

SCOPING OPINION

Proposed Kentish Flats Offshore Wind Farm Extension

December 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 the proposed Kentish Flats Offshore Wind Farm Extension (the Extension) by Vattenfall Wind Power Limited (the Applicant). The proposed development is an extension of the existing Round 1 Kentish Flats Offshore Wind Farm (KFOWF).

This document sets out the Commission's Opinion on the basis of the information provided in the report prepared by Royal Haskoning on behalf of Vattenfall Wind Power Limited entitled 'Kentish Flats Offshore Wind Farm Extension Environmental Scoping Study' (October 2010). 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 satisfied that, with the exception of offshore socio-economic impacts and onshore vibration the topics identified in the scoping study encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

The Commission considers that the ES should include an assessment of the offshore socio-economic impacts associated with fishing, angling, sailing and other applicable activities.

The Scoping Report does not consider the issue of onshore vibration impacts associated with cable installation works. The Commission expects the Applicant to consider this in consultation with statutory consultees.

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 degree of flexibility in the proposal (the Rochdale Envelope) and ability to assess the potential effects of the proposal;
- need for up to date baseline and survey information;
- the need to describe the impact assessment methodology, use of legislation and guidelines or best practice, and to explain how the significance of any impacts will be described or assessed;
- the need to identify the physical scope of the assessment and ensure that this is sufficient to enable consideration of the potential impacts;

- nature conservation impacts;
- cumulative impacts both on and offshore, including the KFOWF, London Array and London Gateway Container Port;
- grid connection works;
- construction phase impacts;
- the need to consider the assessment as a whole and not as a series of unconnected specialist reports; and
- consideration of alternatives.

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

1.0 INTRODUCTION

Background

- 1.1 On 28 October 2010, the Commission received a Scoping Report submitted by Vattenfall Wind Power Limited (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 Kentish Flats Offshore Wind Farm Extension (the Extension). This Scoping 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 proposals fall within Schedule 2 development under the EIA Regulations as an installation for the harnessing of wind power for energy production (wind farm). An environmental impact assessment (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 notified the Commission under Regulation 6(1)(b) of the EIA Regs that it proposes to provide an environmental statement (ES) in respect of the extension. Therefore, the proposed development is determined to be EIA development in accordance with Regulation 4.
- 1.5 Before adopting a Scoping Opinion the Commission must take into account:
 - 'the specific characteristics of the particular development;
 - the specific characteristics of the development of the type concerned; and
 - 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 wind farm. The Opinion has taken account of:
 - the EIA Regs;

- the nature and scale of the proposed development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of environmental statements.
- 1.7 The Commission has also taken account of the responses received from the bodies formally consulted. It has carefully considered the matters addressed by the Applicant and has used professional judgement and experience in order to come to this Opinion. The Commission will take account of relevant legislation and guidelines when considering the ES. The Commission will not be precluded from requiring additional information, if it considers it necessary, in connection with the ES submitted with the 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 the request for an 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:
- a plan sufficient to identify the land;
 - a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - 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 study.

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 their 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 is a summary of the information on the site and surroundings prepared by the Applicant. The Commission has not verified this information.

Background

2.2 The Scoping Report provides an overview of the proposed Extension which comprises offshore development of wind turbines, its offshore connection cables and proposed onshore requirements including horizontal directional drilling (HDD).

2.3 The Crown Estate lease period is 50 years. Offshore Wind Turbine Generators (WTG) are generally considered to have an operational life of around 25 years. Therefore, repowering of the KFOWF and the Extension is a likely occurrence.

2.4 The Extension development area is located on the southern side of the Outer Thames Estuary off the North Kent coast approximately 8.6km north of Herne Bay and 9.5km north of Whitstable. The Extension is immediately located to the west and south of the KFOWF.

2.5 The proposed project has a maximum target capacity of 51MW, the cumulative capacity when combined with the KFOWF (90MW) will be in excess of 100MW and consequently is considered an NSIP under the Planning Act 2008. The Extension briefly comprises:

- Offshore wind farm array (wind turbines and foundations);
- Inter-array cabling;
- Export cabling to shore;
- Onshore transition pits; and
- Onshore cabling;

The proposed offshore development

2.6 The offshore wind farm array will cover an area of up to 7.77km² and consist of up to 17 wind turbines depending upon the size used (with 3MW to 4MW being considered). The precise location and internal arrangement may be amended following consultation or for technical reasons.

2.7 The size of the Extension and the connection to the local distribution network means that the cable(s) will operate at a voltage of 33kV with no requirement for an offshore substation. No additional meteorological

monitoring equipment is required for the Extension, as this will be provided by the existing infrastructure at KFOWF.

- 2.8 The maximum height of each WTG will be 135m to the blade tip. The nacelle and rotor will be mounted upon a cylindrical steel tower which will be supported by a foundation. The final design and type of foundation to be used will be dependent upon a number of variables, including size of WTG to be installed and the geological conditions within the Extension. It is the Applicant's intention that the Extension will utilise similar key components to KFOWF with regards to monopile foundations, WTG sizes and WTG cable installation options. The report does not specify in detail the key components within the KFOWF.

The proposed onshore development

- 2.9 The Extension export cable(s) will come ashore at a point near Hampton Pier at the western end of Herne Bay (in the vicinity of where the KFOWF cables make landfall). It is proposed that the cable will be jointed to the onshore trefoil cables in a cable jointing pit located in the Hampton Pier car park or another location adjacent to the chosen landfall before following, broadly, the route of KFOWF cable inland to a connection at the existing Red House Farm substation.
- 2.10 The export cable(s) will be installed beneath the coastal defences and the beach at Hampton Pier using HDD with the cable pulled through ducting. This approach was used for KFOWF. The onshore cables will then be buried and will be installed in a similar manner to the cable already in-situ for KFOWF, with burial below the road surface with subsequent full re-instatement.
- 2.11 Preliminary discussions with the local Distribution Network Operator (DNO), EDF Energy Limited, suggest that the existing equipment and infrastructure at the Red House Farm substation is sufficient to accommodate the additional electricity generated by the Extension. This being the case, no major works at the substation site are currently anticipated. However, if the existing substation were judged to be insufficient following further evaluation by the DNO, a small extension to the existing substation building and the installation of additional equipment would be required. If this is the case then this will be assessed and detailed within the ES.

The Surrounding Area - offshore

- 2.12 The KFOWF lies approximately 8.5km from the north Kent coast and is now a part of the seascape and landscape character area. The Extension extends to the south and west, and would thus bring the wind farm approximately 0.7km closer to the north Kent coast i.e. approximately 7.8km off the coast.

- 2.13 Within the wider study area of the Extension there are a number of other offshore wind farms operating, approved or within the planning system. Those that lie within 30km of the KFOWF area include Thanet, Gunfleet Sands I and II, and London Array. In addition there is an onshore wind farm at the port of Sheerness.
- 2.14 The sub-bottom profiler data confirmed that the bedrock immediately underlying KFOWF, the Extension and the proposed export cable route is the Tertiary London Clay formation. The thickness of this formation is likely to be at least 70m, and is known to thicken towards the north of the survey area.
- 2.15 The Extension is located in a sheltered position and is protected by the adjacent coastlines and significant sandbanks of the Outer Thames Estuary.
- 2.16 In a 2002 KFOWF ES it was estimated that 75% to 90% of fish harvested from the vicinity of the KFOWF project by full-time fishermen originated from fifteen boats operating out of Whitstable Harbour, Faversham and Herne Bay. There were also four part-time fishermen operating trailer launched boats from Herne Bay that were considered important in relation to the local industry since they fished at the most productive times of the year. There was also some activity from fishermen from Ramsgate and Queenborough. Vessels from the Essex side of the Thames Estuary sometimes fish in the vicinity of KFOWF when either the fishing is especially good there or especially poor on their usual fishing grounds. KFOWF is not a particularly important area for commercial fisheries.

The Surrounding Area - onshore

- 2.17 The North Kent coastline can be divided into three parts by its geology, with a central alluvial section separating the clay shore between Whitstable and Reculver, from the chalk cliffs and wave-cut platforms of Thanet. From Whitstable to Reculver, much of the shore consists of slopes of London Clay, greatly modified by the construction of artificial coastal defences. The intertidal zone is dominated by mud and sand flats, which are up to 500m wide but mostly much less than this. There are also some small areas of shingle. Between Herne Bay and Reculver, cliffs which reach a maximum height of about 35m show the full sequence of palaeocene deposits.
- 2.18 The nearest section of the coast to the Extension is that between Whitstable and Reculver. This lies within the boundaries of City of Canterbury Council administrative area. The City of Canterbury Council administrative area consists of Canterbury itself, the coastal towns of Herne Bay and Whitstable, both of which function in part as dormitories for people who work in Canterbury, and the surrounding villages and countryside.

- 2.19 The nearest surface water feature to the cable is an un-named stream located approximately 10-15m, to the west of the proposed cable route near Hampton Pier Avenue. The stream flows in a northerly direction and discharges to the sea.

Construction

- 2.20 Construction is expected to commence in 2014 with completion by the end of that year.
- 2.21 It is predicted that the cable installation from the top of the beach to the existing substation could take up to 2 to 3 months including the use of HDD beneath the coastal defence structures and major roads; open trenching and cable laying along the roadway, and surface reinstatement.

Commission's Comment

Description of the Development

- 2.22 The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. Whilst the Commission recognises that some flexibility in the final arrangement of the wind farm is necessary, the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations (see also para 2.30 and following below)..
- 2.23 Within the draft DCO, the Applicant should clearly define which elements of the proposed development are integral to the nationally significant infrastructure project (NSIP) and which are 'associated development' under the Planning Act 2008 or are an ancillary matter.
- 2.24 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.25 The Commission recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements, including the area of the offshore elements;
 - Site preparation;

- Construction processes and methods;
 - Transport 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;
 - Maintenance activities including any potential environmental or navigation impacts; and
 - Emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc).
- 2.26 The ES must 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 of the EIA Regs). The reasons for the preferred choice should be made clear and the comparative environmental effects identified in the ES.
- 2.27 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.
- 2.28 The Applicant should make every effort in the ES to assess the potential impacts of the proposed development during construction, operation and decommissioning.

Description of the Surrounding Area

- 2.29 The Commission draws the attention of the Applicant to the comments raised by Natural England (NE) in relation to designated sites. The Commission notes that the Extension is within the Outer Thames Estuary SPA and that there are a number of other internationally designated sites in proximity to it. These are:
- Margate and Long Sands - cSAC
 - Thanet Coast and Sandwich Bay - SPA, Ramsar
 - Thanet Coast – SAC

There are also numerous SSSI designations in proximity to the Extension.

Flexibility

- 2.30 The Rochdale envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The information provided in the Scoping Report has not yet been fixed on a number of issues: the numbers and size of turbines; the layout of the turbines and the foundation types.
- 2.31 The Commission does not consider it appropriate as part of this Opinion to address the content of a proposed draft DCO, since this is a matter for the Applicant, but does draw the attention of the Applicant to guidance and advice published by CLG and the Commission on the preparation of a draft DCO and accompanying application documents. The environmental statement should support the application as described.
- 2.32 The Commission is not able to entertain material changes to a project once an application is submitted.
- 2.33 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons.
- 2.34 For example, the number of turbines has not yet been determined. Impacts arising from say a smaller number of larger turbines may well be different from a larger number of smaller turbines. Under these circumstances there is a risk that a robust assessment of the likely significant environmental impacts will be difficult.
- 2.35 Where some flexibility is sought and the precise details are not known the Applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed. The Commission notes that if 'The Rochdale Envelope' is used this approach should be applied to identify the worst case in terms of consideration of the potential combined impacts and not only as an individual parameter.
- 2.36 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.
- 2.37 The Commission acknowledges that the process of EIA is iterative and therefore the proposals may change and evolve. For example, there

may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES.

- 2.38 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Grid connection

- 2.39 The connection of a proposed offshore wind farm into the relevant electricity network is an important consideration. Therefore, the Commission welcomes the inclusion within the proposed DCO application of the export cable to shore and the onshore cabling as part of the overall project.
- 2.40 It is noted that at present one option is proposed for the cable route to the existing onshore substation. The Commission notes the intention by the Applicant to use HDD as part of the onshore grid connection construction method. Consideration needs to be given as to how alternative connections will be addressed within the ES.

Decommissioning

- 2.41 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. The process and methods of decommissioning should be considered and options presented in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

General Comments on the Scoping Study

Content of the Environmental Statement

- 3.1 The Commission notes that the ES should be a stand alone document and should include all appendices as well as any photographs or photomontages.
- 3.2 The Commission recommends that the 'Description of the Development' should include a description of the proposed construction programme and methods, including any impacts on the beach and foreshore. The methodology should use up to date regulations and guidance to undertake the assessment and the methodology should be agreed with the relevant consultees. Where this is not possible, a reasoned justification should be given in the ES.
- 3.3 The Commission recommends that the physical scope of the study areas should be identified under all the environmental topics. 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 should be comprehensive, relevant and up-to-date. Reliance is placed upon the work undertaken for the KFOWF ES. This should only be used where it remains relevant in terms of age and scope of the survey work and in the light of the potential changes as a result of the impacts of the KFOWF, other wind farms and other major development in the vicinity. Surveys needed to inform the EIA are not fully defined or provided within the scoping study and this will need to be addressed. The age timing and scope of all surveys to inform the ES should be agreed with the relevant bodies.
- 3.5 The Commission expects that the assessment should consider for each of the topics, all phases of the scheme – construction, operation and decommissioning. It is therefore important that the ES includes a decommissioning programme and addresses the potential impacts.
- 3.6 The Commission welcomes the inclusion of a specific section for cumulative impacts within the ES (paragraph 1.7.2).

- 3.7 The Commission notes that reference is made to Cumulative Impact Assessment and ‘in-combination’ effects. The Commission considers there to be potential confusion with using phrases such as ‘in-combination’ effects.
- 3.8 Cumulative impacts should describe the baseline situation and consider the proposed development within the context of the site and its surroundings and any other major development in the vicinity.
- 3.9 The Commission recommends that other major development in the area should be taken into account through consultation with the relevant 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;
 - listed in the Commission’s Programme of Projects;
 - identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited; and
 - identified in other policy documents, as development reasonably likely to come forward.
- 3.10 The Commission recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, (if not already covered in relation to those major developments identified in paragraph 3.9 above) for the purposes of assessing cumulative effects through consultation with the relevant licensing/consenting bodies.
- 3.11 The Commission acknowledges that detailed information may not always be available for every aspect particularly for longer term proposals. Nevertheless the cumulative effects of these proposals should be addressed in the assessment with an explanation provided as to any difficulties encountered having regard to current knowledge and methods of assessment.
- 3.12 Inter-relationship of impacts refers to multiple impacts on the same receptor. These occur where a number of separate impacts, such as noise and air quality, affect a single receptor, for example people. The inter-relationship between specialist topics 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.

- 3.13 The Commission considers 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. This is particularly important in considering the inter-related impacts arising from any permutations to the scheme proposals.

Matters to be Scoped Out

- 3.14 The Scoping Report does not seek to scope out anything from the EIA process. The intention is for the EIA to divide the topics into 'key considerations' and 'secondary considerations'. Secondary considerations will use existing data for the KFOWF and key considerations will use new data. The Commission would refer the Applicant to the comments paragraph 3.4 above.
- 3.15 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Commission.

Alternatives

- 3.16 The Commission welcomes the inclusion of a section dealing with alternatives within the ES. The Commission advises that the ES should explain in detail the approach that was taken and the decisions that underpin the choice of development.
- 3.17 The Commission notes that the Applicant intends to use HDD to install the export cables. The Commission advises that detailed consultation should be undertaken in pursuing this option and draws attention to the comments raised by the Environment Agency.

Presentation

- 3.18 The Applicant's attention is drawn to Appendix 3 regarding the presentation of the environmental statement.

Topic Areas

General Comments

- 3.19 The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES.
- 3.20 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).
- 3.21 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, as well as being the source of further impacts in terms of air quality and noise and vibration.
- 3.22 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 studied 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*].
- 3.23 The scoping study has considered the environment under the following topics:

Offshore Environment

Physical Environment

- Overview of Kentish Flats geology
- Physical processes
- Offshore water quality
- Offshore physical environment – methodology and approach to EIA

Biological Environment

- Nature conservation designations
- Ornithology
- Benthic and intertidal ecology
- Marine mammals
- Natural fish and shellfish resource

Human Environment

- Commercial fisheries
- Landscape, seascape and visual character
- Shipping and navigation
- Marine archaeology
- Aviation radar
- Ministry of Defence
- Unexploded ordnance
- Other human activities

Onshore Environment

Physical Environment

- Geology, groundwater and land quality

Biological Environment

- Ornithology
- Terrestrial habitats and species

Human Environment

- Archaeology
- Traffic and access
- Noise dust and air quality
- Landscape and visual character
- Socio-economics

3.24 The Commission is satisfied that, with the exception of offshore socio economic impacts and onshore vibration (see paras 3.25 and 3.26 below), the topics as identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the EIA Regulations. However, attention is drawn to the importance of also considering the inter-relationship between these factors (see Appendix 3 for further information).

3.25 The Commission considers that the ES should include consideration of the offshore socio-economic impacts associated with fishing, angling, sailing and other offshore activities.

3.26 The Scoping Report does not consider the issue of onshore vibration impacts associated with cable installation works. The Commission

expects the Applicant to consider this in consultation with statutory consultees.

3.27 The Commission considers that any gaps in data or information should be identified and included as a key consideration. The Applicant is advised to address the general comments from Natural England (NE) relating to this.

3.28 Each of the specialist topics listed in paragraph 3.23 above is 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. Consideration should be given to the scoping responses, copies of which are provided in Appendix 2.

Offshore Environment

Physical Environment (section 3)

Overview of the Kentish Flats geology (section 3.1)

3.29 Much of the survey work quoted relates to previous studies undertaken from 2001-2005 as part of the investigations for the KFOWF (Table 3.1 Available physical environment data sets). The Commission expects survey information to be sufficient to cover the whole area in relation to the Extension. If there are areas within the Extension site not covered by existing geological surveys they should be updated.

3.30 The Commission agrees with comments raised by Marine Management Organisation (MMO) that information from adjacent sites should not be used as a proxy for the site characterisation or the baseline. Therefore, the Commission welcomes the inclusion of new and specific geophysical surveys of the Extension (para 3.4 of report and Figure 3.7).

Physical processes (section 3.2)

3.31 The ES should demonstrate the accuracy of assumptions made in relation to the results of the previous surveys undertaken for the KFOWF e.g. localised impacts. Any differences which may alter the assumptions made, such as a different foundation type or method of seabed preparation, should be clearly identified in the ES.

3.32 The Commission notes that there will be no physical processes modelling commissioned but instead the observed effects of placing a wind farm at this location within the Outer Thames Estuary will be used to describe the likely effects of the Extension (para 3.4 of report). The

Commission will expect the ES to provide confidence in the accuracy of the results.

Offshore water quality (Section 3.3)

- 3.33 The Commission notes that the analysis of previous sediment samples revealed that there were consistently low levels of all contaminants across the sampling area with all recorded levels falling below statutory guidance levels such as those currently applied in the European Designated nature conservation sites (para 3.3.1 in Scoping Report). The Commission notes that the Scoping Report has identified water quality impacts as secondary considerations within the EIA.
- 3.34 The Commission refers the Applicant to the detailed comments from the Environment Agency (EA) on water quality, regarding the importance of protecting bathing waters from microbiological contamination (particularly adjacent to Hampton Pier where the cables come ashore). The proposed construction method has the potential to disturb sediments and could result in contamination. This issue should be addressed within the ES.
- 3.35 The Commission advises that the ES should consider the requirements of the Water Framework Directive particularly in relation to activities impacting on waters within 1 nautical mile of the coast.
- 3.36 The assessment should include, *inter alia*, the likelihood of resuspension and transport of potentially contaminating materials and any environmental impacts during the construction, operation and decommissioning phases of the proposed project.

Offshore physical environment – methodology and approach to EIA

- 3.37 The Commission refers the Applicant to the comments raised by MMO in relation to the methodology and approach for the offshore physical environment. The Commission advises the Applicant to consult and agree proposed survey methods and approach with relevant stakeholders.

Biological Environment (section 4)

3.38 The Commission refers the Applicant to the comments provided by Natural England (NE) in their response (see Appendix 2).

Nature conservation designations (section 4.1 of the scoping study)

3.39 The Commission notes that Extension is in proximity to a number of designated sites and in particular lies within the Outer Thames Estuary Special Protection Area (SPA) (paragraph 4.1.1). The Commission refers the Applicant to the comments raised by NE in relation to Habitat Regulations and the need for Appropriate Assessment. Further comment on Appropriate Assessment is provided in Section 4 of this Opinion.

3.40 The Commission draws attention to the potential impacts on the coast and foreshore which should be assessed. The Commission supports the proposal for appropriate mitigation where necessary to ensure no adverse effect from direct impacts to the Thanet Coast and Sandwich Bay SPA and Ramsar and the Margate and Long sands cSAC features.

3.41 The Commission recommends that the ES should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the sites and surroundings. The Commission recommends that the impacts on protected fish species is fully assessed and appropriate mitigation provided.

3.42 The proposed development should consider and assess any potential impacts on the intertidal and subtidal habitat. The assessment should consider any cumulative impacts associated with dredging particularly if this will affect sediment type and quality.

Ornithology (section 4.2)

3.43 The Commission considers that great care should be taken to ensure the assessment is undertaken against a consistent baseline. Where baseline surveys are not consistent this should be explained.

3.44 The Commission refers the Applicant to the comments raised by NE in relation to the existing studies and the failure to detect significant effects.

3.45 The Commission considers that the cumulative impacts on red-throated divers are particularly important in relation to the Outer Thames SPA area. The Commission advises that the ES should assess fully the impacts on protected species.

- 3.46 The Commission agrees with the comments raised by NE in their response (see Appendix 2) regarding the potential need to consider collision risk modelling for terns. The Commission also expects the ES to consider the impacts on large gull species and auks particularly given the evidence that displacement of these species is likely to occur.
- 3.47 The Commission advises the Applicant that in submitting their DCO application they would need to provide sufficient information for any Appropriate Assessment (AA) if required. The Commission refers the Applicant to NE's comments regarding AA.

Benthic and inter-tidal ecology (section 4.3)

- 3.48 The Commission recommends that the proposals should fully address the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and the surrounding environment.
- 3.49 The Commission expects the ES to include surveys that are relevant and up to date. The Commission advises that the Applicant agrees the approach, methodology and statistical tools to be used in the analysis of macrobenthic community data with the MMO and their advisors Cefas (see Appendix 2).
- 3.50 The ES should include an explanation for the design options that are chosen. If design alternatives have been considered which could reduce the footprint of disturbance on the sea bed this should be set out within the ES. The Commission expects that the use of scour protection for foundations should be justified within the ES. Scour protection can damage or change the benthic environment therefore the Commission welcomes proposals that reduce the amounts required.
- 3.51 The Commission considers that scour and its associated impacts around the export and inter-array cables, which have the potential to become uncovered due to changes in seabed morphology, should be fully explored in the ES.
- 3.52 The Commission advises that the Applicant should consider the inclusion of an assessment on marine biology/ecology in consultation with Natural England.
- 3.53 The Commission refers the Applicant to the advice from the EA on Marine Ecology.

Marine Mammals (section 4.4)

- 3.54 The Scoping Report does not specifically state the methodology applied in relation to marine mammals. The Commission refers the Applicant to the detailed comments from Kent County Council regarding this (see Appendix 2).
- 3.55 The ES should set out in full the potential risk to European Protected Species (EPS) and confirm if any EPS licences will be required. The applicant should take into consideration recent changes in legislation with regard to EPS licence procedures. Further information in relation to EPS matters can be found within section 4 of this report.
- 3.56 The Commission refers the Applicant to comments raised by NE (see Appendix 2). Further consultation with NE should be undertaken in relation to the requirements for the EPS licence.

Natural fish and shellfish resource (section 4.5)

- 3.57 The Commission would wish to be assured in the ES that the surveys are relevant and up to date. The offshore area is subject to natural change and alterations due to other proposals in the area and therefore previous data may not always be reliable. The Commission considers that great care should be taken to ensure that baseline information regarding the fish species is accurate and up to date.
- 3.58 The Commission advises the Applicant to consider and address within the ES the comments made by the MMO relating to herring spawning and the mitigation measures in relation to pile driving operations, and the potential disturbance due to cable laying through the herring spawning ground in Herne Bay.
- 3.59 The Commission welcomes the inclusion of a detailed assessment for cumulative construction noise. The Applicant is advised to consider the comments raised by Kent County Council relating to vessels travelling to and from the London Gateway port development.

Human Environment (section 5)

Commercial fisheries (section 5.1)

- 3.60 Any consultation with appropriate commercial fisheries in the area should enable impacts on the human environment to be assessed and the Commission notes also the Applicant's intent to obtain data from foreign fishing fleets. The Commission advises the Applicant to consult with the MMO on this matter.

- 3.61 The Commission welcomes the comments regarding the economic impact on local fishing fleets and suggests that appropriate cross-reference is made to the socio-economics section.
- 3.62 The Commission considers that the loss or restricted access to traditional fishing grounds may have secondary impacts on alternate fishing grounds. The ES should assess any potential significant impacts on alternative fishing grounds.

Landscape, seascape and visual character (section 5.2)

- 3.63 The Commission considers that impacts associated with any night time lighting should be assessed for the construction, operation and decommissioning phases. The assessment should include the need for aviation and navigation warning lights.
- 3.64 The Commission welcomes the inclusion of the landscape, seascape and visual character assessment as a key consideration within the ES. The Commission agrees with comments made by NE that the assessment should consider views from land to sea, sea to land, sea to sea and land to land.
- 3.65 The Commission notes the intent to consider the cumulative impacts associated with other developments in the vicinity and recommends that these be discussed and agreed with NE and the relevant local authorities.
- 3.66 The Commission notes the comments made by NE in relation to viewpoints and it is suggested that these locations should be agreed with the relevant bodies.

Shipping and navigation (section 5.3)

- 3.67 The Commission refers the Applicant to the comments raised by the Maritime and Coastguard Agency (MCA) and the need for a Navigational Risk Assessment and a Burial Protection Index study.
- 3.68 The Commission agrees with comments raised by the MCA that the Applicant should consult with the Port of London Authority (PLA) in relation to impacts on navigation infrastructure.
- 3.69 The Commission agrees with comments by Trinity House (see Appendix 2) that a single decommissioning plan should be considered for the Extension and KFOWF and expects the Applicant to have regard to their comments.

Marine Archaeology (section 5.4)

- 3.70 The Commission welcomes the inclusion of marine archaeology as a key consideration within the ES. The Commission encourages consultation with English Heritage and the relevant local authorities to determine and agree the methods of archaeological investigation.
- 3.71 The Commission advises that particular care should be taken to ensure that the most up to date and relevant policies and guidance are followed. In particular the Commission refers the Applicant to the comments made by English Heritage (EH) in relation to the UK Marine Policy Statement.
- 3.72 The Commission refers the Applicant to the detailed comments raised by English Heritage (EH) in Appendix 2 regarding, in particular, the approach to geophysical surveys and the inclusion of historic environment considerations.
- 3.73 The Commission refers the Applicant to the comments raised by Kent County Council in relation to existing baseline data (see Appendix 2).

Aviation Radar (section 5.5)

- 3.74 The Commission notes the comments from NATS En-route Ltd (NERL) that the proposed development does not conflict with safeguarding criteria.
- 3.75 The Commission welcomes the intention to consult with NERL, Civil Aviation Authority (CAA), Ministry of Defence (MoD) and relevant airports, and draws the Applicant's attention to the comments made by the CAA (see Appendix 2).

Ministry of Defence (section 5.6)

- 3.76 The Applicant should consider the potential effects of the proposed wind farm on the communications, navigation and surveillance infrastructure.

Unexploded Ordnance (section 5.7)

- 3.77 The Commission agrees that an analysis should be made of unexploded ordnance in the area.

Other Human Activities (section 5.8)

- 3.78 The Commission would like to draw the Applicant's attention to the comments made by the Health and Safety Executive (HSE) regarding hazardous substances and electrical safety.

Onshore Environment

Physical Environment (section 6)

Geology, groundwater and land quality (section 6.1)

3.79 The Commission notes that the intention is for the onshore cables to follow the same route as for the KFOWF. As such the impacts on onshore geology hydrology and land quality are treated as secondary considerations. If the desired route is not possible for any reason then the Applicant should reconsider the need for further assessment for geology, groundwater and land quality.

Biological Environment (section 7)

Ornithology (section 7.1)

3.80 The Commission refers the Applicant to the detailed comments from NE under 'Landfall and Onshore' regarding Turnstones at Swalecliffe. The Commission advises that these issues should be addressed within the ES.

3.81 The Commission advises that the ES should identify all of the relevant statutory and non-statutory wildlife sites (see para 2.29). The surveys within the ES should be relevant and up to date.

3.82 The Commission recommends that the ES should fully address the needs of protecting and enhancing biodiversity.

Terrestrial habitats and species (section 7.2)

3.83 The Commission refers the Applicant to the detailed comments from NE under the Habitats Regulations. NE requires (in Point 9.3) further evidence that effects will be highly localised including additional information regarding monitoring or other such data. The Commission advises that these comments should be addressed within the ES.

3.84 The Commission notes that the Phase 1 habitat survey will be updated and agrees that this should be done. If required species specific surveys should be carried out following agreement with NE on suitable methodology. Any mitigation required should also be agreed with NE to ensure protection.

Human Environment (section 8)

Archaeology (section 8.1)

- 3.85 The Commission encourages consultation with EH and the relevant local authorities to determine and agree the methods of archaeological investigation. The Commission refers the Applicant to the comment from EH requesting consultation which has not so far happened.
- 3.86 The Commission agrees with comments made by Kent County Council that new information and locally significant changes could have a material impact upon the baseline conditions. The Commission considers that the Applicant should agree the approach with regard to onshore archaeological investigation with the relevant statutory consultees.
- 3.87 The assessment should cross refer to the findings within the landscape and visual impact assessment particularly with regard to heritage landscape.

Traffic and access (section 8.2)

- 3.88 The Commission welcomes the inclusion of a transport impact assessment within the ES. The Commission advises the Applicant to consult with the relevant local highways authorities as well as the Highways Agency (HA) in developing the methodology and approach. In addition to assessing the onshore transport related impacts the assessment should also look at the potential impacts to shipping, navigation as well as impacts to any public rights of way (PROW). In particular the assessment should consider the potential for increased pressure due to construction movements.
- 3.89 The Commission refers the Applicant to the comments raised by the HA (see Appendix 2).
- 3.90 The traffic and access assessment should be cross referred to the assessment for noise, dust and air quality.

Noise, dust and air quality (section 8.3)

- 3.91 The Commission notes that the Scoping Report identifies air quality during construction as a secondary issue due to the relatively low numbers of heavy duty vehicles. The Commission considers that this approach should be kept under review until the outcome of the traffic assessment is confirmed. In particular the cumulative impacts on traffic routes should be a consideration.
- 3.92 The Commission advises the Applicant to consult widely with key statutory consultees and to consider the inclusion of monitoring in relation to dust. Where necessary appropriate mitigation should be presented within the ES.

- 3.93 Although perceived to be relatively minor the Applicant is advised to consider if potential impacts associated with increased air emissions particularly PM₁₀ and NO_x should be addressed. The assessment should assess if there are implications on nearby designated sites.
- 3.94 The Commission considers that the relevant Council Environmental Health Department should be consulted by the Applicant regarding the identification of noise receptors to agree the extent of the baseline noise monitoring. Noise levels off-site along roads and PROW should also be addressed.
- 3.95 Noise impacts on ecological sites and receptors should also be assessed. The assessment should cross refer to the ecological assessment. The sites and receptors should be identified in consultation with NE and the relevant local authorities.
- 3.96 Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial times such as weekends and public holidays.

Landscape and visual character (section 8.3)

- 3.97 The Commission welcomes the inclusion of visual impacts as well as the cumulative impacts as a key consideration within the ES.

Socio-economics (section 8.5)

- 3.98 The Commission notes that the Scoping Report mentions employment opportunities and recommends that the types and numbers of jobs generated should be considered in the context of the available workforce in the area.
- 3.99 The Commission recommends that the Applicant has regard to the comments from the MMO and Canterbury City Council relating to the impacts on aspects including fishing, angling and sailing.

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 apply 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 the proposal there is likely to have a significant adverse effect on the designated sites 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 proposed development; including flora, fauna, soil, water, air and the inter relationship between these, consideration should be given to any designated sites in the vicinity of the proposed development.

European Protected Species

- 4.4 The applicant should also be aware that the decision maker under the Planning Act 2008 has, as competent authority, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified and before making a decision to grant development consent the competent authority must, amongst other things, address the derogation tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty. Where required the Applicant should in consultation with NE, agree appropriate requirements to secure necessary mitigation.

Health Impact Assessment

- 4.5 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.

- 4.6 The Commission considers that it would be helpful to address this matter with regard to the responses received from the relevant consultees regarding health.
- 4.7 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

- 4.8 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).
- 4.9 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, the Commission will require a level of assurance from the relevant regulatory authorities, before a recommendation or decision on any development consent application is made, that the design or plan is acceptable and likely to be approved by them. Applicants are encouraged to make early contact with relevant 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.

Applicant's Consultation

- 4.10 The Commission's guidance note on pre-application stages recommends that the Applicant provides preliminary environmental information¹ to the local authority when presenting it with the draft

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

Statement of Community Consultation (SoCC) for comment under s47 of the Planning Act 2008.

- 4.11 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.

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 Relevant Regional Planning Body	South East England Regional Assembly
The Health and Safety Executive	Health and Safety Executive
The Relevant Strategic Health Authority	NHS South East Coast
Natural England	Natural England Natural England South East Regional Office Natural England Senior Specialist - Marine Operations
The Historic Buildings and Monuments Commission for England	English Heritage English Heritage – South East Regional Office English Heritage – Maritime Archaeology Team
The Relevant Fire and Rescue Authority	Kent Fire and Rescue Service
The Relevant Police Authority	Kent Police Authority
The Relevant Parish Council(s) or	Leysdown Parish Council

Relevant Community Council	Graveney with Goodnestone Parish Council Hernhill Parish Council Dunkirk Parish Council St. Cosmus and St. Damian in the Blean Parish Council Chestfield Parish Council Sturry Parish Council Herne and Broomfield Parish Council Chislet Parish Council St. Nicholas At Wade with Sarre Parish Council
The Environment Agency	The Environment Agency Environment Agency Kent & East Sussex Regional Office
The Commission for Architecture and The Built Environment	CABE Design Review
The Relevant Regional Development Agency	South East England Development Agency
The Equality and Human Rights Commission	Equality and Human Rights Commission
The Commission for Sustainable Development	Sustainable Development Commission
The Homes and Communities Agency	Home and Communities Agency
The Joint Nature Conservation Committee	Joint Nature Conservation Committee The Joint Nature Conservation

	Committee (Offshore Wind Farms)
The Commission for Rural Communities	The Commission for Rural Communities
The Maritime and Coastguard Agency	Maritime & Coastguard Agency- Navigation Specialist Support
The Marine Management Organisation (English Waters)	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency
The Relevant Highways Authority	Kent Highway Services
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 Internal Drainage Board	River Stour (Kent) IDB
Trinity House	Trinity House
The Health Protection Agency	Health Protection Agency
The Relevant Local Resilience forum	Kent Police
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
RELEVANT STATUTORY UNDERTAKERS	
Health Bodies under s.16 of the Acquisition of Land Act 1981	NHS South East Coast East Kent Hospitals University NHS Foundation Trust South East Coast Ambulance Trust (Kent Office) Eastern and Coastal Kent PCT
Railways	Network Rail Infrastructure Ltd Network Rail (CTRL) Ltd BRB Residuary Limited
Canal Or Inland Navigation	Driffield Navigation Ltd
Harbour	Whitstable Harbour
Pier	Herne Bay Pier
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	South East Water (Mid Kent) Southern Water
Public Gas Transporter	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 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 SP Gas Limited SSE Pipelines Ltd The Gas Transportation Company

	<p>Limited</p> <p>Wales and West Utilities Limited</p> <p>Utility Grid Installations Limited</p>
<p>Electricity Distributors With CPO Powers</p>	<p>ECG (Distribution) Limited</p> <p>EDF Energy (IDNO) Limited</p> <p>EDF Energy Networks (EPN) Plc</p> <p>EDF Energy Networks (LPN) Plc</p> <p>EDF Energy Networks (SPN) Plc</p> <p>Energetics Electricity Limited</p> <p>ESP Electricity Limited</p> <p>Independent Power Networks Limited</p> <p>The Electricity Network Company Limited</p> <p>National Grid</p> <p>BritNed Development Limited</p>
<p>LOCAL AUTHORITY (S.43)</p>	
	<p>Canterbury City Council</p> <p>Kent County Council</p> <p>Swale Borough Council</p> <p>Ashford Borough Council</p> <p>Medway Council</p> <p>Shepway District Council</p> <p>Tunbridge Wells Borough Council</p> <p>Maidstone Borough Council</p> <p>Dover District Council</p> <p>Tonbridge and Malling Borough Council</p> <p>Gravesham Borough Council</p> <p>Sevenoaks District Council</p> <p>Dartford Borough Council</p>

	Thurrock Council Tandridge District Council Wealden District Council Rother District Council Maldon District Council Rochford District Council Southend-on-Sea Borough Council Castle Point Borough Council Thanet District Council East Sussex County Council Surrey County Council Greater London Authority London Borough of Bexley London Borough of Bromley
CONSULTATION WITH APPLICANT	
Applicant	Vattenfall Wind Power Limited

APPENDIX 2

LIST OF BODIES WHO REPLIED WITHIN THE STATUTORY 28 DAYS PERIOD AND COPIES OF REPLIES

APPENDIX 2

List of Bodies who replied within the Statutory 28 Days Period

Ashford Borough Council
Britned Development Limited
Canterbury City Council
Castle Point Borough Council
Civil Aviation Authority
Commission for Architecture and the Built Environment
Crown Estate
Dover District Council
E S Pipelines Ltd
English Heritage
Environment Agency
Fulcrum Pipelines Limited
Health and Safety Executive
Health Protection Agency
Hernhill Parish Council
Highways Agency
Kent County Council
Kent Resilience Forum
London Borough of Bexley
Maidstone Borough Council
Maldon District Council
Marine Management Organisation
Maritime and Coastguard Agency
Medway Council
NATS (En Route) Ltd
Natural England
Rother District Council
Sevenoaks District Council
South East England Development Agency
Southern Gas Networks
Surrey County Council
Swale Borough Council
Thanet District Council
The Coal Authority
The Water Services Regulation Authority (Ofwat)
Trinity House
Tonbridge and Malling Borough Council
Tunbridge Wells Borough Council
Wealden District Council

Planning and Development Services

Ask For: Mark Davies
Email: mark.davies@ashford.gov.uk
Direct Line: (01233) 330252
Fax No: (01233) 330682

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



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
(01233) 331111
Typetalk (01233) 330744
www.ashford.gov.uk
DX 151140 Ashford (Kent) 7

Our Ref: IPC
Your Ref: 101028-EN010036-313565
Date: 16 November 2010

IPC

23 NOV 2010

REF:

Dear Sirs

Proposed Kentish Flats Wind Farm Extension: Proposal by Vattenfall Wind Power Limited, Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

Thank you for your letter dated 28 October 2010 concerning the scoping opinion submitted for the above project.

I have no comments to make on the scoping opinion but thank you for consulting Ashford Borough Council on this matter.

Yours faithfully

Mark Davies

for Head of Planning and Development



BritNed Development Limited

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

Oude Oeverstraat 120
6811 JZ
Arnhem
The Netherlands
Telephone: +44 7970 042119
E-mail: damian.bach@britned.com
Website: www.britned.com

Our reference:
Your reference: 101028_EN010036_313565

18th November 2010

Dear Ms. Wilding,

Ref: Proposed Kentish Flats Wind Farm Extension ('the Project') Proposal by Vattenfall Wind Power Limited ('the Applicant') Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 ('the EIA Regulations') Response

Thank you for the letter from David Price, Senior EIA and Land Rights Advisor on behalf of the IPC, dated 28th October 2010 regarding the above.

Having reviewed the Vattenfall Kentish Flats Offshore Wind Farm Extension Environmental Scoping Study from October 2010, it is clear that the proposed extension of the Kentish Flats Wind Farm is to the south and west of the existing wind farm, and the BritNed cable is routed 1km to the north of the existing site.

As the Project does not involve installing turbines any closer to the BritNed cable than the existing wind farm, and the export corridor is proposed away from the BritNed cable, we would simply like to draw your attention to the presence of the BritNed cable. We would also request that we are kept informed and consulted should any work be proposed within or close to BritNed's Crown Estate lease area.

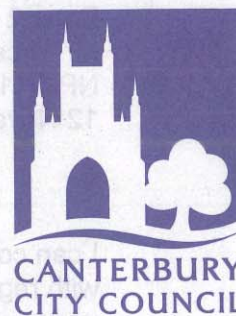
Please also note that the UK Cable Protection Committee has published Guidelines for Proximity of Wind Farm Developments & Submarine Cables which recommends a minimum clearance of 1km between a wind turbine and a marine cable. Sufficient clearance is required around any submarine cable to enable future repairs and maintenance work at all times of year. As a consequence, BritNed is currently not concerned about the proposed Project, but would like to be kept informed and consulted about any further developments.

Yours sincerely,

Damian Bach
General Counsel
For and on behalf of BritNed Development Limited

Date: 12 November 2010
Your Ref: 101028_EN010036_313565
Our Ref: NPD/11146/TM
Ask for: **Nick Davies**
Direct dial: 01227 862 167
Direct fax: 01227 862 020
E-mail: nick.davies@canterbury.gov.uk

IPG
19 NOV 2010
REF: _____



Mr D Price
Infrastructure Planning Commission
Temple Quay House
TEMPLE QUAY
BS1 6PN

Dear Mr Price

**Proposed Kentish flats Windfarm extension
Proposed by Vattenfall Wind Power Ltd
Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 S.1.2263**

I thank you for your letter dated 28 October 2010 and would respond that the following information should be included in the Environmental Statement.

- (1) An assessment of the visual impact on the North Kent Coast and particularly from the towns of Whitstable and Herne Bay.
- (2) An assessment of the impact on
 - (a) birds
 - (b) fish
 - (c) marine biology/ecologyIt is to be noted that the area lies within a Special Protection Area.
- (3) An assessment of impact on
 - (a) navigational safety
 - (b) fishing activities and the economy.
- (4) An assessment of the impact on marine archaeology and any appropriate recording and mitigation.
- (5) An assessment of any onshore works such as cabling, additional buildings/works and traffic generation.

Continued

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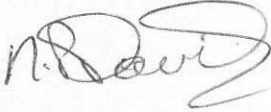
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INVESTOR IN PEOPLE

I can confirm that the applicants have approached Canterbury City Council with regard to their proposals and a programme of community engagement is under way to inform their statement of community consultation.

Yours sincerely



Nick Davies
Senior Planner
Development Control
Planning and Regeneration



Castlepoint

benfleet | canvey | hadleigh | thundersley

Regeneration and Homes

Castle Point Borough Council
Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex. SS7 1TF

My Ref: *K11/NEV 15065*

Telephone: 01268 882200
planning@castlepoint.gov.uk

Your Ref: *101028_BN1010036_313565* **PPG** www.castlepoint.gov.uk

Date: *29/10/10*

- 8 NOV 2010

REF: *KENTISH FRATS WINDFARM EXTN*

The Regeneration and Homes thanks you for your letter
of *28/10/10*..... which is receiving attention.



Directorate of Airspace Policy

Ms Joanne Golding
Infrastructure Planning Commission (via e-mail)

24 November 2010

Reference: ERM/DAP/Wind/KentishFlats
Your Ref: 101028_EN010036_313565

Dear Ms Golding

Proposed Kentish Flats Extension Wind Turbine Development – Scoping Opinion Comment

Thank you for your recent correspondence relating to the above 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 development is evident.

As highlighted in the Scoping Opinion Request there is the potential to impact upon aviation and we would expect the outcomes of discussions with the associated operators and service providers to be in the Environmental Impact Assessment. There may be an impact on the operations of two licensed aerodromes, Southend and Manston and any associated Environmental Statement should detail the outcome of discussions with the licensees. This comment is made in respect of potential cumulative impacts in the area, and it should be noted that any earlier lack of objection will not necessarily be carried forward particularly given the number of developments in this region. We would also expect consultation with both the MoD and NATS En-Route Ltd, with a view to identifying and addressing any aviation concerns that they may have.

Moreover, from a generic perspective, in respect of the offshore development the following aviation issues are also relevant:

- **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). Furthermore, the Directorate of Airspace Policy has published a policy on offshore lighting², which highlights the latest developments in this area, including lighting to support helicopter operations within the wind farm if applicable. Trials will be taking place in early 2011 to validate a solution relating to the maritime and aviation lighting requirements, and the development will need to take the results of these into account.

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 The policy can be found at <http://www.caa.co.uk/docs/7/20100728LightingOfOffshoreWindTurbinesWinchLightingIssueDate20100802.pdf>

- 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. It follows that the CAA advice on the colour of wind turbines would align with these international criteria.
- Aviation Promulgation. The developer should be aware that there would be a requirement for the 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.
- There is a CAA perceived requirement for a coordinated regional wind turbine development plan, aimed at meeting renewable energy priorities, whilst addressing aviation concerns and minimising such proliferation issues. It would be helpful to assess the opportunities to work in collaboration with other developments in the region.

The associated ES will need to present the findings of all aviation-related consultation and will accordingly be expected to include the consideration of various potential issues highlighted above. I hope this information and comment is of assistance. Please do not hesitate to get in touch with me if clarification of any point is required.

Yours Sincerely,

{via email}

Paul Askew
Renewable Energy Project Officer

09 November 2010

IPC

11 NOV 2010

REF:

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



Our ref: CSE-21130

Dear Joanne Golding

**INFRASTRUCTURE PLANNING COMMISSION: PROPOSED KENTISH FLATS
WINDFARM EXTENSION
PLANNING APPLICATION REFERENCE: 101028_EN010036_313565**

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 Kentish Flats Windfarm Extension.

Yours sincerely

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

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

Infrastructure Planning Commission
Attention: Simone Wilding
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

03 November 2010

Dear Ms Wilding

PROPOSED OFFSHORE WIND FARM EXTENSION, KENTISH FLATS
VATTENFALL WIND POWER LIMITED

Reference is made to your letter dated 28 October 2010 inviting The Crown Estate to comment on the scoping opinion for the environmental statement pertaining to the above project.

I can advise that, in this instance, The Crown Estate has no comments on the scoping report for this 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



Planning
White Cliffs Business Park
Dover
Kent CT16 3PJ
Telephone: (01304) 821199
Fax: (01304) 872351
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk

Infrastructure Planning Commission
Mr D Price
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Contact: Mrs Runacre
Direct line: 01304 872441
E-mail: kerri.bland@dover.gov.uk
Our ref: DOV/10/01009
Your ref:
Date: 24/11/2010

Dear Mr Price

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England)
Order 2010**

**Proposal: Proposed Kentish Flats Windfarm extension
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263
Location: Kentish Flats Windfarm, off Whitstable**

Thank you for consulting Dover District Council as Local Planning Authority in respect of the above scoping opinion being prepared by the IPC.

It is appreciated that the main visual impact will likely be to the seascape. Whilst the development is offshore and located at a distance of in excess of 10km from the most northerly part of the Dover district, the existing turbines are visible from areas within the northern and southern part of the district. Therefore, it is requested that the scoping opinion include the request for the landscape and visual impact assessment to include photomontages to be prepared from at least one of the following locations:

- Junction of the B2046 (Aylesham) with Spinney Lane (Grid reference 622560 151340)
- A2 (Dover), near the junction with Coldred Hill (Grid reference 626900 146400)

In accordance with the Guidelines for Landscape and Visual Impact Assessment, published by the Landscape Institute, (2nd ed) (2002), the Environmental Statement should take into account the changes of scale and the potential for the receiving landscape, (which would include that identified within the Dover District), to accommodate the wind farm as extended, appreciating that the baseline would be the existing wind farm development.

The landscape and visual considerations are the only areas relating to the proposed wind farm extension that Dover District Council wish to comment on. However, given that the proposal is for an extension to the existing wind farm, sited in excess of 10km from the boundary of the Dover district, whilst the turbines would be visible, any extension would not likely to be a significant issue which Dover District Council would have concerns regarding.

However to ensure that all matters are fully and properly considered and assessed, please take into consideration our comments in the preparation of the scoping opinion in respect of the above development.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mr Tim Flisher". The signature is written in a cursive style with a large initial "M".

Mr Tim Flisher
Development Control Manager

From: [Alan Slee](#)
To: [IPC Scoping Opinion;](#)
Subject: RE: Kentish Flats Offshore Wind Farm
Date: 29 October 2010 12:33:50

Dear Joanne,

PROPOSED KENTISH FLATS WINDFARM EXTENSION
101028_EN010036_313565
Approx E611113, N167357

Further to your communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 28 October 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

From: IPC Scoping Opinion [<mailto:IPCScopingOpinion@infrastructure.gsi.gov.uk>]
Sent: 29 October 2010 10:51
To: Alan Slee
Subject: Kentish Flats Offshore Wind Farm

Dear Mr Slee

Please find attached an electronic version of the scoping consultation request for Kentish Flats Offshore Wind Farm.

<<101028_EN010036_313565_Letter_to_stat_consultees.doc>>

We look forward to receiving your response.

Joanne Golding
Assistant EIA and Land Rights Advisor
Infrastructure Planning Commission (IPC)

Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5039

Helpline: 0303 444 5000

Email: Joanne.Golding@infrastructure.gsi.gov.uk

Website: www.independent.gov.uk/infrastructure

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

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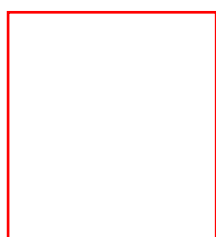
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ENGLISH HERITAGE

Mr David Price
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: OWF/Kentish Flats
Your ref: 101028_EN010036_313565

25th November 2010

Dear Mr Price,

**Proposed Offshore Wind Farm Extension
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
Kentish Flat Extension project
Response to request for an Environmental Impact Assessment Scoping Opinion**

Thank you for your letter, dated 28th October 2010, regarding this project proposal. Please consider this letter to be the corporate response of English Heritage.

English Heritage is the Government's advisor on all aspects of the historic environment in England. English Heritage is an Executive Non-departmental Public Body sponsored by the Department for Culture, Media and Sport (DCMS) and we report to Parliament through the Secretary of State for Culture, Media and Sport. The National Heritage Act (2002) gave English Heritage responsibility for maritime archaeology in the English area of the UK Territorial Sea.

We have based the following comments on *Kentish Flats Offshore Wind Farm Extension EIA Scoping Report*, prepared by Royal Haskoning Ltd for Vattenfall Wind Power Limited (VWPL), dated October 2010. We understand that this project represents an extension to a Round 1 Offshore Wind Farm and that this consultation exercise fulfils the consultation requirement under sections 42 (consultation with statutory consultees) and 47 of the Planning Act 2008.

English Heritage requires that EIA Scoping Reports are tailored to the type, purpose, and level of development under consideration and that while the historic environment is considered to be a component of the "human environment" it should not be considered solely as a socio-economic matter. We therefore require the resultant Environmental Statement to be inclusive of the historic environment, offshore and onshore, and that it should:

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

Telephone 023 9285 6735 Facsimile 023 9285 6701 www.english-heritage.org.uk

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- review the objectives of other relevant policies, plans and programmes;
- establish the historic environment baseline (offshore and onshore) including trends and gaps in data with notes on sources and any problems encountered;
- identify issues and opportunities to promote historic environment information (offshore and onshore) as part of an agreed mitigation package; and
- set out a sustainability appraisal framework as detailed by objectives, indicators and targets inclusive of the historic environment in recognition that once the archaeology is affected by development it is irreversible.

While English Heritage broadly supports renewable energy we are aware that such developments can be challenging to the historic environment. With this in mind English Heritage has drawn up guidelines for planners and developers and we have supplied you with a copy of *Wind Energy and the Historic Environment* (published 2005; product code: 51099). These guidelines are designed to be used alongside other current standard methodologies associated with the development of such proposals. In this regard we welcome the statement made in the EIA Scoping Report, in section 1.4.2 (Approach), that further survey work or detailed primary assessment will be undertaken to identify the scope of any significant impacts and develop suitable mitigation. However, section 1.7 (EIA process) also needs to include the following references COWRIE (in press) *Offshore Geotechnical Investigations and Historic Environment Analysis: Guidance for the Renewable Energy Sector*, and the Joint Nautical Archaeological Policy Committee *Code of Practice for Seabed Development* (revised edition 2006) published by The Crown Estate.

We offer the following comments for the Offshore Environment in the EIA Scoping Report:

- 1 We noticed that no specific mention was made about the UK Marine Policy Statement or the UK Government and Devolved Administrations' *High Level Marine Objectives* published in 2009.
- 2 In section 3.4 (Offshore Physical Environment – methodology and approach to EIA) we noted the detail provided of the geophysical surveys to be commissioned to provide a baseline for the Kentish Flats Extension EIA and we offer the advice that the techniques described (e.g. sub- bottom profiler; side scan sonar etc) can, if archaeological objectives are set as part of the survey plan, enable examination of features (e.g. as illustrated in Figure 3.7) and anomalies of archaeological interest in addition to the corroboration of any known features of archaeological interest within the proposed development area. We also noticed that mention was made of a benthic grab sampling campaign and we therefore recommend that a similar document to the *Protocol for reporting finds of archaeological interest* published in 2005 by the British Marine Aggregate Producers Association (BMAPA) and English Heritage is also prepared.

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- 3 Section 5.2 (Landscape, Seascape and Visual Character) – to effectively inform the baseline study full consideration should be given to the Historic Landscape Characterisation work undertaken by English Heritage. For your information, we have supplied with this response a copy of the *English Heritage Action Plan for the delivery of the European Landscape Convention* (published 2009; product code: 51490) and a copy of the English Heritage guidance document *Understanding Place: An Introduction* (published 2010; product code 51609).
- 4 Section 5.4 (Marine Archaeology) – we noted the comment that full coverage geophysical data is not available for the extension area and we must therefore stress the importance of incorporating archaeological objectives within the marine survey plan for the entire EIA project area. In section 5.4.2 (Identification of key issues) the EIA should qualify the term “exceptional maintenance activities” in the context of the historic environment features that may be affected. We support the mention made in this section to a Written Scheme of Investigation and a Finds Protocol and add that the EIA must address these matters in full. In section 5.4.3 (Methodology and approach to EIA) we add that the archaeological assessment within the EIA will need to demonstrate a co-ordinated approach to the interpretation of geophysical survey material with geotechnical survey results to support the achievement of archaeological objectives. It was therefore noticeable that the scoping report did not address historic environment interpretation of geotechnical survey results, as relevant to the identification of buried and submerged palaeo-environmental features. We must therefore direct your attention to the forthcoming COWRIE guidance on such matters as referenced above.
- 5 Section 5.4.3 alludes to an archaeological mitigation plan which must be adequate defined within the EIA. It is important that any such plan comprises detailed outline of methodologies and technologies necessary to qualify archaeological interests, as may be encountered within the development area, and also to describe the procedures to be enacted should the project encounter material of archaeological interest during construction, operation and decommissioning for the consented development. In particular the EIA must stipulate the appropriate action to be taken should the project identify or encounter any site qualifying for protection under the Protection of Wrecks Act 1973, Ancient Monuments and Archaeological Areas Act 1979 and the Protection of Military Remains 1986.

We offer the following comments for the Onshore Environment in the EIA Scoping Report

In general terms, English Heritage advises that a number of considerations will need to be taken into account when proposals of this nature are being assessed. This includes consideration of the impact of ancillary infrastructure, such as cabling and substations. The following points need to be considered:

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- The potential impact upon the landscape, especially if the development occurs within an area of historic landscape.
- Direct impacts upon historic sites and areas, whether statutorily protected or not. All grades of listed buildings should be identified.
- Indirect impacts, particularly the *setting* of listed buildings, scheduled monuments, conservation areas etc, including long views and seascapes.
- The potential for buried archaeology, based on current archaeological knowledge of the area, geophysical and borehole surveys.
- Effects on landscape amenity.
- Cumulative impacts.

It is important to stress that the management and use of the full range of the historic environment is conducted in a manner that best serves the public understanding and enjoyment of the whole, and not just that of the designated and protected sites. In this regard, there is potential for all heritage assets to be taken into consideration, whether they are designated or not in accordance with the principles set out in Planning Policy Statement 5 (*Planning for the Historic Environment*).

We noted that the Appendix I of the EIA Scoping Report provided minutes of meetings with stakeholders and in consideration that the developers have not yet contacted English Heritage in regard to this project proposal, we encourage them to do so.

Yours sincerely,

Christopher Pater
Marine Planning Unit

Cc Dominique de Moulins (English Heritage, South East Region)
Alan Byrne (English Heritage, South East Region)
Owain Lloyd-James (English Heritage, National Advice and Information)
Alan Gibson (Marine Management Organisation)

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The European Landscape Convention The English Heritage Action Plan for Implementation



ENGLISH HERITAGE



defra

Department for Environment
Food and Rural Affairs



COUNCIL OF EUROPE / CONSEIL DE L'EUROPE



BACKGROUND TO THE ACTION PLAN

The Council of Europe's European Landscape Convention (the 'Florence Convention' – the 'ELC') is the first international instrument devoted exclusively to the protection, management and planning of landscape in its entirety. It was published in 2000 and came into force in England on 1st March 2007.

English Heritage played a significant role in the development, adoption and early implementation of the Convention, both at national and European level. Now, alongside Natural England, English Heritage is a member of the Government's England-wide ELC Implementation Group and of its UK Co-ordination Group.

The English Heritage Action Plan – part of our work for Government under its current programme – is designed to guide our contribution to the further implementation of the Landscape Convention, and to help to ensure that implementation at all levels of government captures the cultural and historical as well as the natural richness of landscape. The aim is to broaden awareness of landscape both within English Heritage and amongst our principal partners in local government.

Landscape policy in the United Kingdom is already closely aligned with the Convention, and before UK ratification a Regulatory Impact Assessment had demonstrated that existing procedures and practice (through the work over many years of government agencies, local government and NGOs such as the National Trust) are compliant with its formal requirements. Government recognises however that implementation can be further strengthened, and this Action Plan sets out ways in which English Heritage will assist government in this task, particularly in recognising the connections between landscape and heritage and in recognising that landscape exists everywhere, in urban and maritime, as well as in rural, contexts.

National implementation of the Convention is led by Defra, the Department for Environment, Food and Rural Affairs. Defra convenes governmental UK and England co-ordination groups, and in England delegates its lead role to Natural England in the context of an overarching strategy – A Framework for Implementation in England – that was drawn up by Natural England and English Heritage. This is designed to frame more detailed action by government departments, agencies local authorities and other non-governmental bodies. In the first instance, Defra asked both English Heritage and Natural England to prepare Action Plans.

THE EUROPEAN LANDSCAPE CONVENTION

The Convention is the first international instrument to deal with the whole landscape, urban as much as rural, ordinary as much as special, marine as well as terrestrial, cultural as well as natural. English Heritage is already the leading actor for some of these aspects, notably but not exclusively in the urban field. The Convention's underlying philosophy, and its democratic approach to both value and change, is attuned to the "Power of Place" and "Force for our Future" agenda, being focused on the connections between people and place and on the idea of 'heritage everywhere'. It was taken into account in drawing up the English Heritage Conservation Principles (<http://www.english-heritage.org.uk/server/show/nav.9181>), which are in harmony with its core concepts, and it supports English Heritage's overall philosophy of managing change constructively. It promotes landscape as a cultural issue – a matter of perception, an issue of shared common heritage, a 'window' through which people view their world – to be used to incorporate the historic environment into the future.

The Convention's forward-looking approach is concerned with providing the highest quality landscape for future generations, by protecting special landscapes and by managing and enhancing all landscape everywhere. Its definition and scope encompass everyday and degraded landscape as well as outstanding or special areas. It does not offer an exclusively preservationist agenda, but sees that the essence of landscape is its living, changing character, and that landscape is dynamic both physically and in terms of perceptions and opinions. It is spatial planning, place-making and agricultural policy that are likely to be primary delivery mechanisms.

ENGLISH HERITAGE AND THE EUROPEAN LANDSCAPE CONVENTION

English Heritage already carries out a great deal of landscape work across the full spectrum of its activities, from strategy, policy, research and communications to planning, advisory and case work. The Landscape Convention provides us with a new opportunity to coordinate existing work, to present it more coherently and to new audiences and to develop new areas of activity. It will help to align our work more strongly with the work of other government and public bodies and to engage with wider policy areas issues, notably within Culture, Communities and Local Government and Defra agendas. We believe that the Convention offers a mechanism for delivering broad programmes designed to harness the historic environment to social and economic purpose (quality of life and quality of place for everyone) as well as supporting the sustainable management of the historic landscape as a goal in its own right.

Our Action Plan proposes ten broad areas for action over the next 5 years. Through its close correlation with our current Strategic Aims, we see the ELC as offering important opportunities to meet DCMS and English Heritage objectives. For example:

- We will use landscape as a forum for contributing to the management of change everywhere and for helping to shape future places. It gives us the opportunity to treat heritage as more than just the designated highlights but as the full context of peoples' lives, thus expanding our engagement with new, broader and more diverse audiences.
- We will continue to work to strengthen the understanding, management and enhancement of the historic environment, notably through national programmes of Historic Landscape Characterisation (HLC) and the National Mapping Programme (NMP), and through other strategic programmes of research and investigation. In partnership with National Parks and AONBs we will in particular use the Convention to ensure that future 'high quality landscape' will include a legible past.
- We have particular expertise in urban, built and designed landscapes, and will continue to promote their understanding and appreciation, for example through our programme of urban and metropolitan Historic Landscape Characterisation projects, our Historic Area Assessments and our advice to the owners of designed landscapes and parks. We will specifically use the Convention to develop and encourage approaches which promote an integrated understanding of sub-urban, peri-urban and changing rural landscapes.
- We aim to use this Action Plan to promote more recognition of the historic dimension of landscape in the marine zone (for example in new legislation and procedures, and using our existing Historic Seascape work).
- We will use the Convention's approach to landscape as an integrative concept to help to ensure that the historic environment continues to take its place within the wider environmental agenda, and we will define new high level objectives for urban and rural landscape that ensure the adequate recognition of the cultural character of landscape in public policy.
- We will share with others our expertise in landscape (urban and rural, at all levels, from archaeological landscape and architectural area survey to Historic Landscape Characterisation, from landscape management to new design). We will demonstrate the importance of clearly understanding landscape's historic character for delivering informed management and public understanding and enjoyment.



A Gunnerside, Swaledale;
© Graham Fairclough

B Warwickshire: medieval ridge and furrow; © David Went

C South Norfolk; © NMR 23281-23

D The River Medway at Upnor, Kent; © NMR 23189-18

E Eggbrough and Dring power stations, Yorkshire; © 17968-004

F Faversham, Kent;
© NMR 21655-24

G Week St Mary, Cornwall;
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J Lindisfarne; © David Hooley

K Wind turbine, Norfolk coast;
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L The Welsh border; © NMR 23662-21

M Derbyshire Peak District;
© Graham Fairclough

N Spadeadam rocket test range, Cumbria; © Roger J C Thomas

O "Spaghetti Junction", the M6 near Birmingham; © NMR 18175-07

P Derbyshire Peak District;
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Q Newcastle; © NMR 17753-17

R Duddon estuary iron-workings, Cumbria; © NMR 12981-33

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T Bridport, Dorset;
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U North Wessex Downs farmstead;
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THE ENGLISH HERITAGE ACTION PLAN 2008-2013 to support implementation of the European Landscape Convention

A ADHERING TO THE PHILOSOPHY OF THE ELC (ELC ARTICLES 1 – 3)

1. Promote and explain English Heritage's ELC-related work through:
 - a) high-level published statements demonstrating how the Heritage Protection and Conservation Principles match and deliver the aspirations of the ELC as set out in its Preamble.
 - b) a promotional publication aimed at a wide professional and public audience to showcase recent and current English Heritage landscape work and achievements
 - c) the promotion of understanding and use of ELC definitions and scope (Articles 1 and 2) across English Heritage, the heritage sector and English Heritage partners

B MEETING THE ELC'S GENERAL PROVISIONS (ELC ARTICLES 4, 5 AND 6)

2. Be a centre of excellence for the historic dimension of landscape in town and country, and in the marine zone (policy and strategy formulation, research and outreach to monitoring, planning and management). Develop policy, methods and practice to contribute to the understanding, protection, management and planning of landscape, building on our existing leadership in landscape survey, assessment and characterisation, and promote historic landscape in legislation, PPS and the policies of other organisations.

C CONTRIBUTING TO NATIONAL LANDSCAPE POLICIES (ELC ARTICLES 5 B –D)

3. Establish English Heritage policy position:
 - define and publicise English Heritage's high-level objectives, policies and actions for landscape, including but not restricted to protected areas;
 - produce a landscape agreement with key partners.
4. Investigate ways to facilitate public participation in landscape, within the limits of available financial resources, either directly or through local government partners, and including English Heritage engagement with NGOs, for example representation on groups such as the ICOMOS/IUCN Landscape Group.
5. Encourage the integration of landscape approaches in all areas of government policy by lobbying, persuasion and example.

D IMPLEMENTING SPECIFIC MEASURES FOR HISTORIC ASPECTS OF LANDSCAPE (ELC ARTICLES 6A – D)

6. Awareness-raising – use the ELC as an opportunity and context to expand public initiatives to promote the historic environment at landscape level.
7. Training and education – integrate the ELC concept of landscape into English Heritage training and related initiatives.
8. Identification and assessment of landscape
 - complete and strengthen English Heritage landscape characterisation and related programmes, including integration with other English Heritage landscape-scale research
 - further develop monitoring of the state of the historic environment by developing the Heritage at Risk and other initiatives and integrate their results with wider landscape monitoring such as Countryside Quality Counts.
 - work closely with Natural England to update the national 'Landscape Character Areas'.
9. Investigate how to define Landscape Quality Objectives in terms of their historic value and character.

E EXPANDING OUR INFLUENCE BY WORKING WITH PARTNERS (ELC ARTICLES 3 – 5, 6E, 7 – 9, 11)

10. Aim to deliver the ELC's aspirations for landscape (because it embraces all disciplines and interests) as an integrative force for inter-disciplinary holistic collaboration:
 - work with Defra & Natural England to deliver and monitor the England Implementation Framework and to contribute to UK co-ordination, including support for the UK ELC Landscape Award,
 - collaborate with CLG on spatial planning and landscape, notably in urban and Housing Growth areas
 - develop programmes to facilitate pan-European co-operation, through Council of Europe and EU networks, and in the context of the European Forum of Heritage Directors
 - support capacity building to assist local government contribution to implementation

THE ENGLISH HERITAGE ACTION PLAN FOR THE EUROPEAN LANDSCAPE CONVENTION

The Action Plan takes its place alongside that of Natural England in the context of Defra's Framework for Implementing the Convention in England. It follows the structure of the Convention's Articles but is selective in which aspects will receive priority in these early years to about 2013 or so. Principally, the Plan seeks to capitalise on English Heritage's existing strengths in this field, to reflect our Strategic Aims and to support Defra's aims. The choice of areas for action highlights the distinctive and in some cases unique contributions that English Heritage can make: to understanding (where we already have considerable body of expertise), capacity building and training (especially in the context of the post-HPR situation) and public participation (to build on our expertise in education and inclusion in the light of, for instance, Power of Place).

They are collated under five headings that follow the main Articles of the Convention itself:

- A Adhering to the philosophy of the ELC
- B Meeting the ELC's General Provisions
- C Contributing to national landscape policy
- D Developing specific measures to promote the historic aspects of landscape
- E Working with partners

They are also correlated with English Heritage's Strategic Aims, and of course have a direct relationship to the five targets identified by Defra in its Framework for Implementation in England:

- Improving performance within the current legal and regulatory frame
- Influencing future legislation, regulation and advice
- Improving understanding of landscape character and dynamics, monitoring change and trends
- Engaging people (awareness and understanding activities, promotion, education & training)
- Sharing experiences and best practice.

The European Landscape Convention offers a vision and a strategy for landscape that does not belong only to national government or its agencies. It is addressed also to all levels of government but equally importantly to civil society as a whole.

English Heritage, like Natural England, has prepared its Action Plan to guide its own contribution to implementing the Convention, but we encourage others organisations or groups – non-governmental, professional, business and community-based – to consider preparing strategies or plans for their own activities in this field.



V Williamson Monument, Lancaster; © NMR 17103-17



W Docklands; © Graham Fairclough

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You can also download a copy from www.helm.org.uk

EQUALITIES IMPACT ASSESSMENT

Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

FURTHER INFORMATION

Visit: www.helm.org.uk

www.english-heritage.org.uk/characterisation

<http://www.defra.gov.uk>

The full text of the Convention (with its Explanatory Memorandum and Operational Guidelines) can be found on the Council of Europe website at <http://www.coe.int/t/dg4/cultureheritage/conventions/Landscape>

There is a link from the following web page, which also includes related information:

<http://www.landscapecharacter.org.uk>

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www.english-heritage.org.uk



Wind Energy and the Historic Environment



ENGLISH HERITAGE

English Heritage is the Government's adviser on the historic environment. Central to our role is the advice we give to local planning authorities and government departments on development proposals affecting historic buildings, sites and areas, archaeology on land and underwater, designed landscapes and the historic aspects of the landscape as a whole. We also manage an estate of over 400 historic properties open to the public. This guidance is intended for developers of wind energy projects which may affect any of these aspects of the historic environment. It is also aimed at those, including local authority planners and their historic environment advisers, involved in strategic planning for renewable energy and the determination of project specific applications.

Alongside this guidance on wind energy, English Heritage has also produced guidance on climate change and other renewable energy technologies and the historic environment. This is available at the *Historic Environment – Local Management* website: www.helm.org.uk.

CLIMATE CHANGE AND RENEWABLE ENERGY

The Earth's climate is changing. The average global temperature has risen by 0.6 degrees Celsius since the beginning of the 20th century, taking the northern hemisphere outside the range of average temperatures it has experienced over the last 1,000 years. Globally, all of the 10 warmest years on record have occurred since the beginning of the 1990s, and the effects of recent warming can be seen in an increased incidence of heat-waves, storminess and flooding, the retreat of glaciers and ice sheets, and altered responses in plants and animals.

Although climate change is a natural and constant process, there is a strong scientific and political consensus, internationally and within the UK, that the current increase in average temperatures results mainly from increasing atmospheric concentrations of carbon dioxide and other greenhouse gases and that these increasing concentrations are the result, in part at least, of human influences. There is also general agreement that average temperatures are likely to rise even faster, particularly in the second half of this century, unless action is taken to limit and reduce greenhouse gas emissions.

Under the terms of the Kyoto Protocol, the UK pledged to reduce greenhouse gas emissions by 12.5 per cent below 1990 levels by 2008–12, with a further undertaking to reduce CO₂ emissions by 20 per cent by 2010. The European Union has also endorsed the need to reduce carbon dioxide levels in order to limit future temperature rise to 2 degrees Celsius.

Within this framework of international obligations and targets, the Government set out its energy policy, including its policy on renewable energy, in the 2003 Energy White Paper, *Our energy future – creating a low carbon economy*. The White Paper aims to put the UK on target to cut its carbon dioxide emissions by some 60 per cent by 2050, with real progress made by 2020, while maintaining reliable and competitive energy supplies.

The generation of energy from a variety of renewable sources is intended to make a major contribution to achieving this target, as well as providing a response to the depletion of fossil fuels and the need to promote security of energy supply within the UK. The Government has previously set a target to generate 10 per cent of UK electricity from renewable energy sources by 2010. The White Paper set out the Government's aspiration to double that figure by 2020 and suggested that an even greater proportion of energy requirements would be needed from renewable sources beyond that date.

ENGLISH HERITAGE POLICY ON RENEWABLE ENERGY AND THE HISTORIC ENVIRONMENT

On the basis of the most widely accepted predictions, future climate change is likely to be detrimental to the historic environment. Despite the fact that most historic buildings, sites and landscapes have experienced a changing climate in the past, many may be at risk, together with the important contribution they make to the UK economy:

- Rising sea levels will endanger the preservation of historic maritime landscapes, structures, buildings and archaeology.
- Increasing frequency and severity of flooding may damage the historic fabric of towns and cities.
- Higher temperatures, drier summers, changing patterns of vegetation and altered distributions for pests and disease may pose significant challenges for the long-term maintenance of historic landscapes, including designed landscapes.
- Potential increases in rainfall, storminess and weather intensity together with greater risk of ground subsidence may threaten the continued stability and weather resilience of many historic buildings.
- Changes in hydrology and cropping regime and increasing soil erosion as a result of weather extremes may make it more difficult to conserve buried archaeological remains.

Recognising these threats to the historic and natural environments and to our national prosperity, English Heritage welcomes the Government's commitment to reduce the emissions which contribute to global warming. We support measures to reduce fuel consumption, increase energy efficiency and exploit renewable energy sources. In addition, through our own sustainable development strategy (www.english-heritage.org.uk/sustainabledevelopmentstrategy), we are committed to reducing the environmental impact of our own activities. Nevertheless, we also recognise that some renewable energy technologies have the potential to cause serious damage to irreplaceable historic sites, which are themselves an integral part of the wider environmental and sustainability agenda.

A truly sustainable approach to renewable energy generation needs to secure a balance between the benefits it delivers and the environmental costs it incurs. English Heritage therefore supports an approach to renewable energy generation which:

- acknowledges the need for society to invest in a wide range of renewable energy generation technologies;
- recognises the potential environmental impacts of different technologies, including their implications for the historic environment;
- keeps the balance of environmental benefits and disadvantages of each technology under continual review; and
- continually seeks to limit and mitigate adverse impacts.

English Heritage believes a pro-active and strategic approach to the land-use planning system will maximise the benefits of renewable energy projects, while minimising their adverse effects on the historic environment. This should be achieved by considering the *cumulative* effects of projects as well as their *specific* impacts and by ensuring that the implications of renewable energy developments are adequately reflected in national, regional and local planning policy and at all stages of the environmental impact assessment process.

We also believe that high quality design should play a key role in minimising any adverse effects of projects, whether this is directed at the disposition of wind turbines and energy crops in the landscape or the positioning of photo-voltaic cells on historic buildings. Fundamental to achieving high quality design will be a sound understanding of the character and importance of the historic asset involved, whether at the scale of individual buildings and sites or more extensive historic areas and landscapes.

Given the rapidity with which renewable energy technologies are evolving, considerable weight should be given to ensuring the reversibility of renewable energy projects and their associated infrastructure. English Heritage therefore believes that where sensitive greenfield land is used for renewable energy developments, it should not subsequently be regarded as brownfield land once installations are redundant.

WIND TURBINE TECHNOLOGY

By converting wind energy into electricity, wind turbines reduce the environmental impact of power generation. Wind energy is currently the most developed of a number of renewable energy technologies, with more than 1,000 wind turbines already operating across the UK, producing around one quarter of one percent of the country's energy.

Wind turbines can be deployed individually, to power a single site or installation, but are most commonly grouped together as 'wind farms' to provide power to the national grid. The energy output from turbines has increased dramatically over the past decade from 200 KW to 3 MW and with 5 MW turbines now under evaluation. Their greater energy yield means that the number of turbines needed to produce a given amount of energy has been reduced by at least a factor of five. Over the same period, however, the tower height and rotor diameter of turbines has doubled. Large modern wind turbines have rotor diameters ranging up to 65 metres. Towers range from 25 to 80 metres in height and, when a blade is vertical, some of the larger modern wind turbines can reach a total height in excess of 100 metres. Larger-scale wind energy developments are also becoming increasingly common as turbine ratings increase. In 2003, around a third of completed developments were above the 50MW threshold, and wind farms may now include up to 24 turbines and cover a total area of around one square kilometre.

As technical advances increase its cost effectiveness, offshore wind generation is beginning to play an increasingly important role in achieving renewable energy targets. By 2006, the installation rate for offshore generation is predicted to overtake that onshore. Currently, fifteen wind energy developments are planned in three strategic sea areas identified by government off the UK's eastern and western coasts. Offshore wind farms are generally large installations. Current turbine hub heights range from 40 to 100 metres and rotor diameters from 44 to 110 metres, with turbines likely to increase further in size and capacity. Although this increase in scale could intensify the visual impact of offshore installations when seen from the land, parallel improvements in technology which allow them to be located further from the shore may tend to mitigate this effect. A major expansion of offshore capacity is, however, likely to require a significant strengthening of the national grid at the coast where it is currently poorly developed.

Wind farm developments should be sited to avoid damage to archaeological features. Wind turbines at Carland Cross, Cornwall, are located at a distance from the prehistoric burial mounds in the two foreground fields.

Photograph: Steve Hartgroves,
Historic Environment Service,
Cornwall County Council



ONSHORE RENEWABLE ENERGY: THE PLANNING CONTEXT

National Policy

Planning policies on land-based renewable energy generation in England are set out in *Planning Policy Statement 22: Renewable Energy* (PPS 22). These are amplified by *Planning for Renewable Energy: A Companion Guide to PPS22*, which offers practical advice on how these policies can be implemented on the ground. Additional advice is provided by *The Planning Response to Climate Change: Advice on Better Practice* issued by ODPM, the Scottish Executive and the Welsh Assembly Government.

The policy set out in PPS 22 and its companion guide are to be taken into account, alongside other planning policies, by regional planning bodies in the preparation of regional spatial strategies, by local planning authorities in the preparation of local development documents, and in all decisions on individual planning applications. Where renewable energy developments affect the historic environment, the policies set out in *Planning Policy Guidance 15: Planning and the Historic Environment* and *Planning Policy Guidance 16: Archaeology and Planning* will also need to be taken into account.

PPS 22 states that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable, environmental, economic, and social impacts can be addressed satisfactorily. It stipulates that regional spatial strategies and Local Development Documents (LDDs) should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources.

The PPS recognises the potentially adverse effect of some renewable energy developments on the visual amenity of the landscape and acknowledges that, among the renewable energy technologies, wind turbines are likely to have the greatest visual and landscape effects. It requires these to be assessed by local planning authorities on a case-by-case basis – according to the type of development, its location and landscape setting – by means of objective analysis and professional judgement, supported by appropriate descriptive material. The PPS notes that the impact of wind turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved. It also notes that long-term landscape impacts can be mitigated if conditions

are attached to planning permissions which require the future decommissioning of turbines and their ancillary infrastructure.

The PPS also recognises that renewable energy developments may have an adverse effect on both the historic and natural environment. It therefore stipulates that applications affecting World Heritage Sites should only be granted after an assessment has shown that the integrity of the site would not be adversely affected. It also specifies that planning permission for renewable energy projects which affect Scheduled Monuments, Conservation Areas, Listed Buildings, and sites on the *Register of Historic Battlefields* and the *Register of Parks and Gardens of Special Historic Interest in England* should be granted only where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the development's environmental, social and economic benefits.

The PPS discourages the creation by regional planning bodies and local planning authorities of buffer zones around internationally or nationally designated areas which will prevent renewable energy projects. However, it acknowledges that the potential impact of developments close to the boundaries of these designated areas will be a material consideration to be taken into account in determining planning applications.

Regional Spatial Strategies and Local Development Frameworks

Regional level policy is seen by government as critical to the achievement of national targets for renewable energy generation. PPS 22 stipulates that the regional spatial strategy framework should contain regional renewable energy generation targets and criteria-based planning policies which reflect considerations likely to influence the location of projects, such as the presence of internationally or nationally designated areas within the region. Although Regional Spatial Strategies will have a key role in identifying broad locations for renewable energy projects, these locations are not to be given defined boundaries and will not preclude projects in other locations. Regional planning bodies are encouraged to work with local authorities to ensure that any criteria-based policies are applicable across the region or in defined sub-regions.

PPS 22 includes internationally and nationally designated heritage sites among those considerations for which specific policies at the regional level may be appropriate. The *Companion Guide to PPS22* also confirms that sites or areas of heritage importance should be included and that criteria-based policies may be appropriate for undesignated landscapes with particular characteristics where the criteria have to be consistent across a number of individual districts.

Although much of the strategic framework for renewable energy planning will be established at the regional level with the involvement of local authorities, Local Development Frameworks (LDFs) will also play a strategically important role. PPS 22 requires local planning authorities to include criteria-based policies in LDFs which support regional generation targets and provide guidance in relation to standalone renewable energy schemes or the integration of renewable energy into new development. These policies should focus on key local issues, within the framework set out by national planning policy and the Regional Spatial Strategy.

The *Companion Guide to PPS22* makes it clear that it will be usual for policies for standalone renewable energy schemes to list the issues which will be taken into account in determining specific applications, and that this should include impacts on landscape, townscape, and historic and cultural features and areas. The guide also makes it clear that, as the impact on designated sites of surrounding development is a material consideration in determining applications, local planning authorities should ensure that their criteria-based policies afford appropriate protection to the areas around nationally-designated assets. Policies can also be framed to assist decision-making on issues of landscape character outside nationally designated areas, and local planning authorities are advised to consider undertaking landscape capacity and sensitivity analyses in order to frame these.

Local planning authorities are also encouraged to consider preparing Supplementary Planning Documents on renewable energy. These documents can be used to set out in detail how criteria will be applied to assess renewable energy applications, to address the specific locational issues of different technologies and to provide design guidance. They may also be used to indicate the relative sensitivity of some landscapes to particular types of renewable energy development, in order to guide developers' choice of sites.

Development control issues

All wind farm developments require planning permission. For installations with an output below 50MW installed capacity, applications for planning permission are determined by the local planning authority. For larger installations, development control is the responsibility of the Secretary of State for Trade and Industry, with the local planning authority acting as a statutory consultee. A licence must also be obtained from The Office of Gas and Electricity Markets (OFGEM) for developments in excess of 50MW.

Wind turbines are projects listed under Schedule 2.3(i) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as further amended by the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000. Local planning authorities are therefore required to screen applications for the need for EIA where the development involves the installation of more than two turbines or the hub height of any turbine (or height of any other structure) exceeds 15 metres. Although smaller developments may not require a full EIA, the local planning authority may still require relevant issues to be addressed in an environmental statement to accompany a planning application.

The environmental, landscape and visual impacts of projects, including their cumulative visual impact, should be assessed and mitigated at the scheme-specific level. Local planning authorities are encouraged to agree with developers how they should undertake landscape and visual impact assessment, and what relevant information will be required to accompany the planning application, during pre-application discussions.

EVALUATING THE IMPACT OF ONSHORE WIND TURBINE PROJECTS ON THE HISTORIC ENVIRONMENT

When scoping and designing wind turbine projects, or when determining planning applications for projects, developers and local authorities should always consider the impacts of the proposed development on the historic environment, including its implications for archaeological remains, historic structures and buildings, designed landscapes, the historic character and associations of the wider landscape. This consideration should extend to designated and significant undesignated sites and areas, including the implications of development on their setting, and should embrace both the direct physical impact of developments and any indirect impacts. Local planning authorities should always require these impacts to be adequately considered as part of the process of preparing any Environmental Statement.

Direct physical impacts

Wind turbines require a deep foundation to prevent them from becoming unstable in high winds. The foundation of a 1MW to 2MW machine would typically comprise more than 100m³ of reinforced concrete in a block of up to 16m diameter and 3.5m depth. In addition, the direct physical impacts from wind farm projects will include structures such as wind monitoring towers, sub-stations, transformers, control rooms, access roads, cable ducting, perimeter fencing and connection to the grid, together with temporary structures required during construction.

Construction of these features has the potential to damage any underlying archaeological remains. However, in comparison with other more conventional forms of development, ground disturbance within the overall footprint of a wind farm may be comparatively limited, and flexibility in the siting of individual structures provides opportunities to avoid damage. For example, within a typical development of six turbines, covering a total area of 14 hectares, the actual footprint of the turbines and their associated infrastructure may be limited to 1% to 2% of the overall development area.

Indirect impacts

Wind energy developments may impair the setting of historic sites and can compromise the visual amenity of the wider landscape, detracting from historic character, sense of place, tranquillity and remoteness. In certain conditions, indirect impacts can also include noise and shadow flicker from turbines.

Turbines towers are now typically in excess of 60 metres in height and may have a zone of visual influence more than ten kilometres in radius. Because wind turbines work best in locations where conditions are frequently windy, their visibility is often increased by being situated on high ground or in exposed positions in order to maximise energy yields. Similarly, in order to distance development from population centres, many existing developments have been sited in upland locations: places which are valued for their wild and remote character and often for their exceptionally well preserved historic remains.

Dealing with historic sites

Historic sites are a finite resource which cannot be replaced once damaged or destroyed. In contrast with some nature conservation or landscape designations, which may embrace very extensive tracts of land, designated historic sites tend to be more limited in extent. For example, the average area of a scheduled monument is only 2.5 hectares and the average area of a registered park and garden is 108 hectares. Listed buildings and their curtilages generally occupy far smaller areas. It should not, therefore, be particularly onerous to avoid locating potentially damaging wind farm developments within nationally important historic sites, and the criteria adopted by regional planning bodies and local authorities for assessing renewable energy projects in RSSs and LDFs should reflect this. Significant but undesignated historic sites, buildings and designed landscapes are also generally limited in extent and should similarly be avoided wherever practicable. To facilitate this, consultation with the relevant local authority Historic Environment Record should be undertaken at the earliest stage in the design of wind energy developments. Where direct impacts cannot be avoided, project assessment and mitigation should be required in line with the guidance provided in Planning Policy Guidance 15 and 16.

Setting and visual amenity

In accordance with the guidance provided by PPS22 and its companion guide, consideration should be given to the impact of wind energy developments on the wider landscape setting and visual amenity of historic sites. This consideration should extend to the effects of any necessary infrastructure (such as power transmission lines, access roads and signage) and to the individual as well as the cumulative impact of developments. Seasonal variations in visual impact should also be considered.

While change within the setting of historic sites may often be acceptable, in certain instances development will be considered inappropriate. Among particular factors which should be borne in mind when assessing the acceptability of developments within the setting of historic sites are:

- **Visual dominance:** Wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate.
- **Scale:** The extent of a wind farm and the number, density and disposition of its turbines will also contribute to its visual impact.
- **Intervisibility:** Certain archaeological or historic landscape features were intended to be seen from other historic sites. Construction of wind turbines should respect this intervisibility.
- **Vistas and sight-lines:** Designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area, should be avoided.
- **Movement, sound or light effects:** The movement associated with wind turbines as well as their scale may be a significant issue in certain historic settings. Adequate distance should always be provided between important historic sites and wind turbine developments to avoid the site being overshadowed or affected by noise and shadow flicker effects.

- **Unaltered settings:** The setting of some historic sites may be little changed from the period when the site was first constructed, used or abandoned. Largely unaltered settings for certain types of sites, particularly more ancient sites, may be rare survivals and especially vulnerable to modern intrusions such as wind turbines. This may be a particular issue in certain upland areas.

World Heritage Sites

PPS 22 stipulates that, along with other designated sites of international importance, renewable energy developments should not adversely affect the integrity of World Heritage Sites.

World Heritage Sites are inscribed under the terms of the World Heritage Convention, an international treaty which imposes obligations on the UK. Details of the operation of the World Heritage Convention are contained in *Operational Guidelines for the Implementation of the World Heritage Convention* (2005). This guidance extends to protection of the visual amenity of the setting of World Heritage Sites, as well as the sites themselves. The setting of some World Heritage Sites in the UK is more formally defined than for other heritage designations, by means of a mapped area included in the nomination file and approved by the intergovernmental World Heritage Committee at the time of the Site's inscription on the World Heritage List. This setting should be taken into account when determining wind energy applications in proximity to World Heritage Sites, as should the specific guidance on World Heritage Sites provided in PPG 15.

The wider landscape

While all landscapes are the product of human intervention and are therefore historic to some degree, some have been far more dynamic over time or have altered more radically than others. These historically dynamic landscapes, particularly those where the prevailing character is industrial or agriculturally intensive, may be more suited to accommodating large-scale wind energy developments than less dynamic areas.

The character of industrial or intensively agricultural landscapes may accommodate wind farm developments more easily than remote or historic locations.

2 Somerton, Norfolk

3 Siddick, Cumbria

4 Blyth, Northumberland

Photographs: NMR 21738-33; 17762-04; 17677-06 © English Heritage NMR

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The historic character of the landscape should therefore be considered alongside other aspects of character and visual and aesthetic issues when framing planning policies or determining individual applications, and landscape capacity and sensitivity analyses should always include the historic dimension. Where local authorities have completed an appraisal of this historic dimension of the landscape as part of the English Heritage-sponsored Historic Landscape Characterisation programme, this appraisal should be incorporated in the overall assessment of landscape impact.

In considering the landscape effects of wind energy developments, planning authorities should have regard to the immediate landscape impacts of the project, to the impacts of related secondary developments such as power lines and transmission stations, and to the cumulative effects of existing or planned renewable energy developments and their infrastructure. The character of the landscape, including its historic character, should be taken into account in determining the location, scale and extent of renewable energy developments. An analysis of character may also be helpful in informing the detailed design of wind energy developments, including the number, scale and disposition of turbines.

Reversibility

One important feature of wind energy developments is their general reversibility (in terms of landscape if not archaeological impacts). Planning authorities should therefore make provision, as part of any planning permission, for the long-term protection of the landscape by requiring legal agreements for the remediation and restoration of wind farm sites and their infrastructure when they are decommissioned.

OFFSHORE RENEWABLE ENERGY: THE CONSENTS PROCEDURE

As the land use planning system does not extend offshore, the policies set out in PPS 22 do not apply to developments for offshore renewable energy, although they do apply to related secondary developments constructed onshore, such as sub-stations and temporary construction facilities, for which planning permission will be required.

The Department of Trade and Industry is the lead Government department for the consents procedure for the development of offshore wind developments, coordinating applications through its Offshore Renewables Consents Unit. The consent procedure involves two alternative routes: the Electricity Act 1989 or the Transport and Works Act 1992. Both routes are likely to involve the need to obtain additional consents, principally permissions under the Food and Environment Protection Act 1985 and the Coast Protection Act 1949. Whichever consent route is adopted, an Environmental Impact Assessment is likely to be required.

Offshore wind energy developments on the Crown Estate's marine estate also require the granting of an Agreement for Lease by the Crown Estate as the main landowner of the territorial seabed.

EVALUATING THE IMPACT ON THE HISTORIC ENVIRONMENT OF OFFSHORE WIND TURBINE PROJECTS

When scoping and designing offshore wind turbine projects, or when determining consent applications, developers and consenting authorities should always consider the impacts of the proposed development on the historic environment which, for marine developments, could include either wreck or evidence for dry-land archaeological remains, subsequently submerged as a result of sea level rise over the last 10,000 years. The raised areas of seabed suited to turbine construction may also be areas of high potential for submerged prehistoric remains.

In addition, consideration should be given to the impact of developments on the seascape and on views of the adjacent coast, which may be historically significant (for example, in proximity to historic ports

5 The character of coastal seascapes and landscapes and the impact on marine archaeology should be considered at an early stage in offshore wind farm projects, such as this development at Scroby Sands, off Great Yarmouth, Norfolk.

Photograph: NMR 23501-15
© English Heritage NMR



or historic defensive sites). Although the trend to site new installations further from the coast may reduce the likelihood of significant visual impacts in the future, connections to the national grid may still have significant impacts on landscape and seascape.

Consideration of the impacts on marine archaeology should include both designated and undesignated remains. A small number of shipwrecks in territorial waters are designated under the Protection of Wrecks Act 1973, or protected under the Protection of Military Remains Act 1986, but the vast majority of wrecks, including nationally important sites, are undesignated. Submerged prehistoric land surfaces and their associated archaeological remains, which may be of considerable importance, are currently offered no form of statutory protection.

Assessment of the effects of development on the historic environment should be considered as part of the process of preparing an Environmental Statement. Developers should consult with English Heritage at an early stage about the implications of projects and seek information from the Maritime Module of the English Heritage National Monuments Record. Where appropriate, they should also seek information from the Historic Environment Records of adjacent local authorities.

Environmental statements should consider the direct and cumulative impacts of proposed offshore installations, both within the turbine array and on the wider seabed environment. This should include the construction of turbines and meteorological masts and their foundations; scour protection; burial and armouring of cables on the site and connection to the shore; and potential hydrological or sediment transport effects. The impact assessment of associated construction works should include onshore, inter-tidal and offshore works, as sensitive archaeological sites may occur in all these locations. Where archaeological remains are likely to be adversely affected by development, the Environmental Statement should set out proposed mitigation measures, including arrangements for post-construction monitoring of impacts. Consideration should also be given to the archaeological implications of the decommissioning of offshore installations.

KEY SOURCES

DoE 1990: *Planning Policy Guidance 16: Archaeology and Planning*. Department of the Environment, London

DoE/DNH 1994: *Planning Policy Guidance 15: Planning and the Historic Environment*. Department of the Environment and Department of National Heritage, London

HM Government 2005: *Securing the Future: The UK Government Sustainable Development Strategy*. Her Majesty's Stationery Office, London

ODPM 2004a: *Planning Policy Statement 22: Renewable Energy*. Office of the Deputy Prime Minister, London

ODPM 2004b: *Planning for Renewable Energy: A Companion Guide to PPS22*. Office of the Deputy Prime Minister, London

ODPM 2004c: *The Planning Response to Climate Change: Advice on Better Practice*. Office of the Deputy Prime Minister, Scottish Executive and the Welsh Assembly Government, London

Sustainable Development Commission 2005: *Wind Power in the UK: A guide to the key issues surrounding onshore wind power development in the UK*, London

UNESCO 2005: *Operational Guidelines for the Implementation of the World Heritage Convention*. United Nations Educational, Scientific and Cultural Organisation, Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, New York

WIND ENERGY AND THE HISTORIC ENVIRONMENT: BEST PRACTICE CHECK LIST

- The implications for the historic environment of wind energy developments should be reflected in Regional Spatial Strategies, Local Development Frameworks and Supplementary Planning Documents.
- The effects of wind energy programmes and projects on the historic environment should be evaluated in all levels of environmental impact assessment.
- Consideration of the historic environment should include World Heritage Sites; marine, coastal and terrestrial archaeology; historic buildings and areas; designed landscapes; and the historic character of the wider landscape.
- The significance of internationally and nationally designated sites should be safeguarded, and physical damage to historic sites should be avoided.
- The impact of wind energy developments on the setting and visual amenity of historic places should also be considered.
- Where wind energy developments affect historic sites, national planning policies on the historic environment should be taken into account.
- Consideration should always be given to the reversibility of wind energy projects.





Understanding Place: An Introduction



ENGLISH HERITAGE



This document introduces historic characterisation, and its application in spatial planning. It is aimed at local planning authorities, regeneration agencies, and developers and their agents. It includes references to other English Heritage advice and guidance available on the Historic Environment – Local Management (HELM) website www.helm.org.uk

Further guidance on practical application by Local Planning Authorities can be found in *Characterisation and Spatial Planning* English Heritage 2010. It sets out a number of case studies where the different approaches have been used singly and in combination and tailored to meet specific needs.

INTRODUCTION

Good quality places are an important national, regional and local resource. The character and quality of a place has an influence on health and social well-being, nurtures community cohesion and inclusion, and draws in economic investment. Building strong places can help address the issues brought by climate change. Improving the quality of place is at the heart of sustainable development.

Every place has its own character which is derived from the interaction between people and the environment, sometimes over tens, hundreds, or thousands of years. The historic environment is a key to our sense of place. It provides continuity and a source of identity which gives meaning and quality to places where we live, work and visit. It contributes to the attractiveness and vibrancy of those places, and so encourages economic investment, supports tourism, and provides a catalyst for regeneration. It can be a focus for community engagement, education, and recreation, and deliver sustainability benefits through the sensitive reuse of buildings. Understanding the value of the historic environment and making the most of its potential is therefore an important element of place-shaping.

Historic characterisation is the term given to a range of approaches to the identification and interpretation of the historic dimension of the

present day landscape (including townscape) within a given area. These approaches can be used singly or in combination, depending on the purpose, scope, and scale of a project. They can be used alongside the distinctive and complementary approach of landscape character assessment:

<http://www.landscapecharacter.org.uk/>

High quality places “understand the value of and make the most of their historic environment – of the infrastructure and buildings that past generations have bequeathed them.”

World Class Places, HM Government 2009

The definition of historic landscape

used in this guidance is that of the

Council of Europe’s European Landscape

Convention 2000 (the ‘Florence

Convention’) which has been in force

in the UK since March 2007:

“Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and human factors”

HISTORIC CHARACTERISATION, SPATIAL PLANNING AND DEVELOPMENT

Historic characterisation looks further than master-planning buildings, archaeological sites and other heritage assets towards a more integrated understanding of place. It operates at many different scales from whole counties to complex urban areas, market towns and individual sites and incorporates time-scales, time-depth and historical layering.

Landscape will change in response to the evolving aspirations and needs of society. Historic characterisation leads to an understanding of how places have evolved and are currently perceived which helps to manage this change through the spatial planning framework. It is particularly effective when carried out as early on in the process as possible.

Historic characterisation will help local authorities and others to:

- establish the sensitivities of a place and its capacity for development or change
- define opportunities for new development and inform its design
- establish the heritage values and significance of a place for different stakeholders and co-ordinate with community neighbourhood aspirations
- identify areas where greater protection of the historic environment is required
- manage and target resources.

GIS mapping has become an important tool in undertaking historic characterisation and enables the characterisation to be combined with landscape character assessment, and other environmental and visual assessments, and economic and social information. Such integration is one of its key benefits. It is therefore particularly useful in Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessment.

It can therefore assist in meeting the government objectives for sustainable, well designed housing and economic development set out in PPS1, PPS3, PPS4 and in particular in Planning Policy Statement 5: Planning for the Historic Environment (PPSS) by:

- contributing to a robust evidence base for development plans (PPSS policies HE2 and HE3)
 - indicating where Article 4 Directions may be needed (PPSS Policy HE4)
 - establishing indicators for future monitoring (PPSS Policy HE5)
- and can provide a focus for community engagement to support the Statement of Community Involvement (PSI 2).

Historic characterisation is a useful tool, not only for local authority planners and environmental conservation specialists, but also for developers, landscape architects, urban designers and others involved in regeneration strategies and master-planning. It can provide a context for both drawing up and assessing development proposals which affect heritage assets to ensure the significance of the asset or its setting is not adversely affected (PPSS Policies HE6-HE11).

CURRENT APPROACHES TO HISTORIC CHARACTERISATION

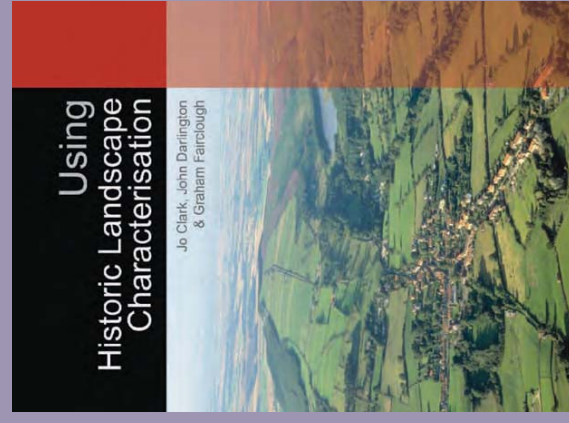
Historic characterisation can be undertaken at different scales and using a number of approaches. The choice of overall approach will depend on the aims and objectives of the survey, the scale of analysis, and how the results are to be used. More importantly, the approach selected can be tailored to meet the needs of a particular project. Whilst the main approaches in current use have been summarised below, a number of historic characterisation studies use a combination of these approaches or take one particular approach and develop it. In addition there are associated methodologies for assessing views and studies use a combination of these approaches or take one particular approach and develop it. In addition there are associated methodologies for assessing views and setting and for using HLC for master-planning. <http://www.homesandcommunities.co.uk/hca-english-heritage-guidance>

As such the five approaches described here are likely to evolve and change.

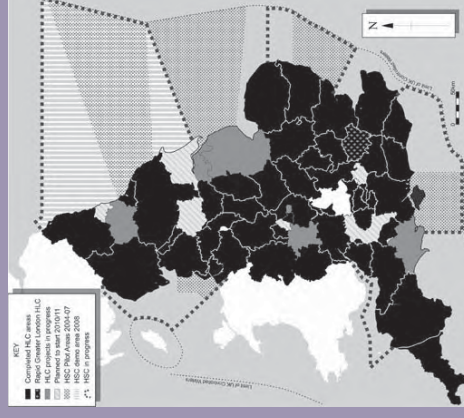
Historic Landscape Characterisation (HLC)

This approach takes the form of a national programme, in partnership between English Heritage and local authorities, usually at county level. Approximately 80% of the country has now been characterised using this approach. The information is available in Historic Environment Records (HERs), to use as an overarching framework for planning and land management. The earliest HLCs focused on rural landscape, but the approach has subsequently been used within historic towns and metropolitan urban areas. The original work is being updated to include the contribution of farmsteads and work is in progress to find ways to incorporate earlier landscape layers, derived in part from below ground archaeological remains. This approach:

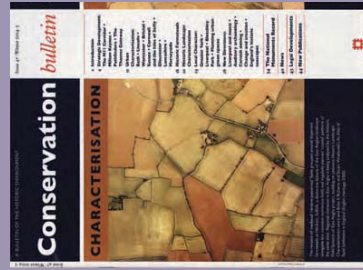
- has been carried out as a programme with the intention of encompassing the whole country
- sets out to describe of historic landscape character types
- is initially focused on relative judgements of value
- summarises how the landscape has changed over time but focuses on how the past landscape is perceived in the present
- is mainly desk based
- includes semi natural landscape and biodiversity as a cultural phenomenon



Further information on HLC is available at <http://www.english-heritage.org.uk/professional/research/landscapes-and-areas/characterisation/historic-landscape-character/> and in Using Historic Landscape Characterisation.



'More than 80% of England had now been characterised using the HLC approach.'



This issue of Conservation bulletin from 2004 is about projects using the principles of historic characterisation. <http://www.english-heritage.org.uk/server/show/nav.1292>

Historic Seascape Characterisation

This approach maps a cultural understanding of coastal and marine landscapes. It extends the principles of Historic Landscape Characterisation (HLC) to the marine environment, with modifications to take account of the complexity of superimposed layers through the water column from the surface to the seabed and below. Combined with terrestrial HLC, this allows historic character to be appreciated from land through coastal zone to the sea. It is suitable for application alongside natural environment data sets. This approach:

- is being carried out as a programme with the intention of encompassing the coast and marine environment around the whole country
- is consistent with HLC on land
- sets out to describe historic seascape character types
- is not initially focused on relative judgements of value

Further information is available at <http://www.english-areas/characterisation/historic-seascape-character/>

Historic Characterisation in Towns including the Extensive Urban Survey (EUS)

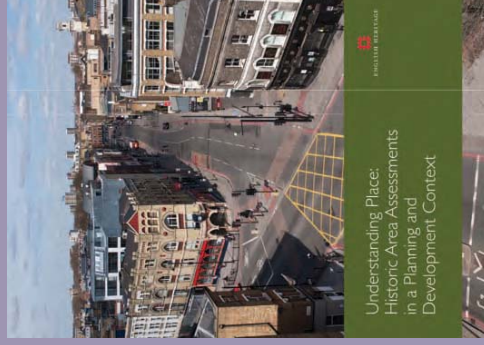
EUS projects are part of a national programme of surveys of the archaeology, topography and historic buildings of England's historic towns and cities. It covers all the smaller historic towns of England on a county-by-county basis. Like HLC the information is available through the Historic Environment Records (HERs), to use for planning and land management. These analyses of archaeological, topographical and historic sources highlight areas of sensitivity and target areas for future research. The use of GIS and digitised information within them is central to the work. This approach:

- has been carried out as a programme with the intention of encompassing the whole country
- is targeted to elucidate particular issues
- is focused on archaeological data and earlier fabric and topography but seeks to give an overview/synthesis from detailed records
- is mainly desk based

More recently EUS projects have adopted approaches from HLC, and innovative and community-focused townscape assessment methods have been developed, as in Lincoln, for example.



A full explanation of the Historic Area Assessment approach is set out in: *Understanding Place. Historic Area Assessments: Principles and Practice* English Heritage 2010.



A short users guide to carrying out HAAs was published in June 2010.

Historic Area Assessments

This approach combines researching a wide range of documents with field survey to provide a full understanding of the historical development of an area or neighbourhood such as a small town, suburb or village or parts of larger settlements. It sets out to explain as well as describe, and to define significance, within the historic environment. It is most useful for planning and decision making at the small and medium scale. There are three types of area assessment – outline, rapid and detailed - with each examining the area more intensively than the previous method. They can be used independently or sequentially to provide low-level coverage of a wide area, whilst reserving more intensive methods (for example examining the interior of some buildings) for where they are most needed. This approach:

- is targeted at a specific area
- is related to a particular local project
- leads to an understanding of condition and significance
- focuses on assets within the built and created landscape

Details of the approach are set out in *Understanding Place. Historic Area Assessments: Principles and Practice* English Heritage 2010.

Guidance can be found at:

<http://www.english-heritage.org.uk/professional/research/landscapes-and-areas/historic-areas-assessments/>

Conservation Area Appraisals

This approach examines the rationale for designation by summarising the chief characteristics of a conservation area and its significance and defining its special interest. It draws extensively on field observation and incorporates the principles of the Historic Area Assessment approach including community consultation. A clear, comprehensive appraisal of the character of a conservation area provides a sound basis for plan making, development management, and developing initiatives to improve the area, including Conservation Area Management Plans and Article 4 Directions.

This approach:

- is targeted at a specific area
- is related to a particular local project
- focuses on assets within the built and created landscape
- leads to an understanding of condition and significance and special architectural and/or historic interest
- identifies areas under pressure or in decline.

Guidance can be found at:

http://www.english-heritage.org.uk/publications/paradise-preserved/paradise_preserved_20081010174134.pdf/ on page 22 of *Paradise Preserved* English Heritage 2007.

Conservation Management Plans

This approach is an important tool for understanding large sites such as historic parks and gardens and identifying sub areas or 'character zones' within an area to be redeveloped. This approach:

- is targeted at a specific area but looks at the wider context
- is related to a particular local project
- is broad brush
- identifies character areas
- focuses on opportunities but identifies constraints

Guidance on conservation management plans can be found at <http://www.english-heritage.org.uk/server/show/nav.00100200800k00f>

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Textphone: 01793 414878

Email: customers@english-heritage.org.uk

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TGA6194_06/10

Ms Simone Wilding
The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: KT/2010/112059/01-L01
Your ref: 101028_EN010036_313565
Date: 25 November 2010

Dear Ms Wilding

**Proposed Kentish Flats Windfarm Extension (“the Project”)
Proposal by Vattenfall Wind Power Limited (“the Applicant”)
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
SI 2263 (“the EIA Regulations”)**

Thank you for consulting us on the scoping report relating to the above project.

Environment Agency Position

We have reviewed the report dated October 2010 prepared by the Applicant, which is comprehensive in its coverage and appears to follow good practice guidance for undertaking EIA. However, we have a few technical comments to make in respect of water quality, marine ecology and consenting to ensure that the Environmental Statement (ES) will appropriately address the environmental issues we consider are of most importance for this proposal.

Technical Comments and advice

We hope that you find the following technical comments and advice helpful.

Water quality

The cable(s) come onto land near Hampton Pier. The cable laying and burying will use a ploughing or jetting methodology. This activity will disturb sediments and could result in microbiological contamination of adjacent bathing waters. This risk has not been assessed and no information on any microbiological analysis of sediments has been presented. This needs to be reviewed in the final EIA but mitigation may be simply achieved by not undertaking this work during the bathing season.

Directional drilling will be used to lay cables under flood defence structures. Further information needs to be included to state if drilling muds will be used, and if any of this material is likely to be lost into the marine environment.

Environment Agency
Orchard House (Endeavour Park) London Road, Addington, West Malling, ME19 5SH.
www.environment-agency.gov.uk

Cont/d..

Marine Ecology

From the scoping opinion and the supporting reports,^{1, 2 & 3} the seabed sediments can be seen to be relatively unstable throughout most of the site. However, we have not been able to ascertain whether there are any environmental/ecological benefits since the existing wind farm was constructed.

Therefore, we would recommend that as part of the EIA a further two monitoring points be added in what appears to be the stable seabed area highlighted as "Gravelly muddy sand poorly sorted" on Chart 4.1, dated 2007 in the final combined SDG report, in approximately the same seabed area as previous grabs 8 & 40 (shown on chart 3.11 - where highest species numbers of epifaunal groups were observed). These additional monitoring points should be used to compare those areas that will be impacted upon by the construction of the extension against an area not impacted upon by the development. These additional points could also be used to assess the potential benefits of reduced fishing activity on marine ecology.

My colleague Ian Humphreys is happy to discuss this in more detail with you or the Applicant if you wish.

Consenting

It should be noted that Canterbury City Council are responsible for the sea-defences in this area. As such, their formal consent should be sought for any new works that may affect the defences along this stretch of coastline.

In addition, the cable route appears to be following that of the existing windfarm; whilst we have no objection to this, it should be noted that any works whatsoever in, over, under or within 15m of the West Brook will require our formal written Consent.

We hope you find our comments of use. If you have any queries, please do not hesitate to contact me.

Yours sincerely

MS JENNIFER WILSON
Planning Liaison Technical Specialist

Direct dial 01732 223272

Direct fax 01732 223289

Direct e-mail jennifer.wilson@environment-agency.gov.uk

1 Emu (2008a). *Kentish Flats Offshore Wind Farm Turbine Foundation Faunal Colonisation Diving Survey Report No. 08/J/1/03/1034/0839* Final November 2008;

2 Emu (2008b). *Kentish Flats Windfarm Development Macrobenthic Ecology Study - 2008 June 2008. 07/J/1/03/1033/0712*; and

3 OES (Offshore Environmental Solutions) (2009). *Kentish Flats Offshore Wind Farm FEPA Monitoring Summary Report*

Carr House
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South Yorkshire S61 4QQ

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



Your Ref: Kentish Flats Offshore Wind Farm
Date: 01/11/10

Joanne Golding
IPC Scoping Opinion

Dear Joanne

RE: Kentish Flats Offshore 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, Graham Penlington on 01709 845375, who will be happy to help.

Yours sincerely,

Ian Foster
Head of Asset



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

Your ref: 101028_EN010036_313565

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

Mr Simone Wilding
EIA & Land Rights Advisor
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN



25th November 2010

Dear Ms Wilding

**PROPOSED KENTISH FLATS WIND FARM EXTENSION (“the project”)
PROPOSAL BY VATTENFALL WIND POWER LIMITED (“the applicant”)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (“the EIA Regulations”)**

Thank you for your letter of 28th October 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 Vattenfall Wind Power Limited.

Major Hazards sites and explosives site within the vicinity of the proposed development

Explosives sites

A check has been made on the locations of licensed explosives sites in relation to the proposed Kentish Flats wind farm. On the basis of the information provided, there are no HSE-licensed explosives sites which might impact on this development.

Consultation distances

The application site boundary was determined using Figure 2.1 Kentish Flats Offshore Wind Farm Extension.

The proposed onshore cable routing identified does not fall within any of the HSE's Consultation Distances for Major Hazard Installation or Pipelines. Any related planning application would not be subject to HSE land use planning advice through PADHI+. This statement is based on the assumption that the cable will broadly follow the route of the existing Kentish Flat cable as stated.

Hazardous Substances Consent (HSC)

The Kentish Flats Wind Farm: EIA Supplementary Scoping Report does not make reference to the storage of substances. Any site needing to store or use hazardous substances at or above specific quantities must obtain consent from the Hazardous Substances Authority (HSA) in accordance with the Planning (Hazardous Substances) (Amendment) (England) Regulations 2010. In this case the Hazardous Substances Authority (HSA) is Kent Local Authority. The list of named substances and the controlled quantities can be found in Schedule 1 of the Regulations.

Vattenfall Wind Power Limited should check if any of the named substances in Part A of the Schedule are present at or above the specified controlled quantities. If they are then they would need to apply for a Hazardous Substances Consent. In many cases the substances present may not be included in Part A; but they may fall within one or more of the categories of substances & preparations specified in Part B of the Regulations. If that is the case and they are present at or above the controlled quantity, they would need to obtain a consent.

Therefore there is insufficient detail for HSE to provide advice on whether HSE would recommend granting Hazardous Substances Consent.

Electrical Safety

This project involves connections to the electrical power distribution systems and have an impact on existing generation, transmission and distribution assets. 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.

Design Standards

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.

I hope this information 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 electronic 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. Alternatively hard copy correspondence should be sent to Miss Vilja Gatrell at:

4S3 Redgrave Court,
Merton Road,
Bootle
Merseyside
L20 7HS
Tel. 0151 951 4607

Yours sincerely



Penny Taylor
Risk Communications Policy Unit

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



FAO: Simone Wilding
Infrastructure Planning Permission
Temple Quay House
Temple Quay
BRISTOL
BS1 6PN

Jo Golding

IPC

- 5 NOV 2010

REF:

Health Protection Agency

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Environmental Hazards**

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www.hpa.org.uk/radiation

4 November 2010

Your Ref: 101028_EN010036_313565
Our Ref: EN_RE_WF_101029_0072

Dear Simone Wilding

Thank you for your letter, dated 28 October 2010, advising of Vattenfall Wind Power Ltd's intention to make an application to the Infrastructure Planning Commission (IPC) for consent for the proposed Kentish Flats Wind Farm Extension.

The attached response provides a framework for considering the health impact, including the direct and indirect effects associated with power frequency electric and magnetic fields. Also, there are some pages on the HPA website regarding IPC-related activity (www.HPA.org.uk/IPC); and guidance on issues such as Health Impact Assessments will become available in the next few weeks.

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 more efficiently.

Yours sincerely

A handwritten signature in black ink, appearing to read "Dr Jill Meara". The signature is fluid and cursive, with a large initial "J" and "M".

Dr JILL MEARA

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

Encl: HPA position statement for onshore / offshore wind farms

Planning Act 2008: HPA position in relation to applications for onshore and offshore wind farms

This document sets out the Health Protection Agency's (HPA's) position in relation to Nationally Significant Infrastructure Project (NSIP) applications for new onshore and offshore wind farms under the Planning Act 2008. It is intended for the use of NSIP promoters and should be read in conjunction with the HPA's external guidance. Promoters should refer to the HPA IPC web-pages (www.HPA.org.uk/IPC), which detail the protocol for interacting with the HPA. Electronic-format correspondence concerning NSIP applications should be directed to crce.ipcconsultations@hpa.org.uk

Background

The HPA is a statutory consultee at the pre-application **and** application stages for NSIPs "which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people"¹. The HPA is also required to consider other related planning documents such as Environmental Impact Assessments (EIA), where these accompany a NSIP application.

The HPA response to NSIP consultations covers chemicals, non-ionising and ionising radiation. The HPA will not comment upon wider health determinants as these are outside the HPA's remit as a statutory consultee. Promoters should ensure that they consult other health bodies: Strategic Health Authorities (SHAs), Primary Care Trusts (PCTs), and Health Boards (HBs) (in Wales) are statutory consultees to NSIP. Whilst SHAs are directly named as a consultee for NSIPs in the Regulations², PCTs and HBs come under the wider definition of "statutory undertakers."

Wind farms: non-ionising radiation (power frequency electric and magnetic fields)

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. A summary of this advice is provided as a separate annex to this document.

Wind farms: chemicals

At this point in time, there is no body of evidence conclusively linking wind farms with adverse health effects arising from emissions of chemicals.

When operational, wind generation should not produce emissions, pollutants, or waste products. Installations are therefore highly unlikely to lead to public health impacts associated with emissions of chemicals.

There is potential for impacts to arise during the construction and decommissioning phases from the transport of material and equipment (e.g. accidental leaks, spills, and releases). The movement of material off-site has the potential to lead to impacts, if not properly managed (e.g. associated with contaminated land or dredged sediment). The HPA would expect the applicant to adhere to best practice guidance during these phases and for them to ensure that potential impacts are assessed and minimised. Further HPA recommendations are outlined in the HPA's EIA scoping response template (www.HPA.org.uk/IPC).

Offshore wind farms are located out to sea, away from members of the public, hence the potential for the public to be affected by any emissions from them is very small. Where onshore wind farms are located near to people, there is evidence that they may be more likely to give rise to other environmental impacts. A brief outline is given in the section below. Note that this is intended to provide an overview and does not constitute a literature review or HPA opinion on these aspects.

¹Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
http://www.opsi.gov.uk/si/si2009/uksi_20092264_en_1

²The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
http://www.opsi.gov.uk/si/si2009/uksi_20092264_en_1

Wind farms: environmental aspects outside of the HPA's remit as a consultee

The most common concerns expressed, with regard to siting of wind turbines close to housing, are related to noise and shadow flicker (which occurs when the sun is at low-levels and the sunlight is intermittently blocked by the blades of the turbine, causing a flashing effect).

Government departments have published some information of relevance with respect to noise and other impacts^{3,4}. It is important that promoters consult Local Authorities regarding potential nuisance impacts.

Wind farms: summary of HPA requirements

The HPA considers that the onus is on the applicant to conduct the assessment of compliance with the referenced 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.

In respect of electromagnetic fields, 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.

³ Wind Power: 10 Myths Explained

<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/energy/sources/renewables/explained/wind/myths/page16060.html#MythTurbinesarehealthhazard>

⁴ Moorhouse, A. et al. (2007) Research into Aerodynamic Modulation of Wind Turbine Noise: Final Report. July 2007. Contract no NANR233. Department for Business, Enterprise and Regulatory Reform, University of Salford. URN 07/1235.

Annex

HPA advice regarding power frequency electric and magnetic fields

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/NRPBArchive/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 µT (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.



Please reply to the Clerk:
(Mr) T. Smart
Ben Trovato
Borstal Avenue
Whitstable
Kent
CT5 4NX
Tel: 01227 274047

Your ref:
101028 EN 010036
213665

IPC

5/11/10.

- 8 NOV 2010

Dear Sir

REF:

Proposed Kentish Flats Windfarm Extension

I refer to your letter dated 28th October 2010 to say that this Parish Council does not wish to offer any comments on the proposals.

Yours faithfully
T. Smart

Clerk to Hernhill P.C.

Our ref: TR135 560 MSE/ R/135560
Your ref: 10128/EN010036/313565

Garry Frostick
Senior Network Manager

Senior EIA and Land
Rights Advisor
Infrastructure Planning Committee
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Floor 1A
Federated House
London Road
Dorking
RH4 1SZ

Direct Line: 01306 878365

For the attention of David Price

25th November 2010

Dear Mr Price

**PROPOSED KENTISH FLATS WINDFARM EXTENSION ("THE PROJECT")
PROPOSED BY VATTENHALL WIND POWER LIMITED ("THE APPLICANT")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009
SI 2263 (THE EIA REGULATIONS)**

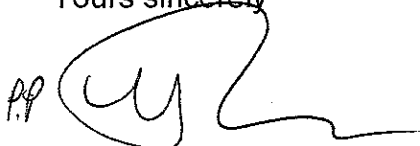
Thank you for your correspondence received on 4th November 2010, inviting observations and representations from the Highways Agency on the Environmental Scoping Study for a proposed extension to the offshore Windfarm at Kentish Flats.

The purpose of the Environmental Impact Assessment regulations is to address specific considerations in relation to this project. In the case of the Highways Agency these matters will be concerned with the identification of key transport and access issues.

Section 8.2 of the Scoping Study identifies potential impacts from construction on traffic and access issues during the installation phase of the development. It anticipates that all component parts will be brought in by sea, alleviating the need to use the road network.

The Highways Agency recognises that the methodology for the Traffic Impact Assessment will evaluate the potential impact from the delivery and installation of the cabling. This would need to address the routes taken for delivery of the cabling materials, and whether this would involve access onto and use of the strategic road network.

Yours sincerely



Garry Frostick
Network Delivery & Development (South East)
Email: garry.frostick@highways.gsi.gov.uk

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

**Environment, Highways & Waste
Directorate,
Integrated Strategy and Planning
Division**

Invicta House
County Hall
Maidstone
Kent ME14 1XX
Tel: 01622 221607
Fax: 01622 221635
julian.dipper@kent.gov.uk

Ask for: Julian Dipper
Your Ref: 101028_EN010036_313565
Our Ref: P/GEN/21
Date: November 2010

NO HARD COPY TO FOLLOW

Dear Sir/Madam

PROPOSED KENTISH FLATS WINDFARM EXTENSION – VATTENFALL WIND POWER LIMITED
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI
2263

Thank you for consulting the County Council on the scoping opinion for the above. The range of proposed issues to be covered appears to be comprehensive and we have no reason to question the methodology or approach to be followed in undertaking the EIA. The process will clearly benefit from the availability of data sets produced in connection with the original Environmental Statement (ES) for the Kentish Flats development and subsequent monitoring studies carried out by Vattenfall. No doubt some of the previous ES conclusions will remain valid.

Notwithstanding this, the applicant should ensure that any localised impacts on the now stabilised area of the existing wind farm resulting from the additional development are included as part of the scoping study. These are most likely to be an impact of the construction phase re-disturbance could occur. Notwithstanding this, we are not aware of any major concerns having been expressed about the impact of the existing development since its construction that might need to be highlighted.

Socio economic aspects

We welcome the inclusion of consideration of socio-economic impact issues and the proposed consultation with the County Council for whom this is an important issue.

Heritage Conservation

A summary of the comments from our Heritage Conservation Group is set out below. The full text of the comments are in Appendix 1.

- There is likely to have been a significant increase in baseline data available since the 2002 study and it is recommended that the authors should consult Simon Mason in KCC's Heritage Conservation Group and with Richard Cross, Archaeological Officer at Canterbury City Council.

- We would appreciate if copies of the archaeological study, any geophysical and subsequent watching brief and evaluation reports undertaken in connection with the original wind farm development could be forwarded to our office.
- English Heritage should be consulted with respect to the impact on maritime archaeology and the Scheduled Monument at Reculver.
- District Conservation Officers should be consulted with respect to visual impacts on other Heritage Assets in the area.
- The visual assessment should include an assessment on the impact on the setting of significant heritage assets such as Reculver. The visual impact on the World War II platforms at Red Sands Fort should be considered.
- Offshore proposals – the study should include review of geophysics data by an appropriate specialist. Any gaps should be subject to additional survey with input to the design of the survey by the archaeologist.
- Archaeological assessment of the geotechnical data to assess the impact on buried ancient land surfaces.
- Walkover surveys of the intertidal areas should be undertaken.
- We would welcome discussing the scope of the study further and would wish to be consulted on and agree the scope of mitigation measures and the written Scheme of Investigation both on and offshore.

Biological Environment

Section 4.1.1.3: it is incorrectly stated that “*no non-statutory sites are located within 5km of the Kentish Flats Extension landfall*”. Local Wildlife Sites and Local Nature Reserves can be found within 5km of the landfall point although it is unlikely that they are of concern in relation to the proposals.

We note the intention in 7.2.3 to carry out a biological records data search; this should include the provision of designated site information.

We also have some concerns about the data/impacts on marine mammals – see details in Appendix 2 to this letter.

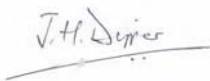
An additional point is the importance of bird data from the original construction phase being made available; it is this part of the project which is likely to have the most significant, although maybe temporary effect.

There is also the combination effects of all the wind farms in the area on red-throated divers (the key species for the new SPA area that includes Kentish Flats). Natural England is recommending an appropriate assessment of these effects.

Impact on the National Grid

There may be on-shore environmental implications if there is insufficient capacity in the national grid and it has to be reinforced as a consequence of the scheme. The ES should clarify the situation and assess any impacts.

Yours faithfully



for Development Planning Manager

APPENDIX 1

Heritage Conservation Group's comments

The comments of the Heritage Conservation Group are as follows:

The views expressed in the scoping study are in the main based upon baseline data collected by Wessex Archaeology for the original windfarm in 2002. This study is not known to us but we would anticipate that a significant amount of additional data is available within their study area which has come to light in recent years. We would appreciate a copy of the 2002 report and any subsequent archaeological and geophysical reports undertaken on the original windfarm development to be provided to our office for review on the present scheme and for deposit within the Kent Historic Environment Record. Consultation for the study should also be undertaken with the Canterbury City Council Archaeologist Richard Cross who will be more familiar with the on-shore potential of the area, English Heritage's maritime division for the offshore elements and the Inspector for Ancient Monuments for Kent for the visual impact of the proposals on Reculver in particular. District Conservation Officers in the areas visually influenced by the scheme should be consulted for the potential impact on other Historic Environment Assets, particularly those designated, within their areas.

With respect to the visual impact of the proposals it is noted that the view points selected relate to Reculver as well as the principle areas of settlement around the coast. The visual assessment should include an assessment with respect to the impact on the setting of significant heritage assets such as Reculver. The visual impact of the proposals on the nearby World War II platforms at Red Sands Fort, which are a visited heritage feature offshore in this area should be considered.

With respect to the offshore proposals, an archaeological review of any existing geophysical data should be undertaken by an appropriately experienced specialist. Where there are any gaps in existing data then further survey designed by the archaeologist for the purposes of archaeological survey should be undertaken. I note the potential for existing buried land surfaces in this area. The archaeologist should review existing geotechnical data and assess whether further geotechnical study is needed to understand the potential impact on buried archaeological sites in the area. If bore hole works are being carried out in connection with the study then it would be appropriate for the sediments to be assessed by an appropriately qualified geoarchaeologist. We are unclear as to what measures were put in place with respect to the original windfarm construction and maritime archaeology. These should be reviewed in the present study. With respect to the mitigation of the offshore impacts on archaeology, we would wish to be consulted with respect to the Written Scheme of Investigation and the scope of any other measures.

With respect to the route of the cable through inter-tidal deposits it would be appropriate for assessment to start with a walkover survey of the route to identify any archaeology features that may be visible. Survey of this area of the north Kent coast in recent years has found it to be particularly rich in archaeological remains buried in the intertidal sediments.

The on-shore study should consult the Kent Historic Environment Record and the Canterbury City Council Archaeologist to bring the findings of the 2002 study up to date. We would appreciate copies of reports of the watching brief and evaluation of the original cable scheme which are referred to in the scoping report. Again we would wish to discuss and agree the scope of archaeological mitigation for the cable route and the Written Scheme

If you would like to discuss this further please contact our Principal Archaeological Officer Simon Mason at simon.mason@kent.gov.uk

APPENDIX 2

Biological Environment (marine mammals)

While not specifically stated in Section 4.4.1, it is our understanding that marine mammal data were collected incidentally to the bird surveys. While this methodology is widely used, we consider that it could lead to underestimates in the numbers and species of marine mammal present in an area. We would like to see further information detailing the experience of the surveyors in marine mammal identification and the survey effort. If the annual surveys have been carried out in a standard format, we would like to see whether there is sufficient evidence to show changes in population or distribution of marine mammals since the Kentish Flats wind farm has been operational.

Section 4.4.2 discusses the potential cumulative and in-combination impacts. We query whether there should be consideration for in-combination effects of large vessels passing the proposed development area, once the London Gateway port development is operational.

Section 4.4.3 details the methodology and approach to EIA in relation to potential impacts on marine mammals. We agree with the conclusion that construction noise from piling has the most potential for impacts on marine mammals. In order to inform adequate mitigation measures, it is essential that baseline data accurately reflect the status of marine mammals in this area. There are a number of recent studies and data sets that suggest the importance of the seal population in the Thames Estuary including:

- Marine Mammal data from Kent Mammal Group;
- Reports on marine mammal surveys from Kent Mammal Group / Bramley Associates, including the 2004 '*Pilot survey of seal haul-out sites off of the North Kent Coast*' and the forthcoming 2010 aerial survey of seal haul out sites in the Greater Thames Estuary;
- Seal tagging that was carried out in the Thames by the Sea Mammal Research Unit on behalf of the DTI's Strategic Environmental Assessment programme.

The ES should also mention the need for monitoring the effects of the proposed development on marine mammals, through boat/aerial surveys and the use of acoustic pods to monitor the use of the estuary by cetaceans. If you have any queries on these recommendations please contact the County Council's Biodiversity Officer, Stefanie Buell, on 01622 221538 or e-mail stefanie.buell@kent.gov.uk .

From: [Kent Resilience Forum Kent Resilience Forum](#)
To: [IPC Scoping Opinion;](#)
Subject: Consultation Proposed Kentish Flats Windfarm Extension
Date: 24 November 2010 15:57:58

Dear Sir/Madam,

Thank you for your letter of 28th October regarding the above consultation.

The KRF has no collective comments to submit regarding the Kentish Flats Windfarm extension proposal, though individual agencies/organisations who make up the KRF and who may have been contacted separately, may choose to respond individually in own capacity.

Kind regards,

Debra Cooney
Director - Kent Resilience Forum
Business Management Support Unit
Tel. **01622 798593** Mobile: **07772 113212** Email debra.cooney@kent.pnn.police.uk

Please respect the environment and only print out this email if it is necessary

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

Environment and Regeneration Services

Wyncham House
207 Longlands Road, Sidcup, Kent, DA15 7JH
Tel: 020 8303 7777 Fax: 020 8308 7897
DX31807 Bexleyheath www.bexley.gov.uk



**LONDON BOROUGH OF
BEXLEY**

m/r 10/01844/SCOPE Tel 020 8308 7769
y/r 101028_EN010036_313565 date 1st November 2010

The person dealing with this matter is

Mr S M Bell
(e-mail- Steve.Bell@bexley.gov.uk)

Vattenfall Wind Power Limited
c/o Infrastructure Planning Commission
Mr David Price - Senior EIA And Land Rights Advisor
Temple Quay House
Temple Quay
Bristol BS1 6PN

IPC
- 3 NOV 2010
REF: _____

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACTS

**Kentish Flats Windfarm Extension Canterbury District Canterbury
IPC Consultation for the scoping opinion to be provided for an environmental
statement for the proposed Kentish Flats Windfarm extension.**

I acknowledge receipt of your details received on 29th October 2010 requesting a Scoping Opinion on the above proposal.

I would advise you that I am undertaking a consultation exercise regarding this proposal and I will endeavour to reply within the specified period. For your information the application was recorded in our records under reference 10/01844/SCOPE.

Please contact my assistant on the above telephone number if you have any queries.

Yours faithfully

Susan M. Clark

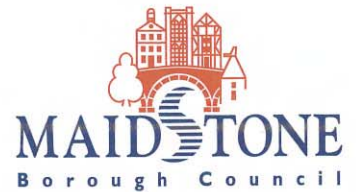
Head of Development Control



IPC

10 NOV 2010

REF: _____



Mr D Price
Infrastructure Planning Commission
Temple Quay House,
Temple Quay,
Bristol
BS1 6PN

Alison Broom
Chief Executive

Maidstone House
King Street
Maidstone
ME15 6JQ
t 01622 602000
w www.maidstone.gov.uk
Minicom 01622 602224

Date: 5th November 2010
My ref: MA/10/1888
Your ref: 101028_EN010036_313565

Dear Mr Price

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009**

LOCATION: Wind Farm off North Kent Coast, Nr. Whitstable, Kent.

**PROPOSAL: Proposed Kentish Flats Windfarm Extension - Environmental
Impact Assessment - Application for Scoping Opinion/Screening Opinion**

I am writing in response to your consultation on the applicant's request to the Commission for its scoping opinion as to the information to be provided in an environmental statement relating to the above-mentioned development.

I confirm that Maidstone Borough Council has no comments to make on the information to be provided.

Yours sincerely

W for Director of Change, Planning and the Environment

Contact: Richard Timms

t 01622 602325 f 01622 602972

e richardtimmers@maidstone.gov.uk

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Our ref
Your ref

25 November 2010

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

Enquiries to Chris Purvis
Email: dc.planning@maldon.gov.uk

Dear Mr Price

Re: Proposed Kentish Flats Wind Farm Extension

Thank you for your consultation dated 28 October 2010.

From the consultation details submitted the distance from the wind farm to the Council's nearest land point called Holywell Point is approximately 27km and in between is Foulness Island, which as a land mass with a small collection of buildings, albeit a relatively low lying land mass that intercepts the views towards the wind farm. It is considered that the views out of the District towards this area would not be detrimentally affected and therefore no objections are raised to the proposal from this Council.

I hope this information is of assistance and should you have any further queries relating to this matter please contact the case officer Chris Purvis on the telephone number below.

Yours sincerely



Jennifer Candler
Head of Planning Services

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The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN
FAO Ms Simone Wilding

Date 25th November 2010

Your Ref: 101028_EN010036_313565
Our Ref: REN 317

Dear Simone,

FORMAL SCOPING REQUEST UNDER THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 FOR THE CONSTRUCTION OF AN OFFSHORE WIND FARM OFF THE KENT COAST BY VATTENFALL WINDPOWER LIMITED

Thank you for your scoping request dated 28th October 2010 requesting the views of the Marine Management Organisation (MMO). The following comments are provided after consultation with the MMO District Office at Hastings and the Centre for Environment, Fisheries and Aquaculture Science (CEFAS).

The approach outlined in the Scoping Report appears to be fit for purpose. The report is comprehensive, and all the relevant risks, potential effects and impacts, pathways and potential receptors have been considered. However, we offer the following comments which should be considered when completing the Environmental Impact Assessment (EIA).

1. The EIA approach to divide each section into 'Key considerations' (which will require collection of new data) and 'secondary considerations' (which will use existing data) is acceptable. However, all the potential gaps in data and information must be correctly identified and included within the 'key considerations' though the EIA process.
2. The constraints assessment study for choosing the location of the Phase 2 expansion, included consideration of issues highlighted within the Offshore Energy Strategic Environmental Assessment. Then further informed by the knowledge gained from Phase 1. A detailed rationale of how these considerations and information on the site characteristics were used to determine construction design and methodology should be included in the Environmental Statement(ES).
3. Table 4.9: Herring spawning is shown in this table as taking place between January and April. It does in fact take place between mid-February and May. In

consequence, it is very likely that percussive pile-driving operations will need to be avoided between mid-February and May, as a mitigation measure.

4. Data from adjacent sites must not be used as a proxy for the site characterisation or to determine the baseline. Specific data for the extension area must be collected and used for the ES.
5. The use of ecology terms in the report, such as 'impacts', 'parameters', 'effects', etc is sometimes imprecise and should be amended in the ES. Avoid the use of terms like 'the biological environment' to refer to (presumably) biological communities, populations, or biocoenosis. In table 1.1, a more robust definition than 'assessed as being' must be used. This should include information on the criteria used for the assessment, how and by whom. Clarification is required in reference to the analyses to be used; are these qualitative, quantitative, semi-quantitative?
6. In order to correlate existing data sets with the Kentish Flats Extension, Vattenfall propose to undertake some limited, benthic ecology survey work. The data will be combined with the geophysical data sets in the ES to produce a biotope map as the basis for sensitivity assessment during the EIA process. The methodology and statistical tools to be used in the analyses of macrobenthic community data must be discussed and agreed with the MMO and their advisors at Cefas.
7. The socio-economic issues must also be considered for the offshore environment assessment (fishing, angling, sailing, etc).

If you have any queries on any of the comments above please don't hesitate to contact me.

Yours sincerely

Alan Gibson
Offshore Renewables Case Officer
Marine Environment Team
Marine Management Organisation



Maritime and Coastguard Agency

Navigation Safety Branch
Bay 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Simone Wilding
Infrastructure Planning Commission

Tel: +44 (0)23 8032 9523
Fax: +44 (0)23 8032 9204
E-mail: Paul.Townsend@mcga.gov.uk

Your ref: 101028EN010036_313565
Our ref: MNA 053/010/0600

11 November 2010

Dear Simone,

Proposed Kentish Flats Offshore Wind Farm Extension

Thank you for your letter dated 28 October 2010.

We have now had an opportunity to review the Environmental Impact Assessment Scoping Report, provided by Royal Haskoning on behalf of Vattenfall Wind Power Ltd, for the proposed Kentish Flats Offshore Wind Farm Extension project and, while noting that this proposal lies within the limits of the Port of London Authority (PLA), would comment as follows:

The Environmental Statement should supply detail on the possible the impact on navigational issues for both Commercial and Recreational craft, viz.

Collision Risk
Navigational Safety
Visual intrusion and noise
Risk Management and Emergency response
Marking and lighting of site and information to mariners
Effect on small craft navigational and communication equipment
The risk to drifting recreational craft in adverse weather or tidal conditions
The likely squeeze of small craft into the routes of larger commercial vessels.

A Navigational Risk Assessment will need to be submitted in accordance with MGN 371 (and 372) and the DTI/DfT/MCA Methodology for Assessing Wind farms.

Particular attention should be paid to cabling routes and burial depth for which a Burial Protection Index study should be completed and, subject to the traffic volumes, an anchor penetration study may be necessary

Reference should be made to any Marine Environmental High Risk Areas (MEHRAS) established on adjacent coastlines.



INVESTOR IN PEOPLE



SUPPORTING



The cumulative and in combination effects require serious consideration, and we welcome the participation in the Thames Estuary Developers Group.

Casualty information from the MAIB and RNLI would also be good data sources, in establishing the risk profile for the area.

Given that neither the capacity nor structure of the individual wind turbine generators have been decided the principles of the Rochdale envelope should be used in the EIA. Minimum safe air clearances between Mean High Water Springs (MHWS) and turbine blades should be suitable for the vessel types identified in the traffic survey and not less than 22 metres.

Any reference to IALA recommendations on the marking of wind farms should refer to O-139 Edition 1 December 2008 which replaced all previous versions.

The shipping and navigation study should include radar and manual observations in addition to AIS data to ensure vessels of less than 300gt are captured, particularly those to the south of the existing site.

The offshore human environment should also include recreational and other sport activities.

Particular consideration will need to be given to the implications of the site size and location on SAR resources and Emergency Response & Co-operation Plans (ERCOP) and Guard Vessel provisions.

Consideration, in discussion with PLA, will also need to be given to the provision of additional marine sensors to ensure their VTS system is not degraded by the proposed extension.

Developers need to be aware that the radar effects of OWF on ship's radars are an important issue and will be subject to further discussion within the radar sub group of NOREL. The radar effects will need to be assessed on a site specific basis taking into consideration previous reports on the subject available on the MCA website at: http://www.mcga.gov.uk/c4mca/mcga07-home/shipsandcargoes/mcga-shipsregsandguidance/mcga-windfarms/offshore-renewable_energy_installations.htm Extending the wind farm in the proposal will significantly increase the exposure of vessels to these effects.

Developers also need to be aware of the further discussions within the Aviation Lighting and Search & Rescue sub groups of NOREL, and ensure any recommendations endorsed by NOREL with respect to these activities are complied with.

Yours sincerely

Paul Townsend

ORIGINAL

Decision Notice

MC/10/4033

IPC

16 NOV 2010

REF:



Mr D Price
Infrastructure Planning Commission
Temple Quay House
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Development, Economy and Transport
Regeneration, Community and Culture
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR
Telephone: 01634 331700
Facsimile: 01634 331195
Minicom: 01634 331300

App's Name G Loman Vattenfall Wind
Power Limited

TOWN & COUNTRY PLANNING ACT 1990

**Town & Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999**

Proposal: Consultation from the Infrastructure Planning Commission on request for a scoping opinion related to proposed kentish flats wind farm extension proposed by Vattenfall Wind Power Limited

Location: KENTISH FLATS OFFSHORE WIND FARM

Take Notice that in response to your request dated 28 October 2010 Medway Council in pursuance of its powers under the above Act HAS NO COMMENTS on the above request for a scoping opinion.

Signed

David Harris
Development Manager
Date Of Notice 10 November, 2010

NERL Safeguarding – Mailbox 6

NATS – CTC
4000 Parkway
Solent Business Park
Whiteley
Hampshire
PO15 7FL

T: 01489 444687

F: 01489 616274

E: nerlsafeguarding@nats.co.uk

Simone Wilding
Infrastructure Planning Commission

Sent via email: ipcscopingopinion@infrastructure.gsi.gov.uk

23rd November 2010

Your Ref: 101028_EN010036_313565
Our Ref: W(F)9985

Dear Madam,

Wind Farm: Kentish Flats Offshore Extension

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,



Sarah Allen
Technical Administrator
On behalf of NERL Safeguarding Office

24 November 2010

Your ref: 101028_EN010036_313565



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

Natural England
7th Floor
Hercules House
Hercules Road
LONDON
SE1 7DE

BY EMAIL ONLY

T 0300 060 2436

Dear Simone Wilding

PROPOSED KENTISH FLATS WINDFARM EXTENSION, VATTENFALL WIND POWER LIMITED

Thank you for your consultation received 29 October 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

A handwritten signature in black ink, appearing to read "Joanna Watson".

Joanna Watson

Marine Advisor - Offshore Renewables (London & South East)

Tel: 0300 060 2436

joanna.watson@naturalengland.org.uk

NATURAL ENGLAND SCOPING OPINION FOR THE PROPOSED OFFSHORE WIND ENERGY EXTENSION AT KENTISH FLATS

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.

General Comments

Overall Natural England is happy with the presentation and content of the scoping report and accepts the EIA approach of dividing sections into Key Considerations, requiring collection of new data, and Secondary Considerations, which will use existing data. However, we would echo the MMO's comment that all potential gaps in data and information must be correctly identified and included within the 'key considerations' though the EIA process.

It would have been helpful if the scoping study could have listed those issues that were of concern in the EIA for the original Kentish Flats OWF but, by virtue of the availability of new data/knowledge, have now been scoped out of further consideration i.e. not even classed as being a secondary consideration.

NE is pleased to see that the scope of the Cumulative Impact Assessment will be established with consultees as the EIA progresses and is keen to be engaged with this process. We would anticipate the CIA would take into account:

Existing completed projects

- Approved but uncompleted projects
- Ongoing activities
- Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Specific Comments

Biological Environment

Section 4.1.1.1, P.47- Note that Margate & Long sands SAC is directly adjacent to the site

Section 4.1.1.2, P.49 – We are pleased to note that reference is made to Marine Conservation Zones and that the developer is aware of the Balanced Seas project. More information about the project can be found at the following website <http://www.balancedseas.org/>, including the most recent recommendations.

Ecological Network Guidance (ENG) has been released, which will be used to identify MCZs and ensure that the network is ecologically coherent. This guidance is available from the JNCC website at: http://www.jncc.gov.uk/pdf/MPA_100514_ENG_v9.0r.pdf .

The ENG identifies broad-scale habitats and Features of Conservation Importance (FOCI) which will need to be protected through the network. We recommend that Vattenfall reviews their environmental baseline data to assess whether the proposed development overlaps with any of these FOCI or broad-scale habitats, because, if appropriate, these may be included in areas recommended for designation as MCZs.

In addition we suggest that final paragraph of this section is changed to reflect the fact that it is thought any new protected areas will be within existing designations, rather than that it is *likely*.

Section 4.1.2. Note that sediment plumes may have impact on SAC/ Thanet Coast SSSI

p.53 'physical overlap' is not the only way a site can be impacted see 4.1.2.

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

Section 4.3.1.2, P.83 – re biotopes - please include EUNIS codes where possible

Ornithology

General points re ornithology

The fact that existing studies have failed to detect significant adverse effects on the environment within the area that can be attributable to the construction of the existing windfarm should not (without due caution – the need for which is exemplified by the case of red-throated diver displacement analyses) be used as a justification for scoping out further investigation of those effects in this scoping study. Failure to detect significant effects may be due to low statistical power to detect real changes, particularly against a variable background, rather than a genuine lack of effect.

There needs to be clarity concerning the timing of any Appropriate Assessment following submission of the ES. Past experience indicates that AAs need to be an iterative process and there may not be sufficient time between submission of an ES and the deadline for determination to enable such an iterative process.

NE is pleased to note that “impacts on designated sites and species (onshore) will be a primary consideration of the EIA”.

NE is pleased to note the recognition of the likely need for an AA with respect to impacts on red-throated divers.

NE is pleased to see recognition that cumulative impacts on red throated divers from the Kentish Flats OWF, planned extension and other offshore windfarms is identified as a key consideration within the scoping report. NE is also pleased to see that Vattenfall will assess the cumulative effects on divers through a collaborative approach working with the London Array project team and alongside other relevant Thames wind-farm developers.

NE is pleased to note that red throated divers and terns have already been identified as sensitive receptors for ornithological impact studies. As terns have been recorded flying to the south of the existing windfarm, there may be a need to consider collision risk modelling for terns.

Other ornithological receptors that may require particular consideration in the EIA include large gull species and auks. The figures presented (Fig 4.4 – Fig 4.16) are not very helpful in highlighting change over time in any except the most obvious cases. This is mainly because they are cumulative distribution plots over periods of differing duration between the three development phases. However, Table 4.4 indicates that Lesser black-backed gulls and guillemot may occur in reduced numbers within the OWF post construction during late winter. The Report by ESS Ecology in 2008 noted that numbers of both lesser black-backed gulls and guillemot within the windfarm area appeared to be lower in late winter during the operational phase. Fig 4.12 appears to show a very clear displacement effect in the case of Great black-backed gull. As all 3 of these species have also been recorded showing evidence of displacement from at least one other recently constructed OWF in England, impacts on these species almost certainly merit further investigation in the Kentish Flats extension EIA.

Without sight of the supporting information on flight activity levels and flight height distributions it is not possible to verify the decision to consider collision risk to be a secondary issue. In particular, given the

evidence regarding terns passing to the south of the existing windfarm and the fact that there will now potentially be an additional 17 turbines in the area, there may need to be an assessment of collision risk of terns. Moreover, if gulls have routinely been recorded flying at risk height then this too may require further investigation. We understand that the national population of the herring gull is currently undergoing a significant decline. Any additional mortality arising from windfarm collisions may need to be considered in the ES even if this species is not a qualifying interest feature (or assemblage component) of any nearby designated site. This may be particularly relevant given the observations from Horns Rev (mentioned on page 77) that gulls may preferentially forage within constructed offshore windfarms.

Specific points re ornithology

Page 48 Table 4.2 For each of the listed SPAs, the interest features listed appear to be only those individual Annex 1 or regularly occurring migrant species that meet the species specific qualifying threshold criteria. Many of these sites must also have either a breeding bird or overwintering assemblage feature (and hence other component species) that also need to be considered.

Page 53 last para Simply by virtue of its small footprint, the numbers of red throated divers around Kentish Flats may only form a very small proportion of the Outer Thames population. However, given that these birds generally occur at quite low densities across large areas this does not necessarily mean that in terms of relative quality of habitat, Kentish Flats and its surroundings are not of value to the population. The datasets compiled by JNCC and used to delineate the boundary of the Outer Thames SPA indicate that in general the density of divers around the Kentish Flats area is, if not the highest within the SPA, at least moderate. In any case the entirety of the Kentish Flats site is well within the boundary of the SPA which was set to include the majority of the important sea areas for the species in the wider Thames estuary.

Page 73 Given the failure of the original analyses conducted by ESS to detect the statistically significant evidence of displacement of divers (subsequently shown by Ecology Consulting's re-analysis), the conclusions regarding the lack of response of other species (not re-examined by Ecology Consulting) must be open to question. Accordingly, displacement of these other species cannot be discounted.

Page 74 – One could add to this list of bullet points that the susceptibility to disturbance depends on: the wider availability, extent, quality, location and level of pre-existing exploitation of alternative feeding locations.

Page 75 3rd & 4th para. & Page 77 last para Fig 4.18 shows that at least pre-construction there have been ample diver sightings within the site buffer zone, 2-3km from the windfarm. Fig 4.4 indicates many sightings of divers to the west of the existing site and within the planned extension zone. Thus, it would be wise not to downplay in advance the likelihood of a displacement impact on divers within the extension area. The evidence of habituation in winter 2009-2010 is far from conclusive.

Page 78 2nd last para. It is not clear from Fig 4.3 how the original bird survey area has been extended since Dec 2009 "in order to replicate the original buffer area". Fig 4.3 appears to show the same survey area as shown in the 2008-2009 monitoring report. The post construction monitoring report for Kentish Flats (Ecol Consult 2009) adopted a "gradient approach" to examine changes in diver density with increasing distance from the windfarm. The edge of the current survey area seems to be only c 500m to the south of the southern edge of the planned extension. To replicate such a gradient analysis over 2-3km (or more) in the future in relation to the planned extension, the survey area around it would need to encompass areas to the west and south that are not currently indicated in Fig 4.3. The planned survey area may not allow before and after gradient analyses in relation to the planned extension.

Landfall and Onshore

We understand that the export cable route has yet to be finalised but there are two main options, one that would see landfall to the West of Hampton Pier, the other to the East of Hampton Pier. The

cabling option to the east of Hampton Pier avoids direct impact on the Thanet Coast and Sandwich Bay SPA and Thanet Coast SSSI and Natural England recommend avoidance of these sites if this option is viable. If this is not possible, however, mitigation measures through timing restrictions may be possible in order to avoid direct impacts on the SPA, should the route to the west of the pier prove preferable. The impacts of both options should be explored fully in the EIA with a preferred option being outlined along with reasons for the preference.

As noted above, Natural England is pleased to see that the impacts on bird populations at the landfall sites will be fully considered in the EIA.

Natural England would advise that Vattenfall undertake further monitoring of the Turnstones at Swalecliffe. Monitoring is undertaken during the winter period, October to April. We would recommend undertaking surveys for the latter half of this season and the following winter to establish whether the Turnstones are using any roosting sites near the proposed cable landfall areas. These surveys will also help determine whether timing restrictions will be needed for the landfall works.

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.

EC Guidance notes below:

http://ec.europa.eu/energy/renewables/wind_energy/doc/guidance_wind_farms.pdf

9.2 'to four SPA sites' (currently says 'to four SPA')

9.3 Please provide evidence that effects will be '*highly localised*'-Is there any additional info re: monitoring?

Landscape and Seascape

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 landscape and seascapes throughout this iterative process to ensure any negative impacts are minimised.

The assessment should give consideration to views from land to sea, sea to land, sea to sea and land and land. In addition, all landscapes and seascapes have distinctive characteristics that give them a strong sense of place. The LSVIA should have regard to these qualities, the special characteristics of which Natural England would like to see conserved and enhanced.

With regard to the selection of viewpoints, we note the developer proposes four viewpoints (Table 5.2), which were 'regarded as being significant' in the ES for the existing project. Given that the extension turbines will be closer to shore and may be taller than the existing turbines, we consider the developer should review all the viewpoints listed in Table 5.2 in order to assess the magnitude and significance of change, before viewpoints are scoped out of the LSVIA. In addition we emphasise the importance of exploring and identifying the range of other visual receptors in the study area.

We are pleased to note the inclusion of the 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) listed with documents that will be referred to with regard to the LSVIA.

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.

We understand that the proposal is for all landward components to be in pre-developed sites with cabling buried beneath tarmaced surfaces, in which case we accept that visual impact of the onshore elements of the project is likely to be minimal. If, however, any new roads or infrastructure are required these should be incorporated into the visual assessment.

From: [Jane Balshaw](#)
To: [IPC Scoping Opinion;](#)
Subject: Proposed Kentish Flats Windfarm Extension
Date: 29 October 2010 16:15:51

FAO: Mr David Price, Senior EIA and Land Rights Advisor

Dear Sir

*Proposed Kentish flats windfarm extension ("the Project")
Proposal by Vattenfall Wind Power Limited ("the Applicant")
Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 SI 2263 ("the EIA Regulations")*

I thank you for your letter dated 28 October 2010 (reference 101028_EN010036_313565) concerning the above and write to inform you that Rother District Council has no comments to make.

Yours faithfully

Roger Scott

Roger Scott
Development Control Manager
Rother District Council
email: roger.scott@rother.gov.uk
tel: 01424 787610

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Deputy Chief Executive and
Director of Community and Planning Services:
Kristen Paterson



Vattenfall Wind Power Limited
C/O Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Tel No: 01732 227000, Option 3
Ask for: Lesley Westphal
Email: planning.information@sevenoaks.gov.uk
My Ref: SE/10/03082/RG10
Your Ref:
Date: 4th November 2010

Dear Vattenfall Wind Power Limited

Town and Country Planning Act 1990

Site: Kentish Flats Windfarm

Development: Scoping Opinion for proposed Kentish Flats windfarm extension

IPC
- 8 NOV 2010
REF:

I am pleased to confirm receipt of your application which I can confirm as valid from 29th October 2010 and you can expect to receive a decision by **25th November 2010**.

Lesley Westphal, is your case officer and can be contacted on the above mentioned phone number or by Email, planning.information@sevenoaks.gov.uk. Please quote the reference number if you contact the case officer.

Further information about planning procedures and policies is available on the Council's website: www.sevenoaks.gov.uk. You can track the progress of this and other applications by visiting: www.sevenoaks.gov.uk/publicaccess. Forms, plans, drawings and material submitted to the Council are protected by the Copyright Acts and Data Protection Act, but can be made available for publicity and consultation purposes.

Please be aware that it may be necessary for the case officer to take photographs of the site in connection with the processing of the application.

In dealing with the application this council will also consult Sevenoaks Town Council for their comments. It is possible for you to attend the meeting of the Town Council, when they consider the proposal, and make your views known, by prior arrangement. If you require further details please contact the Town Council direct on 01732 459953.

Yours sincerely,



Mrs A Salter
North Team Manager

NOTES:

Further to your planning application, your attention is drawn to the requirements of the Building Regulations 2000 (as amended) and the possibility of the need to obtain consent under such regulations. Prior to implementing works, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Council Offices, Argyle Road, Sevenoaks (telephone number 01732 227000) or www.sevenoaks.gov.uk/buildingcontrol. Alternatively another building control body may be able to assist.

We aim to make a decision on your application by the expected date. However if you have not received a decision by this date you can lodge an appeal with the Secretary of State for Communities and Local Government against non-determination. Should you wish to lodge an appeal against non-determination it must be lodged within 6 months of the date the application was valid on a form obtainable from:

The Planning Inspectorate, Room 307, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

From: [Jane Griffin](#)
To: [IPC Scoping Opinion](#);
Subject: Kentish Flats Windfarm extension
Date: 04 November 2010 11:36:51

Thank you for consulting SEEDA.

I have only looked at the socio economic aspects of this scoping opinion. The information provided is a bit sparse. Once developed the information may be sufficient but it needs to focus on primarily; provision of jobs – short and long term; Supply chain benefits to the local economy and potential training opportunities to develop key skills.

I am not sure however about the provision of long term key benefits for the local economy. Construction is likely to provide most benefits in terms of jobs and supply chain opportunities. However in other windfarm developments most job and construction opportunities went to the continental side of the Channel and specialist labour was imported from Scotland. This section of the EIA should make this clear. I note that currently Vattenfall only employ 10 FT technicians in a maintenance role based in Whitstable so local benefit was negligible from the first round.

Obviously the renewable energy provided by the scheme is the most important benefit to UK Plc but the local population should also benefit.

Kind regards

Jane
Jane Griffin
Planning and Infrastructure Policy Manager

SEEDA
Cross Lanes
Guildford
GU1 1YA

01483 470197

Annual Open Meeting
Thursday 4th November 2010
To Reserve your place email: openmeeting@seeda.co.uk

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As a public authority, please note that all documentation held by SEEDA is subject to the Freedom of Information Act 2000.

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Our Ref: SC/08.11.10/LP549/213643
Your Ref: 101028_EN010036_313565
Date: 08 November 2010
Email:

IPG
10 NOV 2010
REF:



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

95 Kilbirnie Street
Glasgow
G5 8JD

David Price, .
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol, BS1 6PN.

Fax:

Dear Sir / Madam,

**Re: Kentish Flats Windfarm, .
Insufficient Information Supplied**

SGN acknowledge receipt of your notice advising us of your intention to carry out work at: the above location.

On examining the above proposals we are unable to provide a definitive response due to insufficient information supplied. In order to prepare a response we require the following information:

- Either a detailed plan (of scale 1:500 or 1:1250) identifying the location and extent of the proposed works, together with a twelve figure Ordnance Survey Grid Reference, e.g. NS123456 789012, or a clearly marked road map (A-Z style) of location together with postal address or post code
- A description of the work to be carried out
- Details of the work method to be used
- Your intended start date of works

Please note that privately owned networks and gas mains owned by other Gas Transporters might also be present in this area. Information with regard to such pipes should be obtained from the owners.

If you have any further enquires please contact the telephone number below.

Yours faithfully,
Lesley Phillips
Admin Assistant
0141 418 4093

Contact: Dr Jessica Salder
Tel: 020 8541 7109

Location: Room 398
E-mail: jessica.salder@surreycc.gov.uk



Ms Simone Wilding
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

IPC
- 8 NOV 2010
REF: _____

Environment & Infrastructure
County Hall
Kingston upon Thames
Surrey KT1 2DY

3rd November 2010

Dear Ms Wilding,

EIA Scoping Opinion Consultation on the Proposed Kentish Flats Wind Farm Extension
Your Reference: 101028_EN010036_313565

Thank you for consulting Surrey County Council with respect to the EIA scoping opinion that the Commission has been asked to provide for the proposed extension to the Kentish Flats Wind Farm.

Please be advised that Surrey County Council has no comments to make on the proposed scope of the EIA for the scheme as outlined in the prospective applicant's Scoping Report, as the onshore and offshore areas that would be affected by the proposal are not located within or immediately adjacent to the boundaries of Surrey.

Yours sincerely

A handwritten signature in black ink that reads "Jessica Salder".

Dr Jessica Salder
Senior Environmental Assessment Officer



Printed on recycled paper

www.surreycc.gov.uk

From: [Jim Wilson](#)
To: [IPC Scoping Opinion](#);
Subject: 101028_EN010036_313565 - Kentish Flats Extension Scoping Report
Date: 09 November 2010 14:52:07

Dear Sir / Madam – thank you for your letter dated 28 October 2010 in respect of the above. The proposed scope of the EIA is noted. The Council does not wish to comment on this information.

If you would like to discuss the above, I am available on 01795 417302.

Regards

Jim Wilson
Major Projects Officer

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REGENERATION SERVICES

David Price
Senior EIA and Land Rights Advisor on behalf of the IPC
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Email: ipcenquiries@infrastructure.gsi.gov.uk

02 November, 2010

Our ref: B JW.PD/5/22/1
Your ref: 101028_EN010036_313565

Dear Sir

**PROPOSED KENTISH FLATS WINDFARM EXTENSION (“the Project”)
PROPOSAL BY VATTENFALL WIND POWER LIMITED (“the Applicant”)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 SI 2263 (“the EIA Regulations”)**

Thank you for your letter of 28 October, 2010.

The Council does consider that it is a relevant consultation body for the following reasons. The site is very near to the coastline of Thanet District Council. The existing, and proposed new turbines are clearly visible from the Council’s administrative district. Secondly the marine environment is important to the substantial inshore fishing fleet operating from the Port of Ramsgate in Thanet. Finally, the Port of Ramsgate hosts the operations and maintenance base for Vattenfall Wind Power Ltd.

The Council looks forward to making its comments on the environmental statement (Regulation 8 (11)), when the Statement has been produced.

Yours sincerely

A handwritten signature in black ink, appearing to read "B. White", written in a cursive style.

Brian White
Director of Regeneration
Direct Dial: 01843 577007
Email: brian.white@thanet.gov.uk
Fax: 01843 577514

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

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

For the Attention of Simone Wilding
Infrastructure Planning Commission

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

18 November 2010

Your Ref: 101028_EN010036_313565

Dear Simone

**Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
SI 2263**

Proposed Kentish Flats Windfarm Extension

Thank you for your letter dated 28 October 2010 consulting The Coal Authority on the scoping opinion for the above proposal.

The site of the proposed development is located outside of the defined coalfield area. As such, The Coal Authority does not wish to make any observations on the matters to be addressed within the Environmental Statement for the proposed development.

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

Yours sincerely



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

IPC
15 NOV 2010
REF: _____



Centre City Tower
7 Hill Street
Birmingham
B5 4UA
Phone: 0121 644 7500

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

12 November 2010

Your Ref 101028_EN01036_313565

Dear Sir / Madam

**PROPOSED KENTISH FLATS WINDFARM EXTENSION BY VATTENFALL WIND
POWER LTD
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263**

I refer to your letter dated 28 October 2010 which has been passed to me for response.

The Water Services Regulation Authority (Ofwat) is the economic regulator for the water and sewerage companies of England and Wales. Whilst the proposal may be of national strategic importance to electricity supplies, this is essentially a local matter in respect of impacts on water and sewerage service provision. In this respect the relevant water company/companies local to the area and the Environment Agency are your key Statutory Consultees. We expect that normal commercial arrangements will apply. We expect planning matters related to water and sewerage service provision to be resolved locally.

I confirm that we therefore do not have any comments.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Derek Parsons', is written over a horizontal line.

Derek Parsons
Principal Engineering Advisor

From: [Navigation Directorate](#)
To: [IPC Scoping Opinion;](#)
Subject: 101012_EN010021_287174 - Comments on Scoping Report for Kentish Flats Offshore Wind Farm Extension
Date: 25 November 2010 09:48:58

FAO Simone Wilding

Your ref:-101012_EN010021_287174
Our ref:- OWF/EC/10

Dear Simone

Response by Trinity House to the consultation on the Scoping Report for the Kentish Flats Offshore Wind Farm Extension.

I write in response to the letter of 28 October from David Price under the above reference seeking comments from Trinity House on the Environmental Scoping Study for the proposed extension to the Kentish Flats Offshore Wind Farm.

Trinity House is the General Lighthouse Authority for England and Wales with statutory responsibilities under the Merchant Shipping Act 1995 for the superintendence and management of aids to navigation off the coasts of England & Wales. As part of these responsibilities we advise the appropriate consenting authorities how developments in the offshore marine environment should be required to be marked by a developer as part of the conditions of any consent authorising development and operation. Our particular interest is therefore concerned with the interaction between the development (during construction, operation, decommissioning and beyond if any obstruction remains due to the wind farm which at the time is considered to be a danger to navigation) and all types of shipping (including commercial, commercial fishing and leisure) so that the risk is reduced to a low as reasonably practicable and that any aids to navigation required to mitigate the risk conform in all respects to the internationally agreed standards

The contents of the scoping report have been carefully studied particularly as regards the assessment of the impact of the development on shipping and I can advise the following from the Trinity House point of view:-

- Considers that if information can be obtained from the PLA radar tracks to confirm the traffic patterns outlined in the scoping report, this would adequately fulfil the requirement for the vessel traffic survey normally required by MGN 371.
- Considers that subject to the results of the vessel traffic survey essentially confirming the routes taken by shipping, then it is necessary only to review whether the conclusions of the original marine navigational risk assessment for the existing wind farm remain valid (rather than requiring a full risk assessment).
- Looks forward to further discussions with the developer during the environmental impact assessment regarding the navigational marking that should be exhibited both during construction and operation, recognising that the existing wind farm and the extension when constructed will need to be considered as one development. In this connection it will be necessary to alter the existing marking arrangements, however every effort will be made whilst specifying the marking requirements to minimise the alterations required whilst meeting the requirements of IALA Recommendation O-139.
- Will wish to review the requirement for, position and characteristics of the existing TH maintained Spaniard lighted buoy when the final layout of the extended wind farm is available and that if any changes are necessary because of the construction and operation of the extended wind farm, the one off costs incurred will be for the developers to reimburse.
- Considers that a single decommissioning plan should be progressed for the extended wind farm and that this should recognise that if for whatever reason any obstruction is left on site which is attributable to the construction, operation or decommissioning of the extended wind farm and which is considered at the time to be a danger to navigation it will be for the developer / operator to provide and thereafter maintain any navigational marking considered necessary until such time as the obstruction is removed or no longer considered to be a danger.

I hope that these comments are of assistance in preparing the scoping opinion for this project.

Regards

John Cannon
Navigation Services Officer
Trinity House.

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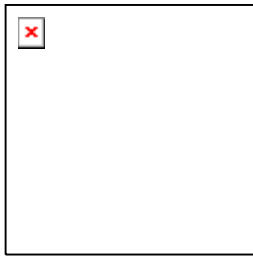
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Email planning.applications@tmbc.gov.uk

David Price
Infrastructure Planning Commission
Temple Quay House
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Direct line 01732 876237
Email lindsay.pearson@tmbc.gov.uk
Fax 01732 876363
Your ref 101028_EN010036_313565
Our ref B13 and B4/PTLS/LJP
Date 25 November 2010

Dear Mr David

KENTISH FLATS WIND FARM EXTENSION

Thank you for your letter of 28 October 2010 addressed to my colleague Mike Ingram. Please note that Mike Ingram is the Chief Building Control Officer and is not a planning officer. Should you need to contact us as LPA in the future can you please write to me.

We are somewhat confused as to why this consultation has been sent to this Council. The site is some 30 miles from the Borough boundary. The Local Planning Authority would be Canterbury City Council.

We do not propose to make comment

Yours sincerely

Lindsay Pearson
Chief Planning Officer



Director of Planning, Transport & Leisure: Steve Humphrey MRTPI
Chief Planning Officer: Lindsay Pearson BA (Hons) (Soc Sci) MSc DipTP MRTPI



INVESTOR IN PEOPLE

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

IP C

11 NOV 2010

REF: _____

Dated: 8 November 2010

**Town and Country Planning Act 1990
Town and Country Planning General Development Procedure Order 1995
Consultation Under Article 10**

Recommendation of The Borough Council

Planning Application Number: 10/03554/ADJ/AT2

Tunbridge Wells Borough Council hereby makes **no comment** to:

Article 10 Consultation: Extension of windfarm at Kentish Flats Offshore Wind Farm, North Of Whitstable



Jim Kehoe
Head of Planning Services

From: [IPC Enquiries](#)
To: [IPC Scoping Opinion](#);
Subject: FW: Wealden District Council Acknowledgement
Date: 29 October 2010 15:57:36

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

From: planning@wealden.gov.uk [<mailto:planning@wealden.gov.uk>]
Sent: Friday, October 29, 2010 3:41 PM
To: IPC Enquiries
Subject: Wealden District Council Acknowledgement

Dear Mr Price

Your Reference: 101028_en010036_313565

PROPOSED KENTISH FLATS WINDFARM EXTENSION ("THE PROJECT") PROPOSAL BY VATTENFALL WIND POWER LIMITED ("THE APPLICANT") INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 ("THE EIA REGULATIONS")

Thank you for your correspondence which was received on 29 October 2010 and has been passed onto Mr K Williams, the officer dealing with this matter.
Yours faithfully

Roger Bates
Administration & Technology Manager

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please email us.

Any views expressed are not necessarily the views of Wealden District Council unless stated.

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

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 studied 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.

Inter-relationship Impacts

The inter-relationship of 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 inter-relationship between aspects of the proposed development should be assessed and that details should be provided as to how inter-relationships 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;
- projects on the Commission's Programme of Projects;
- identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited; and
- sites identified in other policy documents, as development reasonably likely to come forward.

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 (DCO). 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.