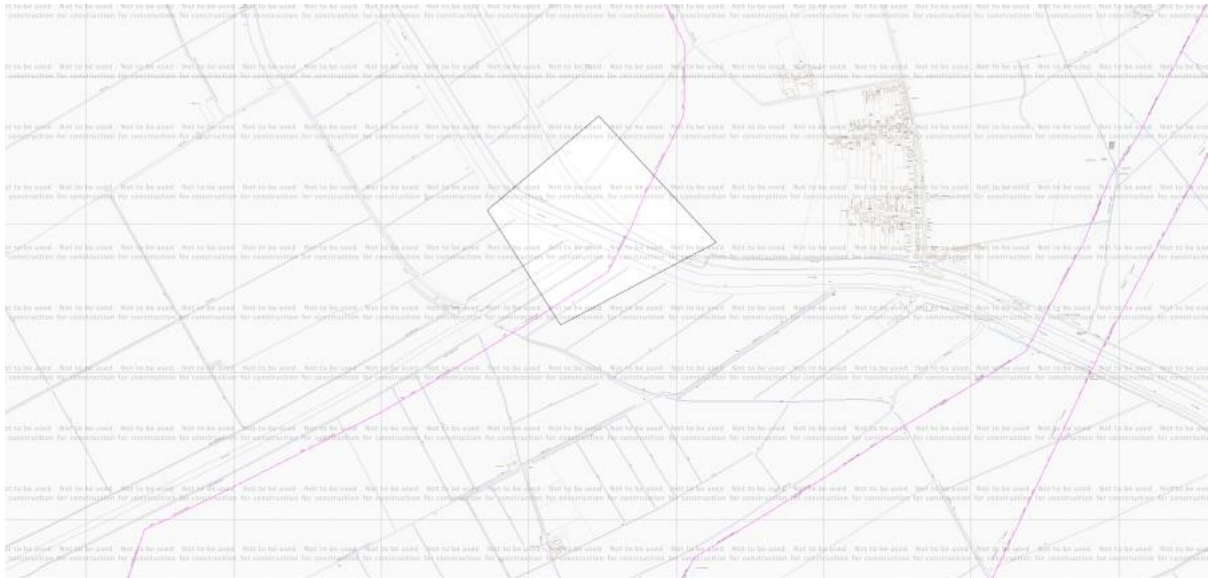


Laura Kelly
Town Planner, Land and Development

(Submitted Electronically)

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000



EM_TE_22_3PWP_019004		View extent: 4120m, 2440m	National Grid objects to this application	Map 1 of 1 (GAS)
SER: rebecca flint	IP MANS		<p>This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GTT). (Gas pipes owned by other GTTs, or otherwise privately owned, may be present in the area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, appurtenances, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you or your gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	MAPS Plot Server Version 1.8.0
ATA DATE: 07/07/2014	IP MANS			
IP: Nettle Fen Offshore (PS)	IP MANS			
IP REF: TF1266				
INTRE: 512746, 366513				
<p>Approximate scale 1:1000 at A3 Colour Landscape</p>		<p>Requested by: National Grid This plan is reproduced from as based on the GIS map by National Grid Gas plc with the sanction of the controller of HM Geospatial Office. © Crown Copyright. Reproduced by permission. Ordnance Survey</p>		





From: [ROSSI, Sacha](#)
To: [Environmental Services](#)
Cc: [NATS Safeguarding](#)
Subject: RE: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation
Date: 30 June 2014 16:20:31

Dear Madam,

NATS is content that it is included in the report and that the applicant intends to consult and engage with NATS. As such it has no comments to make on the Scoping Opinion.

Regards
S. Rossi
NATS Safeguarding Office

Mr Sacha Rossi
ATC Systems Safeguarding Engineer

☎: 01489 444 205
✉: sacha.rossi@nats.co.uk

NATS Safeguarding
4000 Parkway,
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

From: Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]
Sent: 30 June 2014 14:21
To: NSIP.applications@hse.gsi.gov.uk
Subject: EN010066 Nocton Fen Onshore Wind Farm EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence in relation to the proposed Nocton Fen Onshore Wind Farm.

Kind regards,
Marie Evans
Senior EIA and Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5133

Helpline: 0303 444 5000

Email: marie.evans@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Secretary of State.

The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

If you are not the intended recipient, please notify our Help Desk at Email Information.Solutions@nats.co.uk immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

NATS computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system.

Please note that neither NATS nor the sender accepts any responsibility for viruses or any losses caused as a result of viruses and it is your responsibility to scan or otherwise check this email and any attachments.

NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

Date: 17 July 2014
Our ref: 124863
Your ref: 140630_EN010066_2576010



Marie Evans
Senior EIA and Land Rights Advisor
The Planning Inspectorate

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Evans

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9: Scoping consultation and notification of the applicant's contact details and duty to make information available to the applicant if requested

Location: Nocton Fen Onshore Wind Farm

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 30 June 2014 which we received on 30 June 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Ryan Hildred on 0300 060 2772. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Ryan Hildred
Lead Adviser – Sustainable Development
East Midlands Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainableenvironmental/environmentalimpactassessment/noteenvironmental/>



Annex A – Advice related to EIA Scoping Requirements

1. General Principles

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the *Conservation of Habitats and Species Regulations 2010*.

Under Regulation 61 of the *Conservation of Habitats and Species Regulations 2010* an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is within 1 kilometre of the following designated nature conservation sites:

- Potterhanworth Wood SSSI
- Bardney Limewoods SSSI (and National Nature Reserve)
- Metheringham Heath Quarry SSSI
- Further information on these SSSIs and their special interest features can be found at www.natureonthemap.naturalengland.org.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum (e.g. – Greater Lincolnshire Nature Partnership) established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the Lincolnshire Wildlife Trust or Greater Lincolnshire Nature Partnership for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should

also be given to those species and habitats included in the Lincolnshire Biodiversity Action Plan.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Ancient Woodland

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)2 which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

2.7 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the Lincolnshire Wildlife Trust, RSPB and the Greater Lincolnshire Nature Partnership).

2.8 Wind Turbines

Specific guidance for wind developments has been developed by Natural England and should be used to inform the EIA.

A full consideration of the implications of the whole scheme should be included in the ES. This should include the consideration of the electrical connection within the site and between the proposed substation and the wider grid. All supporting infrastructure should be included within the assessment.

Bat surveys should conform to our current guidance [TIN051 - Bats and onshore wind turbines \(interim guidance\)](#). Reference should also be made to the Bat Conservation Trust 'Bat Surveys –

Good Practice Guidelines' 2nd Edition Chapter 10 Surveying proposed onshore wind turbine developments.

The ES will need to consider the impact of the proposals on bird populations including the potential impact of the proposals on bird flight lines, breeding and wintering populations and high tide roosts. Bird surveys should conform to Natural England guidance [TIN069 Assessing the effects of onshore wind farms on birds](#).

The ES should also have regard to any wind capacity studies for the area and Natural England considers that this development is likely to affect landscape character in this locality.

3. Designated Landscapes and Landscape Character

3.1 Nationally Designated Landscapes

As the development site is within approximately 17km of the Lincolnshire Wolds Area of Outstanding Beauty (AONB), consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for the Lincolnshire Wolds AONB.

3.2 Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

3.3 Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

4.1 Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

6. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are

likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Your Ref : 140630_EN010066_2576010
Our Ref :
Contact : Mark Williets
Email : mark_williets@n-kesteven.gov.uk



Ms M Evans
The Planning Inspectorate
3/18 Eagle Wing
Tempole Quay House
2 The Square
Bristol
BS1 6PN

25 July 2014

Dear Ms Evans

Re: Application by Vattenfall Wind Power Limited at Nocton Fen

Thank you for consulting the District Planning Authority on the EIA Scoping report in relation to the above project. We would be grateful if you could take into account the comments below, which are broken into specific chapter headings. It should be assumed that the District Council has no comments on the remainder of the scoping report if no specific comments are made.

Notwithstanding, we note that Vattenfall wish to continue discussions with relevant bodies after the issue of the formal scoping opinion to help further inform the technical content of the ES and associated studies.

We are supportive of this approach, in particular as it is envisaged that a multi-disciplinary consultant will be appointed by the District Planning Authority and neighbouring authorities to provide detailed reviews of the ES and associated documents throughout the DCO process.

This appointment has yet to be made and as a result it is possible that the appointed consultant could reasonably have additional observations over and above those highlighted below which they consider should be taken account of through the ES. We would therefore welcome the opportunity to continue dialogue with Vattenfall following the issue of the scoping opinion.

Planning Policy

As noted, the ES should reference the saved North Kesteven Local Plan. In addition, the joint Central Lincolnshire Local Plan is expected to be issued for first stage formal public consultation in October 2014. Therefore, whilst draft policies are not yet available for consideration within the ES, relevant policies should be addressed and weighted within the ES in the event that the ES preparation and Local Plan consultation periods cross over. The scoping report does not specifically list the saved Local Plan policies deemed relevant to the proposal.

Therefore for the avoidance of doubt, unless otherwise agreed with the District Planning Authority these should be: C2 'development in the countryside', C3 'agricultural land quality', C5 'effects upon amenities', C10 'flood risk', C11 'pollution', C13 'unstable land', C14 'surface water disposal', C17 'renewable energy', C18 'design', C22 'external lighting schemes', T4 'safety', RST2 'protection of existing public rights of way', LW1 'landscape conservation', LW4 'trees of significant amenity value', LW5 'sites of special scientific interest', LW6 'county wildlife sites and local nature reserves', LW7 'features of importance for wildlife', LW8 'protected species', HE1 'sites containing nationally important archaeological remains', HE2 'archaeological assessment and evaluation', HE3 'sites containing archaeological remains', HE5 'development affecting the setting of a listed building', HE9 'historic parks and gardens' and HE10 'local distinctiveness'.

Appendices 6 to 9 inclusive of the Local Plan should also be referenced for further background details of the heritage and landscape/ecological designations within the District, and which should be referred to in the relevant planning policy or other technical chapters.

The Council agrees that reference should be made to the Central Lincolnshire low carbon and renewable energy study, however please be advised that this study may be subject to review or update during the preparation of the new Local Plan for Central Lincolnshire. The study was prepared in support of the joint Core Strategy, which was withdrawn in late 2013.

Finally there is limited reference to discussion of the NPPF and NPPG within the planning policy chapter. Other chapters within the scoping report consider the implications of NPPF/NPPG advice in greater detail. Therefore, in addition to assessing the project against the EN national policy statements and the NKDC saved Local Plan policies highlighted above, the planning policy chapter should also give detailed assessment against the NPPF/NPPG.

Landscape and Visual

The LVIA should include reference to the City of Lincoln 'Lincoln Townscape Assessment' (heritageconnectlincoln.com) as part of the baseline dataset and should discuss any important specific landscape or visual characteristics identified therein as part of the LVIA. The Lincoln Cliff landscape character area (LCA) is the most sensitive designation within the NKDC Landscape Character Assessment (2007) and there should be specific focus on impacts into and out of this character area as part of the LVIA.

We agree with the suggested 15km study area for all District level landscape character areas, however where a character area straddles the 15km buffer the LVIA should incorporate an assessment of impact for the remainder of the character area up to its

boundary. For example, the Lincoln Cliff landscape character area falls only partly within the 15km study range.

In terms of paragraph 6.1.29 (viewpoint selection) I would refer you to the attached document which lists a number of additional/alternative viewpoints that the Council considers should be assessed within the LVIA. Where specific impacts on heritage assets are required from these viewpoints, or they are selected on this basis, this has been noted.

With reference to paragraph 6.1.59, the applicant should clearly identify how the various distances and buffer zones quoted have been derived, for instance from best practice set out in the GLVIA. The ES will need to define and the various features referred to and how these were chosen, for example 'local roads', 'small villages and hamlets' 'PROW' and 'long distance trails'. Unless specifically noted in the following sections of this letter, the District Council would like to agree these features with the applicant before they are assessed within the ES.

We would advise that a study area of 5km is not sufficient to cover all public rights of way that may be affected by the proposal, including the Spires and Steeples and 'Stepping Out' walks. We would suggest that this should be expanded to 10km in the case of Stepping Out walks and for the entirety of the route for the Spires and Steeples walking route – Lincoln to Sleaford.

Long distance routes should include the Water Railway disused railway line running to the north eastern side of the River Witham, and the Viking Way. The Viking Way long distance trail extends outside of the proposed 15km study area. This will preclude consideration of impacts from some of the southern parts of the Viking Way along Lincoln Cliff around Wellingore and Welbourn. We would therefore advise that the study area for long distance trails/national cycle routes in extended to at least 20km of the site.

Unless specifically discounted within best practice guidance such as the GLVIA, cumulative landscape and visual impacts should consider (or justify exclusion of) other wind energy proposals that have only progressed to EIA screening stage. In addition, we consider that the cumulative assessment should assess all relevant (cumulative) projects and present the results within the ES rather than scoping out cumulative impacts that the applicant's consider are not 'significant' before the LVIA is formally prepared. Instead, the LVIA should present all schemes where cumulative impact is anticipated, scoring the significance of impact accordingly.

In addition, unless specifically referred to in best practice guidelines, the ES will need to justify why turbines of less than 50m in height will be scoped out of cumulative impact assessment. To aid this process, please find attached an updated list of all wind energy schemes within NKDC including their status. Finally, we consider that the LVIA should consider the impacts of aviation lighting, which is noted as required within paragraph 6.10.40 of the scoping report. This should include discussion of the visual impacts of aviation lighting during winter months and night time periods, including (within the 'Heritage' chapter) implications for the setting of Lincoln Cathedral and its associated illumination.

Residential Amenity Assessment

The Council considers that all properties within 2km should be initially considered as part of the residential amenity assessment, regardless of whether they are likely to be afforded views of the project. If a desktop study or subsequent site visit identifies lack of view then this can be ruled out of detailed assessment but nevertheless noted as being 'screened out' (with reasons) within the ES.

We would query why the proposed amenity assessment would be restricted to properties lying outside of settlement boundaries. The Council considers that the assessment needs to initially consider all properties within 2km, regardless of whether they are located within countryside or a settlement curtilage.

We disagree with the recommendation of discounting removing properties that aren't in the ZTV. The ZTV only assumes a theoretical scenario devoid of landscape artefacts such as trees, woodland or buildings etc. This may however be academic as all properties within 2km of the site are shown as being within the submitted ZTV).

In addition, unless there is specific guidance to the contrary, we do not agree that less weight should be afforded to residential amenity impacts from 1st floor rooms. Whilst these may be assumed on the most part to be bedrooms/bathrooms, which (without prejudice) *may* be less sensitive, internal layouts can change without the need for prior planning permission in most cases. We therefore request that, unless best practice guidance dictates otherwise, ground and 1st floor outlooks are given equal 'sensitivity' assessment, along with outdoor amenity areas

With reference to paragraph 6.1.42, the ES should set out the methodology whereby the magnitude of change is assessed in a clear and transparent way, for example whether views are direct, oblique, part screened by vegetation etc. The same approach should be applied for outdoor amenity areas.

Hydrology

There is no specific reference in this section to the potential contamination risks associated with piled foundations, if required. It is noted that the precise method of foundation construction is still to be determined and therefore this chapter of the ES should consider the potential for groundwater contamination associated, and any associated mitigation measures.

The Flood Risk Assessment should reference the NKDC Strategic Flood Risk Assessment including regard to the 'fens hazard zone' maps. Mitigation measures for any associated infrastructure such as substations and switchgear buildings should have regard to the predicted flood depths/speeds identified within the SFRA. In addition it is also considered that reference should be made to the requirements of the flood risk sequential test as set out in the NPPF both in relation to the selection of the site but also the sequential approach to the internal site layout.

Whilst paragraph 98 of the NPPF does not require applicants to demonstrate the overall need for renewable or low carbon energy, Chapter 10 is silent in relation to whether the flood risk sequential test applies. As such, it is considered that the advice at paragraphs 100 and

101 of the NPPF should be applied with regard to the need to apply overarching sequential test principles to the development.

Ecology

Please see the attached note from URS on behalf of the District Council in relation to this chapter. In addition, a tree survey and tree constraints plan will be required to BS5837:2012 standards where any works required in connection with the grid connection works/sub-station are in the proximity of existing trees or woodland. A number of options for the location of substations are shown on the drawings accompanying the scoping report, which appear to show locations close to areas of woodland areas west of Nocton.

Highways

Lincolnshire County Council as Highways Authority has confirmed that the scoping report addresses the potential transport and traffic implications of the project. However, due to the close proximity of the site to the River Witham, consideration should also be given to transportation via the waterway and this should be discussed directly with the Highways Authority.

In addition, the District Council recommends that, with reference to paragraph 6.5.27, the highways chapter needs to include brief reference to residential amenity along construction route associated with construction traffic, and any required mitigation measures (for instance reference to a Construction Environmental Management Plan or traffic management plan)

Noise

The noise monitoring locations have already been agreed with the Council's Environmental Health Officers and monitoring equipment installed. However, the noise chapter should assess cumulative operational noise associated with the operational anaerobic digestion facility at Wasps Nest, which lies within the red line site area.

Paragraph 6.6.22 of the scoping report suggests that construction vibration effects are scoped out. The Council would disagree with this unless or until the details of the proposed turbine foundations have been determined. If piling of foundations is required this may have localised vibration impacts within the local area which should be considered within this chapter.

Heritage

The Council suggests that East Lindsey District Council and Lincolnshire County Council are consulted to agree the scope of the heritage assessment required.

With reference to paragraph 6.7.4, the ES Should also include reference to BS:7913 'guide to the conservation of historic buildings'. In addition, table 6.19 states that low sensitivity assets are those 'structures which may have some potential interest or significance, but which have not been identified as such by the local authority'. This implies that just because the Council has not identified such an asset it is therefore of low significance, and this should be clarified.

With reference to paragraph 6.7.19, given the size of the ZTV the impact of the project on the Conservation Areas of Blankney, Branston, Washingborough, Waddington, Harmston, Coleby, Martin, Boothby Graffoe, Navenby and Wellingore should be assessed. The Council's 'village appraisal' documents for the above settlements should also be reviewed for background heritage details and we would be pleased to provide these at the applicant's request.

In addition to assessing the heritage assets within the study areas suggested, the ES should also assess impacts on the Grade II Dunston Pillar and Branston Hall as well as the former settlements of Temple Bruer, Dunsby and Brauncewell. Outside of the District, Greetwell Church and the former medieval settlement SAM (within West Lindsey) should be assessed.

We also consider that the proposed 500m search area for non-designated heritage assets is not sufficient and should be extended to 2.5km based on the assessment of our Conservation Officer. Furthermore, the methodology used for identifying non-designated heritage assets should be agreed in advance with the District Planning Authority.

With reference to paragraph 6.7.45, the impacts upon Lincoln Cathedral should include views from the Water Railway footpath along the River Witham

In relation to paragraph 6.7.46, requirements for geophysical surveys and potentially pre-determination trial trenching should be agreed with Heritage Lincolnshire. We will forward comments from Heritage Lincolnshire as soon as they are received.

We take the view that given the scale and nature of the project more viewpoints in the wider landscape are required. If there is a possibility of using markers on site to indicate the height of the turbines (to tip and hub) it would be better to wait until these are in place before carrying out this assessment.

Socio economic

The scope of the chapter is comprehensive and there are no significant omissions. The Council considers that the key economic impacts are likely to be direct and indirect employment impacts, both long term following completion and during the construction phase and what support will be given to engaging local companies in both the construction and subsequent ongoing maintenance process. Whilst the turbines will be built elsewhere, the ES should consider opportunities for engaging local hauliers to deliver turbine components etc.

A key consideration for this chapter will be the impacts, positive and negative, on tourism and details of baseline surveys are set out at paragraphs 6.8.14 to 6.8.24. There are a number of footpaths in the wider area around the project the use/enjoyment of which should be assessed within the ES. Specific footpaths/walking routes that must be considered are the Viking Way, Spires and Steeples Walk, and 'Stepping Out' walks 10 (Bloxholm and Brauncewell), 11 (Car Dyke By Wood and Fen), 12 (Martin and Metheringham Barff), 13 (Nocton and Dunston), 14 (Blankney) and 15 (Scopwick and Kirkby Green). Viewpoints toward the project should be provided from selected areas along these footpath routes to aid the assessment of impact and we would like to agree these with Vattenfall directly.

In addition, there are 5 specific attractions within North Kesteven District which the Council considers should be assessed, specifically whether and how the project would impact upon visitor numbers to, or the enjoyment of, those facilities. These are the proposed Bomber Command Memorial site at Canwick, the WAVE area at RAF Waddington, the former RAF Metheringham Airfield museum, Mrs Smiths Cottage, Navenby and Welbourn Forge.

Away from the immediate environs of the site, the ES should specifically detail the likely impact of development on the wider tourism economy of Lincoln and Lincolnshire. This must include public enjoyment of Lincoln Cathedral and Castle, the historic core (Bailgate/Steep Hill) and the Mediaeval Bishop's Palace. Furthermore, Tattershall Castle and Boston Stump (St Botolph's church) should also be considered - English Heritage may identify others. Lincoln Castle, Cathedral, Boston Stump and Tattershall Castle allow public visits to certain roof areas from where there is likely to be a clear view towards the site.

The ES should also detail the likely impact of development on local accommodation establishments and pubs/restaurants during construction and operation. Furthermore, the ES should set out what local benefits might accrue from the project that have knock-on impacts elsewhere, for example, if immediate roads are to be upgraded and improved, will this make the local area more attractive for rurally based businesses.

If wider ancillary visitor or educational facilities are envisaged as part of the project (not specifically noted in the scoping report) then details of the likely impact of such a resource on tourist visits to the area should be estimated.

Finally, the ES should also detail the proposal's impact on local farming and agricultural businesses.

Shadow flicker

Predicted shadow flicker periods (minutes per days/months) should be tabulated for each property where relevant. The Council considers that reference should be made to shadow flicker limits set out in EU best practice guidance summarised within the PB 'Update of UK Shadow Flicker Evidence Base' where flicker periods are expected at residential properties.

Aviation

With reference to paragraph 6.10.8 the Council considers that the ability to secure mitigation measures through a Requirement should be considered against advice variously set out in Appeal decisions, namely whether there is sufficient certainty that any radar mitigating technologies (if required) can be developed within the lifetime of the Development Consent Order.

Lighting

With reference to paragraph 6.12.3, whilst lighting may only be minimal as required for aviation purposes it has potential to effect setting of Lincoln Cathedral. The Council therefore agrees that a freestanding 'lighting' chapter can be scoped out of the ES, subject to appropriate consideration of the potential impact of aviation lighting being given within both the 'LVIA' and 'Heritage' chapters.

Other Issues

Whilst the purpose of the ES is to focus on significant impacts, and these have been highlighted within the scoping report, there are a number of other topic areas which the District Council considers should receive some reference within the final ES, even if to demonstrate by reference to published guidance that these matters carry low risk or significance.

These issues, as commonly cited by members of the public, are wind turbine safety/separation distance and health impacts. There is specific guidance relating to wind turbine separation from roads, PROWs/bridleways and the Council requests that this is cross referenced in the 'socio economic' (tourism, recreation and land use) and traffic and transport chapters.

With reference to health impacts, the Council considers that published research should be referenced even if to demonstrate that impacts would not be significant. We also consider that the same should be detailed in relation to property devaluation in particular for the Potterhanworth/Booths, Nocton, Dunston, Wasps Nest, Sots Hole and Bardney.

The Council welcomes acknowledgement of this submission. If we can assist further or provide any further clarification or information, we would be pleased to do so.

Yours sincerely



Mark Williets
Development Manager
Development Management



14 July 2014

Nick Feltham
North Kesteven District Council
District Council Offices
Kesteven Street
Lincolnshire
NG34 7EF

Our Ref: noctonwindscope revv1.doc (REV DB 14.07.14)

Your Ref: Nocton Windfarm

Dear Mr Feltham

NOCTON WINDFARM (VATTENFALL) – REVIEW OF THE SCOPE OF THE ECOLOGY SURVEYS UNDERTAKEN TO DATE TO SUPPORT THE ENVIRONMENTAL STATEMENT (ES)

Background

Vattenfall Wind Power Ltd (the applicant) is intending to seek a development consent order (DCO) from the Secretary of State for the erection of an onshore windfarm in Nocton Fen in Lincolnshire.

In response to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) the development will require an Environmental Impact Assessment to be undertaken for Submission to the Secretary of State.

As part of this process the applicant has asked the Secretary of State for its opinion (a scoping opinion) as to the information to be provided in an environmental statement relating to the project.

North Kesteven District Council is acting as a statutory consultee for this DCO and has asked URS to provide a review on behalf of them, of the ecology and ornithology sections of this scoping report (pages 67 to 97). This letter provides the results of that review.

The related Environmental Impact Assessment Scoping Report produced by AMEC Environment and Infrastructure UK Ltd in June 2014 has been accessed from the National Infrastructure pages of the Planning Portal:

<http://infrastructure.planningportal.gov.uk/Document/2579027>

The results of the review are given below.

URS Infrastructure & Environment UK Limited
Brunel House, 54 Princess Street
Manchester
M1 6HS
United Kingdom
Tel: +44 (0)161 907 3500
Fax: +44 (0)161 907 3501
www.ursglobal.com

URS Infrastructure & Environment UK Limited
Place of Registration: England & Wales
Registered Number: 880328
Registered Office: Scott House, Alençon Link, Basingstoke, Hampshire, RG21 7PP, United Kingdom

Review of Environmental Impact Assessment Scoping Report

The review process has included the scope, timeliness and appropriateness of the ecological surveys undertaken for the study as well as the approach taken for scoping of the potential impacts and whether the data sets gathered will be appropriate to enable a robust ecological assessment to be made of the proposed development. Consideration has also been given to the appropriateness of the suggested approach to the ecological mitigation..

The scope of the assessment is considered both in terms of legal requirements/ planning policy, government guidance and best practice.

It is acknowledged that the scoping report covers the area covered in Figure 2 (The "site") and that the areas where associated development, including a substation and a grid connection will be constructed, have not yet undergone survey and assessment. These "off-site" areas will be surveyed and assessed as part of the final EIA.

Due to the lack of Special Protection Areas (SPAs) within 20km of the site and the lack of species SPA connectivity, AMEC considers that a Habitats Regulations Assessment (HRA) will not be required, but they will confirm this with Natural England during the consultation process. The requirement for a HRA is therefore not considered within this scoping assessment.

Review of the Scope of the Desk and Ecology Field Surveys

Consultation on survey scope

Based on the June 2014 scoping report, only Natural England and RSPB have been consulted on the scope of ecology surveys and the assessment process. There is a commitment to further consultation and review as part of the EIA process.

Desk Studies

The scope includes suitable desk studies which have drawn upon a range of data freely available on the web as well as protected sites, habitat and species data collated from local/regional data sources. The data sources are clearly identified and the data consultation process has been thorough.

Survey Scope

A review of the scope of the ecology surveys is summarised in Table 1 below.

Table 1 Suitability of Ecological Surveys Undertaken

Survey type	Methodology	Limitations to survey	Comments
Habitats	Defined and based on standard approach: JNCC (2010)	Survey of associated off-site development (substation and grid connection) not yet undertaken, but included in survey scope.	Period of habitat survey clearly defined (August 2013) along with survey footprint. August is a bit late in the season for the assessment of flora growing in the arable margins. The arable margins are defined as Species-poor (paragraph

			<p>6.3.16).</p> <p>As arable is the largest habitat within the scheme area, I would expect to see some detailed assessment of the importance of the arable margins and as appropriate the impact of the development on them.</p> <p>Arable margins are included in the Lincolnshire Habitat Action Plan (LHAP) and they are also included as a National BAP. The EIA needs to show that due consideration has been given to whether they qualify or not under JNCC national BAP guidance).</p>
Botanical	NA	NA	No additional botanical surveys undertaken. This is reasonable based on the Phase 1 habitat survey results, but see note on hedgerows below.
Badgers	The woodlands, hedgerow network and agricultural fields will be surveyed based on best practice guidance		Approach acceptable and should include the Site and Off habitats
White clawed crayfish	No survey proposed “presence/likely absence assessment” to be undertaken during water course assessment for otter and water vole		<p>Lower Witham not a known area for this species, closest records Lincolnshire Wolds (River Eau) and Belton area for the Witham.</p> <p>Survey rationale based on unsuitable habitat within site unlikely to support this species, additional data needed to review risk in “off-site infrastructure” areas.</p>
Hedgerows	No	No surveys undertaken	Scope identifies hedgerows as “rarely present” within the site (paragraph 6.3.16), but they have not been formally

			<p>assessed under the 1997 Hedgerow Regulations.</p> <p>Scheme may affect hedgerows (Paragraph 6.3.55)</p> <p>Report should clearly lay out which hedgerows will be affected and provide survey data to demonstrate whether they are “important” hedgerows based on the 1997 Regulations.</p>
Great crested newt (GCN)	Defined: (Oldham, 2000 and English Nature, 2001)	Ponds and ditches within 500m of the site boundary have been surveyed where site access was possible (but not the substation and grid connection and out to 500m from boundary).	<p>Paragraph 6.3.55 details that GCN Habitat Suitability Index (HSI) surveys and GCN breeding surveys will be carried out on suitable ponds in 2014 and 2015.</p> <p>Approach taken for GCN survey is acceptable</p>
Reptiles	Where a potential to impact reptiles is predicted in areas where they may occur (woodland edges and hedgerow network), then these areas will be surveyed based on Herptofauna Workers manual guidelines and Froglife Advice Sheet 10.		<p>Approach acceptable survey rationale based on suitable habitat located within both the “site” and in “off-site infrastructure” areas.</p>
Bats	Not defined		<p>Approach to bat surveys not comprehensively described in the scoping document, but they include “bat activity, remote static detector and roost surveys between April and October 2014”.</p> <p>One year of suitable survey data is recommended in the 2012 Bat Conservation Trust guidance and so the survey scope</p>

			described is potentially capable of fulfilling the guidance recommendations.
Water voles and otters	The “network of ditches and water courses” will be surveyed based on IEEM (2006) guidance		Approach acceptable and should include the Site and Off-site water courses
Birds	<p>Two years of field data has been collected at the Site and within appropriate buffers zones during 2012 to 2014 (breeding survey ongoing) based on methods given in SNH (2005, revised 20110 and 2013) and Natural England (2010). Data sets include vantage point counts, nocturnal counts, wintering and breeding surveys.</p> <p>The survey programme is given in Table 6.9 in the scoping report</p>	<p>Survey Methods used are those recommended in the guidance and an adequate survey window has been covered (minimum 2 years).</p> <p>In line with survey guidance field surveys have focussed on those species of high conservation value (protected species and species of conservation concern) and rare or vulnerable migratory species that are deemed susceptible to impact from wind turbines during migration, breeding, moulting, and wintering phases.</p> <p>No limitations predicted on survey data collected to date</p>	<p>Adequate survey effort has been focussed on target species identified such as marsh harrier and golden plover.</p> <p>Field data sets appear adequate for the EIA and the survey programme has been guided by regular consultation with RSPB and latterly Natural England</p>
Other BAP species (eg hare, hedgehog, common toad)	Incidental records will be gathered for other BAP fauna during all field surveys. Where deemed necessary		This survey data review approach is acceptable for such BAP species.

	additional specialist surveys will be programmed in (no methods given)		
--	--	--	--

Review of the Proposed Assessment of the Ecological Data within the ES

The CIEEM considers that it is the role of all ecologists involved in ecological impact assessment to:

- provide an objective and transparent assessment of the ecological effects of the project to all interested parties, including the general public;
- facilitate objective and transparent determination of the consequences of the project in terms of national, regional and local policies relevant to nature conservation and biodiversity; and
- set out what steps will be taken to adhere to legal requirements relating to designated sites and legally protected or controlled species.

Further based on IEEM (2006) guidance it would be anticipated that the ecological assessment process would:

- determine the value of ecological features and resources affected, through survey and/or research;
- assess impacts affecting those important features and resources, which meet or exceed a defined threshold value, with reference to ecological processes and functions as appropriate;
- quantify the extent, magnitude, duration, timing and frequency of the impacts; assess impact reversibility;
- explain the level of confidence in these predictions; and
- identify likely significant impacts in the absence of any mitigation.

The predicted assessment approach given in Chapters 6.3 and 6.4 has been presented clearly and the effects to be assessed further in the EIA are well defined for birds and other fauna and link well with the survey data described. No detail is provided on whether a level of confidence will be given for the EIA predictions.

The mitigation section for chapter 6.3 is based on what would be expected as part of good practice in IEEM (2006). Mitigation options being considered in chapter 6.4 include micro-location of turbines to avoid bird activity/flight lines and future management of the site footprint to make the site less desirable to potentially vulnerable species such as marsh harriers and wintering wildfowl.

The type of crop grown does affect bird usage on a site, but so do the current farming markets and quota systems. I have some reservations about how the cropping regime will be carefully managed to minimise bird collisions with the wind turbines for the life of the wind farm. Any mitigation proposal must be feasible and realistic.

The Management Plan and Post Development Monitoring

For a development of this size I would expect the ES chapter to include provision for post construction, mortality monitoring of bats and birds for at least 5 years to verify that these receptors are not significantly affected by the scheme. Monitoring should also be included for other receptors as appropriate. The monitoring requirements should be included in a site management plan that would be developed as part of the EIA.

In line with the NPPF I would also expect to see proposals for appropriate biodiversity enhancement included as part of the EIA.

Conclusion

The survey scope as stated in the scoping report is broadly acceptable as are the proposed impact assessment methods. I do have reservations about the planning enforceability of using habitat management as a potential long term mitigation tool for birds such as swans and marsh harrier.

The EIA should include an agreed site management plan covering mitigation and monitoring methods along with suitable ecological enhancement measures.

Yours sincerely
for **URS Infrastructure & Environment UK Limited**

Jane Southey
Principal Ecologist

Direct Line: +44 (0)1246244629
jane.southey@urs.com

References

Bat Conservation Trust (2012) *Bat surveys – Good practice guidelines*. Bat Conservation Trust, London

English Nature (2001) *Great crested newt mitigation guidelines*. English Nature.

IEEM (2006) *Guidelines for Ecological Impact Assessment in Britain and Ireland*

JNCC (2010) *Handbook for phase 1 habitat survey – a technique for environmental audit*. Joint Nature Conservation Committee, Peterborough

JNCC (1998) *Herpetofauna Workers' Manual*. JNCC, Peterborough.

Natural England (2010) *Assessing the effects of onshore wind farms on birds. Technical Information Note (TIN069)*

Oldham, R.S., Keeble, J., Swan, M.J.S. & Jeffcote, M. (2000) *Evaluating the Suitability of Habitat for the Great Crested Newt (Triturus cristatus)*. *Herpetological Journal*, Vol. 10, pp. 143-155

SNH (2005, revised 20110 and 2013) *Survey methods for use in assessment of impacts of proposed onshore windfarms in bird communities*. SNH Advisory Services and National Strategy

Application No.	Description	Site Address	Status
14/0943/NEIAUT	Erection of a single wind turbine (60m to hub; 86.5m to tip) plus ancillary development.	The Grange, Gainsborough Road, Langford, Newark	Pending consideration
14/0638/NEIAUT	Erection of a 500kw wind turbine with a hub height of 50m and height to tip of blade of 77m, to include transformer station at base and all ancillary works	Land to the East of A1133, Newton-on-Trent, Lincoln	Neighbouring authority - no objections
14/0631/NEIAUT	Erection of single 500kw wind turbine with a hub height of 50 metres, a rotor diameter of 54 metres and a height to tip of 77.3m (additional information attached to 14/0179/NEIAUT)	Plot Farm, Thorney, Newark	Neighbouring authority - no objections
14/0588/EIASCR	Erection of 2 small wind turbines	Land Adj to Highfield Farm	Screening opinion made
14/0528/NEIAUT	Erection of single 500kW wind turbine with a maximum tip height of 79m	Field Ref No. 4036, Wadnall Lane, Weston, Notts	Neighbouring authority - no objections
14/0526/EIASCR	Request for Screening Opinion regarding the site for two medium scale wind turbines	Lowfields Farm, Somerton Gate Lane, Waddington, Lincoln	Screening opinion made
14/0112/NEIAUT	The construction and operation of a wind farm consisting of four (4) 130 metre high to blade tip wind turbines, an 80 metre anemometry mast and associated infrastructure for a period of 27 years.	Field Ref 8884, Cotham Road, Hawton, Notts	Pending decision
13/1509/NEIAUT	Proposed erection of 1no (Hub) high. 86.45M (tip) high wind turbine plus ancillary development	Off Normanton Road, Weston, Nottinghamshire	Neighbouring authority - no objections
13/1402/FUL	Erection of 2 100kw wind turbine (42metre tip height) with crane pads, substations and access	Lincoln Lane Farm, Harmston	Refused
09/1067/S36	Application for consent to construct and operate a wind energy electricity generating station (+ 50mw)	Land At Six Hundred Farm, Six Hundred Drove, East Heckington	Approved
13/1265/FUL	Installation of a 10kW Tozzi Nord TN535 wind turbine with a hub height of 18 meters and a tip height of 24.6 metres	6 Sky Lane, Haddington	Approved

13/1238/NEIAUT	Five wind turbines with a maximum height from base to blade tip of 126.5m. New vehicular access together with new and upgraded access track including turning heads, laydown areas, crane pads and two	Hough Grange Farm, Hough, SKDC	Neighbouring authority - comments made
13/1007/FUL	Erection of single 500kw wind turbine (77m blade tip height) with associated access	Manor Farm, Screddington	Pending decision
13/0913/NEIAUT	Planning application for the siting of 1no. wind turbine with 50m hub height and 77m to tip of blade	Lincoln Lane, Kettlethorpe	Neighbouring authority - no objections
13/0910/EIASCR	Erection of a 500Kw wind turbine	North Beck, Screddington	Screening opinion made
13/0938/FUL	Erection of two 100kW wind turbines (height to tip of 42m and blade height of 24m) and laying of new permanent surfacing to access track to serve the turbine	Low Road, Harmston	Application returned
13/0808/NEIAUT	Construction and operation of a wind farm consisting of four (4) 130 metre high to blade tip wind turbines, an 80 metre anemometry mast and associated infrastructure for a period of 27 years	Cotham Road, Hawton	Neighbouring authority - objections
13/0679/NEIAUT	Erection of a wind turbine (maximum height to blade tip of 77m) and associated infrastructure including external compact housing with underground cabling to the wind turbine and turbine foundation	Former Wigsley Airfield, North Scarle Road, Wigsley	Neighbouring authority - objections
13/0676/EIASCR	Proposed single wind turbine	Collingham Road, Swinderby	Screening opinion made
13/0546/FUL	Erection of a single 500kW wind turbine (77m blade tip height). Resubmission of 12/0695/FUL	Old Farm, Eagle Moor	Refused

13/0377/FUL	Erection of wind turbine (86.5m to blade tip), internal access road improvements, substation/equipment housing cabinet and temporary plant and equipment compound.	Brills Farm, Norton Disney	Refused
13/0382/EIASCR	Installation of single wind turbine	Lincoln lane Farm, Low Road, Harmston	Screening opinion made
13/0435/EIASCR	Installation of 2 wind turbines	Lowfields Farm, Somerton Gate Lane, nr Harmston	Screening opinion made
13/0075/NEIAUT	Planning application for the installation of a 500kw wind turbine with maximum hub height of 50m, blade diameter of 54m and maximum height to tip of 77m. Transformer station at base of turbine and all ancillary works	Land at Furrowland Ltd, Newton-on-Trent, Lincoln	Neighbouring authority - no objections
12/1169/NEIAUT	Erection of a wind turbine (maximum blade height to tip 66.7m) and associated infrastructure including access tracks, external compact housing with underground cabling to the wind turbine, turbine foundation and crane hardstanding	Land adj Newark Concrete, Farm Works, Nowbridge Lane, Balderton	Neighbouring authority - objections
12/1039/FUL	Erection of single 330kW wind turbine (66.7m blade tip height) with associated access track and crane pad.	North Hykeham Meadows, Meadow Lane, North Hykeham	Refused
12/0697/FUL	Erection of 15m (to hub, 20m overall) wind turbine	Home Farm, Chapel Hill	Refused
12/0695/FUL	Erection of a single 500kW wind turbine (77m blade tip height).	Old Farm, Harby Lane, Eagle Moor	Withdrawn
12/0716/NEIAUT	Erection of a wind turbine (maximum blade height to tip 66.7)	Bowbridge Lane, Balderton	Neighbouring authority - objections

12/1169/NEIAUT	Erection of a wind turbine (maximum blade height to tip 66.7m) and associated infrastructure including access tracks, external compact housing with underground cabling to the wind turbine, turbine foundation and crane hardstanding	Bowbridge Lane, Balderton	Neighbouring authority - objections
12/0715/NEIAUT	2 x wind turbines (hub height 36.4m, blade diameter 19.2m & total ground to tip height 46m)	South Forty Foot Drain, Horbling Fen	Neighbouring authority - objections
12/0795/NEIAUT	Erection of 2 no. wind turbines (maximum blade height to tip 46m).	Back Lane, North Clifton, Notts	Neighbouring authority - objections
12/0881/NEIAUT	Planning application for construction of ten turbine wind farm - maximum height of 126.5 metres to blade tip for each turbine	Hemswell Cliff, Lincolnshire	Neighbouring authority - no objections
12/1039/FUL	Erection of single 330kW wind turbine (66.7m blade tip height) with associated access track and crane pad.	North Hykeham Meadows, Meadow Lane, North Hykeham	Pending decision
12/1042/FUL	Erection of a single 250kW wind turbine (45m blade tip height).	North Scarle Farm, North Scarle	Refused
12/1174/EIASCR	Erection of a single wind turbine (hub height 60m and tip height is 86.5m)	Field House Farm, Newark	Screening opinion made
12/1275/NEIAUT	Scoping opinion request for the installation of 1 wind turbine (73m hub height, ground to tip height of 99.5m)	Top Farm, Back Lane, Foston	Neighbouring authority - no objections
12/0564/NEIAUT	Erection of 1 x 36m high (Hub) wind turbine	Potter Hill Road, Collingham	Neighbouring authority - objections
12/0514/FUL	2 x 24.6m tip turbines	Barff Farm, The Barff, Metheringham	Withdrawn
12/0405/FUL	Erection of a single 250kW wind turbine (45m tip height).	North Scarle Farm, Spalford Road, North Scarle	Application returned
12/0188/EIASCR	Erection of a single Enercon E33 wind turbine (66.7m)	Field - North Hykeham Meadows, Eat of Meadow Lane, Hykeham Bridge, North Hykeham	Screening opinion made

12/0245/NEIAUT	Erection of 3no wind turbines of height between 105m and 126.5m to tip and associated infrastructure including access tracks, 1 switchgear and control building with transformers and grid connection infrastructure, underground cabling, turbine foundations, crane hardstandings, 1 new access point and 1 meteorological mast	Cotham Road, Hawton	Neighbouring authority - objections
12/0132/FUL	Erection of a single 500kw wind turbine (101.5m maximum tip height)	North Scarle Farm, Spalford Road, North Scarle	Application returned
11/1414/NEIAUT	Erection of a single wind turbine on existing poultry farm - 49.9m to hub and 79.6m to blade	Bardney Poultry Farm, Gaultby Road, Bardney	Neighbouring authority - no objections - refused
11/1206/FUL	Erection of single 15 kW (27.1m tip height) wind turbine with associated temporary access track and inverter housing	Woodbridge Road, Sleaford	Withdrawn
11/1210/FUL	Erection of single 500kw wind turbine	Old Farm, Harby Lane, Eagle Moor	Application returned
11/1220/FUL	Erection of single 500kw wind turbine	North Scarle Farm, Spalford Rod, North Scarle	Application returned
11/0542/EIASCR	Request for screening opinion construction of a single 100m (tip blade) wind turbine	Noble Foods Ltd, Hives Lane, North Scarle	Screening opinion made
11/1138/EIASCR	Construction of single 500kw wind turbine (approx 90m blade tip height)	North Hykeham Landfill Site, Whisby Road, North Hykeham	Screening opinion made
11/0925/FUL	Erection of 9m high (10.8m to the tip) wind turbine	Dunsby St Andrews, Sleaford	Approved
11/0538/FUL	Erection of 15.18m (17.98m to the tip) high wind turbine	Dunsby House, Lincoln Road, Dunsby St Andrews, Sleaford	Withdrawn

11/0409/NEIAUT	12 turbines at Hemswell Cliff and up to 6 turbines at Huckerby plus 1 permanent and 1 temporary anemometer mast at each site, installing permanent access tracks to the sites, installing grid connection cables and developing temporary site offices and stores	Hemswell Cliff and Huckerby	Neighbouring authority - no objections
11/0238/FUL	Construction and operation of 3 wind turbines (each with a maximum tip height of 90m), with associated ancillary infrastructure	Noble Foods Ltd, Lodge Farm, Sleaford Road, Beckingham	Withdrawn
10/0939/CCC	To construct a 6kw proven 11 micro turbine on a 15m monopole mast with associated foundations and cable	Branston Community College, Station Road, Branston	County Council - no objections
09/0501/CCC	Construct a 15kw proven microwind turbine on a 15m monopole mast	Branston Community College, Station Road, Branston	County Council - no objections
10/0598/FUL	Erection of a 11kW wind turbine on an 18m monopole mast	Silverdene, Fen Road, Ruskington	Refused
10/0214/FUL	Erection of a 9.3m high, 5kw vertical axis wind turbine	The Ark, Moor Lane, North Hykeham	Withdrawn
09/1049/FUL	Erection of a 15kw wind turbine on a 15m tall mast with blade diameter of 9m (overall height 19.8m to tip of blade)	Cross O Cliff Court, Bracebridge Heath, Lincoln	Withdrawn
09/0269/INV	Erection of 18m high wind turbine (24.8m high to top of blades)	The Grange, Wigsley Road, North Scarle	Application received – held invalid
09/0473/FUL	Erection of 18m high wind turbine (24.8m high to top of blades)	The Grange, Wigsley Road, North Scarle	Withdrawn
09/0366/FUL	Erection of 2no 18.3m high wind turbines supporting 2 blades with a rotor diameter of 13m. Top of rotor blades extend to 24.8m high	Sycamore Farm, Clay Bank, South Kyme	Withdrawn
08/0028/FUL	Installation of wall mounted wind turbine on south elevation of science building	Sir William Robertson School, Main Road, Welbourn	Approved

07/1469/FUL	Erection of 11m high wind turbine (15.2m high to top of blades)	The Oaks Farm, Hives Lane, North Scarle	Approved
07/1054/FUL	Erection of 11m high wind turbine (15.32m	The Oaks Farm, Hives Lane, North Scarle	Refused
07/1055/FUL	Erection of 11m high wind turbine (15.32m high to top of blades)	The Grange Farm, Wigsley Road, North Scarle	Refused
07/1056/FUL	Erection of 11m high wind turbine (15.32m high to top of blades)	Lodge Farm, Sleaford Road, Beckingham	Refused
07/0731/FUL	Erection of 9.6m high wind turbine	Gashes Barn, Ewerby Fen	Approved
07/0738/FUL	Erection of domestic wind turbine	Torwood, Lincoln Road, Skellingthorpe	Approved
07/0162/FUL	Installation of wind turbine to property	1 Keepers Way, Sleaford	Approved
07/0147/FUL	Erection of domestic wind turbine	40 Saltersway, Threekingham, Sleaford	Approved
07/0092/FUL	Installation of micro-windsave turbine	1 The Fen, Metheringham	Approved
06/1515/FUL	Erection of 9m high wind turbine	104 Jerusalem Road, Skellingthorpe	Approved
06/1062/FUL	Erection of a wind turbine	104 Jerusalem Road, Skellingthorpe	Withdrawn
06/1453/FUL	Installation of wind turbine.	Fen View, Tattershall Bridge Road, Tattershall Bridge	Approved
06/1422/FUL	Installation of wind turbine	26 Fen Road, Timberland	Approved
06/1326/FUL	Erection of domestic windsave/domestic turbine	27 Pavilion Gardens, Sleaford	Approved
06/0911/FUL	Erection of a 9m tall wind generated turbine	Field rear of Old Post Office, Potterhanworth Road, Nocton	Refused – allowed on appeal
05/0630/FUL	Erection of 9m tall microturbine to supply electricity to new farmhouse	Middle Drove Farm, Branston Fen, Branston	Approved
00/0327/FUL	Erection of wind turbine and solar panel canopy, and installation	Whisby Natural World, Moor Lane, Thorpe on the Hill	Approved
98/0947/OUT	Construction of combined cycle gas turbine power station	Sleaford Enterprise Park, East Road, Sleaford	Withdrawn

Location	Heritage/LVIA
Bardney – Horncastle Road adj. cemetery	LVIA
Bardney Abbey	Heritage
Short Ferry Road between junction of B1202 and River Witham	LVIA
Fiskerton – Lincoln Road immediately west of village	LVIA
Greetwell Church and mediaeval settlement (Greetwell Road, adj. railway bridge)	Heritage
B1178/B1188 junction – Potterhanworth	Heritage and LVIA
A607 between Coleby and Boothby Graffoe	Heritage and LVIA
Area around Fulbeck, Caythorpe, Normanton Carlton Scroop and Honington	Heritage and LVIA (to be agreed with South Kesteven District Council as necessary)



Planning Services

Stuart House (East Wing)
St John's Street
Peterborough
PE1 5DD

Peterborough Direct: 01733 747474

Telephone: 01733 453410
Facsimile: 01733 453505
Email: planningcontrol@peterborough.gov.uk
Case Officer: Mr A O Jones
Our Ref: 14/01194/OTH
Your Ref:

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

11 July 2014

Dear Sir/Madam

Planning enquiry

Proposal: Consultation request - Scoping Opinion request for a proposed wind farm - Ref 140530_EN010066-2576010

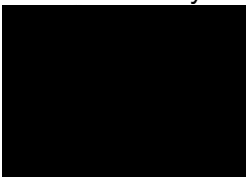
Site address: Vattenhall Wind Power Limited

Further to your enquiry received on 30 June 2014, in respect of the above, the Local Planning Authority makes the following comments:

Thank you for the opportunity to comment on this Scoping consultation. Peterborough lies beyond the 35km study area and I can confirm that we do not have any comments.

I trust that the above advice is of use however should you have any further queries, please do not hesitate to contact me on the details shown at the top of this letter.

Yours faithfully



Mr A O Jones
Minerals and Waste Officer

From: [REDACTED]
To: [Environmental Services](#)
Subject: Nocton Fen Onshore Wind Farm Scoping Request
Date: 19 July 2014 09:16:12

Potterhanworth Parish Council would like to have the following considered for inclusion in the environmental statement report regarding the proposed onshore wind farm at Nocton Fen, Lincolnshire:

- To understand the carbon footprint required to build each turbine. The tonnage of concrete, steel and other components in each turbine need to be defined.
- What are the plans for recommissioning or decommissioning the site after the initial 25 year time period has lapsed?

Thank you

Bob Spence
Clerk to Potterhanworth Parish Council
24 The Park
Potterhanworth
Lincoln
LN4 2EB

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

The Planning Inspectorate
3/18 Eagle Wing
2 The Square
Bristol
BS1 6PN
FAO:- Marie Evans

Your Ref : 140630_EN010066_2576010

Our Ref : ENRNWF 140630 333

23rd July 2014

Dear Marie,

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed
Nocton Fen Onshore Wind Farm**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

In order to ensure that health is fully and comprehensively considered the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

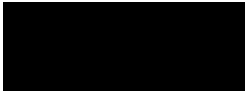
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this

decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely



Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

We note that the information provided states that there will be three associated development projects, but that these will be the subject of separate planning consent applications. We recommend that the EIA includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts

- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential

⁴ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

environmental hazard. This is true even when the physical health risks may be negligible.” PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful

spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1195733805036

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/codes/codes.aspx

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1204276682532?p=1207897920036

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that

precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance

- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁵ is used

⁵ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: [Nick Hodgett](#)
To: [Environmental Services](#)
Subject: Nocton Fen Wind Farm
Date: 09 July 2014 11:12:50

Your Ref: 140630_EN010066_2576010

Thank you for your consultation letter dated 30 June 2014. Please note that this Authority has no comments to make on this proposal.

Nick Hodgett | Principal Planning Officer
Rutland County Council
Catmose, Oakham, Rutland LE15 6HP
tel: 01572 758263 | fax: 01572 758373 |
e-mail: nhodgett@rutland.gcsx.gov.uk

Rutland County Council

Customer Service Centre: 01572 722 577

Visitor Parking Information & Map:
http://www.rutland.gov.uk/customer_services/visitor_parking.aspx

Email Enquiries: enquiries@rutland.gov.uk
Council Website: <http://www.rutland.gov.uk>
Visiting Rutland? <http://www.discover-rutland.co.uk>

The views expressed in this email are those of the author and may not be official policy.
Internet email should not be treated as a secure form of communication.
Please notify the sender if received in error.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

From: [Branson, Steve](#)
To: [Environmental Services](#)
Subject: Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Nocton Fen Onshore Wind Farm
Date: 21 July 2014 10:09:26

Dear Ms Evans

Further to your email of 1 July 2014 regarding the above I would confirm that I have no comments to make on the scoping consultation.

Kind regards

Steve Branson

Steve Branson | Lead Environmental Protection Officer | South Holland District Council

DDI: 01775 764698

www.sholland.gov.uk

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

PINS RECEIVED

07 JUL 2014

Our Ref: SO/0030535
Your Ref: 140630_EN010066_2576010

Date: 03/07/2014



**Southern
Gas Networks**
A Scotia Gas Networks Company

Marie Evans,
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Nristol, BS1 6PN.

Plant Location
95 Kilbirnie Street
Glasgow
G5 8JD
Phone: 0141 418 4093
Phone: 0845 070 3497
Fax: 0141 429 6432
Email: plantlocation@sgn.co.uk

Dear Customer,

Re: Enquiry at: Nocton Fen Onshore Windfarm, .

Thank you for your enquiry regarding the above location. Please note that SGN do not cover this area.

Please redirect your enquiry to:

**National Grid, Plant Protection, Block 1, Floor 2, Brick Kiln Street, Hinckley, LE10 0NA,
0800 688 588.**

~~Northern Gas Networks, 1 Emperor Way, Doxford International Business Park,
Sunderland, SR3 3XR, 0845 634 0508.~~

~~Wales & West Utilities, Spooner Close, Celtic Springs, Newport, NP10 8FZ, 02920 278 9121~~

Yours faithfully,

Lesley Phillips
0141 418 4093

24 hour gas escape number 0800 111 999*
*Calls will be recorded and may be monitored

Southern Gas Networks plc is part of the Scotia Gas Networks Group
Registered Office: St Lawrence House Station Approach Horley
Surrey RH6 9HJ
Registered in England & Wales No. 05167021
<http://www.sgn.co.uk>

From: [Alan Gardner](#)
To: [Environmental Services](#)
Subject: Nocton Fen Onshore Wind Farm
Date: 28 July 2014 17:12:23
Attachments: [image003.jpg](#)

Your ref. 140630_EN010066_2576010

Dear Marie,

With regard to your letter of 30th June 2014, the Board has no comments to make with regard to the environmental statement.

The Board looks forward to being consulted in due course regarding the detailed proposals for the scheme.

Yours sincerely,



Alan Gardner

Engineer to the Board

01522 697123

Witham House
J1 The Point
Weaver Road
Lincoln
LN6 3QN

**** Disclaimer**** The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from your computer. Any correspondence with the sender will be subject to automatic monitoring. Please note that neither the Board or the sender accept any responsibility for viruses and it is your responsibility to scan attachments (if any).

**** Disclaimer**** The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from your computer. Any correspondence with the sender will be subject to automatic monitoring. Please note that neither the Board or the sender accept any responsibility for viruses and it is your responsibility to scan attachments (if any).

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or

recorded for legal purposes.

APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The SoS emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
 - (b) *the use of natural resources;*
 - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

EIA Regulations Schedule 4 Part 1

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The SoS recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's⁴ reasoning in judging 'significant effects'. In other words

⁴ See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined

- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The SoS recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The SoS recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in

terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.