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Your Ref:

Our Ref: 150313_EN020019_3046880

Date: 13 March 2015

By email

Dear Kim

Planning Inspectorate comments on Chapter 3 – Approach to Environmental Impact Assessment of the Triton Knoll Electrical System draft Environmental Statement

- 1.1 The Planning Inspectorate welcomes the opportunity to comment on draft documents to assist applicants in producing high quality applications.
- 1.2 The Planning Inspectorate has reviewed Chapter 3 – Approach to Environmental Impact Assessment of the Triton Knoll Electrical System (TKES) draft Environmental Statement (ES) following queries over the approach to the assessment explained by the applicant in a meeting held on 8 December 2014. In this meeting, the applicant explained they would be excluding access tracks from the assessment in the ES because no development works would take place on them. The Planning Inspectorate requested further information from the applicant in order to be able to comment on the acceptability of this approach.
- 1.3 The Planning Inspectorates acknowledges that the chapter is in draft form at this stage and that it has been provided in isolation from the remainder of the ES. As such, it is appreciated that some of the comments below might have already been addressed in preparation of the final version of the ES or within other ES chapters.
- 1.4 The Planning Inspectorate has reviewed the chapter as a whole and is content with the information included and the structure. In particular, the Planning Inspectorate welcomes the following:
 - The proposal to include a summary of key points raised in the scoping opinion within each topic chapter, together with a response to these (paragraph 3.6).
 - That confirmation of whether any potential impacts have been scoped out of the assessment will be provided in each chapter (paragraph 3.7). The Planning Inspectorate agreed to scope out

emissions, waste and electromagnetic fields in their entirety in the scoping opinion and recommends that this is also explained in the ES.

- That each chapter of the ES will set out the assumptions made for the assessment (paragraph 3.25).
- That the ES will incorporate data from the Triton Knoll Offshore Wind Farm (TKOW) ES and describe the controls/mitigation measures agreed and secured for TKOWF that are considered appropriate and applicable to the TKES. The applicant should ensure that any mitigation measures relied upon in the assessment for the TKES are secured in the DCO for the TKES. Careful consideration should be given towards measures necessary for the TKES and measures secured in the DCO for the TKOWF particularly given that it is a separate consent.
- The explanation of how significance will be determined, the use of the impact matrix (Table 3-2), and an explanation of which category would be considered significant in EIA terms (paragraphs 3.40 to 3.44). The Planning Inspectorate recommends that it is clear within each topic chapter how the factors that will be taken into consideration in assessing the significance (described in paragraph 3.40) have been taken into account.
- The consideration of transboundary effects in paragraphs 3.59 to 3.62. As the draft chapter states, the project was screened by the Secretary of State in June 2014. As the duty placed on the Secretary of State by Regulation 24 of the EIA Regulations to consider transboundary effects is ongoing, the Secretary of State will rescreen for transboundary effects should the project be accepted for examination, as well as at any other time should relevant information come to light. Consideration of transboundary effects by the applicant will assist the Secretary of State to fulfil this duty.

1.5 The Planning Inspectorate also has a number of comments to draw to the attention of the applicant, as detailed below.

Access tracks

1.6 Paragraphs 3.26 and 3.27 provide an explanation of access tracks which are proposed in order to gain access to the cable route for pre-construction works and for operation and maintenance visits after decommissioning of the haul road. It is understood that the access tracks are to be located within the order limits, although the text is confusing in this regard. The Planning Inspectorate recommends that the ES contains a figure to identify the location of these access tracks, as well as the 11 ponds referred to in paragraph 3.28 in relation to the order limits.

1.7 The Planning Inspectorate understands that the access tracks are Work No 51 in the draft DCO. Although paragraph 3.27 confirms that no works are

required on these access tracks, the drafting of the DCO does not appear to restrict works on the access areas. If works are required, these should be detailed in the ES. If works are not required, consideration should be given to the drafting of the DCO to ensure no works can occur on the access tracks.

- 1.8 Paragraph 3.27 states that "*no impacts will arise along such access tracks outside the proposed development boundary as no works are required to create or maintain them i.e. removal of hedgerows, pruning of trees or adjustments of existing highways*". As currently drafted there is insufficient justification as to why there would be no impact. Consideration should be given to the increase of traffic use on receptors, for example ecological and residential receptors and water resources where applicable.
- 1.9 The Planning Inspectorate recommends that the ES identifies the frequency of use of the accesses to support the conclusion of no impact. Consideration should also be given to whether appropriate control mechanisms are required to avoid significant impacts, for example on the timing of access and vehicular type.
- 1.10 Previous email correspondence from Kim Gauld-Clark (the applicant) to Kathryn Powell (PINS) (dated 15 February 2015) confirmed that a Phase 1 Habitat Survey has been undertaken which covers most of the access tracks, however some of the access tracks extend beyond the study area therefore there is not 100% coverage.
- 1.11 The email also explains that the approach was explained and discussed at the EIA Evidence Plan Steering Meeting and no concerns were raised from any of the attendees, including Natural England; it would be useful if this information (and appropriate cross-referencing to the steering minutes) were provided in the ES and supported in the Evidence Plan document.

Other comments

- 1.12 Paragraph 3.16 – the Planning Inspectorate assumes that a description of these activities will be provided elsewhere in the ES and recommends that suitable cross-referencing is used here.
- 1.13 Paragraph 3.20 introduces the terminology of the '*maximum adverse scenario*'; however this term is not subsequently explained in paragraph 3.23. The Planning Inspectorate recommends that consistent terminology is used throughout the ES. The ES should provide a clear description of the worst case based upon the parameters allowed within the DCO and appropriate to the topic or receptor concerned.
- 1.14 Paragraph 3.29 - it would be useful if the applicant provided evidence of the agreement with the relevant authorities and statutory advisors to undertake appropriate pre-construction surveys and agree and implement mitigation prior to construction; and of the confirmation that all assessments presented within the ES are robust and fit for purpose.

- 1.15 Paragraph 3.33 – it would be useful if cross reference to a list of the embedded mitigation measures was provided. This paragraph also states that consideration has been given to providing opportunities for environmental enhancement, however, it does not state whether any has actually been proposed. Similarly, cross reference to any enhancements proposed elsewhere in the ES would be useful. It is important to note that the assessment should rely only on mitigation and enhancements that are adequately secured.
- 1.16 Paragraph 3.46 explains that further mitigation may be required where the assessment concludes that impacts remain that may be significant. The Planning Inspectorate recommends that a schedule of mitigation is produced with a clear reference to where mitigation has been secured. Should mitigation be deferred to a plan such as a Code of Construction Practise or Construction Environmental Management Plan, a draft version with the minimum measures necessary should be provided. It would be useful for the ES to contain appropriate cross-referencing to specific paragraphs of these draft documents.
- 1.17 Paragraph 3.51 states that a list of proposed projects identified for inclusion in the cumulative assessment will be provided in an annex. The ES should explain how these projects were identified and confirm whether they have been agreed with the relevant bodies. The Planning Inspectorate also notes the importance of considering plans in relation to the assessment of cumulative effects.
- 1.18 The email dated 15 February 2015 from Kim Gauld-Clark (the applicant) to Kathryn Powell (PINS) states that the chapter will address the following matters:
- how the applicant determined the survey requirements
 - how the applicant identified the areas that needed onsite surveys, and
 - how the applicant determined that we had sufficient data.

This information has not been provided within the draft chapter; however the Planning Inspectorate considers that it would be useful information to be provided within the ES.

I hope you find these comments useful. Please do not hesitate to contact me should you have any queries.

Yours sincerely

Hannah Pratt

Hannah Pratt
Senior EIA and Land Rights Advisor

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