

SCOPING OPINION
Proposed
Burbo Bank Extension Offshore
Wind Farm, Liverpool Bay

August 2010



independent impartial inclusive

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Executive Summary

This is the Infrastructure Planning Commission's (the Commission's) Scoping Opinion (the Opinion) in respect of the content of the environmental statement for an extension to the existing and operational Burbo Bank offshore wind farm in Liverpool Bay by DONG WIND (UK) Limited (the Applicant).

This report sets out the Commission's Opinion on the basis of the information provided in the Applicant's report entitled 'Burbo Bank Extension Offshore Wind Farm Environmental Impact Assessment Scoping Report' (July 2010) (the Scoping Report). The Opinion can only reflect the proposals as currently described by the Applicant.

The Commission has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Commission is broadly satisfied that the topics 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. Notwithstanding this, the Commission considers that the ES should sufficiently address the assessment of air quality likely to affect population, fauna and flora and noise likely to affect population and fauna.

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

The Scope of the Development

- The flexible scope towards the proposed design (Rochdale Envelope) and ability to assess the maximum potential adverse effects of the proposal;
- The need to clearly identify and describe the proposals and development subject to separate application procedures;

The Scope of the EIA

- The need to identify the physical scope of the assessment and that this is sufficient to enable consideration of the potential impacts;
- The need to describe the impact assessment methodology, use of legislation and guidelines or best practice;
- The need to clearly identify and describe the baseline and ensure that the baseline data is comprehensive, relevant and up-to-date;

- The need to consider the assessment as a whole and not as a series of unconnected specialist reports;
- The need to consider the cumulative effects with other development in the area;

The Potential Impacts

- The impacts of the proposals on adjacent European, International and nationally designated sites;
- The visual impacts from both the onshore and offshore development;
- The noise and vibration impacts on marine mammals and fish; and
- The impact on migratory birds and fish.

Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Commission.

The Commission recommends that consideration should be given in the environmental statement to any likely significant effects on the environment of another Member State of the European Economic Area.

1.0 INTRODUCTION

Background

- 1.1 On 8 July 2010, the Commission received a Scoping Report submitted by the Applicant under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (the EIA Regs) in order to request a scoping opinion for the proposed extension to the existing and operational Burbo Bank offshore wind farm in Liverpool Bay. This Opinion is made in response to this request and should be read in conjunction with the Scoping Report.
- 1.2 The EIA Regs enable an applicant, before making an application for an order granting development consent, to ask the Commission to state in writing its formal opinion (a 'scoping opinion') on the information to be provided in an environmental statement (ES).
- 1.3 The proposed development falls within Schedule 2 development under the EIA Regs as being an installation for the harnessing of wind power for energy production (wind farm). An EIA is not mandatory for Schedule 2 development but depends upon the sensitivity of the receiving environment, the likelihood of significant environmental effects and the scale of the proposals.
- 1.4 In submitting the information included in their request for a scoping opinion, the Applicant is deemed to have notified the Commission under Regulation 6(1)(b) of the EIA Regs that it proposes to provide an ES in respect of the proposed extension to the existing Burbo Bank offshore wind farm. Therefore, the proposed development is determined to be EIA development in accordance with Regulation 4. The Applicant has not requested a screening opinion from the Commission.
- 1.5 Before adopting a scoping opinion the Commission (or the relevant authority) must take into account:
 - 'the specific characteristics of the particular development;
 - the specific characteristics of the development of the type concerned;
 - the environmental features likely to be affected by the development'.

(EIA Regs 8 (9))
- 1.6 This Opinion sets out what information the Commission considers should be included in the ES for the proposed Burbo Bank Wind Farm extension. The Opinion has taken account of:

- i the EIA Regs;
 - 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 ES.
- 1.7 The Commission has also taken account of the responses received from the statutory consultees. It has carefully considered the matters addressed by the Applicant and has used professional judgement and experience in order to come to this Opinion. It should be noted that when it comes to consider the ES, the Commission will take account of relevant legislation and guidelines. The Commission will not be precluded from requiring additional information in connection with the ES submitted with that application when considering any application for a development consent order (DCO).
- 1.8 This Opinion should not be construed as implying that the Commission agrees with the information or comments provided by the Applicant in their request for a scoping opinion from the Commission. In particular comments from the Commission in this Opinion are without prejudice to any decision taken by the Commission 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 or associated development, or development that does not require development consent.
- 1.9 Regulation 8(3) of the EIA Regs states that a request for a scoping opinion must include:
- i. a plan sufficient to identify the land;
 - ii. a brief description of the nature and purpose of the development and of its possible effects on the environment;
 - iii. such other information or representations as the person making the request may wish to provide or make.
- 1.10 The Commission considers that this has been provided in the Applicant's Scoping Report.

Commission's Consultation

- 1.11 The Commission has a duty under Regulation 8(6) of the EIA Regs to consult widely before adopting a scoping opinion. A full list of the consultation bodies is given at Appendix 1. The list of respondents, with copies of those comments is given at Appendix 2, to which reference should be made.
- 1.12 The ES submitted by the Applicant must also demonstrate consideration of points raised by the statutory consultees. It is

recommended that a table is provided in the ES summarising the scoping responses from the statutory consultees and how they are considered in the ES.

- 1.13 Any subsequent consultation responses, received after the statutory deadline for receipt of comments, will be forwarded to the Applicant and should be given due consideration by the Applicant in carrying out the EIA.

Structure of the Document

- 1.14 This document is structured as follows:

Section 2 The Proposed Development;

Section 3 EIA Approach and Topic Areas;

Section 4 Other Information;

Appendix 1 Consultation Bodies;

Appendix 2 Respondents to Consultation and Copies of Replies;

Appendix 3 Presentation of the Environmental Statement.

2.0 THE PROPOSED DEVELOPMENT

Applicant's Information

- 2.1 The following information is taken from the Applicant's Scoping Report. The Commission does not accept responsibility for the accuracy of this information.

The Wind Farm Development

- 2.2 The proposed development comprises an extension to the west of the existing operational Burbo Bank offshore wind farm of 25 turbines of 3.6 MW (the Operational Wind Farm), located in Liverpool Bay, together with offshore and onshore connection infrastructure.
- 2.3 The Scoping Report at paragraph 2.2. states that the main components of the proposed development are likely to include:
- Wind turbines;
 - Foundations;
 - Offshore inter-array and export cables;
 - Offshore substation;
 - Onshore export cable; and
 - Onshore substation.
- 2.4 The Scoping Report at paragraphs 2.2 to 2.7 describes the proposals in more detail. Two distinct areas are identified; the offshore and the onshore development. The offshore and onshore developments will be linked via subsea export cables.

Proposed Offshore Development

- 2.5 The proposed offshore development (the offshore site) will be located approximately 7 to 8.5km off the north Wirral and Sefton coasts; and approximately 12.2km from the Welsh coast. The offshore site is bordered by the Queen's Channel, a navigational channel into the Port of Liverpool, located to the north east of the site. To the west of the offshore site is Gwynt Y Môr offshore wind farm and North Hoyle offshore wind farm is located to the south west. The Dee Estuary is located 7km to the south. The offshore site is located within English waters.
- 2.6 The extent of the proposed offshore site is approximately 40km², four times the area of the Operational Wind Farm (10km²), which has been leased by the Crown Estate and is owned and operated by DONG

Energy Burbo Bank (UK) Ltd. In April 2010, the Crown Estate awarded an agreement for lease of the proposed development site to the Applicant.

- 2.7 The proposed development is estimated to have a capacity of 169 to 234MW based on a range of turbines from 3MW to 7.5MW. An indicative site area and turbine layout is shown in Chart 2 in the Scoping Report which shows 65 turbines.
- 2.8 The Scoping Report sets out a brief description of the geology and seabed morphology of the area which comprises of mainly sandy deposits. At paragraph 2.3 the Scoping Report states that the seabed conditions are ideal for using steel monopile foundations although depending on the size of turbine chosen, different foundation types might be considered. Comments on the description of the proposed scheme and the use of the 'Rochdale Envelope' are considered in Section 3 to which reference should be made.
- 2.9 The location of the offshore electrical infrastructure for the proposal has yet to be finalised. The Scoping Report (paragraphs 2.5 and 2.6) states that the offshore electrical infrastructure will comprise of the following elements:
- Offshore substation located within the turbine array; and
 - Medium voltage (33kV) inter-array cables located within the turbine array which will connect the turbines to the two step-up transformers located on the offshore substation.
- 2.10 The total length of the inter-array cables will depend on the chosen wind turbine capacity and layout. The Scoping Report indicates that at this stage there could be one offshore substation. The number of proposed inter-array cables is not stated. An indicative layout is shown in Chart 2 in the Scoping Report.
- 2.11 The water depths at the offshore site are stated to range between 6m and 13m with greater water depths in the western area of the offshore site; which has an average tidal range of 4.5m to 8.7m (neap to spring tide).
- 2.12 The Scoping Report refers to the potential for several shipwrecks located in the Burbo Bank sandbank area, with six charted wrecks identified as located within the offshore site. No protected or designated wrecks or war grave sites are stated to be found within the offshore site.
- 2.13 The whole region of Liverpool Bay has been historically contaminated with mercury from the chloralkali industry. There are also known issues with lead, cadmium and arsenic. The Scoping Report states that the

sediments in the area of Burbo Bank are heterogeneous and unlikely to contain any contaminants to pose a risk of adverse impact if dispersed (paragraph 3.2.4).

- 2.14 The northern section of the offshore site is close to three shipping lanes used by passenger and cargo vessels to and from the port of Liverpool across the Queen's Channel. The shipping lane closest to the offshore site is used by an average of 13 cargo and passenger vessels per day, which use the eastbound lane of the Liverpool Bay Traffic Separation System. The Scoping Report states that the proposed offshore site boundary has been designed with a separation buffer from the shipping lanes of at least 0.6 nautical miles (paragraph 3.4.1). There are eight cruising routes passing through the offshore site, 5 of which are defined as medium-use and 3 as light-use by the Royal Yachting Association. Several of these routes are using the Rock Channel (south of the offshore site) which gives small recreational craft access to the River Mersey from Liverpool Bay.
- 2.15 The offshore site is described as falling within an area of very low level activity by UK fishing vessels, usually beam trawlers.
- 2.16 Two overlapping active dredging areas are located 8km to the east of the offshore site. Some dredging vessel routes pass close and through the north west section of the offshore site to reach the dredging areas from the port of Liverpool.
- 2.17 The north west corner of the offshore site briefly overlaps (3km²) with a 6 nautical mile safety buffer applied to the Hamilton gas platform. This safety buffer was relaxed for the Gwynt Y Môr offshore wind farm and the Applicant expects it to be relaxed for the proposed development as well (paragraph 3.4.3). The offshore site is outside any oil and gas current licence areas and no oil or gas pipelines run through or close to the offshore site.
- 2.18 The offshore site falls within the 'Great Orme to Mersey' National Seascape Unit and the 'North Wirral' Regional Seascape Unit. The offshore site may affect European and International designated sites including the Liverpool Bay potential Special Protection Area (SPA) which the offshore site would be located within, and the Dee Estuary SPA, Special Area of Conservation (SAC) and Ramsar sites. The Ribble and Alt Estuaries SPA and Ramsar sites are both located within 6km of the proposed offshore site as shown in Chart 12 of the Scoping Report. The Mersey Narrows and North Wirral Foreshore SPA site (7km) and the Mersey Estuary SPA and Ramsar sites (16km) are both located beyond 6km of the offshore site.
- 2.19 The Applicant has identified other SPAs which may be affected by the proposed development in Table 7 of the Scoping Report. The SPAs

have been identified following the recording of observed species at the Burbo Bank offshore wind farm site which are a qualifying or assemblage feature of the SPAs.

Proposed Export Cable(s)

2.20 The Scoping Report indicates that a minimum of one export cable (132 to 275kV) is expected to connect the offshore substation to the onshore substation which is likely to use a 3-core submarine cable up to the shore (approximately 7 to 10km) with three single-core cables from the landfall to the onshore substation (approximately 8 to 10km). An indicative layout is shown in Chart 2 in the Scoping Report.

Proposed Onshore Development

2.21 The Applicant has submitted an application to National Grid for an onshore entry point and is currently awaiting the grid connection offer which is expected to be known in September 2010.

2.22 The Scoping Report states at paragraph 2.7 that the onshore substation is expected to be located near the National Grid Birkenhead substation, near Prenton in Wirral. A possible alternative connection at the Deeside Power Station substation in Connah's Quay/Cei Connah in Flintshire, Wales may also be offered. Both potential route options provide for the undergrounding of the terrestrial cables.

Connection at Birkenhead Substation

2.23 The export cable(s) are expected to have landfall close to the existing Operational Wind Farm's landfall cable which is located behind the sea wall at Mockbeggar Wharf in Leasowe, Wirral. The existing cable landfall is located within the Dee Estuary SAC and North Wirral Foreshore SSSI. The indicative cable route is expected to initially follow the same route as the existing Operational Wind Farm's onshore cable but divert to run along the M53 and the railway line to connect to the Birkenhead substation as shown in Chart 4 of the Scoping Report.

2.24 The proposed onshore cable route would initially pass through sand dunes at Mockbeggar Wharf, the indicative route will then be buried beneath flat, green field terrain. The land along the cable route is characterised by predominately built up-areas (residential areas and trading estates) with several golf courses and Bideston Moss Local Nature Reserve located along the route corridor. The Scoping Report states that the ponds located in the Nature Reserve have not been searched for great crested newt populations. The Applicant proposes to undertake appropriate surveys if there is a risk of newt populations being affected by the development. The ES should clearly set out how this risk has been assessed.

- 2.25 No scheduled monuments, listed buildings, parks and gardens are stated to be located within or close to the cable route corridor. Low trees present along the route will be surveyed to ensure that they are not inhabited by bats. A detailed description of the proposed route is set out in paragraph 3.5.1 of the Scoping Report.
- 2.26 An extension to the existing National Grid Birkenhead substation may be required as shown in Chart 6 of the Scoping Report.

Alternative Connection at Deeside Substation

- 2.27 An alternative connection might be located at the National Grid Deeside substation situated near the Deeside Power Station, in Connah's Quay/Cei Connah in Flintshire. An indicative cable route is shown in Chart 5 in the Scoping Report and may be around 25 to 30km and would initially follow the same route as the Birkenhead option.
- 2.28 The proposed route includes crossing the River Dee going through the Dee Estuary SAC, SPA, SSSI and Ramsar site. The indicated route corridor will run between the Dee Marshes and the Shotton Lagoons & Reedbeds SSSI and close to the MoD Sealand Military Firing Range. A brief description of the proposed route is set out in paragraph 3.5.5 of the Scoping Report.
- 2.29 The Applicant has not stated whether additional works or equipment will be required at the Deeside substation if this connection option is offered by National Grid. The Scoping Report states that National Grid may also seek consent for a cable route from its Western HVDC link from Hunterston in Scotland to the Deeside Substation. There is no indication of whether this would require additional works at the Deeside Substation.

Construction and Operation

- 2.30 The offshore construction work is anticipated to last just over two years commencing in 2014 until the end of 2015. The onshore construction is expected to last one year with work anticipated to commence in late 2013 and end in late 2014.
- 2.31 The proposed development is expected to start exporting energy to the transmission grid in Q3 of 2015 with final commissioning at full capacity in Q4 of 2015.
- 2.32 No detail is provided on the construction methods, workforce number, delivery methods of materials to site or working hours.

Commission's Comment

- 2.33 In line with best practice and case law, the proposed development will need to be defined in sufficient detail in the ES to enable a robust assessment of the adverse and positive environmental impacts to be undertaken. It is acknowledged that the design, if accepted should be flexible enough to allow for necessary micro-siting of elements of the proposed wind farm during its construction. This allows for any unforeseen events such as the discovery of previously unknown marine archaeology that it would be preferable to leave in-situ or which may have to be left in-situ.
- 2.34 The need to accommodate such possibilities or for a micro-siting tolerance is understood, but given that the EIA should assess a maximum adverse scenario (the 'worst case') in environmental terms, the assessment should reflect the implications of any micro-siting as far as reasonably possible.
- 2.35 Maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification and sufficient explanation. It will also be important to consider choice of materials, colour and the form of the buildings and structures. Lighting proposals should also be described.
- 2.36 The Commission accepts that some limited flexibility may be required within the DCO and acknowledges the advice in draft NPS (EN-3). However, whilst the Commission acknowledges that it may be necessary for design parameters to be sufficient to allow for minor variations in the scheme design, such parameters should not be so great that any variations would effectively constitute a material departure from the scheme design assessment in the EIA or result in a different assessment outcome. The ES should be able to confirm that any changes to the development within the proposed parameters would not result in significant effects not previously identified.
- 2.37 The Scoping Report suggests that the engineering complexity of the proposal is such that many details have not or cannot yet be defined. The Applicant intends to adopt the 'Rochdale Envelope' principle (see *R v Rochdale MBC ex parte Tew* (1999) and *R v Rochdale MBC ex parte Milne* (2000)) for the assessment (paragraph 1.4.4.1), which is an accepted way of dealing with such uncertainty. A clear rationale for all parameters of the 'Rochdale Envelope' should be provided with known details of the proposed development submitted in the ES including a detailed description of the proposal i.e. cable route(s), foundation type, etc. The applicant may wish to narrow the range of the envelope i.e. the output capacity range and the correlating number of turbines, to enable the EIA to be carried out on a defined scheme to allow the likely environmental impacts to be properly assessed. The EIA should be

carried out on the basis of the most likely design(s) and should identify the worst case in terms of environmental impact.

- 2.38 The Applicant should note in defining the 'worst case' for the Proposal it will be required to apply different environmental parameters. It does not always necessarily follow that the worst case for one receptor is the worst case for another. Care will need to be taken in preparing and demonstrating the worst case and consultation on this issue should take place between the Applicant and the statutory consultees.
- 2.39 The Commission recommends the ES should include a clear description of all the aspects of the proposed development, including timescales, at the construction, operation and decommissioning stages, including:
- Land use requirements;
 - Site preparation;
 - Construction processes and methods;
 - Transportation routes;
 - 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, and maintenance activities;
 - Emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc).
- 2.40 The Commission considers that the ES should contain information on how materials and components will be transported to site and proposed construction methods.
- 2.41 The Commission notes that some of the designated SPA sites identified in Table 7 of the Scoping Report are also designated Ramsar sites including; the Mersey Narrows and North Wirral Foreshore, Morecambe Bay, Duddon Estuary and Martin Mere. Sefton Coast is also a designated SAC.
- 2.42 The ES should consider the possible inadvertent introduction of non-native species including the strategy for control and eradication.
- 2.43 The ES should consider the network of highly protected Marine Conservation Zones (MCZ), under the Marine and Coastal Access Act 2009, in English and Welsh waters that are being identified through both the Welsh and English MCZ Projects. The ES should recognise that MCZ's will be in place before the proposed construction of this proposal and provide more detail with the regard to new designations such as the MCZ taking into account the significance of these designations.

- 2.44 A DCO in England may grant development consent not only for the development for which consent is required but also for 'associated development'. The position differs for England and Wales. In Wales, development which does not fall within the legal definition of 'associated development' as set out in Section 115 of the Planning Act 2008, cannot be determined by the Commission save in limited circumstances. The Commission recommends that the Applicant should distinguish between development for which development consent will be sought as part of the DCO and any other development. This distinction should be clear in the ES. Nonetheless, the applicant should note that all development proposed should be assessed as part of the ES.
- 2.45 The Commission notes that details of the onshore grid connection infrastructure are not known at this stage. If the details have not been resolved when the ES is undertaken, then both options would need to be assessed as part of the proposed development. If the alternative grid connections are included in the ES, then consideration needs to be given as to how this is addressed in assessing the likely impacts. Sufficient information would (where relevant) have to be provided with the DCO application to enable the relevant authority to make any appropriate assessment.
- 2.46 The Commission recognises that the process of EIA is iterative and therefore the proposals may change and evolve. There may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. Once submitted, the application should not change in any substantive manner.
- 2.47 It should be noted that if the development changes substantially during the EIA process the applicant may wish to consider the need to request a new scoping opinion.
- 2.48 The ES must contain and set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reason for the Applicant's choice, taking account of the environmental effects (Schedule 4, Part 1, paragraph 18). The reasons for the preferred choice should be made clear and the comparative environmental effects identified in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

General Comments on the Scoping Report

- 3.1 The Scoping Report (Appendix A - Draft Outline for the Burbo Bank Extension Environmental Statement) sets out the proposed three volume format of the ES: Volume 1: Non-technical Summary; Volume 2: Environmental Statement Main Text; and Volume 3: ES Environmental Statement Figures. The description of Volume 2 of the ES in the Scoping Report includes a preliminary format. The Applicant states that the ES will consider the effects of the proposed development on the inter-tidal community and the socio-economic impacts. However, it is not clear from the suggested contents of the ES where this will occur. The Commission recommends that the 'Onshore Biological Environment' section in the ES is set out in a similar layout to the 'Offshore Biological Environment' with the section broken down into species groups or impact receptors rather than stages of the wind farm development. On the basis that such information will be made available and included in the ES, the Commission is satisfied with the approach proposed for the format.
- 3.2 The Commission notes that the ES should be a stand alone document and should include all appendices as well as any photographs or photomontages.
- 3.3 The Commission 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.
- 3.4 The Commission recommends that the baseline data is comprehensive, relevant and up-to-date. Surveys needed to inform the EIA are not fully defined or provided within the Scoping Report and will need to be addressed. The methodology, timing and scope of all surveys should be agreed with the relevant statutory bodies. Where this is not the case, a reasoned justification should be given in the ES.
- 3.5 The Commission considers that the assessment should consider all phases of the proposed scheme – construction, operation and decommissioning. The Commission welcomes the Applicant's decision to identify the potential environmental impacts during the construction, operation and decommissioning development stages of the project.

However, in identifying the impacts associated with construction and decommissioning, the Applicant has implied that the potential environmental impacts during these phases have been assessed as being the same and one measure of significance is assigned to both phases of the development. The circumstances for each phase may be different and therefore the Commission recommends that the construction and decommissioning impacts are assessed separately.

- 3.6 The Commission welcomes the Applicant's decision to define the 'significance' of potential impacts on the offshore and onshore environments (Table 1, page 26 of the Scoping Report). Both positive and negative impacts should be addressed. Table 1 appears to confuse the magnitude of the impact with its significance. The Commission notes that this is not necessarily the case and recommends that use should be made where appropriate to established guidelines and best practice. Impact magnitude and impact significance should be clearly defined. The ES should explain the levels of significance identified and the evidence base for reaching conclusions on the magnitude and significance of impacts.
- 3.7 The Commission 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 but 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 topics. The Commission recommends that a common format would be helpful in this regard. The Commission considers that the scope – the breadth of topic, the physical and temporal should also be described and justified.
- 3.8 The Commission is concerned that too much reliance is placed on surveys previously undertaken within the Liverpool Bay area. This has focused on the Operational Wind Farm and an assumption of a high level of uniformity between the Operational Wind Farm site and the proposed development area, including; the benthos, ecology and ornithology surveys. The Applicant should ensure that surveys are up to date and relevant in terms of the physical area covered.
- 3.9 Mitigation should be identified in the ES. The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment or are likely should be taken into account as part of the assessment. Only mitigation which can be shown to be deliverable should be taken into account as part of the EIA. Mitigation should be discussed and agreed with the appropriate consultees.
- 3.10 The inter-relationship between specialist topics should not be overlooked, indeed this is a requirement of the Regulations. The ES should not be a series of separate reports collated into one document,

but rather a comprehensive assessment drawing together the environmental impacts of the proposed development as a whole; for example the geophysical survey should be used to inform the benthic characterisation survey.

- 3.11 The cumulative and in-combination impacts are proposed to be considered for both the offshore and onshore development areas (paragraph 3.6 of the Scoping Report). The Commission would refer the Applicant to Appendix 3 of this opinion which sets out a description of cumulative and combined impacts. It is suggested that this approach should be considered.
- 3.12 The Commission notes the identified projects which the Applicant intends to consider in the cumulative assessment (paragraph 3.6 in the Scoping Report) and recommends that the cumulative assessments should also consider non-wind farm developments in accordance with the criteria set out in paragraph 3.14 of this opinion. The Application is also referred to the comments of Natural England and The Countryside Council for Wales (CCW) in Appendix 2 with regard to other developments in the vicinity. The Applicant has not identified any development in the vicinity to be considered for the onshore development area, and the Commission recommends that these should where appropriate be included.
- 3.13 The Commission also recommends that the impact assessment considers the cumulative impact to the biological communities in addition to ornithology; including assessment of modification / change of natural substrate type and construction noise impacts (piling).
- 3.14 The Commission recommends that other major development in the area should be taken into account through consultation with the local planning authorities on the basis of major developments that are:
- built and operational;
 - under construction;
 - permitted application(s), but not yet implemented;
 - submitted application(s) not yet determined, and if permitted would affect the proposed development in the Scoping Report; and
 - identified in the 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.
- 3.15 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Commission.

- 3.16 Reference should be made to Appendix 3 regarding the presentation of the environmental statement.

Topic Areas

General Comments

- 3.17 The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES.
- 3.18 Schedule 4 Part 1 of the EIA Regulations sets out the aspects of the environment likely to be significantly affected by the development which should include *'in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors'* (paragraph 19).
- 3.19 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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.
- 3.20 Part 2 sets out the minimum requirements and 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 studies by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects;
 - a non-technical summary of the information provided [*under the four paragraphs above*].
- 3.21 The Scoping Report has considered the environment under the following topics:

Offshore

Physical Environment;

- Physical Conditions
- Meteorology
- Water Quality

Biological Environment; and

- Benthic Ecology
- Intertidal Habitats
- Fish and Shellfish
- Ornithology
- Marine Mammals

Human Environment.

- Shipping and Navigation;
- Commercial Fisheries;
- Oil and Gas Exploration and Production;
- Pipelines;
- Telecommunication Cables, Microwave Links and Radio and Television Masts;
- Aggregate Dredging;
- Civil Aviation Authority regulated Airports and National Air Traffic Service Radars;
- Ministry of Defence Surveillance Radars, Practice and Exercise Areas and Low-Flying Military Zones;
- Tourism;
- Recreational Sailing, Cruising, Angling and other Sport Activities;
- Archaeology and Cultural Heritage;
- Waste Disposal;
- Unexploded Ordnance;
- Landscape and Seascape; and
- Noise and Vibration.

Onshore

- Physical Environment;
- Biological Environment; and
- Human Environment.

3.22 The level of detail provided on the specialist topics varies between the offshore and onshore elements of the development with more limited information provided on the potential impacts of the onshore works. It is understood that more detailed analysis and assessments will be undertaken in relation to the onshore works following issue of the onshore grid connection offer from National Grid (Section 3.5.1 of the Scoping Report).

3.23 The Commission is broadly satisfied that the topics 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. Notwithstanding this, the Commission considers that the ES should sufficiently address the assessment of air

quality likely to affect population, fauna and flora and noise and vibration likely to affect population and fauna.

- 3.24 The Commission notes that no further assessment of the impacts on existing infrastructure such as oil and gas, pipelines or telecommunication cables, or waste disposal sites are proposed by the Applicant. The Commission agrees that on the basis that no such infrastructure or waste disposal sites are present within the proposed Burbo Bank Extension site these aspects can be 'scoped out' provided none of the operators raise any concerns during the consultation process.
- 3.25 Each of the specialist topics are considered in turn below. It should be noted that the general points made above and elsewhere in this Opinion are not repeated under each of the specialist topics. However the Applicant should ensure that such issues are addressed fully before the ES is submitted to the Commission. Consideration should also be given to the scoping responses, copies of which are provided in Appendix 2.

Offshore Development

The Physical Environment (Section 3.2 of the Scoping Report)

Physical Conditions

- 3.26 The Commission would wish to be assured that the ES is based upon surveys that are all relevant, sufficient and up to date. The Commission welcomes the Applicant's intention to consult with the key stakeholders regarding both the application and the suitability of surveys previously undertaken to the proposal site. Any assumptions made in the ES regarding the proposed site based on the results of the previous surveys undertaken in relation to the Operational Wind Farm and any differences which may alter the assumptions made, such as a different foundation type or method of seabed preparation is used, should be clearly identified in the ES.
- 3.27 The oceanographic and meteorological information intends to rely on data previously collected in relation to the Operational Wind Farm study area, which is unclear as to whether it was collected pre or post construction. Studies undertaken before the installation of the Operational Wind Farm will not take account of the most recent changes to the physical coastal environment. It is also unclear whether the study will involve the collection of new data/surveys or whether it is intended to be a new desktop based assessment, this should be clarified.

- 3.28 The coastal process study should clarify how the magnitude of changes caused by the proposed project on the hydrodynamic and sediment transport regimes will be assessed. Consideration should be given to what supporting data will be used to inform the study, such as the Oceanographic and Meteorological study, and the need to ensure that the scope, baseline and location of the studies are compatible. Consideration should also be given to whether suspended sediment concentration monitoring is required (reference to MMO comments in Appendix 2).
- 3.29 The approach to the assessment for the Coastal and Marine Process study is not specified in the Scoping Report but should take into account the following:
- Scour and associated impacts around any export cables;
 - Impacts on tidal flows;
 - Non-linear interaction of waves and currents
 - Impacts on nearby dredging areas; and
 - The subsequent quantification of the extent to which the sea bed is mobilised.
- 3.30 The surveys should include consideration of the location of the proposed development site within a defined coalfield area (see The Coal Authority's consultation response in Appendix 2).
- 3.31 The Commission recommends that the proposed geophysical survey should extend beyond the proposed development site to enable site-specific data and impacts to be assessed in context.
- 3.32 The ES should assess the potential impacts of climate change on the hydrodynamic, sedimentological and geomorphological regimes e.g. changes in wave height, direction, frequency of occurrence and changes in sediment mobility, including the assessment of storm surges.

Water Quality

- 3.33 The Applicant does not provide details on whether a water quality assessment is proposed. The Commission would wish to be assured in the ES that if the previous water quality studies relied upon these are relevant and up to date. The ES should set out clearly which previous studies are relied upon and justify this approach and cross-reference any assumptions made on water quality and contamination to assessment of sediment disposition in the benthic and geophysical surveys.

The Biological Environment (Section 3.3 of the Scoping Report)

- 3.34 The Commission recommends that surveys should be thorough, up to date and take account of other development proposed in the vicinity.

Marine Ecology (benthic, intertidal and fish)

- 3.35 The methodology for the proposed benthos surveys should consider the worst case where the number of turbines has not been determined prior to commencement of the surveys. The Commission welcomes the Applicant's intention to agree the scope of work with the relevant statutory consultees.
- 3.36 The future monitoring (plans for pre-construction baseline and subsequent monitoring) and mitigation should be considered within the EIA (reference to MMO comment in Appendix 2).
- 3.37 The Scoping Report states that the benthic ecology within the proposed development site is not considered to be of high sensitivity. This appears to be based on the assumption of homogeneity across both the Operational Wind Farm and the proposed development site. This is inconsistent with the comments made by Natural England which refers to monitoring at the Operational Wind Farm site suggesting that the benthic invertebrate population can be subject to high levels of natural change with the expectation that populations of benthic infauna and their predatory species may vary significantly across the proposed development area. This apparent anomaly should be explained.
- 3.38 The use of scour protection should be justified in the ES through the use of modelling, following the small level of scour around the base of the current Operational Wind Farm (reference to Natural England's comments in Appendix 2).
- 3.39 The Commission recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and surrounding environment. The Commission draws attention in particular, but not exclusively, to the effects on migrating river and sea lamprey; smelt, shad, sea trout, lesser spotted dogfish, Starry Smooth hound and Common Smooth hound (reference is made to Natural England and Environment Agency's comments in Appendix 2). The Commission recommends that the impacts on protected fish species is fully assessed and appropriate mitigation provided.
- 3.40 Whilst fish are identified as sensitive receptors to electromagnetic emissions (Table 11 of the Scoping Report), the Scoping Report does not provide any information on the assessment of electromagnetic field emissions from submarine cables. The Commission recommends that

electromagnetic emissions and potential impacts on fish migration are fully assessed, with the methodology agreed with the appropriate statutory consultees and appropriate mitigation provided if applicable (reference to Environment Agency's comments at Appendix 2).

- 3.41 If an exclusion zone to commercial fishing is proposed to be operated, consideration should be given to the assessment of the potential positive and negative impacts on the surrounding marine ecology through concentration of fishing in areas outside the extension site.
- 3.42 The proposed development should consider the sub-tidal habitat and the impacts of dredging and sediment type and quality. The physical effects of re-suspended sediments on nursery grounds should be considered with the associated effects of re-suspended contaminants.
- 3.43 The Commission welcomes the Applicant's intention to agree the fish and shellfish scope of work with CEFAS and would wish to be assured that the surveys are sufficient to assess seasonal variations of adult fish species and sampling of epibenthos (reference is made to CEFAS comments in Appendix 2).
- 3.44 Fish are identified as sensitive receptors for underwater noise and vibration (Table 11 of the Scoping Report). However, the Scoping Report does not provide any information on the assessment of underwater noise and vibration which the Commission recommends is undertaken (reference is made to comments by the MMO in Appendix 2).
- 3.45 The marine ecology assessment should take account of noise and vibration and air quality (dust) impacts and cross-reference should be made to these specialist reports.
- 3.46 The Commission notes the possible need for an Appropriate Assessment in view of the development site's location in relation to the Dee, Mersey and Ribble and Alt Estuaries and the potential impacts on the estuarine structure and function (see Section 4 of this Opinion).

Ornithology

- 3.47 The Commission recommends that the proposals should address fully the need to protect and enhance biodiversity. The assessment should cover habitats, species and processes within the proposal area and surrounding environment. The Commission draws attention in particular, but not exclusively to Tern species and Little Gull (reference is made to NE comments in Appendix 2).
- 3.48 The potential impacts on sites of local or regional nature conservation importance should also be addressed; such as Seaforth Local Nature

Reserve, as well as European, International and Nationally designated sites.

- 3.49 The Commission notes the Applicant's intention to undertake a single year of ornithological surveys and agrees with the concerns raised by Natural England and CCW regarding limitations in the existing surveys undertaken within Liverpool Bay and the extent they apply to the proposed site (see Appendix 2). The boat based surveys undertaken to date for the Operational Wind Farm included only part of the proposed development site, whilst aerial photographs which include the proposed site are over 5 years old. Monitoring results at the Operational Wind Farm suggest that the benthic invertebrate populations of the Burbo sand banks can be subject to high levels of change which may result in significant levels of variation of the distribution of prey species i.e. Common Scoter. The Commission wishes to be assured in the ES that the surveys are all relevant and up to date and recommends that the Applicant agrees an approach with Natural England and CCW regarding the temporal duration of the surveys, taking into consideration whether this will enable collection of sufficient information for any Appropriate Assessment requirements.
- 3.50 The Applicant is referred to the ecologically designated sites identified by CCW for consideration of ornithological impacts in addition to Bae Lerpwl / Liverpool Bay pSPA (see CCW's comments in Appendix 2).
- 3.51 The Commission considers that it would be useful to compile all existing survey data and present it in uniform manner to allow for effective and transparent analysis with a plan identifying the physical survey areas. It would also be useful to provide from this data analysis of indications of distribution, population and variation.
- 3.52 The Commission considers that great care should be taken to ensure that the assessment is undertaken against a consistent baseline. Where baseline surveys are not consistent this should be explained and justified in the ES.
- 3.53 The Commission considers that both the proposed aerial and boat surveys should be used, reflecting the varying requirements of the survey programme as outlined in Natural England's comments in Appendix 2.
- 3.54 The ES should consider the scope of the impact on all relevant protected species and designated areas. The Commission welcomes the Applicant's intention to assess the cumulative impact of projects and activities on species and designated areas. However, the Scoping Report demonstrates inconsistencies with the identification of projects and activities to be included in the cumulative impact assessment, for example, the project and activities identified in Table 10 include wind

farms to the north of the proposed development such as Walney, Burrow and Ormonde and active dredging sites, yet the description of the ornithological impact assessment in Table 22 is restricted to only existing wind farms in the Liverpool Bay. A consistent approach should be adopted in the cumulative assessment and include a sufficiently wide area to enable the impacts to be assessed.

- 3.55 Reference should be made to appropriate mitigation measures. Consideration should be given to the monitoring of impacts over both the construction and operation phases of the development and during the decommissioning of the proposal.

Marine Mammals

- 3.56 The ES should set out in full the potential risk to European Protected Species (EPS) and confirm if any EPS licence will be required i.e. harbour porpoises and Grey seals. The Applicant should take into consideration recent change in legislation with regard to EPS licence procedures.
- 3.57 Table 11 of the Scoping Report states that a conclusion of 'minor and temporary impacts' during construction and 'negligible to no impact' during operation have been identified. It is inappropriate for these conclusions to be reached at this stage.
- 3.58 No specific field surveys for marine mammals are proposed but it is stated that this information will be collected as part of the ornithological surveys. It is important that such surveys are robust and relevant, especially as no previous marine ecology studies were undertaken which related to any part of the proposed development site. The Applicant should consult with the relevant statutory authorities and any other stakeholders considered relevant, to ensure that the data required for the purpose of consenting and granting any EPS licences is collected.
- 3.59 Marine mammals are identified as sensitive receptors for underwater noise (Table 11 of the Scoping Report). However, the Scoping Report does not provide any information on the assessment of underwater noise and vibration, which the Commission recommends is undertaken. The methodology for the underwater assessment should be agreed with the relevant statutory consultees (reference is made to comments by Natural England and CCW in Appendix 2).
- 3.60 The assessment of marine mammals should be cross-referenced to the noise and vibration impacts assessment to consider the effects of piling over the construction period and any long-term behavioural changes, such as displacement from the proposed development area. This is

important given that the Scoping Report states that construction is likely to occur over two years (paragraph 4.6)

- 3.61 The Applicant should consider in the ES the potential environmental impacts of the decommissioning phase on marine mammals (and on fish) and how such impacts may be mitigated. For example, the use of any explosives to remove structures from the seabed during decommissioning.

The Human Environment (Section 3.4 of the Scoping Report)

Shipping and Navigation

- 3.62 The Commission welcomes the shipping and navigation studies as proposed in the Scoping Report including the shipping and navigation cumulative impact assessment and consultation through the establishment of a Navigation Working Group.
- 3.63 The shipping and navigation study should take account of seasonal variation in shipping activity and other relevant legislation and guidance when drawing up methodologies of assessment. The Commission notes the comments of Trinity House and directs the Applicant's attention to the consolidation of IALA Recommendation O-117, referenced in section 2.4 of the Scoping Report, into IALA Recommendation O-139 on the Marking of Man-Made Offshore Structures.
- 3.64 The layout of the structures in the offshore wind farm will need to take into account the existing tracks taken by shipping in the area as shown in Chart 8 of the Scoping Report. This should include dredging and tanker movements, as well as the impacts on vessels anchoring waiting to enter the Port of Liverpool, within a corridor between the Gwynt y Mor and proposed Burbo Bank extension (reference to the Peel Ports Group comments at Appendix 2).
- 3.65 The assessment should also consider the potential impacts on the Mersey Ferries including their Charter and leisure operations (see comments by Merseytravel, Appendix 2).

Commercial Fisheries

- 3.66 It is unclear whether the proposed commercial fisheries study will involve further collection of new data/surveys or whether it is intended to be a desktop assessment relying on the previous studies undertaken. The methodology and physical extent of the study should be agreed with the relevant statutory consultees. The Commission would wish to be assured in the ES that the surveys are all relevant and up to date. The Applicant is directed to the comments by the

Marine Management Organisation, CCW and the Welsh Assembly Government on commercial fisheries operating in the area of the proposed development (Appendix 2).

- 3.67 As the Scoping Report has identified fish as sensitive receptors of noise associated with construction activity (i.e. piling), the Commission has previously within this opinion recommended that an underwater noise assessment is undertaken (paragraph 3.44 of this opinion). This should also consider the potential impact on commercial fisheries.

Offshore Infrastructure (Oil & Gas Exploration, Pipelines, Telecommunication Cables)

- 3.68 The Commission would need to be assured that the proposed project would not adversely affect the operation and safety of the Hamilton gas platform. The Commission notes the location of the gas platform's safety buffer within the proposed project site and recommends that the Applicant considers the EIA in light of the possibility that the safety buffer may not be relaxed as expected.
- 3.69 The Commission agrees that on the basis that no oil and gas infrastructure, pipelines or telecommunication cables are present within the proposed Burbo Bank Extension site these aspects can be scoped out provided none of the operators raise any concerns during the consultation process. The Application should clearly identify in the ES any reports or surveys relied upon when describing the existing physical conditions of the proposed development.

Aggregate Dredging

- 3.70 The Applicant has identified two active dredging areas numbers 392 and 393. Consideration should also be given to any impacts associated with active dredging areas 175 – 1 and 2, located in the mouth of the River Mersey as shown in Chart 10 of the Scoping Report. The Navigational Working Group should involve the dredging operators. Appropriate cross-reference should be made to the coastal progress study and the impacts on aggregate resources.
- 3.71 The ES should clearly set out the needs and notification for dredging, if required, in preparing the seabed for certain types of foundations and any scour protection.

Aviation (Civil and Military)

- 3.72 The Civil Aviation Authority (CAA) has identified potential impacts upon operations associated with both Liverpool (John Lennon) and Hawarden Airports (reference to the CAA comments in Appendix 2). The Commission recommends close liaison with the CAA.

- 3.73 The proposed military and aviation radar and traffic survey is not clear as to whether the Ministry of Defence would be consulted regarding the proposed project. The Commission recommends that the Ministry of Defence are consulted.
- 3.74 The military and aviation radar and traffic survey should also include the potential impact upon helicopter operations associated with offshore platforms. The Commission recommends that local helicopter and platform operators are consulted, with appropriate consideration of the impact on the 6 nautical mile buffer zone around helicopter platforms, such as for Hamilton gas platform within which the proposed site is located as shown in Chart 10 of the Scoping Report.
- 3.75 The physical extent and methodology of the military and aviation radar and traffic study should be agreed with the key stakeholders including the CAA, Liverpool and Hawarden Airports licences, NATS and the Ministry of Defence.
- 3.76 The Applicant should consider the design of the turbines including aviation warning lighting and markings / colourings. Appropriate cross-reference should be made to the landscape and visual impact assessment.

Socio-economic (including Tourism and Recreation)

- 3.77 The Applicant should consider setting out in the ES the possible effects of the proposed offshore wind farm in Liverpool Bay in terms of its setting, design, scale and visibility on tourism and in particular coastal tourism resorts and coastal tourism recreation.
- 3.78 The ES should consider the potential effects that the proposed 500m exclusion zone around the site may have on recreational traffic within and outside the exclusion zone, if a higher concentration of shipping vessels is located in the corridor between the proposed Burbo Bank extension site and the Gwynt Y Môr wind farms. This should also be considered in the proposed cumulative navigation and shipping assessment.
- 3.79 The Commission welcomes the broad approach proposed for the socio-economic and tourism study and the consideration of the impacts of the onshore and offshore development. The Commission encourages the Applicant to engage with the relevant local authorities and recreation groups to identify both positive and negative potential impacts. Reference is made to previous socio-economic studies undertaken which will be used as a reference for the assessment but no details are provided of these studies. This should be clarified in the ES.

- 3.80 The Commission considers that the availability of an appropriate workforce should be addressed in the assessment. Given other anticipated developments within the area, including Round 2 extensions and Round 3 Wind Farm developments, it is important that the combined effects of the developments should be considered in respect of the availability of construction workers and any impact increased employment opportunities may place on any local services and the local community such as accommodation, schools and health facilities.
- 3.81 The socio-economic impacts arising from the wind farm development itself, as well as associated development both on-and-off site, should also consider cumulative impacts of both the onshore and offshore aspects of the development and of other developments within the scope of the study area. A cumulative impact assessment has not been identified for the socio-economic impacts (Table 22 of the Scoping Report). The Commission encourages the consideration of the cumulative socio-economic effects of the development.
- 3.82 The Commission recommends that the ES should take account of the location and potential impact on Public Rights of Way (PROW) and appropriate cross-reference should be made to any visual impacts on PROW identified in the landscape and visual section.
- 3.83 The Applicant is referred to CCW's comments on recreational activities within Liverpool Bay including sea angling and also the presence of scallop fishing (Appendix 2).

Archaeological & Cultural Heritage

- 3.84 This section is very brief in the Scoping Report and gives very little detail of how in-situ archaeology or any appropriate mitigation will be dealt with.
- 3.85 The EIA should assess the direct and indirect impacts on offshore wrecks and submerged palaeo-landscapes (reference is made to the Welsh Assembly Government's comments in Appendix 2). Consideration should be given to undertaking survey work to ascertain whether there are any previously unidentified wrecks or other marine archaeological sites that may be affected by the proposed development and any mitigation measures that may be necessary to address such impacts.
- 3.86 The Scoping Report states that the previous geophysical and archaeology study will be reviewed, with the intention to update the previous archaeology study as part of the proposed new geophysical survey. The EIA should review the proposed methodology of the

geophysical survey to ensure that it will be appropriate for marine archaeological purposes. Consultation with English Heritage and CADW is also encouraged.

- 3.87 Appropriate cross-reference should be made to the impact of the offshore development on coastal historic assets assessed in the landscape and visual study.

Waste Disposal

- 3.88 The Commission agrees that on the basis there are no waste disposal sites located within the proposed development area that this aspect can be scoped out.

Unexploded ordnance

- 3.89 The Commission welcomes the use of the geophysical surveys to assess the presence of any unexploded ordnance sites. The Commission would also encourage consultation with the Ministry of Defence.

Landscape and Seascape

- 3.90 The proposed methodology for the landscape and visual impact assessment (LVIA) should be discussed and agreed with the relevant consultees. In addition to the DTI guidance referred to in the Scoping Report the Applicant should also refer to the Landscape and Character Assessment Guidance for England and Scotland (CA & SNH 2002) and the guidelines for the LVIA (Landscape Institute and Institute of Environmental Assessment and Management (2002)). The Commission recommends it will be particularly important to consider cumulative visual impacts and consider a seascape character assessment.
- 3.91 The LVIA should specify what infrastructure and ancillary components of the scheme are included in the assessment. These should include the substation and transformers. The LVIA should also clarify the duration of these features or structures, such as temporary features only required for the duration of the construction works.
- 3.92 The Commission advises that the ES should make use of photomontages to illustrate the proposal from a number of selected viewpoints. These viewpoint locations should be discussed and agreed with the relevant local planning authorities. The ES should provide a justification of the selection of viewpoint receptors once they have been decided upon. Sites used / viewed by significant numbers of people should be a consideration in the selection of viewpoints. The visual impact on sensitive receptors such as Clwydian Range AONB and the

undeveloped section of coastline around Gronant Dunes/Point of Ayr should also be a consideration. Visual effects to any PROW and Countryside Rights of Way Act open access land should also be considered.

- 3.93 The ES should identify and assess the impacts on the regional seascapes, including the Welsh regional seascape units 1 (Dee Estuary) and 2 (Point of Ayr to Little Orme). It should be noted that Great Orme is a heritage coast.
- 3.94 The ES should also include maps of any protected sites and designated sites showing the spatial extent of the visual influence of the proposal. Protected landscapes must be given the highest level of sensitivity in the LVIA. Effects on landscape character should be addressed.
- 3.95 If any additional offsite infrastructure is required for construction of the proposal i.e. port improvements, these should be considered in the LVIA.
- 3.96 The cumulative LVIA should include non-wind farm developments. The physical extent of the assessment and the methodology should be discussed and agreed with the relevant consultees and reflect the scope of the LVIA.
- 3.97 The ES should consider the impact of installing aviation obstruction lighting to some or all of the wind turbines, if required, (see the CAA consultation response in Appendix 2). Consideration should also be given to the visual impact of the proposed navigation radar mast (paragraph 2.9) which would need to be subsequently transferred post construction from the Operational Wind Farm to the proposed extension site (see Peel Ports Ltd consultation response in Appendix 2).
- 3.98 The proposals will be for large structures. The Commission 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. Views from the Flintshire, Wirral, Denbighshire and Sefton Coasts should be included, as well as night time views.

Noise and Vibration

- 3.99 The consideration of noise and vibration impacts in the Scoping Report has been limited to onshore receptors with the identification of no impacts predicted due the noise emissions arising from the construction process of the offshore wind farm (Table 15). This contradicts the earlier identification of noise impacts on fish and marine

mammals (Table 11). The ES should consider the impacts on the biological environment including the potential disturbance of EPS.

- 3.100 The noise and vibration assessment should also provide information to inform the ecological assessment, and cultural heritage and archaeological topics where appropriate.
- 3.101 The assessment of noise and vibration should follow the latest standards, guidelines and best practice approaches. The physical study area and methodology should be discussed and agreed with the relevant statutory consultees.
- 3.102 The Commission considers that it is important to establish an appropriate and agreed baseline, in view of the existing developments and activities within the vicinity and other proposed developments, to provide a quantifiable baseline against which future monitoring can be measured.
- 3.103 Any assumptions based on the assessment of the existing Operational Wind Farm should be specifically identified in the ES and validated against the water depths, sediment type and foundation types proposed for the Burbo Bank Extension, due to the potential for differences in noise propagation and sound pressure during construction.

The Onshore Environment (Section 3.5 of the Scoping Report)

- 3.104 Alternative grid connection options have been described within the Scoping Report. The grid connection option which is described as the most likely is the connection to the National Grid's Birkenhead substation. The alternative grid connection is at the National Grid's Deeside substation. The Scoping Report provides a greater detail of information about the Birkenhead substation connection option compared to the alternative grid connection at Deeside. The following comments apply to the consideration and assessment of either or both grid connection options.
- 3.105 The information provided in the Scoping Report on the onshore electrical infrastructure indicates that an onshore underground cable with a voltage between 132 to 275kV would be used (paragraph 2.6 of the Scoping Report). Confirmation should be provided on the undergrounding and voltage of the cable in the ES. If it is decided that undergrounding is not an option, this would need to be explained and the assessment undertaken on the basis of overhead electric lines with justification provided in the ES.

The Physical Environment

- 3.106 The Commission welcomes the provision of a Flood Risk Assessment (FRA) and would recommend consultation with the EA and the relevant local authorities. The FRA should form an appendix to the ES.
- 3.107 The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of flood defences under present and projected sea level scenarios. The Commission recommends that the sections considering the water environment should be cross-referenced.
- 3.108 The Commission recommends that reference should be included to surface water run-off and disposal, including details of proposed mitigation measures. This will be relevant to the onshore substation.
- 3.109 The Applicant is directed to the comments by the Environment Agency on the proposed routing of the onshore cabling through the Wirral area across a number of designated Main Rivers (see Appendix 2). The Applicant should consider the effect that any Environment Agency consents requirements may have on the design and impacts of the onshore works.
- 3.110 In assessing the proposed route for the alternative connection, the Applicant should take account of the former use of the Little Neston area for coal mining and any impacts on the proposed development (reference is made to comments by Cheshire West and Chester Council, Appendix 2).

The Biological Environment

- 3.111 Whilst the route of the onshore cable is still not yet certain, the proposed cable landfall will be located at Mockbeggar Wharf where the existing Operational Wind Farm landfall cable is located. This area falls within the Mersey Narrows and Wirral Foreshore SPA and near to the eastern limit of the Dee Estuary SPA. The proposed ecological and ornithological surveys will need to address the potential impact of disturbance to both feeding and roosting birds. The ES should identify the time of year when the works are proposed in order to minimise the potential adverse impacts.
- 3.112 Reference should also be made to the Commission's earlier comments on ornithology and ecological surveys.

The Human Environment

Road and Rail Traffic

- 3.113 The Commission welcomes the Applicant's intention to provide a road and rail transport and traffic assessment in the ES. The assessment should also include the delivery of any equipment required for the construction of both the onshore and offshore proposals including consideration of any abnormal loads, if applicable. Assumptions made to derive the traffic forecasts will need to be clearly explained.
- 3.114 The Commission considers that the impact on existing users in terms of PROW (walkers, cyclists and horse riders) should be considered.
- 3.115 The ES should consider the potential impacts from increased traffic movements on local roads and access roads, including air quality and noise. Increase in airborne pollution and dust should be considered especially during the construction phase for the entirety of any transportation routes.
- 3.116 Consideration should be given to monitoring any dust complaints.
- 3.117 Environmental impacts arising from any disruption during construction, traffic volume, composition or routing changes, including where the cable will cross roads and railways, and transport infrastructure modifications, if required, should be fully assessed and report in the ES.
- 3.118 The physical extent and methodology of the study should be discussed and agreed with the relevant local authorities, the appropriate rail operators, Merseytravel and with the Highways Agency, the Welsh Assembly Government's Trunk Road Agents where appropriate.

Archaeology & Cultural Heritage

- 3.119 The methodology and physical extent of the survey should be agreed with the relevant statutory consultees, such as English Heritage and Cadw. Consideration should be given to how in-situ archaeology will be recorded. Mitigation should be identified where appropriate.
- 3.120 The assessment should include listed buildings and Conservation Areas as well as any buried archaeology. Cross-reference should be made to the Landscape and Visual section.

Socio-economic (including local economy, tourism and recreation)

- 3.121 The Applicant is referred to the Commission's earlier comments under the 'Socio-economic' topic in relation to the offshore proposed

development. It is not clear where in the preliminary format for the ES where socio-economic impacts will be considered.

- 3.122 The Commission recommends that the types and numbers of jobs generated should be considered in the context of the available workforce in the area.
- 3.123 Details of the construction methods, working hours and duration of works should be provided in the ES. Cross-reference should be made to the road and rail traffic and transport assessment and any impacts the onshore works may have on public transport.
- 3.124 The Commission recommends that the ES should take account of the location and potential impact on PROW, including footpaths, bridleways and byways. A clear indication should be given as to how the development will affect the existing amenities/facilities and what mitigation would be appropriate in the short and long term, including any potential need to stop up or divert PROW. The Commission recommends that consultation is undertaken with the Public Rights of Way officers at the relevant local authorities to agree appropriate mitigation.. Cross-reference should be made to any visual impacts on PROW identified in the landscape and visual section and road and rail traffic assessment where any PROW crosses the road or rail infrastructure.
- 3.125 The potential impacts on any recreational activities in the area should be addressed.

Landscape

- 3.126 The LVIA methodology is not stated in the Scoping Report. A Zone of Theoretical Visibility (ZTV) should be used to establish the extent of visual impacts. The ES should describe the model used; provide information on the area covered and the timing of any survey work, and the methodology used. The Commission recommends that the location of viewpoints should be agreed with the local authorities.
- 3.127 The Commission notes the reference in the comments by Cheshire West and Chester Council to the proposed alignment of the alternative gird connection option through the Neston/Parkgate coastal area, which has been designated as an Area of Special County Value for Landscape (see Appendix 2).
- 3.128 The ES should outline the potential environment effects of any additional infrastructure required including at the substation and the effects this would have on visual impact.

- 3.129 The Commission advises that the ES should make use of photomontages to illustrate the proposed onshore development. The location should be agreed with the relevant local planning authorities and include night time views.
- 3.130 The LVIA should specify what infrastructure and ancillary components of the scheme are included in the assessment. These should include the substation, any access tracks, transformers, working compounds. The LVIA should also clarify the duration of these features or structures such as temporary features only required for the duration of construction works.
- 3.131 The cumulative LVIA should also assess the offshore development.
- 3.132 The Applicant is referred to the Commissions earlier comments on the offshore LVIA.

Noise Climate & Air Quality

- 3.133 The assessment of noise impacts in relation to the onshore works has identified potential impacts relating to construction/decommissioning of the onshore cable and operation of the substation. The noise assessment should take account of the traffic assessment and consider vibration impacts. The noise and vibration assessment should also provide information to inform the ecological assessments, and cultural heritage and archaeological topics where appropriate.
- 3.134 The Commission recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of the local authorities and with the EA. Noise levels off-site along roads and PROW should be addressed.
- 3.135 Noise impacts may also arise from transportation of construction materials including abnormal loads to the site. Information should be provided on the types of vehicles and also on the type of plant to be used during the construction phase. Information should also be provided on the numbers of such vehicles/plant passing along each access route on an hourly/daily basis as appropriate during the construction phase. Once operational, noise sources should be identified and measures identified to mitigate noise nuisance.
- 3.136 Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.137 Consideration should be given to monitoring noise complaints, appropriate mitigation should be identified.

- 3.138 Change to air quality should be considered, including in relation to compliance with the European air quality limit values and / or in local authority designated Air Quality Management Areas. Appropriate cross-reference should be made to the traffic and transport assessment.

4.0 OTHER INFORMATION

Appropriate Assessment

- 4.1 The Applicant's attention is drawn to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regs) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site which may be affected by a proposal. The information to be submitted should also be sufficient to enable the competent authority to make an appropriate assessment of the implications for the site if required by regulation 48(1).
- 4.2 The report to be submitted under Reg 5(2)(g) of the APFP Regs with the application must deal with two issues. The first is to enable a formal assessment by the competent authority of whether there is likely significant effect and the second, should it be required, is to enable the carrying out of an appropriate assessment by the competent authority.
- 4.3 When considering aspects of the environment likely to be affected by the development for example; flora, fauna, soil, water, air and the inter relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development, including the proposed Liverpool Bay / Bae Lerpwl SPA, The Ribble and Alt SPA, SAC, SSSI and Ramsar sites, The Dee Estuary SPA, SAC, SSSI and Ramsar sites and Mersey Estuary SPA, SSSI and Ramsar sites (Further attention is drawn to CCW response in Appendix 2).

Health Impact Assessment

- 4.4 The Commission notes the comments from the Health Protection Agency (see Appendix 2) that the evidence to date suggests that in general there are no adverse impacts on health associated exposure to extremely low frequency electric and electromagnetic fields below the guideline levels.
- 4.5 The Commission considers that it would be helpful to address this matter with regard to the responses received from the relevant consultees regarding health.
- 4.6 The Commission considers that it would be a matter for the applicant to decide whether or not it would be appropriate to submit a stand-alone Health Impact Assessment (HIA). 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

- 4.7 The Commission 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 environmental impact assessment (EIA).
- 4.8 At paragraph 1.4.2, the Scoping Report mentions that principle licences and other consents and licences will be identified during the development state of the Proposal. The Commission recommends that if FEPA licence conditions are proposed to be included in the DCO, the Applicant will need to ensure that the assessment encompasses all of the parameters associated with the Proposal.
- 4.9 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not included or capable of being included in an application for development consent under the Planning Act 2008, it would be helpful for the Commission to receive a level of assurance or comfort from the relevant regulatory authorities that the design or plan is acceptable and likely to be approved by them will be required by the Commission before a recommendation or decision on any development consent application is made. Applicants are encouraged to make early contact with other regulators. Information from applicants about progress in obtaining other permits, licences or other consents and confirmation that there is no obvious reason why they will not subsequently be granted will also be helpful in supporting an application for development consent to the Commission.

Transboundary Effects

- 4.10 Consideration should be given to providing an indication whether the proposal is likely to have any significant impacts on another European State. The ES will need to address this matter in each topic area and summarise the position on transboundary effects of the proposed project, taking into account inter-relationships between any impacts in each topic area.

Applicant's Consultation

- 4.11 It is recommended that the applicant provides preliminary environmental information¹ to the local authority when presenting it with the draft Statement of Community Consultation (SoCC) for comment under s47 of the Planning Act 2008.
- 4.12 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. Where consultation responses have resulted in important changes affecting the EIA, such comments could usefully be reported and considered in the ES. This reporting could also assist the applicant in the preparation of its consultation report required to be submitted with the application for development consent.

¹ For an explanation see under 'Interpretation' in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI2263

APPENDIX 1

LIST OF CONSULTATION BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

APPENDIX 1

LIST OF CONSULTATION BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
Schedule 1 List of Consultees	
The Welsh Ministers	Welsh Assembly Government
WAG (Welsh Waters - Offshore Wind Farms)	Marine Consents Unit
The Relevant Regional Planning Body	4NW
The Health and Safety Executive	Health and Safety Executive
The Relevant Strategic Health Authority	NHS North West
The Relevant Strategic Health Authority	Betsi Cadwaladr University Health Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The Relevant Fire and Rescue Authority	Merseyside Fire & Rescue Service Cheshire Fire and Rescue Service North Wales Fire and Rescue Service
The Relevant Police Authority	Merseyside Police Authority Cheshire Police Authority North Wales Police
The Relevant Parish Council(s) or Relevant Community Council	Neston Town Council
The Relevant Parish Council(s) or Relevant Community Council	Mostyn Community Council
The Relevant Parish Council(s) or Relevant Community Council	Bagillt Community Council
The Relevant Parish Council(s) or Relevant Community Council	Holywell Town Council

The Relevant Parish Council(s) or Relevant Community Council	Flint Town Council
The Relevant Parish Council(s) or Relevant Community Council	Northophall Community Council
The Relevant Parish Council(s) or Relevant Community Council	Connahs Quay Town Council
The Relevant Parish Council(s) or Relevant Community Council	Hawarden Community Council
The Relevant Parish Council(s) or Relevant Community Council	Shotton Town Council
The Relevant Parish Council(s) or Relevant Community Council	Sealand Community Council
The Relevant Parish Council(s) or Relevant Community Council	Puddington Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Ledsham and Capenhurst Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Lea-by-Backford Parish Council & Little Stanney Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Backford Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Thornton-le-Moors Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Elton Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Ince Parish council
The Relevant Parish Council(s) or Relevant Community Council	Helsby Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Frodsham Town Council
The Relevant Parish Council(s) or Relevant Community Council	Hale Parish Council
The Environment Agency	North West (South) Regional Office Wales (North) Regional Office
The Commission for Architecture and The Built Environment	CABE Design Review
The Relevant Regional Development Agency	North West Development Agency

The Equality and Human Rights Commission	Equality and Human Rights Commission
The Commission for Sustainable Development	Sustainable Development Commission
The Commission for Sustainable Development (Wales)	Sustainable Development Commission - Wales
Royal Commission On Ancient and Historical Monuments Of Wales	The Royal Commission on Ancient and Historic Monuments of Wales
The Countryside Council for Wales	The Countryside Council for Wales (CCGC)
The Homes and Communities Agency	HCA
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Commission for Rural Communities	The Commission for Rural Communities
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Marine and Fisheries Agency	The Marine Management Organisation
The Civil Aviation Authority	The Civil Aviation Authority
The Highways Agency	The Highways Agency
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Merseytravel
The Relevant Highways Authority	Highways Dept Wirral Council Cheshire West and Chester Highways Flintshire Council Highways
The Rail Passengers Council	Rail Passenger Council
The Disabled Persons Transport Advisory Committee	DPTAC
The Coal Authority	The Coal Authority
The Office Of Rail Regulation	Office of Rail Regulation
Approved Operator	Network Rail Infrastructure Ltd
Approved Operator	Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM

The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	Waste Management Wirral Council Cheshire West and Chester Waste Flintshire County Council
The British Waterways Board	The British Waterways Board
Trinity House	Trinity House
The Health Protection Agency	The Health Protection Agency
The Relevant Local Resilience forum	Merseyside Police HQ (LRF) Cheshire Police Headquarters - LRF North Wales Police Headquarters
The Crown Estate Commissioners	Planning and Consents Manager
The Forestry Commission	The Forestry Commission The Forestry Commission (Wales)
Relevant Statutory Undertakers	
Health body under s.16 Acquisition of Land Act 1981	Wirral University Teaching Hospital NHS Foundation Trust Liverpool Women's NHS Foundation Trust Aintree University Hospitals NHS Foundation Trust Cheshire and Wirral Partnership Foundation Trust North West Ambulance Service NHS Trust Wales Ambulance Service NHS Trust Royal Liverpool and Broadgreen University Hospitals NHS Trust Mersey Care NHS Trust NHS Wirral Western Cheshire PCT Flintshire Local Health Board North Wales NHS Trust Public Health Wales
Railway	BRB Residuary Limited Network Rail Infrastructure Ltd
Canal Or Inland Navigation	British Waterways Board

Dock	Mostyn Dock Bromborough Dock Connah's Quay Dock Greenfield Dock
Harbour	Port of Liverpool ABP Garston Mersey Wharf at Bromborough Birkenhead Liverpool Cruise Terminal
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En Route plc
Universal Service Provider	Royal Mail Group
Water and Sewage Undertakers	Dee Valley Water Dwr Cymru (Welsh Water) United Utilities
Relevant Homes and Communities Agency	HCA
Relevant Regional Development Agency	North West Development Agency
Relevant Environment Agency	North West (South) Regional Office Wales (North) Regional Office
Public Gas Transporters	British Gas Pipelines Limited Energetics Electricity Limited Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited Fulcrum GTC Pipelines Limited Energy House Independent Pipelines Limited Intoto Utilities Limited National Grid Gas Plc (NTS) National Grid Gas Plc (RDN) Northern Gas Networks Limited Quadrant Pipelines Limited Scotland Gas Networks Plc Southern Gas Networks Plc

	<p>SP Gas Limited SSE Pipelines Ltd The Gas Transportation Company Limited Wales and West Utilities Limited Utility Grid Installations Limited</p>
Electricity Generators With CPO Powers	<p>Deeside Power Limited E.ON UK Plc</p>
Electricity Distributors With CPO Powers	<p>ECG (Distribution) Limited EDF Energy (IDNO) Limited Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited SP Manweb Plc The Electricity Network Company Limited</p>
Electricity Transmitters With CPO Powers	<p>National Grid</p>
Local Authorities (s.43)	
	<p>Wirral Council Sefton Council Cheshire West and Chester Liverpool City Council Flintshire County Council Denbighshire County Council Shropshire Council Cheshire East Council Warrington Borough Council Wrexham County Borough Council Halton Borough Council</p>

APPENDIX 2

LIST OF BODIES WHO REPLIED BY 5 AUGUST 2010 AND COPIES OF REPLIES

APPENDIX 2

LIST OF BODIES WHO REPLIED BY 5 AUGUST 2010

Denbighshire County Council
E S Pipelines Ltd
4NW
Wrexham County Borough Council
Wirral Borough Council
Civil Aviation Authority
West Lancashire Borough Council
The Joint Nature Conservation Committee
Fulcrum Pipelines Limited
The Crown Estate
Connah's Quay Town Council
Energetics Design and Build
Helsby Parish Council
The Port of Mostyn
Bagillt Community Council
NHS Western Cheshire
Sefton Fire Safety
Snowdonia National Park Authority
Mostyn Community Council
English Heritage North West Region
Mersey Care NHS Trust
Cheshire Local Resilience Forum
Mersytravel
The Office of Rail Regulation
Aintree University Hospitals NHS Foundation Trust
The Coal Authority
E.ON UK plc
Northwest Regional Development Agency
Scottish and Southern Energy Pipelines

Highways Agency
Health Protection Agency
Commission for Architecture and the Built Environment
Welsh Assembly Government
Peel Ports Limited
Natural England
Environment Agency
Trinity House
Neston Town Council
British Waterways
Health and Safety Executive
Cheshire West and Chester Council
Marine Management Organisation
Countryside Council for Wales

Subject: FW: Burbo Bank Extension of Off Shore Wind Farm

From: Paul Mead [mailto:Paul.Mead@denbighshire.gov.uk]
Sent: Friday, July 09, 2010 4:18 PM
To: IPC Enquiries
Cc: Eleri Evans
Subject: Burbo Bank Extension of Off Shore Wind Farm

Your Ref: 100708_EN010026_163801

Dear Kay,

I refer to your recent consultation in relation to the scoping request for the above.

I can confirm that Denbighshire County Council would not have any comments to make on the information required for the ES.

I trust the above is of assistance.

Regards,

Paul Mead BA(Hons) Dip TP MRTPI

Rheolwr Rheolaeth Datblygiad
Development Control Manager
Gwasanaethau Cynllunio a Gwarchod y Cyhoedd
Planning and Public Protection Services
Caledfryn, Ffordd y Ffair/Smithfield Road, Ddinbych/Denbigh LL163RJ
Ffon / Phone - 01824 706712
Ffacs / Fax - 01824 706709
E-bost / E-mail: paul.mead@sirddinbych.gov.uk / paul.mead@denbighshire.gov.uk
Gwefan / Web Site : www.sirddinbych.gov.uk / www.denbighshire.gov.uk

Mae'r wybodaeth a gynhwysir yn yr e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag o wedi eu bwriadu yn unig ar gyfer pwy bynnag y cyfeirir ef ato neu atynt. Os ydych wedi derbyn yr e-bost hwn

drwy gamgymeriad, hysbyswch yr anfonwr ar unwaith os gwelwch yn dda.

Mae cynnwys yr e-bost yn cynrychioli barn yr unigolyn(ion) a enwir uchod ac nid yw o angenrheidrwydd yn cynrychioli barn Cyngor Sir Ddinbych. Serch hynny, fel Corff Cyhoeddus, efallai y bydd angen i Gyngor Sir Ddinbych ddatgelu'r e-bost hwn [neu unrhyw ymateb iddo] dan ddarpariaethau deddfwriaethol.

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From: Laura Allen on behalf of IPC Scoping Opinion
Sent: 09 July 2010 15:26
To: Nikita Perepelov
Subject: FW: Burbo Bank Extension Offshore Wind Farm

From: Alan Slee [mailto:alans@espipelines.com]
Sent: Friday, July 09, 2010 2:31 PM
To: IPC Enquiries
Cc: burbobankextension@dongenergy.co.uk
Subject: Burbo Bank Extension Offshore Wind Farm

Dear Kay,

100708_EN010026_163802
Environmental Impact Assessment, Burbo Bank Extension Offshore Wind Farm .

Further to your communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 08 July 2010 I can confirm that our businesses have no comments at this stage.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203



Hazeldean,
Station Road,
Leatherhead
KT22 7AA

☎ 01372 227560 📠 01372 377996

[MAP](#)

<http://www.espipelines.com>

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From: Debra.Holroyd@4nw.org.uk
To: [IPC Scoping Opinion;](#)
Subject: Recent consultation on regionally significant planning application
Date: 12 July 2010 16:55:03
Attachments: [100712 Revoke RSS.doc](#)

Dear Sir / Madam,

Please see attached letter -

4NW's response to the recent on planning application consultation -

<<100712 Revoke RSS.doc>>

If you have any queries please do not hesitate to contact me.

Yours sincerely,

Debra

Debra Holroyd
Regional Planning Officer

4NW
Wigan Investment Centre
Waterside Drive
Wigan
WN4 5BA
01942 737917
debra.holroyd@4nw.org.uk

www.4nw.org.uk

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Councillor Sir Richard Leese, Chair; Phil Robinson, Chief Executive;
Tel: 01942 737917; Email: debra.holroyd@4nw.org.uk



BY EMAIL
12th July 2010

Dear Sir/Madam,

You will be aware that the Government recently revoked Regional Spatial Strategies / Regional Strategies, (pending the passage of the Decentralisation and Localism Bill through Parliament). There is now no obligation for Local Authorities to consult 4NW on Local Development Frameworks or regional significant planning applications. I refer you to the letter sent by CLG¹ – Steve Quarterman dated 6th July. This letter also details guidance for local authorities on the revocation of regional spatial strategies.

You will also be aware that 4NW and the Northwest Regional Development Agency had been working on the preparation of a new Regional Strategy. In light of the changes in Government policy on regional strategies, we wish to complete this by July 2010 on a non-statutory basis, re-positioning the document as a high level strategic framework for the Northwest, rather than a regional strategy.

We would like to thank you again for consulting 4NW on your local development frameworks and regional significant planning applications.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Debra Holroyd
Regional Planning Officer

¹ <http://www.communities.gov.uk/publications/planningandbuilding/letterregionalstrategies>
4NW · Wigan Investment Centre · Waterside Drive · Wigan · WN3 5BA · Email enquires@4nw.org.uk · Web www.4nw.org.uk

From: louise.brannan@wrexham.gov.uk
To: [IPC Scoping Opinion;](#)
Subject: Proposed Burbo Bank Extension Offshore Wind Farm
Date: 12 July 2010 11:33:05

Sir/Madam

Thank you for your letter dated 8 July 2010 regarding the scoping opinion in relation to the Burbo Bank wind farm extension.

I can confirm that Wrexham County Borough Council have no comments to make with regards this document.

Regards

Louise

Louise Brannan
Planning Assistant
Planning Department
Wrexham County Borough Council
01978 292469

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Mae'r neges e-bost hon, ac unrhyw ffeil sydd ynghlwm wrthi, yn gyfrinachol ac fe'i

bwriedir ar gyfer yr unigolyn neu'r sefydliad y cyfeiriwyd hi ato. Os nad chi yw'r derbynnydd priodol ond eich bod wedi derbyn y neges e-bost hon trwy gamgymeriad, gwaherddir ei defnyddio, ei hanfon ymlaen, ei hargraffu a'i chopio a gofynnir i chi gysylltu a'r sawl a'i hanfonodd a dileu'r deunydd o bob cyfrifiadur os gwelwch yn dda.

Dealler nad yw Cyngor Bwrdeistref Sirol Wrecsam yn rhoi nac yn cymeradwyo barn, casgliadau a gwybodaeth arall sydd yn y neges hon nad yw'n ymwneud a'i fusnes swyddogol.

Mae'n bosibl y bydd gofyn i Gyngor Bwrdeistref Sirol Wrecsam gyhoeddi manylion unrhyw negeseuon e-bost neu ohebiaeth a dderbynia, dan delerau Deddf Rhyddid Gwybodaeth 2000. Ceidw'r Cyngor yr hawl i fonitro negeseuon e-bost a anfonir ac a dderbynnir.

Tra gwnawn bob ymdrech i gadw'n rhwydwaith yn rhydd o feirysau, dylech sicrhau bod y neges e-bost hon ac unrhyw atodiadau'n rhydd o feirysau, gan nad oes modd i ni dderbyn cyfrifoldeb am unrhyw feirws cyfrifiadurol a drosglwyddir ganddynt.

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From: [Waste and Environment](#)
To: [IPC Scoping Opinion;](#)
Subject: Proposed Burbo Bank extension Offshore Wind Farm, Wirral
Date: 13 July 2010 11:45:27

Dear Sir / Madam,

Re: Proposed Burbo Bank extension Offshore Wind Farm, Wirral
Ref: 100708_EN010026_163802

I deal with municipal waste in the Waste & Environment section so do not consider myself a relevant consultee. I have passed this on to our planning department.

Regards,
P. P. Tara Dumas

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Directorate of Airspace Policy

Infrastructure Planning Commission (via e-mail)

13 July 2010

Reference: ERM/DAP/Wind/BurboBankExtension

Dear Sirs

Proposed Burbo Bank Extension Wind Turbine Development – Scoping Opinion Comment

Thank you for your recent correspondence relating to the proposed Burbo Bank Extension wind turbine development. You sought related Civil Aviation Authority (CAA) scoping opinion comment. I trust the following is useful.

I should initially state that, like any wind turbine development, the proposed subject development has the potential to impact upon aviation-related operations; the Department for Trade and Industry (DTI – now the Department for Energy and Climate Change)-sponsored document 'Wind Energy and Aviation Interests' and Civil Air Publication 764 refer¹. The related need to establish the scale of the potential impact of the Burbo Bank Extension is evident. To that end, as detailed within the Scoping Report (SR), the CAA has already been involved in related consultation.

Unfortunately, during January 2010, in error we advised that we had no site-specific observations. Upon review it is believed that the Burbo Bank Extension would, like the original development, have the potential to impact upon operations associated with both Liverpool (John Lennon) and Hawarden Airports². It is recommended that the developer open lines of communication with the aerodrome licensees to establish the scale of any such impact³. We have today updated our initial input for the developer's consideration. The SR indicates that, as one would expect, the associated Environmental Statement (ES) will present the findings of all aviation-related consultation and will accordingly be expected to include the consideration of potential aerodrome issues. There is a similar requirement for the ES to consider potential impact upon both NATS operations and military aviation activity and for the developer to undertake associated consultation.

Additionally, in respect of the offshore development, the following aviation issues (most of which are acknowledged within the SR) are also relevant and should be addressed / discussed within any future associated ES:

- **Helicopter Operations.** The location of the Burbo Bank Extension development is such that there might be a potential impact upon helicopter operations associated with offshore platforms. It is essential that related consultation is conducted at the earliest opportunity with local helicopter and platform operators to quantify the scale of such impact upon helicopter operations. Issues may include the aviation requirement for obstacle free zones within 6 nm of offshore helicopter platforms and the integrity of Helicopter Main Routes, a network of

¹ These documents are available at <http://www.bwea.com/pdf/Wind-Energy-and-aviation-interim-guidelines.pdf> and <http://www.caa.co.uk/docs/33/Cap764.pdf> respectively. Please note that after a full review CAP 764 was re-issued on 12 February 2009.

² I note with interest an annotation on SR Chart 11 suggesting that some local sites are "CAA Airports". Whilst some aerodromes are licensed by the CAA, this should not be translated to suggest that the CAA is the operator or have any ownership of any aerodrome.

³ All parties should be aware that in all cases aerodrome safeguarding responsibility rests with the aerodrome operator / licensee.

Civil Aviation Authority

CAA House 45-59 Kingsway London WC2B 6TE www.caa.co.uk
Telephone 020 7453 6545 Fax 020 453 6565 marks.smailes@caa.co.uk

promulgated helicopter routes serving offshore platforms.

Whilst the CAA stands ready to provide regulatory comment on the operation of helicopters at offshore destinations, it is for the helicopter and offshore platform operators to assess the scale of the impact upon operations and for the planning process to consider whether any associated mitigation is appropriate and/or sufficient. In the mean time, it is essential that further consultation takes place involving the windfarm developer and the local helicopter and offshore platform operators aimed at agreeing a mutually acceptable way forward.

- Aviation Warning Lighting. Some or all of the wind turbines will need to be equipped with aviation warning lighting. The legal requirement for aviation obstruction lighting on offshore wind turbines is formally documented within the UK Air Navigation Order 2009 (Article 220 refers). A related DAP Policy Statement is provided at Enclosure 1. Should any party wish to discuss this aviation lighting requirement further, the appropriate CAA point of contact is:

Mr Paul Askew
REPO
Directorate of Airspace Policy
CAA House
45-59 Kingsway
London
EC2B 6TE

Telephone 0207 453 6529

- Markings / Colour Scheme. International aviation regulatory documentation requires that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. In isolation, the CAA would make no special case for marking.
- Aviation Promulgation. The developer should be aware that there would be a requirement for the Burbo Bank Extension turbines (and all other similar offshore developments) to be charted for aviation purposes. In addition to the requirements of DfT / ODPM Circular 1/2003, Annex 2, it is recommended that the Defence Geographic Centre be kept fully apprised of the windfarm's development. Appropriate contact details are:

Defence Geographic Centre
AIS Information Centre
Jervis Building
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

Telephone: 0208 818 2708

We also recommend that as and when construction time frames are established specific consultation with the CAA is conducted such that charts can be updated in a timely fashion and the turbines can be collectively promulgated to the aviation community as aviation obstacles. The appropriate CAA point of contact is Mr Paul Askew, contact details as before.

In reference to any landfall developments, we would not anticipate needing to make any observations other than to highlight any potential need for consultation in accordance with DfT / ODPM Circular 1/2003; this to identify any aerodrome specific safeguarding issues.

As indicated above, we would expect the associated ES to acknowledge and, where applicable, address the various issues / requirements highlighted above.

I hope this information and comment is of assistance. Please do not hesitate to get in touch if clarification of any point is required; you should use Mr Andy Knill (Manager Surveillance and Spectrum Management) or Mr Askew as your initial point of contact.

Yours sincerely,

{original signed}

Mark Smailes
Off Route Airspace 5

Enclosure:

1. The Lighting of Offshore Wind Turbine Generators in United Kingdom Territorial Waters.

From: Laura Allen on behalf of IPC Scoping Opinion
Sent: 13 July 2010 17:38
To: Nikita Perepelov
Subject: FW: 1000708_EN010026_163864 - Proposed Burbo Bank Extension
From: Whitfield, Gillian [mailto:Gillian.Whitfield@westlancs.gov.uk]
Sent: Tuesday, July 13, 2010 11:52 AM
To: IPC Scoping Opinion
Subject: 1000708_EN010026_163864 - Proposed Burbo Bank Extension

FAO Kay Fry

West Lancashire Borough Council confirms that we do not have any comments to make regarding the above proposal.

Regards

GILLIAN WHITFIELD
Planning Officer
West Lancashire Borough Council

Tel: 01695 577177 ext 5393
Fax: 01695 585220
West Lancashire Borough Council,
52 Derby Street, Ormskirk, L39 2DF

www.westlancs.gov.uk

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From: Lucy Greenhill [Lucy.Greenhill@jncc.gov.uk]
Sent: 14 July 2010 18:00
To: IPC Scoping Opinion
Subject: RE: Proposed Burbo Bank Extension Scoping
Dear Ms Fry

In reference to your recent letter dated 8th July 2010 regarding the proposed extension to the Burbo Bank Offshore Windfarm, I can advise that JNCC will not be submitting a response on this project, as the proposed development falls entirely within 12nm and therefore under the statutory remit of Natural England / Countryside Council for Wales who will provide advice as necessary.

With kind regards,

Lucy

Lucy Greenhill
Offshore Industries Advisor
Joint Nature Conservation Committee
Inverdee House, Baxter Street
Aberdeen, AB11 9QA
Tel: +44 (0) 1224 266555
Email: lucy.greenhill@jncc.gov.uk
Website: ww.jncc.gov.uk

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation, on behalf of the Council for Nature Conservation and the Countryside, the Countryside Council for Wales, Natural England and Scottish Natural Heritage. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

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Carr House
Greasbrough Road
Rotherham
South Yorkshire S61 4QQ

T 0845 641 3060
F 0845 641 1894
E enquiries@fulcrum.co.uk
I www.fulcrum.co.uk



Your Reference: 100708_EN010026_163802

14th July 2010

Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

IPC
5 JUL 2010
REF:

Dear Ms Fry

RE: Proposed Burbo Bank Extension Off Shore Wind Farm

Thank you for your request for information about Fulcrum Pipelines Limited's pipes and equipment.

We can confirm that Fulcrum Pipelines Limited do not currently have any existing pipes or equipment on or around the above site address.

Please note that other Gas Transporters may have plant in this locality which could be affected by your proposed works.

If you have any future requests for information about our plant, please email these to us at FPLplantprotection@fulcrum.co.uk.

If you have any queries regarding this letter, please contact your Fulcrum Advisor, Rebecca Smith on 01709 845535, who will be happy to help.

Yours sincerely

Ian Foster
Head of Asset

Infrastructure Planning Commission
Attention: Laura Allen
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dr Tim Norman
Senior Planning Manager
Tel: 020 7851 5045
Fax: 020 7851 5125
E-mail: tim.norman@thecrownestate.co.uk

14 July 2010

Dear Ms Allen

PROPOSED BURBO BANK OFFSHORE WIND FARM EXTENSION
DONG ENERGY

Reference is made to your letter dated 8 July 2010 inviting The Crown Estate to comment on the Environmental Statement relating to the above project.

I can advise that, in this instance, The Crown Estate has no comments with respect to the information submitted with this aspect of the proposal.

Should you have any queries or require any additional information with regard to this matter, please do not hesitate to contact me on 0207 851 5045.

Yours sincerely,



Dr Tim Norman
Senior Planning Manager



Connah's Quay Town Council



Gary Feather
Clerk of the Council & Financial Officer

Tel: 01244 819420 Fax: 01244 810798
e-mail: ctcclerk@connahs-quay.co.uk or info@connahs-quay.co.uk
www.connahs-quaytowncouncil.co.uk

IPC

16 JUL 2010

100708_EN010026_163801
HJ/EMH/56

REF: _____

15 July 2010

Kay Fry
Case Leader on behalf of the IPC
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Kay

Proposed Burbo Bank Extension Offshore Wind Farm

Thank you for your letter dated 8 July 2010. In order for this Council to relay its comments to you will you please provide a map of the location and the impact it is likely to have on our area.

Yours sincerely

Rhodri Hampson-Jones
Acting Clerk & Financial Officer

From: IPC Enquiries
Sent: 16 July 2010 11:55
To: IPC Scoping Opinion
Subject: FW: 100708_EN010026_163802 Burbo

From: Russell Fleck [mailto:russell.fleck@energetics-uk.com]
Sent: Friday, July 16, 2010 11:21 AM
To: IPC Enquiries
Subject: 100708_EN010026_163802

Dear Sir/Madam
Please note that Energetics **does not** have any plant within this area.
Regards

Russell Fleck
CAD Operator

Energetics Design & Build
International House
Stanley Boulevard
Hamilton International Technology Park
Glasgow
G72 0BN

t: 01698 404970
f: 01698 404940

e: russell.fleck@energetics-uk.com
w: www.energetics-uk.com

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From: helsbyparishcouncil@talktalk.net
Sent: 16 July 2010 13:00
To: IPC Scoping Opinion
Cc: 'Nicholson, Sarah'
Subject: Burbo Bank - extension to Wind Farm
Dear IPC

Your Ref. 100708_EN010026_163802

Helsby Parish Council has been asked if they wish to make comments on the above. It is our understanding that the new Government has scrapped IPC and we seek clarification as to whom our comments will be sent to and where they will be stored if indeed the Parish Council decides to send in their comments on the 'scoping report'

We look forward to hearing from you.

Wishing you well
Jeanette Hughes
Helsby Parish Clerk
01928-726433

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From: Jim O'Toole [Jim.otoole@portofmostyn.com]

Sent: 15 July 2010 14:48

To: IPC Scoping Opinion

Cc: Burbobankextension@dongenergy.co.uk

Subject: Burbo Bank Extension - Scoping Opinion

Dear Sir/Madam,

Thank you for consulting our company about the Burbo Bank OWF extension scoping opinion. I can advise you we do not have any comments to make on the scope of the EIS.

Best regards,

Jim O'Toole



Jim O'Toole
Managing Director
The Port of Mostyn
Mostyn
Holywell
Flintshire
CH8 9HE

Tel:- +44 (0)1745 560335
Mobile:- +44 (0)7836 739363
Fax:- +44 (0)1745 560324
Web:- www.portofmostyn.com

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file:///P:/Burbo%20Bank/Responses%20for%20Appendix%202/14%20100716_EN010026_Mostyn%20Port%20Scoping%20Response.htm

**CYNGOR
CYMUNED**

**G. ROBERTS
CLERC / CLERK**

Ffôn / Tel: 01978 354617

BAGILLT



**COMMUNITY
COUNCIL**

5 FFORDD OWAIN,
ACTON,
WREXHAM,
LL12 8JL

Ms. Kay. Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
BRISTOL
BS1 6PN

IPC

19 JUL 2010

REF:

15 July 2010

Our ref : GR/P1/2

Your ref : 100708-EN010026-163801

Dear Madam

Proposed Burbo Bank Extension Offshore Windfarm

I refer to your letter dated 8th July 2010 which was considered at a recent meeting of the Community Council. I should like to confirm that the Council does not have any comments to make on the proposal.

Yours faithfully

Clerk

IPC

19 JUL 2010

REF:



Western Cheshire

Your partner for longer healthier lives

For the attention of Kay Fry

Infrastructure Planning Commission
Temple Quay House
Temple Quay
BRISTOL
BS1 6PN

1829 Building
Countess of Chester Health Park
Liverpool Road
Chester, CH2 1HJ
Switchboard: 01244 650300

Direct Tel: 01244 650355
Fax No: 01244 385152
e-mail: jim.hughes@wcheshirepct.nhs.uk
website: www.wcheshirepct.nhs.uk

Our Ref: JH/EAC
Your Ref: 100708_EN010026_163802

15th July 2010

Dear Sir

**PROPOSED BURBO BANK EXTENSION OFFSHORE WIND FARM
PROPOSAL BY DONG ENERGY**

Thank you for your letter of 8th July 2010 seeking our views on the information to be provided in an environmental statement relating to the above project.

I can confirm that NHS Western Cheshire has no comments to make.

Yours faithfully

Dr Jim Hughes
Director of Strategy and Performance Improvement





"An Excellent Authority"

IPG

19 JUL 2010

REF: _____

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Sefton Fire Safety
Bootle & Netherton Community Fire Station
Fleetwoods Lane
Bootle
L30 0RG

Telephone: 0151 296 6726

Fax: 0151 296 6741 Office Hours

Your ref:

Our ref: N1/01234

Date: 14th July 2010

Dear Sir,

Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

Premises: Proposed Burbo Bank, Offshore Wind Farm

Further to your correspondence of the 8th July 2010, The Fire Authority do not have any comments to make with regard to an Environmental statement relating to the project.

Should you require any further information please contact Sefton Fire Safety on 0151 296 6721.

Yours faithfully,

FOR THE CHIEF FIRE OFFICER



2004-2005
Services for Older People



2006-2007
Early Intervention
(Children at Risk)

From: Gareth Lloyd [Gareth.Lloyd@eryri-npa.gov.uk]

Sent: 20 July 2010 09:41

To: IPC Scoping Opinion

Subject: Proposed Burbo Bank Extension Offshore Windfarm Proposal by Dong Energy - Your

Ref: 100708_EN010026_163864

The Snowdonia National Park Authority does not have any comments regarding the above proposal.

Gareth Lloyd

Swyddog Cynllunio (Polisi, Mwynau a Gwastraff)

Planning Officer (Policy, Minerals and Waste)

Awdurdod Parc Cenedlaethol Eryri

Snowdonia National Park Authority

Penrhyndeudraeth

LL48 6LF

Tel. 01766 772 262

e-bost/e-mail Gareth.Lloyd@eryri-npa.gov.uk

Dilynwch ni:



Mae'r e-bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddsbarthu na'i ddangos i unrhyw un arall a dylech gysylltu •'r anfonwr ar unwaith.

Mae unrhyw gynnwys nad yw'n ymwneud • busnes swyddogol y corff sy'n anfon yr e-bost yn bersonol i'r awdur.

Arbedwch bapur, ynni ac arian - Peidiwch argraffu'r neges yma oni bai ei bod yn hollol angenrheidiol.

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From: [Michael Thomas](#)
To: [IPC Scoping Opinion;](#)
Subject: Burbo Bank Extension
Date: 20 July 2010 13:57:20

Hello Kay,

I am Clerk to Mostyn Community Council. The Council have welcomed the opportunity to comment. They very much support the principle of an environmental statement and feel that the Statutory Bodies with expert knowledge in these areas are best to comment.

best regards

Mike Thomas

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Joanne Golding

From: Stallibrass, Susan [Sue.Stallibrass@liverpool.ac.uk]
Sent: 21 July 2010 17:49
To: 'Christian.Ball@english-heritage.org.uk'
Cc: IPC Scoping Opinion
Subject: fao Kay Fry Burbo bank windfarm extension

Fao: Kay Fry

Dear Ms Fry,

I have read through the Burbo-Bank-Scoping-Report.pdf on the Commission's website on behalf of English Heritage NW Region. I am satisfied that it covers cultural heritage in an adequate manner and have no suggestions for any changes to the document.

Yours,

(Dr) Sue Stallibrass

Dr Sue Stallibrass direct phone: 0151 794 5046

English Heritage Archaeological Science Adviser for North West England
Department of Archaeology, SACE,
Hartley Building, Brownlow street,
University of Liverpool
LIVERPOOL
L69 3GS

Sue.Stallibrass@liv.ac.uk

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Trust Headquarters
No. 8 Princes Parade
Princes Dock
St. Nicholas Place
LIVERPOOL
L3 1DL

IPC
26 JUL 2010
REF: _____

22nd July 2010

Telephone Number: 0151- 285 2237
Fax Number 0151- 285 2346

Ms. Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Ms Fry,

**Proposed "Burbo Bank" extension of Offshore Wind Farm
DONG ENERGY**

I refer to your letter dated 8th July 2010 to the Chief Executive of Mersey Care NHS Trust.

In his absence on holiday I respond on behalf of the organisation advising that Mersey Care NHS Trust has no comment to make upon the Wind Farm proposal.

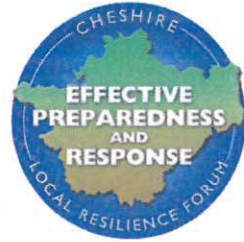
Yours sincerely,



Neil Smith
Executive Director

Mersey Care NHS Trust is a smoke free NHS Trust and operates a smoke free policy.
Please note that smoking is not permitted on any of our sites including buildings, grounds and car parks.
Smoking is not permitted at the entrances or exits of buildings and sites.

Your ref: 100708_EN010026_163802
Our ref: LRF/LP/SH
Date: 26 July 2010



I P C

27 JUL 2010

REF: _____

Kay Fry
Case Leader
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

In reply address correspondence to:
Sheila Hand, LRF Co-ordinator
Telephone: (01244) 61 4009
Email: lrf.secretariat@cheshire.pnn.police.uk

Dear Kay

Proposed Burbo Bank Extension Offshore Wind Farm

Further to your letter of 8 July 2010, I can confirm that Cheshire Local Resilience Forum has no comment regarding the above.

Yours sincerely

SHEILA HAND
Cheshire Local Resilience Forum Co-ordinator



24 Hatton Garden Liverpool L3 2AN
Tel: 0151-227 5181 Fax: 0151-236 2457
www.merseytravel.gov.uk

Our ref: CS/SC/JG/05/02/BRBOBNK/2010/92000/204

Your Ref: 100708/ENO10026/163802 **Contact:** Steve Cook

Tel: 0151 330 1304

Date: 23 July 2010

Ms Kay Fry
Case Leader on Behalf of the
Infrastructure Planning Commission
The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol BS1 6PB

I P C

27 JUL 2010

REF: _____

Dear Ms Fry

**Proposed Burbo Bank Extension of the Offshore Wind Farm: (the Project)
Proposal by Dong Energy (the Applicant) Infrastructure Planning
(Environmental Impact Assessment) Regulations 2009 SI2263 (the EIA
Regulations)**

Thank you for your correspondence of 8 July 2010, seeking Merseytravel's views in respect of an Environmental Impact Assessment for the proposed Burbo Bank extension to an offshore wind farm.

Merseytravel welcomes the opportunity to comment upon this potential development and its associated Impact Assessment as a consultation body identified by the Commission which 'must be consulted' prior to any Environmental Impact Assessment Scoping Opinion being accepted.

On this basis I can confirm that Merseytravel, as the statutory Integrated Transport Authority and Executive for the County of Merseyside, would wish to see any Environmental Impact Assessment for the wind farm extension contain full information upon all impacts that the proposed extension may have upon the operation, safety or integrity of the public transport network within Merseyside.

Such concerns would involve;

- (a) any onshore vehicular traffic likely to be generated by the wind farm, its maintenance regime or any other associated functions, and the impact that this traffic may have upon the operation of public transport services;
- (b) the impact that the presence of the wind farm may have upon signalling and telegraph equipment associated with the coastal rail alignments or any other possible impacts upon the safety, integrity or operation of the rail system;

Cont'd...



Merseyside Integrated Transport Authority and Passenger Transport Executive
Chief Executive & Director General - Neil Scales
Director of Resources - Jim Barclay + Director of Corporate Development - Liz Chandler
Director of Customer Services - Frank Rogers + Director of Integrated Transport - Alan Stilwell



- (c) any potential impact that the wind farm extension may have upon the operation of the Mersey Ferries including their Charter and leisure operations.

Merseytravel would additionally wish to see the Impact Assessment contain full information as to the development's likely impact upon air quality particularly within the adjacent land areas that fall within the County of Merseyside boundaries.

Beyond the above identified issues Merseytravel would also wish to see the applicant contribute any further information that may be pertinent to impact or likely impacts upon the operation of public transport system for Merseyside.

I trust that the above comments clarify Merseytravel's views with regard to this matter, however should you require any further information from ourselves upon the issue please do not hesitate to contact me.

Regards.

Yours sincerely



Neil Scales
Chief Executive & Director General

ORR

From: Dennis, Bill [Bill.Dennis@orr.gsi.gov.uk] on behalf of CCT Contact [contact.cct@orr.gsi.gov.uk]
Sent: 27 July 2010 12:33
To: IPC Scoping Opinion
Subject: Proposed Burbo Bank extension offshore wind farm

FAO: Kay Fry,

**Proposed Burbo Bank extension offshore wind farm ("the Project")
Proposal by DONG Energy ("the Applicant")
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
SI 2263 (" the EIA Regulations")**

Thank you for your consultation letter of 8 July 2010, regarding the above project. The Office of Rail Regulation (ORR) has no comment at this stage.

Yours sincerely,

Bill Dennis
customer correspondence team
Office of Rail Regulation
One Kemble Street
London WC2B 4AN

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ORR

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Where quality matters

Aintree House
University Hospital Aintree
Longmoor Lane
Liverpool L9 7AL

Tel: 0151 529 2247

Fax: 0151 529 2248

21 July 2010

Ref: PF/jh

IPC

28 JUL 2010

REF:

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Sir / Madam

Re: Proposed Burbo Bank Extension Offshore Windfarm

With regard to your letter reference 100708_ENO10026_163802 dated 8 July 2010.

Aintree University Hospitals NHS Foundation Trust is committed to minimising its impact on the environment by reducing its use of fossil fuels. We are already engaged with our Supply chain and procure a significant portion of our energy from "green sources". As such we would fully endorse the creation of further appropriate capacity to ensure there is opportunity to increase our utilisation and to hopefully ensure that this capacity can be offered at competitive rates so as not to make it cost prohibitive.

Thank you for the opportunity to comment on the proposal.

Yours sincerely



James Birrell
Chief Executive

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

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

For the Attention of Kay Fry
Case Leader on behalf of the IPC
Infrastructure Planning Commission

[By email to: ipcscopingopinion@infrastructure.gsi.gov.uk]

29 July 2010

Dear Kay

EIA SCOPING OPINION:

Proposed Burbo Bank Extension Offshore Wind Farm

Thank you for your consultation letter of 8 July 2010 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

Coal Authority Response

The proposed EIA development is located within the defined coalfield area.

In particular, the site of the proposed wind farm extension is located within an area in which the Coal Authority has granted a Conditional Licence for Underground Coal Gasification (UCG) operations. This Conditional Licence has been granted to Riverside Energy (Liverpool) Ltd., and a copy of the Licence detail is attached for information.

Riverside Energy (Liverpool) Ltd. would need to obtain all other relevant consents before being able to undertake UCG operations within this area. However, the Coal Authority considers that the potential for UCG operations to be undertaken within the area should be fully considered and addressed as part of the Environmental Statement for the proposed Burbo Bank extension. In particular, the Environmental Statement should identify and address the potential impacts that future UCG operations might have in relation to the proposed development, including the potential for subsidence, along with any mitigation measures that are necessary as a consequence.

Coal Mining Information

Further information on the issues above can be obtained from the Coal Authority's Licensing Team (01623 637 344 or <http://www.coal.gov.uk/services/licensing/index.cfm>). In accordance with our consultation requirements, we look forward to receiving the

application documents and Environmental Statement for comment in due course.

I trust this is helpful, but please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Berry'.

David Berry *B.Sc.(Hons), MA, MRTPI*
Planning Liaison Officer

**PART II CONDITIONAL UNDERGROUND COAL GASIFICATION LICENCE – GRANTED
LIVERPOOL BAY AREA**

LICENCE NUMBER	CA11 / UCG / 0011 / S
LICENCE TYPE	Conditional Underground Coal Gasification Licence
LICENCE STATUS	Granted
DATE OF GRANT	9 th April 2010
DATE AUTHORISATION COMES INTO FORCE	The first date on which the Licence becomes unconditional, in whole or in part.
IDENTITY OF PERSON TO WHOM LICENCE IS GRANTED	RIVERSIDE ENERGY (LIVERPOOL) LIMITED
OTHER PERSONS ENTITLED TO MINE UNDER THE LICENCE	Any Coal-Mining Operations carried out under this Licence may be carried out through any officer, employee or contractor of the Licensee provided that the carrying out of those Coal Mining Operations remains under the control of the Licensee.
AREA TO WHICH AUTHORISATION RELATES	Details attached
DEPTH RESTRICTIONS ON AUTHORISED OPERATIONS	Details attached
OTHER RESTRICTIONS ON AUTHORISED OPERATIONS	Details attached
ANY AREA OF RESPONSIBILITY	Details attached
LICENCE PROVISIONS FOR EXPIRY OF AUTHORISATION	Details attached
LICENCE PROVISIONS FOR THE PURPOSES OF SECTION 58 OF THE 1994 ACT AND LICENCE CONDITIONS REQUIRING THE DISCLOSURE OF INFORMATION THAT MAY BE RELEVANT FOR THE PURPOSES OF SECTION 58 OF THE ACT	<p>Without prejudice to Condition 14.3, all and any information from time to time provided by the Licensee to the Coal Authority pursuant to Conditions 5.2(a), 5.2(b), 5.2(e), 5.2(f), 5.2(g), 5.3, 8.1(a), 8.2, 9 or 12.4(c)(i) may be disclosed by the Coal Authority for the purposes of replying to the coal-mining searches referred to in Condition 8.2 [Note: Copies of Conditions 14.3, 5.2(a), 5.2(b), 5.2(e), 5.2(f), 5.2(g), 5.3, 8.1(a), 8.2, 9 or 12.4(c)(ii) are available on request from the Coal Authority]</p> <p>All and any information of the description specified above that is disclosed by the Coal Authority for the purposes specified in that Condition shall be treated, for the purposes of section 58 of the Coal Industry Act 1994, as information whose accuracy the Licensee has undertaken to secure.</p>
LICENCE PROVISIONS FOR DETERMINING WHEN AREA CEASES TO BE THE AREA OF RESPONSIBILITY OF THE LICENCE HOLDER	<p>At any time after the Coal Authority has given notice pursuant to Condition 14.2 the Coal Authority may give notice to the Licensee extinguishing the whole of the Area of Responsibility or such part or parts of the Area of Responsibility as may be specified by the Coal Authority in the notice (or further notice(s)).</p> <p>Condition 14.2 provides that, where the Coal Authority has given a notice under Condition 14.1 requiring the Licensee to comply with a final enforcement order (or with a provisional enforcement order that has been confirmed) under Section 31 of the Coal Industry Act 1994, or requiring the remedy of certain breaches of obligations in relation to subsidence damage, and (in either case) the period specified in the notice for this to be done has expired without it having been done, the Coal Authority may give a further notice that the period has expired and this notice shall terminate the permission to carry out coal-mining operations contained in the Authorisation if this permission is still in force.</p>
MODIFICATIONS TO LICENCE PARTICULARS	-
DATE OF REVOCATION OF LICENCE OR OF AUTHORISATION TO MINE	-
ENFORCEMENT ORDER IN EXISTENCE (DETAILS ATTACHED IF APPLICABLE)	-
FORM OF SUBSIDENCE SECURITY	To be determined at de-conditionalisation
IDENTITY OF PERSON PROVIDING SECURITY	To be determined at de-conditionalisation
IDENTITY OF TRUSTEE	-
ADDRESS OF TRUSTEE	-

LIVERPOOL BAY AREA

Reference : CA11 / UCG / 0011 / S

Coal Industry Act 1994 Part II : Licence Register Details

THE AUTHORISATION

THE COAL AUTHORITY (“the Authority”), subject to the conditions and other provisions of this Licence **HEREBY AUTHORISES** the Licensee (being the person or persons defined as “Licensee” in Condition 1) for the period of **twenty five (25) years**, beginning on the first date on which this Licence becomes unconditional, in whole or in part, in satisfaction of the requirements specified in Condition 22 of this Licence, to carry out Coal-Mining Operations (as defined in Condition 1) and Ancillary Operations (as defined in Condition 1) within the Licensed Area (as defined in Condition 1) in compliance with the restrictions and conditions referred to in Schedule 3.

4. AREA OF RESPONSIBILITY

4.1 Subject as mentioned in Conditions 4.2 and 17.1 and to any extinguishment under Conditions 4.3 or 15.3, for the purpose of Part III of the 1994 Act the Area of Responsibility shall be :-

4.1.1 the area delineated by the centre of the blue line(s) shown on Plan A and any further area which the Licensee may from time to time by notice to the Authority request and to which the Authority has agreed, subject to that further area not being an area which is within the area of responsibility for the time being designated under any other licence; and

4.1.2 such area as the Authority may from time to time stipulate to the Licensee and having a maximum surface boundary :-

(i) determined by :-

(A) taking a series of points :-

(1) on the perimeter of any Coal-Mining Operations (being Coal-Mining Operations or Ancillary Operations which would cause or be likely to cause ground movement at the surface) shown on any plan submitted to the Authority from time to time under Condition 5.2(f) and which the Licensee proposes working during the period of two years to which that plan relates; and

(2) at each place at which there is any material change of direction or depth of the relevant seam;

(B) projecting from each of those points a line :-

(1) outwards and upwards from the relevant seam at 35° from a line perpendicular to that seam; and

(2) so as to intersect the surface of the land and/or the seabed above;

(C) joining up consecutively the points at which each line referred to in sub-paragraph (b)(i)(B) of this Condition intersects the surface there mentioned; and

(ii) adjusted having regard to either or both of the following factors and to no others :-

(A) the effect on potential ground movement of any geological or other condition (whether naturally occurring or not) in, or likely to be found in, the locality; and

(B) any Subsidence Damage which has been caused or is likely to be caused as a result of any Coal-Mining Operations or Ancillary Operations which have been carried out or are planned to be carried out within the Licensed Area;

but not being an area which is within the area of responsibility for the time being designated under any other licence.

- 4.2 If any part of the Area of Responsibility and any part of an area of responsibility under any other licence are at any time contiguous, the Authority may by notice to the Licensee and the licensee holding that other licence direct that the Area of Responsibility and the area of responsibility under that other licence shall be varied in accordance with a request to the Authority (to which the Authority has agreed), made jointly by the Licensee and that other licensee, to adjust the boundaries of the Area of Responsibility and that other area of responsibility.
- 4.3 The Authority may give notice to the Licensee extinguishing the whole of the Area of Responsibility or such part or parts of the Area of Responsibility as may be specified by the Authority in the notice (or further notice(s)) :-
- a) at any time after the Authority has given notice pursuant to Condition 14.2; or
 - b) at any time after the appointment of an Insolvency Officeholder acting in relation to the Licensee; or
 - c) immediately before exercising the power to revoke the Licence pursuant to Condition 15.1.
- 4.4 Immediately following any extinguishment under Condition 4.3 of the whole or any part of the Area of Responsibility, and if demanded by the Authority, there shall become due as a debt payable by the Licensee to the Authority, within thirty Working Days of a demand given by the Authority to the Licensee, such sum as the Authority determines is equal to the total anticipated cost of any claims (including the likely cost of dealing with such claims) which have then been made or which are then likely to be made in relation to any Subsidence Damage occurring or which may then be likely to occur within the Area of Responsibility or the part of it extinguished (as the case may require) (but only to the extent that those claims have not then been satisfied or otherwise disposed of).
- 4.5 Any extinguishment under Condition 4.3 of the whole or part of the Area of Responsibility shall be without prejudice to any other power, remedy or right of the Authority against the Licensee or any other person.
- 4.6 In the event of any variation of the Area of Responsibility such variation shall be recorded by the Authority.

14. LICENSEE'S DEFAULT AND TERMINATION OF COAL-MINING RIGHTS

- 14.1 Without prejudice to any other power, remedy or right of the Authority :-
- (a) if the Licensee fails to comply with a final enforcement order (within the meaning of Section 31 of the 1994 Act) or with a provisional enforcement order (within the meaning of that Section) which has been confirmed under that Section; or
 - (b) if the Licensee is guilty of persistent or substantial breaches of any of the Conditions of this Licence or any other licence issued by the Authority to the Licensee or any other Licensee's Group Company relating to any of the Authority's Property or any other document or agreement between the parties which is supplemental hereto or is entered into or pursuant to or in accordance with the Conditions hereof or if the Licensee fails to observe any duty imposed by, or any duty arising under, the 1991 Act or, in relation to Subsidence Damage, the 1994 Act or any obligations imposed by the owner of the seabed; or
 - (c) if the Licensee fails to comply with the Working Obligations as defined in Schedule 4

then the Authority may give notice to the Licensee and any Approved Chargee specifying the failure to comply or breach in question and requiring it to be remedied within such period as the Authority may reasonably require (being not less than ten Working Days).

Provided that no notice shall be given by the Authority pursuant to this Condition on the grounds mentioned in paragraph (a) above before the expiration of the period within which an application under Section 33 of the 1994 Act can be made questioning the validity of the final or provisional enforcement order or before proceedings relating to any such application are finally determined. Provided further that where the Authority is satisfied that any failure to comply or breach specified in a notice given by the Authority pursuant to this Condition has been remedied, the Authority shall give the Licensee and any Approved Chargee notice to that effect.

- 14.2 Where the Authority has given a notice pursuant to Condition 14.1 and any failure to comply or breach specified in such notice continues after the expiration of the period specified in the notice for remedying any such failure to comply or breach, the Authority may, at any time after the expiration of such period, give notice to the Licensee and any Approved Chargee to that effect, and where prior to such notice the Authorisation granted by this Licence is still in force, a notice given pursuant to this Condition shall terminate forthwith such Authorisation and the notice shall contain a statement to that effect.
- 14.3 Upon the termination of the Authorisation granted by this Licence under Condition 14.2 or Condition 15.1 or by reason of the expiration of the period specified in the Authorisation, the Licensee shall forthwith permanently discontinue all Coal-Mining and Ancillary Operations within the Licensed Area and shall not subsequently recommence them, provided that such requirement to discontinue any Coal-Mining and Ancillary Operations does not extend to any which it may be necessary for the Licensee to carry out to effect an orderly and speedy discontinuation of any Coal-Mining and Ancillary Operations which may have been carried out within the Licensed Area.
- 14.4 Any termination of the Authorisation granted by this Licence under Condition 14.2 or Condition 15.1 or by reason of the expiration of the period specified in the Authorisation shall not relieve the Licensee from any obligation or liability imposed by or arising under this Licence.

15. REVOCATION

15.1 The Authority may revoke this Licence :-

- (a) in respect of the whole of the Licensed Area :-
- (i) by notice to the Licensee and any Approved Chargee given at any time after the Authority has given notice pursuant to Condition 14.2;
 - (ii) if the Licensee for the time being is a body corporate or if the Licensee for the time being comprises persons any of which is a body corporate, and that Licensee or each of those bodies corporate is dissolved as provided by the 1985 Act, the 1986 Act or any other legislation having similar effect;
 - (iii) if the Licensee for the time being is an individual or if the Licensee for the time being comprises persons any of whom is an individual, and if that Licensee or each of those individuals is adjudged bankrupt and the interest of the Licensee in this Licence is not transferred in accordance with its conditions to some other person or persons within six months after the making of a bankruptcy order against that Licensee or against each of those persons (as the case may require);
 - (iv) if the Licensee or any one or more of the persons comprising the Licensee become subject to any insolvency proceedings including liquidation, bankruptcy or administration or an arrangement or composition with its creditors by which an Insolvency Officeholder is appointed to run the Licensee's affairs within the jurisdiction of England, Wales and Scotland;
 - (v) if the interest of the Licensee in this Licence is not transferred in accordance with its conditions to some other person or persons within 6 months after the appointment of an Insolvency Officeholder;
 - (vi) if the Licensee for the time being is a Scottish partnership and if that partnership is, or each of the partners are, sequestrated and the interest of the Licensee in this Licence is not transferred in accordance with its Conditions to some other person or persons within six months of the award of sequestration against that Licensee or against each of the partners (as the case may require);
 - (vii) if the Licensee or any one or more of the persons comprising the Licensee, becomes subject to any insolvency proceedings analogous or similar to liquidation, bankruptcy or administration or an arrangement or composition with its creditors by which a person analogous to an Insolvency Officeholder is appointed to run the Licensee's or that person's affairs under a jurisdiction other than England, Wales and Scotland; or

- (viii) by notice to the Licensee and any Approved Chargee given at any time after the Lease has terminated for any reason;
 - (b) at the request of the Licensee, in respect of the whole of the Licensed Area or such part of it as the Licensee may request and on such terms as the Authority may require.
 - 15.2 Where the Authority has grounds to revoke this Licence pursuant to Condition 15.1(a)(vii), the Authority may instead of revoking this Licence vary the provisions of this Licence as the Authority considers appropriate in the circumstances.
 - 15.3 The Authority shall, at the request of the Licensee, revoke this Licence and may extinguish the Area of Responsibility provided that all of the following conditions have been satisfied :-
 - (a) the Licensee's request for revocation of this Licence is made at any time after the expiration of a period of five years from the permanent cessation of all Coal-Mining Operations authorised by this Licence;
 - (b) the Licensee has delivered to the Authority copies in a written form (or in such form as the Authority may approve) of the Records referred to in Condition 8.4; and
 - (c) the Licensee has paid to the Authority a Commutation Payment in such sum as may be agreed between the Authority and the Licensee (both parties acting reasonably) calculated in accordance with the provisions of Condition 4.4 (*mutatis mutandis*) as at the anticipated date of revocation under this Condition.
 - 15.4 Any revocation of this Licence under Condition 15.1 or Condition 15.3 shall be without prejudice to any other power, remedy or right of either party.
-

22. CONDITIONALITY

- 22.1 If the provisions of this Licence (apart from those referred to in Condition 22.2) have not taken effect in relation to part (including the whole) of the Maximum Licensed Area by the date specified in Part 1 of Schedule 5, this Licence (including this Condition 22) shall thenceforth cease to have any further effect in respect of that part (save for any right or remedy of the Authority against the Licensee for any antecedent breach of the terms of this Licence).
- 22.2 Subject to Condition 22.1, the Authorisation granted by this (apart from Conditions 1, 2, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and this Condition 22) shall not take effect in relation to any part of the Maximum Licensed Area unless and until such time as the Licensee is or has become a party to the Interaction Agreement and all the conditions mentioned in Part 2 of Schedule 5 are fulfilled in relation to such part.

SCHEDULE 2

Part 1 Maximum Licensed Area

Access Boreholes and the Specified Seams which are within the area shown edged and shaded red on the Plan.

Part 2 The Specified Seams

All coal seams, such parts thereof as lie at a depth of five hundred (500) metres or greater beneath the seabed area of 8,587 hectares or thereabouts in Liverpool Bay as shown edged and shaded red on the Plan.

Part 3 Licensed Area

The part or parts (if any) of the Maximum Licensed Area in respect of which all the provisions of this Licence are fully in effect in accordance with Condition 22.

SCHEDULE 4

Working Obligations

1. The provision to the Authority of a feasibility study relating to the Coal-Mining Operations and Ancillary Operations proposed in the Licensed Area prior to the first date on which this Licence becomes unconditional, in whole or in part.
2. The obtention from the Department of Energy and Climate Change (or other successor body authorised to issue petroleum licences), prior to the date set out in Condition 3.1, of a petroleum licence to facilitate the lawful removal of any native methane or hydrocarbons in the strata in conjunction with the Coal-Mining Operations.

SCHEDULE 5

Part 1

Date by which Conditions Precedent are to be satisfied

1. The Conditions Precedent are to be satisfied no later than three (3) years from the date of this Licence.
2. Where there are reasonable grounds for extending the period described in paragraph 1 above and there has been no breach of any obligation of the Licensee pursuant to this Licence, the Authority shall not unreasonably refuse to extend this period for such time as is reasonable but any such extension may be made subject to such reasonable and proper further fees, consideration and conditions as the Authority reasonably thinks fit including provision of appropriate information so that the Authority can discharge its duties under Section 2(1)(b) and 2(2)(a) of the Coal Industry Act 1994.

Part 2

Conditions Precedent

1. The Licensee has served a valid notice pursuant to the Option Agreement in relation to the relevant part of the Maximum Licensed Area so as to entitle the Licensee, subject to the provisions of paragraph 3.2 of the Third Schedule to the Option Agreement, to be granted a lease of the Coal in the relevant part of the Maximum Licensed Area.
2. The Planning Condition Precedent as described in Paragraph 2.3 of Schedule 2 to the Option Agreement has been satisfied.
3. The Licensee has secured (if required) the necessary surface access rights in the relevant parts of the Maximum Licensed Area that are within the areas shown shaded green (if any) on the Plan.
4. The Licensee has secured all other rights and permissions necessary to carry out Coal-Mining Operations in the relevant parts of the Maximum Licensed Area.
5. The Licensee has supplied all information requested by the Authority for the purpose of the performance of its duties under sections 2(1)(b) and 2(2)(a) of the 1994 Act.
6. The Licensee has become a party to the Interaction Agreement.
7. Where :-
 - (a) all the above Conditions Precedent are fulfilled in respect of the relevant part of the Maximum Licensed Area; and
 - (b) the Authority has not, within one calendar month of receipt of the Licensee's notice pursuant to paragraph 4.1 of the Option Agreement, notified the Licensee that :-
 - (i) it requires further information to be supplied for the purpose aforesaid, or
 - (ii) it has decided, in the performance of its duties under sections 2(1)(b) and 2(2)(a) of the 1994 Act, that the Licence should not become unconditional in relation to such parts of the Maximum Licensed Area; and
 - (c) the Licensee has given notice to the Authority referring to this Condition 7;

this Condition 7 shall be construed as if the Authority had at the expiry of the said period of one calendar month served the Licensee with a notice that the Licence had become unconditional in relation to such part.



The **COAL**
AUTHORITY



Maximum Licence Area,
Option Area & Exploration Licence Area

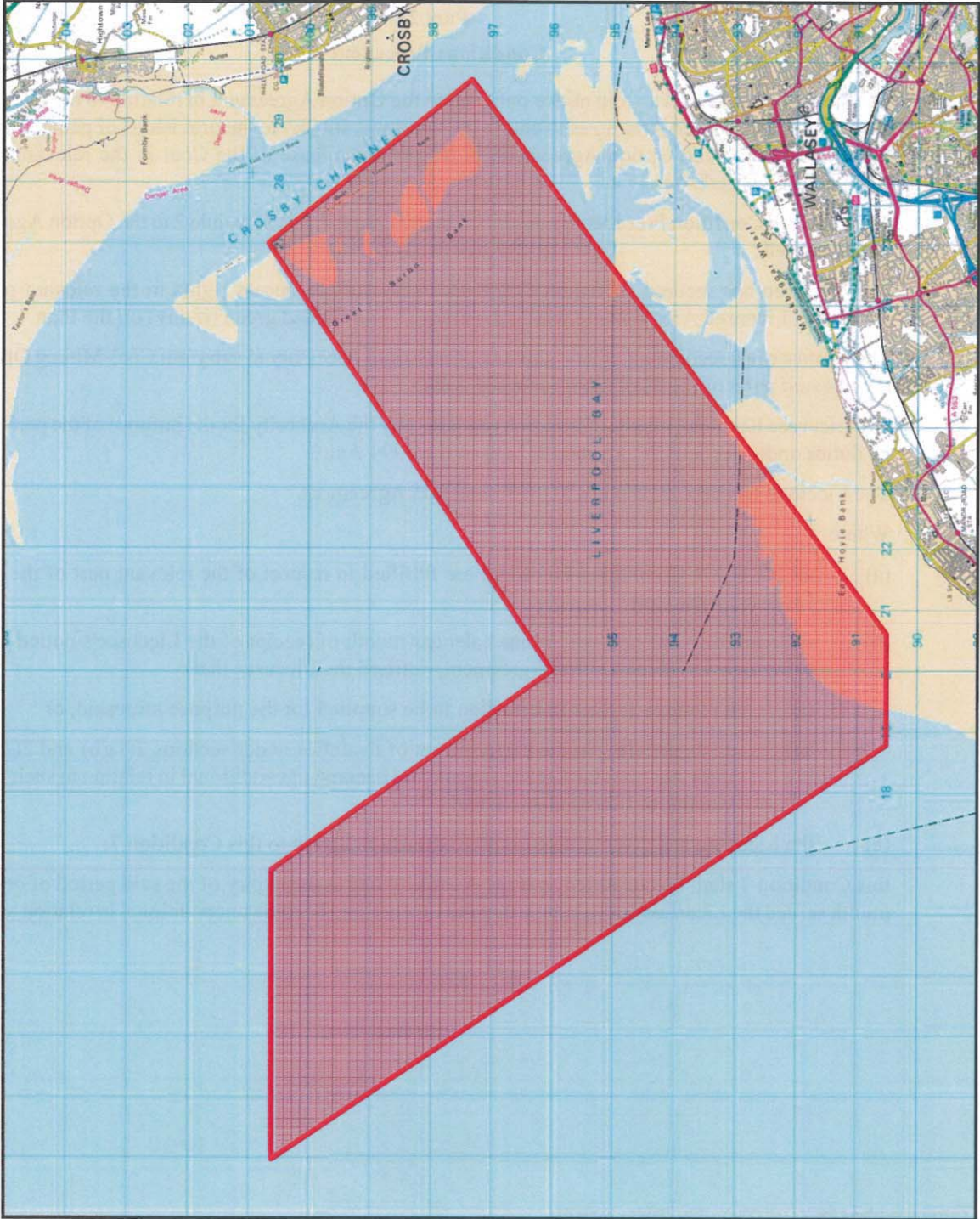
LIVERPOOL BAY AREA

Underground Coal Gasification
Conditional Licence,
Option for Lease and
Exploration Licence

Ref: CA11 / UCG / 0011 / S

Scale 1/100,000

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Kay Fry
Case Leader
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

E.ON UK plc
Westwood Way
Westwood Business Park
Coventry
West Midlands
CV4 8LG
eon-uk.com

Guy Phillips
T 02476 183531
guy.phillips@eon-uk.com

Friday 30 July 2010

Your ref: 100708_EN010026_163802

Re: Proposed Burbo Bank Extension Offshore Wind Farm ("the Project") Proposal by DONG Energy ("the Applicant")

Dear Kay,

Further to your letter of 8th July 2010, thank you for the opportunity to provide comments on the Project scoping report. We note from the Project scoping report that an application has been submitted to National Grid Electricity Transmission (NGET) for connection to the electricity transmission system. We note that two possible connection points have been identified, with the alternative point of connection at Deeside substation, which is the same substation that E.ON UK's Connah's Quay Combined Cycle Gas Turbine (CCGT) power station is connected to.

It is a matter for NGET to determine the appropriate point of connection to its transmission system in responding to the application with a connection offer to the Applicant. In the event that Deeside is selected NGET will ensure that any matters regarding the operation of our CCGT and its connection to the transmission system will be considered in accordance with the Connection and Use of System Code and the Grid Code.

E.ON UK plc owns the freehold interest in land both on the east and west sides of NGET's land holding at Deeside. The land to the east is vacant and held for possible future development. On the land to the west is our CCGT power station. E.ON has permanent rights of way across NGET's land. Therefore if the second cable option is taken forward E.ON will need to be provided with full details of the proposed cable route and access requirements to enable us to consider if it has any impact on our land holdings.

We trust that you find our response helpful but please do not hesitate to contact me if

E.ON UK plc
Registered in
England and Wales
No 2366970
Registered Office:
Westwood Way
Westwood Business Park
Coventry CV4 8LG



you have any questions or require additional information.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Guy Phillips", written over a horizontal blue line.

Guy Phillips
Grid Interface Executive

cc. Ferdinando Giammichele, Dong Wind (UK) Ltd



Northwest
REGIONAL DEVELOPMENT AGENCY

IPC

30 JUL 2010

REF:



INVESTOR IN PEOPLE

Steven Broomhead
Chief Executive

Ms Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref. SB/JL/2271
Your ref. 100708_EN010026_163802
28 July 2010

Dear Ms Kay

Proposed Burbo Bank Extension Offshore Wind Farm: Environmental Impact Assessment Scoping Report

Thank you for your letter dated 8 July 2010 regarding the above.

At this stage the Northwest Regional Development Agency has no specific views on the information to be provided in the Environmental Statement.

This response has been prepared in accordance with the NWDA's consultation policy by the Planning, Transport and Housing Team. If you have any queries or wish to discuss this matter further, please contact Ian Wray, Chief Planner (Ian.Wray@nwda.co.uk).

Yours sincerely

Steven Broomhead
Chief Executive

Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

I P C

30 JUL 2010

REF:

28th July 2010

Dear Mark,

Ref; 100708_EN010026_163802

I am writing to confirm that SSE Pipelines Ltd do not have any comments to make on the information to be provided in the environmental statement (Regulation 8 (11)).

Yours faithfully,



Kevin Bennett
SSE Pipelines General Manager

Robert Brown House
5 Pipers Way
Thatcham
Berkshire
RG19 4AZ

Our ref:
Your ref: 100708_EN010026_163802

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dave Clark
Network Operations Directorate
810
City Tower
Piccadilly Plaza
Manchester M1 4BE

Direct Line: 0161 930 5695
Fax: 0161 930 5638

2 August 2010

For the attention of Kay Fry

Dear Kay

**PROPOSED BURBO BANK EXTENSION OFFSHORE WIND FARM
PROPOSAL BY DONG ENERGY
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 S1 2263**

Thank you for your letter of 8th July 2010, to my colleague John Bagley, regarding a consultation on the above project. I can confirm that the Highways Agency has no comments to make.

Yours sincerely



Dave Clark
Strategic Planning Team North West
Email: dave.clark@highways.gsi.gov.uk

**Centre for Radiation, Chemical and
Environmental Hazards**



FAO Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Health Protection Agency

**Centre for Radiation,
Chemical and
Environmental Hazards**

**Radiation Protection
Division**

**Physical Dosimetry
Department**

Chilton, Didcot
Oxfordshire OX11 0RQ

Tel +44 (0) 1235 831600
Fax +44 (0) 1235 833891
www.hpa.org.uk/radiation

03 August 2010

Your Ref: 100709_EN010026_163802

Our Ref: EN_RN_WF_100709_0047

Dear Kay Fry

Thank you for your letter dated 9 July 2010 advising of the proposal by Dong Energy for the proposed Burbo Bank Extension Offshore Wind Farm.

The letter was passed to me by Peter Davies of CRCE Wales as I have responsibility for developing HPA advice on the potential health impact of the electric and magnetic fields from the power lines and substations associated with this type of development.

The attached response provides a framework for considering the health impact, including the direct and indirect effects associated with the fields. Please do not hesitate to contact me if you require any clarification. In doing so, please send all correspondence to crce.ipcconsultations@hpa.org.uk to ensure we are able to deal with your queries efficiently.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dr Jill Meara', written over a circular scribble.

Dr Jill Meara

Consultant in Health Protection/Deputy Director, Centre for Radiation, Chemical and Environmental Hazards (CRCE), Health Protection Agency

Encl. HPA Initial Response to Scoping Proposal

HPA Initial EMF Statement for Scoping Proposal

The Health Protection Agency (HPA) is a statutory consultee on public health advice for National Policy Statements (NSPs) and for the Pre-application and Application stages for Nationally Significant Infrastructure Projects (NSIPs). **Please send any future correspondence concerning NSIP applications in electronic format to crce.ipccconsultations@hpa.org.uk. All consultations should go to this address to ensure they are dealt with efficiently and through a formal HPA process.**

The HPA provides advice on standards of protection for exposure to non-ionising radiation, including the power frequency electric and magnetic fields associated with electricity power lines and associated equipment.

In March 2004, the National Radiological Protection Board, NRPB (now part of the HPA), 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.

For static magnetic fields, ICNIRP recommend that acute exposure of the general public should not exceed to 400 mT (millitesla), for any part of the body. 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

HPA notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the European Recommendation:

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

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.

<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 HPA, 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, the Minister of State, Department of Health, published on 16th October 2009:

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

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.

The HPA considers that the onus is on the applicant to conduct the assessment of compliance with the above advice and policy, and to gather and present the information clearly, leaving no additional analysis necessary on the part of the HPA. The assessment should be clearly laid out, either as an identified section of a report which can be read in isolation or as a separate report. Compliance with the ICNIRP guidelines should be highlighted. If it is considered not practicable for compliance to be

achieved at all locations accessible to the public, the report should provide a clear justification for this. The report should include an appropriate risk assessment showing that consideration has been given to mitigation measures for acute risks. In relation to possible long-term health effects and precaution, the report should include a summary of compliance with HPA advice and Government policy.

CABE
1 Kemble Street
London WC2B 4AN
T 020 7070 6700
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www.cabe.org.uk

03 August 2010

Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN



Our ref: CSE-20748

Dear Kay Fry

**INFRASTRUCTURE PLANNING COMMISSION: PROPOSED BURBO BANK
EXTENSION OFFSHORE WIND FARM
PLANNING APPLICATION REFERENCE: 100708_EN010026_163802**

Thank you for consulting the Commission for Architecture and the Built Environment (CABE) about this proposal.

We do not wish to comment on the proposed Burbo Bank Extension Offshore Wind Farm.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Rutherwood', written in a cursive, flowing style.

Clare Rutherwood
Design Review assistant
DRsubmissions@cabe.org.uk

Commission for Architecture
and the Built Environment

The government's advisor
on architecture, urban design
and public space

From: [Nurton, Clive \(ESH - SE&ID\)](#)
To: [IPC Scoping Opinion;](#)
cc: [Griffiths, Rhodri \(ESH - SE&ID\);](#)
Subject: SCOPING RESPONSES TO THE IPC - BURBO BANK OFFSHORE WINDFARM AND MYNYDD MYNYLLOD ONSHORE WINDFARM PROPOSALS
Date: 04 August 2010 14:47:36
Attachments: [IPC Burbo Bank Scoping Letter.doc](#)
[IPC Mynydd Mynyllod Scoping Letter.doc](#)

<<IPC Burbo Bank Scoping Letter.doc>> I attach the Welsh Assembly Government responses to the two consultations. Signed copies are in the post. <<IPC Mynydd Mynyllod Scoping Letter.doc>>

Regards

Clive Nurton

Welsh Assembly Government
Llywodraeth Cynulliad Cymru
Manager, Energy and Steel Policy
Rheolwr, Polisi Ynni a Dur
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Eich cyf/Your ref: 1007128_EN100712_164800
Ein cyf/Our ref: MB/JD/0292/10



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

4 August 2010

For the attention of Kay Fry

Dear Sirs

**PROPOSED BURBO BANK EXTENSION OFFSHORE WINDFARM
PROPOSAL BY DONG ENERGY
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263**

Thank you for your letter of 8 July 2010 to Jane Davidson AM, Minister for Environment, Sustainability and Housing, seeking identification of issues that the Welsh Assembly Government wishes to see included in the environmental statement (ES) for the above project. The Assembly Government welcomes the opportunity to identify matters for inclusion in the ES.

Under the Government of Wales Act 2006 the Assembly Government has responsibilities in respect of Wales for a range of environmental and related issues. The proposed development has the potential to affect the environment in Wales. The Environmental Statement (ES) for this project will need to reflect these issues.

The Assembly Government would therefore wish to see consideration within the ES of the impact of the building, operation and decommissioning of the proposed site on human health and the environment in Wales.

As a general comment, the proposed development should be in accordance with the policies set out within the Welsh Assembly Government's Planning Policy Wales with particular reference to Technical Advice Note (TAN) 8: Planning for Renewable Energy <http://wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en>

The Assembly Government's Marine and Nature Conservation Division have provided the

Sustainable Energy and Industry Wales
Welsh Assembly Government

Cathays Park, Cardiff
CF10 3NQ

Email: energy@wales.gsi.gov.uk
English Enquiry Line 0845 010 3300

Ynni a Diwydiant Cynaliadwy Cymru
Llywodraeth Cynulliad Cymru

Parc Cathays, Caerdydd
CF10 3NQ

Ebost: energy@wales.gsi.gov.uk
Llinell Ymholiadau Cymraeg 0845 010 4400

following comments having consulted the Countryside Council for Wales (CCW):

Overall, the report covers all the bases, but it lacks a lot of the detail for many of the topic areas that would be useful to have even at this scoping stage. As a result it is difficult to know exactly what datasets the developers are drawing upon to reach their conclusions about the significance of impacts, and also what level of stakeholder engagement and 'behind the scenes' discussions about survey work, impacts and mitigation that have already taken place. Full consultation should be undertaken with the CCW while preparing the ES ensure that all Welsh environmental issues are fully assessed.

- Significance of impacts identified Table 1 – it is not clear how the conclusion regarding significance was reached, whether detailed study and assessment has already taken place or whether they have been arbitrarily assigned. As a result, it may be premature to conclude that some impacts will be negligible or minor, thus effectively 'scoping out' these impacts from the rest of the EIA process. The ES will need to provide a clearer evidence base for reaching conclusions on the significance and magnitude of impacts. Greater detail could also have been given on the nature of the impacts identified, rather than just relying on the few sentences used in the impact tables.
- Cumulative impacts - the scoping report does not provide enough information on how cumulative and in-combination impacts will be assessed during the EIA; we would therefore recommend that this assessment be made in consultation with statutory consultees and other stakeholders in order to ensure that the full range of activities and developments that might need to be considered are captured. For example there are 2 active dredge zones (Areas 392 and 393 - Hilbre Swash) on the English/Welsh border. The in-combination effects of these activities should be considered as well as the impact on existing vessel movements caused by the proposed extension. Consultation should be undertaken with the dredge operators to ensure any concerns are considered and addressed.
- Mitigation measures – the developers should be able, at this stage, to outline to a certain level of detail the mitigation to be employed for the impacts identified. Although still at this early stage of the EIA process the magnitude and significance of impacts may not yet been fully quantified, it should still be possible to provide some form of generic 'best-practice' list of mitigation measures for impact identified in the report. This would also form a good basis for the subsequent EIA and allow more informed, detailed discussions on impacts and mitigation options between the developer and consultees.
- Habitats Regulations, HRA and AA – there is potential for impacts of the proposed development on features of SPAs and SACs, and these should be given more detailed consideration and discussed at this scoping stage. As it's written, HRA and AA appear to be a bit of an afterthought in the scoping report; the developer should be aware that the EIA needs to provide sufficient information to allow a competent authority to conduct a test of 'likely significant effect', and if necessary, an appropriate assessment if impacts on European sites cannot be ruled out.
- Marine EPS and licence requirements – this is a key issue that needs to be considered by developer, especially with respect to noise from pile-driving for foundations, yet is absent from the scoping report. The impact table (Table 11) identifies "minor and temporary impact" of construction noise on marine mammals - this needs further consideration (especially given the lack of detail on marine mammals provided by the scoping report) there is a likelihood pile-driving activities for the development constitutes disturbance of cetaceans and so require a marine EPS licence. We would encourage the developers to discuss this issue with the CCW/NE and regulators early, in order to ensure that requirements for EPS disturbance licenses are fully understood.

- Decommissioning - There is insufficient detail about the decommissioning stage of the proposed development. To be complete, an EIA must consider all stages of the life-span of a proposed development, i.e. construction, operation, and decommissioning, and so it is an issue that should be considered as far as possible at the project application stage and given consideration in the ES submitted.
- Marine Consents - Welsh Ministers are responsible for consents under Part 2 of the Food & Environment Protection Act 1985 (FEPA) and section 34 of the Coast Protection Act 1949 (CPA) in Welsh waters. The applicant will therefore need to engage with the Marine Consents Unit of the Welsh Assembly Government for any consents required within Welsh waters. In relation to the onshore substation, one of the options discussed involves a connection at the National Grid, Deeside, Wales. The Deposits in the Sea (Exemptions) (Amendment) (England and Wales) Order 2010 requires Offshore Transmission Owners to obtain a licence under Part II of the FEPA for the deposit in the sea or under the sea bed of cables with a transmission capacity of 132 kilovolts (kV) or more. Should the extension require any additional offshore cabling in Welsh waters, a FEPA licence will be required from the Marine Consents Unit.

The Assembly Government's Fisheries Branch advised that there is one Welsh boat that possibly fishes in this area. One aspect of the proposed works which could affect the local industry is the possible increase in marine traffic from the Port of Mostyn who are likely to be involved with the project, however as far as we are aware this was not an issue with the more recent developments of Rhyl Flats and North Hoyle. The only other aspect which may disrupt the local industry is the noise created during the construction phase. The scoping report mentions the use of piling to install the turbines which was the same method used for Rhyl Flats. There have been a lot of complaints from both commercial and recreational fishermen who believe that there has been a significant affect on their activities as a result of the noise created from the piling. The scoping report considers the impact of the noise created during construction on fish and shellfish but does not account for any effect on local commercial fisheries. Whether this is true or not we would expect there will be a similar reaction from local fisherman as a result of the construction. There are no other fisheries issues that we can see in relation to a Welsh /Welsh Assembly Government local industry point of view.

Our Environment Division has commented that the report covers the main areas which will need to be assessed as part of the ES. Most areas specify that further investigation work and assessments will be carried out. The results of these should identify and clarify any additional needs that will need to be assessed and included within the ES.

The report also highlights that some aspects of the development have yet to be decided. It is important that detailed explanations and justifications are provided to account for the decided options within the ES. The ES should also included where appropriate restorative plans / measures for the decommissioning phase.

It is important that the ES gives a full description of the site during all stages, from construction to decommissioning, highlighting any temporary structures and total seabed and land take. It should assess any potential impact each stage produces. For example, this would include assessing the impacts of, and associated risks of, export cable routes, storage structures used, construction traffic, and maintenance travel.

Cadw, the Assembly Government's ancient monuments Division provided the following comments:

The Burbo Bank windfarm extension potentially takes the existing windfarm to within 12.2 km from Point of Ayr, North Wales coast. The proposed cable runs and onshore substation are all within England and we would expect English Heritage to take the lead on commenting and providing advice for the environmental assessment process.

From a Welsh perspective, Cadw would expect that the environmental statement would assess the indirect impact upon Welsh historic assets, marine and terrestrial, especially upon registered historic landscapes, parks and gardens on the north Wales coasts. The assessment should, of course, take into account the cumulative impact from the existing and proposed offshore windfarms to the west.

We note that the draft outline for the environmental statement includes an assessment on the cultural heritage offshore and onshore as well as seascape and visual resource. The normal assessment of impact and mitigation is proposed, which is as expected. The environmental statement should include direct and indirect impact assessment on offshore wrecks and submerged palaeo-landscapes, as well as indirect visual impact on all Welsh coastal historic assets. The assessment should be undertaken by competent and experienced marine archaeologists and geophysicists.

Cadw would be reassured to receive the ES in due course, but will be pleased to take the advice of English Heritage and be led by them with regard to this development.

The Assembly Government's Transport Division do not foresee any issues from the transport perspective if the cables are routed into Birkenhead. Mostyn Docks has an application to increase their berthing area to service Gwynt y Mor, which could possibly be used for this site, but if this happened any increase in traffic will have little effect on the trunk road network in Wales.

The Assembly Government reserves the right to raise other items of concern during the pre-application public consultation on this proposal and if necessary during the post application phase. I understand the statutory bodies within Wales the Environment Agency Wales (EAW) and the Countryside Council for Wales will be responding to you directly with substantive comment in due course.

Yours faithfully

R. Griffiths
Sustainable Energy and Industry Wales

From: [Marshall, Warren](#)
To: [IPC Scoping Opinion;](#)
Subject: FAO Kay Fry
Date: 04 August 2010 16:48:38
Attachments: [Dong Energy.pdf](#)

Hi Kay – please find attached electronic version of our response to the Scoping Report in respect of the Burbo Bank Wind Farm. Hard copy in the post to you this evening.
Regards,
Warren

Warren Marshall MRTPI
[Head of Port Planning](#)

Peel Ports Limited
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PEEL PORTS GROUP

The Mersey Docks and Harbour Company and The Manchester Ship Canal Company
Maritime Centre, Port of Liverpool L21 1LA
Main Tel: +44 (0)151 949 6000



Direct Dial: 0151-949-6311

Our Ref: WM
Your Ref: 100708_EN010026_163802

4th August 2010

FAO Kay Fry – Case Leader

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Ms. Fry

Re: Proposed Burbo Bank Extension Offshore Wind Farm – Dong Energy

Thank you for your letter dated 8th July 2010 in respect of the consultation upon a Scoping Report for the above project.

By way of background The Mersey Docks and Harbour Company (MDHC) is the Statutory Harbour Authority for the Port of Liverpool and Birkenhead Docks, and responsible for the management of navigational safety and protection of the marine environment on the River Mersey between Warrington Bridge and the outer port limits. MDHC is also a Competent Harbour Authority for the Port of Liverpool and the docks at Garston within the provisions of the Pilotage Act 1987.

The Company provides Conservancy, Pilotage and Vessel Traffic Services for ships and craft using the port. Its responsibilities also include the maintenance of navigational channels, moorings, lights and buoys and the provision of hydrographic, tidal and other information.

The Manchester Ship Canal Company is the Statutory Harbour Authority for the Canal having comparable roles and responsibilities as MDHC. Shipping movements along the entire length of the Manchester Ship Canal are managed from the control room at Eastham with access via the Eastham Lock.

Together, the Port of Liverpool and Manchester Ship Canal offer a comprehensive range of port facilities, handling more than 40 million tonnes of cargo and 16,500 ship movements a year, making the River Mersey Britain's third busiest estuary. All vessels movements to/from Mersey Ports are dependent upon safe and navigable access via the Queen's channel and it's approaches.

Our comments in respect of the Scoping Report are set out as follows:

Project Description

Para. 2.6 - where the export cable transverses within the port limits of the Port of Liverpool the cable will be required to be buried.

Para. 2.9 - we welcome the commitment of Dong Energy in respect of the installation of a radar mast. This will need to be established on the existing wind farm (Pile 29) such that radar coverage is not impeded further prior to the construction phase of the extension. At the appropriate time the radar mast would be transferred to the north western most operating wind turbine.

Likewise, we welcome the ongoing dialogue with respect to the technical details and specification of the radar mast which will need to be submitted and approved.

The Offshore Human Environment

Para. 3.4.1 - we would question the use of a 'high but tolerable' risk classification for such an important shipping route and the only access channel to and from the Port of Liverpool.

Due to the prevailing wind and weather being predominately from the south west it will not be advisable for vessels to anchor in the traditional waiting area for the Port of Liverpool as this will now be a corridor between the Burbo Bank extension and the Gwyn y Mor wind farms. This may force vessels to wait outside the Port limits and therefore not be subject to VTS monitoring and the protection of a sheltered anchorage.

Table 17 – we welcome the establishment of the Navigational Working Group.

Cumulative and In-combination Impacts and Appropriate Assessment

Para. 3.6 - the cumulative and in-combination impact of the other wind farm developments both existing and planned (Round 3) should be added to the list of activities and projects and should be assessed during the EIA process. For the reasons highlighted above this is of particular relevance from a shipping and safety of navigation perspective.

We trust the above will be given due consideration as to be reflected within the preparation of the Scoping Opinion.

Should you require any further information or clarification do not hesitate to make contact.

Yours sincerely,



Warren Marshall MRTPI
Head of Port Planning

warren.marshall@peelports.co.uk

Cc Capt. Steve Gallimore - Harbourmaster

From: [Johnston, Mark \(NE\)](#)
To: ipcscopingopinion@infrastructure.gsi.gov.uk;
Subject: Burbo Bank Extension - 100709_EN010026_163802
Date: 04 August 2010 17:03:38
Attachments: [NE Scoping Response BURBO BANK.docx](#)

Re: PROPOSED BURBO BANK EXTENSION OFFSHORE WIND FARM (“the Project”)

PROPOSAL BY DONG ENERGY (“the Applicant”)

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (“the EIA Regulations”)**

Dear Sir/Madam

Please find attached Natural England’s response the IPC’s request for consultation regarding the scoping document produced for the Burbo Bank expansion.

Kind Regards

<<NE Scoping Response BURBO BANK.docx>>

Mark Johnston

Marine Advisor - Offshore Renewables - North West

Natural England

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Cumbria

LA9 7RL

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mark.johnston@naturalengland.org.uk

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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04 August 2010

Our ref: CON653

Your ref: 100709_EN010026_163802



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Murley Moss
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Kendal
Cumbria LA9 7RL

T 03000602788

BY EMAIL ONLY

Dear Kay Fry

Burbo Bank Offshore Windfarm Extension

Thank you for your consultation received 09 July 2010.

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. We are working towards the delivery of four strategic outcomes:

- A healthy natural environment;
- People are inspired to value and conserve the natural environment;
- Sustainable use of the natural environment;
- A secure environmental future.

We have considered the proposal against the full range of Natural England's interests in the natural environment

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by the consulting body that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Should you wish to discuss this response please do not hesitate to contact me at the above address.

Yours sincerely

Mark Johnston

Marine Advisor - Offshore Renewables (North West)
Tel: 03000602788
Mobile: 07733307051
Mark.johnston@naturalengland.org.uk

NATURAL ENGLAND SCOPING OPINION FOR THE PROPOSED OFFSHORE WIND ENERGY EXPANSION AT BURBO BANK.

Natural England would like to make the following comments on what should be provided in the environmental statement, in addition to what is presented in the scoping report. This should not be considered a definitive list of what NE deem necessary, as we hope the EIA process will evolve as the acquisition and analysis portion of the project progresses.

1. General Comments

1.1 The scoping report makes a number of references to the previous Burbo Bank Environmental Statement when describing the assessment and acquisition methodology of the new proposal. Natural England agree that the previous Burbo Bank Environmental statement will provide a good foundation for this assessment. However, we feel it important that this assessment is not simply repeated but that it builds upon the lessons learnt during the development of Burbo Bank and other offshore windfarms, ensuring that the assessment is sufficiently detailed and targeted to both fulfil the requirements of the EIA Directive *EC Directive 85/337/EEC* and any Appropriate Assessment required under the Habitats Regulations (Natural Habitats & C) (Amendment)(No. 2) Regulations 2009.

1.2 We support the developer's proposal of utilising the Rochdale envelope approach to impact assessment but we would urge developers not to assume all possible impacts have been identified and can be potentially mitigated against through this approach. Where a favoured technical solution is likely to be adopted it is preferred that a full environmental assessment be made of that solution in preference to any worst case scenario. To ensure the maximum efficiency of this approach we would urge the applicant to maintain discussion with Natural England throughout the development process.

1.3 The proposed expansion site is an area of high anthropogenic activity both past and present. Natural England would urge the applicant in the scoping phase of the EIA to conduct a full audit of available information from both public and private sources. This data should be analysed comprehensively before any new information is collected to increase the efficiency and relevance of any assessment or survey programme.

2. Benthic Ecology

2.1 The report appears to assume a high level of uniformity between the current windfarm site and the expansion area when it attempts to predict the nature of the benthic environment. Using this assumption of uniformity the applicant uses much of the information obtained at the current site to evaluate the ecological importance of the expansion site. Whilst Natural England would encourage the applicant to use information from surrounding projects to guide the environmental assessment, we would suggest that a degree of caution be used when transposing information from one site to another as the expansion area is large and homogeneity between sites would be unlikely.

2.2 The applicant feels homogeneity across both the current and proposed Burbo windfarm sites is supported by survey data which shows both sites to be incorporated into one large sand bank feature which characterises this area of Liverpool Bay. We would agree that survey data at the current Burbo windfarm indicates this sand bank to be largely stable with a general trend of accretion but it should be noted that areas within the sandbank will be locally dynamic with varying levels of erosion and accretion. The FEPA monitoring has indicated that within the current windfarm (and its reference area) that areas of dynamic sediment movement are subject to large variations in infaunal invertebrate abundance and richness. It is therefore justifiable to expect populations of benthic infauna and their predatory species to vary significantly across the proposed expansion area. Natural England therefore feel it important that the benthic sampling and fish surveys are of a resolution that comprehensively characterises the proposed expansion area and any observed heterogeneity in benthic ecology.

2.3 The level of scour around the base of the current Burbo Bank windfarm has been small, therefore Natural England would hope that any proposal to use scour protection is justified by well

presented modelling.

3 Habitat Identification

3.1 The report outlines the proposal for identifying and classifying any features listed under Annex 1 of the Habitats Directive 92/43/EEC and we are happy with the proposed survey methodologies. We would however like to emphasise that the absence of records relating to annex 1 habitats in this area should not negate their existence and a high resolution survey should be carried out across the entire windfarm site. To assist in the identification of Annex 1 habitats (namely stony/cobble reefs) we would like to direct the applicant to the JNCC's 2009 *identification of stony reefs* guidance.

3.2 We are pleased to note the applicant has referred to the UK Biodiversity Action plan in its planned assessment as we feel it important that all habitats which have the potential to be impacted are identified early. There is duty upon the applicant to ensure and prove that habitats important on both an international, national and regional scale are not lost or degraded. As a result we advise that in its assessment the applicant refer to any habitats relevant to the Conservation of Habitats Regulations and species regulations (2010), Wildlife and Country side Act (1981), BAP and OSPAR convention on the protection of marine environment in the North East Atlantic.

<http://www.jncc.gov.uk/pdf/web432.pdf>

4 Marine Conservation Zones

4.1 The scoping report does not reference the future designation of marine conservation zones and their implication on the project. It should be recognised that MCZs are likely to be in place before the proposed construction of this project and whilst no information has been finalised on where these sites will be located, considerable information is available on what habitats and physical features need to be brought under protection. Natural England would therefore recommend that the benthic survey information be analysed with reference to guidance notes written by Natural England and JNCC on the identification of features of conservation interest (FOCI) at marine conservation zones.

<http://naturalengland.etraderstores.com/NaturalEnglandShop/NECR018>

5 Impacts of Underwater noise and EPS licensing

5.1 The scoping report does not address the issues surrounding European protected species (EPS) at sea e.g. Harbour Porpoise, and the potential requirement for an injury/disturbance license. The conservation (Natural Habitats &c) Regulations 1994 for England and Wales (i.e. the Habitats Regulations) were amended in 2007 and 2009. The offshore Marine Conservation (Natural Habitats &c) Regulations 2007 (i.e. the offshore Marine Regulations) were also amended in 2009. Both sets of amended regulations contain a revised definition of the disturbance offence and introduced the offence of injury. Also, the introduction of the Offshore Marine Regulations in 2007 applied both offences to areas of UK jurisdiction beyond 12nm. Regulation 39 (1) of both the Habitats Regulations and the Offshore Marine Regulations (as amended in 2009) state the following:

1. Subject to regulations 40 and 49 a person is guilty of an offence if he –
 - a) Deliberately captures, injures, kills any wild animal of a European protected species;
 - b) Deliberately disturbs wild animals of any such species

For the purposes of paragraph 1b – disturbance of animals includes any disturbance which is likely to:

- Impair their ability to survive, to reproduce, or nurture/rear their young
- To affect significantly the local distribution or abundance of the species to which they belong.

5.2 During the construction of an offshore windfarm, piling often takes place from spring to autumn over a two year period (i.e. two construction seasons). This could lead to chronic exposure to sound in animals that show fidelity to the area affected, or it may result in the displacement of several animals from a large area for considerable periods of time (which would be longer than they would normally be absent). Both these effects could be regarded as disturbance in terms of the Regulations. If these risks

cannot be avoided or reduced then the developers would need to apply for a license under regulations 44/49 (Habitats Regulations/Offshore Marine Regulations respectively) in order to exempt them from the offence. Even though the effectiveness of standard mitigation measures has not been fully tested, it is considered that having these in place should reduce the risk of injury or significant long term disturbance. The JNCC, with input from Natural England and CCW have developed guidance on the interpretation of these regulations for the waters of England, Wales and the UK offshore marine area – 'JNCC guidance on the protection of marine EPS from injury and disturbance'. This document is likely to be published later in 2010 and includes guidance on how to conduct impact assessments for noise producing activities to avoid or reduce the risk of committing any of the above offences. Developers should consult this document during the EIA process. The advice on disturbance contained in this document is to be taken into consideration by courts in proceedings for an offence.

5.3 To qualify for a license it is essential that the applicant presents information which outlines any usage of the site by a protected species, namely Harbour Porpoise (*Phocena Phocena*) and in this region of Liverpool Bay. This information should ideally be presented in the form a desk study supported by observations taken during ornithological surveys. The applicant will also be required to show how they may mitigate the impact of construction noise on a protected species i.e. through 'soft start' piling, visual and acoustic observations and potentially acoustic deterrents.

6 Ornithology

6.1 The applicant has outlined an ornithological assessment which will incorporate both existing and newly acquired datasets. Considering the high levels of survey activity that took place between 2001 and 2006, Natural England completely support this approach and feel extended datasets such as this can provide huge amounts of information. We do however have some concerns over the implementation of this methodology, namely –

- The existing survey information for the area originates from a number of projects and survey programmes and is piecemeal in its spatial distribution, survey timings and survey methodologies.
- Much of the existing survey information covering the expansion area is over 5 years old (excluding the FEPA monitoring from the current Burbo site). Whilst this may not be problem in stable environments, monitoring at the current Burbo site suggests that the benthic invertebrate population of the Burbo sand banks can be subject to high levels of natural change. Thus the distribution of prey species i.e. Common Scoter may also display significant levels of variation in response.
- If results from the 1 year of newly acquired data show high levels of variation (with respect to distribution and abundance) when compared to the existing data, then one year of survey information may not be sufficient to perform an adequate assessment.
- Much of the existing survey information originates from winter surveys with little information covering site usage in spring and summer. As a result site usage by Little Gull and Tern species may be poorly understood.

In an attempt to resolve some of these issues, Natural England would like to make the following suggestions.

- The developer should compile all existing data and present it in a uniform manner which allows for effective/ transparent analysis. From this analysis we hope for indications of distribution, population and variation. Natural England feel it important that the applicant accurately displays how the new (one year) dataset fits into the broader spatial and temporal trends of the area. From this analysis between current and past survey work it should be possible to identify whether there is a requirement for further survey work post 1 year. What will stipulate a further years survey should be identified post survey in consultation with the developer and the relevant authorities.
- The acquisition of new survey data should ideally consist of both aerial and boat based methodologies, reflecting the varying requirements of the survey programme. In winter we feel the focus of the survey should be to quantify the spatial distribution and potential displacement

of Common Scoter and Red Throated Diver at the sea surface. This would ideally be undertaken from the air to prevent flushing. In spring/summer we feel the focus of the survey should be to obtain data which supports collision mortality modelling of Tern species (both passage and breeding) and potentially Little Gull (spring passage). This data would ideally be obtained from boat based observation, as this will provide vital information of flight height and behaviour.

6.2 The report makes reference to the expansion site being of low value/importance to birds which we feel is slightly misleading. We would agree that the existing WWT survey data indicates this area to be rarely used by Common Scoter and that the FEPA monitoring at the current Burbo wind farm has indicated that area to be rarely used by birds (no Red Throated Diver or Common Scoter). However, we feel that classifying the expansion area as low importance is slightly premature for two reasons:-

1. The FEPA monitoring at the current Burbo windfarm reports that the Burbo sand banks show a high suitability for feeding Common Scoter (high benthic invertebrate population with depths below 20 metres). However, a major contributor to the low usage of the site is disturbance from anthropogenic sources, the impact of which is likely to vary significantly over the proposed expansion area (CMACS;2008)¹.
2. The FEPA monitoring at the current Burbo site stretches into the eastern portion of the expansion area where bird numbers are significantly higher e.g. 11 Red Throated Diver were recorded in 10km² during the first post construction survey.

6.3 The report attempts to outline the designated sites and bird species which potentially may be impacted by the development. As an addition to this, Natural England would like to emphasise the importance of this region of Liverpool Bay to Spring and Autumn passage birds, which are generally centred around the Seaforth local Nature Reserve and SSSI (which has not been well documented within the report). The site supports 124 breeding pairs of Common Tern (designated under the Mersey Narrows SPA) but supports huge numbers of post breeding Common Tern in late autumn and fairly large numbers of Little Gull in spring passage. For example in 2005, 2015 post breeding common Terns assembled at Seaforth (with unknown feeding grounds) and in spring (March to May) the site supports a variable number of Little Gull (250 – 500 peak in late April) which roost offshore at an unknown location.

7 Fish

7.1 Natural England are pleased that a desk study is to be undertaken that will evaluate the migratory patterns of Atlantic Salmon and the potential impacts incurred by any Burbo expansion. In light of the River Dee's designated importance for anadromous fish species we would like to see this study expanded to evaluate the potential impacts on River Lamprey, Sea Lamprey and Sea Trout. Due regard in this desk study should be given to the impacts of construction noise and operational noise on the migration routes/patterns of these fish.

7.2 The FEPA monitoring has identified the Burbo Bank area as nursery ground for Thornback Ray (Raja Clavata) with the majority of individuals caught being juvenile. However, a marked decrease in Thornback Ray has been observed at the current Burbo windfarm site post construction with numbers dropping from 328 in 2007 to 100 in 2008. Natural England would like to ensure that due regard is given to assessing the impact of any expansion on Chondrichthyan fish. Focus should be placed on Lesser Spotted Dogfish (Scyliorhinus canicula) and Thornback Ray (Raja Clavata) which were identified in high numbers during recent FEPA monitoring, in addition to Starry Smooth hound (Mustelus asterias) and Common Smooth hound (Mustelus mustelus) which CEFAS indicated as relatively abundant in 2004 (Ellis et al; 2004)².

¹ CMACS. 2008. *Year 1 Post construction Environmental monitoring report*. Seascope Energy

² Ellis, J.R. Cruz-Martinez, A. Rackman, B. Rogers, S. 2004 *The distribution of Chondrichthyan fishes around the British Isles and Implications for conservation*. Centre for Environment, Fisheries and Aquaculture Science

7.3 If the windfarm is to operate an exclusion zone to commercial fishing the EIA should state the potential benefits to surrounding marine ecology. In line with this the EIA should review the potential negative impacts and pressures of a fishery exclusion zone pushing fishing activities into an ever decreasing area of seabed.

8 Cumulative Impact

8.1 Due to the high level of anthropogenic activity in this region of the Irish Sea it is important that the impacts of the Burbo expansion are cumulatively assessed with those of other projects. We feel the report does identify the key projects and impacts which may interact with the expansion. However, NE would also ask that the applicant in presenting their EIA, reviews any tidal energy development on the Mersey and evaluates what (if any) impacts may be exacerbated by the development of the two projects.

8.2 Natural England welcome the applicants plan for a full study into the potential impacts on coastal processes and oceanographic forces. This study should be conducted in combination with surrounding projects and should explore potential changes to both subtidal and intertidal geomorphology and sediment transport.

9 Onshore

9.1 It is clear that the onshore cable routing is still to be finalised but in addition to the planned ecological assessments we would wish to see included in the environmental statement:

- A data search of existing environmental information for the site.
- A methodology that reflects that 'no records' of protected species does not confirm their absence. It must be identified that there is insufficient and unsuitable habitat and if this is the case this should be confirmed by the Phase 1 survey. All surveys should be included within the Environmental Statement.

9.2 Whilst the onshore cable routing is still to be decided it is apparent that the cable landfall will be located within the Mersey Narrows and Wirral Foreshore SPA and the cable may potential run close to the eastern limit of the Dee Estuary SPA. Both of these sites are designated for their over wintering bird interest and the cable installation poses a threat of disturbance to both feeding and roosting birds. Therefore Natural England will require the applicant to obtain bird survey information (such as WeBS counts) for areas within these sites where birds may suffer disturbance. The applicant should use these counts to identify important high tide roosts and feeding densities in order that an assessment of likely disturbance can be made.

9.3 Due to the proximity of the cable works to areas of intertidal bird interest Natural England would recommend that the works take place during summer.

10 Landscape and Seascape

10.1 A good seascape and visual impact assessment document will demonstrate how the impact assessment process was carried out iteratively with the positioning and design process. Bearing this in mind we would welcome discussions on seascapes throughout this iterative process to ensure any negative impacts are minimised.

10.2 Natural England have the following comments to make on Landscape:

- We would recommend that in addition to the DTI guidance quoted in the report that the

applicant refer to Landscape and Character Assessment guidance for England and Scotland (CA & SNH 2002) and the guidelines for Landscape and visual impact Assessment (LVIA) (Landscape institute and institute of Environmental Assessment and Management 2nd Edition 2002).

- Accurate maps of protected sites and designated sites should be included in the ES showing the spatial extent of the visual influence of the proposal. Protected landscapes must be assigned the highest level of sensitivity in the LVIA.
- All landscapes have distinctive characteristics that give them a strong sense of place. These qualities are outlined in their landscape character assessments. Natural England would wish to see these special characteristics conserved and sustained.
- Any new roads or infrastructure should be incorporated into the visual assessment.

11. Habitats Regulations

On receipt of the Environmental Statement Natural England must be consulted in order to advise your Council whether an appropriate assessment is required. Regulation 61 requires your authority, before deciding to give any consent to a 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, to make an appropriate assessment of the implications for the site in view of its conservation objectives. Any approval of planning permission pending the result of this assessment would be contrary to the Habitats Regulations.

From: [IPC Enquiries](#)
To: [IPC Scoping Opinion;](#)
Subject: FW: Environment Agency Response to: 100709_EN010026_163801
Date: 04 August 2010 15:30:27
Attachments: [PlanningProposal.rtf](#)

-----Original Message-----

From: chris.waring@environment-agency.gov.uk [<mailto:chris.waring@environment-agency.gov.uk>]

Sent: Wednesday, August 04, 2010 3:12 PM

To: IPC Enquiries

Subject: Environment Agency Response to: 100709_EN010026_163801

The proposal has been reviewed and I enclose the Environment Agency's comments on:

Burbo Bank, Liverpool Bay

LPA ref: 100709_EN010026_163801

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The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: SO/2010/107526/01-L01

Your ref: 100709_EN010026_163801

Date: 04 August 2010

FAO Kay Fry

Dear Madam

BURBO BANK EXTENSION OFFSHORE WIND FARM - SCOPING OPINION BURBO BANK, LIVERPOOL BAY

Thank you for consulting the Environment Agency on the above Project.

We have no objection in principle to the proposal but would like to make the following comments on the Scoping Report:-

3.3.2 Intertidal Habitats

The report refers to a survey by Bassindale in 1938 to infer that within the North Bank area and shore, the area was "...sparsely inhabited sand". It would be inappropriate to use a reference from so long ago.

3.3.3 Fish and Shellfish

We have no data from the proposed Area, though there is potentially some data held by CEFAS – contacts are Mike Pawson or Mary Brown at Lowestoft. We do have some data available from the Mersey, Dee & Ribble, Wyre & Lune estuaries within the National Fish Population Database (NFPD).

The applicant has missed some other migratory fish species that potentially are present and have protection status i.e. Shads - *Alosa alosa*, *Alosa fallax*; Sea Lamprey - *Petromyzon marinus* & Smelt - *Osmerus eperlanus*. Given the conservation status of the Dee estuary and that *Alosa alosa*, *Alosa fallax*, *Anguilla Anguilla*, *Lampetra fluviatilis*, *Osmerus eperlanus*, *Petromyzon marinus*, *Salmo salar* & *Salmo trutta trutta* are all present then we would suggest the applicant contacts our Fisheries Technical Advisor, Ian Davidson, at our Buckley Office (Tel. 01244 550124) regarding the Dee.

Given the scale of the project 40km² & 50km² overall and with the potential of at least an extra 15km of submarine cable then there are potential issues that may or may not affect fish migration due to electromagnetic emissions. In our opinion this is an area that requires further investigation and is an area of 'new science'. Marine Science Scotland (a Scottish Government advisory body) is expected to publish a report on the effects of magnetic signals from underwater cables later this month. There is also a range of scientific papers available on this matter.

Finally, there may be some additional fisheries guidance available from the Joint Nature Conservation Committee but they have yet to publish a formal position on wind farms and fisheries impacts.

3.5.1 Preliminary Considerations

Under the requirements of the local Land Drainage Byelaws the prior consent of this Agency is required to place any pipe or cable or wire in, under, over or through any sea defence structure. In this case, the onshore cable route is shown to pass across the Wallasey embankment and therefore this proposal will also require formal consent.

3.5.5. Alternative Connection

There is very little information in the Scoping Report with respect to the alternative connection at Deeside Substation in Connah's Quay. We presume this is because it is likely that National Grid will choose the preferred (and much closer) site at Birkenhead.

The proposed routing of the onshore cabling through the Wirral area is shown to cross a number of designated Main Rivers. Specifically:

- Birket Old Courses
- River Birket
- River Fender
- Prenton Brook
- Broken Bank Drain
- Finger Post Gutter East/South/West
- River Dee.

Under the requirements of section 109 of the Water Resources Act 1991, the prior consent of this Agency is required for any proposed works or structures in, over, under or within 8 metres of the top of the bank of any Main Rivers on the English side or within 7m of the River Dee (EA Wales).

We note that full ecological surveys and assessments are proposed during the EIA process; Countryside Council for Wales may wish to comment on any potential impacts on the Dee Estuary SAC, SSSI and RAMSAR designations.

I hope these comments are useful to you, if you require any further information or clarification please do not hesitate to contact me.

Yours faithfully

Mr CHRIS WARING
Planning Technical Specialist

Direct dial 01925 543359

Direct fax 01925 852260

Direct e-mail chris.waring@environment-agency.gov.uk

From: [Navigation Directorate](#)
To: [IPC Scoping Opinion;](#)
cc: [Burbobankextension@dongenergy.co.uk;](mailto:Burbobankextension@dongenergy.co.uk)
Subject: Your ref 100708_EN010026_163802 Burbo Bank Offshore Wind Farm Extension - Scoping
Date: 04 August 2010 15:05:09

FAO Kay Fry

Your ref:- 100707_EN010026_163802
Our ref:- OWF/WC/10

Dear Kay

Response to request for comments on the EIA scoping for the proposed extension to the Burbo Bank Offshore Wind Farm.

I refer to your letter of 8 July under the above reference seeking comments from Trinity House on the Environmental Impact Assessment Scoping Report dated July 2010 submitted by Dong Energy for the proposed extension to the Burbo Bank Offshore Wind Farm.

Trinity House is the General Lighthouse Authority for England & Wales with responsibilities for advising the appropriate consenting / licensing authorities how developments in the offshore marine environment should be required to be specifically marked as a risk mitigation measure in the interests of safety of navigation and in accordance with the international system of marine navigational marking. Our particular interest is therefore concerned with the interaction between the development (during construction, operation, decommissioning and removal if thereafter any obstruction remains which is considered at the time to be a danger to navigation) and all types of shipping (including commercial, commercial fishing and leisure). We therefore concur with the need for the shipping and navigation studies (and associated consultation with stakeholders) outlined in the scoping proposal. In particular the requirement for a 28 day survey of all shipping in accordance with the Marine & Coastguard Agency Marine Guidance Note 371; the survey taking account of any seasonal variation in shipping activity. We also agree that the navigational risk assessment should include both the cumulative and in-combination effects of this development.

We have been consulted direct by the developer on the site selection and the outline proposals prior to submission of the scoping report and we do not object in principle to the proposed project. The commitment by Dong Energy to provide aids to navigation as specified by Trinity House is welcomed, and although not specifically mentioned as a future consultee in section 4.2.1.2 of the scoping report we look forward to further discussions in due course on the marking that will be necessary as a risk mitigation measure when the result of the updated traffic survey is available. In this connection, it should be noted that the IALA Recommendation O-117 referenced in section 2.4 of the scoping report has now been consolidated, essentially unchanged, into IALA Recommendation O-139 on the Marking of Man-Made Offshore Structures. Whilst an indicative layout has been provided for scoping purposes, we would ask that as plans progress and the layout is developed and refined bearing in mind the possible use of a reduced number but more widely spaced larger turbines, that the developer keeps in mind that the actual layout of structures in the site needs to be sympathetic to the needs of shipping to contribute to the reduction of risk. This may be particularly the case where the existing wind farm and the extension meet.

I hope that these comments, which have also been copied to Dong Energy for the attention of Ferdinando Giammichele, are useful at this stage.

Regards

John Cannon
Navigation Services Officer
Trinity House.

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From: [Neston Town Council](#)
To: [IPC Scoping Opinion;](#)
Subject: Re: Proposed Burbo Bank Extension Offshore Wind Farm
Date: 05 August 2010 13:38:44

Dear Laura,

Proposed Burbo Bank Extension Offshore Wind Farm:

At the meeting of 3rd August 2010, Neston Town Council's; Planning, Environment & Regeneration committee resolved that;

Neston Town Council supports the proposed plans for the extension of the Burbo Bank Offshore Wind Farm.

Kind regards

Mrs A Kunaj

Town Clerk

Neston Town Council

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From: [Sam Turner](#)
To: [IPC Scoping Opinion;](#)
Subject: Proposed Burbo Bank Extension Offshore Wind Farm
Date: 05 August 2010 09:33:30

Thankyou for consulting British Waterways on the Scoping Opinion request for the above proposals. British Waterways has no comment to make on the Proposed Extension to Burbo Bank Wind Farm.

Regards

Sam Turner

British Waterways Area Planner - North West

01942 405726

07917 552471

samantha.turner@britishwaterways.co.uk

Waterside House
Waterside Drive
Wigan
WN3 5AZ

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From: Vee.Gatrell@hse.gsi.gov.uk
To: [IPC Scoping Opinion;](#)
Subject: Burbo bank response
Date: 05 August 2010 10:47:22
Attachments: [Burbo bank response.doc](#)

For the attention of Ms Kay Fry

kind Regards

Vee

Vilja Gatrell
Risk Communications Policy Unit
Chief Scientific Advisor's Group

Health & Safety Executive,

 4.S3 Redgrave Court, Merton Road, Bootle L20 7HS

: +44(0) 151 951 4607 (VPN 523 4607)

: vee.gatrell@hse.gsi.gov.uk

 www.hse.gov.uk

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Chief Scientific Adviser's Group
Building 3.3
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Your ref:
100630_EN10016_161333

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

Kay Fry
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN

5th August 2010

Dear Ms Fry

**PROPOSED BURBO BANK EXTENSION OFFSHORE WIND FARM (“the project”)
DONG ENERGY (“the applicant”)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (“the EIA Regulations”)**

Thank you for your letter of 9th July 2010 regarding the information to be provided in an environmental statement relating to the above project.

There is little for HSE to comment on at this stage however, there are some observations that it would seem sensible to pass on to DONG Energy

As well as satisfying general UK health and safety legislation (i.e. Health and Safety at Work etc Act 1974 and supporting regulations) the promoter should consider providing a summary of the design standards that will be specified at the wind turbine procurement stage. For example the relevant standards include EN 61400-1:2005 (*Wind Turbines – Design Requirements*), EN 50308:2004 (*Wind Turbines – requirements for design, operation and maintenance*), EN 62271-200:2004 (*High-voltage switchgear and control gear*).

In particular, HSE would prefer any high voltage switch gear to be at a separate level to the entry point for each turbine. Likewise details of the

various EU product safety Directives that the turbines will be certified (“CE-marked”) in accordance with, for example the Machinery Directive (2006/42/EC). We would expect each turbine to be equipped with an access lift complying with the same Directive in view of the access height to the nacelle. The guidance in *Planning for Renewable Energy, A Companion Guide to PPS22 and Planning Policy Wales Technical Advice Note 8* also set out other relevant issues.

Electrical Safety

As well as satisfying general UK health and safety legislation (i.e. Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electrical Safety, Quality and Continuity 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 substations, overhead lines or underground cables, please contact Mr J C Steed, Principal Specialist Inspector (Electrical Networks), either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London SE1 9HS.

I hope this is useful. HSE looks forward to receiving the formal s42 consultation from the promoter in due course when the plans are sufficiently developed.

Please note any further communication on this project can be sent direct to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter. All future correspondence should be directed to Miss Vilja Gatrell ; Vee.gatrell@hse.gsi.gov.uk
4S3 Redgrave Court,
Merton Road,
Bootle
Merseyside
L20 7HS
Tel; 0151 951 4607

Yours sincerely

Stephen Kinghorn-Perry
Head of Risk Communications Policy Unit

From: [FRISTON, Paul](#)
To: [IPC Scoping Opinion;](#)
Subject: 100708_EN010026_163802 - Burbo Bank Extension Offshore Wind Farm
Date: 05 August 2010 23:41:14
Attachments: [Letter to IPC 5 Aug 2010.rtf](#)

Dear Kay Fry,

Please find attached my letter with comments on the above.

(I shall sent a letter headed version in the morning)

Paul Friston
Principal Planner
Cheshire West and Chester Council
The Forum
Chester
CH1 2HS

01244 402 558

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Kay Fry
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Development Management
Cheshire West and Chester Council
The Forum
Chester
CH1 2HS
Tel: 0300 123 8 123

web:
www.cheshirewestandchester.gov.uk

Reference	Your Reference	please ask for:	date:
	100708_ EN010026_ 163802	Paul Friston 01244 402 558 Paul.Friston@ cheshirewestandchester.gov.uk	5 August 2010

Dear Ms. Fry,

**Re: BURBO BANK EXTENSION OFFSHORE WINDFARM
PROPSAL BY DONG ENERGY
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263**

Thank you for the letter of 8th July 2010 regarding the above project and consultation concerning the IPC adopting its scoping opinion. I understand that similar letters were addressed to Steve Kent (Environment), John Jeffrey (Waste) and Kieran Collins (Highways).

In terms of direct effects on this Council's administrative area, it is the possible alternative on shore cable route connection to the National Grid Deeside 400kV substation that is of particular relevance. This is referred to in Section 3.5 'The Onshore Environment' of the EIA Scoping Report) and shown on Chart 5.

The scoping report recognises the international importance of the Dee and Mersey Estuaries in ecological, nature conservation and ornithological terms, and designations such as the SSSI, RAMSAR site are noted.

It is noted that the Applicant proposes the inclusion of an archaeology and cultural heritage study. It is expected that this would include consideration of the Parkgate Conservation Area and potential impact on listed buildings, including locally listed structures such as the Sea Wall in this area. The cable route is also proposed through

the Neston/Parkgate coastal Area of Special County Value for Landscape and impacts, albeit temporary ought to be considered.

The cable route through Little Neston ought to have due regard to the former coal mining history of the area.

In addition to the impacts related to the Project's direct works that might be required in this Council's area, consideration ought to be given to the wider impacts on the highway and transportation network, including the Highways Agency's network. If not already done, it is suggested that the Highway Agency be consulted for their views on the scoping report.

The scoping report mentions a study of the impact on road and rail traffic of the moving/laying of cables, construction (Table 21), and this should at the very least, explore the road based construction traffic for the wind farm (with a chapter on future servicing traffic). The study should identify the routes, likely numbers and types of vehicle, abnormal loads with numbers and strategy and times of operation of all the vehicles on the network and how that all impacts on the operation of the network.

The Environmental Statement should examine the various modes of construction traffic. The extent to which construction traffic may be sea borne from source (reducing the need to travel on the highway). Opportunities for rail borne traffic can also be highlighted as a matter to be set out and explained.

This Council is currently a consultee in relation to an application to the Department of Energy and Climate Change (DECC) under Section 36 of the Electricity Act 1989 by Peel Windfarms (Frodsham) Ltd. for a 20 turbine on shore windfarm at Frodsham Canal Deposit Grounds. Consideration ought to be given to any cumulative impacts in respect of the above application.

I trust that the above is of some assistance.

Yours sincerely

Paul Friston
Principal Planner
Major Projects (Development Management)

Cc Ferdinando Giammichele (by e-mail) – (Burbobankextension@dongenergy.co.uk)

From: [Hodson, Ross \(MMO\)](#)
To: [IPC Scoping Opinion;](#)
Subject: MMO response to Burbo Bank Extension Scoping Report Response
Date: 05 August 2010 18:13:05
Attachments: [100805 Burbo Extension Scoping repsonse.pdf](#)
[ATT769227.txt](#)
[ole1.bmp](#)

Please find attached the scoping response of the Marine Management Organisation with regards to the request dated 8th July 2010 requesting a scoping opinion of the proposed Burbo Bank Extension Offshore Windfarm within Liverpool Bay.

If you have any queries please do not hesitate to get in contact.

Kind regards,

<<100805 Burbo Extension Scoping repsonse.pdf>>

Ross Hodson

Picture (Device
Independent Bitmap)

Marine Management Organisation

Offshore Renewables Consents Manager

PO Box 1275

Newcastle Upon Tyne

NE99 5BN

0191 3762533

ross.hodson@marinemanagement.org.uk

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Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN
FAO Kay Fry

Date: 5th August 2010

Our Reference: REN298
Your Ref: 100708_EN010026_163802

Dear Kay,

FORMAL SCOPING REQUEST UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 FOR BURBO BANK EXTENSION OFFSHORE WINDFARM (OWF) IN LIVERPOOL BAY BY DONG ENERGY.

The following comments are provided after consultation with the Marine Management Organisation (MMO) District Office for the Merseyside and Fylde and the Centre for Environment, Fisheries and Aquaculture Science (CEFAS).

General Comments

1. The scoping document supplied by the promoter is to a good standard. However, it is noted that the exact details of survey design to inform the EIA are not yet defined or provided within this scoping report.

It would be advantageous for the MMO to have sight of the detailed survey designs to ensure that adequate data coverage, analysis and assessment are undertaken, particularly with reference to benthic and fish/shellfish communities.

2. The proposed EIA will cover a variety of structures, and where uncertainty remains at the time of assessment, a "Rochdale Envelope" approach should be employed. However, the project details should be realistic and justified with clear rationale for all parameters of the "Rochdale Envelope".

Where possible, the EIA is submitted with a detailed project description, i.e. completed geotechnical surveys, known cable route, known foundation type etc. This allows a robust and thorough site specific assessment to be undertaken which will produce focused and workable licence conditions.

3. It is essential that the EIA assesses all aspects of the installation, operation and a preliminary assessment of the decommissioning phases of the development. Furthermore, the assessment should quantify the significance of impacts (e.g. expected extent and intensity) and any seasonal variations of impacts are identified based on site-specific environmental sensitivities.

4. The in-combination assessment (section 3.6) doesn't identify maintenance dredging that occurs at the Mersey Approach Channel and the associated disposal of dredged material at disposal "site Z" (~8km NW of the proposed site). Due to the close proximity of the proposed site these activities should be considered in any in-combination assessment.
5. The cumulative assessment (section 3.6) does not consider the cumulative impact to the biological communities beyond ornithology. There are important potential impacts to biological communities that should be considered cumulatively, such as increasing modification/change of natural substrate type, and construction noise impacts (piling) onto sensitive receptors (e.g. spawning periods of hearing sensitive fish species). These should be considered within the EIA, and include the proposed R3 Irish Sea zone developments.

Coastal and Marine Processes

6. Monitoring at the existing site has not identified unforeseen impacts as a result of construction or operation. However, these experiences may not be valid or directly transferable if;
 - a. There are significant environmental differences between the site (the applicant needs to demonstrate this with respect to the use of any existing data);
 - b. The operator selects a different type of foundation such as the non-monopile suction and jacket designs suggested in section 2.3;
 - c. The operator uses a different approach to sea bed preparation – the existing OWF utilised a bed preparation technique to significantly reduce scour around the foundations, which was largely successful.
7. The impacts of the proposed physical environment are expected to be;
 - a. Rises in suspended sediment concentration (SSC) due to trenching and piling.

It is not clear from Table 4 (proposed works) whether any SSC monitoring is planned. Current experience of OWF's that utilise monopile foundations are that SSC monitoring is not always required. This may well be applicable to Burbo Bank Extension. However, if non-monopile foundations are used (as suggested in section 2.3) or if sedimentology suggests a high percentage of fines are present, then the impact may not be defined as minor and SSC will be required.
 - b. Localised development of scour around foundations.

The level of scour is expected to be minimal if the same foundation types (and dimensions) and bed preparation methods are used as in the current OWF (pre-laid stone filter / scour layer) and the flow regime is similar. Should these differ experiences from the existing site may not be valid.
 - c. Alteration to the sediment transport regime due to changes in the tidal and wave conditions because of the presence of the OWF
8. Section 3.2.2.2 states that the sediment is primarily sand, and falls into four categories. However, these categories are not described further and may be significant with respect to sediment re-suspension during construction and operation of the OWF, especially where there is a significant percentage of mud (>5-10%). The nature of the sediment should be reflected in the design of the monitoring program and is an important piece of baseline data.
9. Section 3.2.6 - The applicant should make use of existing datasets including those

gathered for the development of the existing OWF. However, due care needs to be given to the validity of datasets, especially where they are not within the extents of the proposed extension and/or if they are old and may have changed. For example, does the sediment data adequately represent the Extension area and is there confidence that the patterns of sediment have not changed? The sediment data will be c. 10 years old by the time of construction. I also note that there were differences between the BGS sediment maps and the sediment data collected at the existing OWF (refer Figures 4.3 and 4.4 in Volume 2 of the Burbo OWF Environmental Statement); the applicant should demonstrate that the BGS data are fit for purpose if they are to be used in isolation as part of a desk study.

10. For assessment of worst case scenarios, datasets used for the existing OWF will need to be updated. For example, an assessment of wave climate and extremes should make use of any new data from wave measuring stations in the Irish Sea (e.g. Wavenet).
11. The planned export cable (Chart 2) is expected to make landfall in the same location as the existing OWF. However, the proposed export cable takes a very different route. Unless there are good reasons not to, the export cable should follow the southern boundary of the proposed OWF and adjoin the existing export cable corridor where the export cables of the existing OWF meet. In this way the same corridor is shared by all export cables. This route would appear to be a very similar length to that plotted on Chart 2. The final selection of the export cable route, and the alternatives, should be discussed and justified in the ES.

Benthic Ecology

12. The scoping report does not mention how many turbines they propose to site at the extension site. The number of turbines at the site will affect the sampling intensity needed for both the characterisation and pre-construction baseline surveys. Where the final turbine number cannot yet be defined, a realistic worst case estimation should be used.
13. The report needs to include references of previous studies that are linked to statements made within the report so that they are substantiated e.g. in Water Quality section on pg29 and Benthic ecology section on pg33.
14. The report only lists surveys and studies undertaken as part of the operational wind farm at Burbo Bank which are, in most part, not relevant to the extension site. A literature review needs to be conducted to determine the extent of knowledge of the proposed development site (where and when the studies were carried out) which will inform how detailed the characterisation survey needs to be. Although they have detailed this approach for the physical environment they have not included this step in the biological survey/study proposals. We note that they have used the MESH database to initially determine the sediments and fauna of the area, however there are numerous other studies by Cefas and others that have been conducted in Liverpool Bay that may further inform them on the temporal and spatial nature of the proposed development area and aid in understanding the patterns/responses of benthic species.
15. The geophysical survey should also be used to inform the benthic characterisation survey – this has been omitted from the survey proposals.
16. The report notes that a baseline benthos survey will be carried out (3.3.1 Benthic Ecology – pg.33). It is important that accurate characterisation is undertaken prior to the production of the EIA and survey results should inform this. Cefas would welcome the opportunity to comment and advise on more detailed proposed survey designs, sample collection protocols and sampling processing protocols prior to the surveys being mobilised. Consideration should be given to accompanying information (namely geophysical habitat maps, predicted impact zones) to ensure a robust survey design can be produced which will effectively meet the requirements of the EIA (namely a comprehensive characterisation of the perceived area of impact and adjacent 'reference' areas along with adequate

provision for future monitoring).

17. Future monitoring (plans for pre-construction baseline and subsequent monitoring) should be considered within the EIA.
18. Contaminant analysis of the sediment should also be carried out as part of the benthic characterisation survey in order to inform predicted impacts. The need for contaminant analysis should be considered against sediment type and also noting the proximity of the dredged material disposal site (Site Z – 8km distance). Should contaminant analysis be undertaken then specific sampling procedures will need to be considered (i.e. storage of samples in hexane rinsed glass jars, rinsing of sampling equipment with hexane to avoid cross contamination etc).
19. There is a need to consider cumulative impacts on the benthos – this is missing from the scoping report.

Fish and Shellfisheries

- 20 Overall the report is well set out with a thorough consideration of the resident marine community and associated fisheries in the area.
- 21 The EIA should assess the effects both construction and operation of the OWF commercial fisheries in the area. Communications with the local fishing industry should be established at an early stage of the development.
- 22 Fisheries in the area include;
 - a) beam trawlers operating outside 12nm predominately between Sept and April, although but some components of the fleet will remain active in the area throughout the year. Trawlers generally target sole but also skates, rays and plaice. There are 10-15 vessels that operate in the area but approximately 8 vessels will be working at any one.
 - b) There is an inshore fleet of gill netters targeting bass, mullet and occasionally sole.
 - c) Cockle fisheries operate in the Dee/Mersey estuary.
 - d) Queen Scallopers operate (using otter trawls) along the Welsh coast.
 - e) There are also occasionally inshore trawlers in the area.
- 23 The existing area has been regularly surveyed together with one sample from within the extension area. Much of this information has been drawn upon to characterise the marine community. No specific data has been given here so it is difficult to objectively comment on survey adequacy and the completeness of characterisation.
- 24 The autumn survey will probably give a good indication of the nursery fish in the area. However, seasonal variations of adult species will probably not have been fully described with the current survey design. The new proposed survey is to follow the same design, but neither a plan of sample sites nor the number of samples has been given. A more detailed plan is needed for further comment, and we would welcome the opportunity to further discuss fish and shellfish survey plans.
- 25 With the proximity of the extension site to the Rive Dee Estuary we fully endorse and encourage the proposed investigation into salmon migration.
- 26 Given the importance of some shell fisheries e.g. Whelks, in surrounding areas we suggest that the survey design ensures adequate sampling of the epibenthos to assess the area.

Noise

- 27 The scoping report does not provide any detail on assessment related to underwater noise that is planned for the EIA for the Burbo Bank Extension OWF project. Table 11 notes the potential impact of construction noise to fish, birds and marine mammals.
- 28 An assessment of the impact of underwater noise due to the OWF development should be undertaken. Should this assessment rely on existing measured pile-driving noise then it is important that these are validated against the water depths, sediment type and foundation types proposed for the Burbo Bank Extension, as these factors can cause differences in noise propagation and sound pressure levels during construction.
- 29 The EIA should consider background levels in establishing an impact hypothesis; future monitoring will require direct measurements to establish a quantifiable baseline.
- 30 Close links with the outputs of other sections, such as the fisheries assessment will be required in identifying potential sensitive receptors (e.g. nearby sole spawning areas). Where the potential impact zone from the propagation of underwater noise overlaps with potential spawning grounds (Coull *et al* 1998), it is likely that a timing restriction will be imposed on 'noisy' activities, e.g. seismic surveys and pile-driving during the spawning season of the key species of the area. This is the default position based on the available evidence, however, this should also be the trigger for developers to take action to:
- Ensure that the costs for such downtime on pile-driving are properly factored into the budgets and schedules for the construction of the offshore wind farm at the earliest opportunity;
 - Investigate the need and scope for more detailed studies at the site to better define the timing and extent of the peak spawning period (via a combination of sea bed, newly hatched larvae and spawning/maturity state surveys) – this may require a series of surveys over a number of years (the extent and specification of such surveys should be agreed with Cefas);
 - Undertake underwater sound propagation modelling, calibrated with locally relevant sound and seabed topography data;
 - Investigate mitigation measures that can be designed into the construction or tested on site early in the project development to reduce sound emissions.

Conclusion

- 31 The items highlighted in this letter should be considered in the Environmental Impact Assessment process, and we would like to see the outcome of our suggestions in the subsequent Environmental Statement. However we do not see this letter as a definitive list of all Environmental Statement / Environmental Impact Assessment requirements and other subsequent work may prove necessary.

Please contact me if you wish to discuss further.

Regards

Ross Hodson
Marine Environment Team
Marine Management Organisation

From: [Casework North Region](#)
To: [IPC Scoping Opinion;](#)
Subject: FAO Ms K Fry Burbo bank extension
Date: 05 August 2010 17:20:56
Attachments: [1424000 IPC Burbo Bank Extension Scoping Report Response 2010.08.05\[1\].pdf](#)

Please find attached the Countryside Council for Wales response to the Burbo Bank Extension Scoping Report. I would be grateful if you could confirm that you have received this e-mail.

Kind regards

Delyth Wyn Rowlands
Marine casework officer
CCW North Region
01248672500

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



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY

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Ein Cyf/Our Ref: Burbo Bank /DWR/1424000
Eich cyf/ Your ref: 100709_EN010026_163801

5th August 2010

Dear Ms Fry,

CCW SCOPING OPINION FOR PROPOSED EXTENSION TO THE BURBO BANK OFFSHORE WINDFARM.

Thank you for your consultation dated 9th July 2010 seeking the Countryside Council for Wales' (CCW) advice on the information that should be included in the Environmental Statement (ES) for the above proposed development.

In discharging its functions under Section 130 of the Environmental Protection Act 1990, the Countryside Council for Wales champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

Our comments on the above development are made in the context of CCW's role as a statutory consultee under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 for nationally significant infrastructure projects. CCW has provided advice on the matters that will need to be considered by the Environmental Impact Assessment (EIA) based on the information provided in the current Burbo Bank Extension Offshore Wind Farm EIA Scoping¹. Our comments are made without prejudice to any comments we may wish to make on any subsequent scoping reports, planning applications and Environmental Statements that contain new or different information about the proposed development.

The EIA for this development should include sufficient information to enable the IPC to determine the extent of any environmental impacts arising from the proposed development on protected species and other nature conservation, countryside and landscape interests. Issues of key importance are summarised in this letter, supported by a more detailed explanation in Annex 1. We have also provided generic advice about the scope and content of Environmental Statements in Annex 2.

¹ Final Version dated 6th July 2010

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Summary of key issues

1. Significance of Impacts

Throughout the scoping report there is no evidence provided to support the decision to assign the significance levels used for the identified impacts. The significance categories used should be confirmed through consultation with stakeholders, and explained fully in the ES with supporting data and information; as it stands it is not clear how the conclusions regarding significance were reached, whether detailed study and assessment has already taken place or whether they have been arbitrarily assigned. As a result, it may be premature to conclude that some impacts will be minor, thus effectively 'scoping out' these impacts from the rest of the EIA process. We advise the developer to conduct more detailed discussions with statutory consultees in order to ascertain whether or not the impacts warrant further investigation, to make use of up to date information and, where necessary, employ targeted survey work and modelling. The ES will then provide a clearer evidence base for reaching conclusions on the significance and magnitude of impacts.

2. Cumulative Impacts

The scoping report does not provide enough information on how cumulative and in-combination impacts will be assessed during the EIA; we would therefore recommend that this assessment should be made in consultation with statutory consultees and other stakeholders in order to ensure that the full range of activities and developments that might need to be considered are captured. For example, a key omission is consideration of the Round 3 Irish Sea Zone; although still at an early stage of planning, offshore wind turbine arrays built in this zone could have the potential to interact with the Burbo Bank extension. Construction of the consented Gwynt y Môr is to commence next year; it is therefore likely that the construction phases of this and the proposed Burbo Bank extension will coincide, potentially contributing to cumulative impacts.

3. Mitigation Measures

Having identified a number of potential impacts on various environmental receptors, the scoping report should explore possible mitigation measures to address these impacts. Although we recognise that at this stage of the EIA process the magnitude and significance of impacts have not yet been quantified, it should nevertheless still be possible for the developer to provide some form of generic 'best-practice' list of mitigation measures for each impact topic in the report. Although likely to be subject to change as project details of the proposed development are clarified and detailed impact assessment takes place, this will form a good basis for the subsequent EIA and allow more informed, detailed discussions on impacts and mitigation options between the developer and consultees.

In formulating the proposed mitigation and monitoring packages, we would advise that the developer consults with statutory consultees in addition to using experience gained from the R1 and R2 offshore wind farm leasing rounds and results from site-specific monitoring. This will help ensure that mitigation and site-specific monitoring is fit for purpose and able to detect impacts on receptors of concern, thus enabling issues to be addressed if necessary.

4. Habitats Regulations

There is very little information provided in the scoping report regarding the Conservation of Habitats and Species Regulations 2010 and the Habitats Regulations Assessment process in considering the effects of the proposed development on sites such as SACs and SPAs; this should be given more detailed consideration and discussed at the scoping stage. As outlined in our generic scoping advice (see



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Annex 2) given to offshore wind farm developers, the EIA should collect enough information regarding such possible effects to enable the competent authority to conduct a test of 'likely significant effect', and subsequently an Appropriate Assessment if deemed necessary. We encourage the developers to discuss this aspect of the EIA with statutory nature conservation authorities and other consultees throughout the process and preparation of the ES.

Bae Lerpwl / Liverpool Bay pSPA which qualifies for its important wintering populations of common scoter, red-throated diver and its water birds assemblage will be one of the principal sites which will require assessment under the Habitats Regulations. We expect all possible impacts of the proposed scheme on the pSPA including disturbance, displacement, barrier effect and indirect effects on prey availability through changes to benthic habitats to be fully addressed by the ES.

5. European Protected Species

The section of the scoping report on potential impacts on marine mammals does not address potential effects on European Protected Species (EPS) and the requirement for a licence should there be a risk of injury or significant disturbance to these species. The ES should address all legislation affecting the proposed development and their requirements. The issue of EPS should be considered at an early stage to ensure that decisions about the need for a licence and possible mitigation to meet the requirements of any approval can be addressed prior to application; we would therefore urge the developer to discuss this matter with the licensing authority and statutory consultees. Further details of the legislation applying to EPS, and requirements for licenses, are given in Annexes 2 and 3 of this response.

6. Decommissioning

There is insufficient detail about the decommissioning stage of the proposed development. To be complete, an EIA must consider all stages of the life-span of a proposed development, i.e. construction, operation, and decommissioning. The developers should consider potential impacts of decommissioning at this stage, for example, an issue to consider could be the loss of biodiversity/habitats that have built up on colonised sub-sea structures during the operational life of the wind farm, or the disturbance of an ecosystem that had reached and maintained equilibrium following construction of the development. Although it is possible that in 20-30 years' time best practice for decommissioning and knowledge about associated impacts may have changed, it is an issue that should still be considered as far as possible at the project application stage.

If you would like to discuss any aspect of this response, please do not hesitate to contact me (d.rowlands@ccw.gov.uk / tel: 01248 672500).

Yours sincerely



Delyth Rowlands
Marine Casework Officer
North Region

cc. Louise George – Welsh Assembly Government
Tamsin Brown – Welsh Assembly Government
Ron Loveland – Welsh Assembly Government
Prys Davies – Welsh Assembly Government
Mark Johnston – Natural England
Ross Hodson – Marine Management Organisation



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ANNEX 1: DETAILED COMMENTS ON THE BURBO BANK EXTENSION OFFSHORE WIND FARM ENVIRONMENTAL IMPACT ASSESSMENT SCOPING REPORT

GENERAL

1. Use of alternatives

The report for the EIA should include a section of alternatives to the currently proposed development. The consideration of alternatives is a key requirement of the EIA Directive, and the relevant section of the ES should include alternatives such as a 'no development' scenario and the different locations/site areas/turbine layouts etc. considered. An explanation of the earlier iterations of the project considered, and the reasons for the changes made to the project proposal should be included. The implications for the environment associated with each alternative considered by the report should also be assessed/discussed.

2. Marine non-native species

Invasive non-native plant and animal species are a threat to UK biodiversity. They can negatively impact on native species and cause damage to the environment. We recommend that a bio-security risk assessment is carried out for the site and included in the ES. This should include a survey to ascertain if alien species are on site and an investigation of the pathways that may carry non-native organisms on to the site (e.g. contaminated machinery). If alien species are found on site then a detailed strategy for their control and eradication would be required. Could the applicant please advise whether there have been any surveys undertaken regarding the colonisation of the existing wind farm base?

1. INTRODUCTION

1.3.3 page 15 The text states that "No maximum size of extension was set, however the scale of the extension should be appropriate for the scale of the original site". We question how a project four times the size of the original operational wind farm may be termed an 'extension'?

1.4.1 page 16 The developer should be aware of Government's intention to review the Draft Energy National Policy Statement and should ensure that subsequent ES submissions have taken the potentially revised document into account.

1.4.4. page 19 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) have been replaced by the consolidated Conservation of Habitats and Species Regulations 2010 in England and Wales. These regulations apply in the terrestrial environment and in territorial waters out to 12 nautical miles. In UK offshore waters The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010 apply, and afford the same protection to designated sites and European protected species.

1.4.4.1 page 20 In reference to the use of the 'Rochdale Envelope' approach, defining the worst-case scenario is often difficult, given uncertainties about the detailed design and full range of impacts of a development, and it cannot be guaranteed that all possible impacts can be identified and explored prior to actual construction and operation. We would urge the developer not to assume that all possible impacts can be addressed and mitigated against in employing this technique, especially given the scale of the development and the potential use of new and emerging technologies. We encourage continued discussion and consultation with ourselves and other consultees in order to ensure that the full 'envelope' of impacts can be clearly defined for EIA purposes.



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2. PROJECT DESCRIPTION

2.5 page 24 There is currently no detail provided with regard to the relative size of the offshore substation and the location of the structure is yet to be determined. Whilst we appreciate that the application is in its early stages and these details are yet to be established, it is presently difficult to gain an appreciation of the potential impacts to the offshore and subsequently onshore physical environment. The oceanographic surveys and the review of coastal processes conducted by ABPmer in 2002 on the operational Burbo Bank wind farm will not have assessed the impacts of this structure as one was not required under the original scheme. We would like clarification as to how the potential impacts of the offshore substation will be evaluated, as it is not clear whether the potential impacts of the offshore substation have been accounted for in Table 2.

2.7 page 25 As much detail as possible should be provided on the export cable route, landfall and location of the onshore substation, and as the decision by National Grid becomes clear this detail should be incorporated into the EIA. It is stated that the onshore substation is expected to be in the Wirral, however, if this aspect of the project plan should change and the alternative option of a substation near the Deeside Power Station be used (or any other site in Wales), then we would expect the developer to engage and consult with us and other stakeholders in more detail about the potential impacts.

3. SCOPING OF ENVIRONMENTAL IMPACTS

3.2.1 page 27 In reference to the overview of the proposed site, Gwynt y Môr and North Hoyle offshore wind farms are detailed in the text; however, there is no mention of Rhyl Flats offshore wind farm which is also located within this offshore environment, and should be also referred to within this section and taken into consideration when assessing potential cumulative impacts.

3.2.2 & 3.2.3 pages 27&28

The overview of the offshore physical environment contains insufficiently vague descriptions of the area's physical conditions and meteorology considering that these factors have been investigated previously by ABPmer 2002 (Table 3). The ES should provide a more detailed description of these factors in order to gain an appreciation for the baseline environment and the potential impacts as a result of the extension to the Burbo Bank development. Furthermore, this section does not include a description of the sediment transport regime or baseline suspended sediment concentrations of the offshore environment. We recommend that these baseline factors are also considered by the EIA and described in the resultant ES.

3.2.5 Table 2 page 29 The process used to identify potential environmental impacts is unclear; there is no description of the methodology used within this scoping stage of the development. It is also unclear which potential impacts have been deemed to have no significant environmental impact i.e. screened out of the assessment prior to submission of the scoping report. It would be beneficial to include a description of the methodology used to screen potential environmental impacts and what data/information has been used to inform this assessment (see also Key Issue 1 detailed in the main body of the letter).

Table 2 implies that potential environmental impacts during construction and decommissioning phases have been assessed together, and one measure of significance is assigned to both phases of the development. It is likely that different techniques are likely to be employed during the construction and



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decommissioning stages and therefore different impacts may occur. We recommend assessing the potential environmental impacts during construction and decommissioning separately, to account for differences in activity/operations and potential environmental impacts.

It should be noted that the potential environmental impacts within construction and decommissioning phases are also likely to change, depending on the stage of construction and decommissioning. For instance, any physical perturbation to the physical coastal environments during the construction and decommissioning stages is unlikely to remain constant, and there is likely to be a period where an impact is more and less significant. The EIA should account for any change in the significance of an impact within the different development stages.

Minor impacts on coastal processes are predicted during the operational phase of the proposed development; however none are predicted within the commissioning and decommissioning phases. It is difficult to appreciate the rationale for this omission, since the assessment and screening of potential impacts is not provided. The summary of potential impacts has been restricted to a table; we recommend that a more detailed explanation is provided of potential impacts upon the offshore physical environment within the ES to ensure transparency and improve understanding.

3.2.6 Tables 3 & 4 pages 30-32 Please clarify whether the reports identified in Table 3 were undertaken pre- or post-construction of the original Burbo Bank offshore wind farm, as this distinction is presently unclear. It will be important to use the data collected/studies performed after the development as this would take account of the most recent changes to the physical coastal environment.

We recommend that the proposed geophysical surveys should extend beyond the proposed development site in order to put site-specific data and potential impacts into context.

The scope of the Oceanographic and Meteorological (MetOcean) study is presently unclear. Clarification is needed as to whether this study will involve the collection of new data/surveys or whether it is intended to be a desktop based assessment. Study boundaries and locations should also be provided; without this detail it is difficult to assess the validity of the proposed study.

Clarification is also needed on how the coastal process study will assess the magnitude of changes caused by the project on the hydrodynamic and sediment transport regime i.e. the data that will be used to inform this study. If the intention is to use the Oceanographic and Meteorological (MetOcean) study it will be necessary to ensure that the scope and location of this assessment is compatible. Furthermore, if no new hydrodynamic data is to be collected, it needs to be ascertained that the study conducted for the original Burbo Bank scheme holds sufficient data to perform this assessment.

3.3.2 pages 33 & 34 The literature referenced in this section is dated. We recommend that the applicant makes reference to the more recent 2004 biotope mapping survey which covered the landfall area, undertaken by ICES for Natural England. Maps would also be useful, detailing the habitats listed in Table 5.

3.3.3 pages 34 & 35 We advise that this section is expanded to include detail on the nature of the fleet which operates in Liverpool Bay (e.g. small inshore vessels, large UK or other EU member state vessels). The use of Liverpool Bay for recreational sea angling should be noted and reference should also be made to scallop fishing activity in the area. We recommend that more up to date fishery



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statistics are obtained from the Marine Management Organisation and used to inform the EIA and resultant ES?

3.3.4.2 page 38 For clarity this section should begin by stating which SPAs and SSSIs are likely to be affected by the development, and should also take Section 42 species such as herring gull and black-headed gull into consideration. Table 7 (page 41) lists SPAs which may potentially be affected by the development; however, it only considers the features of SPAs which have been recorded at the operational Burbo Bank offshore wind farm site. Those species which have been noted during surveys have obviously utilised the site, but without an indication of the scope of the data used it is difficult to ascertain whether or not other feature species are using it, for example during migration or diurnal movements. Consideration should also be given to SSSI sites and their features.

From CCW's perspective, in addition to Bae Lerpwl / Liverpool Bay pSPA the following sites and their features should be considered for ornithological impacts:

- The Dee Estuary SPA; The Dee Estuary/ Aber Afon Dyfrdwy SSSI
- Traeth Lafan/ Lavan Sands, Conway Bay SPA; Traeth Lafan SSSI
- Ynys Feurig, Cemlyn Bay and The Skerries SPA
- Pen y Gogarth / Great Ormes Head SSSI
- Creigiau Rhiwledyn / Little Ormes Head SSSI
- Other far field sites such as Glannau Aberdaron and Ynys Enlli/ Aberdaron Coast and Bardsey Island SPA; and Skokholm and Skomer SPA (in relation to broad-scale movements and migration)

The text on page 38 states that '*It can be concluded that the usage of the Project site by Red-throated Divers and Common Scoter is higher than at the Operational Wind Farm site. However in relation to the rest of the wider area the usage is lower*'. This statement should be confirmed or otherwise by EIA survey work, and the ES needs to show the supporting data. It would appear that assumptions are being made in the scoping report based on a limited set of data, whereas site-specific data should be used for the purposes of EIA.

It should be noted that red-throated diver are considered to have a very high sensitivity to wind farms (Garthe & Huppopp, 2004) and it has been noticed at a number of wind farms that this species have been displaced from the area of deployment and have still not come back into the site.

3.3.4.3 page 45 DONG Energy indicate that the ES and Appropriate Assessment (AA) requirements can be suitably informed by one year's worth of ornithological survey work, due to the high level of data already available. However, we note that the Burbo Bank area and buffer zone areas for which ornithological data is held does not include the proposed extension area, which itself is only covered by the less intensive WWT aerial surveys. We would recommend undertaking two years' worth of surveys to give more up to date data as well as covering the extension area more specifically.

With regard to surveys undertaken previously, it would be useful if they could be shown on a map in order to gain a better understanding of where exactly the different species have been spotted in relation to the proposed extension. As detailed in our advice in Annex 2, use of maps and drawings that can be overlaid is a useful way of putting the proposed development in an environmental context.

3.3.5 page 49 It stated that "*legislative amendments have been made which have significant*



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implications for marine mammals"; reference should be made to the protection afforded to them under the Habitats Regulations. Greater consideration needs to be given to impacts such as noise and pile-driving on marine mammals, and more detail provided on the significance of these impacts. It is unclear from Table 11 how the conclusion of "*minor and temporary impact*" during construction and "*negligible to no impact*" during operation was derived, and supporting data should be provided for this assignment of significance level. Long-term behavioural impacts, such as displacement from the development area should be considered. The requirement of a licence should there be a risk of injury or significant disturbance to any European Protected Species needs to be addressed, and possible mitigation measures described. Further details on the legislation protecting cetaceans is provided in Annexes 2 and 3

3.3.6 pages 49 & 50 It is important that this section lists all relevant sites and features; the designated features of many of the sites currently listed are incomplete.

3.3.6.3 page 51 We question whether *Sabellaria spinulosa* should read *Sabellaria alveolata*, which is an intertidal species and known to occur nearby at Hilbre.

3.3.8 Table 13 page 56 No specific field surveys for marine mammals are proposed; greater detail on how this information will be collected as part of ornithological surveys should be provided. For instance, is there to be a dedicated marine mammal observer(s) on these surveys? In light of the potential for disturbance of EPS, we would recommend that the developer considers the survey and monitoring work for marine mammals carefully, in order to ensure that data required for the purposes of consenting and granting licences is collected.

3.4.11 page 62 We recommend that the developer consults English Heritage with regard to their Historic Seascape Characterisation work for Liverpool Bay in order to assess all possible impacts on archaeological and cultural heritage.

3.4.14 page 62 The proposed extension would be closer and of a much greater horizon spread when viewed from Wales than was the case for the original proposal. However the development would still be at some distance (12km) from the Welsh coastline, and the proposed turbine height to hub (90m) is near similar to the existing turbines height to hub (88m). We are aware that there are a number of other offshore wind farms within the Liverpool Bay area, both built and proposed.

We consider that a brief but succinct assessment of effects on regional seascapes is needed to identify and quantify the types and levels of effect on sensitive receptors. When developing a method, the main reference on seascape and visual impact assessment is the former DTI document, available on-line at: <http://www.berr.gov.uk/files/file22852.pdf>

The seascape assessment should identify key receptors at a regional scale, for which Wales has a key baseline reference, available on-line at: <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/seascapes/seascape-assessment-of-wales.aspx>

In particular, we recommend that the developer refers to regional seascape units 1 (Dee Estuary) and 2 (Point of Ayr to Little Orme).

From CCW's perspective, the key issues with regard to seascapes and visual impacts are;

- The visual effects of development in the sea as seen from sensitive coastal and landscape receptors, in particular the Clwydian Range AONB and the remaining undeveloped section of coastline around Gronant Dunes/Point of Ayr.
-
- The cumulative visual effects of the proposed development in association with other existing or consented developments in the Liverpool Bay area (including Gwynt y Môr). The use of wireframes to show the proportion and locations of horizon spread of the various wind farms would be helpful to us in assessing this application. For example, it appears that from Welsh shores views down the Dee Estuary could have the open sea horizon almost entirely filled by wind turbines.

3.4.15 page 63 The section on noise and vibrations impacts should also consider effects on the biological environment, such as disturbance to marine European Protected Species. We recommend that in producing the ES, relevant impact topics are cross-referenced, as a number of impacts and sensitive receptors will interact.

3.6 page 79 In considering cumulative impacts the EIA should not only focus on other existing offshore wind farms west of the proposed development, but should also consider those currently in the planning process which are widely publicised and recognised as having a high likelihood of taking place e.g. the Round 3 Irish Sea Zone.

A list has been provided of potential significant cumulative impacts caused by the Burbo Bank extension that would require assessment; however, consideration of cumulative and in-combination impacts should not be limited to the list currently provided by the scoping report as several potential impacts are missing. For example, changes to the hydrodynamics and sediment transport regime as a result of perturbations in the offshore environments (due to the proposed development) have the potential to influence near-shore coastal processes and subsequently the morphology of European Site habitats. It is also necessary to clarify whether potential far field effects will be assessed within the cumulative and in-combination impacts.

4. WAY FORWARD

4.2.1.2 Table 23 page 84 It should be noted that CCW should be consulted via the North region Marine Casework officer, Delyth Wyn Rowlands in the first instance during future formal consultation processes.

APPENDIX A

Page 91 The EIA should consider effects of the proposed development on the intertidal community; however, it is not clear from the suggested contents outline where this will occur. We recommend structuring the 'Onshore Biological Environment' section of the ES in a similar fashion to that outlined for 'Offshore Biological Environment', breaking the section down into species groups or impact receptors rather than stages of the wind farm development.



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ANNEX 2 THE COUNTRYSIDE COUNCIL FOR WALES' (CCW'S) SCOPING ADVICE FOR AN ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR OFFSHORE WIND FARM DEVELOPMENTS

The comments below outline key matters that CCW consider will need to be taken into consideration as part of an Environmental Impact Assessment (EIA) and included in the report submitted alongside an offshore wind farm application.

1. SCOPING FOR AN ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Environmental Impact Assessment (EIA) should include sufficient information to enable the planning authority to determine the extent of any environmental impacts arising from the proposed scheme on ecological and landscape interests and the public's access to the countryside.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short medium and long term; permanent and temporary; positive and negative, and construction (including impacts of construction site access) operation and decommissioning phase impacts on the nature conservation resource, landscape and public access.

Key concerns for CCW are potential impacts on mammals, birds and seascapes, and, although it is not necessary to address these issues in full at the scoping stage, it is helpful to explore some of these issues in some detail. For example, the report should outline how potential activities associated with the development (e.g. foundation piling, increased presence and activity of construction/maintenance vessels, cable laying) may affect marine mammals and how these might need to be mitigated to avoid significant effects. Although it is often not possible to draw final conclusions about this issue, more detailed examination in the scoping report would provide a better basis for assessing the need for further work during the pre-application stage; particularly in relation to satisfying the requirements of consents (such as the Marine Act licence) that would also need to be obtained before submitting an application to the IPC.

2. GUIDANCE

Useful guidance relevant to offshore wind farms and other marine developments and activities is available, and we would recommend that the developer refers to these documents in conducting the EIA. Although still in draft form, copies can be made available to the developer upon request. These include:

- Offshore wind farm EIA guidance– currently being drafted by MMO with input by statutory consultees
- European Commission (2010) Guidance Document: Wind energy development and Natura 2000. Final draft document
- JNCC (2010) *The protection of marine European Protected Species from injury and disturbance: Guidance for the marine area in England and Wales and the UK offshore marine area.* Currently in draft form

To support consenting of Round 3 offshore wind farm developments, the Crown Estate has initiated a programme of Enabling Actions that will address key knowledge gaps. We would recommend that the developer maintains an overview of and utilises these pieces of work as appropriate. A broad range of



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information specific to offshore renewable energy developments has also been drawn together by the Offshore Energy Strategic Environmental Assessment and this will be supplemented by the forthcoming Offshore Energy SEA2.

For landfall of export cables and grid connection along the Welsh coastline, and other potential terrestrial impacts of the proposed development, the following policy guidance and documents would need to be taken into consideration:

- Welsh Assembly Government (March 2002). *Planning Policy Wales*. Welsh Assembly Government, Cardiff.
- Welsh Assembly Government (September 2009). *Technical Advice Note 5 - Nature Conservation and Planning*. National Assembly for Wales, Cardiff.
- Welsh Office Circular 11/99: *Environmental Impact Assessment (EIA)*.
- Welsh Assembly Government (2005). *Technical Advice Note 8 – Planning for Renewable Energy*. Welsh Assembly Government, Cardiff.
- Welsh Assembly Government (1998). *Technical Advice Note 14 – Coastal Planning*. Welsh Assembly Government, Cardiff.
- Welsh Assembly Government (2005). *Ministerial Interim Planning Policy Statement 01/2005 Planning for Renewable Energy*. Welsh Assembly Government, Cardiff.

Other guidance and best-practice for specific issues to be addressed by the EIA, where missing from the scoping report and considered useful to the developer, have been referred to in our detailed comments on the scoping report contained in Annex 1.

3. DESCRIPTION OF THE PROJECT

The entire scheme should be described in detail. This description should cover construction, operation and decommissioning phases and include detailed, scaled maps and drawings as appropriate.

We would expect the description to include:

- The purpose and physical characteristics of the proposal;
- Location, development size and configuration of the development including flexibility of the site layout and details of the connection to the National Grid;
- Turbine support structures and foundations to be used, the location and size of offshore platforms, the number, location and route of subsea cables, depth of cable burial, and details of scour protection and/or cable armouring to be used;
- Spatial 'footprint' and other physical features of the project;
- Procedures for good working practices;
- Resource use, including waste, minerals and energy;
- Identification of appropriate pollution contingency and emergency measures;
- Timing of all works and contingency plans, should slippage in the programme occur;
- Details of noise levels from all relevant activities involved in the construction, maintenance and decommissioning of the project;
- Details of construction works including methodology, location and extent of construction sites, construction access/working corridors and stock piling sites;
- Quantity and content of any discharges from the development site;
- Details of the disposal of any surplus dredged material e.g. material displaced from laying turbine foundations or cable trenching and burial;



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- Maintenance requirements of structures;
- Maintenance of any habitats within the development site;
- Identification of appropriate contingency plans for any emergency incidents on the site.

CCW recommend that the decommissioning phase is also included within the scope of the EIA, so far as this might be practical, since when turbines or other structures pass their operational life it would be expected that they will be removed from the site and recycled or disposed of in an environmentally sound manner.

Ancillary development

Projects such as this bring with them their own related developments, often referred to as ancillary development. These may be constructed and operated by a different developer and could be assessed as a separate project, but are inextricably linked to the original project. The cumulative impacts of the project and ancillary development could potentially be significant. If however, the ancillary development is not included in the assessment, the Environmental Statement may not identify such a degree of adverse impact. By not including the ancillary development the assessment would therefore not fully reflect the environmental impacts of the whole project.

Information on ancillary development associated with the project, which may be controlled by another developer, should be obtained where possible at the scoping stage. This information will enable potential indirect and cumulative impacts and impact interactions arising from that development to be considered as early as possible in the EIA. If insufficient information is available to allow an assessment, this should be reported in the Environmental Statement to ensure that it is considered as part of the decision-making process.

Failure to consider the impacts of ancillary development linked to this proposed development is likely to render the EIA incomplete as it will not have considered all associated impacts of the proposal.

Illustrations within the Environmental Statement

We recommend that any maps, drawings and illustrations that are produced to describe the project should be designed such that they can be overlaid with maps, drawings and illustrations produced for other sections of the EIA such as biodiversity. For example, it is particularly important that turbine locations can be shown in relation to benthic habitat survey maps, to ensure that Annex 1 habitats and other benthic features of conservation concern are not impacted.

Layout of turbines

Appropriate illustrations should be included in the Environmental Statement to confirm the locations of each turbine. If turbines of different heights, or utilising different foundation types, will be deployed this should be clearly shown.

4. DESCRIPTION OF BIODIVERSITY

The EIA must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with an assessment of the significance of any likely impacts.



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In addition to considering impacts on designated conservation sites and species groups of key concern (see below), other species listed under Section 42 of the Natural Environment and Rural Communities (NERC) Act (2006) are important for the conservation of biological diversity in Wales, and it is expected that these species would also be considered within the EIA. Information about habitats and species listed under S.42 of the NERC Act may be found on the Wales Biodiversity Partnership website (www.biodiversitywales.org.uk)

4.1 THE SITE AND ITS ENVIRONMENT

The assessment should include a description of the aspects of the environment likely to be affected by the development; including the flora, fauna, soil, water, air and the inter relationship between these. Of particular relevance to this scheme are:

Statutory Nature Conservation Sites

The EIA should consider the likely impacts on statutory nature conservation sites (SSSI, SPA, SAC, Ramsar sites) in the vicinity of the proposed development. Digital boundaries for statutory sites may be obtained from CCW's website (www.ccw.gov.uk).

European sites (SAC and SPA) and Ramsar sites

Specific information about these sites including citations explaining the reasons for their notification, maps showing the extent of the notified site, and their conservation objectives is available from CCW's website (www.ccw.gov.uk). These will be needed in order to consider and assess the impacts of the development, and provide the determining authority with the relevant information so that they may assess the proposals in accordance with the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (hereafter referred to as the 'Habitats Regulations').

General information about European sites and Ramsar sites is available on the Joint Nature Conservation Committee's (JNCC) website (www.jncc.gov.uk). Some details are also given regarding the notified features of sites, however it should be noted that this information may not be accurate and up to date and therefore we would advise reliance on the original legal documentation for the notification of such sites, which we can supply.

Sites of Special Scientific Interest (SSSI)

Full information about each SSSI including the following is available from CCW's website:

- Citation – which detail the reasons why the site has been notified;
- List of Potential Damaging Operations – listing the operations that could potentially damage the site;
- Map – showing the extent of the notified site;
- Site Management Statement – setting out the management required to maintain the notified features of the site; and
- Favourable condition status information about the site.

Full details should be provided of the likely impacts of the proposals on the notified features of these sites and their significance, along with comprehensive information about the measures that will be put in place to, in priority order:



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- i. avoid damage to SSSIs;
- ii. mitigate for any unavoidable damage to SSSIs; and
- iii. compensate for any unavoidable SSSI damage that cannot be mitigated for.

Habitats Regulations Assessment

Proposed developments likely to significantly affect European sites (SAC, SPA), either alone or in combination with other plans or projects, require special consideration by the competent authority under Regulation 61 of the Habitats Regulations. As a matter of Government policy, the same applies to Ramsar sites. Competent authorities may only permit proposals where they will not adversely affect the integrity of European sites or Ramsar sites.

The process of the IPC's special consideration of development proposals likely to affect European sites (and Ramsar sites) is known as Habitats Regulations Assessment (HRA) and it takes into account the conservation objectives of the site(s) concerned. It is an additional requirement to Environmental Impact Assessment; however, the information contained within the Environment Statement may be of relevance and be used in the HRA. The HRA process is a two stage process, the first stage being a 'test of Likely Significant Effects' to establish whether the proposals are likely to result in significant effects on European sites or Ramsar sites. If this establishes that significant effects are likely, or there is uncertainty whether significant effects are likely to result, then a full HRA is required.

CCW recommends that sufficient information is provided in support of an application for these proposals in respect of both the EIA and HRA processes. This should include all of the measures that will be implemented to prevent damage to the European sites and/or Ramsar sites in the vicinity of the proposed development. Although there are no designated European sites in the proposed development zone, the potential far-field effects of the Burbo Bank extension on sites and their species and/or habitat features should be fully assessed by the EIA.

Birds

The Environmental Impact Assessment should consider the potential impacts of the proposals on birds, in particular those that are:

- Notified features of statutory nature conservation sites within or in the vicinity of the proposed development;
- Legally protected through the provisions of Section 1 of the Wildlife and Countryside Act 1981 (including those listed on Schedule 1 of the Act);
- Listed on relevant local Biodiversity Action Plan(s);
- Listed as priority species for Wales under Section 42 of the Natural Environment and Rural Communities Act 2006; and
- Listed on the Welsh red and amber lists of birds of conservation concern.

An assessment of the wind farm's potential effect on birds should thoroughly consider each of the three potential risks for each bird species that uses the site:

1. Displacement through indirect loss of habitat if birds avoid the wind farm site and surrounding area due to disturbance during turbine construction and operation/maintenance;
2. Death through collision or interaction with turbine blades;



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3. Direct or indirect habitat or prey loss through the construction of wind farm infrastructure.

European Protected Species

Certain species listed in Annex IV(a) of the Habitats Directive and whose natural range includes any area in Great Britain are legally protected under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') and Offshore Marine Conservation (Natural Habitats &c) Regulations 2010 (Offshore Marine Regulations). The Regulations prohibit the deliberate capture, injury, killing or disturbance of any wild animal of a European Protected Species (EPS), which in UK waters consist of several species of cetaceans (whales, dolphins and porpoises), turtles, and Atlantic Sturgeon. Developments likely to compromise the legal protection afforded these species will invariably require a licence from the Welsh Assembly Government to do so lawfully, subject to certain criteria being complied with. Further details about the legislation concerning European Protected Species and the relevant licensing provisions are provided in Annex 3 to this response.

If European Protected Species are likely to be affected by the proposed development, the Environmental Statement will need to include comprehensive details of all the mitigation that will be put in place to maintain the favourable conservation status of the population(s) concerned. This should follow guidance provided in JNCC's '*The protection of marine European Protected Species from injury and disturbance: Guidance for the marine area in England and Wales and the UK offshore marine area*'. This document is currently in draft form and awaiting publication in 2010, but a copy can be provided to the developer upon request.

4.2 POTENTIAL MITIGATION AND ENHANCEMENT MEASURES

With respect to nature conservation interests that could be affected by the development, it is only possible at this stage to advise on general mitigation measures. We would welcome the opportunity to discuss this issue in greater detail as the development progresses and there is greater certainty about the exact number, type, size and location of turbines and foundations to be used, the activities involved in construction, and the timing of construction phases. In order of priority, the scheme should seek to:

- i. avoid damage to interests within the area that will be affected by the proposed development;
- ii. mitigate any damage that cannot be avoided; and
- iii. compensate for any unavoidable damage that cannot be mitigated for.

The Environmental Statement should include a detailed description of all the measures that will be implemented to avoid, mitigate and if necessary, compensate for any significant adverse effects on the environment. These measures should be relevant and proportionate to the nature and scale of the likely adverse impacts. Such measures could include micro-siting of turbines, using foundation types that do not require piling, employing mitigation measures to avoid adverse noise impacts on species, and changing the timing of construction to avoid sensitive periods for species (e.g. seabird breeding season).

4.3 MONITORING AND SURVEILLANCE PRE-, DURING AND POST-CONSTRUCTION

Given the size and scale of the proposed Burbo Bank offshore wind farm extension, and uncertainty over the potential cumulative and in-combination impacts arising from Round 3 offshore wind farm



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developments on populations of species of conservation concern, the need for continued monitoring and assessment is important and should form a part of any wind farm proposal. We therefore recommend the EIA include details of a monitoring programme that allows confirmation or otherwise of the predictions of the EIA. This should also cover all protected species affected by the scheme relating to both construction and operational phases of the development; in practice, in the marine environment of Wales this relates to consideration of cetaceans only.

Monitoring should also be linked to support any necessary contingency plans and adaptive management. It may be necessary to amend construction procedures if the monitoring programmes identify adverse impacts linked to construction or post-construction activities and CCW would wish to be consulted on the development of these plans.

5. DESCRIPTION OF THE SEASCAPE AND VISUAL IMPACTS

The EIA must include a description of all the existing landscape and seascape interests within the vicinity of the proposed development. These should include protected landscapes, historic landscapes, and assessments of the seascape character potentially impacted by the development.

In conducting the Landscape, Seascape and Visual Impact Assessment (LSVIA), we would recommend the developer refer to the recent CCW policy research report on seascapes in Wales and their sensitivity to offshore developments in Wales². We would also encourage the developers to consult with ourselves and other consultees and stakeholders to consider, and if necessary resolve, landscape and seascape issues associated with the development.

We would recommend that both wireframes and photomontages are produced for each viewpoint used in the LSVIA. The views in photographs and photomontages taken to assist with this process should be representative of that observed from each viewpoint and not partially obscured by structures such as buildings, pylons, telegraph poles etc. It would be helpful to have a second set of photos/photomontages included in the ES that superimpose the turbines from this development, and any other developments with a visual impact that already exist or are presently in consideration in the planning process.

6. CUMULATIVE AND IN-COMBINATION EFFECTS

In assessing the potential impacts of the proposed development on ecological and landscape interests, the EIA should consider the potential cumulative and in-combination impacts of this wind energy development along with:

- Other marine renewable energy developments in the area that already exist or have planning permission; and
- Proposals for other marine renewable energy developments in the area that are in the public domain (i.e. those that are presently under consideration in the planning system).

Consideration should also be given to other activities and types of developments (whether planned/consented/under construction/operational) that have potential to interact with the proposed development, and should not be limited to other wind farms. It should be noted that it is not necessarily only 'major' projects that have significant impacts on the environment, and interaction between two or more activities/developments can have a multiplicative impact effect.

² CCW Policy Research Report No. 08/5 *Welsh seascapes and their sensitivity to offshore developments*. Briggs, J.H.W. & White, S. (2009). Available at: <http://www.ccw.gov.uk/landscape-wildlife/protecting-our-landscape/seascapes/seascape-assessment-of-wales.aspx>



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7. WIDER ISSUES

Period between planning permission and commencement of construction works

If several years may elapse between the granting of planning permission and the commencement of construction works, we would recommend that appropriate ecological field surveys are undertaken during this period to repeat and update those undertaken to inform the EIA and inform the developer of any change of circumstances, for example, with respect to protected species. We recommend that this aspect is covered in the Environmental Statement for the proposals.

Deviation from policy

If the proposed development will deviate from national and/or local policy, full justification should be provided for this deviation in the Environmental Statement.

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ANNEX 3: EUROPEAN PROTECTED SPECIES - LEGISLATIVE PROTECTION

In UK waters, European Protected Species are:

- Cetaceans (whales, dolphins and porpoises)
- Turtles
- Atlantic Sturgeon (*Acipenser sturio*)

All European Protected Species and the places they use to rest and breed are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The Habitats Regulations transpose the requirements of the Habitats Directive (Council Directive 92/43/EEC) into UK law, and the Offshore Marine Conservation (Natural Habitats &c) Regulations 2010 (Offshore Marine Regulations) extend this protection into offshore waters.

Under Regulation 41 of the Habitats Regulations: -

A person commits an offence if he or she:

- (a) deliberately captures, injures or kills any wild animal of a European protected species;
- (b) deliberately disturbs animals of any such species;
- (c) deliberately takes or destroys the eggs of such an animal; or
- (d) damages or destroys a breeding site or resting place of such an animal.

Disturbance of animals includes in particular any disturbance which is likely:

- (a) To impair their ability
 - (i) to survive, breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;
- (b) to significantly affect the local distribution or abundance of the species to which they belong.

Under S.9(4)(b) and (c) the Wildlife and Countryside Act 1981 (as amended):-

A person commits an offence if he/she intentionally or recklessly

- disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or
- obstructs access to any such structure or place.

Where the legal protection afforded European protected species under the Habitats Regulations is likely to be compromised by a proposed development, the development may only proceed under a licence issued by the Welsh Assembly Government (WAG). Under Regulation 53(2) of the Habitats Regulations, WAG may issue licences for the purposes of:

‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.’

Furthermore, a licence can only be issued by WAG if the following two conditions are also met:

- That there is ‘no satisfactory alternative’ (Regulation 53(9)(a)), and that
- ‘the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).



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Cyngor Cefn Gwlad Cymru Countryside Council for Wales

In addition, Regulation 9(5) of the Habitats Regulations confirms that all competent authorities, in exercising any of their functions, must have regard to the provisions of the Habitats Directive so far they may be affected by the exercise of those functions.



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APPENDIX 3

PRESENTATION OF ENVIRONMENTAL STATEMENT

Appendix 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

An environmental statement is described under the EIA Regs 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 Regs regulation 2)

The EIA Regs Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES. Part 2 sets out the minimum requirements and 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 studies by the applicant and an indication of the main reasons for the applicant’s choice, taking into account the environmental effects;
- a non-technical summary of the information provided [*under the four paragraphs above*].

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI 2264 set out the requirements for information which must be provided as part of the DCO application. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information (this is defined in Regulation 2 of the EIA Regs) need not be replicated or included in the ES.

The Commission 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 Commission recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The Commission emphasises that the ES should be a 'stand alone' document in line with best practice and case law.

Schedule 4 Part 1 of the EIA Regs sets out the aspects of the environment likely to be significantly affected by the development which should include '*in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors*' (paragraph 19).

The content of the ES should include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regs. This includes the consideration of 'Alternatives' which the Commission recommends could be addressed as a separate chapter in the ES.

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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 Commission 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 Commission considers that the ES should not be a series of disparate reports and stresses the importance of considering combined and cumulative impacts.

Physical Scope

In general the Commission 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.

Therefore, the Commission recommends that the study area for the EIA should include at least the whole of the application site embracing all offsite development and for certain topics, such as landscape and transport, the study area will need to be wider. The study area for each specialist topic should be clearly defined and determined by establishing the physical extent of the likely impacts in accordance with good practice.

The Commission considers that the study areas should be agreed, wherever possible, with the relevant statutory consultees and local authorities.

Temporal Scope

The assessment should consider:

- environmental impact during construction works;
- environmental impacts on completion/operation of the development;
- environmental impacts a suitable number of years after completion of the development in order to allow for traffic growth or maturing of any landscape proposals; and
- decommissioning.

In terms of decommissioning, the Commission 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, materials can be re-used and the site can be restored or put to a suitable new use. The Commission encourages consideration of such matters in the ES.

The Commission 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 Commission considers that the duration of effects should use a standard terminology, which should be defined.

Baseline

The Commission 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, where possible, be consistent between topics.

The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although the Commission considers that care should be taken to ensure that all the baseline data remains relevant and up to date. The Commission recommends that the baseline environment should

be clearly explained in the ES, including any dates of surveys. Wherever possible the baseline should be agreed with the appropriate consultees.

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.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the Commission 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 Commission 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 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI No. 2264.

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 Regs require the identification of the *'likely significant effects of the development on the environment'* (Schedule 4 Part 1 paragraph 20). Therefore, the Commission 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 Commission 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 Commission considers that this should also apply to the consideration of cumulative impacts and impact interactions.

Potential Environmental Impacts

The Commission considers these under Section 3: the EIA Topic Areas of this opinion.

Impact Inter-actions/Combined Impacts

Multiple impacts on the same receptor should be taken into account. These occur where a number of separate impacts, eg. noise and air quality, affect a single receptor such as fauna.

The Commission considers that the combined effects of the development should be assessed and that details should be provided as to how interactions will be assessed in order to address the environmental impacts of the proposal as a whole.

Cumulative Impacts

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

Other major development in the area should be identified beyond the proposal itself including all the associated development. The Commission recommends that this should be identified through consultation with the local planning authorities on the basis of major developments that are:

- built and operational;
- under construction;
- permitted application(s), but not yet implemented;
- submitted application(s) not yet determined, and if permitted would affect the proposed development in the Scoping Report; and
- identified in the 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 have been taken into account as part of the assessment.

Associated development

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

The Commission recommends that the applicant should distinguish between 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 Commission 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; and should be identified as such in the specialist sections (Schedule 4 part 1 paragraph 21). Mitigation measures should not be developed in isolation as they may benefit more than one topic area.

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

The application itself will need to demonstrate how the mitigation would be delivered, and only mitigation which can be shown to be deliverable should be taken into account as part of the EIA.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions proposed within the 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.

Trans-boundary Effects

The Commission 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 Commission recommends consideration should be given to discharges to the air and sea and to potential impacts on migratory species.

Presentation

The Commission recommends that all paragraphs in the ES should be numbered. This is for ease of reference. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings should be clearly referenced.

Cross References and Interactions

The Commission 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 Regs 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.

Terminology and Glossary of Technical Terms

The Commission 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.

Summary Tables

The Commission recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables to identify and collate the residual impacts after mitigation. This would include the EIA topics, combined and cumulative impacts.

A table setting out the mitigation measures proposed would assist the reader and the Commission recommends that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Order.

The ES should also demonstrate how the assessment has taken account of this opinion and other responses to consultation. The Commission recommends that this may be most simply expressed in a table.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references.

Non Technical Summary

The EIA Regs require a Non Technical Summary (EIA Regs 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.

Consultation

The Commission 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 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 (this term is defined in the EIA Regs under regulation 2 'Interpretation'). This preliminary information could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with s47 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 preliminary environmental information. Attention is drawn to the duty upon applicants under s50 of the Planning Act to have regard to the guidance on pre-application consultation.

Environmental Management

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