

RWE npower renewables

Triton Knoll Offshore Wind Farm Limited

TRITON KNOLL OFFSHORE WIND FARM

Consultation Report

January 2012 Revision D

Document reference: 04/01

Pursuant to: Planning Act 2008, Section 37(3)

An **RWE** Innogy company

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Revision D

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Glossary of acronyms

AEZ	Archaeological Exclusion Zones
AONB	Area of Outstanding Natural Beauty
APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
BTO	British Trust for Ornithology
CAA	Civil Aviation Authority
cSAC	Candidate Special Areas of Conservation
DCLG	Department of Communities and Local Government
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
dMCZ	draft Marine Conservation Zone
ERCoP	Emergency Response Co-operation Plan
EIA	Environmental Impact Assessment
ES	Environmental Statement
EMF	Electromagnetic Fields
GDF	GDF SUEZ E&P UK
HAML	Hanson Aggregates Marine Limited
HRA	Habitats Regulation Assessment
HSE	Health and Safety Executive
IEEM	Institute of Ecology and Environmental Management
IPC	Infrastructure Planning Commission
JNCC	Joint Nature Conservation Council
JRC	Joint Radio Company
km	Kilometre
m	Metre
MCA	Maritime and Coastguard Agency
MEP	Member of European Parliament
MMO	Marine Management Organisation
MMMP	Marine Mammal Monitoring Plan
MNSRA	Marine Navigation Safety Risk Assessment
MoD	Ministry of Defence
MP	Member of Parliament
MW	Megawatt
NERL	NATS En-Route Limited
nm	Nautical mile
NSIP	Nationally Significant Infrastructure Project
NPS	National Policy Statement
NTS	Non-Technical Summary
PAM	Passive Acoustic Monitoring

PEI	Preliminary Environmental Information
REWS	Radar Early Warning System
RSPB	Royal Society for the Protection of Birds
RYA	Royal Yachting Association
RWE NRL	RWE Npower Renewables Limited
SoCC	Statement of Community Consultation
SPA	Special Protection Area
TKOWF	Triton Knoll Offshore Wind Farm
TKOWFL	Triton Knoll Offshore Wind Farm Limited
UK	United Kingdom
WGL	Westminster Gravels Limited
WSI	Written Scheme of Investigation
ZTV	Zone of Theoretical Visibility
ZVI	Zone of Visual Influence

Summary

- 1 This Consultation Report has been prepared to accompany an Application to the Infrastructure Planning Commission (IPC) for a Development Consent Order (DCO) which would grant powers to construct, operate and decommission Triton Knoll Offshore Wind Farm (TKOWF). The Application comprises up to 288 offshore wind turbines and associated infrastructure¹.
- 2 This Report has been prepared in accordance with section 37(7)(c) of the Planning Act 2008 (the 2008 Act). It seeks to demonstrate how the Applicant, Triton Knoll Offshore Wind Farm Limited (TKOWFL), has complied with its duties under sections 42, 47, 48 and 49 of the 2008 Act. In summary:
 - i) Under section 42 of the 2008 Act, bodies prescribed by Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 were consulted (the 'prescribed bodies'). In identifying prescribed bodies, the list of consultees notified of the proposed application by the IPC (under Regulation 9(1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009) was used as a starting point. In addition to this, a wide interpretation of local authorities and parish councils was adopted for the purposes of consultation, including those within the Zone of Theoretical Visibility (ZTV) of TKOWF.
 - ii) Under section 47 of the 2008 Act, a Statement of Community Consultation (SoCC) was developed for the project having due regard to comments from local authorities and the Marine Management Organisation (MMO) on what should be included in the SoCC. It was published in the prescribed manner and consultation with the local community was carried out in line with the proposals set out in the SoCC.
 - iii) Under section 48 of the 2008 Act, the proposed Application was publicised in local and national newspapers and commercial fishing and shipping publications. The section 48 notice occurred in parallel to formal consultation under sections 42 and 47 of the 2008 Act.
- 3 A single phase approach to formal pre-application consultation was adopted for TKOWF. This aligned sections 42, 47 and 48 requirements to run in parallel across an extended, 42 day, consultation period. In addition, informal consultation was ongoing throughout the pre-application period.
- 4 In developing the approach to consultation for TKOWF, the Applicant has given careful consideration to specific requirements in legislation and guidance documents provided by the IPC and Department of Communities and Local Government (DCLG).
- 5 Formal consultation on the project under sections 42, 47 and 48 of the 2008 Act was carried out in June and July 2011. The consultation activities included:

¹ The Application originally included all associated onshore and offshore electrical infrastructure work required for the project. However, prior to selection of the preferred onshore connection location, National Grid informed the Applicant that new and alternative options for the connection location had been identified for TKOWF and that they would be undertaking a strategic review of these options. Therefore it was decided to progress the electrical connection elements separately at a later date.

- i) Preparation of a range of consultation materials suitable for differing levels of technical expertise ranging from detailed technical documents in the form of Preliminary Environmental Information (PEI) to more basic materials providing non-technical information on the proposed project for the community.
 - ii) Publication of a newsletter.
 - iii) A series of public exhibitions along the east coast of England.
 - iv) Briefings for elected members carried out at the public exhibition venues.
 - v) Lodging of documents in public. Documents were provided to parish clerks to place in locations where their community members would be best able to access the information and were deposited in local access points and libraries.
 - vi) A regularly updated project website.
 - vii) A series of press releases to the media and the posting of adverts in newspapers and in local communities.
 - viii) Follow-up discussions with statutory and non-statutory consultees to address key areas of concern.
- 6 These activities generated the following interest:
- i) 83 responses were received to the section 42 consultation, of which 76 were received before the consultation deadline. 41 of these were received from prescribed bodies (excluding parish councils); 14 were received from local authorities; and 28 were received from parish councils.
 - ii) 222 responses were received to the section 47 consultation, of which 218 were received before the consultation deadline. 21 of these were received from consultees identified as technical organisations and users of the sea; 11 were received from non-statutory organisations; 14 were received from elected members; 13 individual written representations were received from members of the public; and 163 feedback forms were completed at or following the public exhibitions.
 - iii) No responses were received specifically in relation to the section 48 notice.
- 7 The responses to consultation raised a series of issues in relation to TKOWF. The key issues can be considered to focus on the potential effects on marine ecology and nature conservation, fishing interests, the safety of shipping and navigation, landscape and seascape, the cumulative impacts of TKOWF in conjunction with other offshore and onshore wind farms and issues relating to the electrical system that will be required for the project.
- 8 All responses to the consultation, whether they were received before the deadline for responses or after the formal consultation period closed, have been considered by the Applicant. Where practicable, responses have been taken into account by TKOWFL in preparing its Application for development consent for submission to the IPC. Where comments have not influenced the project, justification has been provided in this Consultation Report.

- 9 The amendments that have been made to the project as a result of the formal consultation undertaken can be summarised as follows:
- i) The maximum number of offshore wind turbines has been reduced from 333 to 288, in light of comments from nature conservation bodies and to mitigate potential impacts on birds.
 - ii) Feedback on the PEI has been incorporated in the development and finalisation of the Environmental Statement (ES) (document reference 05/01). This has included the following:
 - A further herring larvae survey has been undertaken. Non-statutory consultation has been carried out on this survey which has been reflected in the ES assessments.
 - Additional assessments have been undertaken including on the potential impacts of piling noise on marine mammals and on collision risk modelling on ornithology.
 - Mitigation measures have been included where significant impacts arise, including a marine mammal mitigation protocol incorporating a soft-start procedure for marine piling work to mitigate the impacts from sound pressure on marine mammals.
 - Inaccuracies have been corrected, clarifications have been made and additional quantification of impacts has been developed where possible in response to specific comments from consultees.
 - Additional GIS analysis of impacts has been included, for example in relation to the spatial effects of noise on fish species.
 - Further referencing has been made to justify assumptions and to support conclusions as suggested by consultees.
 - Monitoring plans have been included for fish, birds, marine mammals and the seabed.
 - iii) Conditions and requirements have been included in the Deemed Marine Licence and DCO (document reference 03/01) respectively to address specific issues raised by consultees. For example:
 - The approach to marine construction works as suggested by the MMO.
 - The completion of an Emergency Response Co-operation Plan (ERCoP) as suggested by the Maritime and Coastguard Agency (MCA).
 - The inclusion of a regional solution approach to mitigate the impact of the Greater Wash wind farms on the safe and efficient en-route air craft control service as suggested by NATS.
 - Appointment of a Fisheries Liaison Officer.
 - Arrangements for dealing with seabed debris arising from construction activities.
 - Arrangements for cabling and cable installation.
 - Conditions relating to archaeological mitigation, monitoring and reporting.

- iv) A number of illustrative three-dimensional images have been included as part of the Application (in document reference 06/01) to provide an indication of what the project will look like and how the project will vary depending on the turbines selected for the site.
 - v) Agreements have been progressed with other marine users that have the potential to be affected by TKOWF. These include agreements for pipeline crossings, helicopter operators accessing gas platforms and interactions with dredging operators.
 - vi) Additional information has been provided on the electrical infrastructure components of the project (which do not form part of this Application). This included:
 - The circulation of an update newsletter in January 2012 confirming the onshore connection location for the project and background information on the electrical infrastructure required for TKOWF.
 - Detailed information included within a Cable Statement² (document reference 07/01) setting out the outline design and location of connecting electrical works as conceived based on the current grid connection offer from National Grid.
- 10 Following formal consultation on the project, the Applicant undertook further consultation to discuss key issues raised from the consultation. These were held with marine ecology and nature conservation bodies, fishermen and other marine users. Feedback from this engagement has been fed into the Application where practicable.
- 11 In the spirit of effective consultation, the Applicant continues to engage with a range of consultees and will continue to do so as the project progresses.
- 12 In the Consultation Report, the Applicant has endeavoured to accurately reflect the various stages of consultation that have been undertaken and to represent the views and feedback from consultees that have been engaged in the process. Comments, views and impacts identified through the formal consultation have significantly influenced the submitted Application. This influence has predominantly been in terms of the content and scope of the Application documents and the final form of the Application, for example in the reduction in the maximum number of turbines from 333 to 288.

² The Cable Statement has been included as an Application document pursuant to Regulation 6(1)(b) of the Infrastructure Planning (Applications, Prescribed Forms and Procedures) Regulations 2009.

Explanatory Text

- 1 This Consultation Report describes the consultation activities undertaken by the Applicant, Triton Knoll Offshore Wind Farm Limited (TKOWFL), in developing Triton Knoll Offshore Wind Farm (TKOWF).
- 2 This section of the Report seeks to provide a quick reference guide to the consultation undertaken. This is in response to advice provided by the Infrastructure Planning Commission (IPC) in Advice Note Fourteen: *Compiling the Consultation Report*, which states that the Applicant should set the scene and provide an overview of the whole pre-application stage.
- 3 **Figure 1** summarises, in chronological order, the key consultation activities that have taken place for the project since the Applicant was awarded an opportunity to develop TKOWF in 2003. References are provided to the relevant chapters of the Consultation Report where more information can be found on the specific activities. The boxes highlighted in grey indicate the activities undertaken for the Application in its current form.
- 4 Further explanation on the pre-application activities set out in **Figure 1** is summarised in **Table 1**.

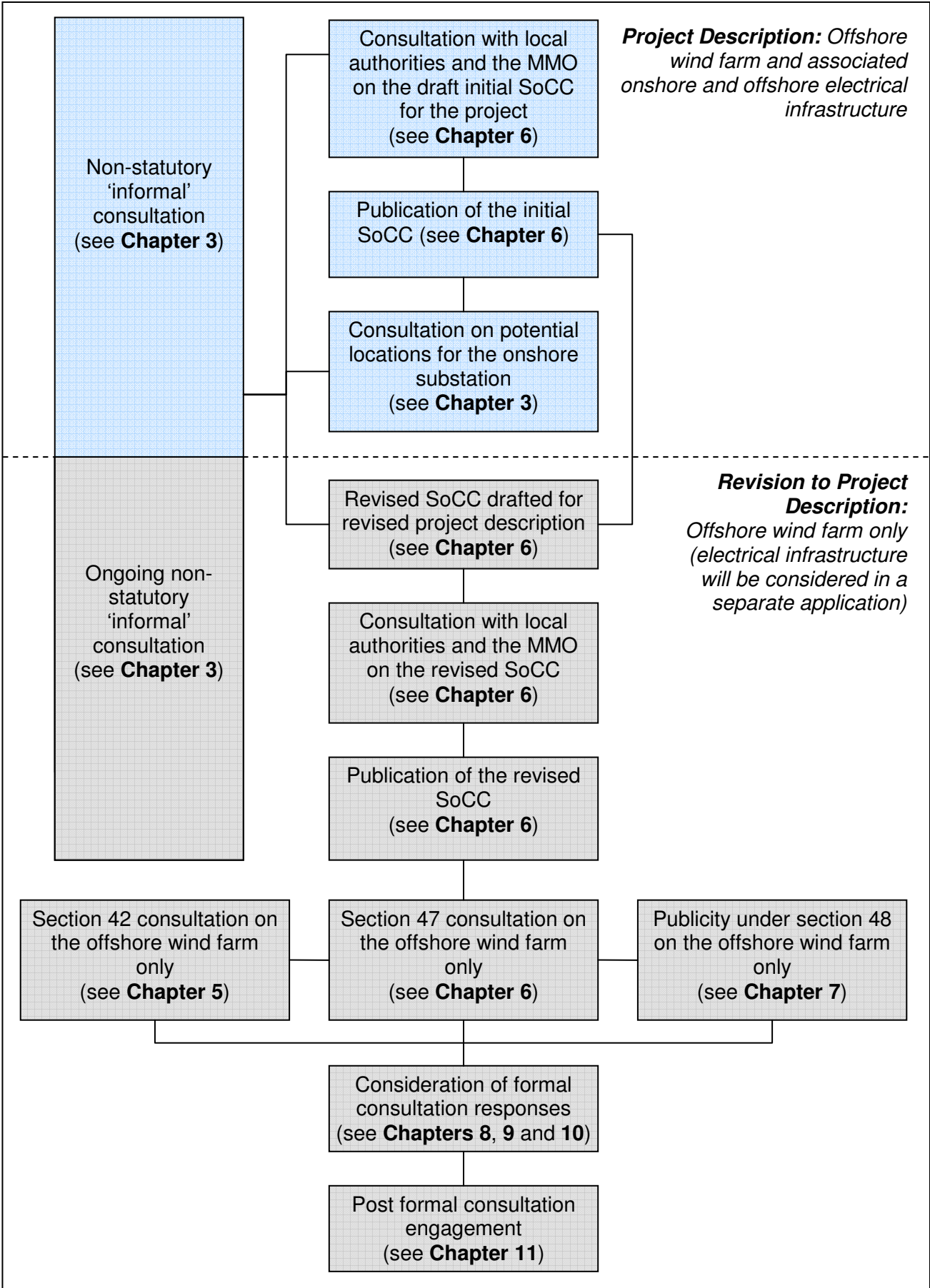


Figure 1. An overview of the pre-application stage for TKOWF

Table 1. Summary of consultations undertaken for TKOWF

Date	Consultation undertaken	Further information
Early consultation on the proposed application		
2003 - 2010	The proposed application that was initially consulted on comprised Triton Knoll Offshore Wind Farm (representing a Nationally Significant Infrastructure Project (NSIP)) and all associated onshore and offshore electrical infrastructure work required for the project.	Box 4.2 , Chapter 4 of Consultation Report
2003 - December 2010	<ul style="list-style-type: none"> Non-statutory consultation was held with statutory consultees and non-statutory consultees covering topics within the Environmental Statement (document reference 05/01) submitted with the Application. This focused on marine ecology and nature conservation; physical processes; commercial fisheries; shipping and navigation; other marine users; and aviation and defence. This consultation had a significant influence on the project in terms of its site boundaries, the work undertaken to assess the suitability of the site for an offshore wind farm, its design and the approach to developing the application including the scope of the Environmental Impact Assessment (EIA) work. 	Chapter 3 of the Consultation Report
November 2009 - July 2010	<ul style="list-style-type: none"> Consultation under section 47 of the 2008 Act with local authorities and the Marine Management Organisation (MMO) on the content of the initial Statement of Community Consultation (SoCC), which at this stage included the offshore wind farm and onshore and offshore electrical infrastructure required for the project. Publication of the initial SoCC in the prescribed manner. 	Paragraphs 6.12-6.33, Chapter 6 of Consultation Report
November 2009 - July 2010	<ul style="list-style-type: none"> Non-statutory consultation undertaken with statutory consultees and local authorities in identifying potential locations for the onshore substation. Consultees were asked to comment on onshore substation zone reports. The outcome of this consultation was to reduce the number of potential sites for the substation from 13 to four. 	Box 3.1 and paragraphs 3.36-3.37, Chapter 3 of Consultation Report
July 2010 - December 2010	<ul style="list-style-type: none"> Non-statutory consultation undertaken with local communities in identifying potential locations for the onshore substation, in accordance with the initial SoCC. This involved the distribution and completion of questionnaires. The outcome of this consultation was to reduce the number of potential sites for the onshore substation from four to three. 	Box 3.1 and paragraphs 3.36-3.37, Chapter 3 of Consultation Report
December	TKOWFL was informed by National Grid that they had decided to undertake a strategic review of options for TKOWF's	Paragraphs 4.12-4.13,

Date	Consultation undertaken	Further information
2010	onshore connection location. This put on hold all consultation activities on potential onshore substation locations.	Chapter 4 of Consultation Report
Consultation on the Application in its current form		
2010 - 2012	<p>As a result of the information from National Grid, the project was separated into two packages:</p> <ul style="list-style-type: none"> • Package 1: the wind farm itself and all elements within its offshore site boundary. This package is the subject of this Application. • Package 2: the electrical connection, including the onshore substation and cable route and the offshore export cable route. This will be the subject of separation consultation and planning application(s) in the future. 	Box 4.3 , Chapter 4 of Consultation Report
December 2010 - July 2011	<ul style="list-style-type: none"> • Consultation with local authorities and the MMO on the content of a revised SoCC (as a result of changes to the project description to remove the onshore and offshore electrical connection). • Publication of the revised SoCC in the prescribed manner. 	Paragraphs 6.35-6.54, Chapter 6 of Consultation Report
June - July 2011	<ul style="list-style-type: none"> • Formal consultation under section 42 of the 2008 Act with prescribed bodies and local authorities. • Formal consultation under section 47 of the 2008 Act with local communities in accordance with the revised SoCC. • Publicising the Application under section 48 of the 2008 Act. 	Chapters 5, 6 and 7 of Consultation Report (for sections 42, 47 and 48 respectively)
July 2011- January 2012	Post formal consultation to further discuss key issues raised from the consultation. Feedback from this engagement has been fed into the Application where practicable.	Chapter 11 of Consultation Report

1 Introduction

Purpose of this Document

- 1.1 This document constitutes the Consultation Report for the Triton Knoll Offshore Wind Farm (TKOWF) Application to the Infrastructure Planning Commission (IPC) for a Development Consent Order (DCO) which would grant powers to construct, operate and decommission the TKOWF project.
- 1.2 This Report details how Triton Knoll Offshore Wind Farm Limited (TKOWFL) has complied with the provisions of the Planning Act 2008 (the 2008 Act) and associated legislation in relation to pre-application consultation for the proposed TKOWF project. It has been prepared pursuant to section 37(3)(c) of the 2008 Act, and sets out the approach taken regarding:
 - i) Statutory consultation (in order to comply with sections 42, 47 and 48 of the 2008 Act) that has taken place during the development of TKOWF and how the consultation responses have been taken into account (pursuant to Section 49 of the 2008 Act) and subsequently shaped the final form of the Application.
 - ii) The considerable amount of non-statutory ‘informal’ consultation that has been undertaken on the project and which has also had a prominent effect on the development of the scheme and the current Application.

The Applicant

- 1.3 TKOWFL is a project special purpose vehicle wholly owned by RWE Npower Renewables Limited (RWE NRL). RWE NRL is the UK subsidiary of RWE Innogy which is a European-wide renewable energy company owned by RWE AG. RWE NRL is one of the UK’s leading renewable energy developers and operators, committed to developing and operating wind farms and hydro plant to generate sustainable energy. The company operates 19 hydroelectric schemes and 26 wind farms in the UK.
- 1.4 RWE NRL’s offshore wind farm portfolio includes two operational offshore wind farms, North Hoyle (60 megawatts (MW)) and Rhyl Flats (90 MW) off the coast of North Wales. The company is currently in the process of constructing two large offshore wind farms, Gwynt y Mor (576 MW) off the coast of North Wales and Greater Gabbard (500 MW) off the Suffolk coast. Greater Gabbard is being constructed in partnership with Scottish and Southern Energy Plc. Major projects in development include the Round 3 Atlantic Array (1,500 MW) and an interest in developments on the Dogger Bank (9,000 MW).

The Project

- 1.5 The TKOWF project would have a capacity of up to 1,200 MW and would be located approximately 33 kilometres (km) off the Lincolnshire coast, 46 km off the North Norfolk coast and 48 km off the nearest point on the Yorkshire coastline. The development area is approximately 135 km². The location of the site is shown in **Figure 1.1**.

- 1.6 The full scope of the TKOWF project which is the subject of the current Application for a DCO is set out in detail in Volume 1, Chapter 6 of the Environmental Statement (ES) (document reference 05/01) and is described by the parameters set out in Schedule 1 of the draft DCO (document reference 03/01).
- 1.7 In brief, the Application comprises:
- i) Up to 288 offshore wind turbines.
 - ii) Turbine support structures and foundations.
 - iii) Offshore electrical infrastructure (i.e. up to eight offshore substations and up to 475 km of inter-array and inter-substation cables).
 - iv) Up to four meteorological masts.
- 1.8 It is important to note, in relation to the scope of this Consultation Report, that the current Application for a DCO does not include provision for electrical (grid) connection works to connect the offshore wind farm substations onwards to the onshore national grid transmission network. Instead the electrical connection works will be brought forward separately at a later date and will be the subject of a separate consultation process as part of the relevant consent application(s).
- 1.9 Outline details of the electrical connection works as currently conceived are set out in the Regulation 6(1)(b)(i) Cable Statement that accompanies the current Application (document reference 07/01).
- 1.10 That said, a number of consultees have made comment relating to the electrical connection works in responding to the current Application. Where this was the case those comments have been included in the relevant sections of this Report (in Chapter 8 in relation to consultation responses received under section 42 of the 2008 Act and in Chapter 9 in relation to responses received under section 47 of the 2008 Act).

Structure of the Consultation Report

- 1.11 This Report describes the consultation process that the Applicant has followed in terms of both the non-statutory ‘informal’ stages of consultation and the formal consultation and publicity stages as required under sections 42, 47 and 48 of the 2008 Act. Further consultation subsequent to the completion of the formal pre-application consultation but prior to the Application being made is also described. In each case, the Report is structured according to the issues raised by consultees and subsequently what action was taken to address those issues.
- 1.12 The Consultation Report has been structured to take account of the most recent guidance provided in IPC Advice Note 14³; the main sections of the Report and the content of each is set out in **Table 1.1**.

³ Infrastructure Planning Commission (IPC) (October 2011). Advice Note Fourteen: Compiling the Consultation Report.

Table 1.1 Structure of the TKOWF Consultation Report

Section	Title	Overview
2	Regulatory Context	Sets out the approach to consultation with regard to the requirements of the 2008 Act and accompanying guidance. Includes the completion of a Section 55 checklist.
3	Non-Statutory Consultation	Describes the non-statutory 'informal' consultation conducted prior to the formal sections 42, 47 and 48 consultation and publicity stages under the 2008 Act.
4	Approach to Formal Consultation under Sections 42, 47 and 48 of the 2008 Act	Sets out the general approach to the pre-application consultation and revisions that have been made to the Application.
5	Formal Consultation under Section 42 of the 2008 Act	Sets out what has been done to satisfy the requirements of section 42 of the 2008 Act including the identification of relevant section 42 consultees.
6	Formal Consultation under Section 47 of the 2008 Act	Describes the approach to the section 47 consultation including development of the Statement of community Consultation (SoCC) and the methods used to consult.
7	Formal Consultation under Section 48 of the 2008 Act	Describes the development and publication of the section 48 notice.
8	Summary of Responses under Section 42 of the 2008 Act	Describes on a topic by topic basis the responses received from section 42 consultees and summarises the regard that has been had to the responses in finalising the Application.
9	Summary of Responses under Section 47 of the 2008 Act	Describes on a topic by topic basis the responses received from section 47 consultees and summarises the regard that has been had to the responses in finalising the Application.
10	Summary of Responses under Section 48 of the 2008 Act	Describes the responses received as a result of the section 48 notification and summarises the regard that has been had to the responses in finalising the Application.
11	Post Formal-Consultation Engagement	Summarises the further consultation conducted following the formal consultation in resolving outstanding issues and concerns.
12	Conclusions	Summarises the consultation undertaken for TKOWF.

- 1.13 The main body of this Report summarises the consultation process, responses received and the regard that has been had to those responses. A fuller summary of the consultation responses are set out as follows:
- i) Appendix 8.2: Responses from prescribed bodies (excluding parish councils).
 - ii) Appendix 8.3: Responses from local authorities.
 - iii) Appendix 8.4: Responses from parish councils.
 - iv) Appendix 9.2: Responses from Technical organisations and users of the sea.
 - v) Appendix 9.3: Responses from Non-statutory organisations and groups.
 - vi) Appendix 9.4: Responses from Elected representatives.
 - vii) Appendix 9.5: Responses from Members of the public.
 - viii) Appendix 9.6: Responses from Feedback forms completed at or following the public exhibitions.
- 1.14 Throughout this Consultation Report, reference is made to a number of the other Application documents, particularly the ES and the draft DCO. In reading this Report, due attention should be paid to the contents of these other TKOWF Application documents. This is particularly important in understanding how regard has been had to the consultation responses in finalising the Application.

Next steps

- 1.15 Assuming the IPC accepts the Application for examination following their 28 day acceptance period, a number of steps will be initiated. This includes the opportunity for interested parties to register to be involved in the examination process and to provide comment in the form of written representation, direct to the IPC, on the merits of the TKOWF project.
- 1.16 For information on how to register in order to be able to comment on the Application and be involved in the examination process, readers are referred to the IPC website (at <http://infrastructure.independent.gov.uk>) or alternatively a copy of the registration form can be requested from the IPC helpline on: 0303 444 5000. Representations on the Application must be provided at that stage to the IPC rather than to the Applicant.
- 1.17 The key steps following the submission of an application to the IPC may be summarised as follows:
- i) The IPC consider the Application and decide whether to accept the Application within 28 days of receipt.
 - ii) The IPC notify TKOWFL of acceptance (or refusal).
 - iii) If accepted, TKOWFL publish a notice of an accepted Application in the prescribed manner and give a date by which responses must be received by the IPC.
 - iv) Interested parties that wish to respond must register in the prescribed manner and within the deadline published in the acceptance notice.

- v) Within approximately six weeks following the end of the response period, the IPC will hold a preliminary meeting to establish how the Application will be examined and what issues are to be the focus of the examination. The preliminary meeting marks the start date of the six-month period for examination.
 - vi) The examination may require further written representations from interested parties or involve hearings where interested parties can make further representation on issues of interest to the commissioner(s).
 - vii) Following examination the commissioner(s) will determine the Application and provide a recommendation to the Secretary of State on whether or not to grant a consent.
- 1.18 Following consent determination, and assuming consent is awarded, TKOWFL would expect to continue to consult relevant bodies and interested parties in developing the scheme and subsequently throughout the construction and operational phases.

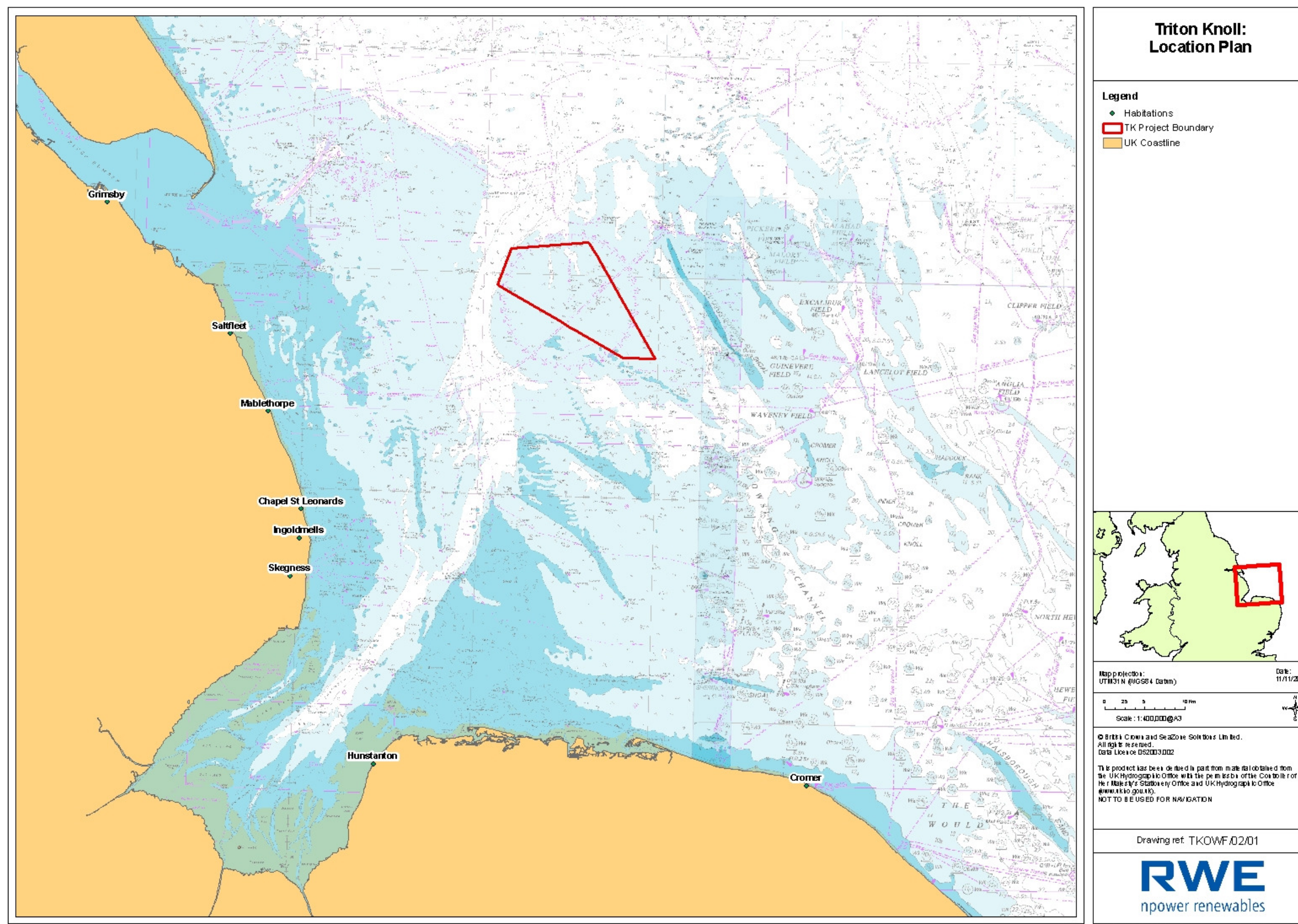


Figure 1.1 Location of TKOWF in the Greater Wash region

2 Regulatory Context

The Consultation Report

- 2.1 The requirement for a consultation report is set out in Section 37(3)(c) of the Planning Act 2008 (the 2008 Act) where it is noted that an application must, among other things, be accompanied by a consultation report. Section 37(7) of the 2008 Act defines the consultation report as a document giving details of:
- a) What has been done in compliance with sections 42, 47 and 48 of the 2008 Act in relation to a proposed application that has become the application;
 - b) Any relevant responses received to formal consultation undertaken; and
 - c) The account taken by the applicant of any relevant responses.
- 2.2 Further details on the information required for inclusion in the consultation report, as documented in the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance documents on pre-application consultation (see paragraphs 2.5 and 2.6 below), are summarised in **Box 4.1** in Chapter 4 of this Report for item (i) above and in **Box 8.1** in Chapter 8 for items (ii) and (iii).
- 2.3 The consultation report responds to one of the key requirements set out in the 2008 Act; that relating to the statutory obligation on applicants to complete a process of pre-application consultation. This consultation should be undertaken with statutory or prescribed bodies (under section 42 of the 2008 Act), with non-statutory bodies and local communities (under section 47) and through the general notification of a proposed application (under section 48).
- 2.4 The legislative context on these sections of the 2008 Act is further described in this Consultation Report as follows:
- i) The duty to consult under section 42 is set out in paragraphs 5.3-5.9 in Chapter 5;
 - ii) The duty to consult under section 47 is set out in paragraphs 6.3-6.7 in Chapter 6; and
 - iii) The duty to publicise under section 48 is set out in paragraphs 7.3-7.5 in Chapter 7.

Relevant Legislation and Guidance

- 2.5 In developing the approach to consultation for Triton Knoll Offshore Wind Farm (TKOWF), the Applicant has given careful consideration to the specific requirements set out in the following legislation:
- i) The Planning Act 2008;
 - ii) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations);
 - iii) The Infrastructure Planning (Applications, Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations); and
 - iv) IPC Guidance Note 1 on Pre-Application Stages (August 2011).

- 2.6 In addition, in preparing this Consultation Report, attention has been paid to:
- i) IPC Advice Note 6 on the Preparation and Submission of Application Documents;
 - ii) IPC Advice Note 14 on the Consultation Report; and
 - iii) DCLG guidance on pre-application consultation.
- 2.7 Further information on how the Applicant has had regard to the requirements of the 2008 Act and accompanying guidance in undertaking its formal consultation activities can be found in this Consultation Report as follows:
- i) For section 42 consultation, in paragraphs 5.43-5.48 in Chapter 5 and in **Appendix 5.8**;
 - ii) For section 47 consultation, in paragraphs 6.85-6.90 in Chapter 6 and in **Appendix 6.33**; and
 - iii) For section 48 publicity, in paragraphs 7.16-7.17 in Chapter 7.

Statement of Compliance

- 2.8 The Chapters of this Consultation Report that either set out the activities the Applicant has undertaken under sections 42, 47 and 48 of the 2008 Act (Chapters 5, 6 and 7 respectively) or summarise the relevant responses and the regard that the Applicant has had to the responses received under sections 42, 47 and 48 (Chapters 8, 9 and 10 respectively) conclude with a Compliance Statement. These Statements seek to confirm that the project has adhered to relevant legislation and guidance in undertaking pre-application consultation.
- 2.9 Each Compliance Statement is brought together in the Conclusion (Chapter 12) to demonstrate that, to the best of the Applicant's knowledge and using best endeavors, all relevant requirements set out in the legislation and guidance listed in paragraphs 2.5-2.6 above have been adhered to in completing the pre-application process for TKOWF. By way of demonstrating how this compliance has been achieved and where information can be found within this Report to illustrate that compliance, the section 55 checklist included within IPC Advice Note 6 has been completed by the Applicant. This is provided in **Appendix 2.1**.

3 Non-Statutory ‘Informal’ Consultation

Introduction

- 3.1 This Chapter of the Consultation Report sets out the non-statutory ‘informal’ consultation that the Applicant has engaged in prior to undertaking formal consultation activities as prescribed by the Planning Act 2008 (the 2008 Act). Non-statutory engagement with consultees also continued following formal consultation and this is summarised in Chapter 11 of the Consultation Report.
- 3.2 The Department of Communities and Local Government (DCLG) guidance on pre-application consultation notes, in paragraph 85, that formal consultation is unlikely to be the beginning or the end of the process of engaging consultees. Promoters are encouraged to actively engage with consultees before they undertake formal consultation and to continue this consultation throughout the application process and beyond.
- 3.3 The Infrastructure Planning Commission (IPC) also recognises that applicants may have been engaged in non-statutory consultation in advance of formal consultation under the 2008 Act⁴. It is advised that any consultation not carried out under the provisions of the 2008 Act is identified separately from statutory consultation in the Consultation Report.

Summary of Non-Statutory Consultation

- 3.4 The Applicant has undertaken significant non-statutory consultation in the development of Triton Knoll Offshore Wind Farm (TKOWF). This has shaped the project, influenced the assessments carried out and sought to resolve specific concerns raised by consultees prior to commencing formal consultation under the 2008 Act. Commencing in 2004, this engagement on TKOWF has not just been triggered by the introduction of the 2008 Act, but has formed an integral part of the Applicant’s approach to project development.
- 3.5 Early non-statutory consultation covered the majority of topics included in the Environmental Statement (ES) (document reference 05/01). A summary of the key elements of this consultation is provided below for the main topics on which non-statutory consultation was carried out and sets out the influence that this has had in the development of TKOWF. The main topics include:
- i) Marine ecology and nature conservation;
 - ii) Physical processes;
 - iii) Commercial fisheries;
 - iv) Shipping and navigation;
 - v) Other marine users;
 - vi) Aviation and defence; and
 - vii) Local community consultation.

⁴ On page 4 of the IPC’s Advice Note 14: Compiling the Consultation Report (October 2011).

Marine Ecology and Nature Conservation

- 3.6 Consultations with statutory bodies in relation to marine ecology and nature conservation issues commenced in 2004, at a time when detailed site selection work was being undertaken by the Applicant (as described in paragraphs 3.12-3.20 of Chapter 3, Volume 1 of the Environmental Statement (ES) (document reference 05/01)). It was considered key to initiate discussions on site characterisation surveys at this time to feed into the site selection work.
- 3.7 The majority of consultations on marine ecology and nature conservation issues were held with the Joint Nature Conservation Council (JNCC), Natural England, the Marine Management Organisation (MMO) and its scientific advisor Cefas. One of the meetings was also attended by the Royal Society for the Protection of Birds (RSPB). A chronology of the main consultations undertaken on marine ecology and nature conservation (comprising meetings, conference calls and the circulation of and comment on briefing notes and technical reports) and the key topics discussed through these consultations is set out in **Table A3.1a, Appendix 3.1**.
- 3.8 The following provides a brief summary of the key areas covered:
- i) The site location and the scope of and methodologies for site characterisation surveys for ecological receptors (including benthic fauna, birds and marine mammals);
 - ii) Matters relating to current or proposed sites and features designated for their nature conservation interest;
 - iii) Progress meetings on the survey work, including provision of advice on baseline characterisation and assessments being undertaken. These meetings also explored and progressed key areas of concern raised by consultees;
 - iv) Circulation of and discussion on ecological receptor technical reports and a briefing note on cumulative and inter-related impacts; and
 - v) More recently, consultations on the Habitats Regulation Assessment (HRA).
- 3.9 The key outcomes of consultations with statutory nature conservation bodies on TKOWF has been to shape the approach to the analysis of data and the approach to the assessment work that has been carried out in completing the Environmental Impact Assessment (EIA) process set out in the ES and the HRA process set out in the HRA Report (document reference 04/02). The key outstanding issues that were not entirely resolved through the early non-statutory consultations formed the basis for the formal consultation responses received from the relevant bodies with an interest in marine ecology and nature conservation under sections 42 and 47 of the 2008 Act (see Chapters 8 and 9 of the Consultation Report respectively).
- 3.10 Informal discussions have continued thereafter in an attempt to reach agreement on any outstanding concerns. Engagement undertaken following formal consultation is described in Chapter 11 of this Report.

Physical Processes

- 3.11 Non-statutory engagement on physical processes commenced in 2008 at a time when the site boundaries for the project were in the process of being

finalised (see paragraphs 3.21-3.31 of Chapter 3, Volume 1 of the ES). Consultations on this topic were predominantly held with the MMO (antecedent the Marine and Fisheries Agency (MFA)) and its scientific advisor, Cefas. Non-statutory consultations were also held with these same organisations on matters relating to nature conservation and marine ecology (see paragraphs 3.6-3.10 above) and on commercial fisheries (see paragraphs 3.15-3.19 below).

- 3.12 A summary of the key non-statutory consultations undertaken on physical processes (which comprised meetings and the circulation of and comment on technical reports) and the key topics discussed through these consultations is set out in **Table A3.1b, Appendix 3.1**.
- 3.13 A brief summary of the key areas covered with regard to physical processes is set out below:
- i) Briefing meetings on the project including changes in the organisational structures of consultees (i.e. the creation of the MMO) and the requirements of the new consenting regime under the 2008 Act;
 - ii) Meetings to review the findings and reporting of physical processes modelling and to discuss the Applicant's approach to assessment. The meetings also explored key issues of concern raised;
 - iii) Progress meetings to update consultees and seek further advice on the scope of assessments and areas of concern; and
 - iv) Circulation of and discussion on physical processes technical reports and a briefing note on cumulative and inter-related impacts.
- 3.14 The key outcomes of non-statutory consultation on the physical processes assessment has been to keep consultees updated on the project and the assessment work being undertaken and to take on board key comments and areas of concern where appropriate in the development of the assessment work now set out in the ES (document reference 05/01). Key issues not resolved through this non-statutory engagement formed the basis for the formal consultation responses received from consultees under section 42 of the 2008 Act (see Chapter 8 of the Consultation Report).

Commercial Fisheries

- 3.15 Consultations on commercial fisheries commenced in 2008 and have included engagement with fishermen's associations and representative bodies, individual fishermen and fishing operators active on the project site, representatives of fish processors and associated onshore interests and the relevant regulators, in this case the MMO.
- 3.16 A chronology of the main consultations undertaken with these stakeholders (the majority of which comprised briefings and update meetings) and the key topics discussed at these consultations is set out in **Table A3.1c, Appendix 3.1**. Detailed information on the dialogue held with the fishing community is also documented in Annex I, Volume 3 of the ES.
- 3.17 The following provides a brief summary of the key areas covered through the non-statutory engagement on commercial fisheries:

- i) Introductory meetings to inform the fishing sector of the project and the development programme;
 - ii) A series of meetings to identify the extent and characteristics of fishing activity on and near the project site to inform the design of the project and the development of the EIA. These meetings also sought to identify the perceived impacts of the project on the fishing industry;
 - iii) Meetings to identify individual fishermen and fishing operators using the site and to understand the nature of this use; and
 - iv) Update meetings and briefings to maintain dialogue on the project, to review assessment work carried out and to seek comment on the preliminary fisheries assessment report.
- 3.18 The key outcomes of the non-statutory consultation on commercial fisheries have been to initiate and maintain dialogue with the fishing community and to understand the use of the project site to inform the assessment of effects on this topic (see Chapter 8, Volume 2 of the ES). It also sought to identify key concerns associated with the project for the fishing sector and to discuss options for mitigation. Key concerns from these stakeholders which had not been resolved through this process formed the basis of formal consultation responses received by the Applicant under sections 42 and 47 of the 2008 Act (see Chapters 8 and 9 of the Consultation Report respectively).
- 3.19 Informal discussions have continued thereafter to address any remaining issues, queries or concerns. Engagement undertaken following formal consultation is described in Chapter 11 of this Report.

Shipping and Navigation

- 3.20 Non-statutory consultations on shipping and navigation commenced in 2008, at a time when the site boundaries for the project were being finalised (as set out in paragraphs 3.21-3.31 of Chapter 3, Volume 1 of the ES). It was considered key to ensure shipping and navigation interests fed into the design work of the project boundary.
- 3.21 Consultations on shipping and navigation included engagement with over 20 shipping operators in addition to consultations with the Chamber of Shipping, the Maritime and Coastguard Agency (MCA) and Trinity House. A summary of the main informal consultations undertaken on this topic (comprising letters, meetings and the presentation of information) and the key topics discussed through these consultations is set out in **Table A3.1d, Appendix 3.1**.
- 3.22 A brief summary of the key engagements held with shipping operators and the Chamber of Shipping is set out below:
- i) Circulation of letters and follow up meetings to identify relevant stakeholders, to introduce the project and to commence discussions on the potential impacts of TKOWF on shipping and navigation;
 - ii) Individual meetings with ship operators to present the boundaries of the TKOWF site, setting out how they were informed through vessel traffic surveys. The meetings also provided the opportunity for operators to provide comments on the information being presented and on the project more generally; and

- iii) Meetings with operators to present the findings of the Marine Navigation Safety Risk Assessment (MNSRA) undertaken by the Applicant to demonstrate the potential implications of the project on marine safety. These meetings also sought to identify and respond to concerns raised by consultees and to agree appropriate mitigation and management issues.
- 3.23 With regard to the MCA and Trinity House, several meetings were held with each of these consultees between 2008 and formal section 42 consultation. These meetings introduced the project, discussed appropriate buffer zones between the site and shipping lanes, presented the findings of the MNSRA and provided an opportunity for the consultees to provide feedback on the risk assessment.
- 3.24 The key outcomes of consultations with shipping operators, the Chamber of Shipping, the MCA and Trinity House were to gather information about the maritime and shipping environment around the TKOWF site from local knowledge and experience and to address concerns and recommendations from consultees with respect to maintaining the level of safety in the area. These outcomes were included in the MNSRA and were used to shape the assessment on shipping and navigation. Concerns which had not been resolved through this process formed the basis of formal consultation responses produced by some of the stakeholders under sections 42 and 47 of the 2008 Act (see Chapters 8 and 9 of the Consultation Report respectively).

Other Marine Users

- 3.25 Non-statutory engagement with other marine users has predominantly focused on discussions with the aggregates industry and oil and gas operators. A summary of the main non-statutory consultations undertaken with these stakeholders (which has comprised meetings, conference calls and the circulation of and comment on technical reports) is set out in **Table A3.1e, Appendix 3.1**.
- 3.26 With regard to the aggregates industry, consultations commenced in 2008 and were predominantly held with Westminster Gravels Limited (WGL). WGL operate a lease area for gravel extraction adjacent to the southern TKOWF site boundary. Consultations with WGL focused on the interactions between the two sites, primarily relating to the movement of WGL vessels in proximity to TKOWF, and included the circulation of and comment on technical reports.
- 3.27 The non-statutory dialogue undertaken with WGL is acknowledged in their response to TKOWF's formal consultation under section 47 of the 2008 Act (see paragraph 9.63). Further engagement with WGL has been held during and following the formal consultation process and this is detailed in Chapter 11 of the Consultation Report.
- 3.28 With regard to oil and gas operators, consultations were held with BP, Perenco, Conoco Philips and GDF SUEZ E&P UK. A brief summary of the key engagements held with these operators is set out below:
- i) Introductory meetings to inform the operators of the TKOWF project and the development programme. The meetings also provided the opportunity for operators to raise concerns on the project;

- ii) Follow-up meetings were held to update operators on the project and how the Applicant has been addressing their concerns in addition to the circulation of and comment on technical reports; and
 - iii) Meetings to discuss the principles of commercial agreements between TKOWF and an operator where appropriate, for example regarding the replacement of affected communication links or the crossing of a pipeline.
- 3.29 The key outcomes of consultations with other marine users has been to initiate and maintain dialogue with relevant stakeholders, present the project, shape the assessment of the potential effects on other marine users as presented in the ES (document reference 05/01) and to discuss the need for mitigation and the potential for commercial agreements with marine users where appropriate. The key issues that were not resolved through these non-statutory consultations formed the basis for the formal consultation responses received from marine users under section 47 of the 2008 Act (see Chapter 9 of the Consultation Report).

Aviation and Defence

- 3.30 Engagement with aviation and defence consultees commenced in 2004 when detailed site investigation work was being carried out for TKOWF (as set out in paragraphs 3.12-3.20 of Chapter 3, Volume 1 of the ES). Consultations on these topics included engagement with specific operators servicing gas platforms in the area; the Civil Aviation Authority (CAA), Ministry of Defence (MoD) and National Aviation Traffic Services (NATS); and other offshore wind farm developers in the Greater Wash Strategic Zone for cumulative aspects.
- 3.31 A summary of the main non-statutory consultations undertaken on aviation and defence and the key topics discussed through these consultations is set out in **Table A3.1f, Appendix 3.1**.
- 3.32 With regard to specific helicopter operators, non-statutory consultation comprised meetings and written correspondence. The meetings sought to introduce the project, investigate potential impacts on operators and explore and progress key areas of concern raised by consultees. In addition, a technical report describing the potential impacts of TKOWF on aviation was circulated to operators for comment and follow-up engagement was held as appropriate.
- 3.33 Engagement with the CAA, MoD and NATS occurred from 2004/2005. Consultation activities comprised meetings and written correspondence to present the project and develop site boundaries with regard to potential issues on aviation and defence. Between 2009 and 2010, meetings were held with the MoD, NATS, The Crown Estate and other offshore wind farm developers in the Greater Wash Strategic Zone to develop a regional solution to mitigate potential issues of Greater Wash wind farms on defence and civil aviation radars.
- 3.34 The key outcomes of non-statutory consultation on aviation and defence were to initiate and maintain dialogue with stakeholders, present the project and receive comments on the technical report on helicopter access to gas platforms to shape and inform the assessment. In addition, the consultations agreed regional solutions to mitigate the potential issues of the Greater Wash wind farms on defence and civil aviation radars and the helicopter main routes.

Local Community Consultation

- 3.35 Non-statutory engagement with local authorities was undertaken in determining the scope of local community consultation activities that would be undertaken by the Applicant under section 47 of the 2008 Act. Given that this engagement fed directly into the development of the Statement of Community Consultation (SoCC) (as required under section 47(1) of the 2008 Act), more information on this engagement is provided in paragraphs 6.16-6.20 and 6.41-6.48 in Chapter 6 of this Report.
- 3.36 Non-statutory consultation was undertaken with local communities in relation to potential locations for the onshore substation in summer 2010 in line with the initial SoCC that was prepared for the project. This followed significant engagement with statutory consultees. The activities undertaken for this consultation are summarised in **Box 3.1** and further background on the rationale for undertaking this consultation is provided in paragraph 4.8 in Chapter 4 of this Report and in paragraph 6.19 and **Box 6.1** in Chapter 6.

Box 3.1. Non-statutory consultation carried out on potential onshore substation locations

Non-statutory consultation was held on alternative onshore substation locations in the vicinity of a grid connection offer received for the project in 2009 (see paragraphs 3.33-3.42 of Chapter 3, Volume 1 of the ES (document reference 05/01)). This consultation comprised the following activities:

Consultation with statutory consultees

Written consultations with statutory consultees commenced in March 2010 on a proposed shortlist of 13 potential zones for the onshore electricity substation. The list of prescribed bodies identified in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 was used as the basis for identifying consultees whose remit included the zones.

Onshore substation zone reports were prepared for each of the 13 zones. These set out the location, parameters and key environmental constraints that were identified within each zone. Consultees were asked for their views on the suitability of individual sites, to answer questions posed in the report and to specify additional factors that should be taken into consideration in the siting of an onshore substation. The statutory bodies were provided with 29 days to provide their comments (with the closing date being 13 April 2010).

The outcome of this consultation was to reduce the number of potential locations for the substation site from 13 to four.

Consultation with local communities

Consultation with the local community on the four potential locations for the substation site then commenced in summer 2010. This involved asking the local community to complete a questionnaire on the potential zones. Over 1000 addresses were sent questionnaires (including those living within 1.5 km of the zones and within 200 m of potential access routes).

The outcome of this consultation with the local community was to reduce the number of potential substation sites from four to three.

Next steps

In December 2010, National Grid informed TKOWFL that new and alternative options for the onshore connection location had been identified and that they would be undertaking a strategic review of options. As a result, work on identifying a location for the project's onshore substation was put on hold. Further background on this decision is set out in paragraphs 4.12-4.17, Chapter 4 of this Report.

4 Approach to Formal Consultation under Sections 42, 47 and 48 of the Planning Act

Introduction

- 4.1 This Chapter of the Consultation Report sets out the approach taken to formal consultation and publicity under sections 42, 47 and 48 of the Planning Act 2008 (the 2008 Act) for Triton Knoll Offshore Wind Farm (TKOWF).
- 4.2 The activities undertaken under sections 42, 47 and 48 are provided in detail in Chapters 5, 6 and 7 respectively. Together, these Chapters seek to provide the information required under section 37(7)(a) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation. These requirements are summarised in **Box 4.1**.

Box 4.1 Sections of the 2008 Act and relevant guidance documents that Chapters 4, 5, 6 and 7 provide information on

The 2008 Act

Section 37(7)(a) states that the Consultation Report should, *inter alia*, give details of 'what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application'.

IPC Guidance Note 1 on Pre-Application Stages

Paragraph 25(a) of the Guidance Note states that the Consultation Report should draw together an account of the statutory consultation, publicity, deadlines set and community consultation activities undertaken by the applicant at the pre-application stage under sections 42, 47 and 48. Paragraph 26 of the Guidance Note states that the Report should also confirm any steps taken by the applicant to comply with Regulation 11 of the EIA Regulations.

DCLG Guidance on Pre-Application Consultation

Paragraph 96 states that the Consultation Report should, among other things:

- i) Provide a general description of the consultation process.
- ii) Set out specifically what the applicant has done in compliance with the requirements of the 2008 Act, this guidance, and any relevant guidance published by the IPC.
- iii) Set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation.

Approach to Consultation

- 4.3 Following notification of a proposed application to the IPC under section 46 of the 2008 Act (see paragraph 5.10 of this Report), there are two separate formal stages of consultation on a proposed application as follows:
- i) under section 42 with statutory consultees (the prescribed bodies), local authorities, and those prescribed under section 44 of the Act (those known to have an interest in the land); and

- ii) under section 47 with the local community in accordance with the Statement of Community Consultation (SoCC).
- 4.4 There is also a requirement under section 48 of the 2008 Act and Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) to publish notice of the proposed application.
- 4.5 IPC Guidance Note 1 highlights that these statutory requirements allow some flexibility for Applicants to determine the most applicable programme by which they will be able to comply most effectively with their duties.⁵ The DCLG guidance also notes that promoters, who are best placed to understand the detail of their specific project proposals, and the relevant local authorities, who have a unique knowledge of their local communities, should work together to develop plans for consultation.⁶
- 4.6 In the case of TKOWF, the formal section 47 consultation became an iterative process due, in large part, to changes made to the Application following commencement of the section 47 process. Subsequently, formal consultation was completed in full for the Application in its current form. The following sections describe the approach to formal consultation completed in relation to:
- i) the initial section 47 (two phase) consultation and strategy for sections 42 and 48; and
 - ii) revisions to the Application and completion of the requirements of sections 42, 47 and 48 under a single phase of consultation.

The Initial (two phase) Section 47 Consultation and Strategy for Sections 42 and 48

- 4.7 The initial approach to formal consultation for TKOWF was developed when the Application comprised the offshore wind farm (representing a Nationally Significant Infrastructure Project (NSIP) under the definitions set out in the 2008 Act) and all associated offshore and onshore works required for the project. These elements are set out in **Box 4.2**.
- 4.8 Following early discussions in February 2010 with local authorities on the pre-application community consultation for TKOWF (set out in detail in paragraphs 6.16-6.20) and on the basis that the Application comprised an undefined onshore grid connection location, it was determined that a two-stage community consultation programme would be appropriate for the project. The two stages comprised:
- i) **Phase 1 Consultation (defining the onshore substation location):** this phase of the section 47 consultation was intended to focus on a specific element of the proposed Application; the onshore substation site. Given the potential lack of differentiation between the potential substation sites, the intention of this phase was to gather knowledge from the local community on the sites. As per the initial SoCC, phase 1 consultation took place during summer 2010.

⁵ Paragraph 6 of IPC Guidance Note 1 on Pre-Application Stages. Revision 2, August 2011.

⁶ Paragraph 11 of the DCLG Guidance on Pre-Application Consultation. September 2009.

- ii) **Phase 2 Consultation (whole project including finalised substation site):** this phase was intended to comprise the formal community consultation exercise on all components of the proposed application (i.e. the offshore wind farm, connecting cable routes and the preferred onshore substation site). At this stage, the intention was to provide Preliminary Environmental Information (PEI)⁷ on the scheme as a whole. Due to changes in the Application (detailed further below at paragraphs 4.12-4.17), phase 2 consultation did not go ahead.
- 4.9 It was also determined that the section 42 consultation and section 48 publicity requirements would be aligned to the second phase of the section 47 consultation programme, given the similarity of the aims of consulting on all elements of the proposed application across these stages of consultation and publicity. In addition, it would allow the same information (albeit in different formats) to be made available to all consultees at the same time. That said, statutory authorities were consulted during the substation selection process, but outwith the formal section 42 framework (see **Figure 4.1**).
- 4.10 The initial overarching consultation programme designed to meet the requirements of sections 42, 47 and 48 of the 2008 Act is illustrated in **Figure 4.1**. This approach follows the spirit of the iterative, phased consultation suggested in the DCLG guidance (paragraphs 74-75 and illustrated in the multi-stage pre-application process flow chart set out in Annex B of the guidance document).

Box 4.2 Elements of TKOWF initially considered to comprise the Application

- An offshore wind farm within the TKOWF boundary area comprising offshore wind turbines, offshore monitoring stations (to collect information about wind speeds and wind direction), offshore electricity substations and cables buried in the sea bed to link the wind turbines to the offshore substations.
- Cables, buried in the sea bed, to transmit the electricity generated by the offshore wind turbines to the shore and onshore buried jointing pits, near the coast, to connect the offshore and onshore electricity cables.
- An onshore cable corridor to accommodate cables that transmit electricity from the wind turbines to an electricity substation.
- An onshore electricity substation which will transform the electricity generated by the offshore wind turbines to a voltage suitable for connection to the national grid.
- An additional length of onshore cables, if required, to transmit the electricity from TKOWF's onshore substation to the national grid.

⁷ As required under Regulation 10(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations).

- 4.11 In early 2010, work commenced on the consultation approach set out in **Figure 4.1** and all activities highlighted in blue were completed or underway by the end of the year. Further information on preparing, consulting on and publishing the initial SoCC is set out in detail in Chapter 6 of the Consultation Report.

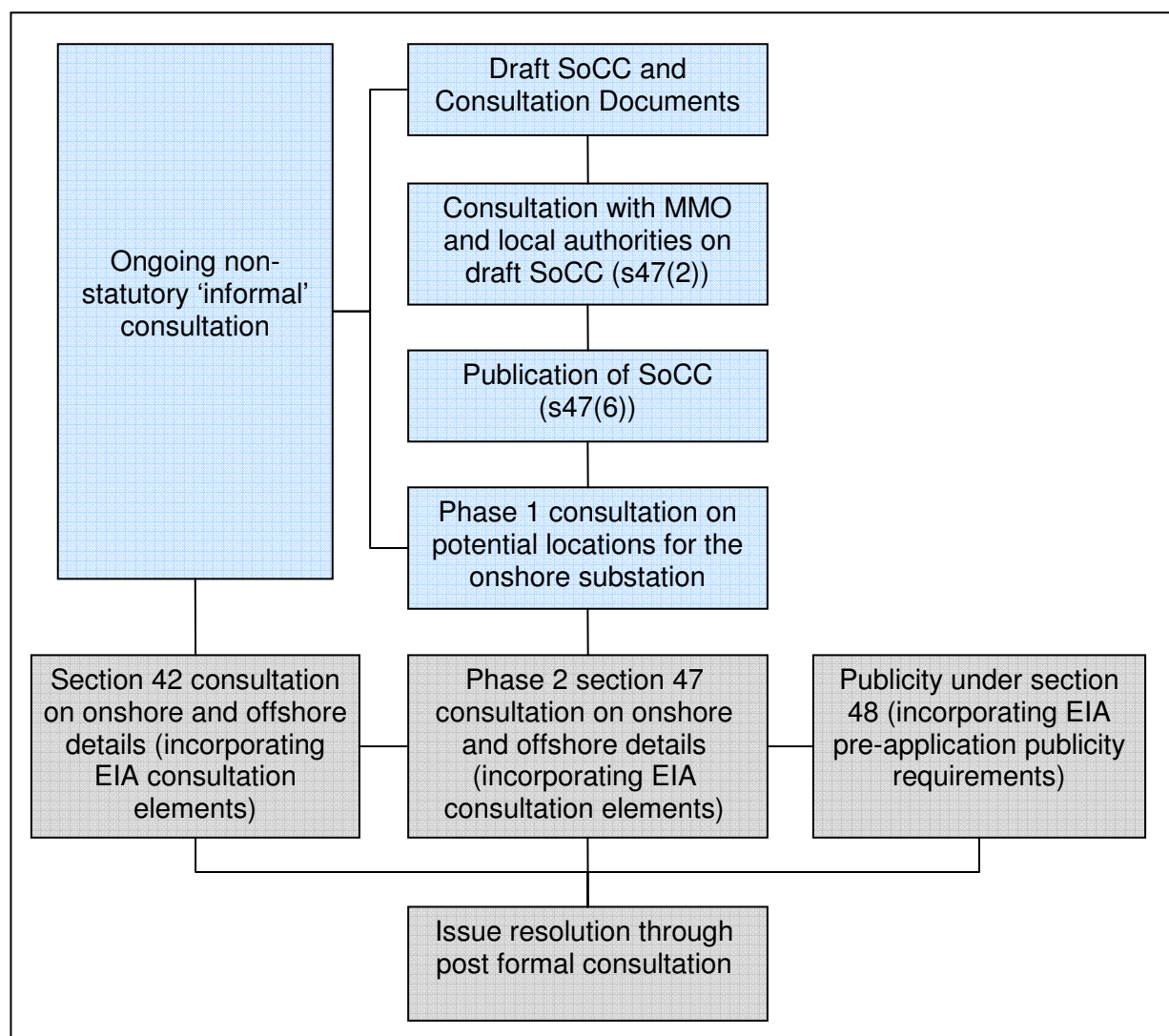


Figure 4.1. The initial two-phase section 47 consultation and strategy for sections 42 and 48

Revision to the Application

- 4.12 In December 2010, National Grid informed Triton Knoll Offshore Wind Farm Limited (TKOWFL) that new and alternative options for the onshore connection location had been identified and that they would therefore be undertaking a strategic review of the options. It was anticipated by National Grid that this review would require significant investigation and analysis, the outcomes of which would not be available until autumn 2011.
- 4.13 This meant that TKOWF no longer had any certainty over where the project would be connected to the grid. Given the uncertainty and delay that this brought to the onshore elements of the project, it was decided to put on hold

the initial consultation activities described in the preceding section and to progress TKOWF as two separate packages. These packages comprised:

- i) Package 1: The wind farm site itself and all elements within its offshore site boundary (representing a NSIP); and
- ii) Package 2: The electrical connection, including the onshore substation and cable route and the offshore export cable route.

4.14 It was subsequently decided that an Application for development consent to the IPC would be submitted for the offshore wind farm itself (Package 1 above) whilst further work was carried out on the connection location. The latter will be subject to a separate planning application and consultation in the future. The reasons underlying this decision are summarised as follows:

- i) Package 1 remained unaffected by National Grid's review of options;
- ii) Significant time is required to finalise the project optimisation design and procurement processes required for the offshore elements (which can take longer than those processes for the electrical system elements); and
- iii) Uncertainty existed at the time of the decision as to the onshore grid connection for the project and the time required to consent these elements of the project.

4.15 A Cable Statement has been included as an Application document (document reference 07/01), pursuant to Regulation 6(1)(b) of the APFP Regulations. This sets out the outline design and location of the connecting electrical works (from the offshore substations to the onshore grid connecting point) as it is currently conceived based on the grid connection offer from National Grid. The Statement describes how the connection will be developed through technical studies, environmental appraisals and consultation exercises. It also sets out the consenting frameworks for the electrical works.

4.16 The approach to separating the offshore wind farm from the electrical connection, as outlined above, is consistent with policies set out in National Policy Statements for Energy (NPSs). NPSs are produced by Government and set out national policy against which proposals for NSIPs are assessed and decided on by the IPC. The overarching NPS for Energy (EN-1) recognises:

- i) the possibility of an applicant for a generating station not having received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application (paragraph 4.9.1); and
- ii) that it may not always be possible for applications for new generating stations and related infrastructure to be contained in a single application to the IPC or in separate applications considered in tandem (paragraph 4.9.2).

4.17 The elements included in Package 1 that are the subject of this Application for a Development Consent Order (DCO) are set out in **Box 4.3**.

Box 4.3 Elements of TKOWF that are the subject of this Application

- i) An offshore wind farm within the TKOWF boundary area with a capacity of up to 1200 megawatts (MW).
- ii) Up to 288 offshore wind turbines up to 220 metres tall, measured to the tip of the highest point of the turbine blade.
- iii) Up to four offshore meteorological stations to collect information about wind speeds and wind direction with a height of up to 200 metres.
- iv) Up to eight offshore electricity substations, and cables buried in the sea bed to link the wind turbines to the offshore substations.

Revised Strategy for Sections 42, 47 and 48 for the Current Application

- 4.18 Given National Grid's strategic review of options and TKOWFL's subsequent decision to amend the scope of the Application to include only the NSIP itself (i.e. the offshore wind farm), the TKOWF consultation strategy was re-appraised.
- 4.19 In relation to section 47 consultation and the scope of the SoCC, it was determined that a single phase approach would be appropriate, similar in extent to the previously described phase 2 consultation but focusing on the revised scope of the Application (i.e. only on the offshore wind farm site and all elements within its offshore site boundary).
- 4.20 As with the initial approach illustrated in **Figure 4.1** and for the same reasons set out in paragraph 4.9, it was also considered appropriate to align the section 42 consultation and section 48 publicity requirements with the section 47 community consultation activities.
- 4.21 The revised consultation programme designed to meet the requirements of sections 42, 47 and 48 of the 2008 Act for the revised Application is illustrated in **Figure 4.2**. **Figure 4.2** highlights in blue those activities that were completed under the initial approach to consultation and in grey those activities that were subsequently completed under the revised approach, relevant only to the revised scope of the Application. The revised approach follows the spirit of the single-stage pre-application process flow chart set out in Annex B of the DCLG guidance.
- 4.22 The consultation for TKOWF was carried out according to the approach set out in **Figure 4.2**. Details of the activities carried out for sections 42 and 47 consultation and section 48 publicity are set out in Chapters 5, 6 and 7 of this Consultation Report respectively.

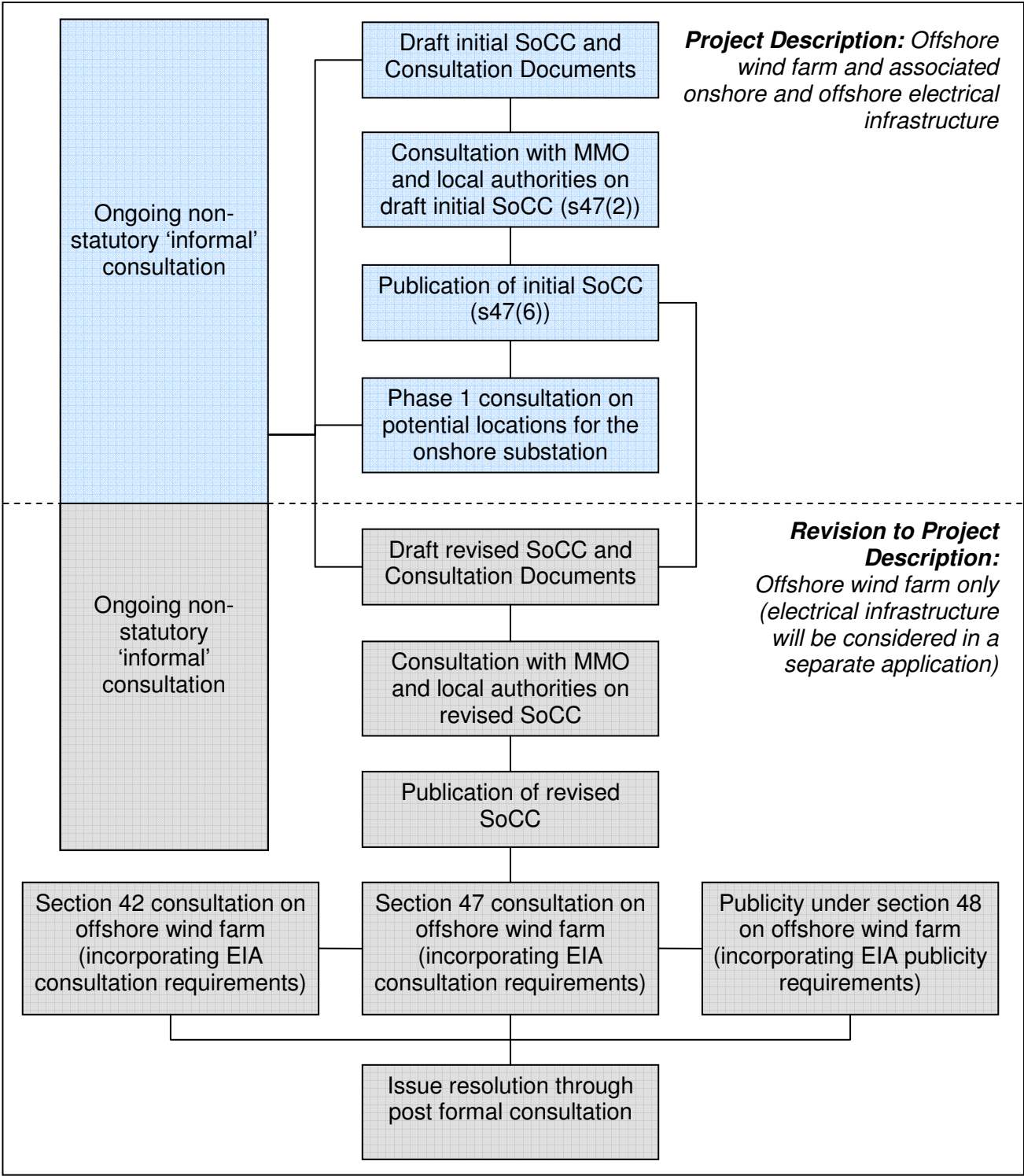


Figure 4.2. The revised consultation approach adopted for the offshore components of the project

5 Formal Consultation under Section 42 of the Planning Act

Introduction

- 5.1 This Chapter of the Consultation Report sets out the activities undertaken by the Applicant to comply with its duty to consult under section 42 of the Planning Act 2008 (the 2008 Act). It seeks to provide the information relevant to formal section 42 consultation as required in the Consultation Report under section 37(7)(a) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation (summarised in **Box 4.1** in Chapter 4).
- 5.2 The Chapter concludes with a statement of compliance summarising the regard that the Applicant has had to relevant legislation and guidance in carrying out its duties under section 42.

Legislative Context

Duty to Consult under Section 42

- 5.3 Section 42 of the 2008 Act⁸ requires the applicant to consult the following about the proposed application:
- (a) such persons as may be prescribed;
 - (aa) the Marine Management Organisation (MMO);
 - (b) each local authority that is within section 43 of the Act;
 - (c) the Greater London Authority if the land is in Greater London; and
 - (d) each person who is within one or more categories set out in section 44 of the Act.
- 5.4 For the purposes of section 42(a) of the 2008 Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).
- 5.5 For section 42(aa), the MMO will be a consultee where the application is in (a) waters in or adjacent to England up to the seaward limits of the territorial sea; (b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions; (c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions; (d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.
- 5.6 With regard to section 42(b), local authorities are defined as those within which the land to which the proposed application relates is located (section 43(1) local authorities). It also includes those local authorities that share a boundary with

⁸ As amended by the Marine and Coastal Access Act 2009.

- that authority (section 43(2) local authorities). For TKOWF, relevant local authorities are county councils or district councils in England (section 43(3)(a)).
- 5.7 For the purposes of section 42(d), a person is within section 44 of the 2008 Act if the applicant knows that the person is an owner, lessee, tenant or occupier of the land (Category 1, section 44(1)); is interested in the land or has power to sell and convey the land or to release the land (Category 2, section 44(2)); or is entitled to make a relevant claim if the order sought by the proposed application were to be made and fully implemented (Category 3, section 44(4)).
- 5.8 There is a duty on the applicant, when consulting a person under section 42, to notify them of the deadline for receipt of comments to the consultation (section 45(1)). This must be a minimum of 28 days, commencing on the day after the day on which the person receives the consultation documents (section 45(2)). Consultation documents must be supplied to the person by the applicant for the purposes of the consultation (section 45(3)).
- 5.9 Guidance on the applicant's duty to consult under section 42 as provided by the IPC and DCLG is summarised in **Appendix 5.8**.

Duty to Notify Commission of Proposed Application under Section 46

- 5.10 Aligned with formal consultation under section 42 is a requirement for the applicant to notify the IPC of the application under section 46. This must be done on or before commencing consultation under section 42 (section 46(2) of the 2008 Act) and the IPC must be supplied with the same information as is proposed to be used for section 42 consultation (section 46(1)).
- 5.11 The following sections describe how the prescribed bodies, local authorities and significantly affected persons to be consulted under section 42 of the 2008 Act were identified. It then sets out the approach taken to formal consultation for TKOWF under section 42.

Identifying Section 42 Consultees

Prescribed Bodies

- 5.12 Prescribed bodies cover the main regulatory bodies that are to be consulted under section 42 as part of the pre-application process. They comprise 'technical' bodies with specific expertise and/or regulatory responsibility for a given discipline.

Regulation 9 List

- 5.13 The starting point for identifying the prescribed bodies relevant to TKOWF was the list of prescribed consultees notified of the proposed application by the IPC under Regulation 9(1)(a) of the Infrastructure Planning (EIA) Regulations 2009 (the EIA Regulations). The production of this list was triggered by Triton Knoll Offshore Wind Farm Limited (TKOWFL) notifying the IPC that it proposed to provide an Environmental Statement in respect of the development under Regulation 6(1)(b) of the EIA Regulations. Confirmation of the Regulation 9 notification (in a letter from the IPC) is provided in **Appendix 5.1**.
- 5.14 The Regulation 9 list was provided to TKOWFL in August 2010 when the proposed development comprised the offshore wind farm in addition to the

associated onshore and offshore development (see the initial project description set out in **Box 4.2** in Chapter 4).

- 5.15 However, following the revision to the Application in December 2010 (see the revised project description set out in **Box 4.3** in Chapter 4), it was decided that the Regulation 9 list would not be amended and that all bodies on this list would be included in the formal section 42 consultation. It was considered important to keep all prescribed bodies that had been notified by the IPC updated and informed on the project and to provide them with an opportunity to comment on the proposals and to have those comments considered.

Organisations added to the Regulation 9 List

- 5.16 A number of local authorities and parish councils were added to the list of prescribed bodies in light of the DCLG guidance on pre-application consultation, which notes that where a proposed project lies offshore, promoters should engage with coastal local authorities closest to the proposed development⁹. Information on the inclusion of additional local authorities in the section 42 consultation is provided in paragraphs 5.26-5.28 and information on the inclusion of additional parish councils is provided in paragraphs 5.29-5.30.

'Technical' Organisations

- 5.17 The DCLG guidance notes in paragraph 35 that for any given sector, there are a wide range of bodies in addition to those prescribed by the 2008 Act and accompanying legislation that may be able to make an important contribution in developing an application.
- 5.18 Extensive discussions were held with local authorities on how to engage with non-statutory 'technical' consultees such as the Royal Society for the Protection of Birds (RSPB), the Wildlife Trusts and offshore stakeholders. Given that these 'technical' consultees are not included in Schedule 1 to the APFP Regulations, it was considered that they fell within the provisions set out under section 47 of the 2008 Act. Provision was made for any non-section 42 'technical' organisation to receive more detailed (section 42 type) information. In doing this, the key guiding principle was that they should be provided with sufficient information to allow them to form a view, to provide comment and to have those comments considered.
- 5.19 More information on consultation with 'technical' bodies under section 47 of the Act is provided in Chapter 6 of this Consultation Report.

Finalising the List of Prescribed Bodies

- 5.20 Prior to commencing consultation under section 42, TKOWFL wrote to all prescribed bodies on the extended Regulation 9 list introducing the project; providing advance warning of the upcoming consultation, including when the consultation was due to start and finish; and describing the elements of the project that would be the subject of consultation. This also provided an opportunity to verify the contact details of the prescribed bodies. An example of this letter is provided in **Appendix 5.2**.

⁹ Footnote 2 to paragraph 17 of the DCLG guidance.

- 5.21 The final list of prescribed bodies is presented in **Appendix 5.3**. The list is set out in the order of schedule 1 to the APFP Regulations as recommended by the IPC's advice note on Consultation Reports.¹⁰

Local Authorities

Local Authorities Defined for the Initial Scope of the Application

- 5.22 With regard to identifying the section 43(1) local authorities, the 'land' for the proposed development was initially defined as the area within which the onshore infrastructure was to lie. Given the proposed locations of the onshore cables and substation, the 'land' was within the jurisdiction of East Lindsey District Council and Lincolnshire County Council (given that 'local authority' means both a district council or a county council under section 43(3)). Therefore, these two councils were identified as the local authorities defined under section 43(1) of the 2008 Act with the intention being to:
- i) consult both authorities on the project under section 42; and
 - ii) consult both authorities on the content of the Statement of Community Consultation (SoCC) under section 47(2) (see Chapter 7).
- 5.23 Those authorities with a boundary to East Lindsey District Council and Lincolnshire County Council and therefore, as per section 43(2) of the 2008 Act, are included as section 42 consultees are set out in **Table 5.1**.

Table 5.1 Authorities defined under section 43(2) of the Act

Authorities bounding East Lindsey District Council	
West Lindsey District Council	North Kesteven District Council
Boston Borough Council	
Authorities bounding Lincolnshire County Council	
North Lincolnshire Council	Peterborough City Council
North East Lincolnshire Council	Cambridgeshire County Council
Nottinghamshire County Council	Norfolk County Council
Leicestershire Council	Northamptonshire County Council
Rutland County Council	

- 5.24 The local authorities defined under sections 43(1) and 43(2) of the 2008 Act in relation to the initial scope of the Application are mapped in **Figure 5.1**.
- 5.25 In addition to the section 43(1) and 43(2) authorities, the IPC's Regulation 9 list included other local authorities, which are also section 42 consultees. These are set out in **Table 5.2** and mapped in **Figure 5.1**.

¹⁰ Infrastructure Planning Commission, October 2011. Advice Note Fourteen: Compiling the Consultation Report.

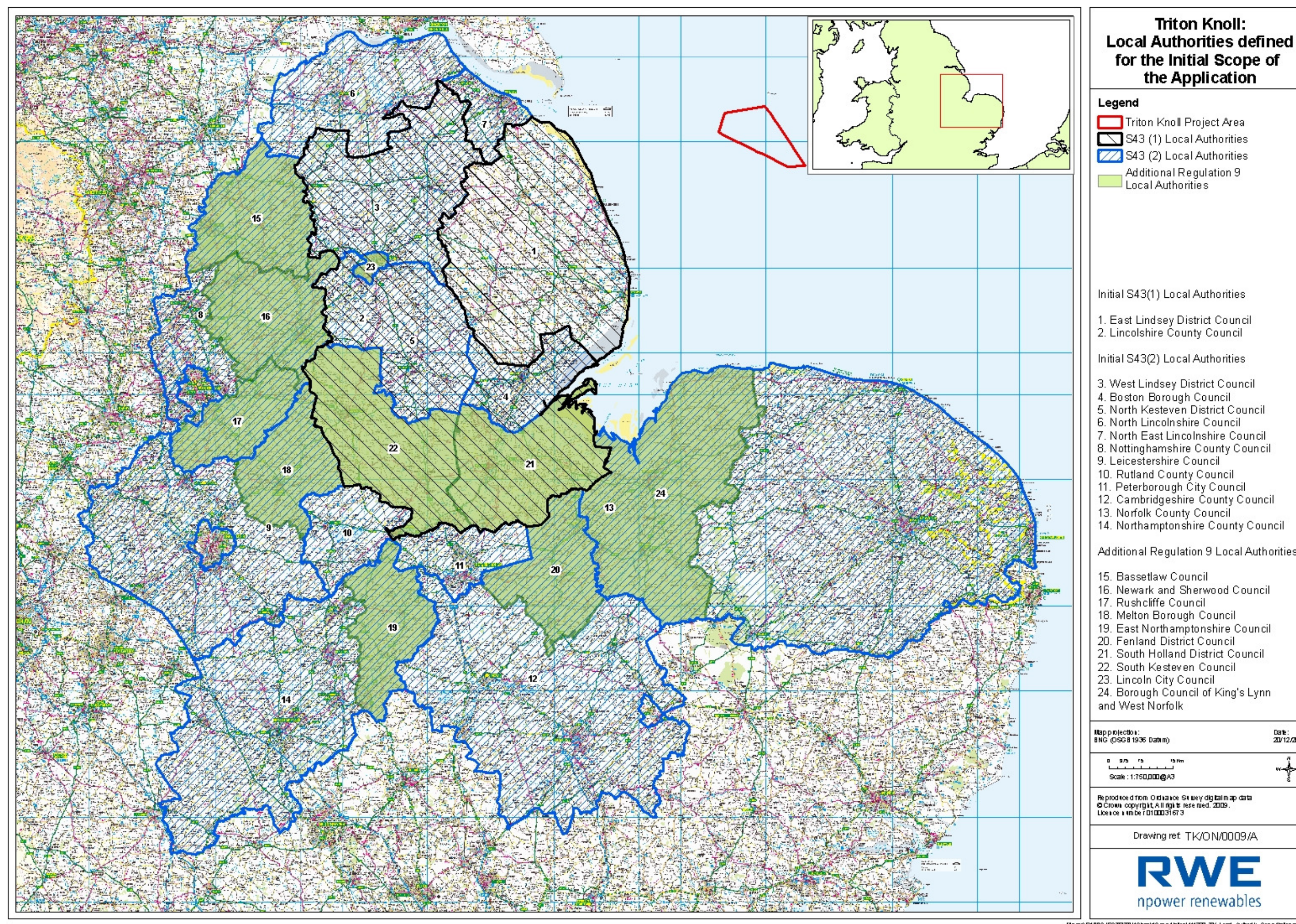


Figure 5.1 Local authorities defined for the initial scope of the Application

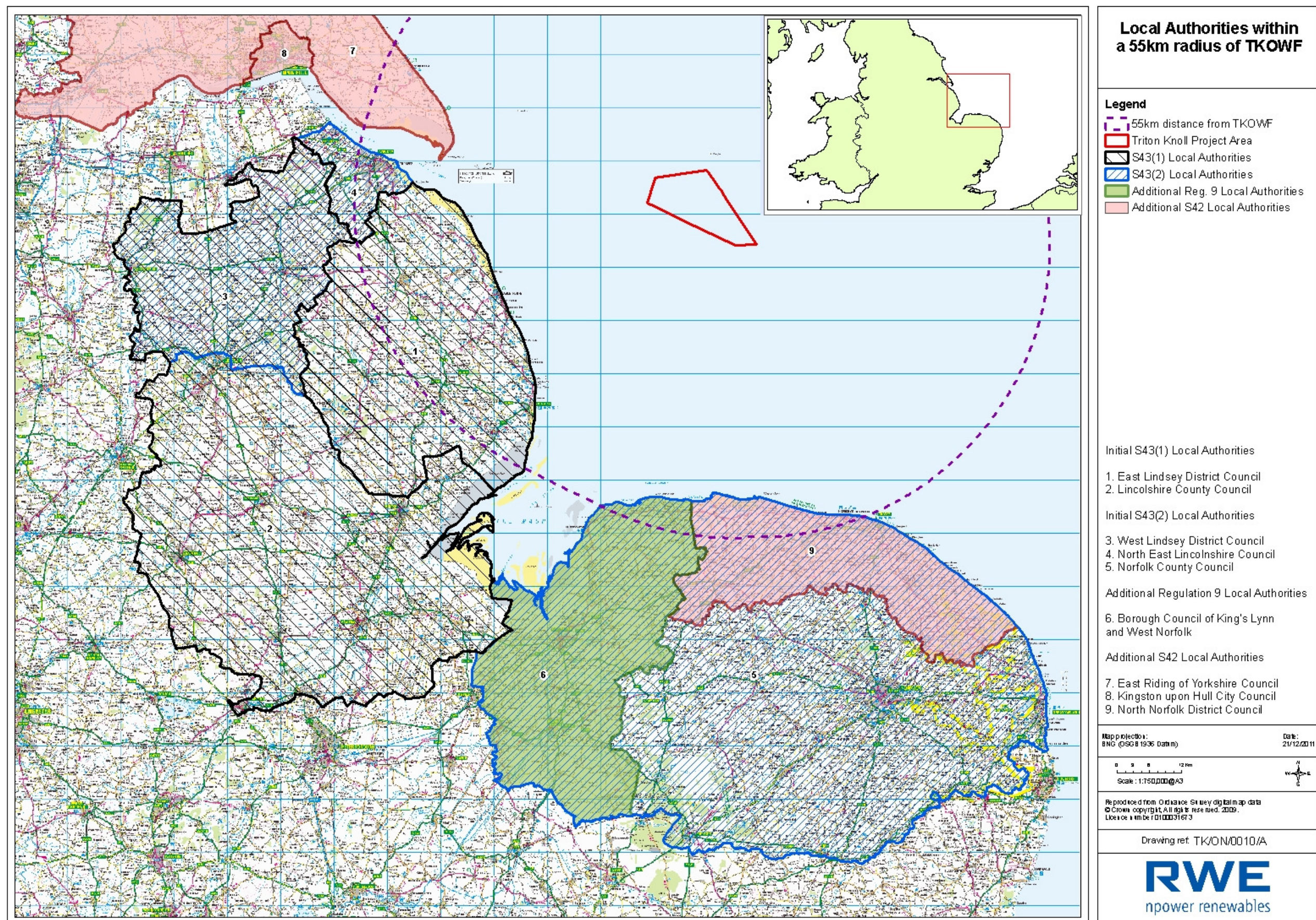


Figure 5.2 Local authorities within a 55 km radius of TKOWF

Table 5.2 Additional authorities included in the IPC's regulation 9 list

Additional authorities	
Bassetlaw Council	South Holland District Council
Newark and Sherwood Council	South Kesteven Council
Rushcliffe Council	Lincoln City Council
Melton Borough Council	Borough Council of King's Lynn and West Norfolk
East Northamptonshire Council	
Fenland District Council	

- 5.26 The DCLG guidance on pre-application consultation notes that where a proposed project lies offshore, promoters should engage with the MMO as well as coastal local authorities closest to the proposed development, who will be able to advise on the approach to consultation¹¹. Whilst this specifically guides the content of the SoCC under section 47 of the Act, it was considered that any local authority given the opportunity to inform the consultation strategy for their local communities should also be provided with the opportunity to comment on the Application and to have those comments considered.
- 5.27 Furthermore, the IPC in Advice Note 3¹², highlight that where a project lies adjacent to estuaries or rivers, in coastal locations or with an offshore element, the IPC will consult the local authorities in relation to any visual impact of the proposed project on the basis of a 35 km Zone of Visual Influence (ZVI) identified from the nearest element of the proposed project to the shoreline. Taking a precautionary approach to consultation, the Applicant identified all local authorities within a 55 km radius of TKOWF. **Figure 5.2** shows the boundaries of the local authorities that fall within this boundary. Those authorities included within this radius but not included in **Tables 5.1** or **5.2** are listed below:
- i) East Riding of Yorkshire Council;
 - ii) Kingston upon Hull City Council; and
 - iii) North Norfolk District Council.
- 5.28 These three local authorities were therefore also added to the list of authorities that would be consulted on TKOWF under section 42 of the 2008 Act.

Parish Councils

- 5.29 The Regulation 9 list included parish councils that were principally relevant to the initial project description (set out in **Box 4.2** in Chapter 4); that is parish councils within proximity of the potential substation location. By extension of including local authorities that fell within a 55 km radius of the offshore wind farm in the section 42 consultation, it was considered within the spirit of the DCLG guidance that parish councils falling within this zone should also be

¹¹ Footnote 2 to paragraph 17 of the DCLG guidance.

¹² Infrastructure Planning Commission (IPC) (July 2011). Advice Note Three: Consultation and Notification undertaken by the IPC.

invited to comment on the proposals. The list of parish councils consulted under section 42 is provided in **Appendix 5.3**.

- 5.30 Parish councils also have a role in facilitating local community consultation under section 47 of the 2008 Act (although are not required to respond to section 47 consultation itself). Parish councils were identified in the SoCC as being best placed to determine where their community members will be best able to access information and so were used as a conduit for this information to those living in their parish. Further information on the role of parish councils under section 47 of the Act is provided in paragraphs 6.65-6.66.

Definition of Local Authorities and Parish Councils for the Application in its Present Form

- 5.31 The Application in its present form comprising the offshore wind farm and all elements within its offshore site boundary (described in **Box 4.3** in Chapter 4), has no 'land' and therefore no local authority under the definitions set out in section 43 of the 2008 Act.
- 5.32 However, it was decided to consult all local authorities identified above under section 42 of the 2008 Act for the Application. As noted in relation to the IPC's Regulation 9 list, it was considered important to keep all prescribed bodies that had been notified by the IPC updated and informed on the project and to provide them with an opportunity to comment on the proposals and to have those comments considered. In addition, those coastal local authorities and parish councils falling within the 55 km radius of the offshore array were equally relevant to the Application in its current form as to the initial scope of the project and so were consulted on the proposals following the spirit of the DCLG guidance¹³.

Section 44 Persons

- 5.33 Whilst there was 'land' and therefore section 44 persons that would have been associated with the onshore components of the initial scope of the Application (detailed in **Box 4.2** in Chapter 4), formal consultation under section 42 was never completed for these onshore elements of the project (as highlighted in **Figure 4.1** in Chapter 4). Persons within Categories 1, 2 and 3 of section 44 of the 2008 Act were never therefore identified for the purposes of section 42 for the initial scope of the Application.
- 5.34 With regard to the Application in its present form, given that there is no 'land' associated with the Application, TKOWFL is not aware of any relevant persons within Categories 1, 2 or 3 of section 44 that need to be consulted under section 42 of the 2008 Act.

Undertaking Consultation under Section 42

- 5.35 All consultees listed in **Appendix 5.3** were written to inviting comments on the proposed Application under section 42 of the 2008 Act. The letter template is provided in **Appendix 5.4**. Letters were posted for arrival to the consultee on

¹³ Footnote 2 to paragraph 17 of the DCLG guidance.

- 31 May 2011 or emailed on 31 May 2011 where only email addresses were available for the consultee.
- 5.36 The following consultation documents were enclosed with the letter:
- i) A newsletter summarising the proposals (the same newsletter that was used for consultation under section 47 – see **Box 6.4** in Chapter 6);
 - ii) A CD containing Preliminary Environmental Information (PEI) which comprised documents containing preliminary baseline information and impact assessments for the offshore wind farm supported by technical appendices and a non-technical summary; and
 - iii) A copy of the notice published in accordance with the requirements of Section 48 of the 2008 Act (see Chapter 7).
- 5.37 The newsletter and PEI constituted the section 42 ‘consultation documents’ as required under section 45(3) of the 2008 Act. In accordance with section 45(2), the letters gave the deadline of 12 July 2011 for receipt by the Applicant of the consultee’s comments to the consultation. With the start of consultation being 1 June 2011, this constituted a 42 day consultation period (exceeding the minimum 28 day period required under section 45(2) of the 2008 Act). The letters also included the project’s postal and email address to which comments should be sent.
- 5.38 The letters to the parish councils included additional instruction and documentation reflecting their role, not just as section 42 consultees, but also in facilitating local community consultation under section 47 (see paragraph 5.30). The letter template provided to parish councils is included in **Appendix 5.5**.
- 5.39 A reminder letter was sent on 30 June 2011 to all consultees from whom a response had not been received at that time, reiterating that the deadline for responses was 12 July 2011. The template for the reminder letter is provided in **Appendix 5.6**.

Notifying the IPC under Section 46

- 5.40 Prior to commencing section 42 consultation, TKOWFL notified the IPC of its intention to submit an application for development consent for TKOWF under section 46 of the 2008 Act. The notification was sent by recorded delivery for arrival at the IPC on 27 May 2011. A copy of the notification is provided in **Appendix 5.7**.
- 5.41 In accordance with section 46(1), the notification enclosed the same information that was provided to the section 42 consultees (set out in paragraph 5.36 above). In addition, a copy of the published revised SoCC (dated May 2011) and accompanying documents were enclosed for information (see Chapter 7 for information regarding the development and publishing of the revised SoCC and accompanying documents).
- 5.42 Confirmation of receipt of the section 46 notification was provided by the IPC on 27 May 2011.

Compliance Statement

- 5.43 An account of how the requirements of the Act, EIA Regulations and APFP Regulations have been complied with in the preparation for and carrying out of

- section 42 consultation and section 46 notification is set out in the Applicant's completed section 55 application checklist (**Appendix 2.1**).
- 5.44 Information on how the IPC and DCLG guidance documents have been followed and interpreted for this consultation is contained in **Appendix 5.8**.
- 5.45 **Appendices 2.1** and **5.8** demonstrate that in relation to sections 42 and 46, all requirements of the 2008 Act and relevant Regulations have been complied with and the guiding principles set out in the IPC and DCLG guidance documents have been followed.
- 5.46 All prescribed bodies relevant to TKOWF were consulted under section 42 of the 2008 Act. A wide interpretation of local authorities was adopted for the purposes of this consultation, including those within the ZTV and a 55 km radius of the offshore wind farm, following the spirit of pre-application consultation guidance provided by DCLG. The same rationale was used for consulting widely with parish councils. The prescribed bodies and local authorities were formally written to, noting the deadline for responses to be received by and enclosing the section 42 consultation documents.
- 5.47 Prior to commencing section 42 consultation, the IPC was notified under section 46 of the 2008 Act and was provided with the same information that was provided to section 42 consultees.
- 5.48 The section 42 consultation occurred concurrently with consultation under section 47, where local communities and non-statutory organisations with technical information and expertise were consulted (see Chapter 6 of the Consultation Report). The formal consultation with prescribed bodies, local authorities and non-statutory technical consultees occurred following significant early informal engagement on the project with key consultees. This is detailed in Chapter 3 of the Consultation Report.

6 Formal Consultation under Section 47 of the Planning Act

Introduction

- 6.1 This Chapter of the Consultation Report sets out the activities undertaken by the Applicant to comply with its duty to consult under section 47 of the Planning Act 2008 (the 2008 Act). It seeks to provide the information relevant to formal section 47 consultation as required in the Consultation Report under section 37(7)(a) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation (summarised in **Box 4.1** in Chapter 4).
- 6.2 This Chapter concludes with a statement of compliance summarising the regard that the Applicant has had to relevant legislation and guidance in carrying out its duties under section 47.

Legislative Context

- 6.3 Section 47(1) of the 2008 Act requires the applicant to prepare a Statement of Community Consultation (SoCC). The SoCC should set out how the applicant intends to consult the local community on the proposed application. There is a duty on the applicant to consult the relevant local authorities in respect of the content of the SoCC (section 47(2)) because their knowledge of the local area may influence decisions on the geographical extent of consultation and the methods that will be most effective in the local circumstances.¹⁴
- 6.4 Local authority responses to consultation on the content of the SoCC should be received by the applicant within a 28 day period (commencing on the day after the day on which the local authority receives the request for comments). Consultation documents must be provided to the local authority at this stage, providing information which allows the authority to make an informed response to the SoCC consultation (sections 47(3) and 47(4)). Section 47(5) of the 2008 Act requires the applicant to have regard to any response provided by the local authority that is received within the 28 day period.
- 6.5 In developing the SoCC, regard must be had to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations) and relevant guidance about pre-application procedure. Regulation 10 of the EIA Regulations stipulates that the SoCC must set out whether the proposal is EIA development and, if so, how the applicant intends to publicise and consult on preliminary environmental information.
- 6.6 Guidance on developing and publishing the SoCC as provided by the IPC and DCLG is summarised in **Appendix 6.33**.
- 6.7 Once the SoCC has been finalised, it must be published in a newspaper circulating in the vicinity of the proposed development site (section 47(6)(a) of the 2008 Act) and the applicant must carry out consultation in accordance with the proposals set out in the statement (section 47(7)).

¹⁴ Paragraph 13 of IPC Guidance Note 1 on Pre-Application Stages, Revision 2 (August 2011).

The Statement of Community Consultation

- 6.8 This section sets out the process that was undertaken in developing the SoCC for TKOWF. As set out in **Figure 4.2** in Chapter 4, two SoCCs have been prepared for the project. This was necessary because following the publication of the first SoCC, the scope of the Application changed (see paragraphs 4.12-4.17) which resulted in the need to revise the community consultation strategy and therefore the content of the SoCC.
- 6.9 This Consultation Report need only demonstrate how the consultation for TKOWF was carried out in accordance with the proposals set out in the SoCC that reflects the scope of the Application (i.e. the revised SoCC, see **Appendix 6.1**). However, given that the process, principles and approach employed in developing the initial SoCC and the feedback received through informal and formal consultation from local authorities in finalising that SoCC fed directly into the development of the revised SoCC, the process that was undertaken in preparing and publishing both SoCCs is described in detail below.
- 6.10 For the sake of clarity, the following terminology is used throughout the Consultation Report in referring to the two SoCCs:
- The first statement is referred to as ‘the initial SoCC’ and the first round of consultation documents used to inform the SoCC are referred to as ‘the initial Proposals for Community Consultation documents’; and
 - The second statement is referred to as ‘the revised SoCC’ and the second round of consultation documents used to inform the SoCC are referred to as ‘the revised Proposals for Community Consultation documents’.
- 6.11 This section describes how the initial SoCC was developed and published and briefly summarises those consultation activities that were completed in line with the initial SoCC. It then sets out how the revised SoCC was developed and published and describes in detail how consultation was carried out under section 47 of the 2008 Act.

Development of the Initial SoCC: Definition of Local Authorities

- 6.12 Section 47(2) of the Act states that before preparing the SoCC, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement. A section 43(1) authority is a local authority within which the land to which the proposed application relates. As set out at paragraph 5.22, the section 43(1) authorities for TKOWF, and therefore the statutory consultees that must be consulted on the content of the SoCC under section 47(2), were initially defined as East Lindsey District Council and Lincolnshire County Council.
- 6.13 DCLG guidance on pre-application consultation notes that where a proposed project lies offshore, it is suggested that promoters engage with the MMO as well as coastal local authorities closest to the proposed development, who will be able to advise on the approach to consultation¹⁵. Therefore, given the offshore components of TKOWF, the MMO was included as an organisation

¹⁵ Footnote 2 to paragraph 17 of the DCLG guidance.

that would be involved in the development of the SoCC in identifying components of the offshore community that might otherwise not be captured.

- 6.14 In addition, it was decided that the coastal authorities with communities that might theoretically be affected by the offshore development, defined as those authorities within whose areas the offshore wind turbines could potentially be visible, would also be given the opportunity to comment on the SoCC. The Zone of Theoretical Visibility (ZTV) of the offshore array, which demonstrates where the turbines could potentially be seen from, is presented in **Figures 2 and 3** of Annex J, Volume 3 of the Environmental Statement (document reference 05/01/03/j). The ZTV is included within the 55 km radius of the wind farm, as presented in **Figure 5.2** in Chapter 5 of this Consultation Report.
- 6.15 The local authorities that are included within the ZTV and therefore identified as consultees that should be consulted on the initial SoCC are included in **Table 6.1**.

Table 6.1. Authorities that should be consulted on the initial SoCC for TKOWF

Authority	Reason for consultation
East Lindsey District Council Lincolnshire County Council	Local authorities as defined by s43(1) of the 2008 Act within which the land to which the proposed Application relates
Marine Management Organisation	Following the spirit of the DCLG guidance to identify components of the offshore community
East Riding of Yorkshire Council Hull City Council North Lincolnshire Council North East Lincolnshire Council Boston Borough Council King's Lynn and West Norfolk Borough Council North Norfolk District Council Norfolk County Council	Following the spirit of the DCLG guidance to include coastal local authorities within which the offshore wind turbines could potentially be visible

Development of the Initial SoCC: Non-Statutory Consultation

- 6.16 The DCLG guidance on pre-application consultation notes in paragraph 42 that promoters may find it helpful to make informal contact with the local authorities in advance of formal consultation on the content of the SoCC under section 47 of the 2008 Act. Therefore, those authorities with a statutory role to provide comments on the initial SoCC (i.e. East Lindsey District Council and Lincolnshire County Council) in addition to the MMO were consulted informally on the development of the SoCC as early as possible. This included discussions on draft consultation documents and SoCCs. These discussions helped to build a common understanding of the process with local planning

- officers and assisted the local authorities in fulfilling their statutory obligations within the relatively short statutory timeframe prescribed by the 2008 Act.
- 6.17 A summary of the dialogue that was held prior to formal consultation on the content of the initial SoCC is set out below:
- i) Informal discussions on the initial SoCC commenced during a meeting with East Lindsey District Council on 19 November 2009. At this meeting the new development consent process for Nationally Significant Infrastructure Projects (NSIPs) was introduced. The purpose of the SoCC and the requirements of the local authority in commenting on the SoCC were discussed. The minutes for this meeting are provided in **Appendix 6.2**.
 - ii) A meeting was held on 3 February 2010 with East Lindsey District Council and Lincolnshire County Council specifically to discuss the initial SoCC. Draft documents were circulated to the authorities for comment prior to the meeting. The minutes for this meeting are provided in **Appendix 6.3**.
 - iii) In addition, a meeting was held with the MMO on 2 December 2009 to discuss their understanding of the process and how they might be involved in the development consent process. The minutes for this meeting are provided in **Appendix 6.4**.
- 6.18 This informal dialogue helped to shape both the approach to and detail of the initial SoCC for TKOWF.
- 6.19 In terms of the approach, it was originally intended to carry out consultation on all elements of the project concurrently. However, East Lindsey District Council suggested that the project should take a multi-staged approach to consultation, with the preliminary stage focused on alternative sites for the onshore substation (**Appendix 6.3**). This feedback was reflected in the draft initial SoCC which proposed multi-stage consultation; the first focusing on alternative substation sites as suggested by East Lindsey District Council and the second on the details of the offshore and onshore elements of the project.
- 6.20 In terms of the influence of informal consultation on the detail of the initial SoCC, the list of stakeholders used for the purposes of community consultation was developed from East Lindsey District Council's Statement of Community Involvement¹⁶ following advice provided by the local authorities on 3 February 2010. This was added to during the informal meetings through requests that additional consultees should also be included. Similarly, the list of newspapers that were selected within which to publish the initial SoCC was also refined through discussions with the local authorities. In addition, the locations for public exhibitions and the methods employed to contact and engage with remote groups in Lincolnshire were influenced through discussions held with East Lindsey District Council and Lincolnshire County Council. The suggestions and agreements that demonstrate how these early discussions influenced the draft initial SoCC are documented in **Appendices 6.2-6.4**.

¹⁶ A Statement of Community Involvement (SCI) is a statement of a local authority's policy for involving the community in preparing and revising local development documents and for consulting on planning applications. Definition provided in Office of the Deputy Prime Minister (December 2004): Statements of Community Involvement and Planning Applications.

Development of the Initial SoCC: Formal Consultation

- 6.21 Following informal consultation on the initial SoCC, the draft document was prepared. In developing the draft SoCC, the need to publish it in local newspapers gave rise to the necessity of preparing a relatively concise statement. However, separate accompanying Proposals for Community Consultation documents were also prepared setting out in more detail the rationale for developing the initial SoCC, an overview of the project, the objectives and scope of the consultation, how ‘vicinity’ was defined for the project and the methods to be employed in the consultation. The initial Proposals for Community Consultation documents¹⁷ had the following functions:
- i) they would be made available to members of the public and consultees, alongside the SoCC, as a reference to understand the consultation process in greater detail and how its extent and format has been determined; and
 - ii) they served the purpose of informing the responses of local authorities and the MMO during consultation on the initial SoCC.
- 6.22 The draft initial SoCC and initial Proposals for Community Consultation documents were provided to East Lindsey District Council and Lincolnshire County Council for formal comment under the provisions of section 47 of the 2008 Act. They were also copied to the MMO and the coastal authorities listed in **Table 6.1** for comment. As required under section 47(3) of the 2008 Act, 28 days were provided to the authorities and MMO for their response, starting the day after the day on which they received the documents. The documents were sent by recorded delivery on 22 February 2010 with a deadline for responses being 24 March 2010, assuming receipt on 23 February 2010¹⁸.
- 6.23 The covering letters sent to the authorities formally requesting comments on the draft initial SoCC are included in **Appendix 6.5**. The draft initial SoCC and initial Proposals for Community Consultation documents sent to the authorities for comment are provided in **Appendix 6.6**.
- 6.24 Responses were received from the MMO and each of the local authorities that were invited to comment. All were received within the 28 day consultation period, with the exception of the MMO, which provided a response on 25 March 2010, and East Riding of Yorkshire Council, which provided a response on 20 April 2010. The responses are included in **Appendix 6.7**.
- 6.25 In accordance with section 47(5) of the 2008 Act, regard was had to the responses to consultation in finalising the initial SoCC. A summary of the responses received and how they have been addressed is provided in **Appendix 6.9**. In July 2010, a letter was sent to each of the local authorities and the MMO confirming that the initial SoCC had been finalised and, where appropriate, how their comments influenced the final document. The letters are included in **Appendix 6.8**.

¹⁷ These documents accompanied the initial SoCC and provided more information on how the SoCC was developed. They are separate to the consultation documents used to support formal consultation under sections 42 and 47 of the 2008 Act (see paragraphs 5.36-5.37 for information on the section 42 consultation documents and Box 6.4 for information on the section 47 consultation documents).

¹⁸ The documents were sent to the MMO on 23 February 2010 with a deadline for responses being 25 March 2010 (assuming receipt on 24 February 2010).

- 6.26 The key issues raised by the local authorities and the MMO in relation to the draft initial SoCC can be summarised as follows:
- i) Suggestions were made for additional consultees to be included in the community consultation for TKOWF and clarification was provided that some of the consultees included within the list of stakeholders were prescribed bodies that would be consulted under section 42 of the 2008 Act. In response to these comments, the list of stakeholders was refined to include all additional suggestions and to remove prescribed bodies. Additional text was provided in the initial Proposals for Community Consultation documents noting that separate consultation would be carried out with prescribed bodies and providing examples of the types of organisations that they included.
 - ii) East Lindsey District Council suggested that the number of public exhibitions along the Lincolnshire coast should be increased to four. This revision was made in the final initial SoCC.
 - iii) There were suggestions from East Lindsey District Council and East Riding of Yorkshire Council concerning suitable locations to deposit copies of consultation documents. All suggested locations were reflected in the final initial SoCC.
 - iv) Confirmation of the suitability of newspapers for publicity was provided and alternative suggestions made. Alternative suggestions were only reflected in the final initial SoCC where the suggested alternative provided better coverage than the newspapers listed in the draft initial SoCC.
 - v) King's Lynn and West Norfolk Borough Council highlighted the importance of the role of parish clerks in providing a key contact point for local residents. This was recognised in the initial SoCC as it was proposed to provide parish clerks with copies of key consultation documents.
- 6.27 The accompanying initial Proposals for Community Consultation documents were updated and finalised to reflect the amendments made to the initial SoCC.

Development of the Initial SoCC: The Final Statement

- 6.28 The final initial SoCC and initial Proposals for Community Consultation documents are provided in **Appendix 6.10**. The strategy for community consultation set out in the SoCC is summarised in **Box 6.1**. Note that due to changes in the Application (as detailed in paragraphs 4.12-4.17), phase 2 consultation did not go ahead.

Development of the Initial SoCC: Publication

- 6.29 Section 47(6)(a) of the 2008 Act requires the finalised SoCC to be published in a newspaper circulating in the vicinity of the land (i.e. the proposed development site). With regard to the 'onshore communities' that might have an interest in commenting on the project, 'vicinity' was defined in the finalised initial Proposals for Community Consultation documents as ranging from specific, defined areas for the onshore substation and cable route to the areas lying within the ZTV of the offshore wind farm.

- 6.30 To satisfy section 47(6)(a) therefore, the newspapers listed in **Table 6.3** were selected for publication of the initial SoCC. The combined distribution of these newspapers is presented in **Figure 6.1**.

Box 6.1 A summary of the consultation strategy set out in the initial SoCC

Phase 1 – Onshore Substation Alternatives

- i) The Phase 1 consultation has a focused approach both in terms of the questions being asked of the relevant communities and in the geographic area within which consultation will be focused.
- ii) A questionnaire will be sent directly to those living in the vicinity of the potential locations for the onshore substation and to the relevant town and parish councils, elected members and organisations listed in the former consultation documents. Libraries and East Lindsey Council Access Points will also receive copies of the questionnaire for people to complete.
- iii) The aim of the questionnaire is to seek local knowledge on the nature of the proposed onshore substation site. Those outside of the consultation area can respond through the project website or by requesting a questionnaire.

Phase 2 – The Triton Knoll Project

- i) The Stage 2 consultation will involve a wider consultation exercise. It will consult those in the vicinity of the chosen substation and onshore cable route as well as those populations on the coast that might be affected by visual impacts of the offshore array. The offshore community will also be consulted at this stage.
- ii) A number of public exhibitions will be held along the east coast.

Table 6.3. Newspapers selected for publication of the initial SoCC

Publication	Distribution	Purpose
Skegness Standard	Includes the towns of Skegness, Louth, Spalding, Alford and Spilsby	To capture the areas for the onshore substation, cable route and visual impacts on the East Lindsey coast
East Coast Target	To ensure adequate coverage in towns and villages along the coast from Boston up to Mablethorpe and inland across the Wolds	To capture the areas for the onshore substation, cable route and visual impacts on the East Lindsey coast
Grimsby Telegraph	Barton-upon-Humber, Cleethorpes, Grimsby, Immingham, Louth, Mablethorpe, Market Rasen, Scunthorpe and Skegness	To capture the coast south of the Humber, north of East Lindsey particularly around Grimsby where some offshore users are based

Publication	Distribution	Purpose
Hull Daily Mail	Barton-upon-Humber, Beverley, Bridlington, Driffeld, Filey, Flamborough, Goole, Hornsea, Howden, Hull, Market Weighton, Pocklington, Scarborough, Withernsea, York	To capture the southern extent of the East Riding of Yorkshire (Holderness) coast including around Bridlington where some offshore users are based
Eastern Daily Press	Attleborough, Beccles, Bungay, Bury St Edmunds, Cromer, Debenham, Dereham, Diss, Downham Market, Ely, Eye, Fakenham, Framlingham, Great Yarmouth, Halesworth, Harleston, Holbeach, Hunstanton, King's Lynn, Lakenheath, Leiston, Lowestoft, March, Mildenhall, Newmarket, North Walsham, Norwich, Saxmundham, Sheringham, Soham, Southwold, Stowmarket, Swaffham, Thetford, Walsham-le-Willows, Wells, Wickham Market, Wisbech, Wymondham	To capture the north Norfolk coast including ports such as Wells where offshore users are based

- 6.31 With regard to the 'offshore communities' that might have an interest in the project, it was identified that a wider circulation of the initial SoCC than that prescribed in section 47(6)(a) of the 2008 Act would be required to meet the needs of specific interest groups. Two groups identified as having the greatest likely interest in the Triton Knoll area were the commercial fishing and shipping communities. For this reason, *Fairplay*, an international shipping industry publication, and *Fishing News*, a commercial fishing industry journal, were also selected within which the initial SoCC was published.
- 6.32 The initial SoCC was published in the newspapers listed in **Table 6.3** on 14 July 2010, in *Fairplay* on 15 July 2010 and in *Fishing News* on 16 July 2010. Examples of copies of the published initial SoCC are included in **Appendix 6.11**.
- 6.33 The initial SoCC and accompanying initial Proposals for Community Consultation documents were also made available on the project website at the same time as publication, were provided to parish clerks within the ZTV and were deposited at those relevant East Lindsey District Council Access Points and East Riding of Yorkshire Council Customer Service Centres listed in the initial Proposals for Community Consultation documents (page 16 footnote 4, **Appendix 6.10**).

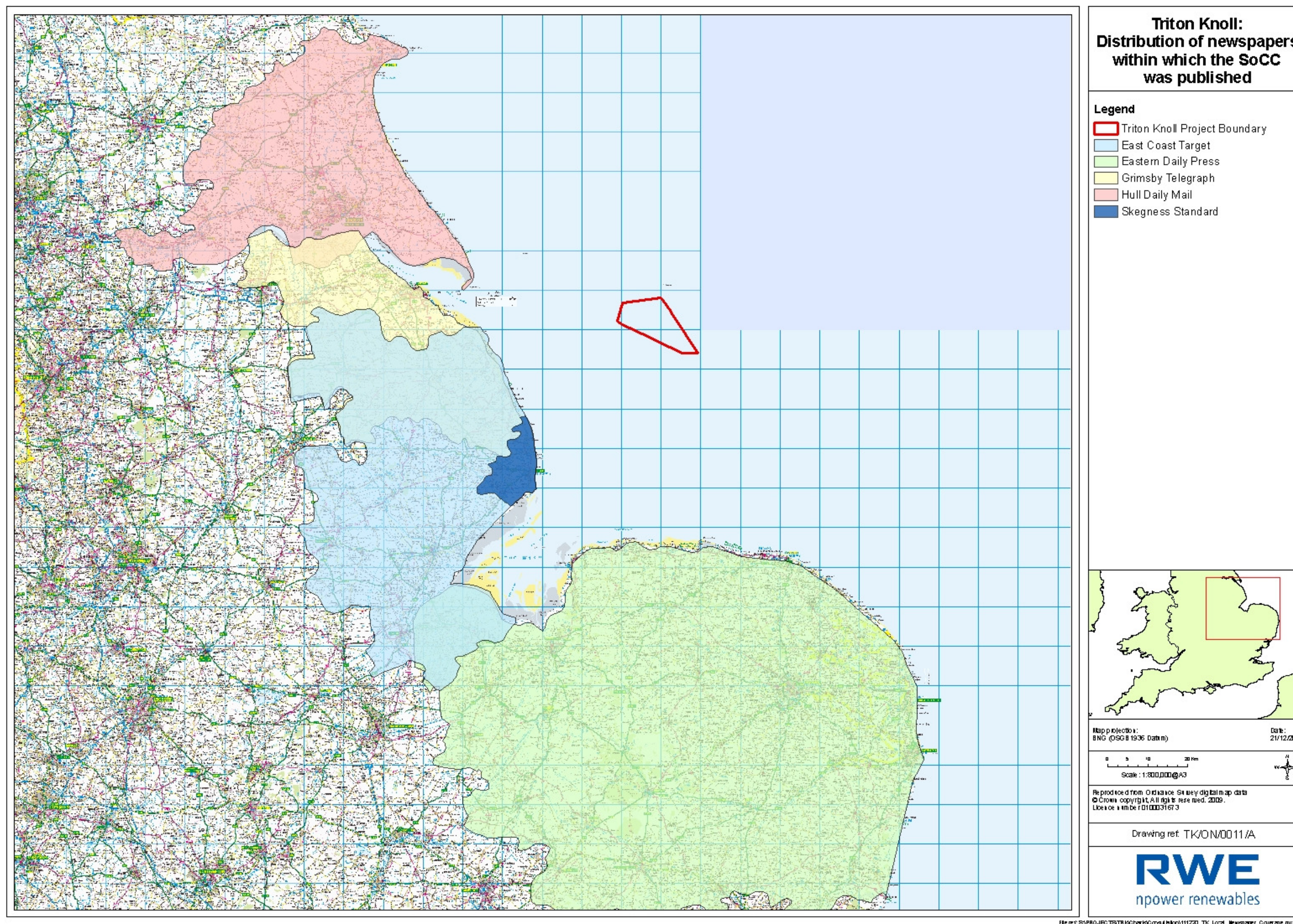


Figure 6.1. Distribution of newspapers within which the initial SoCC was published

Undertaking Consultation under the Initial SoCC

- 6.34 Chapter 4 of the Consultation Report describes that prior to the revision to the project description, phase 1 consultation on the onshore substation location commenced in line with the proposals for community engagement as set out in the initial SoCC. Whilst this consultation activity is not relevant to the Application in its present form, it has been summarised in **Box 3.1** in Chapter 3 for completeness.

The Revised Statement of Community Consultation

- 6.35 Following Phase 1 formal consultation on the proposed locations for the onshore substation, but prior to selection of the preferred site, National Grid informed TKOWFL that new and alternative options for the onshore connection location had been identified for TKOWF and that they would be undertaking a strategic review of these options. As set out in paragraphs 4.12-4.17, this put on hold the Phase 1 consultation activities and, given the need to proceed with the offshore Application (as set out in paragraph 4.14 in Chapter 4), it was decided to progress TKOWF as two separate packages; the offshore wind farm site itself (Package 1, this Application) and the electrical connection (Package 2).
- 6.36 Separating the application resulted in a reappraisal of TKOWF's consultation strategy and the need to develop a revised SoCC. The revised SoCC set out the approach to community consultation only for the offshore wind farm site (Package 1, elements of which are summarised in **Box 4.3** in Chapter 4).
- 6.37 The initial SoCC was used as a template for developing the revised statement. The process, principles and approach employed in developing the initial SoCC, and the feedback received through informal and formal consultation in finalising the statement, fed directly into the drafting of the revised SoCC where applicable. This section summarises how the revised SoCC was prepared and published.

Development of the Revised SoCC: Definition of Local Authorities

- 6.38 Section 47(2) of the 2008 Act states that before preparing the SoCC, the applicant must consult each local authority that is within section 43(1) (i.e. those local authorities within which the land to which the proposed application relates) about what is to be in the SoCC. However, the Application in its present form comprising the offshore wind farm and all elements within its offshore site boundary has no 'land'. There are therefore no local authorities under the definitions set out under section 43 of the 2008 Act and consequently no statutory consultees that needed to be consulted on the content of the revised SoCC.
- 6.39 However, DCLG guidance on pre-application consultation notes that where a proposed project lies offshore, it is suggested that promoters engage with the MMO as well as coastal local authorities closest to the proposed development on the approach to community consultation¹⁹. Therefore, consistent with the

¹⁹ Footnote 2 to paragraph 17 of the DCLG guidance.

preparation of the first SoCC, the MMO and coastal local authorities within a 55 km radius of the offshore wind turbines (as illustrated in **Figure 5.2** in Chapter 5), were given the opportunity to comment on the revised SoCC.

- 6.40 The list of authorities identified as consultees on the revised statement were therefore the same as those identified for the initial SoCC and are listed in **Table 6.1**. In this case however, none are statutory consultees under the definitions provided by section 43 of the 2008 Act although all were invited to comment informally on the revised proposals for community consultation.

Development of the Revised SoCC: Non-Statutory Consultation

- 6.41 Before the revised SoCC was prepared, the following non-statutory 'informal' consultation activities were carried out:
- i) Telephone calls were made to each authority listed in **Table 6.1** to provide an update on TKOWF and to inform them of the amendments to the project. The need to prepare a revised SoCC and the programme for doing this was raised during the call.
 - ii) A meeting was held with East Lindsey District Council on 15 March 2011 to provide an update on the project, including the grid connection, onshore works and offshore works. The need for and scope of a revised SoCC was also discussed. The minutes for the meeting are provided in **Appendix 6.12** and were copied to Lincolnshire County Council for information.
- 6.42 The informal dialogue held with East Lindsey District Council helped to shape the approach to and detail of the revised SoCC for TKOWF. Proposals for the revised statement were presented to the Council in terms of amendments that should be made to the initial SoCC. It was noted that, following paragraph 13 of the DCLG guidance, proposals for community consultation should be proportionate to the impacts of the project. In this regard, it was agreed at the meeting that the previous two-phase community consultation should be replaced by a single phase consultation for the revised scheme and that five public exhibitions, with two along the Lincolnshire coast (at Skegness and Mablethorpe), would be appropriate.
- 6.43 Following this initial contact, the draft revised SoCC was prepared. Mirroring the initial SoCC, a relatively concise revised statement was developed in addition to accompanying revised Proposals for Community Consultation documents. These documents set out the rationale for preparing a revised SoCC, an overview of the project, the objectives and scope of the consultation, how 'vicinity' was defined for the project and the methods to be employed in the consultation²⁰.
- 6.44 Again, the revised Proposals for Community Consultation documents would be made available to members of the public and to consultees, alongside the revised SoCC, as a reference to understand the consultation process in greater detail and how its extent and format had been determined. The revised

²⁰ These documents accompanied the revised SoCC and provided more information on how the SoCC was developed. They are separate to the consultation documents used to support formal consultation under sections 42 and 47 of the 2008 Act (see paragraphs 5.36-5.37 for information on the section 42 consultation documents and Box 6.4 for information on the section 47 consultation documents).

documents also served the purpose of informing the responses of local authorities and the MMO during non-statutory consultation on the revised SoCC.

- 6.45 The draft revised SoCC and revised Proposals for Community Consultation documents were provided to the MMO and coastal local authorities listed in **Table 6.1** for informal comment. This consultation was not a statutory requirement and therefore there is no minimum timescale for the receipt of comments as provided in the 2008 Act. However, for consistency, the same consultation period was applied to this non-statutory request for comments on the revised SoCC as was applied to the statutory request on the initial SoCC (i.e. 28 days starting the day after the day on which the consultee received the request). The draft revised SoCC and revised Proposals for Community Consultation documents were sent by recorded delivery on 18 March 2011 with a deadline for responses being 19 April 2011, assuming receipt on 21 March 2011 (letters included in **Appendix 6.13**)
- 6.46 Responses were received from the MMO and each of the local authorities that were invited to comment with the exception of North Lincolnshire Council. It was confirmed during a telephone conversation with the latter that they were happy not to provide comments on the revised SoCC. All comments were received within the 28 day consultation period, with the exception of North East Lincolnshire and King's Lynn and West Norfolk District Councils, which provided responses on 20 April 2011 and North Norfolk District Council which provided a response on 21 April 2011. The responses are included in **Appendix 6.14**.
- 6.47 In finalising the revised SoCC and revised Proposals for Community Consultation documents, regard was had to the responses to consultation. A summary of the responses received and how they have been addressed in the final revised statement is provided in **Appendix 6.16**. In May 2011, letters were sent to each of the local authorities and the MMO confirming that the revised SoCC had been finalised and, where appropriate, how their comments influenced the final statement. The letters are included in **Appendix 6.15**.
- 6.48 The key issues raised in relation to the draft revised SoCC can be summarised as:
- i) Suggestions were made for additional consultees to be included in the community consultation for TKOWF. In response to these comments, the list of stakeholders in Appendix E (List of non-statutory groups and bodies) of the revised Proposals for Community Consultation documents was refined to include additional suggestions where appropriate.
 - ii) Norfolk County Council suggested that it would be helpful if the statutory consultees were listed in full in the revised SoCC to give those less familiar with the planning and regulatory process reassurance that relevant bodies were being consulted. The list of statutory consultees, including the prescribed bodies provided on the IPC's Regulation 9 list, was included in Appendix D of the revised Proposals for Community Consultation documents in light of this comment.
 - iii) Norfolk County Council suggested that the Applicant might want to consider exhibition venues at Hunstanton and Cromer in addition to the already proposed location at Wells-next-the-Sea. In selecting locations for public

exhibitions, regard was given to paragraph 13 of the DCLG guidance on pre-application consultation which recognises that consultation should be proportionate to the impacts of the project. Photomontages were prepared along the east coast of England and north Norfolk coast to understand the potential visual impacts of TKOWF relevant to onshore local communities. Given the anticipated limited visibility of the wind farm along the north Norfolk coast indicated by the photomontages, it was decided to organise one public exhibition along the north Norfolk coast at Wells-next-the-Sea. This location also provided an opportunity for fishermen based out of Wells-next-the-Sea, some of whom had been identified to be potentially affected by the proposed project, to find out about the project and submit their comments. It is considered that this level of consultation is proportionate to the potential impacts of the scheme and is consistent with the spread of venues along the east coast which were agreed with other relevant coastal local authorities.

- iv) A number of local authorities suggested that relevant town and parish councils, including those within the ZTV, should be consulted on the proposals. As set out in paragraphs 5.29-5.30, parish and town councils are prescribed bodies that will be consulted under section 42 of the 2008 Act. Following the spirit of the DCLG guidance, it was considered that councils falling within the ZTV would also be invited to comment on the project proposals. However, parish and town councils also have a role to play in community consultation under section 47 of the Act. Therefore, the revised SoCC notes that key consultation documents will be provided to parish clerks who will be best placed to decide on the appropriate location to provide information to their community. All parish councils within the ZTV would be provided with key consultation documents.
- v) Hull City Council noted that there was a need to consider how consultation is managed taking into account other potential IPC projects in the vicinity so as to avoid 'consultation overload' and highlighted that the SoCC should provide details on how feedback received on the proposals will be incorporated into the final submission to the IPC. To address these points, the revised SoCC and revised Proposals for Community Consultation documents included a section on other IPC projects that might be actively consulting local communities in the vicinity of TKOWF and provided references to the Consultation Report and the mechanism for considering consultation responses prior to submission of an application to the IPC.

Development of the Revised SoCC: The Final Statement

- 6.49 The final revised SoCC and revised Proposals for Community Consultation documents are provided in **Appendix 6.17**. The strategy set out in the revised SoCC and the communication tools used to disseminate information to consultees is summarised in **Box 6.3**.

Box 6.3 A summary of the consultation strategy and communication tools set out in the revised SoCC

Approach to consultation

Consultation and community engagement for TKOWF will be carried out in a single phase. It will target those communities living in the 'vicinity' of the offshore wind farm who may be directly or indirectly affected by the proposals.

Communication tools

In summary, the following methods will be used to consult under section 47:

- i) **Public exhibitions** - locations for the exhibitions will be sought close to:
 - Skegness and Mablethorpe for East Lindsey
 - Grimsby for the North East Lincolnshire coastline
 - Easington area for the East Riding of Yorkshire (Holderness) coast north of the Humber
 - Wells-next-the-Sea for the north Norfolk coastline

Information about the public exhibitions will be sent by post to users of the sea who have an interest in the areas affected by the project, parish and district councils to inform the wider community, and groups and organisations relevant to TKOWF, as discussed with local authorities.
- ii) **Newsletters** - to include information about the project, details of the public exhibitions and contact details for TKOWFL.
- iii) **Engagement with elected representatives and parishes** - regionally and locally elected politicians will be kept informed of the proposals.
- iv) **Liaison with marine users** - through meetings, newsletters and direct contact.
- v) **Website** - the Triton Knoll website will be kept up to date.
- vi) **Press releases** - details about consultation will be made available through press releases to the local media.

Development of the Revised SoCC: Publication

- 6.50 Section 47(6)(a) of the 2008 Act requires the finalised SoCC to be published in a newspaper circulating in the vicinity of the land (i.e. proposed development site). The same definition of 'vicinity' was used for onshore communities for the amended project description in the revised Proposals for Community Consultation documents as was used in relation to the offshore wind farm in the initial consultation documents (i.e. areas lying within the ZTV of the offshore wind farm).
- 6.51 Therefore, the revised SoCC was published in the newspapers listed in **Table 6.3**. The combined distribution of these newspapers is presented in **Figure 6.1**. Using the same newspapers as those within which the initial SoCC was published also helped to update those who may have read the initial SoCC published in July 2010.

- 6.52 With regard to offshore communities that might have an interest in the project, consistent with the initial SoCC, it was identified that a wider circulation of the revised SoCC than that prescribed in section 47(6)(a) of the 2008 Act would be required to meet the specific interest groups. The two groups identified as having the greatest likely interest in the Triton Knoll area were commercial fishing and shipping communities. Therefore, as previously, *Fairplay* and *Fishing News* were selected within which the revised SoCC was published. Again, this helped to update those who may have read the initial SoCC.
- 6.53 The revised SoCC was published in the newspapers listed in **Table 6.3** on 18 May 2011, in *Fairplay* on 19 May 2011 and in *Fishing News* on 3 June 2011. Copies of the published revised SoCC are included in **Appendix 6.18**.
- 6.54 The revised SoCC and accompanying revised Proposals for Community Consultation documents were also made available on the project website at the same time as publication and were deposited at the libraries and customer access points listed on page 12 of the revised Proposals for Community Consultation documents (see **Appendix 6.17**). The revised SoCC was also provided to parish clerks within the ZTV and to ports and harbours listed in Appendix E.2 of the revised Proposals for Community Consultation documents (see **Appendix 6.17**).

Undertaking Consultation under Section 47

- 6.55 Consultation under section 47 of the 2008 Act occurred in parallel to consultation under section 42 and publicity under section 48 for TKOWF. A single phase comprising a 42 day consultation programme was designed for the project, with the commencement of consultation and publicity and the deadlines for the receipt of views on the application being consistent across sections 42, 47 and 48. Consultation commenced on 1 June 2011 and ran until 12 July 2011.
- 6.56 Section 47(7) of the 2008 Act states that the applicant must carry out consultation in accordance with the proposals set out in the SoCC. The following section sets out how section 47 consultation was carried out, in terms of the information that was sent to consultees, the public exhibitions that were held, and the mechanisms employed for making communities aware of the consultation. A summary setting out how the section 47 consultation for TKOWF was carried out in accordance with the revised SoCC is provided in **Table 6.4**.

Information sent out to Section 47 Consultees

- 6.57 Consultees identified under section 47, as described in paragraphs 6.62-6.70 below, were written to informing them of the consultation being undertaken for TKOWF and inviting them to comment on the project. Letters were posted for arrival to the consultee on 31 May 2011 or emailed on 31 May 2011 where only email addresses were available for the consultee.

- 6.58 Different 'consultation documents'²¹ were enclosed with the letter depending on the role and nature of the consultee. The following section sets out which consultee groups were written to and the consultation documents that they were provided with. The suite of documents that was used across section 47 is summarised in **Box 6.4**.
- 6.59 The key principle employed in selecting which documents were provided to the different groups was that the more 'technical' consultees were provided with sufficiently detailed information to provide an appropriate response whereas other non-technical groups and individuals were provided with clear and straightforward information about the proposals. However, it was made clear that non-technical groups could request more detailed information if they required it. This approach was in accordance with that set out in the revised Proposals for Community Consultation documents that accompanied the revised SoCC (pages 9-10).
- 6.60 In preparing the revised consultation documents, regard was had to ensuring that the elements of the project subject to consultation (given the decision by the Applicant to separate the project into two packages) and the need for a flexible consent through the concept of the 'design envelope' were clearly communicated to consultees through the documentation. These aspects were dealt with as follows:
- i) The elements of the project subject to consultation were summarised on page 3 of the consultation newsletter (i.e. those set out in **Box 4.3** in Chapter 4 of this Report). Further detail and description on these elements was provided on page 3 of the Non-Technical Summary to the PEI. In addition, two public exhibition panel boards described the details of the project that were the subject of the consultation (see pages 6-7 of the accompanying public exhibition brochure) for those visiting the public exhibitions. For the 'technical' consultees and others requiring more information, a detailed project description was provided in Chapter 7: *Project Description* of Volume 1: *Project Description* of the PEI.
 - ii) With regard to the need for a flexible consent for the project, the PEI Non-Technical Summary introduced the concept of the 'design envelope' in section 6. In addition, a series of public exhibition panel boards were presented on this topic. A panel set out the need for a flexible consent which was supported by two further panels illustrating potential implications of this on the potential layout of the wind farm and what the wind farm might look like from the coast (see pages 10-12 of the accompanying public exhibition brochure). For the 'technical' consultees and others requiring more information, a detailed description of the project design and parameters of the 'design envelope' was provided in Chapter 7: *Project Description* of Volume 1 of the PEI.
- 6.61 A reminder letter was sent on 30 June 2011 to consultees (those described in paragraphs 6.62-6.70 below) from which a response had not been received at

²¹ These consultation documents are the documents used for section 47 consultation. They are separate to the consultation documents that accompanied the SoCC which provided information on how the SoCC was developed (as described in paragraphs 6.43-6.44 above).

that time. The letter emphasised that the deadline for responses was 12 July 2011. The template for the reminder letter is provided in **Appendix 6.23**.

Box 6.4 Suite of consultation documents employed under section 47

Consultation newsletter

The newsletter provided background to the consultation, specifying the elements of the project that are being consulted on; describing the project details and site location; and setting out how to respond to the consultation and where more information is available.

The newsletter is provided in **Appendix 6.19**.

Preliminary Environmental Information

The PEI comprised a set of documents including plans and maps showing the nature and location of TKOWF. It also included preliminary baseline information and impact assessments for the project. The PEI was arranged across four volumes as follows:

- i) Volume 1: Project Description
- ii) Volume 2: Technical Assessments
- iii) Volume 3: Technical Annexes
- iv) Non-Technical Summary (see below)

This PEI consisted of the same set of documents that was used for formal consultation under section 42 (see paragraphs 5.36-5.37) and for formal publicity under section 48 (see **Appendix 7.2**).

The PEI Non-Technical Summary

The PEI was supported by a Non-Technical Summary which provided a description of the project, an overview of the main benefits and impacts of TKOWF and information on the consultation being carried out for the project.

The Non-Technical Summary is provided in **Appendix 6.20**.

Feedback Forms

Feedback forms were designed to encourage members of the community to provide comment and input to the consultation process. They were available at the public exhibitions and downloadable from the project website.

The feedback form is provided in **Appendix 6.21**.

Brochure containing a summary of public exhibition panel boards

A brochure containing the information presented on the public exhibition panel boards was prepared. This included information on the project, the project elements being consulted on, the consultation materials and where to find more detailed information, how to respond to the consultation and an update on the electrical system components of the project.

A copy of the brochure is provided in **Appendix 6.22**.

'Technical' Organisations and Users of the Sea

- 6.62 'Technical' organisations and users of the sea relevant to TKOWF, including stakeholders that the DCLG guidance notes in paragraph 35 may be able to make an important contribution to developing an application, are listed in Appendix E2 of the revised Proposals for Community Consultation documents. As set out in paragraphs 5.17-5.19 of the Consultation Report, whilst it was acknowledged that these organisations fell within the provisions set out under section 47 of the 2008 Act, provision was made for any non-section 42 'technical' bodies to receive more detailed (section 42 type) information.
- 6.63 'Technical' organisations and users of the sea were therefore provided with:
- i) A covering letter introducing the consultation and setting out the deadline for receipt by the Applicant of the consultee's comments to the consultation; 12 July 2011. The letters also included the postal and email address for the project to which comments should be sent. The letter template to 'technical' organisations and users of the sea is provided in **Appendix 6.24**.
 - ii) The following consultation documents identified in **Box 6.4**:
 - A non-technical summary of the PEI;
 - A CD containing the full suite of PEI documentation including plans, maps, baseline information and impact assessments; and
 - The consultation newsletter.
- 6.64 This formal invitation to comment to users of the sea was preceded by non-statutory engagement as summarised in Chapter 3 of the Consultation Report.

Parish Councils

- 6.65 Parish councils are prescribed bodies that are consulted under section 42 of the Act. However, as set out in paragraph 5.30 of the Consultation Report, parish councils also have a role in facilitating local community consultation under section 47 (although are not required to respond to section 47 consultation itself). Parish councils were identified in the revised SoCC as being best placed to determine where their community members will be best able to access information and so were used as a conduit for this information to those living in the parish.
- 6.66 Parish councils were therefore provided (in addition to their section 42 consultation documents) with:
- i) A covering letter which set out the role of the parish council in responding to the consultation under section 42 of the 2008 Act and facilitating community consultation under section 47. Parish clerks were requested to lodge the consultation documents in the most appropriate location for their community. The letter template to parish councils is provided in **Appendix 5.5**.
 - ii) The following consultation documents identified in **Box 6.4**:
 - The Non-Technical Summary of the PEI for lodging in the community; and
 - Copies of the consultation newsletter for lodging in the community.

Non-Statutory Organisations and Groups

- 6.67 The list of non-statutory organisations and groups relevant to TKOWF, which was developed through consultation with local authorities and the MMO (see paragraphs 6.41-6.48), is provided in Appendix E1 of the revised Proposals for Community Consultation documents. Non-statutory organisations and groups were provided with:
- i) A covering letter introducing the consultation and setting out the deadline for receipt by the Applicant of the consultee's comments to the consultation; 12 July 2011. The letters also included the project's postal and email address to which comments should be sent. The letter template to non-statutory organisations and groups is provided in **Appendix 6.25**.
 - ii) The following consultation documents identified in **Box 6.4**:
 - A non-technical summary of the PEI; and
 - The consultation newsletter.

Locally and Nationally Elected Representatives and Groups

- 6.68 Elected representatives were kept informed of the TKOWF project and were invited to comment on the proposals. In addition to the parish councils (described above), the following tiers of elected representatives were included in the consultation:
- i) Ward members and relevant portfolio holders for district and borough councils located within the ZTV of the offshore array;
 - ii) Relevant electoral divisions and portfolio holders for the county councils located within the ZTV;
 - iii) Members of Parliament (MPs) with constituencies within the ZTV; and
 - iv) Members of European Parliament (MEPs) with European Regions within the ZTV.
- 6.69 The revised Proposals for Community Consultation documents stated that local communities would be made aware of the project through a number of means, including the provision of information to elected representatives. Therefore, elected members were invited to comment on the proposals themselves but were also asked to act as conduits for information for those living in the local area. Consequently, elected members were provided with:
- i) A covering letter introducing the consultation and setting out the deadline for receipt by the Applicant of the elected representative's comments to the consultation; 12 July 2011. The letter included the project's postal and email address to which comments should be sent. It also requested that the representatives act as conduits for information for those living in the local area. The letter template to elected representatives is provided in **Appendix 6.26**.
 - ii) The following consultation documents identified in **Box 6.4**:
 - A non-technical summary of the PEI; and
 - The consultation newsletter.

Individuals or Organisations who had Previously Recorded their Interest in TKOWF

- 6.70 Members of the public who had responded to media enquiries on the project, responded to the advertisement of revised SoCCs, or who had completed questionnaires under the previous phase 1 consultation on the onshore substation location and provided their contact details were written to or emailed (depending on the contact details provided). The correspondence introduced the project and consultation, specified the elements of the project that were the subject of consultation, set out the deadline for the receipt of comments to the consultation and included the project's postal and email address to which comments should be sent.
- 6.71 An example of one of the letter templates sent to members of the public, which enclosed a copy of the newsletter, is included in **Appendix 6.27**.

Public Exhibitions

- 6.72 Public exhibitions were held at the following locations:
- i) Wells-next-the-Sea (at the Wells Maltings Community Centre) on 20 June 2011, between 2pm-8pm;
 - ii) Skegness (at the Embassy Theatre) on 21 June 2011, between 2pm-8pm;
 - iii) Grimsby (at Grimsby Town Hall) on 22 June 2011, between 2pm-8pm;
 - iv) Mablethorpe (at Mablethorpe Library and Community Access Centre) on 23 June 2011, between 2pm-7pm; and
 - v) Easington (at Easington Community Hall) on 24 June 2011, between 2pm-8pm.
- 6.73 The venues listed above were selected through discussions with relevant local planning officers and parish councils.
- 6.74 The following information was available to view at the public exhibitions, as identified in **Box 6.4**:
- i) Copies of the consultation newsletter;
 - ii) Hard copies of all volumes of the PEI to view. CDs containing the PEI and hard copies of the non-technical summary were available for visitors to take away with them;
 - iii) Panel boards containing information on the project; the project elements subject to consultation; the consultation materials and where to find more detailed information; how to respond to the consultation; and an update on the electrical system components of the project. A copy of the public exhibition panels was provided in a brochure for visitors to the exhibitions to take away with them (**Appendix 6.22**);
 - iv) Feedback forms; and
 - v) Information about the RWE Npower Renewables Limited for those interested in the company. This was provided in the form of a company brochure.

Making Communities Aware of the Consultation

- 6.75 A range of communication tools were employed to disseminate information about TKOWF's section 47 consultation to members of the public and groups not captured by one of the categories listed above. These tools are detailed below.

Lodging of Documents in Public

- 6.76 In addition to requesting that parish clerks place key consultation documents in locations where their community members would be best able to access the information, consultation documents were also deposited in the access points and libraries listed in **Box 6.5**. These locations were selected because they were along the coast and in similar locations to the public exhibition venues (see the footnote on page 12 of the revised Proposals for Community Consultation documents).

Box 6.5 Locations at which Consultation Documents were Lodged

- i) Mablethorpe Library and Community Access Centre
- ii) Skegness Customer Access Point – East Lindsey District Council
- iii) Skegness Library
- iv) Grimsby Library
- v) Withernsea Library
- vi) Wells-next-the-Sea Library

- 6.77 The following documents were lodged at the locations listed in **Box 6.5**:
- i) The revised SoCC and revised Proposals for Community Consultation documents;
 - ii) Copies of the newsletter;
 - iii) A copy of the notice publicising the proposed application (the Section 48 notice) – see paragraphs 7.6 and 7.7;
 - iv) A copy of the non-technical summary of the PEI; and
 - v) A full copy of the Preliminary Environmental Information.

The Project Website

- 6.78 The TKOWF website (www.npower-renewables.com/tritonknoll) was updated prior to the formal consultation under section 47. The website included general information pages on the project including project description, key statistics and contact details. In addition, a consultation page was developed which set out the elements of the project that were being consulted on, information on the public exhibitions and links to the revised SoCC, accompanying revised Proposals for Community Consultation documents and the key consultation documents listed in **Box 6.4**.

Press Releases

- 6.79 A series of press releases were developed in the run up to, during and following the formal consultation. These are detailed below:
- i) 19 January 2011: Update on the onshore components of the project;
 - ii) 16 May 2011: Announcement that the Applicant intends to separate the project into two packages; the offshore wind farm and the electrical infrastructure. Also, introduction to publication of the SoCC;
 - iii) 31 May 2011: Announcement of commencement of formal consultation for TKOWF setting out the dates of the consultation, a description of the project and the timings and locations of the public exhibitions;
 - iv) 14 June 2011: Reminding people of the consultation and encouraging attendance at the public exhibition. A description of the project is provided as are the timings and locations of the public exhibitions; and
 - v) 5 July 2011: Reminding people that the consultation ends 12 July 2011 and informing people of turn out at the public exhibitions.
- 6.80 The text sent to the newspapers is provided in **Appendix 6.28**. In addition to the newspapers listed in **Table 6.3**, the press releases were sent to the following media outlets:
- i) BBC Lincolnshire; BBC Radio Humberside, Look North (East Yorkshire and Lincolnshire); BBC Radio Lincolnshire; BBC Radio Norfolk; Compass FM 96.4;
 - ii) Lincolnshire Citizen; Lincolnshire Echo; Louth Leader; Mablethorpe Leader; Skegness Citizen; South Lincs Target Group; Horncastle News;
 - iii) Grimsby Post; and
 - iv) Boston Citizen; Boston Standard.

Posters and newspaper adverts

- 6.81 TKOWF posters were put up in the local communities early on in the formal consultation period. The principal aim of these was to advertise the public exhibitions but they also served the purpose of making local communities aware of the project. A copy of the posters is included in **Appendix 6.29** and a list of locations in which they were posted is included in **Appendix 6.30**.
- 6.82 In addition, adverts were posted in the newspapers listed in **Table 6.3** advertising the locations and timings of the public exhibitions. Examples of the posters in the newspapers are provided in **Appendix 6.31**.

Following Formal Consultation

- 6.83 Paragraph 85 of the DCLG guidance notes that promoters are encouraged to engage with communities throughout the application and examination processes and beyond. Chapter 11 of the Consultation Report sets out the engagement that was held with consultees following the formal consultation but prior to submission of the Application.
- 6.84 Of particular relevance to local communities, an update newsletter was sent in January 2012 to all consultees who were invited to comment on the project and

from whom responses had been received. This newsletter included some key statistics from the formal consultation and the next steps for the project. It also provided information on the onshore connection location for the project and introduced how the electrical elements of the project will be developed. A copy of the newsletter is provided in **Appendix 6.32**.

Compliance Statement

- 6.85 An account of how the requirements of the Act and EIA Regulations have been complied with in the preparation for and carrying out of section 47 consultation is set out in the Applicant's completed section 55 checklist (**Appendix 2.1**). Information on how the IPC and DCLG guidance documents have been followed and interpreted for this consultation is summarised in **Appendix 6.33**.
- 6.86 **Appendices 2.1** and **6.33** demonstrate that in relation to the approach taken to developing and publishing the revised SoCC for TKOWF, all requirements of the 2008 Act and EIA Regulations have been met and the guiding principles set out in the IPC and DCLG guidance documents have been largely followed. There is only one notable exception of where the guidance has not been strictly followed; local authorities were not provided with PEI during consultation on the revised SoCC, as recommended by paragraph 14 of the IPC Guidance note. Justification for this is summarised below in paragraphs 6.87-6.88.
- 6.87 Formal consultation on the SoCC is not required where there is no section 43(1) local authority (as is the case with TKOWF). However, significant informal consultation was carried out with local authorities and the MMO on this project before finalising the revised SoCC. The authorities and the MMO were provided with revised Proposals for Community Consultation documents to inform their response. These documents set out an overview of the project, the objectives and scope of the consultation, how 'vicinity' was defined for the project, the methods to be employed in the consultation and key impacts associated with the TKOWF.
- 6.88 The Applicant commenced community consultation during the early stages of the project which meant that consultation on the draft revised SoCC occurred when the PEI was still in development. Rather than delay consultation with local communities, it was decided to prepare separate revised Proposals for Community Consultation documents to inform consultation responses. The local authorities or the MMO did not raise concern that insufficient information had been provided to inform their view on the content of the revised SoCC or request further information on the project and its likely impacts.
- 6.89 It can therefore be concluded that a compliant revised SoCC was prepared for TKOWF which included all information required and advised. It was developed following the spirit of the IPC and DCLG guidance in informally consulting widely on the content of the SoCC with local authorities and MMO. The revised SoCC was finalised having due regard to consultation responses and was published in the prescribed manner.
- 6.90 In accordance with section 47(7) of the 2008 Act, consultation was carried out in line with the proposals set out in the revised SoCC. All commitments set out in the revised SoCC were fulfilled, the consultation methodologies specified were not amended and no additional activities took place that were not included

in the revised SoCC. A summary of how the section 47 consultation for TKOWF was carried out in accordance with the revised SoCC is provided in **Table 6.4**.

Table 6.4. A summary of how the Applicant carried out section 47 consultation in accordance with the revised SoCC

Commitment overview	SoCC statement	Applicant's compliance with the commitment
Public exhibitions	<p>Public exhibitions will be held so local people can find out more about the Triton Knoll Offshore Wind Farm proposal. RWE npower renewables staff will be at the exhibitions to answer questions that people may have. We will seek suitable venues for the exhibitions close to:</p> <ul style="list-style-type: none"> i) Skegness and Mablethorpe for East Lindsey ii) Grimsby, for the North East Lincolnshire coastline iii) Easington area, for the East Riding of Yorkshire (Holderness) coast north of the Humber iv) Wells-next-the-Sea, for the north Norfolk coastline <p>The locations listed above have been chosen because they are areas where the offshore wind turbines may be visible from the land.</p>	<p>Public exhibitions were held at the following locations and on the following dates:</p> <ul style="list-style-type: none"> i) Wells-next-the-Sea (at the Wells Maltings Community Centre) on 20 June 2011, between 2pm-8pm; ii) Skegness (at the Embassy Theatre) on 21 June 2011, between 2pm-8pm; iii) Grimsby (at Grimsby Town Hall) on 22 June 2011, between 2pm-8pm; iv) Mablethorpe (at Mablethorpe Library and Community Access Centre) on 23 June 2011, between 2pm-7pm; and v) Easington (at Easington Community Hall) on 24 June 2011, between 2pm-8pm. <p>Information on the proposed scheme was provided in the form of exhibition boards and as hand outs. The PEI documents were available for inspection and as CD copies to take away. Comments forms were available for attendees to make their views known.</p>
Provision of information about the public exhibitions	<p>Information about the exhibitions will be sent by post to:</p> <ul style="list-style-type: none"> i) users of the sea who have an interest in the areas affected by the project (for example commercial fishermen, shipping and yachtsmen) that we have identified; ii) parish councils and district councils and a range of community outlets to inform the wider community; iii) a list of groups and organisations relevant to the proposed wind farm which have been discussed with the relevant local authorities. 	<p>The various bodies listed in consultation documents that accompanied the SoCC were all sent the consultation newsletter informing them of the planned public exhibitions. Further detail on the information provided to each of the consultation groups identified in the consultation documents is set out in paragraphs 6.62-6.71 of the Consultation Report. In addition posters were put up in relevant locations at the start of the formal consultation period to make communities aware of the process and the details of the public exhibitions (as detailed in paragraph 6.81. Details were also listed on the project website (see paragraph 6.78 of the Consultation Report).</p>

Commitment overview	SoCC statement	Applicant's compliance with the commitment
Newsletters	We will issue newsletters at key stages of the project which will include information about the project, details of the public exhibitions, and contact details for RWE npower renewables. Newsletters will be issued by post to organisations and individuals identified as community stakeholders and others engaged in the consultation process. Newsletters will also be placed in key public outlets to reach the wider community.	<p>Two newsletters were issued prior to making the TKOWF Application but subsequent to the publication of the SoCC, as follows:</p> <ul style="list-style-type: none"> i) A consultation newsletter; issued in May 2011 (see Box 6.4) and sent to all of the consultees listed in the consultation documents and disseminated through public lodging and via parish councils (see paragraphs 6.62-6.71 of the Consultation Report for details). ii) An update newsletter; issued in January 2012 providing a summary of the consultation process, an update on the Application and additional information on the onshore grid connection works (see paragraph 6.84 of the Consultation Report for details).
Engagement with elected representatives	We will keep regionally and locally elected politicians informed of our proposals. We will also offer copies of documents to parish clerks so they can decide on the best locations to provide information to their community and inform them about events.	<p>Parish councils were provided with consultation documents and also asked to disseminate the documents amongst local communities.</p> <p>In addition to the parish councils, the following were included in the consultation:</p> <ul style="list-style-type: none"> i) Ward members and relevant portfolio holders for district and borough councils located within the ZTV of the offshore array. ii) Relevant electoral divisions and portfolio holders for the county councils located within the ZTV. iii) MPs with constituencies within the ZTV. iv) MEPs with European Regions within the ZTV. <p>More detail on engagement with elected representatives is set out in paragraph 6.68 of the Consultation Report.</p>
Liaison with marine users	We will continue consulting with users of the sea through meetings, newsletters and direct contact with individuals and organisations about the wind farm project.	The marine users identified in the consultation document (referred to also as technical consultees and users of the sea) were provided with the following information:

Commitment overview	SoCC statement	Applicant's compliance with the commitment
		<ul style="list-style-type: none"> i) A covering letter introducing the consultation and setting out the deadline for receipt by the Applicant of the consultee's comments to the consultation; 12 July 2011. ii) A non-technical summary of the PEI. iii) A CD containing the full suite of PEI documentation including plans, maps, baseline information and impact assessments. iv) The consultation newsletter. <p>The more recent update newsletter was also sent to all of the consultees listed in this category in the consultation documents (see paragraph 6.84).</p>
Project website and press releases	Details about the consultation will also be made available on the Triton Knoll webpages and through press releases issued to the local media.	<p>A consultation page was developed which set out the elements of the project that were being consulted on, information on the public exhibitions and links to the revised SoCC, accompanying revised Proposals for Community Consultation documents and the key consultation documents. See paragraph 6.78 of the Consultation Report for more details on the project website.</p> <p>A series of press releases were developed in the run up to, during and following the formal consultation. See paragraphs 6.79-6.80 of the Consultation Report for more details on the press releases issued.</p>
Feedback forms	Comment forms will be available at the exhibitions for people to give feedback.	Comments forms were available for attendees to make their views known. For more information on the public exhibitions see paragraphs 6.72-6.74 of the Consultation Report.
Potential effects of the scheme	We will provide information about the potential effects of Triton Knoll Offshore Wind Farm through the consultation we are carrying out.	The potential effects were described in detail in the PEI documents which were available for public inspection at the exhibitions and at selected locations. Copies were also provided to the 'technical' consultees and were available to download from the project website.

Commitment overview	SoCC statement	Applicant's compliance with the commitment
Environmental impact assessment	We intend to carry out an Environmental Impact Assessment (EIA) and submit an Environmental Statement (ES). Our Preliminary Environmental Information (PEI) will be made public and will be available for people to see at local libraries and at the public exhibitions.	<p>Consultation documents, including the PEI, were lodged for public inspection at the following locations</p> <ul style="list-style-type: none"> i) Mablethorpe Library and Community Access Centre ii) Skegness Customer Access Point – East Lindsey District Council iii) Skegness Library iv) Grimsby Library v) Withernsea Library vi) Wells-next-the-Sea Library

7 Formal Publicity under Section 48 of the Planning Act

Introduction

- 7.1 This Chapter of the Consultation Report sets out the activities undertaken by the Applicant to comply with its duty to publicise the proposed application under section 48 of the Planning Act 2008 (the 2008 Act). It seeks to provide the information relevant to section 48 publicity as required in the Consultation Report under section 37(7)(a) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation (summarised in **Box 4.1** in Chapter 4 of the Consultation Report).
- 7.2 The Chapter concludes with a statement of compliance summarising the regard that the Applicant has had to relevant legislation and guidance in carrying out its duties under section 48.

Legislative Context

- 7.3 Section 48(1) of the 2008 Act requires the applicant to publicise a proposed application at the pre-application stage. Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) prescribes the manner in which an applicant must undertake this publicity. Regulation 4(2) sets out what the publicity must entail, including the publishing by the applicant of a notice, and Regulation 4(3) provides detail of the matters which must be included in that notice.
- 7.4 In developing and publishing the notice, regard must be had to the Infrastructure Planning (EIA) Regulations 2009 (the EIA Regulations) and relevant guidance about pre-application procedure. Regulation 11 of the EIA Regulations stipulates that, where the application for development consent is an application for EIA development, the applicant must at the same time as publishing the notice of the proposed application under section 48(1), send a copy of the notice to the consultation bodies and to any person notified to the applicant by the IPC in accordance with Regulation 9(1)(c) of the EIA Regulations (see paragraphs 5.13-5.15).
- 7.5 Guidance provided by the IPC and DCLG pertinent to section 48 publicity can be summarised as follows:
- i) IPC Guidance Note 1 on Pre-Application Stages notes in paragraph 23 that it would be helpful if the published deadlines for receipt of views on the application set out in the section 48 notice are as close as possible to deadlines given in the section 42 consultation.
 - ii) DCLG Guidance on Pre-Application Consultation notes in paragraph 65 that section 48 publicity is an integral part of the local community consultation process and, where possible, the notice should approximately coincide with the beginning of the consultation with communities under section 47.

The TKOWF Section 48 Notice

Development of the Notice

- 7.6 The section 48 notice was prepared with reference to the above legislation and guidance documents. Following the spirit of the IPC's guidance on Pre-Application Stages²², the draft section 48 notice was submitted to the TKOWF IPC case officer prior to publication to identify any potential drafting issues. The advice that was provided from the IPC and the regard that was had to this advice in finalising the notice is summarised in **Table 7.1**.
- 7.7 A copy of the wording of the final notice is provided in **Appendix 7.1**. **Appendix 7.2** sets out the matters which must be included in the notice (from Regulation 4(3) of the APFP Regulations) and provides references to where this information can be found in the final notice.

Timing of Publicising the Notice

- 7.8 As noted above, guidance on pre-application consultation notes that section 48 publicity is an integral part of both section 42 and 47 consultation. This fed directly into the overall approach to pre-application consultation for TKOWF.
- 7.9 As illustrated in **Figure 4.2**, publicity under section 48 occurred in parallel to formal consultation under sections 42 and 47 of the 2008 Act. In that regard, a single phase 42 day consultation programme was designed for the project with the commencement of consultation and the deadlines for the receipt of views on the application being consistent across sections 42 and 47 consultation and section 48 publicity.

Publicising the Notice

- 7.10 Regulation 4(2) of the APFP Regulations requires the notice to be published as set out in **Box 7.1**.

Box 7.1 Regulation 4(2) of the APFP Regulations on publicising the Notice

The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –

- (a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;
- (b) once in a national newspaper;
- (c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and
- (d) where the proposed application relates to offshore development –
 - (i) once in the Lloyd's List; and
 - (ii) once in an appropriate fishing trade journal.

²² Para. 28 of IPC Guidance Note 1 on Pre-Application Stages. Revision 2, August 2011.

Table 7.1 Advice provided by the IPC on the draft section 48 notice and the regard that was had to the advice

Advice provided by the IPC	Regard that was had to the advice in finalising the notice
<p>Section 48 of the Planning Act 2008 ('the Act') requires applicants to publicise a proposed application at the pre-application stage. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, Regulation 4, prescribes the manner in which an applicant must undertake the publicity. As discussed, in order to comply with s48 of the Act, you must be satisfied that your notice includes the matters set out in Regulation 4(3) and that the notice is publicised in accordance with Regulation 4(2).</p>	<p>Appendix 7.2 summarises where the information required by Regulation 4(3) the APFP Regulations is included in the final section 48 notice.</p> <p>Paragraph 7.10 of this Chapter set out how the notice was publicised with regard to Regulation 4(2) of the APFP Regulations.</p>
<p>I also drew your attention to Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. This requires you to send a copy of your s48 notice to the consultation bodies and to any person notified to you in accordance with Regulation 9(1)(c) <u>at the same time as</u> publishing your notice under section 48(1).</p>	<p>A copy of the section 48 notice was sent to all consultation bodies notified to TKOWF by the IPC under Regulation 9(1)(c) of the EIA Regulations (paragraph 7.15). The notice was sent with the consultation documents and formal request for comment on the proposed application under section 42 of the 2008 Act. More information on this is provided at paragraphs 5.35-5.38 of the Consultation Report.</p>
<p>We discussed the timing of your publicity under s48 in relation to your formal consultation with statutory consultees and the local community under sections 42 and 47 respectively. IPC Guidance Note 1 (para 12) suggests that it would be helpful for consultees if the published deadlines for receipt of views on the application under s48 are as close as possible to deadlines given to consultees under s42. You advised that you intend to coordinate the deadlines for comments under section 48, 42 and 47 and this is considered good practice.</p>	<p>Formal consultation under sections 42 and 47 and publicity under section 48 occurred concurrently. A single phase 42 day consultation programme was designed for the project with the commencement of consultation and the deadlines for the receipt of views on the application being consist across sections 42, 47 and 48.</p>

- 7.11 'Vicinity' was defined for the proposed development in the revised Proposals for Community Consultation documents as part of the process of developing the Statement of Community Consultation (SoCC). For consistency, the same approach was adopted for the publication of the section 48 notice. Therefore with regard to the 'onshore communities' that might have an interest in commenting on the project, 'vicinity' was defined in the widest sense as the ZTV of the offshore wind farm. To satisfy Regulation 4(2)(a), the same local newspapers within which the revised SoCC was published were selected to publish the section 48 notice. These newspapers are listed in **Table 6.3** in Chapter 6 of this Report and their combined areas of distribution presented in **Figure 6.1**.
- 7.12 In terms of the offshore communities, two offshore groups were identified as having the greatest likely interest in the Triton Knoll area in the SoCC; commercial fishing and shipping communities. For the section 48 notice, the interests of these groups are largely addressed by Regulation 4(2)(d) of the APFP Regulations. In addition to *Lloyd's List*, to maintain consistency with the publications within which the SoCC was published and to satisfy Regulation 4(2)(d), the section 48 notice was published in *Fishing News* and *Fairplay*.
- 7.13 The TKOWF section 48 notice was published as follow:
- i) In the newspapers listed in **Table 6.3** in this Report on 25 May and 1 June 2011 (Regulation 4(2)(a));
 - ii) In the Independent on 28 May 2011 (Regulation 4(2)(b));
 - iii) In the London Gazette on 25 May 2011 (Regulation 4(2)(c)); and
 - iv) In the Lloyd's List on 25 May 2011, in *Fairplay* on 26 May 2011 and in *Fishing News* on 27 May 2011 (Regulation 4(2)(d)).
- 7.14 Copies of the section 48 notice as it appeared in the publications listed above are provided in **Appendix 7.3**. The notice was also made available on the project website, was provided to parish clerks within the ZTV and was deposited at relevant libraries and council access points²³.
- 7.15 A copy of the section 48 notice was sent to all consultation bodies and persons notified to TKOWFL by the IPC under Regulation 9(1)(c) of the EIA Regulations (listed in **Appendix 5.3**). The notice was sent with the consultation documents and formal request for comment on the proposed application under section 42 of the 2008 Act. More information on this is provided in paragraphs 5.35-5.38.

Compliance Statement

- 7.16 An account of how the requirements of the Act, EIA Regulations and APFP Regulations have been complied with in developing and publicising the section 48 notification is set out in the Applicant's completed section 55 application checklist (**Appendix 2.1**). **Appendix 2.1** and the commentary provided in this Chapter of the Consultation Report demonstrate that all requirements for publicising the proposed application for TKOWF under section 48 of the 2008 Act have been met.

²³ Those libraries and council access points as listed on page 12 of the revised Proposals for Community Consultation documents (see chapter 7 of the Consultation Report).

- 7.17 Pre-application guidance was followed in the timing for the publicity. The section 48 notice occurred in parallel to formal consultation under sections 42 and 47 of the 2008 Act. A single phase 42 day consultation programme was designed for the project, with commencement of consultation and the deadlines for the receipt of views on the application being consistent across sections 42 and 47 consultation and section 48 publicity.

8 Summary of Responses under Section 42 of the Planning Act

Introduction

- 8.1 This Chapter of the Consultation Report sets out how the Applicant has complied with its duty under section 49 of the Planning Act 2008 (the 2008 Act) to take account of consultation responses received under section 42 of the 2008 Act. Information pertaining to consultation responses received under sections 47 and 48 of the 2008 Act is presented in Chapters 9 and 10 of this Report respectively.
- 8.2 This Chapter seeks to provide the information relevant to section 42 consultation responses as required in the Consultation Report under sections 37(7)(b) and 37(7)(c) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation. These requirements are summarised in **Box 8.1**.

Box 8.1. Information that needs to be provided in the Consultation Report with regard to consultation responses

The 2008 Act

Section 37(7) states that the Consultation Report should, *inter alia*, give details of:

- (b) relevant responses to the formal consultation and publicity under sections 42, 47 and 48 of the 2008 Act; and
- (c) the account taken of any relevant responses.

IPC Guidance Note 1 on Pre-Application Stages

Paragraph 25(b) of the Guidance Note states that the Consultation Report should draw together a summary of the relevant responses to the separate strands of consultation and the account taken of responses in developing the application from proposed to final form.

Paragraph 27 of the Guidance Note states that a list of individual responses should be provided and categorised in an appropriate way. The list should also make a further distinction within those categories by sorting responses according to whether they contain comments which have led to changes in the application, or to mitigation or compensatory measures proposed, or have led to no change.

Paragraph 27 also notes that a summary of responses by appropriate category should be included together with an explanation of the reason why responses have led to no change, including where responses have been received after deadlines set by the applicant.

DCLG Guidance on Pre-Application Consultation

Paragraph 96 states that the Consultation Report should, among other things:

- i) Set out a summary of relevant responses to consultation (but not a complete list of responses).
- ii) Provide a description of how the application was influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed.
- iii) Provide an explanation as to why any significant relevant responses were not followed, including advice on impacts from a statutory consultee.

Legislative Context

- 8.3 Section 49(2) of the 2008 Act requires the applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under sections 42, 47 and 48. A relevant response for the purposes of section 42 is defined in section 49(3)(a) as a response from a person consulted under section 42 that is received by the applicant before the deadline imposed.
- 8.4 Paragraph 87 of the DCLG guidance notes that there is a clear expectation that the views and impacts identified through the consultation should influence the final application. Promoters should therefore be able to demonstrate that they have acted reasonably in fulfilling the requirements of section 49 of the Act.

Summary of Responses Received

- 8.5 In total, 83 responses were received to the section 42 consultation. 76 of those were 'relevant responses' that were received by the Applicant before the deadline of 12 July 2011. A list of all the responses received, including a note on their areas of interest, is set out in **Appendix 8.1**.
- 8.6 All responses to the section 42 consultation, including both 'relevant responses' and those received after the deadline, are considered in this Chapter and summarised below according to the following three categories:
- i) Prescribed bodies (excluding parish councils);
 - ii) Local authorities; and
 - iii) Parish councils.
- 8.7 The summaries also set out the regard that the Applicant has had to the comments in developing Triton Knoll Offshore Wind Farm (TKOWF) and finalising the Application for development consent. Regard has been had to all responses (i.e. both 'relevant responses' and those received after the response deadline).

Responses from Prescribed Bodies (excluding Parish Councils)

- 8.8 In this section, reference to 'prescribed bodies' refers to all prescribed bodies for TKOWF, as listed in **Appendix 5.3**, with the exception of parish councils. Parish councils are considered separately below in paragraphs 8.147-8.172.
- 8.9 Half of the responses to the section 42 consultation were received from prescribed bodies excluding parish councils²⁴ (41 in total). All of these were received before the deadline for responses with the exception of the Marine Management Organisation (MMO) (received on 13 July 2011), the Joint Nature Conservation Council (JNCC) (14 July 2011), Wingas (20 July 2011) and the Highways Agency (21 July 2011).
- 8.10 The responses from prescribed bodies are set out in detail and categorised in response tables **A8.2a-A8.2u** in **Appendix 8.2**. The categories of the tables are listed in **Box 8.2**. Each of the tables in **Appendix 8.2** sets out the key elements of the response, the organisation that it has been received from and the regard

²⁴ This figure includes all responses including those received after the response deadline, acknowledgements and requests for consultation documents to be redirected to other consultees or contacts within the same organisation.

that has been had to the response in developing TKOWF. The tables also highlight those responses received after the response deadline. Where a response contains comments relevant to more than one category (as listed in **Box 8.2**), the response has been separated across the relevant tables as appropriate and cross-references have been included to aid finding responses by consultee.

Box 8.2 Structure of the response tables (presented in Appendix 8.2) setting out the detail of the responses from prescribed bodies (excluding parish councils)

Table A8.2a	General comments on the Preliminary Environmental Information (PEI)
Table A8.2b	Approach to Environmental Assessment
Table A8.2c	Project description
Table A8.2d	Physical processes
Table A8.2e	Benthic ecology
Table A8.2f	Fish and shellfish
Table A8.2g	Marine mammals
Table A8.2h	Ornithology
Table A8.2i	Nature conservation
Table A8.2j	Seascapes and visual impact assessment
Table A8.2k	Shipping and navigation
Table A8.2l	Marine archaeology
Table A8.2m	Aviation
Table A8.2n	Socio-economics
Table A8.2o	The combined impact assessment
Table A8.2p	Health and safety (not covered within PEI)
Table A8.2q	Traffic and transport (not covered within PEI)
Table A8.2r	Support for TKOWF
Table A8.2s	No comment
Table A8.2t	No comment but would like involvement in electrical system elements of the project
Table 8.2u	Other responses

Summary of Responses from Prescribed Bodies (excluding Parish Councils)

- 8.11 Of the prescribed bodies that responded to the consultation, nearly half (18 in total) provided no comment in relation to the consultation carried out. This category can be divided into two main types of response:
- i) Nearly two thirds (11 in total) of the ‘no comment’ responses provided no comment or no objection to the proposed Application. The responses from

these bodies are detailed in **Table A8.2s, Appendix 8.2** and include the Water Services Regulation Authority, the Hazardous Installations Directorate Specialised Industries of the Health and Safety Executive (HSE), UK Power Networks, Scottish and Southern Energy Pipelines Limited, Western Power Distribution, East Midlands Development Agency, Upper Witham Internal Drainage Board, National Grid²⁵, Trinity House, The Coal Authority and Wingas²⁶.

- ii) The remainder (7 in total) provided no comment on TKOWF but highlighted that they may wish to be involved in consultation associated with the electrical system elements of the project. The responses from these bodies are detailed in **Table A8.2t, Appendix 8.2** and include Fulcrum Pipelines, the Environment Agency, Witham Fourth District Internal Drainage Board, Royal Mail Group, Lindsey Marsh Drainage Board, Lincolnshire Fire and Rescue and Western Power Distribution Midlands.
- 8.12 The electrical infrastructure elements of the project are not part of this Application and therefore were not the subject of formal consultation. A separate application will be prepared for this component of the project which will include its own consultation. Whilst it is considered that comments included on the electrical infrastructure lie outwith this Application for development consent, regard has been had to these comments in developing the project as summarised in paragraphs 8.25-8.26 and 8.144 of this Report.
- 8.13 Four responses were received from prescribed bodies acknowledging receipt of the consultation documents. The responses from these bodies are set out in **Table A8.2u, Appendix 8.2** and include Fulcrum Pipelines, two from the MMO and Lincolnshire Partnership NHS Foundation Trust. The second response from the MMO was received on 12 July 2011 noting that they had not yet received comments from their advisors at Cefas and so would not be able to provide a formal response by the deadline. They confirmed that a full considered response would be issued as soon as possible (it was issued the following day on 13 July 2011).
- 8.14 Five responses were also received requesting that the consultation materials be redirected to other organisations or different contacts within the same organisation. These responses are documented in **Table A8.2u, Appendix 8.2** and include:
- i) Three responses from Southern Gas requesting that the consultation documents be redirected to National Grid and Northern Gas Network. The relevant documents were sent to these organisations accordingly.
 - ii) A response from National Gas Network noting that they do not cover the area of the enquiry.
 - iii) A response from Lincolnshire Fire and Rescue requesting that all consultation documents be sent to another contact within the organisation. Contact was made with the new contact and it was confirmed that they did not have anything further to add to a response already received from

²⁵ Two additional responses were received from National Grid which raised comments on health and safety (see paragraphs 8.103).

²⁶ The response from Wingas was received after the deadline for responses of 12 July 2011.

Lincolnshire Fire and Rescue (see response ref: PB\N09\110705\R2 in **Table A8.2t, Appendix 8.2**).

- 8.15 Approximately one third (14 in total) of the responses received from prescribed bodies included detailed responses on the project and the consultation documents. The detailed comments can be considered to fall within three main categories; specific comment on the technical content of the Preliminary Environmental Information (PEI); comments on topics not addressed within the consultation documents; and benefits associated with the project. Each of these categories are explored separately below together with an account of how specific comments have influenced the development of the project and the finalisation of the Application.

Comments on the Technical Content of the PEI

- 8.16 In general, one or two prescribed bodies provided detailed comments on the majority of the technical topics contained within the PEI. **Table 8.1** sets out the PEI topics on which prescribed bodies provided comments and summarises the organisations which responded on these topics. Each of the topics are discussed in turn below.

Table 8.1. PEI topics on which prescribed bodies (excluding parish councils) provided comments

Technical topic (as presented in the PEI)	Organisations which provided comments
General comments on the PEI	JNCC ²⁷
Project description	JNCC and MMO
Physical processes	MMO
Benthic ecology	JNCC and MMO
Fish and shellfish	JNCC and MMO
Marine mammals	JNCC and MMO
Ornithology	JNCC
Nature conservation	JNCC
Seascape and visual impact assessment	English Heritage
Shipping and navigation	Maritime and Coastguard Agency
Marine archaeology	English Heritage
Aviation	The Defence Infrastructure Organisation, Civil Aviation Authority and NATS
Socio-economics	NHS Lincolnshire
The combined impact assessment	JNCC

²⁷ The JNCC are the statutory advisor to the UK Government on nature conservation issues in UK offshore waters (beyond 12 nautical miles). The provision of statutory advice in territorial waters (within 12 nautical miles) is the responsibility of the relevant country nature conservation agency; for TKOWF, this being Natural England. Given that the proposed project boundary lies approximately 33km off the coast of Lincolnshire, the JNCC provided a consultation response as lead statutory advisor. However, Natural England were copied in and were involved in all relevant consultation meetings.

General Comments on the PEI

- 8.17 The response from the JNCC²⁸ included general comments on the PEI in addition to technical comments on specific receptor groups. These receptors included physical processes, benthic ecology, fish and shellfish, marine mammals, ornithology, nature conservation and the assessment of inter-related impacts. Comments on specific receptor groups are summarised under the relevant heading of the PEI topic chapter. A summary of the JNCC's general comments is provided below and a detailed record is set out in **Tables A8.2a** and **A8.2b, Appendix 8.2**.
- 8.18 Overall, the JNCC noted that they were '*satisfied that the PEI identifies and assesses the full range of environmental receptors that could potentially be affected, either alone or in-combination, as a result of the construction, operation and decommissioning of TKOWF*'. They provided the following general comments in relation to the PEI:
- i) Habitats Regulation Assessment (HRA): The JNCC recommended that the Applicant consult specifically on the content of the HRA Report prior to submission of the Application to the IPC. They also listed those receptors that they considered TKOWF could potentially have a 'likely significant effect' on and which would therefore need to be included in any HRA. This is further discussed under the heading of 'Nature Conservation' below.
 - ii) Significance of impacts: The PEI assesses impacts by identifying sensitivity of each receptor and the magnitude of each effect and combining both metrics together to determine significance. However, the JNCC considered it unclear for many receptors how magnitude and sensitivity thresholds were determined. It was also noted that information on uncertainty and confidence associated with the assessment should be provided.
 - iii) More specifically on the significance of impacts, the JNCC noted that the general narrative describing the significance outputs of the impact assessment process in Chapter 5, Volume 1 of the PEI does not accord with the significance matrix (Table 5.1 in Chapter 5 of the PEI).
 - iv) Integration of technical information: The JNCC welcomed the technical reports that the Applicant had undertaken for all main environmental receptor groups. However, it was noted that the results of these reports should be adequately integrated into the Application.
 - v) Quantification of impacts: It was noted that the impact assessment would benefit from the quantification of impacts, where it is reasonable to do so, and noting any uncertainty associated with this quantification.
 - vi) Referencing: The JNCC commented that additional references should be included within the documentation to support conclusions made therein.
 - vii) Mitigation: It was highlighted that a detailed discussion of mitigation was not presented within the PEI. A full assessment of mitigation measures should be presented to justify their effectiveness at reducing risk to levels which are acceptable. The JNCC noted that impact significance should be

²⁸ The JNCC's response was received after the deadline for responses of 12 July 2011.

described for each receptor before mitigation is considered and mitigation should then be presented with a narrative of how this will reduce residual impacts.

- viii) Cumulative and in-combination impacts: It was noted that the definitions of these impacts does not concur with those provided to the IPC's scoping opinion, dated September 2010.
- ix) Worst-case scenario: the identification of the worst-case scenario is selected for individual receptors where appropriate. As a result, a single design permutation is not assessed across all receptor groups. Whilst the JNCC consider this to be a good approach, it results in the assessment of an unrealistic worst-case scenario and has implications in discussing inter-related impacts. This is further detailed under the heading of 'Combined Impact Assessment' below (in paragraphs 8.95-8.98).

8.19 A detailed record of how the Applicant has had regard to the JNCC's general comments is set out in **Tables A8.2a** and **A8.2b**, **Appendix 8.2**. In summary, the majority of their comments have resulted in amendments to the PEI, as documented in the final Environmental Statement (ES). These include:

- i) A series of post-formal consultation meetings have been held on HRA (in addition to meetings on ornithology and marine mammals). These meetings are summarised in Chapter 11 of the Consultation Report. They included discussions on receptor species and applicable sites and the technical assessment uncertainties and the means to overcome them. More detailed commentary on the HRA is provided under the heading 'Nature Conservation' below.
- ii) Additional and more specific cross-referencing of ES chapter assumptions and conclusions (in ES Volume 2) to the relevant technical annexes (ES Volume 3).
- iii) Inclusion of appropriate references and citations of relevant literature to support conclusions and assumptions made in the ES.
- iv) More explicit quantification has been included in the ES where possible or cross-references have been provided to the relevant information contained in technical annexes (to avoid duplication of information).
- v) Correction of the inaccuracy identified in the general narrative describing the significance outputs of the impact assessment so that the narrative and significance matrix are consistent in Chapter 5, Volume 1 of the ES.
- vi) Provision and discussion of mitigation measures where significant impacts arise. For example, sections on mitigation and monitoring have been included in the ES chapters on fish and shellfish and marine mammals (ES Chapters 4 and 5 respectively, Volume 2) including the soft-start protocol for marine piling work to mitigate impacts from sound pressure.
- vii) The full suite of mitigation measures has been listed in the summary chapter of the ES (Chapter 17, Volume 2) for ease of reference.

8.20 Several of the JNCC's general comments have not resulted in a change to the project or Application documentation. These are listed and justified below:

- i) With regard to the significance of impacts, the standard approach to the project impact assessment is set out in detail in ES Chapter 5, Volume 1. This has been applied throughout the assessment process, with the exception of a number of topics where industry standard approaches have been adopted (in these cases, details are provided in the relevant topic chapter and supporting technical annex). Magnitude and sensitivity have been determined based on a narrative description encompassed in each impact assessment and it is considered that this provides a clear basis for understanding how magnitude and sensitivity have been derived.
 - ii) On the topic of cumulative and in-combination effects, following receipt of the IPC's scoping opinion in September 2010, the Applicant was advised by the IPC that the term 'in-combination' should be avoided given its specific meaning in relation to the Habitats Directive. Therefore, 'cumulative impacts' is used to refer to all other development activities and 'combined effects' are addressed under inter-related effects (ES Chapter 15, Volume 2).
 - iii) With regard to the worst-case scenario, it is accepted that the approach adopted may be unrealistic when considering inter-related impacts (i.e. the different worst-case designs identified for each receptor group are combined in the inter-related assessment, whereas in reality only one design permutation can be built). However, given that the final design can only result in lesser overall impacts than those assessed, the approach should provide comfort to consultees and decision-making authorities.
- 8.21 Post formal consultation meetings have been held with the JNCC to discuss their comments in more detail and to seek to reach agreement on issues raised in their response. Engagement undertaken following formal consultation is summarised in Chapter 11 of this Report.

Project Description

- 8.22 Comments on the project description (PEI Chapter 7, Volume 1²⁹) were included within the responses provided by the MMO and JNCC³⁰. In addition to this topic, the MMO also raised comments in relation to receptor groups including physical processes, benthic ecology, fish and shellfish and marine mammals. Comments on these receptors are summarised under the relevant headings of the PEI topic chapter.
- 8.23 A summary of the comments raised in relation to the project description is provided below and a detailed record of the MMO and JNCC's observations on this topic is set out in **Table A8.2c, Appendix 8.2**.
- 8.24 The MMO provided comments in relation to drill arisings and dredge material from the potential use of gravity and suction based foundations. In particular, they recorded that further discussion is required on identifying suitable disposal sites for these materials; that no samples of potential dredge material have been tested for quality; that details of the methodology for dredge works will need to be provided to the MMO prior to any dredging works being undertaken; and they suggested a number of conditions for inclusion within the deemed

²⁹ Now Chapter 6, Volume 1 of the ES (document 05/01), as amended in response to formal consultation.

³⁰ The responses from the MMO and JNCC were received after the deadline for responses.

- Marine Licence in the Development Consent Order (DCO) to allow for the disposal of drill arisings.
- 8.25 The JNCC highlighted the intention of the Applicant to submit an application for the offshore wind farm separate to that of the offshore export cable route noting that *'it would be preferred that all aspects of the project be proposed under the one application'*. They recommended that for the offshore application, the impacts of the potential export cable routes be considered cumulatively within the ES.
- 8.26 A detailed record of how the Applicant has had regard to comments on project description is set out in **Table A8.2c, Appendix 8.2**. The majority of the comments have resulted in amendments to the project, as summarised below:
- i) Informal discussions have been held with the MMO following formal consultation to discuss licence conditions (as summarised in Chapter 11 of this Report). The Applicant intends to set out the proposed approach to the marine construction works for approval by the MMO prior to any works being undertaken. This is reflected in condition 9 (c) contained in the Deemed Marine Licence in the DCO (document reference 03/01). Comments on drill arisings have been taken into account in drafting Marine Licence conditions. Where dredging and disposal is required, an additional Marine Licence application would be made to the MMO.
 - ii) A Cable Statement has been included as an Application document (document reference 07/01), pursuant to Regulation 6(1)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). This sets out the outline design and location of the connecting electrical works (from the offshore substations to the onshore grid connection point) as it is currently conceived based on the current grid connection offer from National Grid and describes how the connection will be developed through technical studies, environmental appraisals and consultation exercises. The Cable Statement also sets out the consenting frameworks for the electrical works. In response to the comments raised by the JNCC, information provided within the Cable Statement has been used within the cumulative assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (in particular the offshore cables).
- 8.27 The only project description-related comment that has not resulted in a change to the project or Application documentation is with regard to the disposal of dredge material and the sampling of this material. If disposal of dredge material is required, this would be subject to a separate application for a marine licence prior to construction. At that stage, the need for further sampling to support that application would be discussed with the MMO.

Physical Processes

- 8.28 The MMO was the only prescribed body to provide comments on physical processes (PEI Chapter 2, Volume 2³¹). A summary of the comments received

³¹ Now Chapter 2, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

is provided below and a detailed record of their observations on physical processes is set out in **Table A8.2d, Appendix 8.2**.

- 8.29 The MMO noted that standard coastal processes conditions should be included within the DCO. They also suggested that within these conditions, potential monitoring should be included to validate statements made within the PEI on potential changes to wave climates.
- 8.30 The MMO also provided specific comments on a number of calculations presented within the PEI, in particular:
- i) How bed shear stress was calculated and whether the calculation method employed could confirm the potential impact of waves on bed shear stress.
 - ii) The procedure followed to calculate how suspended sediment loads were inferred from acoustic back scatter data. It was highlighted that robust calculations are required to ensure that the inferred suspended sediment concentrations are realistic.
- 8.31 Their response also requested further clarification on the ‘design envelope’ scenarios assessed for physical processes. In particular, they noted that evidence should be provided within the ES that fewer, turbines would result in a greater impact on physical processes than more of the smaller turbines.
- 8.32 Finally, the MMO questioned one of the physical processes conclusions within the PEI; whether there is evidence to support the statement that *‘the plume of suspended chalk arisings will be limited and rapidly dispersed by the tide’*.
- 8.33 A detailed record of how the Applicant has had regard to the MMO’s comments on physical processes is set out in **Table A8.2d, Appendix 8.2**. Where comments have resulted in changes to the project, these have been through amendments to the PEI, as documented in the final ES, or through the inclusion of conditions in the deemed Marine Licence in the DCO. For example:
- i) Standard physical processes conditions relating to monitoring of the seabed have been incorporated through conditions 13 (b) and 15 (b) of the draft deemed Marine Licence in the DCO (document reference 03/01). The conditions were discussed at a meeting with the MMO on 21 July 2011. Further information on informal engagements held following formal consultation is described in Chapter 11 of this Report.
 - ii) Additional information has been included and referenced in ES Chapter 2, Volume 2 on how suspended sediment concentrations have been inferred; a robust and repeatable methodology implemented by EMU Ltd (2009) has been used to infer these concentrations from acoustic back scatter data.
- 8.34 Several of the MMO’s comments on physical processes have not resulted in a change to the project or Application documentation. These are listed and justified below:
- i) Monitor potential changes to wave climates is not considered to be appropriate for TKOWF. Section 4 of the physical processes technical annex (ES Volume 3, Annex D) provides detailed information on the assessment of waves including those incident upon the coastline. It is concluded that the potential effect of the development would be to slightly lower wave heights, the magnitude of which is confidently predicted to be

- less than any inter-annual variability of the incident wave climate. Therefore, any change is considered to be undetectable to any monitoring.
- ii) Detailed information has already been provided in the PEI on bed shear stress including the contribution of waves to this stress. This information has been reiterated in ES Volume 3, Annex D with regard to sediment mobility and transport pathways.
 - iii) Evidence was provided in the PEI to justify the use of the 'design envelope' scenarios assessed for physical processes. This is repeated in Appendix A of the physical processes Technical Annex in ES Volume 3 and notes that the use of numerical modelling tools demonstrates that the effect of fewer, larger, more widely spaced structures is greater in magnitude and extent than the smaller, more densely arranged structures. This is due to the blocking effect across the array being greater for the larger structures even when fewer of them are considered.
 - iv) With regard to suspended chalk arisings, the PEI records that in monitoring chalk arisings in the vicinity of the Lynn and Inner Dowsing Round 1 wind farm sites during their construction, there was no widespread chalk plume detected. This is spatially the closest available evidence from which to draw any direct comparison and is reiterated in the physical processes Technical Annex in ES Volume 3.

Benthic Ecology

- 8.35 Comments on benthic ecology (PEI Chapter 3, Volume 2³²) were included within the responses provided by the JNCC and MMO. A summary of the comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2e, Appendix 8.2**.
- 8.36 The JNCC considered that this Chapter of the PEI presented a '*good characterisation of benthic habitats across the Triton Knoll study area*'. However, they also included specific comments on how the Chapter could be improved. In particular, they noted that additional information should be provided on how impact significance ratings were arrived at; they included specific comments on the assessment methodology including how magnitude of effects and sensitivity of receptors were assigned; and suggested that further justification is provided on the level of confidence associated with the potential impact of the project on the integrity of candidate Special Areas of Conservation (cSAC) for which sandbanks are a qualifying feature.
- 8.37 On this topic, the MMO noted that specific wording (in the use of the terms 'positive' or 'beneficial') on the effects of TKOWF on benthos could be considered to be misleading. They also recorded that it would be useful to include a table within the Environmental Impact Assessment (EIA) summarising all predicted effects of the various activities associated with the offshore wind farm.
- 8.38 A detailed record of how the Applicant has had regard to comments on benthic ecology is set out in **Table A8.2e, Appendix 8.2**. In summary, the majority of

³² Now Chapter 3, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

the comments have resulted in amendments to the PEI benthic ecology Chapter, as documented in the final ES Chapter (Chapter 3, Volume 2). These include:

- i) Revisions to the methodology in particular to paragraphs 3.17-3.18 and Table 3.3 of ES Chapter 3, Volume 2 in terms of assignment of the sensitivity of receptors and the definitions of the significance of impacts.
- ii) Further justification has been provided in paragraph 3.53 of the ES Chapter on the level of confidence associated with the potential impacts of the project on the integrity of cSACs.
- iii) A revised assessment has been provided in paragraphs 3.78-3.83 and the use of the words 'positive' or 'beneficial' have been qualified.

8.39 Several of the comments on benthic ecology have not resulted in a change to the project or Application documentation. These are listed and justified below:

- i) A table has not been included within the ES summarising all predicted effects of the various activities associated with the project as suggested by the MMO. The *significant* predicted effects had been summarised in Chapter 17, Volume 2 of the PEI (Summary of significant effects) which has been carried forward to ES Chapter 17, Volume 2.
- ii) Amendments have not been made to the assessment of magnitude of effects on benthic ecology as suggested by the JNCC. The assessment has been based on the Institute of Ecology and Environmental Management (IEEM) method and covers parameters including extent, frequency and duration of impact as recommended by the JNCC.

Fish and Shellfish

8.40 The JNCC and MMO also included comments on fish and shellfish (PEI Chapter 4, Volume 2³³) within their responses. Whilst the JNCC focused its comments on the assessment of impacts on these receptors, the MMO responded on the survey campaigns and the potential impacts on commercial fisheries. A summary of the comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2f, Appendix 8.2**.

8.41 The JNCC considered that the characterisation of the fish population within the PEI allowed for a good baseline to assess the impacts of the development. However, they also included specific comments on how the fish and shellfish Chapter could be improved. In particular:

- i) The JNCC noted that the Chapter would benefit from a quantification of impacts where appropriate; a presentation of the sensitivity and magnitude scores and how these were combined to inform the impact assessment; additional referencing to support conclusions and support noise thresholds used to determine lethal effects and physical injury thresholds; and clarification of the worst case scenario used in the assessment.
- ii) It was questioned whether additional GIS analysis could be included within the Chapter, for example in the quantification of the spatial extents of lethal

³³ Now Chapter 4, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

- effects, physical injury and disturbance from noise modelling and in the cumulative impact assessment to determine the footprint and potential overlap of effects on fish species.
- iii) The response questioned the evidence that supports the conclusions that soft-start procedures will reduce impacts on fish species, noting that this procedure had been developed to mitigate impacts on marine mammals.
 - iv) The JNCC recommended that mitigation measures are included within the Chapter to support the presentation of residual impacts, for example, the placing of scour protection in a manner that will produce a positive effect on fish populations in the area.
- 8.42 With regard to the fish and shellfish assessment, the MMO provided comments on the herring larvae survey carried out in Autumn 2009. They noted that the conclusions drawn cannot be substantiated based on ‘snap-shot’ surveys and suggested that additional surveys are incorporated into the assessment. It was noted that a condition requiring piling restriction during the herring spawning period may be required within the DCO subject to the results of the additional surveys. In addition, the MMO commented that a fisheries monitoring plan should be included within the ES.
- 8.43 The MMO commented that the ‘*impacts on commercial fisheries appear to have been well considered*’ and support consultation and good communication with the fishing industry. They suggested that a condition is included within the DCO stating that the developer will employ a Fisheries Liaison Officer to ensure good communication with the fishing industry.
- 8.44 A detailed record of how the Applicant has had regard to comments on fish and shellfish is set out in **Table A8.2f, Appendix 8.2**. In summary, all of the comments have resulted in amendments to the PEI, as documented in the ES. Most of these have been made to the fish and shellfish Chapter as follows:
- i) Additional quantification of impacts, in particular in paragraphs 4.73-4.103 and 4.121-4.129 of the ES Chapter, and additional detail in the assignment of significance following the IEEM method (from paragraph 4.8 of the ES chapter).
 - ii) Additional referencing in supporting conclusions and supporting the noise thresholds used to determine effects on fish and shellfish.
 - iii) The inclusion of mitigation measures where appropriate (paragraphs 4.142 – 4.144). In addition, further information has been included within paragraph 4.86 with regard to the confidence assigned to the output that residual impacts on fish species will be negligible as a result of soft-start mitigation.
 - iv) Inclusion of additional GIS analysis, for example, in Figure 4.8 in relation to the spatial effects of noise on fish and shellfish. The findings from this analysis, in terms of effects on prey species, have also been carried forward to the ornithological assessment in ES Chapter 6, Volume 2 (see below under the heading ‘Ornithology’).
 - v) The worst-case scenarios assessed in the fish and shellfish Chapter have been clarified in Table 4.6 in ES Chapter 4, Volume 2.

- vi) A further herring larvae survey has been undertaken and the results have been discussed with relevant parties, including the MMO. This has been incorporated into the ES and referenced in paragraph 4.4v.
 - vii) A fisheries monitoring plan has been included in paragraph 4.143 and in condition 13 (d) and 15 (c) of the draft deemed Marine Licence which forms part of the draft DCO (document reference 03/01).
- 8.45 In addition, provision of a fisheries liaison officer for the project has been proposed in Chapter 8, Volume 2 (Commercial fisheries) and in condition 9 (d)(iv) of the draft Deemed Marine Licence contained in the DCO (document reference 03/01).
- 8.46 Informal discussions have been held with the MMO following formal consultation to discuss Marine Licence conditions and the findings of the additional herring larvae survey that had been undertaken by the Applicant. This engagement is described in Chapter 11 of this Report.

Marine Mammals

- 8.47 The JNCC and MMO included comments on marine mammals (PEI Chapter 5, Volume 2³⁴) within their consultation responses. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2g, Appendix 8.2**.
- 8.48 The JNCC highlighted that the greatest risk to marine mammals from the proposed development is likely to be that of underwater noise generated from piling activity during construction. They considered that the assessment presented in Chapter 5, Volume 2 of the PEI does not cover the worst case scenario as it does not take into account the use of larger turbines and the likely increased noise that is likely to be generated from their installation and operation. It was therefore recommended that the potential impacts of the larger turbines on porpoise and seals are included in the noise modelling work.
- 8.49 The response from the JNCC also recommended that a more thorough assessment of cumulative effects is presented in the ES including a consideration of the potential effects of sequential piling from wind farm developments within the Greater Wash over a prolonged period of time. The JNCC noted that the effect of piling at a number of sites over a period of several years could potentially produce a barrier affect to harbour seals which may lead to declines in the conservation status of their population.
- 8.50 Specific comments were also raised by the JNCC in relation to the marine mammals PEI Chapter, including:
- i) Explanations should be provided as to why aerial surveys were not undertaken during certain months. It was suggested that counts may have been higher if additional aerial surveys had been undertaken.
 - ii) Corrections were provided on statements made in the Chapter regarding the qualifying features of sites designated for nature conservation and the mortality rate of harbour seals on the east coast due to the 2002 PDV epidemic.

³⁴ Now Chapter 5, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

- iii) Additional references should be included to justify the use of expected areas of disturbance for seals and harbour porpoises.
 - iv) It was welcomed that further consideration of vessel design or mitigation may be required in light of investigations into the risk of seal collisions with ducted propellers. However, the JNCC noted that if it is found that ducted propellers pose a significant risk to seals in the Greater Wash, the assessment presented may need to be re-examined.
 - v) There was uncertainty associated with the number of vessels that would be present within the TKOWF site. In addition, the JNCC noted that consideration should be given to increased vessel traffic associated with the construction of other projects in the area.
- 8.51 The JNCC also provided an Annex to their response advising the regulator and developers to undertake a strategic piece of research and monitoring to fill gaps in their understanding of the impacts of disturbance to seals from noise generated by offshore wind farm activities.
- 8.52 The response from the MMO noted that it is difficult to comment on the possible noise issues associated with the project on marine mammals until the final base types are identified. They recommended the following conditions be included within the DCO:
- i) A Marine Mammal Mitigation protocol to include a soft-start procedure, an MMO vessel and the use of Passive Acoustic Monitoring (PAM).
 - ii) Construction noise monitoring for a minimum of the first four monopile installations.
- 8.53 A detailed record of how the Applicant has had regard to comments on marine mammals is set out in **Table A8.2g, Appendix 8.2**. The majority of the comments from the JNCC have resulted in amendments to the PEI marine mammals Chapter, as documented in the final ES (ES Chapter 5, Volume 2), and the comments from the MMO have largely been reflected through the development of the DCO.
- 8.54 Amendments that have been made to the marine mammals Chapter include:
- i) An additional section in the ES Chapter (paragraphs 5.66-5.170) assessing the potential impacts of piling noise on marine mammals based on noise modelling.
 - ii) Additional consideration has been given to cumulative effects in the marine mammals ES Chapter. For example, an assessment of multiple piling events within the TKOWF site is made in paragraphs 5.107-5.115 and 5.121-5.126; consideration of piling noise at TKOWF in combination with other projects in the Greater Wash area is provided in paragraphs 5.218-5.243; and consideration of cumulative and in-combination effects of other projects in the Greater Wash in terms of collision risks from increased boat traffic are assessed in paragraphs 5.244-5.247 and 5.250-5.253 of the Chapter.
 - iii) Errors have been corrected in terms of the qualifying features of sites designated for nature conservation (ES Table 5.1 and paragraphs 5.38 and 5.53) and the mortality rates recorded for harbour seals due to the 2002 PDV epidemic (paragraph 3.10 of Annex G1, ES Volume 3).

- iv) References to the use of expected areas of disturbance for seals and porpoises have been removed from the marine mammals Chapter. In the presence of high levels of existing vessel traffic, the effect of vessel noise is expected to have no impact on marine mammals.
 - v) Clarification is provided to the number of vessels expected to be present with the project site; revised estimates of boat traffic are provided in ES Table 5.9.
 - vi) A revised assessment of the collision risks associated with ducted propellers due to increased traffic as a result of the TKOWF development is made in paragraphs 5.180-5.186. The assessment concludes that, despite uncertainty, this is unlikely to cause a significant impact.
- 8.55 With regard to the development of the DCO, the conditions suggested by the MMO have been incorporated through conditions 9 (f) and 14 of the draft deemed Marine Licence in the DCO (see document reference 03/01). The Applicant will produce a Marine Mammal Monitoring Plan (MMMP) in conjunction with the MMO and its advisors once the project design has been finalised but prior to construction.
- 8.56 Several of the comments on marine mammals from the JNCC have not resulted in a change to the project. These are listed and justified below:
- i) The Applicant maintains that the worst-case scenario for marine mammals due to piling activity is more, smaller turbines. The use of the larger turbines would result in a smaller noise impact due to the smaller number of turbines over the site.
 - ii) Justification is provided within the ES as to why aerial surveys only covered specific months. The source of the aerial survey data (WWT, 2009) notes that these surveys were carried out to cover the changing use of the sea during the annual cycle of different waterbird species and that some were only carried out a few times to collect initial baseline data (paragraph 5.17 of the ES Volume 2, Chapter 5).
 - iii) Noise modelling work has not been undertaken to assess the potential operational noise impacts on marine mammals. Studies of operational noise levels and marine mammal monitoring from other wind farm sites suggest that a significant effect is not likely.
- 8.57 The Applicant notes that the request for a strategic piece of research and monitoring is an issue of relevance to all offshore developments, especially in the Greater Wash Area. The Applicant would support combined initiatives to further refine knowledge of seal behaviour in the region.
- 8.58 Informal consultations have been held with the MMO and JNCC to discuss their comments on marine mammals and the inclusion of conditions in the Deemed Marine Licence in the DCO. This engagement is described in Chapter 11 of this Report.

Ornithology

- 8.59 The JNCC was the only prescribed body to include comments on ornithology (PEI Chapter 6, Volume 2³⁵) in its response. A summary of the comments received is provided below and a detailed record of their observations on this topic is set out in **Table A8.2h, Appendix 8.2**:
- i) The JNCC noted that the PEI ornithological assessment does not consider impacts from potential bird collisions with operating turbines, yet this is likely to be one of the key operational impacts within the site. It was highlighted that an avoidance rate of 98% should be applied in collision risk modelling, unless there is robust evidence to inform an empirically derived rate.
 - ii) It was recommended that further discussion is provided on the impact of the project on forage fish (as set out in the fish impact assessment) and how this is likely to affect the distribution of bird prey species within the site.
 - iii) The JNCC recorded that the definition of significance was not always clear and that additional referencing should be provided in terms of which citations were used to determine the sensitivity metrics.
 - iv) A number of comments were raised in relation to the cumulative bird assessment, including how the methodology was considered to be unclear; that different wind farm developments should be included within the cumulative assessment depending on the foraging ranges of different species; that there was no consideration given to the cumulative effect of the increase in vessels as a result of the Greater Wash projects; and that it was considered unclear how the cumulative assessment scores were determined from the impact of forage fish species.
 - v) Finally, the JNCC noted that values presented for certain species in the summary do not seem to have been considered within the main body of the assessment, such as for gannet and little gull.
- 8.60 A detailed record of how the Applicant has had regard to the JNCC's comments on ornithology is set out in **Table A8.2h, Appendix 8.2**. In summary, the majority of the comments have resulted in amendments to the PEI ornithology Chapter, as documented in the final ES (ES Chapter 6, Volume 2). These include:
- i) Collision risk modelling has been included within the ornithological assessment, details of which are provided in paragraphs 6.121-6.135 of ES Chapter 6, Volume 2. For this modelling, an avoidance rate of 98% has been used, except where references support an alternative avoidance rate. In these cases, a rate of 98.83% has been used, as documented and justified in Annex H2 of Volume 3.
 - ii) Additional discussion has been provided on the potential impacts of forage fish on ornithology. For example, the effects of prey availability on birds has been assessed in paragraphs 6.96-6.98 of ES Chapter 6, specifically with regard to the potential effects of construction noise on fish and the potential consequential effects on birds.

³⁵ Now Chapter 6, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

- iii) Additional referencing has been provided, for example, in paragraph 6.16 in relation to sensitivity metrics.
 - iv) The scope of the cumulative assessment in Chapter 6 of the ES has been extended to take account of birds with larger foraging distances. For example, the cumulative assessment for gannet now takes into consideration wind farms in the Greater Thames estuary area. The cumulative assessment also takes into account the cumulative effect of increased boat traffic (for example in paragraph 6.154). Sandwich tern and common tern were found to be most sensitive to disturbance, however, given the widely dispersed nature of construction activity, this is not considered to be a significant impact.
 - v) Additionally, the approach to the cumulative assessment has taken into account the uncertainties of construction programmes for the regions wind farm projects and also where up to date and publicly available information on other projects has become available taken this into account to provide an as accurate and quantified assessment as practicable.
 - vi) Values presented for gannet and little gull in the summary have been considered within the main body of ES Chapter 6.
- 8.61 A series of post-formal consultation meetings have been held on ornithology which are summarised in Chapter 11 of this Consultation Report. Discussions have been held concerning the significance of the findings of the collision risk modelling particularly in relation to the potential cumulative impacts on Sandwich tern and gannet. This has resulted in a reduction in the maximum number of turbines proposed, from 333 down to 288 and in so doing reducing the predicted mortality to an acceptable level.
- 8.62 One of the comments on ornithology from the JNCC has not resulted in a change to the project. It is considered that the definition of significance as set out in paragraph 6.13 of ES Chapter 6 is clear and supports the assessment of impacts on ornithological receptors. The approach taken is consistent with that previously accepted and applied to the other Round 2 Greater Wash projects. This allows comparison with these projects and facilitates the cumulative impact assessment.
- 8.63 Informal consultations have been held with the JNCC to discuss comments on ornithology and to discuss potential conditions to be included within the Deemed Marine Licence in the DCO. This engagement is summarised in Chapter 11 of this Consultation Report.

Nature Conservation

- 8.64 The JNCC was also the only prescribed body to include comments on the nature conservation Chapter of the PEI (Chapter 7, Volume 2³⁶). Their comments on this topic focused on identifying the receptors that should be taken forward for review under the HRA process, categorised in terms of marine mammals, benthic ecology and ornithology. The categories are

³⁶ Now Chapter 7, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

summarised below and a detailed record of the comments on the nature conservation Chapter is set out in **Table A8.2i, Appendix 8.2**.

- 8.65 With regard to marine mammals, the JNCC highlighted that grey seal and harbour seal should be taken forward as part of the HRA process. It was considered that TKOWF would result in a 'likely significant effect' on these species and that an Appropriate Assessment would therefore be required. An estimate of the zones of impact from noise resulting from pile driving together with an estimate of the duration of the piling should be used to predict the potential effects on the populations.
- 8.66 In terms of benthic ecology, the JNCC noted that sandbanks slightly covered by sea water all the time are a qualifying feature of cSACs. The response noted that the cumulative impacts on the sediment transport pathways were not considered in the PEI, but that this information is likely to be available within the physical processes technical report (PEI Annex d, Volume 3).
- 8.67 For ornithology, the JNCC recommended that Sandwich tern, common tern, kittiwake, gannet, guillemot and razorbill are carried forward into the HRA process. It was further noted that evidence within the PEI ornithology Chapter would not be sufficient to determine 'likely significant effects' on these species. The response also provided the following specific comments in relation to ornithological receptors as discussed in the PEI nature conservation Chapter:
- i) The chapter only considers displacement impacts on ornithological receptors. The test of 'likely significant effect' will also need to consider the collision risk modelling for ornithological receptors.
 - ii) Additional referencing should be included in the chapter to justify how the 'theoretical impact' on common terns has been downgraded from major to minor. In addition, further information should be provided to demonstrate how the regional population of kittiwakes has been defined.
- 8.68 A detailed record of how the Applicant has had regard to the JNCC's comments on nature conservation is set out in **Table A8.2i, Appendix 8.2**. This is summarised below in terms of the receptors described in the JNCC's response.
- 8.69 With regard to marine mammals, both the harbour seal feature of the Wash and North Norfolk Coast SACs and the grey seal feature of the Humber SAC have been assessed for adverse effects on integrity as a result of TKOWF. This assessment is included in paragraphs 7.36 and 7.65 of the ES Chapter 7, Volume 2 using aerial survey data, boat surveys, site usage estimates from telemetry data and noise modelling. This assessment concludes that there will be no adverse effect on the integrity of the Wash, North Norfolk or Humber Estuary SACs as a result of the proposed offshore wind farm.
- 8.70 In terms of benthic ecology, the effects of TKOWF on cSACs for which sandbanks slightly covered by sea water all the time are a qualifying feature, have been assessed in paragraphs 7.48 and 7.67 of ES Chapter 7, Volume 2. The assessment considers project cumulative impacts and in-combination effects from other plans and projects. It is concluded that there will no adverse effects on the integrity of the sites as a result of TKOWF.
- 8.71 For ornithology, a further iteration of the ornithological technical report had been provided to the JNCC subsequent to the provision of the PEI. This report provided additional information to determine 'likely significant effects' on

ornithological receptors. Following discussions on this report, the JNCC provided a revised list of ornithological species that needed to be considered within the HRA process, comprising Sandwich tern, kittiwake and gannet.

- 8.72 The ornithology assessment includes the following information in response to comments provided by the JNCC:
- i) Collision risk modelling information has been completed (as discussed under the heading *Ornithology* above) and used to inform the assessment of operational effects of TKOWF on Special Protection Area (SPA) features.
 - ii) Additional text has been provided in paragraph 7.57 of ES Chapter 7 to justify why common tern is not expected to be displaced from the wind farm area and in paragraphs 7.30, 7.55-7.60 and 7.75-79 to provide further information on how the regional population of kittiwakes has been determined.
- 8.73 A series of post-formal consultation meetings have been held on HRA including the consideration of conditions for inclusion in the Deemed Marine Licence in the DCO (in addition to meetings on ornithology and marine mammals). These meetings are summarised in Chapter 11 of the Consultation Report. The HRA Report (document reference 04/02) provides conclusions on the potential likely significant effects for the applicable designated sites and interest features that were agreed at these meetings.

Seascape and Visual Impact Assessment

- 8.74 English Heritage provided comments on seascape and marine archaeology in its formal response to TKOWF's section 42 consultation. A summary of their comments on seascape³⁷ (PEI Chapter 9, Volume 2³⁸) is provided below and a detailed record of their observations on this topic is set out in **Table A8.2j, Appendix 8.2**.
- 8.75 English Heritage noted that no direct mention was made of 'seascapes' as a relevant component of cultural heritage as part of the seascape assessment. Whilst the PEI chapter identified 'seascape units', the response questioned the extent to which the identification of these units used spatial information generated by the Historic Seascapes Characterisation programme.
- 8.76 In addition, English Heritage raised concern with the statement '*the absence of published seascape units for the study area required site assessment and desk based study to define units for the purpose of the assessment*' and the lack of consultation undertaken to confirm this. It was also recommended that consideration of heritage assets (including conservation areas, registered parks and gardens, scheduled monuments and listed buildings) is expanded to take account of English Heritage's Historic Landscape Characterisation Programme.
- 8.77 It was noted that full consideration should be given to the concept of seascape as provided for within the Council of Europe European Landscape Convention.

³⁷ A summary of the comments provided by English Heritage on marine archaeology is provided under the heading 'Marine Archaeology'.

³⁸ Now Chapter 9, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

8.78 A detailed record of how the Applicant has had regard to English Heritage's comments on seascape is set out in **Table A8.2j**, **Appendix 8.2** and is summarised below:

- i) The assessment described in Annex J1, Volume 3 of the ES followed the current best practice guidance and reference material available at the time of the assessment. This included the 'Guide to Best Practice in Seascape Assessment' (CCW, March 2001) and 'Guidance on the Assessment of the Impact of Offshore Wind Farms' (DTI, November 2005) in addition to existing defined units set out by other Wash offshore wind developments. The Historic Seascapes Characterisation for Withernsea to Skegness was not published at the time the seascape and visual impact assessment for TKOWF was carried out; however it is considered that the inclusion of this information would not have altered the outcomes of the assessment.
- ii) It remains the position of the Applicant that Regional Seascape Units, as defined by the 'Guide to Best Practice in Seascape Assessment', have not been published for this part of the English offshore environment. However, in defining the existing baseline environment, use has been made of the East Midlands Regional Character Assessment which includes the coastal waters character areas.
- iii) The 'Guide to Best Practice in Seascape Assessment' remains best practice guidance in carrying out seascape impact assessment although it is appreciated that further work has been commissioned by Natural England and Scottish Natural Heritage to update seascape characterisation methodology. This is currently unpublished as a consultation draft and thus any modifications to best practice methodology that incorporates defining seascape character as advocated by the European Landscape Convention remain to be adopted.

Shipping and Navigation

8.79 One prescribed body, the Maritime and Coastguard Agency (MCA), provided detailed comments on the shipping and navigation Chapter of the PEI (Chapter 10, Volume 2³⁹). The response provided a detailed analysis of the Navigation Risk Assessment presented in the shipping and navigation Chapter, details of which are set out in **Table A8.2k**, **Appendix 8.2**. The response provided a number of comments on specific elements of the risk assessment and, as such, summaries are provided in **Tables 8.1** and **8.2** as follows:

- i) The majority of comments raised have resulted in amendments to the PEI, as documented in the final ES, both in the shipping and navigation ES Chapter (Chapter 10, Volume 2) and its supporting annex (Annex K, Volume 3). These comments, and the influence that they have had on the project, are summarised in **Table 8.1**.
- ii) Some of the comments raised by the MCA have not, as yet, influenced the project (and are not anticipated to do so during its development stage). These are listed and justified in summary in **Table 8.2**. The majority of comments in **Table 8.2** relate to the provision of an Emergency Response

³⁹ Now Chapter 10, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

Co-operation Plan (ERCoP) for the project. Specific provision is made in requirement 8 of the DCO (document reference 03/01) with regard to completion of an ERCoP.

Table 8.1. MCA comments that resulted in a change to the project

Summary of response	Regard had to response
The traffic survey provides a comprehensive traffic review.	Noted. Details on the traffic survey have been carried forward to ES Chapter 10.
With regard to the displacement of traffic, computer simulation techniques were not clearly evidenced. The effect on traffic and the potential development of 'choke points' was considered limited.	Additional information was included on the displacement of traffic, for example in paragraphs 10.99-10.107 in ES Chapter 10, Volume 2 and paragraph 7.2 in ES Annex K, Volume 3.
No data are provided with regard to the structures themselves causing changes in the set and rate of the tidal stream.	Data have been provided in Chapter 7.1 of ES Annex K, Volume 3.
No data are provided with regard to the structures creating problems in the area for sailing vessels, such as wind masking, turbulence or sheer.	A computer based study to assess effects of wind flow due to wind farm structures has been conducted. The results are set out in paragraphs 7.1.7-7.1.22 of ES Annex K.
No data are provided on electromagnetic interference.	Paragraphs 7.8.38-7.8.41 have been inserted in ES Annex K to augment existing text on electromagnetic interference.
No data are provided with regard to whether the structures and generators might produce sonar interference.	Paragraph 7.8.42 has been inserted into ES Annex K to address sonar interference on fishing, industrial or military systems.
The production of acoustic noise which could mask prescribed sound signals needs to be clarified.	The Applicant has undertaken a study to assess impacts on sound signals from ships and aids to navigation as a result of noise from wind farm structures. The results are set out in paragraphs 7.8.2-7.8.9 of ES Annex K.
The effect of electromagnetic fields from generators and seabed cabling within the site and onshore on compasses and other navigation systems requires clarification.	Paragraphs 7.8.38-7.8.41 have been inserted to ES Annex K to address the effect of electromagnetic fields from the proposal on compasses and other systems.
The creation of an Emergency Response Co-operation Plan (ERCoP) with the relevant Maritime Rescue Co-ordination Centre (MRCC) from the construction phase onwards, has not been completed.	A draft ERCoP for the construction phase of the project has been prepared (paragraph 10.194 in ES Volume 2). This will be completed prior to construction commencing.

Table 8.2. MCA comments that did not result in a change to the project

Summary of response	Regard had to response
The cable burial depth was not declared and is to be clarified as part of the final engineering design work.	The cable burial depth will be confirmed in the final design; the depth will be such that risk of subsequent exposure and risk to other sea users is minimised.
With regard to whether any feature of the installation could create problems for emergency rescue services, the MCA note that Search and Rescue (SAR) data is provided in section 4 (of Annex k, Volume 3 of the PEI). However, detailed plans will be required as part of the ERCoP.	Specific provision is made in requirement 8 of the DCO (document reference 03/01) with regard to completion of an ERCoP.
With regard to how rotor blade rotation, other exposed moving mechanical parts and/or power transmission, etc will be controlled by the designated services when required in an emergency, the MCA note that the emergency shut down procedure is outlined in section 2.2.62 (of Annex K of Volume 3 of the PEI). Full emergency plans are to be provided within the ERCoP.	Specific provision is made in requirement 8 of the DCO (document reference 03/01) with regard to completion of an ERCoP.
The wind farm boundaries are aligned with primary shipping activity. Boundary distances and marking are to be in accordance with Marine Guidance Notes 371 and 372.	The site boundaries are 2 nautical miles (nm) from the 90 th percentile of the surveyed shipping tracks, as per the guidance in Marine Guidance Note (MGN) 371. Specific provision is made in requirement 8 of the DCO with regard to compliance with MGN 371.
Monitoring, operating and emergency procedures have not been fully addressed. Active Safety Management Systems (ASMS) and ERCoPs will need to be provided to ensure compliance with the requirements of Marine Guidance Note 371.	Specific provision is made in requirement 8 of the DCO (document reference 03/01) with regard to completion of an ERCoP.

8.80 The MCA were provided with a draft of the Marine Licence and DCO for comment in light of the comments they raised. However, a response was not received from this consultee.

Marine Archaeology

- 8.81 English Heritage was the only prescribed body to include comments on the marine archaeology Chapter of the PEI (Chapter 11, Volume 2⁴⁰). A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2I, Appendix 8.2**.
- i) English Heritage supported the adoption of a formal archaeological reporting protocol as described in the PEI Chapter.
 - ii) Clarification was sought that physical process modelling would consider all types of foundation design to support the archaeological assessment.
 - iii) It was noted that the COWRIE guidance alluded to in the PEI Chapter has now been published and the relevant reference was provided.
 - iv) English Heritage highlighted that the developer will be required to ensure that copies of any archaeological assessment reports are deposited with the National Monuments Record.
 - v) It was recorded that relevant wrecks and the three geophysical anomalies (classified as 'A1') should be subject to Archaeological Exclusion Zones (AEZ) in agreement with English Heritage and that other anomalies that might indicate material of archaeological interest should also be subject to AEZ status on a case-by-case basis.
 - vi) English Heritage recommended that the Archaeological Written Scheme of Investigation (WSI) noted in the PEI Chapter should be prepared by a body affiliated to a professional association, such as the Institute for Archaeology.
- 8.82 A detailed record of how the Applicant has had regard to comments on marine archaeology is set out in **Table A8.2I, Appendix 8.2**. In summary, all of the comments have resulted in amendments to the PEI, as documented in final ES Chapter 11 on marine archaeology. These include:
- i) Additional referencing has been made in paragraphs 11.44 and 11.77 of ES Chapter 11, Volume 2 in relation to the Crown Estate's Protocol for reporting Archaeology Discoveries.
 - ii) Clarification has been made in paragraph 11.48 of the ES chapter in relation to the fact that physical process modelling has considered all types of possible foundation design and has addressed the effects arising from the worst case scenario. In addition, the reference to the COWRIE guidance has been updated in the relevant paragraphs of the chapter.
 - iii) The requirement for depositing archaeological assessment reports with the National Monuments Record is outlined in paragraph 11.69 of ES Chapter 11.
 - iv) Reference has been made to the implementation of mitigation measures through the use of AEZ in paragraph 11.74 of the ES Chapter.
 - v) The requirement that the WSI is prepared by a body affiliated with a professional association has been added to paragraph 11.76 of the ES

⁴⁰ Now Chapter 11, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

Chapter. Reference has been made in that paragraph to the Crown Estate guidance for the Model Clauses of Archaeological WSIs. In addition, condition 9 (h) of the draft deemed Marine Licence contained in the DCO (document reference 03/01) requires archaeological investigations in the form of a WSI.

Aviation

- 8.83 Four responses were received from prescribed bodies on the aviation Chapter of the PEI (Chapter 13, Volume 2⁴¹), including the Civil Aviation Authority (CAA), the Defence Infrastructure Organisation and two from NATS. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2m, Appendix 8.2**.
- 8.84 The Directorate of Airspace Policy, CAA noted that the relevant sections of the PEI had been reviewed from a civil aviation perspective and they were '*satisfied that all relevant areas have been investigated*'. They provided several specific comments on the aviation Chapter, notably that the views of helicopter operators to the mitigation proposed should be included and that further discussions will be required on aviation warning lighting once a scheme has been proposed for review.
- 8.85 Two responses were received from NATS. NATS En-Route Limited (NERL) determined that TKOWF will have an impact on their electronic infrastructure and observations given that it will be detected by two NERL radars; Cromer and Claxby primary surveillance radar systems.
- 8.86 The first response noted that a planning condition has already been agreed between the Greater Wash wind farm developers, the Department of Energy and Climate Change (DECC) and the CAA to mitigate this impact so that the Greater Wash wind farms do not affect the provision of a safe and efficient en-route air traffic control service.
- 8.87 The complete mitigation scheme includes modifications to both Cromer and Claxby radar services, airspace changes and the repositioning of Helicopter Main Routes in the vicinity of TKOWF and other proposed developments in the area.
- 8.88 The first response from NATS also provided a number of specific comments on the PEI aviation Chapter, including:
- i) A note that the mitigation measures proposed are consistent with the agreed approach. However, it was considered that it should be made clear that the mitigation is dependent on the successful outcome of the Airspace Change Proposals (ACP) to redefine the airspace in the region. Without assurance that the ACP will be successful, a risk remains that the aviation issues cannot be mitigated.
 - ii) The PEI notes a date of September 2011 for the completion of the ACP; NATS advised that this is now predicted to be February 2012.
 - iii) NATS noted that the Chapter refers to the Greater Wash Regional Solution Feasibility and Options Study Final Report (October 2010) and

⁴¹ Now Chapter 13, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

recommended that this is included in the supporting Annex to the Aviation Chapter.

- iv) Reference is made in the PEI to a 2 nautical mile (nm) obstacle clearance from HMR. However, NATS requires 5nm to provide a deconfliction service. However, it was highlighted that HMR6 is to be realigned to provide the 5 nm clearance (as documented in the Greater Wash Regional Solution Study).

- 8.89 The second response noted that, subject to the imposition of the condition summarised above, NERL are prepared to conditionally withdraw their objection to TKOWF. They noted that in the event that the condition is not accepted, NERL would expect the IPC to notify NERL and the CAA of that fact.
- 8.90 The Defence Infrastructure Organisation provided a scoping opinion on the project as a response to section 42 consultation. This was therefore a high-level response noting general safeguarding concerns of the Ministry of Defence (MoD) with respect to the development of wind turbines and their potential to create a physical obstruction to air traffic movements and cause interference to air traffic control and air defence radar installations. The detail of this scoping opinion is set out in **Table A8.2m, Appendix 8.2**.
- 8.91 A detailed record of how the Applicant has had regard to comments on aviation is set out in **Table A8.2m, Appendix 8.2**. The majority of the comments have resulted in amendments to the project, as summarised below:
- i) Amendments have been made to the PEI aviation Chapter, as documented in the final ES aviation Chapter. These include:
 - Views of helicopter operators to the mitigation measures proposed have been summarised in Table 13.1 of Chapter 13, Volume 2 of the ES in light of the comments provided by the CAA.
 - Clarifications have been made to paragraphs 13.55-13.58 of ES Chapter 13, Volume 2 regarding the dependence of mitigation measures on the successful outcome of ACP in response to NATS' comments.
 - ES Chapter 13 has been updated in light of NATS' predicted date for the completion of the ACP (for example, in paragraphs 13.44 and 13.56).
 - References to obstacle clearance distances and current advice in CAP 764 (CAA, 2011) is further explained in paragraphs 13.35-13.36 of ES Chapter 13.
 - The Greater Wash Regional Solution Feasibility and Options Study Final Report (October 2010) has been included in ES Annex n, Volume 3.
 - Further explanatory text has been included in ES Chapter 13 (paragraphs 13.53-13.57) to specifically document the impacts on aviation raised in NATS' responses.
 - ii) The condition noted by NATS as part of the regional solution approach had been incorporated through requirement 17 of the DCO (document reference 03/01).
 - iii) A reply (dated 30 June 2011) was sent to the Defence Infrastructure Organisation noting that the scoping stage of the project was completed in 2010 and that the project had entered its formal pre-application consultation

under sections 42, 47 and 48 of the 2008 Act. The consultation that had been undertaken with the MoD to date was summarised in the response in addition to the regional solution that had been agreed between the Greater Wash developers, the MoD, DECC, the CAA and the Crown Estate.

Socio-Economics

- 8.92 NHS Lincolnshire was the only prescribed body (excluding parish councils) to refer to the potential socio-economic impacts of TKOWF (PEI Chapter 14, Volume 2⁴²). A summary of their comments is provided below and a detailed record of their observations is included in **Table A8.2n, Appendix 8.2**.
- 8.93 NHS Lincolnshire noted that no suggestion was included within the consultation documents that tourism would suffer as a result of the proposed development, given that the visual impacts of TKOWF would be minimal. However, the response raised concern that the east coast of Lincolnshire would gain little from this project given that construction and maintenance work would be likely to take place in Hull, Grimsby and Killingholme.
- 8.94 A detailed record of how the Applicant has had regard to comments on socio-economics is set out in **Table A8.2n, Appendix 8.2**. In general, comments raised in relation to this topic have not resulted in material changes to the project, as justified below:
- i) The potential impact of TKOWF on seascape and the visual environment has been addressed in detail in ES Chapter 9, Volume 2. Given that no significant impacts were identified on the visual environment from the coast, the potential visual impacts on tourism were scoped out of further assessment in the socio-economic study. This is documented in ES Chapter 14, paragraphs 14.8 and 14.158-14.159.
 - ii) The socio-economic study indicates that positive economic impacts of TKOWF would be felt closest to the foci of economic activity associated with the construction and operation of the offshore wind farm, such as the selected port. Whilst the port has not been confirmed at this stage, it is likely to be located in the Humber region.

The Combined Impact Assessment

- 8.95 The JNCC was the only prescribed body to provide comments on the combined impact assessment Chapter of the PEI (Chapter 15, Volume 2). A summary of the comments received is set out below and a detailed record of their observations on this topic is included in **Table A8.2o, Appendix 8.2**.
- 8.96 The JNCC noted that *'the presentation of inter-related impacts within a single table for each receptor is a useful format for presenting the interacting impacts in a clear and concise manner'*. However, they also included specific comments on how the Chapter could be improved. In particular, they noted that the methodology used to combine each impact into one overall metric should be more clearly described; that impacts should be quantified where possible; that the assessment should seek to consider the inter-relating impacts on receptors

⁴² Now Chapter 14, Volume 2 of the ES (document 05/01), as amended in response to formal consultation.

rather than just summarise the impact outputs from each specific chapter; and that indirect impacts on sandbank features should be considered.

- 8.97 In addition, the JNCC noted that the worst-case scenario may vary for different impacts on the same receptor. For example, for benthic habitats, monopiles represent the worst case scenario for foundation type in relation to increased suspended sediment whereas gravity-based foundations are the worst case in terms of loss of habitat. The JNCC therefore recommended that significance values are included over a range of design permutations for each receptor.
- 8.98 A detailed record of how the Applicant has had regard to comments on the combined impact assessment is set out in **Table A8.2o**, **Appendix 8.2**. In summary, all of the comments have resulted in amendments to the PEI Chapter, as documented in the final ES Chapter. These amendments include:
- i) Clarification has been added to the Chapter to demonstrate how inter-related impacts were determined (for example, in paragraph 15.6 of ES Chapter 15, Volume 2) and quantification has been included in the Chapter where appropriate.
 - ii) Indirect impacts on sandbank features have been included in ES Table 15.3 (in ES Chapter 15, Volume 2).
 - iii) Clarification has been added to paragraph 15.6 (iv) in relation to the worst-case scenario. Whilst it is accepted that the approach adopted may be unrealistic in considering inter-related impacts (i.e. the different worst-case designs identified for each receptor group are combined in the inter-related assessment, whereas in reality only one design permutation can be built), given that the final design can only result in lesser overall impacts than those assessed, it is considered that the approach describes the extreme worst-case and should therefore provide comfort to consultees and decision-making authorities.

Comments on Topics not addressed within the Consultation Documents

- 8.99 Several of the prescribed bodies raised comments in relation to topics not covered within the consultation documents, including health and safety and traffic and transport. These topics are discussed in turn below.

Health and Safety

- 8.100 Four responses were received from prescribed bodies in relation to the health and safety aspects of the project; from NHS Lincolnshire, the HSE and two from National Grid. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.2p**, **Appendix 8.2**.
- 8.101 NHS Lincolnshire noted that they were '*satisfied that the proposed TKOWF poses no direct public health issues to the residents of the County generally and specifically in the coastal areas and towns which would play 'host'...to this development*'. Whilst they were unable to find information on expected noise impacts on land from the development, it was noted that this was not expected to be a problem given its distance from coastal communities.
- 8.102 However, NHS Lincolnshire remained unsure about possible disruption associated with the electrical system that would be required for TKOWF. They

requested further involvement in this aspect of the project in order to provide commentary on any wider health issues that may arise.

- 8.103 Two responses were received from National Grid⁴³. The first requested specific project details in order to carry out a standard assessment of TKOWF with respect to National Grid's operational gas and electricity apparatus. The second response included the results of this assessment, identifying National Grid Transmission assets within their area of enquiry (which included onshore assets to cover potential works associated with the electrical system that will be required to connect TKOWF to the national electricity network). Whilst guidance was provided in relation to safe working in the vicinity of these assets, this was only relevant to the electrical system component of the project rather than the offshore project which is the subject of this Application.
- 8.104 The HSE response provided comments in relation to the project's proximity to Major Accident Hazard Installations or Pipelines and licensed explosives sites. Similar to National Grid, the assessment was made in relation to the onshore works associated with the electrical system.
- 8.105 The HSE also provided the following advice as part of its consultation response:
- i) Advice was provided as to whether there would be a requirement for the promoter to apply for a Hazardous Substances Consent.
 - ii) The promoter should consider providing a summary of the design standards that will be specified at the wind turbine procurement stage.
 - iii) Given that the project may involve connections to the electrical power distribution systems or have an impact on existing generation, transmission and distribution assets, the Applicant will need to satisfy general UK health and safety legislation in addition to the Electrical Safety, Quality and Continuity Regulations 2002, as amended.
 - iv) The promoter should be aware of nearby pipelines, establish contact with their operators, establish safe external load limits of the pipelines and position turbines at a suitable distance from pipeline routes.
- 8.106 A record of how the comments on health and safety have influenced the development of TKOWF is set out in **Table A8.2p, Appendix 8.2**. This is summarised below.
- 8.107 The general advice from the HSE has been noted and will be taken forward as follows:
- i) The types and quantities of any listed substances requiring hazardous substances consent that the Applicant intends to store or use for TKOWF will be reviewed and applied for where necessary.
 - ii) Design standards for wind turbines and adherence to relevant health and safety legislation will be agreed at the detailed design stage, if development consent for the project is awarded.
 - iii) Discussions have been held with owners and operators of pipelines that are located in or near to the offshore wind farm site. Mitigation measures that

⁴³ In addition to a third response which noted 'no comments' (see paragraph 8.11(i)).

have been agreed with owners and operators are set out in ES Chapter 12, Volume 2 as appropriate. Consultation has been held with these stakeholders under section 47 of the 2008 Act (as described in Chapter 6 of this Report); a summary of their responses is set out within paragraphs 9.60-9.80 of this Report. Further dialogue has been held with the owners and operators following formal consultation (as summarised in Chapter 11 of this Report) and will continue during the detailed design stages of the project.

- 8.108 A range of issues, including noise impacts, was considered during the EIA. Given the distance of the site from the nearest coastline together with background noise (such as wind and waves at the coast), it is considered that there would be no significant noise impacts from either the construction or operation of the wind farm. There may be some additional noise resulting from activities mediated at the local port but these should be considered against the prevailing noise from such an industrialised area. Therefore, no significant noise issues are envisaged.
- 8.109 Each of the prescribed bodies that raised comments on health and safety referred to potential impacts from the electrical system that would be required to connect TKOWF to the national electricity network. The electrical infrastructure is not part of the current Application for development consent and therefore was not the subject of formal consultation. A separate application will be prepared for this component of the project which will include separate consultation. The reasons for the separation of the project into two applications is set out in ES Chapter 1, Volume 1 and in the consultation newsletter (**Appendix 6.19**).
- 8.110 It is therefore considered that comments included on the electrical infrastructure lie outwith this Application for development consent. However, the following regard has been had to the responses in developing the project:
- i) An update newsletter was provided to all consultees (including those that had been invited to comment on the project and those from whom responses had been received) documenting the onshore connection location for TKOWF and introducing how the electrical system elements of the project will be developed. This was distributed in January 2012 following receipt of a formal offer for a connection location from National Grid. A copy of this newsletter is provided in **Appendix 6.32**.
 - ii) A Cable Statement has been included as an Application document (document reference 07/01) as explained in paragraph 8.26(ii) above.
 - iii) Additional information is provided in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).

Traffic and Transport

- 8.111 Two prescribed bodies, NHS Lincolnshire and the Highways Agency⁴⁴, included comments on traffic and transport within their responses. A summary of the

⁴⁴ The response from the Highways Agency was received after the response deadline of 12 July 2011.

points raised is set out below and a detailed record of their observations on this topic is included in **Table A8.2q, Appendix 8.2**.

- 8.112 The Highways Agency recorded that the proposed development is located some distance from the Strategic Road Network and as such is unlikely to have a material impact on traffic and transport once it is operational. However, it raised a potential impact in relation to the construction phase of the project during which the road network could be used to transfer materials to constructions sites (both onshore and offshore).
- 8.113 NHS Lincolnshire noted that traffic, congestion and possible road-traffic accidents should be mitigated by the principle onshore components of the project being sited in the Humber Estuary area.
- 8.114 A record of how the Applicant has had regard to comments on traffic and transport is set out in **Table A8.2q, Appendix 8.2**. In summary, the Applicant does not consider traffic and transport to be a significant issue for TKOWF for the reasons listed below:
- i) All major components of the offshore wind farm would be delivered by sea, either directly to the TKOWF site or by sea to a local port for transshipment to the site (stated in ES Chapter 6, Volume 1), limiting the use of the Strategic Road Network.
 - ii) The onshore focus of the offshore works is likely to be at a port location on the Humber. Traffic accessing that port would be likely to use main arterial routes that are capable of absorbing the limited volume of HGV traffic associated with the construction of TKOWF.
- 8.115 Therefore, replies were sent to NHS Lincolnshire and the Highways Agency outlining the position of the Applicant on transport-related issues. In response to NHS Lincolnshire, it was noted that the location of onshore components for the electrical system components of the project had yet to be determined. It was confirmed that these components and the associated traffic impacts would be subject to a separate assessment.

Benefits Associated with the Project

- 8.116 One prescribed body identified benefits associated with the project, as detailed in **Table A8.2r, Appendix 8.2**. Lincolnshire Partnership NHS Foundation Trust noted that they supported the proposed development as a low carbon and renewable source of energy for the UK.
- 8.117 Regard has been given to this comment in finalising the Application documents for TKOWF, as detailed in **Table A8.2r, Appendix 8.2**. In summary, background to climate change and renewable energy and the contribution of the project towards renewable energy targets has been included in Chapter 2, Volume 1 of the ES on The need for offshore wind.

Responses from Local Authorities

- 8.118 14 responses were received from local authorities to the section 42 consultation. All of these were received by the Applicant before the deadline of 12 July 2011. A full list of the local authority responses, including a brief note on their areas of interest, is included in **Appendix 8.1**.
- 8.119 The local authority responses are set out in detail and categorised in response tables **A8.3a-A8.3k** in **Appendix 8.3**. The categories of the tables are listed in **Box 8.3**. Each of the tables in **Appendix 8.3** sets out the key elements of the response, the local authority that it has been received from and the regard that has been had to the response in developing TKOWF. Where a response contains comments relevant to more than one category (as listed in **Box 8.2**), the response has been separated across the relevant tables and cross-references have been included to aid finding responses by consultee.

Box 8.3 Structure of the response tables (presented in Appendix 8.3) setting out the detail of the responses from local authorities

Table A8.3a	General comments on TKOWF
Table A8.3b	Commercial fisheries
Table A8.3c	Seascapes and visual impact assessment
Table A8.3d	Potential ecological impacts of TKOWF
Table A8.3e	Traffic and transport (not covered within PEI)
Table A8.3f	Cumulative impacts of wind farms off Lincolnshire/Norfolk coasts
Table A8.3g	Benefits of TKOWF
Table A8.3h	Information provided on the electrical system
Table A8.3i	Comment on the electrical system for TKOWF
Table A8.3j	Other responses
Table A8.3k	No comment

Summary of Responses from Local Authorities

- 8.120 Five of the local authorities stated that they had ‘no comments’ or ‘no observations’ to submit at this stage. The responses from these authorities are detailed in **Table A8.3k**, **Appendix 8.3** and include Melton Borough Council, Boston Borough Council, the Borough Council of King’s Lynn and West Norfolk, East Riding of Yorkshire Council and Cambridgeshire County Council.
- 8.121 One response was received requesting an extension to the consultation period in order that the matter be presented to a planning committee at the end of July 2011. This response is detailed in **Table A8.3j**, **Appendix 8.3** and was received from North East Lincolnshire Council. A response was provided to the Council from the Applicant noting that the formal consultation period could not be extended beyond the deadline set out in the consultation documents. It was advised that for the Applicant to be able to take account of their comments as a ‘relevant response’ to the consultation, the Council would need to provide their response by 12 July 2011. A response to section 42 consultation was received from North East Lincolnshire Council on 12 July 2011.

- 8.122 Approximately two-thirds (nine in total) of local authorities that formally commented on TKOWF included detailed responses on the project and the consultation documents. The detailed comments can be considered to fall within three main categories; specific comments on the technical content of the consultation documents; benefits associated with the project; and the information provided on and specific comments made in relation to the electrical system that will be required for the project. Each of these categories are explored separately below together with an account of how specific comments have influenced the development of the project and the finalisation of the Application.
- 8.123 In addition, two local authorities, East Lindsey District Council and Lincolnshire County Council, provided general comments on the project. A record of these comments is provided in **Table A8.3a, Appendix 8.3**. The general comments provided by East Lindsey District Council, mainly in relation to potential impacts of TKOWF, are considered under the heading '*Seascape and visual impact assessment*' below (paragraphs 8.129-131) and Lincolnshire County Council commented that they supported the principle of developing offshore rather than onshore wind farms.
- 8.124 A record of how the Applicant has had regard to these general comments is presented in **Table A8.3a, Appendix 8.3**. In response to the comments provided by Lincolnshire County Council, Chapter 2, Volume 1 of the ES sets out the role of renewable energy, including the contribution of TKOWF, in contributing to Government targets and legislation on climate change. The regard that has been had to the general comments provided by East Lindsey District Council is summarised below under the heading '*Seascape and visual impact assessment*' (paragraphs 8.129-131).

Comments on the Technical Content of the Consultation Documents

- 8.125 The local authorities limited their comment on the technical content of the consultation documents to five main topics. These are listed in **Table 8.4** along with a list of the local authorities that responded on these topics. Each of the topics are discussed in turn below.

Table 8.4. Technical topics on which local authorities provided comments

Technical topic	Authorities which provided comments
Fisheries	Norfolk County Council and North Norfolk District Council
Seascapes and visual impact assessment	East Lindsey District Council, Norfolk County Council and Lincolnshire County Council
Potential ecological impacts	Nottinghamshire County Council and Norfolk County Council
Traffic and transport	Norfolk County Council
Cumulative impacts of TKOWF with other onshore and offshore wind farms	City of Lincoln Council and Lincolnshire County Council

Fisheries

8.126 Comments provided on commercial fisheries were restricted to Norfolk-based local authorities; Norfolk County Council and North Norfolk District Council. The former noted that the proposed project could have ‘*a serious impact on commercial fishing, particularly on those communities along the north Norfolk coast*’ and suggested that the final application include suitable measures for mitigation and compensation. North Norfolk District Council raised concerns about the overall scale and density of wind energy developments off the east coast on the fishing industry as voiced by local fishermen. Further details on the comments provided on commercial fisheries are set out in **Table A8.3b**, **Appendix 8.3**.

8.127 A record of how the Applicant has had regard to local authority comments on fisheries is presented in **Table A8.3b**, **Appendix 8.3**. In summary, full regard has been had to these comments in progressing the project and finalising the Application documents for TKOWF. For example:

- i) Chapter 8, Volume 2 and Annex I, Volume 3 of the ES sets out the potential impacts of TKOWF on commercial fisheries. As suggested by Norfolk County Council, measures to mitigate the potential impacts of the project on the fishing sector are set out in paragraphs 8.131-8.134 of ES Chapter 8. It is considered however that any agreements for mitigation that are made between TKOWFL and individual fishermen will remain confidential with those to whom they apply. Further discussions have been carried out following formal consultation and prior to submission of the Application to the IPC with those fishermen considered most likely to be affected by TKOWF⁴⁵ (as summarised in Chapter 11 of this Consultation Report). This will be continued as the project progresses.
- ii) To address the concerns raised by local fishermen, the project has undertaken full engagement with the fishing sector since 2008. This is documented in Annex I, Volume 3 of the ES and has been important in informing the assessment set out in the ES. It is the intention of the Applicant to continue this level of engagement to minimise disruption to the fishing sector should consent be awarded for TKOWF. Chapter 8 of the ES concludes that the number of fishermen affected by the project is limited to around eight; the effects on the wider regional industry are not considered to be significant. Any additional effects arising from the development of the offshore export cables would be considered in addition as part of the development of the electrical connection works.

8.128 In addition, it is noted that the MMO considered that the impacts on commercial fisheries appear to have been well considered (as summarised in paragraph 8.43 of this Report).

Seascape and Visual Impact Assessment

8.129 With regard to seascape and visual impact assessment, it can be concluded that the local authorities that provided comment on this topic considered there to be minimal visual impact on the Lincolnshire and Norfolk coasts. A summary

⁴⁵ As identified through the consultation carried out with fishermen documented in Annex I, Volume 3 of the ES.

of their comments is provided below and a detailed record of their observations on this topic is set out in **Tables A8.3a** and **A8.3c, Appendix 8.3**.

- 8.130 East Lindsey District Council noted that *'the impacts on the East Lindsey coastline are not significant in terms of visual impact given the distance involved'* and Norfolk County Council considered that the proposal *'is highly unlikely to have any demonstrable visual impact on the designated Norfolk coastline'*. Lincolnshire County Council stated its preference for wind turbines of a height that would create the smallest 'over the horizon' profile from the Lincolnshire coast.
- 8.131 A record of how the Applicant has had regard to local authority comments on visual impacts is presented in **Tables A8.3a** and **A8.3c, Appendix 8.3**. In summary, further regard has not been given to their comments for the reasons set out below:
- i) Comments on the impacts of the project on the visual environment were considered to be consistent with the conclusions of the PEI, in particular those set out in Chapter 9, Volume 2 on seascape and visual impact assessment. These conclusions have been carried forward to the relevant sections of the ES.
 - ii) A range of turbine sizes was included in the consultation documents and has been carried forward to the ES. Given the anticipated future changes in the design and availability of turbines and associated components, it is not feasible to predict what the optimum design solution would be for TKOWF at the time of submitting the Application. Further justification to the range of dimensions for the turbines and other components of the offshore wind farm is provided in Chapter 6, Volume 1 of the ES, Project Description. In addition, ES Chapter 9, Volume 2 concludes that there will be no significant effects of TKOWF on seascape and visual environment from the coast irrespective of the turbines selected for the site.

Potential Ecological Impacts

- 8.132 Nottinghamshire and Norfolk County Councils included comments on potential ecological impacts in their responses to the section 42 consultation. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.3d, Appendix 8.3**.
- 8.133 Nottinghamshire County Council raised the potential for indirect impacts from vehicular emissions caused by construction traffic being routed through the county, especially in relation to European Designated sites. Norfolk County Council noted that impacts on birds and marine ecology would be addressed by organisations such as the MMO and the Royal Society for the Protection of Birds (RSPB).
- 8.134 A record of how the Applicant has had regard to local authority comments on potential ecological impacts is presented in **Table A8.3d, Appendix 8.3**, and is summarised below:
- i) Chapter 6, Volume 1 of the ES on Project description notes that land-based construction traffic would be minimal for TKOWF as the majority of materials and major components would be delivered by sea. Whilst the port has not been confirmed at this stage, it is likely to be located in the Humber region. Although the origin of land-based traffic is uncertain, road traffic accessing

the Humberside ports from the M1 would be more likely to use the M18 and M180 to the north. It is therefore considered that the impacts on designated sites as raised by Nottinghamshire County Council would be negligible and have therefore not been considered further in the ES.

- ii) Full consultation has been carried out with the relevant nature conservation bodies, including the MMO, JNCC and RSPB as follows:
- The comments raised by the prescribed bodies in relation to impacts on wildlife and nature conservation (i.e. the MMO and JNCC) and the regard that has been had to their comments are summarised in this Chapter of the Consultation Report (under the heading ‘Summary of responses from prescribed bodies’, paragraphs 8.35-8.73).
 - The comments raised by non-statutory consultees (i.e. RSPB and the Wildlife Trusts) and the regard that has been had to their comments are summarised in Chapter 9 of the Consultation Report (under the heading ‘Summary of responses from non-statutory organisations’, within paragraphs 9.89-9.119).
 - Informal consultations have been held with the relevant nature conservation bodies following formal consultation to discuss comments raised. This engagement is summarised in Chapter 11 of this Report.

Traffic and Transport

- 8.135 Only one local authority raised comments in relation to traffic and transport; Norfolk County Council. In their response, the Council raised no highways issues in relation to TKOWF (as detailed in **Table A8.3e, Appendix 8.3**). Given this comment and for the reasons set out in paragraph 8.114, no further regard has been had to this response.

Cumulative Impacts of TKOWF

- 8.136 With regard to the cumulative impacts of TKOWF in addition to other offshore and onshore wind farms, two local authorities provided comments that a better understanding of the cumulative impacts of the project should be developed. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A8.3f, Appendix 8.3**.
- 8.137 The City of Lincoln Council noted that given the significant offshore wind farm development either constructed or planned off the Lincolnshire and Norfolk coasts, cumulative impact assessments should be completed for TKOWF. It was suggested that this should not only include assessment of the physical impacts of the proposals but also the potential socio-economic impacts. Lincolnshire County Council further noted that the ES should consider the cumulative impacts of both onshore and offshore wind farms.
- 8.138 A detailed record of how the Applicant has had regard to local authority comments on cumulative impacts is presented in **Table A8.3f, Appendix 8.3**. In summary, full regard has been had to these comments in progressing the project and finalising the Application documents for TKOWF. For example:
- i) A cumulative assessment has been included within each relevant ES Chapter, including the socio-economic assessment. The cumulative assessments consider the interaction of impacts arising from the construction, operation and decommissioning of TKOWF with similar

impacts arising from other marine developments in the wider region including other offshore wind farm projects, marine aggregate extraction, port and harbour dredging, oil and gas infrastructure, commercial navigations and commercial fishing.

- ii) The potential cumulative impacts of onshore and offshore wind farms is considered to be relevant principally to the seascape and visual impact assessment Chapter. This Chapter therefore includes a cumulative impact assessment which considers the potential impacts of relevant wind farms on seascapes and visual effects in paragraphs 9.64-9.78 of the ES Chapter 9, Volume 2.

Comments on the Benefits of the Project

- 8.139 Four local authorities identified benefits associated with the project, as detailed in **Table A8.3g, Appendix 8.3**. The City of Lincoln Council noted the contribution that the project could make to renewable energy targets and Norfolk County Council referred to the amount of renewable energy that could be produced by TKOWF in terms of the number of homes that could be supplied with electricity. Hull City Council recorded its full support for the proposal which it considered to address priorities such as energy security, the carbon challenge and climate change and its contribution to supporting Hull's role in the offshore wind farm industry. Similarly, North East Lincolnshire noted its support for the proposed development given that it complies with national planning policies aimed at reducing dependence on fossil fuels, improving air quality and sustainability.
- 8.140 A record of how the Applicant has had regard to comments on the benefits of the project is presented in **Table A8.3g, Appendix 8.3**. In summary, full regard has been had to these comments in finalising the Application documents for TKOWF. For example:
- i) Background to Government policy and legislation on climate change and renewable energy and the contribution of the project towards renewable energy targets has been included in Chapter 2, Volume 1 of the ES on The need for offshore wind.
 - ii) Details on the contribution of TKOWF to economic development and employment opportunities are included in Chapter 14, Volume 2 of the ES in the Socio-economic assessment.

Comments on the Electrical Infrastructure

- 8.141 In total, five local authorities provided specific comments on the electrical system that would be required to connect TKOWF to the national electricity network. The electrical infrastructure is not part of this Application and therefore was not the subject of formal consultation. A separate application will be prepared for this component of the project which will include separate consultation.
- 8.142 Norfolk County Council provided detailed comments on the approach taken in separating the application for the offshore wind farm from that of the electrical infrastructure, as set out in **Table A8.3h, Appendix 8.3**. In summary, their response considered that the onshore grid connection requirements would be particularly critical for Norfolk as they could have a significant impact on landscape and nature conservation along a sensitive coastline and hinterland.

The Council concluded that the Applicant's approach of dealing with the project as two separate packages is contrary to advice set out in the National Policy Statement (NPS) for Energy (EN-1) which suggests that major energy proposals and related infrastructure should be contained in (a) a single application or (b) as two applications submitted in tandem.

8.143 Four local authorities provided specific comments in relation to the electrical infrastructure components of the project. These are summarised below and provided in detail in **Table A8.3i**, **Appendix 8.3**.

- i) East Lindsey District Council had very strong reservations about the likely negative impacts that a landfall, substation and possible pylons could bring to the district.
- ii) Hull City Council would be more interested in the onshore elements of the proposal as the offshore elements are remote from their administrative area.
- iii) Lincolnshire County Council strongly objected to the land fall of cables on the Lincolnshire Coast and associated development of a substation within the county, resulting in the introduction of industrial forms of development in a rural area contrary to its character.
- iv) North Norfolk District Council would like to have further engagement with the Applicant if it was proposed that the landfall and onshore infrastructure to service TKOWF were to be in North Norfolk.

8.144 It is considered that comments provided on the electrical infrastructure that will be required for TKOWF lie outwith this Application. However, the following regard has been had to the responses in developing the project:

- i) Full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02) and in paragraph 1.15-1.21 of ES Chapter 1, Volume 1. This justification notes that separating the offshore elements of the project from those of the electrical system infrastructure is in line with advice set out in NPSs. For example, NPS EN-1 recognises:
 - the possibility of an applicant for a generating station not having received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application (at paragraph 4.9.1); and
 - that it may not always be possible for applications for new generating stations and related infrastructure to be contained in a single application to the IPC or in separate applications considered in tandem (paragraph 4.9.2).
- ii) A number of amendments have been made to the Application documents and an update has been provided to all consultees as follows:
 - A Cable Statement has been included as an Application document (document reference 07/01) as explained in paragraph 8.26(ii) above.
 - Additional information is provided in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).

- An update newsletter was provided to all consultees (including those that had been invited to comment on the project and those from whom responses had been received) documenting the onshore connection location for TKOWF and introducing how the electrical system elements of the project will be developed. This was distributed in January 2012 following a formal offer of a connection point from National Grid. A copy of this newsletter is provided in **Appendix 6.32**.

Responses from Parish Councils

- 8.145 28 responses to the section 42 consultation were received from parish councils (out of 330 that were invited to comment). All of these were received by the Applicant before the deadline for responses of 12 July 2011 with the exception of three; Orby Parish Council (received on 13 July 2011), Saltfleetby Parish Council (received on 14 July) and Mumby Parish Council (received on 14 July 2011). A full list of the parish council responses, including a brief note on their areas of interest, is included in **Appendix 8.1**.
- 8.146 The responses from parish councils are set out in detail and categorised in response tables **A8.4a-A8.4j** in **Appendix 8.4**. The categories of the tables are listed in **Box 8.4**. Each of the tables in **Appendix 8.4** sets out the key elements of the response, the council that it has been received from and the regard that has been had to the response in developing TKOWF. The tables also highlight those responses received after the response deadline. Where a response contains comments relevant to more than one category (as listed in **Box 8.2**), the response has been separated across the relevant tables as appropriate and cross-references have been included to aid finding responses by consultee.

Box 8.4 Structure of the response tables (presented in Appendix 8.4) setting out the detail of the responses from parish councils

Table A8.4a	Potential ecological impacts of TKOWF
Table A8.4b	Potential impacts on fishing interests
Table A8.4c	Potential impacts on landscape and seascape
Table A8.4d	Potential impacts on tourism
Table A8.4e	Questions raised by parish councils
Table A8.4f	Requests for further engagement on the consultation
Table A8.4g	General comments on the project
Table A8.4h	Benefits of/support for TKOWF
Table A8.4i	No comment/no objection
Table A8.4j	Comment on the electrical system components of the project

Summary of Responses from Parish Councils

- 8.147 The majority of parish councils (24 in total) that formally commented on TKOWF included detailed responses on the project and the consultation documents. The remainder (four in total) either noted that they did not wish to be further consulted on the project, that they had nothing relevant to offer on the proposals or that they had 'no objection' to TKOWF. The responses from

these councils are detailed in **Table A8.4i, Appendix 8.4** and include Stanhoe Parish Council, Irby upon Humber Parish Council, Wrawby Parish Council and Mundesley-on-Sea Parish Council.

- 8.148 The detailed comments provided by the 24 parish councils can be considered to fall within four main categories; specific comments on the technical content of the consultation documents; questions or requests for further engagement; benefits and support associated with the project; and specific comments made in relation to the electrical system that will be required for the project. These four categories are explored in more detail below and an account is made as to how specific comments have influenced the development of the project and the finalisation of the Application.
- 8.149 It should be noted that many of the parish council responses provide comment on more than one of the four categories. The range of issues covered by an individual parish council is summarised in **Appendix 8.1** and in the cross-references provided in the responses tables in **Appendix 8.4**.

Comments on the Technical Content of the Consultation Documents

- 8.150 The parish councils limited their comment on the technical aspects of the consultation documents to four main topics; fisheries, seascape and visual impact assessment, potential ecological impacts and tourism. Each of these topics are discussed in turn below.

Potential Ecological Impacts

- 8.151 Only one parish council raised comments in relation to potential ecological impacts of TKOWF; Friskney Parish Council. This council noted concern ‘*for marine life which is found along the whole of the East coast*’. The detail of this comment and references to other comments made by Friskney Parish Council are provided in **Table A8.4a, Appendix 8.4**.
- 8.152 Regard has been had to the comments on marine life as raised by Friskney Parish Council through specific chapters within the ES. For example, Chapter 3, Volume 2 of the ES considers benthic ecology, Chapter 4 addresses fish and shellfish, Chapter 5 details marine mammals, Chapter 6 covers ornithology and Chapter 7 addresses nature conservation sites. These Chapters describe the baseline conditions of the TKOWF site and surrounding area, set out the potential impacts of the project on ecological receptors and conclude by detailing mitigation measures to minimise potential impacts on the receptors.

Fisheries

- 8.153 The most frequently raised technical topic by parish councils was in relation to the potential impacts of TKOWF on fishing. Three parish councils raised this concern within their responses; the parish councils of Brancaster, Wood Norton and Friskney. A detailed record of their observations on this topic is set out in **Table A8.4b, Appendix 8.4**.
- 8.154 In summary, their comments raised both general concerns on the potential impacts of the proposed development on fishing in addition to specific concerns such as the potential detrimental effect on the north Norfolk coast’s fishing industry and the potential impacts of a fishing exclusion zone for TKOWF in addition to exclusion zones currently in operation for existing offshore wind farms.

8.155 A detailed record of how the Applicant has had regard to these comments in progressing the project and finalising the Application documents is presented in **Table A8.4b, Appendix 8.4**. This can be summarised as follows:

- i) Chapter 8, Volume 2 and Annex I, Volume 3 of the ES sets out the potential impacts of TKOWF on commercial fisheries. Measures to mitigate the potential impacts of the project on the fishing industry are set out in paragraphs 8.131-8.134 of ES Chapter 8.
- ii) Account has been taken of specific concerns raised by local fishermen. Full engagement has been undertaken with the industry since 2008. This is documented in Annex I, Volume 3 of the ES and has been important in informing the assessment set out in the ES. It is the intention of the Applicant to continue this level of engagement to minimise disruption to the fishing sector should consent be awarded for TKOWF. Chapter 8 of the ES concludes that the number of fishermen affected by the project is limited to around eight; the effects on the wider regional industry are not considered to be significant. Any additional effects arising from the development of the offshore export cables would be considered in addition as part of the development of the electrical connection works.
- iii) Chapter 10, Volume 2 of the ES on Shipping and navigation discusses the establishment of safety zones during construction and operation of the offshore wind farm. This Chapter notes that during construction, safety zones extending to up to 500 m from the installation work area would be established. Mariners would be informed that works are in progress through charted information and Notice to Mariners. However, taking into account feedback from non-statutory consultation carried out on the project, there would be no intention to exclude vessels from the project area during the operational phase of TKOWF with the possible exception of a 50 m safety zone around each of the installed wind farm structures.

Seascape and Visual Impact Assessment

8.156 With regard to seascape and visual impact assessment, three responses from parish councils included references to the potential visual effects of the project. Wood Norton Parish Council objected to TKOWF on environmental grounds and cited seascape as being important to them which '*needs protecting*'. Welton le Marsh Parish Council commented that they do not object to the project '*but only if the turbines are not visible from land such as the beaches of Mablethorpe and Skegness and do not affect far reaching views from the Wolds*'. In addition, Orby Parish Council noted concern for the cumulative impact of turbines, onshore or offshore, which can be seen inland, from the seashore and from the coastal strip. **Table A8.4c, Appendix 8.4** provides a detailed record of their observations on seascape and the visual impact assessment.

8.157 It is considered that regard has been had to comments raised by parish councils on seascape through Chapter 9, Volume 2 and Annex J, Volume 3 of the ES. These Chapters consider the potential impacts of the project on the existing landscape, seascape and visual environment. The regard can be summarised as follows:

- i) A number of photomontages and wireframes are presented in these Chapters to indicate what the wind farm might look like from a number of

viewpoints along the east coast, including three along the Lincolnshire coast at Donna Nook, Mablethorpe Beach and Chapel St Leonards. With regard to the viewpoint from Mablethorpe Beach, the ES concludes that the offshore wind farm could potentially be discernible as a very small collective horizon element within an open expansive view. As such, it was concluded that the proposed development would not have a significant visual effect from the coastline, including from Lincolnshire.

- ii) A wireframe was produced from the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) (presented in Appendix 2 of Annex j, Volume 3 of the ES). Using the wireframe, it was noted that the turbines would be barely visible above the horizon due to the curvature of the earth and the distance involved. The Lincolnshire Wolds lie over 45 kilometres from the proposed development at its nearest point. Again, it was concluded in the ES that the proposed development would not have a significant visual effect on the Wolds.
- iii) The potential cumulative impacts of onshore and offshore wind farms are considered in the seascape and visual impact assessment Chapter of the ES in paragraphs 9.64-9.78 of ES Chapter 9, Volume 2.

Potential Impacts on Tourism

8.158 With regard to the potential impacts of TKOWF on socio-economics, two parish councils made reference to tourism. Mumby Parish Council⁴⁶ noted that the *'Council is opposed to any construction of this kind within an area designed to attract tourism to its natural beauty and facilities'*. In addition, Brancaster Parish Council, in making its comments on fishing (described above) referred to the fact that the fishing industry is important to local people and the tourist trade. Further details on the comments provided on tourism are set out in detail in **Tables A8.4b** and **A8.4d, Appendix 8.4**.

8.159 Regard has been had to these comments in progressing the project and finalising the Application documents for TKOWF. ES Chapter 14, Volume 2 includes a section on recreation and tourism within the socio-economic assessment. This Chapter identifies the potential impacts of the offshore wind farm on tourism during the construction, operation and decommissioning phases and concludes in paragraphs 14.95-14.97 and 14.112-14.117 that:

- i) During construction and decommissioning, although there would be some temporary visual effects from land and sea based receptors due to increased vessels activity, the effects on marine recreation are assessed to be of a temporary nature of minor significance.
- ii) Effects on marine recreation and angling during the operational phase would be limited and visual effects would be negligible for coastal recreational users. The Chapter notes that whilst there would be some visual effects for recreational sailors, this would be temporary due to the transient nature of the effect and would not be significant on the recreational activities themselves.

⁴⁶ The response from Mumby Parish Council was received after the consultation deadline.

Questions Raised, Requests for Further Engagement and General Comments on the Project

- 8.160 Three parish councils asked specific questions in relation to the consultation material provided. Elsham Parish Council asked for the location of the connection point to land and the potential implications to navigation and shipping. Old Hunstanton and Brancaster Parish Councils questioned what the arrangements would be for the cabling that would be required for the project. Details on the questions raised by parish councils are documented in **Tables A8.4e and A8.4j, Appendix 8.4.**
- 8.161 Regard was had to these questions by providing full responses to the relevant parish councils as summarised below:
- i) A detailed update on the electrical system was provided to the parish councils. This included the background which led the Applicant to separate the offshore wind farm from the electrical connection. In addition, the parish councils were provided with an update newsletter documenting the onshore connection location for TKOWF. This newsletter was distributed to all consultees (including those that had been invited to comment on the project and those from whom responses had been received) in January 2012 following the provision of a formal offer of a connection point from National Grid. A copy of this newsletter is provided in **Appendix 6.32.**
 - ii) The response to Elsham Parish Council also included references to the potential impacts of the project to shipping and navigation. The key conclusions of the technical assessments for these topics were included in the response.
- 8.162 Two additional parish councils requested further engagement on the consultation. Mablethorpe and Sutton Town Council requested a formal briefing and presentation to councillors during the Mablethorpe public exhibition and offered space in their newsletter for the Applicant to explain the proposal, the consultation process and to provide contact details for further information. Cromer Town Council invited the project team to present the application to the Council. Further details on these requests for further engagement are set out in **Table A8.4f, Appendix 8.4.**
- 8.163 To address these requests, Councillors from Mablethorpe and Sutton Town Council were invited to attend a briefing at Mablethorpe Library and Community Access Point between 1pm and 2pm on Thursday 23 June 2011, prior to the Mablethorpe public exhibition. Councillors attended this session and were talked through the information that was made available. In addition, text for the Town Council's newsletter was sent on 22 June 2011 to be published in their July edition. This introduced the project, the consultation that was being carried out, where more information was available to view and contact details for the developer.
- 8.164 The dates suggested for the presentation to Cromer Town Council were not possible for the project team. However, councillors had been individually invited to attend a briefing session on the project before the start of the Wells-next-the-Sea public exhibition. Information presented at those briefings was subsequently provided to Cromer Town Council in the event that they were not able to attend the briefing.

- 8.165 One parish council, Wood Norton Parish Council, raised a general comment on the project (**Table A8.4g, Appendix 8.4**). They noted that the electricity produced by the project may be going to Germany, that the turbines are inefficient and a '*waste of public money*'.
- 8.166 The regard that the Applicant has had to this response is recorded in **Table A8.4g, Appendix 8.4**. In summary, the Applicant responded to the parish council confirming that the electricity generated from TKOWF would be transmitted to the National Grid. However, further consideration has not been given to issues raised in relation to the efficiency of wind turbines or their finances. This is because there is a clear demonstrated need for the proposed application as set out in National Policy Statements (NPSs). For example, Part 3 of the Overarching NPS for Energy (EN-1) describes the need for new nationally significant energy infrastructure projects such as TKOWF. This policy makes it clear that the UK needs a mix of all types of energy infrastructure to achieve energy security at the same time as dramatically reducing greenhouse gas emissions (paragraph 3.1.1 of EN-1). NPS EN-1 further notes that the IPC should assess all applications for development consent for the types of infrastructure covered by the energy NPSs (including offshore wind farms) on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that this need is urgent (paragraph 3.1.3 of EN-1).
- 8.167 In addition, section 2.6 of the NPS for Renewable Energy Infrastructure (EN-3) provides policy specific to offshore wind. The policy states that '*offshore wind farms are expected to make up a significant proportion of the UK's renewable energy generating capacity up to 2020 and towards 2050*'. The policy context of NPSs with respect to TKOWF is summarised in paragraphs 2.17-2.23 of Chapter 2, Volume 1 of the ES as well as elsewhere in the ES where relevant.

Benefits of and Support for TKOWF

- 8.168 Four parish councils expressed support or identified benefits associated with the project. These are summarised below and provided in detail in **Table A8.4h, Appendix 8.4**.
- i) The Parish Council of Swanland considered that renewable energy sources need to be developed and that provision needs to be made as soon as possible.
 - ii) The response from Sigglesthorne Parish Council noted that the councillors were unanimously in favour of the project. Their response also raised comments in relation to the electrical infrastructure for the project (summarised in paragraph 8.171(iii)).
 - iii) Burgh le Marsh Town Council completed and returned a feedback form. This form recorded broad support for renewable energy, offshore wind power and TKOWF. There were no specific visual, environmental or human impacts raised by the Town Council.
 - iv) Friskney Parish Council noted that offshore wind farms are preferred to onshore wind farms as they have less impact on the environment, noise levels and agricultural land. Their response also raised comments in relation to ecology and fishing (summarised above in paragraphs 8.151 and 8.153-8.154 respectively).

8.169 The positive feedback provided on the project was welcomed by the Applicant. There was limited regard that could be had to these comments as they were general in nature. However, in relation to the support for renewable energy, background to Government policy on climate change and renewable energy and the contribution of the project towards renewable energy targets has been included in ES Chapter 2, Volume 1 on the need for offshore wind.

Comments on the Electrical Infrastructure

8.170 Just under two thirds of the parish councils (17 in total) that responded to the consultation included comments on the electrical system that would be required to connect TKOWF to the national electricity network. The electrical infrastructure is not part of the current Application and therefore was not the subject of formal consultation. A separate application will be prepared for this component of the project which will include separate consultation.

8.171 The comments received on the electrical infrastructure are provided in detail in **Table A8.4j, Appendix 8.4** and are summarised below:

- i) Of those parish councils that provided comments on the electrical system, six noted that they felt unable to comment fully on the offshore wind farm or decided to withhold comments until additional details are provided on the substation and proposed cable route. These included the parish councils of Huttoft, Halton Holegate, Brinton, Gunthorpe, Welton le Marsh and Blakeney.
- ii) Orby Parish Council⁴⁷ considered the Application to be incomplete and that it should be seen as a whole including the cabling. Saltfleetby Parish Council⁴⁸ raised concern with the separation of the Application and felt that it should be considered as a single Application and North Somercotes Parish Council objected to the separation of the offshore wind farm from the electrical system.
- iii) Whilst Sigglethorpe Parish Council noted that its '*councillors were unanimously in favour of the proposal*' (see above under the heading *Benefits of and support for TKOWF* in paragraph 8.168(ii)), their response also commented that it was curious that the Application had been separated and questioned the level of influence that consultees would have on the onshore components if the offshore wind farm secured consent.
- iv) Three parish councils recorded their strong opposition to the potential use of pylons on land in Lincolnshire, with particular reference being made to the Lincolnshire Wolds. These parish councils comprised Skidbrooke with Saltfleet Haven, Theddlethorpe and South Somercotes.
- v) North Somercotes commented that they were keen to ensure that existing pylons are used and that the Applicant doesn't '*plan to destroy the fabric of our landscape with numerous new pylons and installations*'. In addition, Orby Parish Council noted that any attempt to bring a substation with overhead cables and pylons would be unacceptable as it would industrialise an agricultural county and area of outstanding natural beauty frequented by

⁴⁷ The response from Orby Parish Council was received after the deadline for responses.

⁴⁸ The response from Saltfleetby Parish Council was received after the deadline for responses.

tourists and blight the lives of residents. Anderby Parish Council objected to any infrastructure which would impact on Lincolnshire, either onshore or offshore and for that reason objected to TKOWF.

- vi) The Parish Councils of Elsham, Old Hunstanton and Brancaster raised questions regarding the location of the connection point to land and the arrangements that would be made for cabling. Further detail on these questions is provided above under the heading *Questions raised or requests for further engagement* in paragraphs 8.160-8.161.

8.172 It is considered that comments provided on the electrical infrastructure that will be required for TKOWF lie outwith this Application. However, the following regard has been had to the responses in developing the project:

- i) Full replies were provided to the parish councils giving an update on the electrical infrastructure components of the project. This included background which led the Applicant to separate the offshore wind farm from the electrical connection.
- ii) Parish councils were provided with an update newsletter documenting the onshore connection location for TKOWF and introducing how the electrical system elements of the project will be developed. This newsletter was distributed to all consultees (including those that had been invited to comment on the project and those from whom responses had been received) in January 2012 following the provision of a formal offer of a connection point from National Grid. A copy of this newsletter is provided in **Appendix 6.32**.
- iii) Full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02) and in paragraphs 1.15-1.21 of ES Chapter 1, Volume 1 as summarised in paragraph 8.144 above.
- iv) Information on the electrical system has been provided in the Application through the inclusion of a Cable Statement (document reference 07/01) as summarised in paragraph 8.26(ii) above.
- v) Additional information has been included in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).

Compliance Statement

8.173 The requirements, as set out in the 2008 Act and relevant guidance documents, for the Applicant to summarise consultation responses received under section 42 of the 2008 Act and to describe the regard that has been had to the responses in developing the Application are presented in **Box. 8.1**. An account of how these requirements have been complied with for TKOWF is set out in the Applicant's completed section 55 application checklist (**Appendix 2.1**).

8.174 **Appendix 2.1** and the information provided in this Chapter of the Consultation Report demonstrate that all requirements for summarising section 42 consultation responses and having regard to those responses under section 49 of the 2008 Act have been met. It can be concluded from an analysis of this information that the comments, views and impacts identified through the section

42 consultation have significantly influenced the final Application, predominantly in terms of the content and scope of the Application documents and the final form of the Application, for example, in the reduction in the maximum number of turbines from 333 to 288.

- 8.175 A list of individual section 42 consultation responses and their areas of interest is included in **Appendix 8.1** to this Consultation Report. This sets out all responses, including those received after the response deadline, grouped according to section 42 consultee categories; namely prescribed bodies (excluding parish councils), local authorities and parish councils.
- 8.176 A detailed record of each response and an account of the regard that has been made to individual comments is set out in a series of response tables in **Appendices 8.2, 8.3 and 8.4** for each of the consultee groupings. The response tables are further categorised as appropriate and summarised in this Chapter of the Consultation Report.
- 8.177 The Applicant has continued to engage with consultees following its formal consultation activities and prior to submission of the Application to the IPC, where appropriate. This is documented in Chapter 11 of the Consultation Report.

9 Summary of Responses under Section 47 of the Planning Act

Introduction

- 9.1 This Chapter of the Consultation Report sets out how the Applicant has complied with its duty under section 49 of the Planning Act 2008 (the 2008 Act) to take account of consultation responses received under section 47 of the 2008 Act. Information pertaining to consultation and publicity responses received under sections 42 and 48 of the 2008 Act is presented in Chapters 8 and 10 of this Report respectively.
- 9.2 This Chapter seeks to provide the information relevant to the section 47 consultation responses as required in the Consultation Report under sections 37(7)(b) and 37(7)(c) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation. These requirements are summarised in **Box 8.1** in Chapter 8.

Legislative Context

- 9.3 Section 49(2) of the 2008 Act requires the applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under sections 42, 47 and 48. A relevant response for the purposes of section 47 is defined in section 49(3)(b) as a response to consultation under section 47(7) that is received by the applicant before any applicable deadline.
- 9.4 Paragraph 87 of the DCLG guidance notes there is a clear expectation that the views and impacts identified through the consultation should influence the final application. Promoters should therefore be able to demonstrate that they have acted reasonably in fulfilling the requirements of section 49 of the 2008 Act.

Summary of Responses Received

- 9.5 The section 47 consultation was held between 1 June and 12 July 2011. In total, 222 responses were received to the section 47 consultation, of which 163 comprised completed feedback forms and 59 comprised individual letters or emails. All of the feedback forms and 55 of the individual responses were 'relevant responses' that were received by the Applicant before the deadline of 12 July 2011. A list of all of the individual responses received (excluding the feedback forms), including a brief note on their areas of interest, is set out in **Appendix 9.1**.
- 9.6 All responses, including both 'relevant responses' and those received after the deadline, are considered in this Chapter and summarised below according to the following five categories:
- i) Technical organisations and users of the sea.
 - ii) Non-statutory organisations and groups.
 - iii) Elected representatives.
 - iv) Members of the public.
 - v) Feedback forms completed at or following the public exhibitions.

- 9.7 The summaries also set out the regard that the Applicant has had to the comments in developing Triton Knoll Offshore Wind Farm (TKOWF) and finalising the Application for development consent. Regard has been had to all responses (i.e. both ‘relevant responses’ and those received after the response deadline).

Technical Organisations and Users of the Sea

- 9.8 21 responses to the section 47 consultation were received from consultees identified as ‘technical organisations’ and ‘users of the sea’ (as set out in paragraph 6.62 of the Consultation Report), hereafter referred to as ‘technical users’. All were received by the Applicant before the deadline for responses of 12 July 2011 with the exception of two; the Cruising Association (received on 15 July 2011) and the Norfolk Coast Partnership (received on 26 July 2011).
- 9.9 The responses from technical users are set out in detail and categorised in response tables **A9.2a-A9.2g** in **Appendix 9.2**. The categories of the tables are listed in **Box 9.1**. Each table sets out the key elements of the response, the consultee it has been received from and the regard that has been had to the response in developing the project. The tables also highlight those responses received after the response deadline. Where a response contains comments relevant to more than one category (as listed in **Box 9.1**), the response has been separated across the relevant tables as appropriate and cross references have been included to aid finding responses by consultee.

Box 9.1 Structure of the response tables (presented in Appendix 9.1) setting out the detail of the responses from technical users

Table A9.2a	Project description
Table A9.2b	Commercial fisheries
Table A9.2c	Seascapes and visual impact assessment
Table A9.2d	Shipping and navigation
Table A9.2e	Other marine users
Table A9.2f	Socio-economics
Table A9.2g	Suggestions of other organisations to consult

Summary of Responses from Technical Users

- 9.10 Of the technical users that responded to the consultation, one user suggested additional organisations that should be included in the consultation. The British Ports Association noted that the relevant harbour authorities in the region should be consulted and listed those as being Wells-next-the-Sea, King’s Lynn, Wisbech (Fenland District Council) Harbours and Port of Grimsby East. A detailed record of the British Ports Association’s response is set out in **Table A9.2g, Appendix 9.2**.
- 9.11 Copies of the relevant consultation documents had been sent to the King’s Lynn Conservancy Board and the Port of Wisbech Harbour Authority at the same time as other section 47 consultees. However, in light of the comments

raised by the British Port Association, the relevant consultation documents were also sent to Wells Harbour Commissioners and the Port of Grimsby East.

- 9.12 The remaining responses from technical users included detailed comments on specific Chapters of the Preliminary Environmental Information (PEI). **Table 9.1** sets out the PEI topics on which technical organisations provided comments and summarises the organisations which responded on these topics. Each of the topics are discussed in turn below.

Table 9.1. PEI topics on which technical users provided comments

Technical topic (as presented in the PEI)	Organisations which provided comments
Project description	The Cruising Association
Commercial fisheries	National Federation of Fishermen's Organisations; four individual fishermen or fishing operating companies and four fishermen's associations as follows: <ul style="list-style-type: none"> • Brancaster Staithe Fishermen's Society • Wells and District Inshore Fishermen's Association and North Norfolk Fishermen's Society • Boston Fishermen • Greater Wash Fishing Industries Group
Seascape and visual impact assessment	The Norfolk Coast Partnership
Shipping and navigation	Westminster Gravels Limited; the Royal Yachting Association; the Cruising Association; the Port of Wisbech Authority (Nene Ports); and the British Port Association (Humber Estuary Services)
Other marine users	Westminster Gravels Limited; Hanson Aggregates Marine Limited; GDF SUEZ E&P UK Limited; Perenco; and BP
Socio-economics	Royal Yachting Association

Project Description

- 9.13 The Cruising Association⁴⁹ was the only one of the 'technical users' organisations to provide comments on the project description (PEI Chapter 7, Volume 1⁵⁰). A detailed record of their observations on this topic is set out in **Table A9.2a, Appendix 9.2** and a summary of their comments is provided below.

⁴⁹ The response from the Cruising Association was received after the deadline for responses.

⁵⁰ Now Chapter 6, Volume 1 of the Environmental Statement (ES) (document reference 05/01), as amended in response to formal consultation.

- 9.14 The Cruising Association noted that they '*have no comments concerning location or other major matters*' on the project but provided the following detailed notes in relation to the project description:
- i) They considered that every effort should be made to locate turbines in a regular pattern across the array for position awareness and safety of small craft.
 - ii) In waters close inshore (i.e. waters less than 9 metres (m) deep), the Association recorded that cables should be buried at least to a depth of 1 m.
 - iii) With regard to safety zones, the Cruising Association concluded that a 500 m zone around construction activities would be acceptable. However, during operation of the offshore wind farm, this should be reduced to a 50 m zone around each turbine tower or other structure.
- 9.15 A detailed record of how the Applicant has had regard to comments on the project description is set out in **Table A9.2a, Appendix 9.2**. It is noted that the Cruising Association's comments on safety zones are in line with those proposed in the PEI, which have been carried forward to the Safety Zone Statement (document reference 07/02). Here, the potential for an application to be made for construction and decommissioning is set out with safety zones extending up to 500 m from the active working area(s) proposed. During the operational phase of TKOWF, a 50 m safety zone around each of the installed wind farm structures may be applied for; during periods of exceptional maintenance works this may be temporarily extended to 500 m safety zones as required.
- 9.16 Several of the Cruising Association's comments on the project description have not resulted in a change to the project. These are listed and justified below:
- i) The specific arrangement and spacing of the offshore wind turbines will be decided at a later date once the turbines and associated components have been procured. Given anticipated future changes in the design and availability of turbines and components, it is not feasible to predict the optimum design solution for the project at the time of submitting the Application for development consent. Therefore, a sufficiently flexible consent is being applied for to allow for the incorporation of best available technology. This is described in detail in Volume 1, Chapter 7 of the Environmental Statement (ES) (document reference 05/01). However, the requirement for regular turbine spacing across the site will be taken into consideration in the final design in light of this comment.
 - ii) This Application relates to the offshore wind farm and all elements within its offshore site boundary. This excludes the electrical system which will comprise, among other things, the offshore export cable which connects the offshore wind farm to the landfall location (and therefore any cables in waters close inshore). The electrical system will be the subject of a separate application and will include separate consultation. With regard to inter-array cables (i.e. those cables linking the turbines with the offshore substations), their cable burial depth will be confirmed in the final design; the depth will be such that risk of subsequent exposure and risk to other sea users is minimised.

Commercial Fisheries

- 9.17 As summarised in **Table 9.1**, nine responses were received from technical users with regard to commercial fisheries. Comments on this topic can be considered to fall within four main categories; impacts on individual operators; specific comments on the PEI; the consultation carried out; and comments on the export cable. Each of these categories is explored separately below, together with an account of how specific comments have influenced the development of the project and the finalisation of the Application. Responses from individual fishermen and fishing operating companies have been assigned reference numbers to maintain anonymity of individual respondents.

Impacts on individual operators

- 9.18 The four responses from individual fishermen and fishing operating companies all raised potential impacts associated with the project on vessel catches and the economy of their business as a result of exclusion from economic fishing grounds at the TKOWF site. A summary of their comments on this topic is provided below and a detailed record of their observations is set out in **Table A9.2b, Appendix 9.2** (the reference number assigned to individual operators' responses is provided in brackets for ease of reference to **Appendix 9.2**):
- i) Two of the operators noted that the project would exclude them from 25% of their fishing grounds, affecting the financial viability of their vessels. They stated that this would affect employment of their crew and indirectly the employment of shellfish processing factories which rely on their catches (response references FM\N01\110611 and FM\N02\110612).
 - ii) One of these operators also raised the concern that the number of offshore wind farms in the area (including TKOWF, Westernmost Rough and Hornsea) is reducing the areas where vessels can work crab and lobster pots. It was noted that other fishing grounds within range are currently being fished to a level that do not allow extra vessels to fish economically (response reference FM\N01\110611).
 - iii) A third fisherman raised general concerns about the loss of a valuable fishing ground which has in the past and continues to yield valuable shellfish for the industry (response reference FM\N03\110627).
 - iv) Another operator noted concerns about fishing within the wind farm area, for example, recovering pots that may have moved along the seabed during peak tidal flows or periods of poor weather. This operator also raised concerns with the effects of spoil from drilling during the construction phase. It was noted that whilst it is described as suspended, it could settle and cover grounds within the site (response reference FM\N06\110712).
- 9.19 In addition, one of the fishermen's societies, the Brancaster Staithe Fisherman's Society, also raised concern about the loss of a valuable fishing ground as many of its members have fished the area for considerable time and hope to do so in the foreseeable future. A second group, the Greater Wash Fishing Industries Group, noted that its members were concerned about the cumulative impacts of the wind farm causing congestion through the displacement and loss of fishing grounds.
- 9.20 A record of how the Applicant has had regard to the potential impacts of the project on individual operators is set out in **Table A9.2b, Appendix 9.2**.

Concerns of local fishermen, including those raised through local fishermen's organisations have been extensively addressed in Chapter 8, Volume 2 of the ES. These include temporary loss of access to fishing grounds during construction and operation (paragraphs 8.37-8.44 and 8.73-8.80); displacement of vessels onto other fishing grounds (paragraphs 8.45-8.48 and 8.81-8.84); increased steaming times (paragraphs 8.49-8.53); conflict with construction activities and maintenance boats (paragraphs 8.54-8.57 and 8.89-8.91); and potential seabed obstructions and spoil dispersal (paragraphs 8.58-8.62).

- 9.21 In addition, extensive consultation has been carried out with the fishing sector since 2008 which is documented in Annex I, Volume 3 of the ES. This has been important in informing the EIA and in developing the proposals set out in the ES with regard to how the potential impacts might be mitigated (ES Chapter 8, Volume 2 paragraphs 8.131-134). Further discussions have been carried out following formal consultation and prior to submission of the Application to the IPC with those fishermen considered most likely to be affected by TKOWF⁵¹ (as summarised in Chapter 11 of this Consultation Report). This will be continued as the project progresses.

Comments on the PEI

- 9.22 Several of the responses from fishermen, fishing operating companies and fishing organisations also raised specific comments on the commercial fisheries Chapter of the PEI (Chapter 8, Volume 2⁵²). A record of their observations is presented in **Table A9.2b**, **Appendix 9.2** and is summarised below.
- 9.23 The National Federation of Fishermen's Organisations considered that the reflection of general fishing activity in the area is acceptable provided that it is recognised that vessel numbers can be variable based on the level of catch that might be taken from time to time. It was noted however that the cumulative effect of other offshore developments in the vicinity should also be taken into consideration and that the 'major impact' of the project identified for seven or eight vessels in the PEI does not take into account these cumulative effects.
- 9.24 The Federation also raised the following general points in relation to offshore wind farms:
- i) The development of wind farms in the North Sea will create displacement for fishermen as they attempt to remain viable.
 - ii) Sediment plumes caused during construction have a direct and detrimental effect on shellfish. However, the Federation noted that it is stated that these effects are short lived and localised.
 - iii) The extent of the effect on fish of electromagnetic fields from subsea cables has not been fully scientifically investigated.
- 9.25 One of the individual operators noted that the points raised on commercial fisheries '*are ok until the last two paragraphs*' (this is presumed to refer to the

⁵¹ As identified through the consultation carried out with fishermen documented in Annex I, Volume 3 of the ES.

⁵² Now Chapter 8, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

commercial fisheries assessment in the PEI). The fisherman provided the following clarifications (response reference FM\N01\110611):

- i) The vessels that fish within the Greater Wash are small vessels that can select when to fish according to weather and tidal conditions. However, larger vessels are used to fish the TKOWF site safely due to the distance from port.
- ii) Insurance companies have not confirmed that they will insure vessels fishing within a wind farm (also raised by response FM\N06\110712).
- iii) There would be significant effects on the wider regional potting industry due to cumulative effects. When these effects are taken into consideration (including wind farms, gravel extraction areas, oil and gas structures, associated safety zones and areas where mobile gear is worked) there are few areas left to pot where the sea bed is suitable.

9.26 A second fishing operator noted that it is difficult to imagine the scale of TKOWF as the illustrations included in the literature refer to Greater Gabbard which is a smaller offshore wind farm. In addition, given that there are variations in turbine layouts and numbers, it is difficult to assess the reality of trying to manoeuvre a fishing vessel in and around the wind farm. This operator also raised the following comments in relation to the project (response reference FM\N06\110712):

- i) It was noted that whilst the EIA refers to the proposed structures and scour protection providing new habitat for juvenile fish, this is not required as the site already produces high numbers of recruitment within existing habitats. It was further questioned whether predators attracted to the area through the creation of potential fish attraction devices (FADs) could remove shellfish in their larval stages. (Issues surrounding the creation of potential new habitats were also raised in response reference FM\N01\110611).
- ii) It was questioned whether conductive shielding will be used to block the electric fields from the cabling used for the offshore wind farm; whether burial depths and the distance of separation have been investigated to limit the strength of electric fields; and whether shellfish will be affected by vibrations and construction noise. The operator also questioned what level of maintenance traffic will be transiting the wind farm site.
- iii) The cumulative effect of other marine users along the east coast was raised; issues relating to the anchoring of merchant vessels and gravel extraction were highlighted by the operator.
- iv) It was clarified that the Greater Wash fishing fleet covers small distances. However, vessels transiting from Bridlington have a longer distance to travel to port and therefore a shorter time window to fish.
- v) The operator commented that the renewables sector is moving at a rapid pace that is difficult to keep pace with.

9.27 A record of how the Applicant has had regard to comments on the commercial fisheries assessment of the PEI is set out in **Table A9.2b, Appendix 9.2**. In summary, the majority of the comments have been addressed in the EIA and reported in the ES Chapter on commercial fisheries (Chapter 8, Volume 2).

- 9.28 Many of the issues raised have been addressed as set out in paragraph 9.20 of this Report. In addition, cumulative effects are considered in paragraphs 8.102-8.130 of the ES, which consider the loss of access to fishing grounds during construction and operation of the offshore wind farms, licensed dredging areas and existing and planned conservation zones.
- 9.29 Whilst knowledge of electromagnetic fields (EMF) induced by electric cables is still evolving, the potential effect on fish and shellfish resources has been considered in paragraphs 4.112-4.117 and 4.136-4.141 of ES Chapter 4, Volume 2. This assessment concludes that the area of seabed affected (in isolation and cumulatively) will be small, with any EMF limited to very close proximity to the installed cables. It is noted that National Policy Statement (NPS) EN-3 concludes on EMF effects on fish that, where cables are shielded and buried, *“the residual effects of EMF on sensitive species from cable infrastructure during operation are not likely to be significant. Once installed, operational EMF impacts are unlikely to be of sufficient range or strength to create a barrier to fish movement.”*
- 9.30 To provide an indication of what the project will look like and how the appearance will vary depending on the turbines selected for the site (for all consultees including fishermen), a number of plans, sections and three-dimensional images have been included with the Application package (document reference 06/01). However, it is noted that in relation to the flexibility in layout and effects on commercial fishermen, Chapter 8, Volume 2 of the ES has taken a precautionary approach to the operational phase by assuming that all fishing vessels would be effectively excluded. The conclusions of the assessment may therefore be considered to describe the maximum potential effects on commercial fishing operators, regardless of the layout that may ultimately be installed within the Order Limits.

Consultation carried out

- 9.31 Two of the responses from fishermen's societies commented on the consultation that the Applicant has undertaken with the fishing sector and one of the responses from an individual operator raised comment on the provision of additional information. A summary of the points raised is provided below and a record of their observations is set out in **Table A9.2b**, **Appendix 9.2**.
- 9.32 Wells and District Inshore Fishermen's Association and North Norfolk Fishermen's Society commented that they do not consider they have been approached as part of the extensive consultations with the fishing industry as stated in the Non-Technical Summary (NTS) of the PEI. They noted that they would welcome such consultation in order to raise objections and a number of issues from the NTS. In addition, they stated that the Fishing Liaison Service used by the Applicant has contacted members directly, which has undermined the organisation and demonstrates a lack of trust.
- 9.33 The Greater Wash Fishing Industries Group commented that its members had expected a further meeting and update presentation from the Applicant regarding the project.
- 9.34 One of the individual operators noted that they would be interested in information regarding timescales for the project as well as any possible agreement for the fishing industry to be excluded from the area during construction and thereafter (response reference FM\N03\110627).

- 9.35 A record of how the Applicant has had regard to comments on consultation is set out in **Table A9.2b, Appendix 9.2**. In summary, they have largely been addressed through ES Chapter 8, Volume 2 and Annex I, Volume 3 on commercial fisheries. Table 2.1 of the Annexed report records that the Applicant has undertaken consultation with the fishing sector since December 2008 which has included over 30 meetings, telephone conversations, circulation of a questionnaire, consultation on a draft of the Technical Report (now issued as ES Annex I, Volume 3) and formal consultation under section 47 of the 2008 Act (which included public exhibitions of which one was held in Wells-next-the-Sea, another in Grimsby and a final one in Easington which is accessible for the fishermen operating out of Bridlington). All of these activities, including the formal consultation events, provided opportunity for consultees to raise issues and provide comments on the project and consultation materials provided.
- 9.36 Having carried out extensive research and consultation to ascertain the nature of fishing on and around the site and identify those individuals that could be affected, discussions have been progressed with those individuals.
- 9.37 In addition, provision of a fisheries liaison officer for the project has been proposed in Chapter 8, Volume 2 of the ES and under condition 9(d)(iv) of the draft Deemed Marine Licence in the DCO (document reference 03/01) to ensure communication is maintained with the fishing industry in the event that consent is granted for the project.
- 9.38 With regard to the response from the individual operator, information on the timescales of the project was set out in the consultation documents (as summarised in **Box 6.4** in Chapter 6 of this Report) and has been carried forward in paragraph 6.154-6.156 of ES Chapter 6, Volume 1 as well as Table 8.4 (Chapter 8, Volume 2). A reply was sent to the operator summarising this information. The reply also noted that any agreements made between the Applicant and fishermen will remain confidential with those to whom they apply.

Comments on the export cable

- 9.39 Four of the responses from fishermen, fishing operating companies and fishing organisations raised comments on the export cable that will be required to link the offshore wind farm to the landfall location. A summary of their comments is provided below and a detailed record of their observations is set out in **Table A9.2b, Appendix 9.2**.
- i) The National Federation of Fishermen's Organisation noted that the complete burial of export cables is of paramount importance to the fishing industry from a safety perspective.
 - ii) One of the individual operators commented that the cable routes are yet to be identified (FM\N06\110712).
 - iii) Boston Fishermen noted that whilst they were not against the wind farm (as it is not located within their working area) they are concerned about the location of the export cables in relation to the Wash.
 - iv) The Greater Wash Fishing Industries Group commented that the export cable should be considered as part of the wind farm application and raised concerns about the position of the intended cable to shore.

9.40 As set out in paragraph 9.16(ii) above, the electrical infrastructure which includes the offshore export cable is not part of the current Application for development consent and therefore was not the subject of formal consultation. It is therefore considered that comments provided on this topic lie outwith this Application. However, the following regard has been had to the responses in developing the project:

- i) Replies were sent to the relevant consultees providing an update on the electrical system and background as to why the project was separated.
- ii) Full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02), the cable statement (document reference 07/01) and in paragraph 1.15-1.21 of ES Chapter 1, Volume 1.
- iii) A number of amendments have been made to the Application documents and an update has been provided to all consultees as follows:
 - A Cable Statement has been included as an Application document, pursuant to Regulation 6(1)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) (document reference 07/01). This sets out the outline design and location of the connecting electrical works (from the offshore substations to the onshore grid connection point) as it is currently conceived based on the current grid connection offer from National Grid. It goes on to describe, in outline terms, how the connection will be developed through technical feasibility studies, environmental appraisals and consultation exercises. The Statement also sets out the consenting frameworks for the electrical works.
 - Additional information is provided in the cumulative impact assessments in the ES to identify and consider the cumulative effects that might arise from the development of the project alongside that of the electrical connection works (particularly the offshore cables).
 - An update newsletter was provided to all consultees (including those that had been invited to comment on the project and those from whom responses had been received) documenting the onshore connection location for the project and introducing how the electrical system elements of the project will be developed. This was distributed in January 2012 following a formal offer of a connection point from National Grid. A copy of this newsletter is provided in **Appendix 6.32**.

Seascapes and Visual Impact Assessment

9.41 The Norfolk Coast Partnership⁵³ was the only one of the technical user organisations to respond with regard to the seascape and visual impact assessment (PEI Chapter 9, Volume 2⁵⁴). Their response was received after the deadline for consultation responses on 26 July 2011. A detailed record of their observations on this topic is set out in **Table A9.2c, Appendix 9.2**.

⁵³ The response from the Norfolk Coast Partnership was received after the deadline for responses.

⁵⁴ Now Chapter 9, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

- 9.42 In summary, they raised concern about the impact of the project on the landscape and seascape of the North Norfolk Coast Area of Outstanding Natural Beauty. They also requested that they be kept up to date on the project.
- 9.43 A detailed record of how the Applicant has had regard to the Norfolk Coast Partnership's comments on landscape and seascape is set out in **Table A9.2c, Appendix 9.2**. It is considered that regard has been had to their comments through Chapter 9, Volume 2 and Annex J, Volume 3 of the ES. These Chapters consider the potential impacts of the project on the existing landscape, seascape and visual resource. Following the production of a wireframe for a viewpoint from Brancaster Bay, on the north Norfolk coast (Annex J, Volume 3), it was concluded that there would be no significant effects on Norfolk's visual environment (paragraph 9.18 of Volume 2 of the ES). Further assessment on the effects of the project on Norfolk's landscape and seascape were therefore scoped out with the agreement of consultees.

Shipping and Navigation

- 9.44 Five of the responses from technical user organisations provided comments on the shipping and navigation Chapter of the PEI (Chapter 10, Volume 2⁵⁵). These organisations comprised Westminster Gravels Limited (WGL), the Royal Yachting Association (RYA), the Cruising Association, the Port of Wisbech Authority and the British Port Association – Humber Estuary Services.
- 9.45 A detailed record of their observations is set out in **Table A9.2d, Appendix 9.2** and a summary of the response from each organisation is provided below along with an account as to how the Applicant has had regard to their comments in developing the project.

Westminster Gravels Ltd

- 9.46 The response from WGL provided background on their company and the implications of the project to their operations (detailed in **Tables A9.2d and A9.2e, Appendix 9.2**). In addition to including comments on shipping and navigation, WGL also raised comments in relation to the 'Other marine users' Chapter of the PEI (summarised below under the heading 'Other marine users').
- 9.47 With regard to shipping and navigation, WGL questioned the results of the 2009 traffic survey as presented in the shipping and navigation assessment in the PEI. The survey recorded limited dredging activity from Dredging Area 440. However, WGL commented that during one of the two survey periods in May, dredging was frequently being undertaken in this area. It was therefore not clear to WGL whether the Marine Navigation Safety Risk Assessment (MNSRA) in the PEI had considered the dredging undertaken.
- 9.48 WGL also noted that the impact of further dredging in Area 440 has not been fully considered in the hydrodynamic modelling.
- 9.49 A detailed record of how the Applicant has had regard to WGL's comments on shipping and navigation is set out in **Table A9.2d, Appendix 9.2**. This is summarised as follows:

⁵⁵ Now Chapter 10, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

- i) The survey data as presented in the PEI have been checked and it was noted that dredging activity was recorded on nine of the 28 days surveyed; this was therefore described as 'limited' use in the document. No dredging activity took place during the July survey, which was subsequently confirmed by WGL.
- ii) WGL dredging activities had been considered in the MNSRA with regard to how the wind farm could affect the safe operations of dredging vessels. For example, PEI Chapter 10, Volume 2 noted in the summary table, that '*...additionally, an agreement to establish a safe distance at which dredging vessels can operate from the wind farm*'.
- iii) Potential future changes to bathymetry levels as a result of further dredging activity have been considered in the physical processes modelling as part of the cumulative impact assessment.

The Royal Yachting Association

- 9.50 The RYA noted that the PEI shipping and navigation Chapter is '*extremely thorough*'. With regard to safety zones, they highlighted that the creation of these zones around individual operational turbines that exclude small craft are unnecessary, impracticable and disproportionate. However, it was noted that they do not object to temporary safety zones being established around turbine foundation structures while installation or maintenance activities are on-going.
- 9.51 The RYA concluded that they would concur with the assessment that the effect of the project on existing transit and non-transit use of the area by craft engaged in recreational activities would be tolerable.
- 9.52 Full regard has been had to the RYA's comments on shipping and navigation in finalising the Application for the project, as follows:
- i) It is noted that their comments on safety zones are broadly in line with those proposed in the PEI. As discussed in paragraph 9.15 above, these have been carried forward to the Safety Zone Statement (document reference: 07/02). However, provision is made for an application for operational safety zones in the Safety Zone Statement; the decision on the need for these will depend on the final form of the development.
 - ii) The conclusions of the assessment of effects of the project on craft engaged in recreational activities has been carried forward from the PEI to the ES (see for example, paragraphs 10.112 and 10.153-10.157 as well as cumulative effects in paragraph 10.223 of ES Chapter 10, Volume 2).

The Cruising Association

- 9.53 The Cruising Association confirmed that during the construction of the project, yachts are likely to be able to avoid the area without undue penalty and that on completion of the offshore wind farm, only a small proportion are likely to wish to transit between the towers.
- 9.54 The Association noted that almost all yachts in the area will be on long distance routes with few, if any, engaged in 'day sailing' (out-and-back from the same port). Given that they will be strongly influenced by winds and tides at the time of passage, the Association requested that the yacht routes shown in the atlas covering the area are labelled as indicative.

- 9.55 Full regard has been had to the Association's comments on shipping and navigation in finalising the Application for the project, as follows:
- i) It is noted that their conclusions on the effects of the project on recreational yachts are broadly consistent with those set out in the PEI. These have been carried forward to the ES (paragraphs 10.153-10.157 of ES Volume 2).
 - ii) Paragraph 10.153 of ES Volume 2 has been amended to reflect the indicative nature of the RYA atlas.

The Port of Wisbech Authority (Nene Ports)

- 9.56 The Port of Wisbech Authority noted the following in relation to the potential effects of the project on shipping and navigation:
- i) The effects of wind farm generators on marine radar.
 - ii) The proposed site being at the confluence of regular passage routes.
 - iii) The NTS referring to 'unacceptable impact' with regard to navigation safety and the need for control measures.
 - iv) The need for further consultation with ship operators and navigation authorities to model measures to manage out conflict between vessels.
 - v) The significant requirement for routing control measures when safe passage making is made more difficult by poor visibility.
- 9.57 **Table A9.2d, Appendix 9.2** records how the Applicant has had regard to the Authority's response. In summary, the majority of their comments have been addressed through specific Chapters of the ES. For example:
- i) The potential impacts of wind turbines at the site on ship radar have been considered by a specific technical study (Appendix K, ES Volume 3) and the results of that study have been incorporated into the MNSRA and considered in the ES Chapter 10, Volume 2.
 - ii) The boundaries of the offshore wind farm have been largely defined by an assessment of the main shipping routes in the region. The boundaries are such that 90% of vessels pass at least 2 nautical miles (nm) from them. The effects of the project on the safety of navigation are nonetheless considered in full in the MNSRA (Appendix K, ES Volume 3).
 - iii) Whilst the NTS of the PEI notes that some impacts of the project on ships and the safety of navigation were unacceptable prior to the implementation of mitigation measures, no unacceptable impacts are predicted to occur with the use of mitigation and control measures (paragraph 10.243 of ES Volume 2, Chapter 10).
 - iv) Wide consultation has taken place with the shipping community on the project, which has included discussion on mitigation measures and controls. This is documented in **Table A9.2d, Appendix 9.2**.
 - v) The safety of navigation under all weather conditions has been considered in detail in the MNSRA and, where required, a range of additional controls, mitigation and management measures have been set out. As set out above, the ES concludes that the project will not have a significant impact on the safety of shipping with the implementation of appropriate mitigation.

The British Ports Association – Humber Estuary Services

- 9.58 The British Ports Association – Humber Estuary Services noted that their primary concern with the project relates to its commercial effect on trade with the Humber ports, due to the adjustment in the navigation routes of vessels entering and leaving the estuary.
- 9.59 Full regard has been had to this concern in developing the project. As set out in paragraph 9.57(ii) above, the boundaries of the offshore wind farm have been defined by an assessment of the main shipping routes in the region; they have been located so as not to disturb the main routes entering and leaving the Humber. The MNSRA (Appendix K, ES Volume 3) does not predict any change or adjustment to these routes.

Other Marine Users

- 9.60 Six responses were received from five organisations with respect to the ‘Other Marine Users’ Chapter of the PEI (PEI Chapter 12, Volume 2⁵⁶). These organisations comprised WGL, Hanson Aggregates Marine Limited (HAML), GDF SUEZ E&P UK Limited, Perenco and BP.
- 9.61 The responses from each of the organisations are explored separately below together with an account of how specific comments have influenced the development of the project and the finalisation of the Application for submission. A detailed record of this information is set out in **Tables A9.2d and A9.2e, Appendix 9.2**.

Westminster Gravels Ltd

- 9.62 As set out in paragraph 9.46, the response from WGL provided comments on the shipping and navigation and the other marine users Chapters of the PEI. With regard to the latter, they set out the implications of the project to their operations. WGL has an extraction licence to dredge Area 440, the resource from which is used as a primary aggregate, reclamation material and for specialised beach nourishment.
- 9.63 Area 440 has a common boundary with the proposed project’s site and as such, WGL acknowledged that extensive consultations have been held between the Applicant and WGL over the last two years. WGL noted that these discussions have highlighted issues of navigation, dredging and safety. For example, marine aggregate industry drifting dredger studies and the PEI computer modelling have identified safe separation distances between the two users to be 2000 m and 2820 m respectively. However, the location of this safe separation zone (whether it be within Area 440 or within the offshore wind farm area) had not been resolved within the PEI. WGL noted that any safety zone within Area 440 could result in potential resource sterilisation and they concluded that the PEI does not provide mitigation or direction with regard to the potential conflicts between WGL and the Applicant.
- 9.64 A record of how the Applicant has had regard to WGL’s comments on other marine users is set out in **Table A9.2e, Appendix 9.2**. In summary, an additional study has been undertaken to inform further consultations and

⁵⁶ Now Chapter 12, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

potential agreements on the requirements for a safe separation distance between TKOWF and Area 440. Agreeing mitigation and resolving potential conflict are subject to ongoing consultation and negotiation between the Applicant and WGL. Further engagement following the formal consultation has been held and this is summarised in Chapter 11 of this Report.

Hanson Aggregates Marine Ltd

- 9.65 Two responses were received from HAML, which focused on the implications of the project on their operations notably the extraction and transportation of aggregate from the seabed to market. A detailed record of their responses is provided in **Table A9.2e**, **Appendix 9.2** and are summarised below.
- 9.66 The first response identified that one of their currently active licensed dredge areas (License Area 480) was missing from charts presented in the PEI chapter (for example, Figures 12.1 and 12.2 of PEI Volume 2). It had therefore been assumed that the area had not been taken into account in the assessment. Their first response also raised concerns regarding the implications of the cables and the operations required for their installation.
- 9.67 A reply was sent to HAML by the Applicant confirming that License Area 480 had been considered within the navigational assessments presented in the PEI. However, it was acknowledged that it had been omitted from the relevant figures in Chapter 12, Volume 2.
- 9.68 Following this reply, HAML concurred that Area 480 had been included within the MNSRA. They also confirmed that the proposed offshore wind farm does not pose a significant problem for their transit routes from Areas 106 and 480 to Europe. However, they requested that this issue is taken into account in other studies by the Applicant or other renewable energy projects around the coast. They further noted that, provided the omission of Area 480 from the PEI is rectified, *'Hanson have no further issues with the consultation documents and preliminary environmental information upon which you consulted'*.
- 9.69 A detailed record of how the Applicant has had regard to HAML's comments on 'Other marine users' is set out in **Table A9.2e**, **Appendix 9.2**, which is summarised below.
- i) Figures 12.1 and 12.2 in ES Chapter 12, Volume 2 include Area 480.
 - ii) As set out in paragraph 9.16(ii) of this Report, the electrical infrastructure, which includes the offshore export cable, is not part of the current Application and therefore was not the subject of formal consultation. It is therefore considered that comments provided on this topic lie outwith this Application. However, a reply was provided to HAML providing an update on the electrical system and an update newsletter was sent to HAML, together with all consultees, in January 2012.

GDF SUEZ E&P UK Ltd

- 9.70 A response was received from GDF SUEZ E&P UK Ltd (GDF) listing various concerns that have been raised in respect of the impact of offshore wind farms to other marine users (see **Table 9.2**). They noted that successful explorations have led to a decision by the company to develop a new gas field approximately 40 km east of the Humber estuary (the Juliet development).

Consequently, they raised the possibility that interaction between TKOWF and their development may involve some of the concerns listed.

- 9.71 Given that the concerns raised were generic and needed to be answered on a project-specific level, a meeting was held between the Applicant and GDF on 14 September 2011 (documented in **Table 11.1** in Chapter 11 of this Consultation Report). This meeting helped the Applicant understand the areas in particular that should be considered in developing the offshore wind farm. A record of how the Applicant has had regard to concerns listed by GDF is set out in **Table A9.2e**, **Appendix 9.2** and is summarised in **Table 9.2** below.

Table 9.2. Concerns listed by GDF and influence on the Triton Knoll Offshore Wind Farm

Concern	Regard had to concern
Impacts on access to undeveloped/unlicensed acreage.	No impact envisaged at present; GDF future license areas are outside the project lease area.
Altered flight paths and increased flight durations for personnel.	No issues identified during GDF drilling which will occur prior to construction of the wind farm. Future helicopter flights to drilling rigs may be impacted; the Applicant and GDF agreed to keep each other informed. Flights to Pickerill A come from Great Yarmouth and therefore have no interactions with the wind farm.
Seismic survey interference.	The majority of seismic surveys will be undertaken prior to construction of the wind farm. Possibility that any seismic surveys undertaken by GDF may affect surveys undertaken by the Applicant if they occur at the same time.
Routing and laying of new pipelines/cables.	Juliet to Pickerill A pipeline route is approximately 1 nm from the project boundary and therefore should not be affected.
Disruption of line of sight communication.	No line of sights will be disrupted.
Positioning of drilling rigs within turbine arrays.	No drilling positioning issues as Juliet development drilling will occur prior to construction of the wind farm.
Increased shipping traffic and altered shipping lanes affecting collision risk.	A MNSRA has been completed for the project (Appendix K, ES Volume 3). The ES concludes that the project will not have a significant impact on the safety of shipping and navigation.
Identifying existing pipelines and suspended and abandoned wells.	GDF confirmed no issue on this topic.
Access for maintenance of pipelines.	This concern is dependant on final pipeline route location; unlikely to be affected as the current route is approximately 1 nm from the project boundary.
Space constraints for	This concern is dependant on the timings of

Concern	Regard had to concern
decommissioning platforms and pipelines.	decommissioning; consideration of appropriate buffers to permit access should be assessed.
HSE issues if legislation/guidance is different between the two groups.	This is an issue at an industry level rather than specific to the project.
Resource constraints.	GDF confirmed no issue on this topic.
Clarification of whether windfarm cable voltages can affect pipeline corrosion risks.	No issue was confirmed on this topic as no pipeline/cable crossings are envisaged.

Perenco

- 9.72 The response from Perenco highlighted two areas of concern with regard to the proposed project on their oil and gas operations. These comprised:
- i) The anticipated crossings of the project's infrastructure over their pipeline.
 - ii) The effect of the project on their Offshore Communications (Line of Sight).
- 9.73 The response from Perenco noted that amicable discussions have been entered into to address these issues; for the pipeline crossings, a near final draft of a suitable agreement has been prepared and for the Line of Sight issue, the feasibility of a number of options is being examined.
- 9.74 A record of how the Applicant has had regard to Perenco's concerns is set out in **Table A9.2e, Appendix 9.2**. In summary, paragraphs 12.35-12.38 and 12.53-12.56 of ES Chapter 12, Volume 2 sets out the measures anticipated to address their concerns. In addition, dialogue is continuing between the two parties to reach suitable agreements on both issues, the current status of which is as follows:
- i) The pipeline crossing agreement has been drafted and is awaiting comment from Perenco.
 - ii) A detailed feasibility study for line of sight has been completed and has identified feasible solutions. Discussions between Perenco and the Applicant are continuing to agree the terms of a commercial agreement.

BP

- 9.75 The response from BP noted that it is the owner and operator of the following gas fields: The Amethyst Field, Ravenspurn North and Ravenspurn South Fields, the West Sole Field and Cleeton Field. BP welcomed the approach taken by the Applicant in identifying and discussing the material potential issues. They highlighted three main areas of concern about the impact of the TKOWF on their operations which are recorded in **Table A9.2e, Appendix 9.2** and summarised below.
- 9.76 The first concern related to marine navigational impact. BP noted that their Radar Early Warning System (REWS) is a fully integrated collision monitoring system which uses inputs from radars situated on platforms. The primary purpose of the REWS is to provide offshore personnel with adequate warning of an impending ship collision. Without a clear picture of how TKOWF will

progress, it has not been possible to make definitive statements on how the REWS will be affected.

- 9.77 BP requested that their own radar operator, Ultra Electronics CCS, review the Applicant's radar study to understand the specific effects of the offshore wind farm on the REWS. They noted that if Ultra Electronics CCS concluded that there will be a detrimental impact, BP will seek the implementation of mitigation measures such as the installation of an additional radar system.
- 9.78 The second concern raised by BP was the potential for reduced helicopter access to Amethyst platform B1D due to increased 'no fly time'. However, BP acknowledged that, should satellite based approach procedures be approved and implemented, this risk may be reduced. BP noted that if the impact on Amethyst platform B1D is sufficient to result in a business impact to BP, they will seek mitigation measures to reduce the impact.
- 9.79 Finally, BP recorded that any future requirements for seismic work in the area of the wind farm is likely to be severely impacted. They commented that if they decide to proceed with seismic work, they would expect close cooperation from the owners of TKOWF in order to reduce any impact on seismic work as far as practically possible. Mitigation measures noted by BP included phasing of the construction and/or proceeding with the construction to minimise the impact of wind farm related activity in any planned seismic survey.
- 9.80 A record of how the Applicant has had regard to BP's concerns is set out in **Table A9.2e, Appendix 9.2** and is summarised below. Post consultation engagement has been held with BP to seek to address their concerns. This is summarised in Chapter 11 of this Consultation Report.
- i) The conclusions of the Applicant's radar study are set out in paragraphs 12.29-12.33 of ES Chapter 12, Volume 2. The study concluded that there may be some effects on radar picture. However, because this radar forms one of four inputs into a composite radar picture, any false plots could be detected and eliminated. The Applicant is awaiting the results of Ultra Electronics CCS' review of their radar study; once this has been received, it is anticipated that further discussions will be held between the parties.
 - ii) A helicopter access report has been completed for the project (in Annex N, ES Volume 3), the conclusions of which are provided in paragraphs 13.35-13.52 of ES Chapter 13, Volume 2. The report shows the probable frequency at which platforms would not be accessible with the existence of TKOWF. It also sets out a range of mitigation measures that could be implemented to reduce the frequency of precluded flights (in the case of platform B1D, the measures could reduce the frequency to 0.01%). The Applicant intends to continue engaging with BP to finalise appropriate mitigation measures as required.
 - iii) The need for regular seismic surveys has only recently been presented to the Applicant as a potential issue for BP (this was raised during a non-statutory consultation meeting held on 2 March 2011, as summarised in **Table 3.1e, Appendix 3.1**). The ES, in paragraphs 12.23-12.34 and 12.43-12.47, Volume 2, sets out the two methods of seismic survey and the implications of the project on these methods. These are summarised below:

- Streamer Seismic Operations, normally used by BP for oil and gas exploration, will not be possible once the wind farm has been constructed. Close co-operation will be maintained with BP to plan the timing of the project's construction activities to minimise the impact on BP's seismic surveys where possible.
- Ocean Bottom Cables (OBC) may be used for seismic surveys instead of Streamer Seismic Operations. However, it is acknowledged that there are uncertainties associated with the potential impacts of wind turbine seismic vibrations on the data acquired through this method. The Applicant will work with BP to understand better their requirements and the potential impact of seismic vibrations emitted by operational turbines in order to finalise suitable mitigation measures.

Socio-economics

- 9.81 The RYA was the only technical user to respond with regard to socio-economics (PEI Chapter 14, Volume 2⁵⁷). They noted that the PEI provides a good overview of recreational boating activity in the vicinity of the project and they accepted the potential impacts of the project on the level of recreational boating activity in the local area as not significant given their temporary nature. A detailed record of their observations on this topic is set out in **Table A9.2f, Appendix 9.2**.
- 9.82 The Applicant has had full regard to the RYA's comments on socio-economics in finalising the ES for the Application. The level of detail, references to relevant RYA publications and assessment conclusions have been maintained and carried forward to Chapter 14, Volume 2 of the ES.

Responses from Non-Statutory Organisations and Groups

- 9.83 11 responses to the section 47 consultation were received from non-statutory organisations and groups (as defined in paragraph 6.67 of the Consultation Report). All of these responses were received by the Applicant before the deadline for responses of 12 July 2011, with the exception of the British Trust for Ornithology (BTO) (received on 6 October 2011). A full list of the non-statutory organisations' responses, including a brief note on their areas of interest, is included in **Appendix 9.1**.
- 9.84 The responses from non-statutory organisations are set out in detail and categorised in response tables **A9.3a-A9.3p** in **Appendix 9.3**. The categories of the tables are listed in **Box 9.2**. Each of the tables in **Appendix 9.3** sets out the key elements of the response, the organisation that it has been received from and the regard that has been had to the response in developing the project. The tables also highlight those responses received after the response deadline. Where a response contains comments relevant to more than one category (as listed in **Box 9.2**), the response has been separated across the relevant tables as appropriate and cross-references have been included to aid finding responses by consultee.

⁵⁷ Chapter 14, Volume 2 of the ES.

Box 9.2 Structure of the response tables (presented in Appendix 9.3) setting out the detail of the responses from non-statutory consultees

Table A9.3a	Climate change and renewable energy
Table A9.3b	General comments on pre-application consultation and the PEI
Table A9.3c	Approach to Environmental Assessment
Table A9.3d	Fish and shellfish
Table A9.3e	Marine mammals
Table A9.3f	Ornithology
Table A9.3g	Suggested monitoring regimes
Table A9.3h	Nature conservation sites
Table A9.3i	Potential visual impacts
Table A9.3j	The combined impact assessment
Table A9.3k	The approach to cumulative impact assessment
Table A9.3l	Requests for further consultation
Table A9.3m	Not supporting the application
Table A9.3n	Comments relating to the electrical infrastructure
Table A9.3o	No comment/no objection
Table A9.3p	Unable to provide comment

Summary of Responses from Non-Statutory Organisations

- 9.85 Of the 11 non-statutory organisations that responded to the consultation, four provided a response of ‘no comment’ or ‘no objection’ to the project. The responses from these consultees are detailed in **Table A9.3o**, **Appendix 9.3** and can be summarised as follows:
- i) Arqiva, the organisation responsible for providing television transmission networks, and the Joint Radio Company Limited (JRC), an organisation which assesses the potential for wind farms to interfere with radio systems operated by utility companies, both responded that the project would not have an adverse affect on their operations. Consequently, Arqiva concluded no objection to the proposed development.
 - ii) The Lincolnshire Ramblers Association and the Wash Estuary Strategy Group noted that they do not have any comments to make on the offshore components of the scheme. The latter consultee recorded that the proposed site is outside of the geographical area covered by their organisation (although they did provide comments on the electrical system elements of the project, see paragraph 9.135).
- 9.86 One organisation, the BTO, noted that they were unable to comment on the proposals as they did not have the resource to respond to individual consultations. The response from the BTO is detailed in **Table A9.3p**, **Appendix 9.3**.

- 9.87 The remaining responses received from non-statutory consultees (six in total), included detailed responses on the project and the consultation documents. The comments raised can be considered to fall within five main categories; specific comments on the technical content of the PEI; benefits associated with the project; objections; consultation undertaken; and comments made in relation to the electrical system that will be required for the project. These five categories are explored in more detail below and an account is made as to how specific comments have influenced the development of the project and the finalisation of the Application for submission.

Comments on the Technical Content of the Consultation Documents

- 9.88 Four non-technical consultees provided comments on specific Chapters of the PEI, as summarised in **Table 9.3**. Each of the topics are discussed in turn below.

Table 9.3. PEI topics on which non-statutory consultees provided comments

Topic (as presented in the PEI)	Organisations which provided comments
Approach to environmental assessment	Royal Society for the Protection of Birds (RSPB)
Fish and shellfish	The Wildlife Trusts
Marine mammals	The Wildlife Trusts
Ornithology	RSPB
Monitoring	The Wildlife Trusts
Nature conservation	The Wildlife Trusts and the Wash and North Norfolk Coast European Marine Site Management Group
Seascape and visual impact assessment	National Trust
The combined impact assessment	RSPB

Approach to Environmental Assessment

- 9.89 The Royal Society for the Protection of Birds (RSPB) was the only non-statutory consultee to provide comments on the approach to environmental assessment (PEI Chapter 5, Volume 1⁵⁸). A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A9.3c, Appendix 9.3**.
- 9.90 Whilst the RSPB welcomed the approach outlined in the PEI of using EIA as a means of informing the decision-making process, the following specific comments were raised in relation to the Applicant's method:
- The RSPB noted the intention of the Applicant to consult stakeholders on the need for and scope of any mitigation and requested that they are included in such consultation related to birds. They also recorded a request

⁵⁸ Now Chapter 5, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

for inclusion in any consultation on the Habitats Regulation Assessment (HRA).

- ii) With regard to the approach to the cumulative impact assessment, the RSPB requested further information on the variable spatial scale approach adopted. They also questioned the input of statutory consultees in determining the scope of the cumulative impact assessment.

9.91 A detailed record of how the Applicant has had regard to the RSPB's comments is set out in **Table A9.3c, Appendix 9.3**. A number of post formal consultation activities have been held in light of their comments, as summarised below (and as documented in Chapter 11 of this Report):

- i) The RSPB was updated by email on progress of the ornithology assessment in early September 2011 and on the intention of the Applicant to carry out further consultation on that assessment.
- ii) The ornithological technical assessment was issued to nature conservation bodies in September 2011, including the RSPB, for comment. In addition, they were invited to attend a meeting to discuss the assessment. RSPB declined attendance, but provided written comments.
- iii) A further iteration of the technical report was issued to the RSPB (in addition to the JNCC and Natural England) on 27 September 2011 with a further invitation to join a meeting to discuss its content and HRA related aspects. Comments received from this non-statutory consultation have been considered in the final drafting of the ES (Chapter 5, Volume 2 and Annex H, Volume 3).

Fish and Shellfish

9.92 Comments were received from the Wildlife Trusts on the Fish and shellfish Chapter of the PEI (Chapter 4, Volume 2⁵⁹). A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A9.3d, Appendix 9.3**.

9.93 The Wildlife Trusts advised that the precautionary principle should be applied when considering the effects of EMF from cables on fish, especially elasmobranchs, as this issue is not well understood. They therefore recommended that, where possible, cables are buried to a depth of 3 m to minimise the impacts of EMF.

9.94 A detailed record of how the Applicant has had regard to the Wildlife Trust's comments on fish and shellfish is set out in **Table A9.3d, Appendix 9.3** and is summarised below.

9.95 As set out in paragraph 9.29 above, the potential effects of EMF on fish and shellfish resources has been considered in paragraphs 4.112-4.117 and 4.136-4.141 of ES Chapter 4, Volume 2. Given the knowledge on EMF effects, it is felt not necessary to bury cables to a depth of 3 m. Furthermore, this is not practical where, for example, cables cross over existing gas pipelines or where cables connect with substations. However, it is noted in paragraph 4.116 of ES

⁵⁹ Now Chapter 4, Volume 2 of the ES (document reference 05/01), as amended in response to formal consultation.

Volume 2 that cables will be buried where possible, the depth of which will be such that risk of subsequent exposure and risk to other sea users is minimised. It is concluded that this would be sufficient to avoid any significant effects of EMF.

- 9.96 It is noted that the NPS EN-3 concludes on EMF effects on fish that where cables are shielded and buried *“the residual effects of EMF on sensitive species from cable infrastructure during operation are not likely to be significant. Once installed, operational EMF impacts are unlikely to be of sufficient range or strength to create a barrier to fish movement.”*

Marine Mammals

- 9.97 The Wildlife Trusts also provided comments on the marine mammals Chapter of the PEI (Chapter 5, Volume 2⁶⁰). A detailed record of their observations on this topic is set out in **Table A9.3e, Appendix 9.3** and is summarised below.
- 9.98 Given that the Silver Pit has been identified as a clustering area for harbour porpoises and seals, the Wildlife Trusts considered that soft start procedures for pile driving should be put in place, with potentially longer soft starts at the western edge of the site. A precautionary approach was recommended to employ a soft start of at least 30 minutes in length.
- 9.99 The Wildlife Trusts also requested further opportunity to comment on the marine mammal and the bird assessments once they have been completed.
- 9.100 A record of how the Applicant has had regard to the Wildlife Trust's comments on marine mammals is set out in **Table A9.3e, Appendix 9.3**. In summary, the assessment of impacts to marine mammals, reported in the ES Volume 2, Chapter 5, has assumed the need for both a soft start (of 20 minutes duration) and a slow start procedure (see para 5.260 of the ES), amongst other measures to avoid and reduce potential impacts. The requirements for a marine mammal mitigation plan incorporating, amongst other things, a soft start procedure, is included in the draft deemed Marine Licence as condition 9(f) (document reference 03/01).

Ornithology

- 9.101 The RSPB was the only non-statutory consultee to provide comments on the ornithology Chapter of the PEI (PEI Chapter 6, Volume 2⁶¹). A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A9.3f, Appendix 9.3**.
- 9.102 The RSPB highlighted that the summary of advice from statutory nature conservation bodies in the PEI Chapter appears over-simplified and a summary of advice from the RSPB and any other stakeholders is lacking. In addition, they considered that it was difficult to determine the extent to which advice from nature conservation bodies, as provided through previous consultation

⁶⁰ Now Chapter 5, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

⁶¹ Now Chapter 6, Volume 1 of the ES (document reference 05/01), as amended in response to formal consultation.

exercises, had been addressed in the ornithology Chapter. With regard to their previous comments, the RSPB noted that:

- i) It was not clear whether the survey and analysis methodologies addressed their previous concerns relating to: the approach to deriving passage rates for passage species; clarification on the use of weighted rank scores for assessment purposes; implications of carrying out boat-based surveys on a continuous route; and the use of 'Distance' for population estimates.
- ii) Similarly, it was uncertain whether the baseline section addressed previous suggestions to: consider differences in the use of the site between seasons and years; use suggested references to support assumptions; compare breeding season densities at the site to densities elsewhere; and consider the proportions of birds engaged in feeding/foraging activity.
- iii) In addition, it was unclear whether the assessment presented incorporated previous comments covering: the use of available literature to inform the assessment as recommended; provision of evidence for statements that alternative habitats that are available to species that may be displaced; and justifying statements that species with low flight heights and flexible habitat use are less susceptible to displacement or barrier impacts.

9.103 Further commentary from the RSPB in relation to previous consultation undertaken and the consequent nature of their response is provided under the heading '*Consultation undertaken and requests for further consultation*' (paragraphs 9.127-9.129 of this Report).

9.104 The RSPB also provided the following specific comments in relation to the PEI ornithology Chapter:

- i) Collision risk modelling has not been completed within the PEI Chapter and the RSPB requested consultation on this aspect of the assessment. It was also noted that the cumulative assessment should consider collision risk.
- ii) The RSPB questioned the approach that will be taken to applying the definitions of terms relating to the magnitude of an impact to assessments for the most sensitive ornithological receptors.
- iii) The assessment of gannet as a high sensitivity species was welcomed but clarification was sought on an additional listing of gannet as a species of medium sensitivity. In addition, it was questioned why kittiwake is assigned as a 'high' rather than a 'very high' sensitivity species.
- iv) Whilst the RSPB welcomed the identification of proportions of juveniles, sub-adults and adults for some species, it was suggested this would be informative for all relevant species and seasons, for example for gannet during the breeding season.
- v) It was noted that the full assessment of indirect impacts to birds through potential construction related effects of mortality, disruption to breeding activity and displacement of prey species is still to be completed.
- vi) Concern was raised in relation to how cumulative impact assessment will be carried out, given that the outcomes of the Appropriate Assessment of the Docking Shoal, Race Bank and Dudgeon proposals are not yet known.

- vii) The RSPB questioned why the Chapter recorded debate as to whether gannet is included in the assemblage of the Flamborough Head and Bempton Cliffs Special Protection Area, given earlier advice from Natural England.
 - viii) The response from the RSPB also advised that additional data from satellite tracking of gannet and GPS loggers on kittiwake are now available and could be used to inform the assessments for these species in the ES.
- 9.105 The RSPB also provided comments in relation to the approach to cumulative impact assessment (as set out in Annex Q, Volume 3 of the PEI) for ornithological interests. A detailed record of their observations on this topic is set out in **Table A9.3k, Appendix 9.3**. In summary, the RSPB noted that the approach to cumulative impact assessment is not adequately described in the PEI and significant elements of the ornithological assessments are incomplete.
- 9.106 A record of how the Applicant has had regard to the RSPB's comments on the ornithology Chapter and the approach to cumulative impact assessment for ornithological interests is set out in **Tables A9.3f and A9.3k, Appendix 9.3** respectively and is summarised below:
- i) It is acknowledged that the PEI ornithological chapter was a summary document without detailed work included in appendices. The information in the PEI has since been revised and technical appendices, including detail on survey and assessment methodologies, have been included in the ES technical appendices (Volume 3, Annex H) (document reference 05/01). This information has been summarised in the ES Chapter (Volume 2, Chapter 6). These documents have been informed by consultation responses (received through both formal consultation and post formal consultation activities; the latter of which are summarised in Chapter 11 of this Consultation Report) received from the JNCC, Natural England and the RSPB as appropriate and where practicable. For example, the assessment has been refined to take account of seasonal variation in site usage and in differentiating age groups.
 - ii) The tracking data that became available and referred to in the RSPB response has been incorporated into the assessment (for example in ES Volume 3; Annex H, Figure 23 and paragraph 1.30).
 - iii) Further consultation has been held with the RSPB as appropriate. This is detailed in paragraph 9.91 above.

Monitoring

- 9.107 Monitoring of impacts on receptors was considered in the individual PEI topic Chapters, where relevant. However, it is considered as an overarching subject here in light of a general comment raised by the Wildlife Trusts. The Wildlife Trusts suggested that due to uncertainties relating to the effects of wind farms on marine mammals, elasmobranchs and birds, monitoring regimes should be carried out during the construction and operational phase of the wind farm. A detailed record of their observations on this topic is set out in **Table A9.3g, Appendix 9.3**.

9.108 This comment has largely been addressed through relevant ES Chapters where monitoring has been considered appropriate. This includes an overarching Marine Mammal Mitigation Protocol (paragraph 5.261, ES Volume 2) and a monitoring programme to be agreed with the MMO (paragraph 5.262, ES Volume 2), pre- and post-construction bird monitoring (paragraph 6.181(iv), ES Volume 2) and pre- and post-construction monitoring of fish (paragraph 4.143 of ES Volume 2). The various pre-, during and post-monitoring proposals are set out in the draft Deemed Marine Licence contained in the draft DCO (under conditions 13, 14 and 15) (document reference 03/01).

Nature Conservation

- 9.109 Two of the responses from non-statutory consultees included comments on nature conservation; the Wildlife Trusts and the Wash and North Norfolk Coast European Marine Site Management Group. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A9.3h, Appendix 9.3**.
- 9.110 Given that the proposed project is adjacent to the draft Marine Conservation Zone (dMCZ) Inner Silver Pit, the Wildlife Trusts suggested that more consideration should be given to the potential impacts of construction in this area. It was highlighted that a proposed conservation objective for this dMCZ is 'recover' and has within it Ross Worm, a species that the Wildlife Trusts record as being highly sensitive to disturbance. It was therefore suggested that turbines may need to be micro-sited from the boundary of the dMCZ to minimise potential impacts.
- 9.111 The Wash and North Norfolk Coast European Marine Site Management Group advised that the proposed development be considered under the UK Conservation of Habitats and Species Regulations 2010. It was noted that it will be necessary to consider whether the proposals are likely to have a significant affect and/or impact on the interest features of the Wash and North Norfolk Coast European Marine Site.
- 9.112 A detailed record of how the Applicant has had regard to comments on nature conservation is set out in **Table A9.3h, Appendix 9.3** and is summarised below:
- i) The potential for likely significant effects on the Wash and North Norfolk Coast European Marine Site have been considered and are the subject of the HRA assessment (document reference 04/02).
 - ii) Pre- and post-construction monitoring of potential Annex 1 habitat (which would include *Sabellaria*) is set out in the draft Deemed Marine Licence in the DCO under conditions 13 and 15 (document reference 03/01). It would be expected that where potential direct or significant indirect impacts were likely on any features recorded during these surveys, micro-siting would be undertaken.
 - iii) Indirect impacts on the Lincolnshire and North Norfolk coastlines have been considered in Chapter 2, Volume 2 of the ES (Physical processes). No significant effects are predicted at this distance from TKOWF; as such no effects on coastally linked sites of nature conservation importance will occur.

- iv) The potential interaction with the Silver Pit (and possible sensitive habitats within the Silver Pit) has been considered in the physical processes chapter of the ES (Chapter 2, Volume 2). This Chapter notes that there would be negligible, if any, effect on processes within the Silver Pit as a result of TKOWF.

Seascape and Visual Impact Assessment

- 9.113 National Trust provided comments on potential visual impacts of the project on heritage assets and designated landscapes in its formal response. A summary of its comments is provided below and a detailed record of its observations on this topic is set out in **Table A9.3i, Appendix 9.3**.
- 9.114 With regard to heritage assets, National Trust focused its response on the potential impacts of the project on the Trust's interests of the Gunby Estate (because they raised attention to this asset in their response to consultation on onshore substation sites in 2010 (see **Box 3.1** in Chapter 3 of this Report for information on this consultation)). They concluded that it is not anticipated that there would be any noticeable adverse visual impacts on the cultural heritage features, their settings or landscape character of the wider Estate as a result of the proposed offshore infrastructure. However, they noted that they would wish to consider more detailed ZTV and viewpoint information.
- 9.115 The response also referred to viewpoint analyses requested by East Lindsey District Council with regard to the potential impacts of the project on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). They noted that this is an area of higher land behind the coastal plain and one of designated landscape of national importance. They noted that a full assessment should be made of the extent of visual impacts of the project on this area.
- 9.116 A record of how the Applicant has had regard to the National Trust's comments on landscape and seascape is set out in **Table A9.3i, Appendix 9.3**. It is considered that regard has been had to their comments through Chapter 9, Volume 2 and Annex J, Volume 3 of the ES. These Chapters consider the potential impacts of the project on the existing landscape, seascape and visual resource.
- 9.117 A wireframe was produced from the Lincolnshire Wolds AONB (presented in Appendix 2 of Annex J, Volume 3 of the ES). Using the wireframe, it was noted that the turbines would be barely visible above the horizon due to the curvature of the earth and the distance involved. The Lincolnshire Wolds lie over 45 kilometres from the proposed development at its nearest point. It was concluded in the ES that the proposed development would not have a significant visual effect on the Wolds.

The Combined Impact Assessment

- 9.118 The RSPB was the only non-statutory organisation to provide comments on the combined impact assessment Chapter of the PEI (Chapter 15, Volume 2⁶²). A detailed record of their observations on this topic is included in **Table A9.3j**,

⁶² Chapter 15, Volume 2 of the Environmental Statement.

Appendix 9.3. In summary, they noted that whilst the general approach to assessment of inter-relationships has merit, the assessment is incomplete and a number of areas would benefit from refinement. In particular, they highlighted that a methodology for ‘summing’ (i.e. additive) impacts on a single receptor is lacking and would be a key element of the assessment.

- 9.119 A record of how the Applicant has had regard to comments on the combined impact assessment is set out in **Table A9.3j, Appendix 9.3**. The inter-related impacts assessment set out in Chapter 15: Volume 2 of the ES has attempted to ‘sum’ the combined effects on single receptors or receptor groups both across the project lifecycle and arising from different sources of effect. It is acknowledged that this is a largely qualitative exercise based on expert view and judgement, but nonetheless attempts to address the potential for such inter-related effects to occur. No inter-related effects that would give rise to a greater significant effect than the individual impacts considered were identified, although the potential for some inter-related effects to occur was noted.

Benefits Associated with the Project

- 9.120 Two of the responses from non-statutory consultees included comments on climate change and renewable energy; the Wildlife Trusts and the National Trust. A summary of their comments is provided below and a detailed record of their observations on this topic is set out in **Table A9.3a, Appendix 9.3**.
- 9.121 The Wildlife Trusts recorded its support for the UK’s target to reduce greenhouse gas emissions and the Government’s ambitions to tackle climate change and increase the proportion of energy generated from renewable sources. However, it noted that developments should cause minimal impact to the natural environment and, as discussed above, provided comments in relation to fish, marine mammals and nature conservation sites.
- 9.122 The National Trust stated that its Energy Policy strongly supports a major increase in renewable energy generation nationally and noted the benefits of mitigating climate change on the natural environment, society and many of the Trust’s properties which are experiencing the impacts of climate change. Whilst the Trust considered that renewable energy development will bring long-term benefits, it recorded that the location and design of all energy generation and distribution schemes should take account of the full range of environmental considerations. It therefore, as discussed above, provided comments in relation to the visual impact of the project in addition to providing comments on the electrical infrastructure required for the project (summarised in paragraphs 9.136-9.137 below) in its response.
- 9.123 A detailed record of how the Applicant has had regard to comments from non-statutory consultees on climate change and renewable energy is presented in **Table A9.3a, Appendix 9.3**. In summary, regard has been had to these comments in finalising the Application documents for the project. For example, background to Government policy and legislation on climate change and renewable energy and the contribution of the project towards renewable energy targets has been included in Chapter 2, Volume 1 of the ES.

Objections to TKOWF

9.124 One non-statutory organisation, the Pagus Residents' Association, recorded that its members do not support the proposal for TKOWF. Their response raised strong concerns regarding the siting of the substation that will be necessary for the project, the visual impact of the wind farm on the local economy and the effect its construction will have on the ecology of the area.

Table A9.3m, Appendix 9.3 provides a detailed record of their comments.

9.125 The regard that has been had to this response can be summarised as follows:

- i) As noted in paragraph 9.16(ii) of this Report, it is considered that comments on the electrical infrastructure that will be required for the project lie outwith this Application. However, in light of the comments, a detailed update on the electrical system was provided to the Pagus Residents' Association and the Association was provided with an update newsletter documenting the onshore connection location for the project (as summarised in paragraph 9.40(iii) of this Report).
- ii) The potential impact of the offshore wind farm on seascape and the visual environment has been addressed in detail in ES Chapter 9, Volume 2. Given that no significant impacts were identified on the visual environment from the coast, the potential visual impacts on tourism and the economy were scoped out of further assessment in the socio-economic study. This is documented in ES Chapter 14, paragraphs 14.8 and 14.158-14.159.
- iii) Regard has been had to the comment on ecology through specific Chapters of the ES. For example, Chapter 3, Volume 2 of the ES considers Benthic ecology, Chapter 4 addresses Fish and shellfish, Chapter 5 details Marine mammals, Chapter 6 covers Ornithology and Chapter 7 addresses Nature conservation sites. These Chapters describe the baseline conditions of the site and surrounding area, set out the potential impacts of the project on ecological receptors during the construction, operation and decommissioning phases of the offshore wind farm and conclude by detailing mitigation measures to minimise potential impacts on receptors.

9.126 Additional responses were received from non-statutory organisations on the electrical system required to connect TKOWF to the national electricity network. These responses, along with the regard that the Applicant has had to their comments, are summarised below under the heading '*Comments on the Electrical Infrastructure*' (paragraphs 9.134-9.139).

Consultation Undertaken and Requests for Further Consultation

9.127 One non-statutory consultee, the RSPB, raised comments in relation to the pre-application consultation carried out for the project and a second organisation, the Skegness and District Chamber of Commerce, requested further engagement. A summary of their respective comments and requests is provided below and a detailed record is set out in **Tables A9.3b and A9.3l, Appendix 9.3** respectively.

9.128 The RSPB noted that the PEI ornithology Chapter largely summarises the conclusions of a detailed draft ornithology assessment that was shared with statutory nature conservation advisors and the RSPB in late 2010. Whilst the RSPB provided feedback on the draft assessment, they were unclear how it

had been taken into account in the development of the PEI (as also noted under the heading '*Ornithology*' above in paragraphs 9.101-9.104). They highlighted that their response therefore essentially comprises a reiteration of areas of concern raised in earlier feedback.

- 9.129 In addition, the RSPB recorded that they do not consider the PEI to be '*an adequately finalised document to enable adequate pre-application consultation, and consideration of the application under Section 42 of the Planning Act 2008 to be concluded*'.
- 9.130 A record of how the Applicant has had regard to comments from the RSPB in relation to the consultation undertaken is presented in **Table A9.3b, Appendix 9.3**. In summary, it is acknowledged that the PEI ornithology chapter was a summary document without detailed work included in appendices (as noted in paragraph 9.106 above). Further consultation has been held with nature conservation bodies, including the RSPB, following post formal consultation on the project. This is summarised in paragraph 9.91 above and in Chapter 11 of this Report. The ornithology ES Chapter and its ES technical appendices (document 05/01) have been informed by this consultation (as set out in paragraph 9.91).
- 9.131 With regard to the request for further engagement, the Skegness and District Chamber of Commerce invited the project team to attend one of their meetings to provide further information on the project.
- 9.132 The project team agreed to meet with the Chamber of Commerce as requested. However, they were subsequently provided with a list of topics (presented in **A9.3l, Appendix 9.3**) that the Chamber wished to discuss at the meeting. Given that the majority of the topics related to the electrical system, it was suggested that attendance at the meeting be postponed until information is known on the electrical system, specifically the cable route and method of connection.
- 9.133 In addition, an update newsletter was provided to the Skegness and District Chamber of Commerce documenting the onshore connection location for the project (as summarised in paragraph 9.40(iii) of this Report).

Comments on the Electrical Infrastructure

- 9.134 In addition to the response from the Pagus Residents' Association (summarised in paragraph 9.124 of this Report), two further non-statutory consultees provided specific comments on the electrical system that would be required to connect the project to the national electricity network; the Wash Estuary Strategy Group and the National Trust. The comments received on the electrical infrastructure are provided in detail in **Table A9.3n, Appendix 9.3** and are summarised below.
- 9.135 Whilst the Wash Estuary Strategy Group recorded that they do not have any comments on the offshore components of the project (as noted above in paragraph 9.85(ii) of this Report), they noted that the routing of any cables to onshore installations that may make landfall within the Wash Estuary or adjacent to it would concern them. They therefore requested that consultation is carried out with them once the route for the offshore export cable has been confirmed.

- 9.136 The National Trust raised concern that the ‘full package’ for the project is known, including both offshore and onshore infrastructure. They noted that the implications of both need to be fully understood and assessed and that future options are not constrained by choices made now that reduce the flexibility to consider alternative approaches. They highlighted, for example, that opportunities are not lost to maximise the amount of infrastructure that is located offshore.
- 9.137 Their response did, however, welcome the consideration of a wider set of options for the onshore infrastructure, given comments provided in response to non-statutory consultation on onshore substation locations in 2010 (which occurred prior to the formal consultation on the project, as summarised **Box 3.1** in Chapter 3 of this Consultation Report). They also requested clarification as to whether the 132kV or the 220kV option for cabling within the wind farm area have been finalised yet.
- 9.138 As set out in paragraph 9.16(ii) of this Report above, the electrical infrastructure is not part of the current Application and therefore was not the subject of formal consultation. It is therefore considered that comments provided on this topic lie outwith this Application. However, the following regard has been had to the responses in developing the project:
- i) Full replies were provided to the Wash Estuary Strategy Group and the National Trust giving an update on the electrical infrastructure components of the project. This included background which led the Applicant to separate the offshore wind farm from the electrical connection. The reply to the National Trust confirmed that the choice for the array cables has not yet been finalised.
 - ii) Full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02), the Cable Statement (document reference 07/01) and in paragraphs 1.15 to 1.21 of ES Chapter 1, Volume 1.
 - iii) A number of amendments have been made to the Application documents and an update has been provided to all consultees as follows:
 - As summarised in paragraph 9.40(iii) of this Report, information on the electrical system has been provided in the Application through the inclusion of a Cable Statement as an Application document (document reference 07/01) pursuant to Regulation 6(1)(b) of the APFP Regulations.
 - Additional information is provided in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).
 - An update newsletter was provided to all consultees documenting the onshore connection location for TKOWF and introducing how the electrical system elements of the project will be developed. This is described in paragraph 9.40(iii) of this Report.
- 9.139 The electrical infrastructure including the offshore export cable, landfall/cable jointing, onshore cable, substation and grid connection will all be subject to full EIA once the details of the connection arrangements have been finalised and in

preparing for an application for relevant consents. The relevant authorities and potentially affected organisations and members of the public will be consulted in developing these applications and will have an opportunity to comment on the detailed proposals at that time.

Elected representatives

- 9.140 14 responses to the section 47 consultation were received from nine elected members (as defined in paragraph 6.68 in Chapter 6 of the Consultation Report). In some cases, an answer provided by the Applicant to a question raised from an elected member resulted in the receipt of a subsequent response from that member. Four of the responses were received from Members of Parliament (MPs) and Members of European Parliament (MEPs) and the remainder were received from Councillors.
- 9.141 All of the responses were received by the Applicant before the deadline for responses of 12 July 2011. A full list of the responses from elected members, including a brief note on their areas of interest, is included in **Appendix 9.1**.
- 9.142 The responses from elected members are set out in detail and categorised in response tables **A9.4a-A9.4f** in **Appendix 9.4**. The categories of the tables are listed in **Box 9.3**. Each table in **Appendix 9.4** sets out the key elements of the response, the elected member that it has been received from and the regard that has been had to the response in developing the project. Where a response contains comments relevant to more than one category (as listed in **Box 9.3**), the response has been separated across the relevant tables as appropriate and cross-references have been included to aid finding responses by consultee.

Box 9.3 Structure of the response tables (presented in Appendix 9.4) setting out the detail of the responses from elected members

Table A9.4a	Seascape and visual impact assessment
Table A9.4b	Cumulative impacts
Table A9.4c	General comments on offshore wind farms
Table A9.4d	Benefits of and support for the project
Table A9.4e	Questions raised
Table A9.4f	Comments relating to the electrical infrastructure

Summary of Responses from Elected Members

- 9.143 The responses from elected members provided detailed comments on the topics listed in **Box 9.3**. They are explored in more detail below and an account is made as to how specific comments have influenced the development of the project and the finalisation of the Application for submission.

Seascape and Visual Impact Assessment

- 9.144 Two of the responses from Councillors included comments related to seascape and the visual impact of the project. These are set out in detail in **Table A9.4a**, **Appendix 9.4** and are summarised below.

- 9.145 Cllr Angie Smith noted that the project includes a choice of wind turbine sizes for the offshore wind farm. She suggested that serious consideration should be given to the use of the smaller turbine design to minimise the adverse visual impact from the tourist coast to the sea horizon. Whilst Cllr Colin Davie recorded support in principle for an offshore wind farm at Triton Knoll (see paragraphs 9.157-9.160 on '*Benefits of and support for the project*'), it was noted that such support is conditional on the developer not opting for the larger scale turbines because these will impact 'over the horizon' views. He raised concerns in relation to impacts of the project on viewpoints from Mablethorpe, even when using the smaller turbines.
- 9.146 A record of how the Applicant has had regard to Councillor comments on visual impacts is presented in **Table A9.4a, Appendix 9.4**. In summary, further regard has not been given to the comments raised for the reasons set out below:
- i) A range of turbine sizes was included in the consultation documents and has been carried forward to the ES and the Application. Given the anticipated future changes in the design and availability of turbines and associated components, it is not feasible to predict what the optimum design solution would be for the project at the time of submitting the Application. Further justification to the flexibility embodied in the range of dimensions for the turbines and other components of the offshore wind farm is provided in Chapter 7, Volume 1 of the ES; the range of options is set out in ES Chapter 6, Volume 1 (Project Description).
 - ii) ES Chapter 9, Volume 2 concludes that, when considering the worst case scenario of the tallest turbines (with a tip height of up to 220m) there will be no significant effects of the project on seascape and visual environment from the coast irrespective of the turbines selected for the site (i.e. within the dimension parameters set out in ES Chapter 6, Volume 1, no significant visual effects are predicted whether fewer, larger turbines or more, smaller turbines are considered).
 - iii) A wireframe and photomontage of what the wind farm might look like from Mablethorpe Beach was included in Chapter 9, Volume 2 and Annex J, Volume 3 of the PEI. This has been carried forward to the ES, where it was recorded that the offshore wind farm could potentially be discernible as a very small collective horizon element within an open expansive view. As such it was concluded that the proposed development would not have a significant effect from the coastline, including from Lincolnshire.

Cumulative Impacts

- 9.147 One Councillor, Cllr Colin Davie, also raised concern in his response that there is little regard to the cumulative impacts of offshore and onshore wind turbines on the coastline and on views out to sea from the AONB.
- 9.148 A record of how the Applicant has had regard to this concern is presented in **Table A9.4b, Appendix 9.4**. In summary, full regard has been had to this comment in finalising the Application documents for the project as follows:
- i) A cumulative assessment has been included within each relevant ES Chapter. The cumulative assessments consider the interaction of impacts arising from the construction, operation and decommissioning of the project with similar impacts arising from other marine developments in the wider

region including other offshore wind farm projects, marine aggregate extraction, port and harbour dredging, oil and gas infrastructure, commercial navigations and commercial fishing.

- ii) The potential cumulative impacts of onshore and offshore wind farms is considered to be relevant principally to the seascape and visual impact assessment Chapter of the ES. This Chapter therefore includes a cumulative impact assessment which considers the potential impacts of relevant onshore and offshore wind farms on seascapes and visual effects in paragraphs 9.55-9.78 of ES Chapter 9, Volume 2.

General Comments on Offshore Wind Farms

- 9.149 Two of the MPs included general comments on offshore wind farms in their responses. These are set out in detail in **Table A9.4c, Appendix 9.4** and are summarised below.
- 9.150 Both of the responses included comments on the efficiency of wind turbines. Sir Peter Tapsell MP noted that the usefulness of turbines is increasingly called into question specifically because they cannot be used in certain weather conditions and would '*contribute only an insignificant amount of power to our energy supplies and at a high cost*'. Derek Clark MEP quoted figures in relation to the number of days on average turbines are shut down because the wind was too strong and the cost of this through 'constraints payments'.
- 9.151 Derek Clark's response also included general comments on the potential impacts of offshore wind farms. Issues relating to dredging and drilling were raised, including the impacts of these on the generation of silt and subsequent effects on marine life, fish spawning grounds and fishing.
- 9.152 A record of how the Applicant has had regard to these comments in finalising the Application documents is presented in **Table A9.4c, Appendix 9.4** and is summarised below.
- 9.153 The anticipated production of energy from the project is noted in paragraph 2.28 of ES Chapter 2, Volume 1. However, further consideration has not been given to issues raised in relation to the efficiency of wind turbines or the contribution of the offshore wind farm electricity supplies.
- 9.154 This is because there is a clear demonstrated need for the proposed application as set out in NPSs. For example, Part 3 of the Overarching NPS for Energy (EN-1) describes the need for new nationally significant energy infrastructure projects such as TKOWF. This policy makes it clear that the UK needs a mix of all types of energy infrastructure to achieve energy security at the same time as dramatically reducing greenhouse gas emissions (paragraph 3.1.1 of EN-1). NPS EN-1 further notes that the IPC should assess all applications for development consent for the types of infrastructure covered by the energy NPSs (including offshore wind farms) on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that this need is urgent (paragraph 3.1.3 of EN-1).
- 9.155 In addition, section 2.6 of the NPS for Renewable Energy Infrastructure (EN-3) provides policy specific to offshore wind. The policy states that '*offshore wind farms are expected to make up a significant proportion of the UK's renewable energy generating capacity up to 2020 and towards 2050*'. The policy context of

NPSs with respect to TKOWF is summarised in paragraphs 2.17-2.23 of Chapter 2, Volume 1 of the ES as well as elsewhere in the ES where relevant.

9.156 However, the project has had regard to general comments raised on the potential impacts of offshore wind farms. For example:

- i) The production of sediment and silt from the project is considered in Chapter 6, Volume 1 of the ES; dispersion of soil arisings is assessed in Chapter 2, Volume 2.
- ii) Specific Chapters are included within the ES to cover potential environmental impacts of the project. For example, Chapter 3, Volume 2 covers benthic ecology, Chapter 4 addresses fish and shellfish, Chapter 5 details marine mammals, Chapter 6 considers ornithology and Chapter 7 addresses nature conservation sites. These Chapters set out the potential impacts of the project on these receptors and mitigation measures to minimise impacts.
- iii) Chapter 8, Volume 2 of the ES (Commercial fisheries) considers the potential impacts of the project on local fishermen. It sets out a series of measures to minimise these potential impacts in paragraphs 8.131-8.134 of the ES.

Benefits of and Support for the Project

9.157 Three Councillors expressed support for or identified benefits associated with the project in their responses or considered that the consultation was helpful. These are summarised below and provided in detail in **Table A9.4d, Appendix 9.4**.

9.158 Cllr Graham Cullen noted that the '*development proposals are a desirable progression for sustained and renewable energy along with environmental necessity to a greener future for power and energy source and supply*'. As noted above, Cllr Colin Davie supported in principle the proposal to develop an offshore wind farm at the proposed site, noting that offshore development is preferable to onshore development. Cllr Davie's response also raised comments in relation to seascape, cumulative impact assessment and the electrical system components of the project (summarised in paragraphs 9.145, 9.147 and 9.164(i) of this Report respectively).

9.159 Cllr Ann Green, who attended the public exhibition in Wells-next-the-Sea, was '*impressed by the presentation and the way in which individual attention was given in explaining diagrams*' and that she appreciated the way the project team has kept them informed.

9.160 The positive feedback was welcomed by the Applicant. There was limited regard that could be had to these comments as they were general in nature. However, in relation to the comments on renewable energy, background to Government policy on climate change and renewable energy and the contribution of the project towards renewable energy generation has been included in ES Chapter 2, Volume 1 on the need for offshore wind.

Questions Raised

- 9.161 Three Councillors asked specific questions in relation to the consultation material provided and the project itself. These questions are summarised below and set out in detail in **Table A9.4e, Appendix 9.4**.
- i) Cllr Angie Smith asked for clarification on words that were missing from her copy of the newsletter. She also requested confirmation on which individuals and groups were provided with a copy of the newsletter to determine how best to distribute information to residents.
 - ii) Cllr Marie Strong queried details on the possibility of a potential landfall location for the project in North Norfolk.
 - iii) Cllr Ann Green queried whether cables would cross North Norfolk.
- 9.162 Regard was had to these questions by providing full responses to the relevant Councillor as summarised below:
- i) Responses were provided to Cllr Smith advising the wording that had been missed from her copy of the newsletter. Information was also provided on which groups were provided with copies of the newsletter.
 - ii) A detailed update on the electrical system was provided to Cllrs Strong and Green. This included the background which led the Applicant to separate the offshore wind farm from the electrical connection. It was also clarified that the connection location and cable route were not, at the time of consultation, known. However, the Councillors were provided with an update newsletter documenting the onshore connection location for the project (as described in paragraph 9.16(ii) of this Report). In addition, updated information has been included as part of the Application (for example in the Cable Statement; document reference 07/01).

Comments on the Electrical Infrastructure

- 9.163 Seven of the elected members who responded to the consultation included comments on the electrical system that would be required to connect the offshore wind farm to the national electricity network. As set out in paragraph 9.16(ii) of this Report, the electrical infrastructure is not part of the current Application and therefore was not the subject of formal consultation.
- 9.164 The comments received on the electrical infrastructure are provided in detail in **Table A9.4f, Appendix 9.4** and are summarised below:
- i) Three Councillors commented on the separation of the project into two applications. Cllr Angie Smith considered the split to be unacceptable and questioned how individuals can consider one part of a project without seeing the impacts of the other part. Cllr Marie Strong noted the importance of having knowledge of the entire project before a valid assessment of the proposal can be made and Cllr Colin Davie considered that one public consultation exercise with the full proposal (including overhead power lines and the onshore substation as part of the main proposals) would have been most appropriate.
 - ii) In addition, Cllr Peter Terrington felt that it was not possible to make an objective and meaningful comment on the project until the impacts on North Norfolk and the route of both offshore and onshore cables are known.

- iii) Three of the Councillor's responses also raised specific concerns about the infrastructure required for the onshore components of the project. Cllr Colin Davie objected to the landfall of cables from the project on the East Lincolnshire coast. He noted that a substation will introduce industrial development to rural areas contrary to their landscape character and will result in further overhead power lines to the main grid connection. Another Councillor raised concerns if the cables came ashore in North Norfolk, in particular in light of other infrastructure required for other offshore wind farms in Norfolk. Cllr Angie Smith raised concerns with the potential impact of low frequency noise from the onshore substation. It was noted that the issue of noise was highlighted through previous consultation exercises carried out in 2010 (see **Box 3.1** in Chapter 3 of this Report) and that the developer should take on board those concerns.
 - iv) Two of the MPs' responses raised objections to proposals that include or may result in inappropriate buildings or pylons being constructed in East Lincolnshire or across the countryside; responses from Mark Simmonds MP and Sir Peter Tapsell MP. Sir Tapsell's response went on to request assurance that the option of locating a substation near to Willoughby Church had been dropped by the Applicant.
 - v) Cllr Ann Green noted that she was relieved that the Applicant is taking cables under the seabed to the substations.
- 9.165 As noted in paragraph 9.16(ii) of this Report, it is considered that comments provided on the electrical infrastructure that will be required for the project lie outwith this Application for development consent. However, the following regard has been had to the responses in developing the project:
- i) Full replies were provided to the elected members who responded to the consultation, giving an update on the electrical infrastructure components of the project. This included background which led the Applicant to separate the offshore wind farm from the electrical connection.
 - ii) Elected members were provided with an update newsletter documenting the onshore connection location for the project in January 2012, as described in paragraph 9.40(iii) of this Report.
 - iii) As set out in paragraph 9.40(ii), full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02), the Cable Statement (document reference 07/01) and in paragraphs 1.15 to 1.21 of ES Chapter 1, Volume 1.
 - iv) As summarised in paragraph 9.40(iii) of this Report, information on the electrical system has been provided in the Application through the inclusion of a Cable Statement as an Application document (document reference 07/01) pursuant to Regulation 6(1)(b) of the APFP Regulations.
 - v) The information provided in the Cable Statement has been assessed in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of the project alongside that of the electrical connection works (particularly the offshore cables).

Members of the Public

- 9.166 13 individual written representations were made to the section 47 consultation from members of the public⁶³. This is in addition to feedback forms that were completed and returned to the Applicant. This section of the Consultation Report summarises the written representations received and the following section (paragraphs 9.198-9.245) sets out the findings from the returned feedback forms.
- 9.167 All written representations were received by the Applicant before the deadline for responses of 12 July 2011 with the exception of one that was received on 17 July 2011. A full list of the representations from members of the public, including a brief note on their areas of interest, is included in **Appendix 9.1**.
- 9.168 The written representations from members of the public are set out in detail and categorised in response tables **A9.5a-A9.5d** in **Appendix 9.5**. The categories of the tables are listed in **Box 9.4**. Each table in **Appendix 9.5** sets out the key elements of the response and the regard that has been had to it in developing the project. The tables also highlight those responses received after the response deadline. Where a response contains comments relevant to more than one category (as listed in **Box 9.4**), the response has been separated across the relevant tables as appropriate and cross references have been included to aid finding responses by consultee.
- 9.169 Responses from members of the public have been assigned reference numbers to maintain anonymity of individual respondents.

Box 9.4 Structure of the response tables (presented in Appendix 9.5) setting out the detail of the responses from members of the public

Table A9.5a	Potential impacts of the project
Table A9.5b	Feedback on consultation
Table A9.5c	Other comments provided
Table A9.5d	Comments on the electrical infrastructure

Summary of Responses from Members of the Public

- 9.170 Members of the public provided written representations a number of topics, as listed in **Box 9.4**. These are explored in more detail below and an account is made as to how specific comments have influenced the development of the project and the finalisation of the Application for submission. Findings from the completion of the feedback forms by members of the public is dealt with in a separate section (paragraphs 9.198-9.245).

Potential Impacts of the Project

- 9.171 Members of the public provided comments in relation to a range of potential impacts resulting from TKOWF. These included potential visual impacts,

⁶³ A subsequent response was received from one of the members of the public chasing a reply to their original response. Given that no additional information was provided in the second response, both responses are considered as one response for the purposes of this analysis.

ecological impacts, effects on shipping and fishing and socio-economic impacts. These are explored in turn below.

Potential Visual Impacts of the Project

9.172 Six of the responses from members of the public provided comments in relation to the potential visual impacts of the project on landscape and seascape⁶⁴.

These are set out in detail in **Table A9.5a, Appendix 9.5**. The principal comments raised on this topic are summarised below (the response reference is provided in brackets for ease of reference to **Appendix 9.5**):

- i) Two responses commented that the turbines should not be visible from land at all, from the beaches of Mablethorpe to the Lincolnshire Wolds (responses MP\N02\110622 and MP\N08\110711).
- ii) Four of the responses raised the potential visual impact of the project, in conjunction with subsequent onshore infrastructure, on tourism (responses MP\N02\110622, MP\N06\110707, MP\N08\110711 and MP\N05\110706). An additional respondent considered the proposed location to be inappropriate, being close to Mablethorpe and Skegness which rely on tourism. This response further suggested that development is kept to the Humber area (response MP\N09\110711).
- iii) One respondent noted that the proposed development will have a huge impact on far reaching views. They commented that the proliferation of turbines from the coastline will detract from the intentions of the protection of the Lincolnshire Wolds AONB for future generations (response MP\N06\110707).
- iv) In terms of visibility, one respondent noted that, given the height of the turbines will be twice that of the Dover Cliffs which can be clearly seen from two miles away, they will be prominent from the Lincolnshire coast (response MP\N07\110708).
- v) Other issues raised included the ugliness of offshore substations (response MP\N06\110707), the cumulative impact on the landscape and seascape (response MP\N08\110711), the long-term degradation of the seascape as viewed from beaches and the coastline and impacts on residents with sea views (response MP\N05\110706).

9.173 A detailed record of how the Applicant has had regard to these comments on the visual environment is presented in **Table A9.5a, Appendix 9.5**. This is summarised below:

- i) Whilst the turbines will be theoretically visible from the coast, ES Chapter 9, Volume 2 and Annex J, Volume 3 assesses their potential impact on the visual environment. A number of photomontages and wireframes are presented in these Chapters to indicate what the wind farm might look like from a number of viewpoints, including one at Mablethorpe. From this location, the ES concludes that the offshore wind farm could potentially be discernible as a very small collective horizon element within an open expansive view. As such, it was concluded that the proposed development

⁶⁴ Responses MP\N02\110622, MP\N05\110706, MP\N06\110707, MP\N07\110708, MP\N08\110711 and MP\N09\110711 provided comments on potential visual impacts.

- would not have a significant visual effect from the coastline, including from Lincolnshire.
- ii) A wireframe was produced from the Lincolnshire Wolds AONB (presented in Appendix 2 of Annex J, Volume 3 of the ES). Using the wireframe, it was noted that the turbines would be barely visible above the horizon due to the curvature of the earth and the distance involved. The Lincolnshire Wolds lie over 45 kilometres from the proposed development at its nearest point. Again, it was concluded in the ES that the proposed development would not have a significant visual effect on the Wolds.
 - iii) The ES concludes that the project will have no significant impacts on the visual environment from the coast (paragraph 9.81, ES Chapter 9, Volume 2). Consequently, the potential visual impacts on tourism were scoped out from further assessment in the socio-economic study. This is documented in ES Chapter 14, paragraphs 14.8 and 14.158-14.159.
 - iv) With regard to the potential visual impact of the offshore substations, paragraph 9.81 of ES Chapter 9, Volume 2 notes that they are lower in elevation than the turbine towers and so would be barely visible, if visible at all, from the coast.

Potential Ecological Impacts of the Project

- 9.174 Two of the responses raised potential ecological issues associated with TKOWF, including the effect on marine creatures, the environment and on wildlife (response MP\N06\110707 and MP\N05\110706). One of these responses noted that the worst aspect is the electromagnetic fields and their impact on fragile ecosystems (response MP\N06\110707). The responses are set out in detail in **Table A9.5a, Appendix 9.5**.
- 9.175 A record of how the Applicant has had regard to these comments on potential ecological impacts is presented in **Table A9.5a, Appendix 9.5**. In summary, concerns raised regarding the potential impact of the project on the environment are addressed through relevant ES Chapters, including Volume 2, Chapter 3 on Benthic ecology, Chapter 4 on Fish and shellfish, Chapter 5 on Marine mammals, Chapter 6 on Ornithology and Chapter 7 on Nature conservation.
- 9.176 Concerns relating to magnetic fields are considered in paragraphs 4.112-4.117 and 4.136-4.141 of ES Chapter 4, Volume 2 where it is concluded that no significant effects will arise. In addition, it is noted that Government guidance in National Policy Statement EN-3 recognises that cables with adequate shielding and buried at sufficient depth (as will be the case at TKOWF) are unlikely to significantly affect sensitive fish.

Potential Impacts of the Project on Shipping

- 9.177 The potential impacts of TKOWF on shipping were raised by one consultee (reference MP\N07\110708). Concern was raised that the wind farm could pose a threat to ships in bad weather (the response is set out in detail in **Table A9.5a, Appendix 9.5**).
- 9.178 This concern is addressed within the ES. The effects of the project on the safety of navigation, under all weather conditions, are considered in full in the

MNSRA, the findings of which are set out in Chapter 10, Volume 2 of the ES (paragraphs 10.178-10.183). Where required, a range of additional controls, mitigation and management measures have been set out. With these in place, it is concluded that the project will not have a significant impact on the safety of navigation.

Potential Impacts of the Project on Fishing

- 9.179 The potential impacts of the project on fishing were raised by two respondees (references MP\N07\110708 and MP\N05\110706). The responses are set out in detail in **Table A9.5a, Appendix 9.5**. In summary, one raised general concerns about damage to fisheries and the second questioned what discussions have been had with the fishing industry in Grimsby as to the likely impact on the fish population and whether fishermen were satisfied that their livelihood will not be affected.
- 9.180 A record of how the Applicant has had regard to these comments on fishing is presented in **Table A9.5a, Appendix 9.5**. In summary, these responses have largely been addressed through the ES topic of commercial fisheries, as summarised below:
- i) Chapter 8, Volume 2 of the ES (Commercial fisheries) considers the potential impacts of the project on local fishermen. It sets out a series of measures to minimise these potential impacts in paragraphs 8.131-8.134 of the ES.
 - ii) The consultation that has been carried out with the fishing industry is set out in detail in ES Chapter 8, Volume 2 and Annex I, Volume 3. Table 2.1 of the Annexed report records that the Applicant has undertaken consultation with the fishing sector since December 2008 which has included over 30 meetings, telephone conversations, circulation of a questionnaire, consultation on a draft of the Technical Report (now issued as ES Annex I, Volume 3 as amended following formal consultation) and formal consultation under section 47 of the 2008 Act (which included public exhibitions of which one was held in Grimsby).

Potential Socio-Economic Impacts of the Project

- 9.181 With regard to the potential economic benefits of TKOWF, two responses from members of the public noted that the workforce involved in the manufacture of wind turbines and their maintenance could be sourced from outside the UK (responses MP\N06\110711 and MP\N12\110712). It was further noted that if firms do move to the area for employment, this could result in industrialisation which could affect the beauty of Lincolnshire. A detailed record of these comments is provided in **Table A9.5a, Appendix 9.5**.
- 9.182 It is recognised that there are no guarantees that work and materials would all be procured locally or from within the UK. Nevertheless it often makes sound economic sense to utilise local resources where these are suitable. The EIA has considered the availability and skill base of local labour and other resources, as reported in the ES Volume 2, Chapter 14. Current estimates from similar projects indicate that around one fifth of offshore wind farm work is sourced from the UK (paragraph 14.68, Chapter 14, Volume 2 of the ES) but

local and regional initiatives may increase this proportion (paragraph 14.70 of the ES).

Other Impacts Raised

- 9.183 One respondent raised the cumulative effect on health and wellbeing (response MP\N09\110711). A detailed record of this response and how the Applicant has had regard to the comments provided is provided in **Table A9.5a, Appendix 9.5**.
- 9.184 In summary, health and well-being has not been specifically addressed as part of the Application as it is considered that the project would have no material effect. This is supported by the formal response received from NHS Lincolnshire under section 42 of the 2008 Act. As noted in paragraph 8.101 of this Report, NHS Lincolnshire considered that the proposed project *'poses no direct health issues to the residents of the County generally and specifically in the coastal areas and towns which would play 'host'...to this development'*.

Feedback on Consultation

- 9.185 Three members of the public raised comments in relation to the consultation that was carried out for TKOWF. These are set out in detail in **Table A9.5b, Appendix 9.5**. Whilst one congratulated the Applicant on the display and assistance offered at the Skegness Embassy theatre public exhibition (response MP\N04\110629), a second respondent considered that members of the public have had a restricted amount of time to respond to the consultation compared to the amount of time that has been taken to develop the project (response MP\N06\110707). This respondent also noted that a decision is expected to be made on the project without information on the exact size of the turbines.
- 9.186 A further respondent (response MP\N12\110712) made the following comments in relation to information provided at the public exhibition, namely:
- i) The finances of the project were not mentioned, including the overall cost of building the offshore wind farm and any subsidies which may be provided.
 - ii) No information was provided in relation to the 'carbon footprint' produced in the building of the total project.
 - iii) The possibility of connecting to a European electricity grid in the future was not mentioned.
- 9.187 A record of how the Applicant has had regard to comments on the consultation undertaken is provided in **Table A9.5b, Appendix 9.5**. This is summarised as follows:
- i) The Applicant had regard to the 2008 Act in defining the length of the formal consultation period for the project. Section 45(2) of the 2008 Act states that the consultation deadline must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents. The formal consultation period for the project exceeds the statutory minimum 28 day period set out by the 2008 Act. The consultation period for the project was set at 42 days (from 1 June to 12 July 2011).

- ii) A flexible consent is being sought for TKOWF within the limits described in Chapter 6, Volume 1 of the ES and the limits set out in the draft DCO (document reference 03/01). Information on why this flexibility is required is set out in paragraphs 7.16-7.25 of Volume 1 of the ES (as noted in paragraph 9.16(i) of this Report). The PEI and the ES have presented an assessment of the potential impacts of the project by application of the Rochdale envelope approach – an approach to developing an application for a DCO which is acknowledged as applicable by both IPC guidance and the NPSs. In so doing, each assessment within the ES has considered the worst-case scenario (within the design parameters set out in ES Chapter 6, Volume 1) so that for the scheme as a whole, the maximum adverse effects that could arise will have been described.
- iii) Feedback on additional topics that could be detailed in consultation documents (as summarised in paragraph 9.186 of this Report) is welcomed by the Applicant. However, it is not felt that these topics are material to the consideration of a development consent for the project. For this reason, and for the demonstrated need for the proposed application as set out in NPSs (as summarised in paragraphs 9.154-9.155 of this Report), no further regard has been had to this comment.

Other Comments

9.188 Four responses from members of the public raised a number of other comments on the project. These are set out in detail in **Table A9.5c, Appendix 9.5** and covered the following topics:

- i) The location of wind farms and their proximity to where citizens live, work and holiday (responses MP\N06\110707).
- ii) Climate change including the justification for global warming and the difference that any reduction in carbon dioxide production would have on temperatures (response MP\N07\110708).
- iii) Targets for the production of renewable energy (response MP\N13\110711).
- iv) The money received and profits generated by power companies for developing offshore wind farms (responses MP\N07\110708, MP\N08\110711 and MP\N13\110717).
- v) Concerns relating to the figures provided by the Applicant for the average number of households that the project could produce electricity for (response MP\N07\110708).
- vi) Existence of offshore wind farms does not reduce the need for other power stations. In addition, back-up power stations are less efficient than when running at full capacity (responses MP\N08\110711 and MP\N13\110717).

9.189 A record of how the Applicant has had regard to other comments is presented in **Table A9.5c, Appendix 9.5**. The scope of these comments provided an indication of the range of other issues members of the public were interested in. However, further consideration has not been given to many of them due to the clear demonstrated need for the proposed application as set out in NPSs, as described in paragraphs 9.154-9.155 of this Report.

9.190 However, the project has had regard to comments relating to climate change and renewable energy targets and estimates surrounding the projected amount of electricity that the TKOWF may be able to generate. For example:

- i) Background to Government policy and legislation on climate change and renewable energy and the contribution of the project towards renewable energy targets has been included in Chapter 2, Volume 1 of the ES.
- ii) Information on the carbon dioxide emissions that would be avoided by the project is included in paragraphs 2.28-2.31 in ES Chapter 2, Volume 1.
- iii) The anticipated production of energy from the project is noted in paragraph 2.28 of ES Chapter 2, Volume 1. The assumptions underpinning this calculation are also set out in ES Chapter 2.

Comments on the Electrical Infrastructure

9.191 All but two of the responses (11 in total) provided comments on the electrical system that would be required to connect the project to the national electricity network. As set out in paragraph 9.16(ii) of this Report, the electrical system is not part of the current Application and therefore was not the subject of formal consultation.

9.192 Nine of the responses raised concern over the separation of the project into the offshore wind farm and the electrical system. Seven of these recorded their objection to this separation or objected⁶⁵ to the project in light of the separation. A summary of the reasons cited for the concern is set out below and a detailed record of respondents' observations on this topic is provided in **Table A9.5d, Appendix 9.5**.

9.193 Six of the respondents considered that the developer was presenting an incomplete proposal or a proposal which required further analysis. Examples of comments made in this regard are set out below:

- i) Only half the story is being presented. It is akin to seeking planning permission for a housing development without submitting details of drainage or approach roads that might be required (response MP\N04\110629).
- ii) The development cannot be supported without information on the electrical system (response MP\N03\110623).
- iii) RWE npower renewables is trying to obtain permission for its plans by stealth. It is an incomplete planning application and as such can't be considered for approval. This respondent noted that their main concern was that the company has not, or is not prepared to demonstrate what effect this proposal will have on the landscape (response MP\N05\110706).
- iv) The planning application shouldn't be allowed to go ahead without a full analysis of the environmental impact of the onshore elements of the project (response MP\N08\110711).
- v) A planning application should not be made for wind turbines without the necessary substation and pylons so their full impact can be considered (response MP\N10\110711).

⁶⁵ One respondent recorded 'an absolute no to the application'.

vi) The offshore proposal is not a complete proposal (response MP\N12\110712).

9.194 A number of the responses also noted that lack of information on the electrical system components of the project make it difficult to provide informed comments on the proposals. Examples of such comments included:

- i) The community should be given the entire project to view in order to make a considered and informed decision (response MP\N02\110622).
- ii) It is not reasonable to expect informed comment on the development when only the least impactful part, for those living in Lincolnshire, is being disclosed (response MP\N03\110623).
- iii) It is not ethical for RWE to insist that only the offshore wind farm and technical details are to be commented on. How can we give a considered and informed decision on that information alone? (response MP\N06\110707).
- iv) Nobody should be expected to make a considered and informed opinion without the full facts (response MP\N09\110711).
- v) The entire project should be consulted upon so people likely to be affected will be able to make a considered and informed decision (response MP\N08\110711).

9.195 Another reason cited by members of the public for the concern over the separation of the project was the fact that the offshore elements cannot work without the onshore elements (cited by responses MP\N02\1105622, MP\N08\110711 and MP\N12\110712).

9.196 Two additional responses provided comments in relation to the electrical infrastructure itself. One response asked whether a developer is required to discuss decisions on a preferred onshore substation site with statutory bodies before disclosing the location of the preferred site to the public (response MP\N01\110617). This response went on to request information on which statutory bodies this would include if this were the case. The second response registered objection to the project as the electricity made has to be changed via substations on the East Coast before it joins the National Grid (response MP\N11\110712).

9.197 A record of how the Applicant has had regard to these comments on the electrical infrastructure is set out in **Table A9.5d, Appendix 9.5**. As set out in paragraph 9.16(ii) of this Report, it is considered that comments provided on the electrical infrastructure that will be required for the project lie outwith this Application. However, the following regard has been had to the responses in developing the project, as follows:

- i) Full replies were provided to members of the public who responded to the consultation giving an update on the electrical infrastructure components of the project. This included background which led the Applicant to separate the offshore wind farm from the electrical connection.
- ii) Everyone who had been invited to comment on the project and those from whom responses had been received was provided with an update newsletter documenting the onshore connection location for the project and introducing how the electrical system elements of the project will be

- developed. This newsletter was distributed to all consultees in January 2012 as described in paragraph 9.40(iii) of this Report.
- iii) As set out in paragraph 9.40(ii), full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document reference 03/02), the Cable Statement (document reference 07/01) and in paragraphs 1.15-1.21 of ES Chapter 1, Volume 1.
 - iv) As summarised in paragraph 9.40(iii) of this Report, information on the electrical system has been provided in the Application through the inclusion of a Cable Statement as an Application document (document reference 07/01) pursuant to Regulation 6(1)(b) of the APFP Regulations.
 - v) The information provided in the Cable Statement has been assessed in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of the project alongside that of the electrical connection works (particularly the offshore cables).

Feedback Forms Completed at the Public Exhibitions

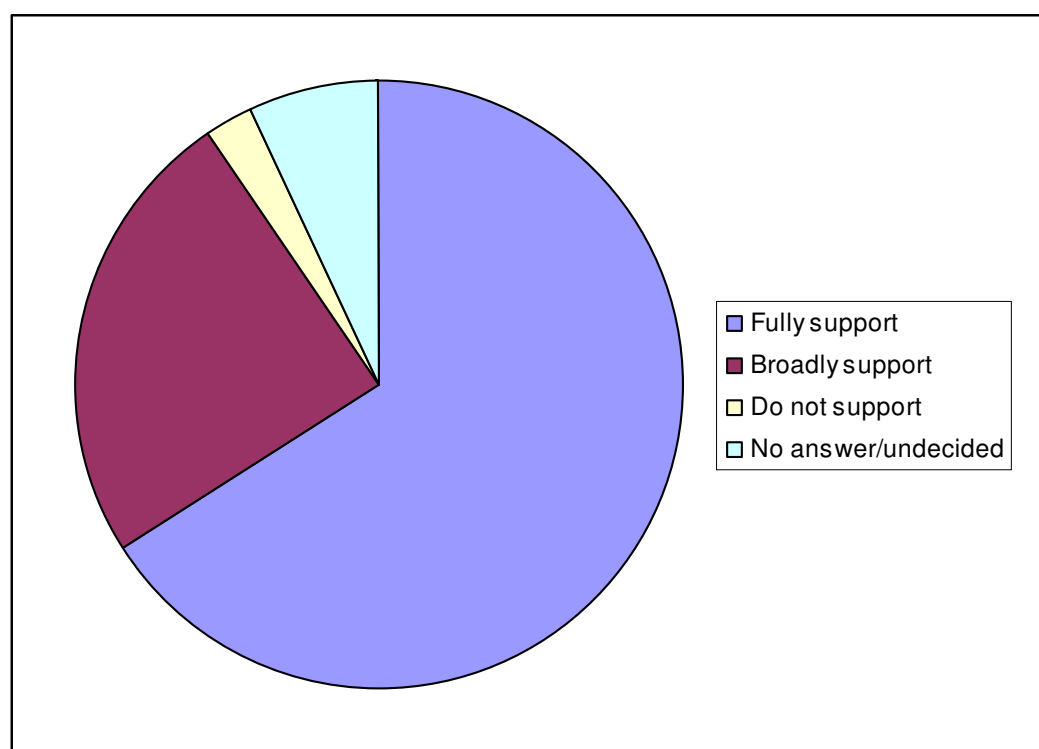
- 9.198 In total, 431 people attended the five public exhibitions held between 20 and 24 June 2011. This generated the completion of 155 feedback forms which were handed to the Applicant at the exhibition. Eight additional feedback forms were completed by members of the public and posted to the Applicant. All feedback forms were received before the formal consultation deadline of 12 July 2011. The feedback provided in all 163 forms is summarised below.
- 9.199 Three of the feedback forms were filled out by minors. These are considered to be 'relevant responses' as they were completed and received by the Applicant before the consultation deadline. However, the feedback provided by these three feedback forms is summarised separately.
- 9.200 **Table 9.4** sets out the number of attendees and the number of feedback forms that were completed at each public exhibition. **Table 9.4** illustrates that the most well attended exhibition was at Wells-next-the-Sea which accounted for nearly 40% of the total attendees across the five days. However, this public exhibition generated the lowest response rate in terms of the proportion of attendees completing feedback forms. The least well attended exhibition was at Easington. Whilst only 38 people attended this exhibition (representing approximately 9% of total attendees across the five days), it generated the highest response rate in terms of the proportion of attendees filling out forms.
- 9.201 The following section sets out a summary and analysis of comments provided on the feedback forms under the following topics:
- i) Renewable energy and offshore wind power;
 - ii) The consultation carried out;
 - iii) Feedback on the visual, environmental, human and other impacts associated with the proposed project; and
 - iv) An indication of the level of support for the project.

Table 9.4. Key statistics of the public exhibitions

Public Exhibition	Attendees	Feedback forms completed	Response rate
Wells-next-the-Sea	172	42	24.4%
Skegness	82	30	36.6%
Grimsby	71	33	46.5%
Mablethorpe ⁶⁶	68	32	47.1%
Easington	38	18	47.4%
Total	431	155⁶⁷	Average: 40.4%

Renewable Energy and Offshore Wind Power

9.202 149 of the completed feedback forms provided an answer to the question ‘*What are your views on renewable energy?*’⁶⁸; approximately 7% (11 returned forms) gave no answer or stated that they were undecided. **Figure 9.1** illustrates respondents’ views on renewable energy.

**Figure 9.1. What are your views on renewable energy?**

9.203 In total, over 90% of respondents indicated support for renewable energy; of those, nearly three-quarters provided ‘full support’ with the remainder providing

⁶⁶ The three minors who completed feedback forms did so at the Mablethorpe public exhibition.

⁶⁷ An additional eight feedback forms were posted to the applicant subsequent to the public exhibitions.

⁶⁸ Excluding forms completed by minors.

‘broad support’. Approximately 3% of respondents (4 returned forms) did not support renewable energy.

9.204 The feedback forms completed by the three minors all indicated full support for renewable energy.

9.205 **Figure 9.2** illustrates respondents’ views on offshore wind power. In total, 147 of the completed forms provided feedback on this topic⁶⁹; over 8% (13 returned forms) gave no answer or stated that they were neutral or unsure. The overarching trends of views on offshore wind farms mirror those identified for renewable energy in paragraph 9.203 of this Report. For example, nearly 85% of all respondents indicated support for offshore wind energy; of those, approximately two-thirds provided ‘full support’ and one third ‘broadly supported’ offshore wind. Approximately 8% of respondents (13 returned forms) did not support offshore wind power.

9.206 The feedback forms completed by the three minors all indicated full support for offshore wind power.

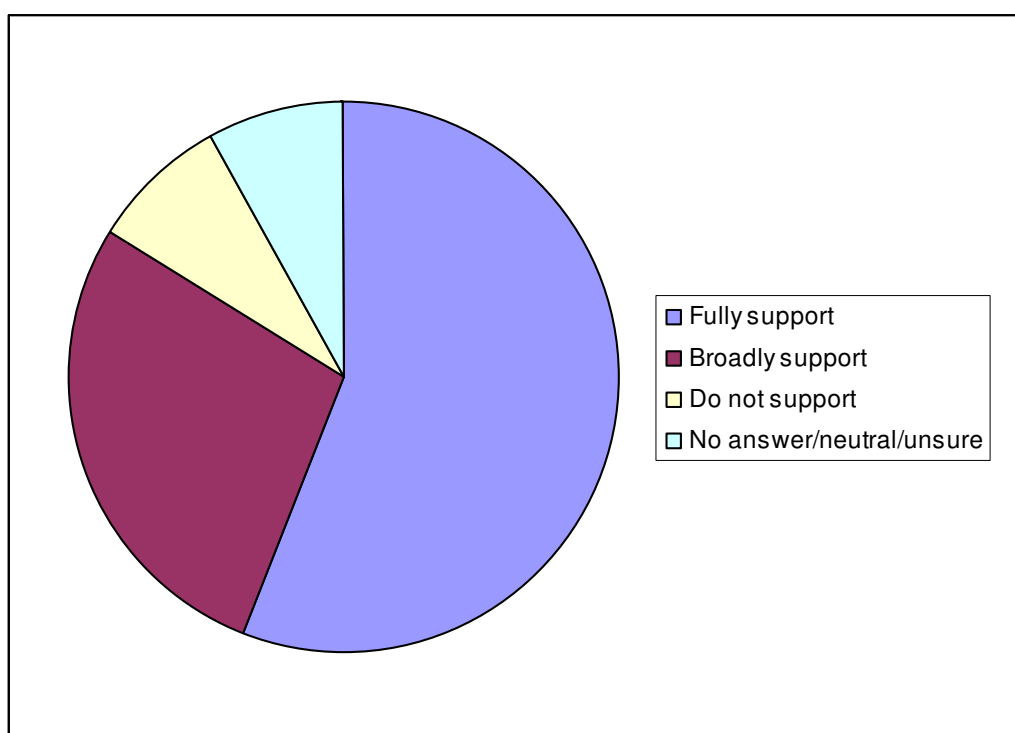


Figure 9.2. What are your views on offshore wind power?

Comments provided on Renewable Energy and Offshore Wind Power

9.207 In total, 73 feedback forms included specific comments related to renewable energy and offshore wind power. These are summarised in **Table A9.6a, Appendix 9.6** and are categorised as follows:

- i) Support for renewable energy and offshore wind power;

⁶⁹ Excluding forms completed by minors.

- ii) Support for renewable energy and offshore wind power subject to other considerations;
- iii) Not supporting renewable energy and offshore wind power;
- iv) Reliability of offshore wind power;
- v) Other forms of energy generation; and
- vi) Other comments.

9.208 Approximately two fifths of the feedback forms that included specific comments on renewable energy and offshore wind farms (30 in total) provided comments in support of the generation of energy from sustainable sources and wind. The key themes that emerged from this feedback were that renewable energy and wind power is considered to be ‘a necessity’ or ‘a must’ and is essential for the future. Others cited the need to reduce carbon emissions or the benefits of these projects to the workforce and the economy.

9.209 In addition, 12 respondents recorded comments in support of renewable energy subject to other considerations. These considerations included having regard to fishermen, minimising disruption to the environment, making provision for decommissioning and ensuring that renewable energy projects are sited in appropriate locations spread throughout the country. Two noted support for renewable energy subject to plans for the electrical system components of the project.

9.210 In contrast, just over a tenth of comments relating to renewable energy and offshore wind power (eight in total) did not support the generation of energy from renewable sources or wind. The key reasons cited for this were that respondents were ‘not convinced’ about wind farms, renewable energy projects or climate change. Other respondents considered wind power to be unreliable, damaging to the environment, sterilising large areas of the sea and negatively affecting the seascape and horizon.

9.211 Approximately a fifth of the comments provided feedback on other forms of renewable energy (15 in total). The key themes that emerged from respondents’ comments were that all forms of renewable energy should be considered, with five forms specifically noting that they would like to see further developments in wave or tidal power. Four respondents commented that they would prefer to see offshore wind farms than nuclear power plants and an additional two respondents noted that they preferred offshore to onshore wind farms.

Regard had to Comments on Renewable Energy and Offshore Wind Power

9.212 The general feedback provided on renewable energy and offshore wind power was welcomed and helped to provide the context for the project and the consultation exercise.

9.213 However, further consideration has not been given to many of these comments in the Application documents due to the clear demonstrated need for the proposed Application as set out in NPSs and as described in paragraphs 9.154-9.155 of this Report.

9.214 However, the project has had regard to comments made under the category ‘supportive of renewable energy and offshore wind power subject to other

considerations' in **Appendix 9.6a**. For example (the feedback form reference is provided in brackets for ease of reference to **Appendix 9.6a**):

- i) Minimising impacts on fishermen: Chapter 8 of Volume 2 of the ES (Commercial fisheries) considers the potential impacts of the project on local fishermen, including those based in Wells-next-the-Sea. It sets out a series of measures to minimise these potential impacts in paragraphs 8.131-8.134 (addressing comments made in form FF\WPE\19).
- ii) Having regard to people's lifestyles: Specific Chapters are included within the ES to address concerns over people's existing lifestyles. For example, ES Chapter 8, Volume 2 covers commercial fisheries, Chapter 10 addresses shipping and navigation, Chapter 12 details other marine users and Chapter 14 addresses tourism and recreation. These Chapters set out the potential impacts of the project on these topics and mitigation measures to minimise impacts (addressing comments made in form FF\WPE\21).
- iii) Listening to local residents: This Consultation Report summarises comments made by the local and wider communities, in addition to statutory and non-statutory organisations, during the formal consultation process. It also sets out the regard that has been had to these comments in finalising the project and the Application (addressing comments made in form FF\WPE\39).
- iv) Minimising impacts on the local environment and ecosystems: Specific Chapters are included within the ES to address concerns over potential environmental impacts of the project. For example, ES Chapter 3, Volume 2 covers benthic ecology, Chapter 4 addresses fish and shellfish, Chapter 5 details marine mammals, Chapter 6 details ornithology and Chapter 7 addresses nature conservation sites. These Chapters set out the potential impacts of the project on these receptors and mitigation measures to minimise impacts (addressing comments made in form FF\WPE\39).
- v) Having regard to the visual environment: Chapter 9 of Volume 2 and Annex J of Volume 3 of the ES considers the potential impacts of the project on seascape and the visual environment. It includes a series of photomontages, including one from Mablethorpe beach (Figure 6.1, Annex J, Volume 3) to demonstrate what the project is likely to look like (addressing comments made in feedback form FF\MPE\28, which was completed at the Mablethorpe public exhibition).
- vi) Provision made for decommissioning: The outline approach to the decommissioning of TKOWF is set out in ES Volume 1, Chapter 6. Operators are obliged under the provisions of Sections 105 to 114 of the Energy Act 2004 to introduce a decommissioning scheme for an offshore wind farm. Prior to the commencement of construction, the Applicant will be required to provide the Department of Energy and Climate Change (DECC) with a decommissioning programme which they will be expected to carry out at the end of the operational life of the wind farm (addressing comments made in form FF\SPE\10).

The Consultation

9.215 **Figure 9.3** illustrates how respondents were made aware of the consultation for the project. In total, 141 of the completed forms provided feedback on this

topic⁷⁰; just over 10% (19 returned forms) gave no answer. In some cases, respondents listed more than one means of communication.

- 9.216 **Figure 9.3** demonstrates that the most effective means of raising awareness of the public consultation was through newspaper adverts, notifications and press releases with approximately 40% of respondents noting this as a means by which they heard about the consultation. Posters in the local area advertising the public exhibitions were referred to by 13% of respondents who completed a feedback form.
- 9.217 Over a tenth of respondents heard about the consultation through word of mouth and a further tenth were passing by the exhibition venues on the day and dropped in to find out more information. General notifications from parish and town councils and specific invitations to elected members or members of the public were referred to by approximately 6% and 5% of respondents respectively. Other methods recorded in the feedback forms included the newsletter (two feedback forms), internet (one form), television (one form) and information provided in the local community (three forms).
- 9.218 The question on how the respondent was made aware of the consultation was answered by two of the three minors who completed a feedback form; they cited newspapers and posters as the methods by which they heard about the consultation.
- 9.219 Overall, the spread of methods by which respondents heard about the consultation suggest that the various means employed by the Applicant to communicate with the local and wider communities were successful.

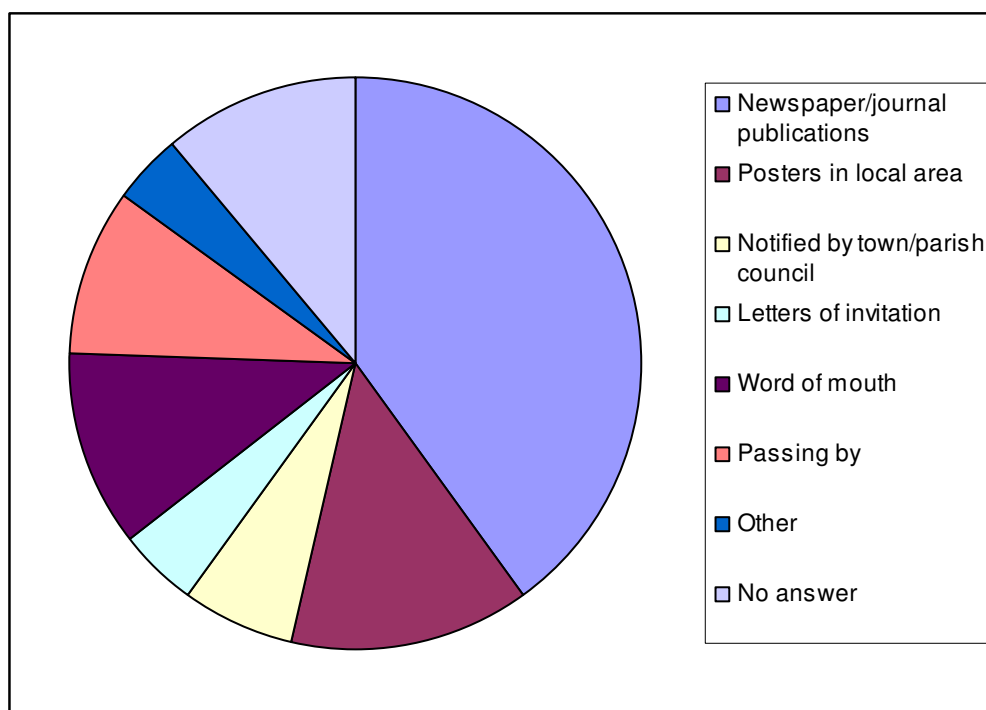


Figure 9.3. How did you hear about our consultation?

⁷⁰ Excluding forms completed by minors.

Regard had to Comments on the Consultation

9.220 Specific comments raised on the returned feedback forms in relation to the consultation are summarised in **Table A9.6b**, **Appendix 9.6**. The comments are categorised as follows:

- i) Positive comments in relation to the consultation carried out;
- ii) Level of and specific comments on information provided;
- iii) Listening to views;
- iv) Separating the application into the offshore wind farm and electrical system; and
- v) Other comments.

9.221 The general theme of comments provided on the feedback forms in relation to the consultation carried out for TKOWF and the level of information included was that the public exhibitions provided an informative and comprehensive overview of the project, with representatives on hand to talk through the information and answer questions. Further consideration has not been given to these comments in the Application documents because they provided feedback on the consultation itself rather than suggesting improvements or alternatives to be taken forward as part of the project.

9.222 However, the project has had regard to comments made in relation to uncertainties associated with the project, listening to views of local communities and in separating the application for the offshore wind farm from that of the electrical system. For example:

- i) Uncertainties associated with the project and constraints on the analysis: Each of the technical Chapters in ES Volume 2, Chapter 2 to 14 addresses uncertainties associated with the project. In addition, to cope with uncertainty in the final project design, an overall design ‘envelope’ has been described in the ES Volume 1, Chapter 6 (which sets out the maximum conceivable parameters and hence formed the ‘worst case’ project design scenario) that subsequently formed the basis for the individual assessments (addressing comments made in forms FF\WPE\16 and FF\WPE\21).
- ii) Listening to local residents: This Consultation Report summarises comments made by the local and wider communities, in addition to statutory and non-statutory organisations, during the formal consultation process. It also sets out the regard that has been had to these comments in finalising the project and Application (addressing comments made in forms FF\EPE\01 and FF\Post\05).
- iii) Separating the application for the offshore wind farm from that of TKOWF’s electrical system: A number of amendments have been made to the Application documents and an update has been provided to all consultees as follows (addressing comments made in forms FF\WPE\22, FF\SPE\06, FF\SPE\13, FF\MPE\04 and FF\EPE\08):
 - As summarised in paragraph 9.40(iii) of this Report, information on the electrical system has been provided in the Application through the inclusion of a Cable Statement as an Application document (document

reference 07/01) pursuant to Regulation 6(1)(b) of the APFP Regulations.

- Additional information is provided in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).
- An update newsletter was provided in January 2012 to all those who had completed a feedback form and provided contact details for updates (in addition to all consultees that had been invited to comment on the project and those from whom responses had been received), as described in paragraph 9.40(iii) of this Report.

Triton Knoll Offshore Wind Farm: Visual Effects

9.223 148 of the completed feedback forms provided an answer to the question ‘Are there any specific visual effects you have concerns about from the offshore wind farm?’⁷¹; 7.5% (12 returned forms) gave no answer. **Figure 9.4** summarises the feedback provided in response to this question.

9.224 **Figure 9.4** demonstrates that the majority of respondees were not concerned about the potential visual effects of TKOWF. Over three quarters of feedback forms (120 in total) recorded no concern compared to 12.5% (20 completed forms) which raised concern. 5% did not know about the potential effects of the project on the visual environment.

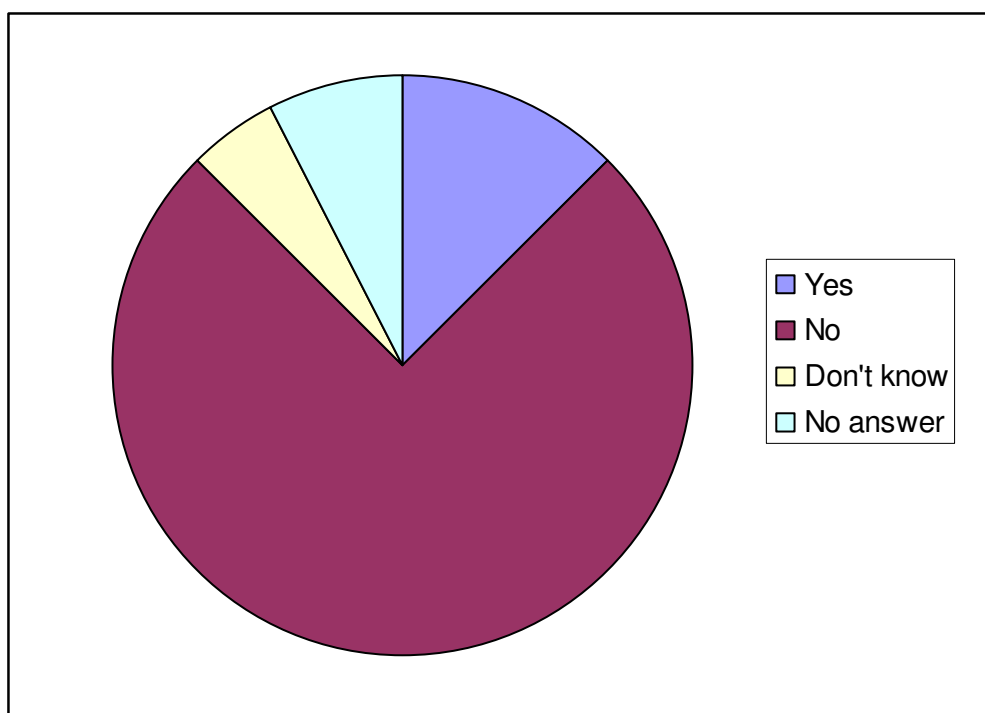


Figure 9.4. Are there any specific visual effects you have concerns about from the offshore wind farm?

⁷¹ Excluding forms completed by minors.

9.225 This question was answered by all three of the minors who completed a feedback form. Their feedback was spread evenly across the three categories; one did not have concerns about the visual effects of the project, one did have concerns and one did not know.

Comments Provided on the Visual Effects of the Project

9.226 21 of the returned feedback forms included specific comments on the effects of TKOWF on the visual environment. These are set out in **Table A9.6c**, **Appendix 9.6** and are categorised in terms of:

- i) Specific concerns raised on the visual impact of the project; and
- ii) Positive feedback provided on the potential visual effects.

9.227 The comments received were fairly evenly balanced between those raising concerns and those considering there not to be a significant impact on the visual environment. The following provides a summary of the comments raised:

- i) The principal concerns raised included the general impacts of the project on the landscape, seascape and open skies and the specific effects of the project on Lincolnshire's landscape, including that of the Lincolnshire Wolds and Louth. Several respondents also commented that they did not consider wind turbines to be attractive.
- ii) The positive comments related to the fact that the offshore wind farm is a long way from shore and so has minimal visual impact, considered by one respondent to be '*hardly noticeable*' and another to be '*out of sight*'. Converse to the perceptions of some respondents noted above, several commented that they considered wind turbines to be visually pleasing.

Regard had to Comments on the Visual Effects of the Project

9.228 The regard that has been had to the comments on the visual environment is described in **Table A9.6c**, **Appendix 9.6**. In summary, it is considered that concerns raised are largely addressed by Chapter 9 of Volume 2 and Annex J of Volume 3 of the ES (Seascape and visual impact assessment). These Chapters consider the potential impacts of the project on the existing landscape, seascape and visual environment. A number of photomontages and wireframes are presented in these Chapters to indicate what the wind farm might look like from a number of viewpoints along the east coast including three along the Lincolnshire coast and one from the Lincolnshire Wolds AONB. ES Chapter 9 concludes that there will be no significant effects of TKOWF on seascape and the visual environment from the coast.

Triton Knoll Offshore Wind Farm: Environmental Effects

9.229 142 of the completed feedback forms provided an answer to the question '*Are there any specific environmental impacts you have concerns about from the offshore wind farm?*⁷²'; just over 10% (18 returned forms) gave no answer. **Figure 9.5** summarises the feedback provided in response to this question.

⁷² Excluding forms completed by minors.

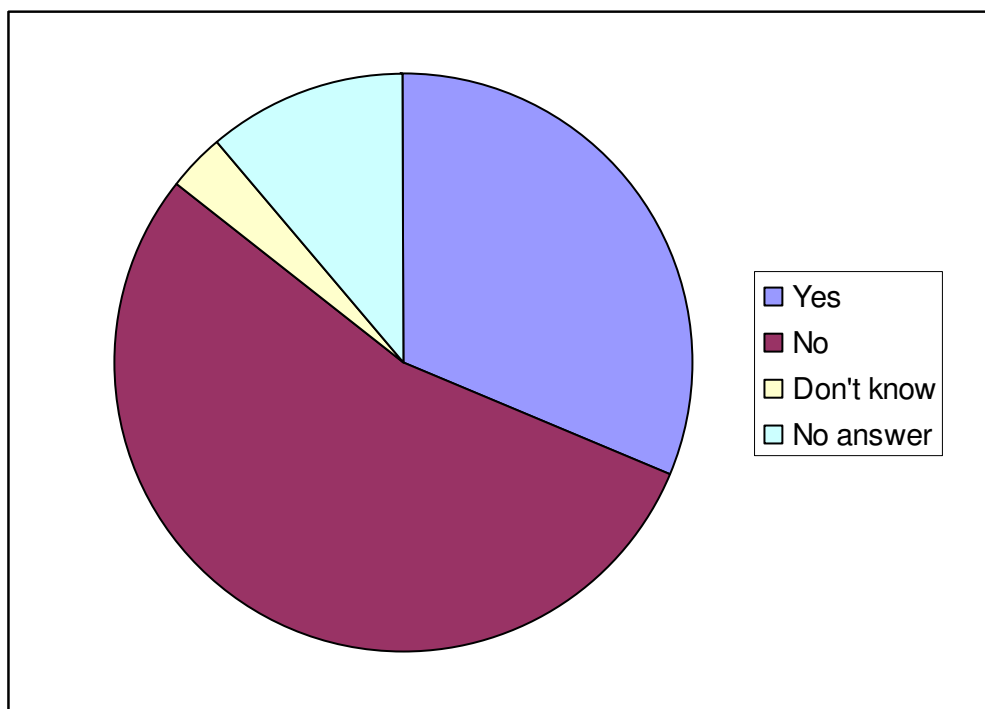


Figure 9.5. Are there any specific environmental impacts you have concerns about from the offshore wind farm?

- 9.230 Out of the categories of visual, environmental and human impacts of TKOWF, a higher proportion of respondents were concerned about environmental effects than visual or human impacts. However, **Figure 9.5** demonstrates that more respondents were not concerned about the potential environmental effects of the project than were concerned. For example, just over half of feedback forms (87 in total) indicated no concern compared to just under a third (50 completed forms) which recorded concern. 3% did not know about the potential effects of the project on the environment.
- 9.231 This question was answered by all three of the minors who completed a feedback form; one did not have concerns about the project on the environment and two did not know about the potential effects.

Comments provided on the Environmental Impacts of the Project

- 9.232 24 of the returned feedback forms included specific comments on the environmental impacts of TKOWF. These are set out in **Table A9.6d**, **Appendix 9.6** and are categorised in terms of:
- i) Comments made in relation to specific species and wildlife in general; and
 - ii) The effect on physical processes.
- 9.233 The most frequently raised comments on the feedback forms related to the potential negative impacts of the project on marine mammals (specifically seals) and ornithology; reference to these receptors was provided on six and seven forms respectively. Comments on fish were provided on five feedback forms, of which one raised potential electromagnetic effects and one noted the potential benefit of the wind farm in creating new breeding grounds for fish stocks. In addition, general comments were made on the potential impacts on

'wildlife' and *'the environment'* on five feedback forms and three forms respectively.

- 9.234 Three feedback forms provided specific comments on physical processes, two of which were related to the potential effects of the project on the sea bed. One respondent noted their previous experience that a lot of sand had come onshore following the construction of another offshore wind farm.

Regard had to Comments on the Environmental Impacts of the Project

- 9.235 The regard that has been had to the comments on the environment is described in **Table A9.6d**, **Appendix 9.6**. It is considered that the comments provided on the environment are largely addressed through a number of ES Chapters. For example:
- i) Concerns raised in relation to effects of the project on seal feeding and the seals at Donna Nook, including the effects of noise and vibration, are addressed in ES Chapter 5, Volume 2. It was identified that seals at Donna Nook would be affected indirectly, if at all. The ES considered various potential effects including noise from piling and the effect on seal prey species. Mitigation measures included in the ES will ensure that the level of impact is acceptable (addressing comments made in forms FF\SPE\19, FF\GPE\21, FF\GPE\22, FF\GPE\32, FF\GPE\33 and FF\MPE\05).
 - ii) Concerns related to the impacts on ornithology are addressed in ES Chapter 6, Volume 2. The ES concluded that risks of collision (paras 6.121-6.135), as well as impacts to bird migration (paras 6.119-6.120) would be at most moderate but tolerable (addressing comments made in forms FF\WPE\10, FF\WPE\28, FF\SPE\11, FF\SPE\19, FF\MPE\01, FF\EPE\06 and FF\EPE\09).
 - iii) Impacts on fish are addressed in ES Chapter 4, Volume 2. This Chapter concluded that there would be no more than minor effects on fish resources (taking into consideration effects of sediment release, noise and impact on spawning areas). Whilst the creation of new breeding grounds for fish and other marine life may occur as an indirect effect of TKOWF, it was concluded in ES Chapters 3 and 4, Volume 2 that the degree of benefit was uncertain and could not be quantified (addressing comments made in forms FF\WPE\05, FF\SPE\06 and FF\MPE\01).
 - iv) Concerns relating to electromagnetic fields on fish and shellfish have been considered in paragraphs 4.112-4.117 and 4.136-4.141 of ES Chapter 4, Volume 2. Government guidance (in NPS EN-3) recognises that cables with adequate shielding and buried at sufficient depth (as would be the case at TKOWF) are unlikely to affect sensitive fish, of which very few were found at the site (addressing comments made in form FF\SPE\19).
 - v) Other concerns relating to general wildlife or environment issues are considered to have been addressed in other Chapters of the ES. For example, ES Chapter 3, Volume 2 covers benthic ecology and ES Chapter 7, Volume 2 details nature conservation.
 - vi) Concerns raised regarding the potential impact of the project on the sea bed are largely addressed by ES Chapter 2, Volume 2 and Annex D, Volume 3. For example, the impact of the largest foundation structures was found to

have only a localised and minor effect on sediment transport (paragraphs 2.71-2.84), a negligible effect on seabed scour (paragraphs 2.85-2.100), a negligible effect on the major sandbanks (paragraphs 2.101-2.113) and a minor effect on coastlines (paragraphs 2.114-2.117) (addressing comments made in forms FF\SPE\01, FF\SPE\22 and FF\Post\07).

Triton Knoll Offshore Wind Farm: Human Effects

9.236 139 of the completed feedback forms provided an answer to the question ‘Are there any specific human impacts you have concerns about from the offshore wind farm?’⁷³; approximately 13% (21 returned forms) gave no answer. **Figure 9.6** summarises the feedback provided in response to this question.

9.237 **Figure 9.6** demonstrates that a greater number of respondents did not raise concern associated with potential human effects of TKOWF than raised concern. 60% of feedback forms (96 in total) indicated no concern compared to approximately 20% (34 completed forms) which recorded concern. 5% did not know about the potential human effects of the project.

9.238 This question was answered by all three of the minors who completed a feedback form; two did not have concerns and one did not know about the potential human effects.

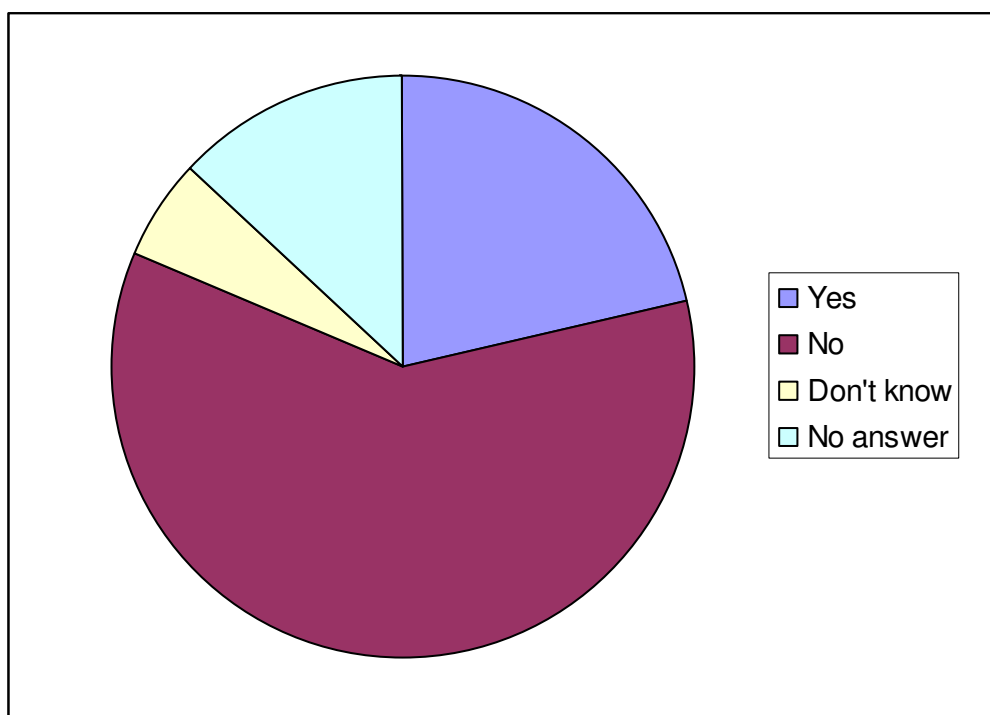


Figure 9.6. Are there any specific human impacts you have concerns about from the offshore wind farm?

Comments provided on the Human Impacts of the Project

9.239 41 of the returned feedback forms included specific comments on the human impacts of TKOWF. These are set out in **Table A9.6e, Appendix 9.6** and are

⁷³ Excluding forms completed by minors.

categorised in terms of comments provided on fishing, recreation and tourism, navigation, employment and investment and other potential human impacts. The following provides a summary of the comments raised:

- i) The most frequently raised human-related comment on the feedback forms related to the potential negative impact of the project on the fishing industry. Specific reference to this effect was recorded on 15 of the feedback forms. General concerns for the fishing industry were raised in the majority of the comments and specific reference was made to fishermen in Wells, inshore fishing the livelihoods of fishermen and one respondent suggested that it is better to help businesses adapt to the new situation rather than provide compensatory schemes.
- ii) Four feedback forms included comments on recreation and tourism. Three of these raised potential negative impacts of the project on the recreational resources of the area. Issues such as swimming and sailing in and around harbour areas (in particular Wells harbour) in addition to wreck disturbance and diving wrecks were noted by three respondents. One feedback form raised the possibility of running boat trips out to the turbines to provide an extra tourist attraction for Skegness.
- iii) Nearly a third of respondents who provided specific comments on human-related impacts of the project noted navigation as a concern. Safety risks were the most commonly cited reason for this concern, especially for small sailing boats that might enter the wind farm area. However, one sailing yacht owner was pleased to hear that the wind turbines will be lit and have fog horns to increase their visibility.
- iv) Ten specific comments were raised in relation to potential employment opportunities and investment generated by the project. These comments were fairly evenly split between respondents welcoming the potential positive effects that the project may bring in terms of employment, tourism, investment and general benefits to the local economy, and respondents noting that jobs and construction works should be given to local people.
- v) Four additional human-related impacts were noted on the feedback forms. These included the effect of noise from boats leaving the harbour at Wells, the effect of the project on the supply of housing in the local area, concern over aircraft and the effect on Louth's quality of life.

Regard had to Comments on the Human Impacts of the Project

9.240 The regard that has been had to the comments on human impacts is described in **Table A9.6e**, **Appendix 9.6**. It is considered that the comments provided on the human environment are largely addressed through a number of ES Chapters. For example:

- i) The majority of the comments relating to impacts of the project on the local fishing industry are addressed in ES Chapter 8, Volume 2. The ES concluded in paragraphs 8.135-8.142 that little fishing activity at the site would be affected by the existence of TKOWF. However, concerns relating to the exclusion from the area of individual fishing operators resulted in measures identified to address this issue. ES Chapter 8 notes that inshore fishing would remain unaffected by the development, which is several miles offshore (addressing comments made in form FF\GPE\02).

- ii) Whilst the ES also considers compensation arrangements for potentially affected fishermen, ES Chapter 14, Volume 2 also addresses the local and regional potential for re-training and up-skilling of the local workforce, of which there are several initiatives in the region related to capitalising on the 'wind farm economy' off the east coast (addressing comments made in form FF\EPE\09).
- iii) With regard to recreation, whilst the port to be used for construction and operation of the project has not been determined, it is likely to be in the Humber region (paragraph 14.27 of the ES Volume 2, Chapter 14). It is therefore unlikely that Wells harbour would be affected and there are unlikely to be any knock-on effects on boating or swimming (addressing comments made in forms FF\WPE\02 and FF\WPE\09).
- iv) Issues relating to the existence of wrecks have been addressed in ES Chapter 11, Volume 2. Mitigation measures have been included in the Chapter to ensure exclusion zones around known and suspected wrecks (e.g. paragraph 11.74 of the ES Volume 2, Chapter 11) (addressing comments made in form FF\MPE\32).
- v) With regard to the safety of navigation, including that of small sailing craft and in all weathers, a detailed MNSRA has been carried out for the project. This is reported in ES Chapter 10, Volume 2 and Annex k, Volume 3. The risk assessment to navigation considers all sizes of vessels and recommended measures to render any risk tolerable addressing comments made in forms FF\WPE\08, FF\WPE\10, FF\WPE\16, FF\SPE\11, FF\SPE\12 and FF\WPE\41).
- vi) With regard to socio-economic effects, the possibility of using local and regional skills in wind farm construction, operation and maintenance is considered in detail in ES Chapter 14, Volume 2. Whilst local manufacture of turbines is currently not envisaged as there is no such facility in the region, it is possible that other components could be made locally and employ people local to the operating port (whilst not determined, is likely to be the Humber region) (addressing comments made in forms FF\GPE\17, FF\GPE\33, FF\MPE\10 and FF\MPE\18).
- vii) Effects on tourism (both positive and negative) have been addressed in ES Chapter 14, Volume 2. However, the effects were not found to be significant (addressing comments made in forms FF\MPE\10 and FF\MPE\10).
- viii) With regard to the other human-related impacts noted on the feedback forms, the impact on local housing has been considered in ES Chapter 14, Volume 2. It was considered that there would be adequate housing supply in the region that makes allowance for growth in the renewable energy sector and consequently that TKOWF would have no significant impact on housing levels or availability (ES paragraphs 14.44 and 14.111) (addressing comments raised in form FF\WPE\21).
- ix) As noted above, it is unlikely that the construction and operation port for TKOWF would be Wells (it is assumed to be in the Humber region) (addressing comments made in FF\WPE\21). In addition, potential impacts on aviation are considered in ES Volume 2, Chapter 13, in which it was found that effects of TKOWF on aircraft and safe navigation would be

acceptable with the implementation of agreed mitigation measures (addressing comments raised in form FF\WPE\11).

Triton Knoll Offshore Wind Farm: Other Effects

9.241 46 of the returned feedback forms included comments on other aspects and effects of the project. These are set out in **Table A9.6f**, **Appendix 9.6** and are summarised as follows:

- i) Eight responses recorded positive comments on the project including the contribution of the project to saving fossil fuels and the need to reduce carbon emissions.
- ii) Two feedback forms raised concern over the sustainability aspects of the project including the carbon footprint and the energy required in building TKOWF.
- iii) Five responses commented on the efficiency of offshore wind farms and cost considerations including costs involved in the construction of TKOWF and subsidies provided to the developer.
- iv) 19 of the completed forms included comments on the electrical system and the separation of that component of the project from the offshore wind farm. Comments focused around the lack of information on the electrical infrastructure and concerns raised about the potential impacts of the electrical infrastructure (especially the impact of any pylons).
- v) Two responses included comments on community benefits associated with the project. Comments included the possibility of providing something sustainable to help the town and its community and the general approach to community benefits that would be taken by the Applicant.
- vi) 13 of the completed forms included various other comments including how much energy is produced, plans for decommissioning, profits for developers, blade failure and concerns about 'big business'.

Regard had to Other Comments on TKOWF

9.242 The regard that has been had to other aspects and effects of the project is described in **Table A9.6f**, **Appendix 9.6**. This can be summarised as follows:

- i) The positive comments recorded for the project were welcomed. Those in relation to fossil fuels and carbon emissions have been addressed through ES Chapter 2, Volume 1 on the need for offshore wind which provides background to climate change and renewable energy and the contribution of the project towards renewable energy targets (addressing comments made in forms FF\WPE\32 and FF\MPE\10).
- ii) As set out in paragraph 9.16(ii), the electrical infrastructure is not part of the Application and therefore was not the subject of formal consultation. It is therefore considered that comments provided on this topic lie outwith this Application. However, the following regard has been had to the responses in developing the project:
 - Full justification for separating the offshore wind farm from the electrical system is provided within the Explanatory Memorandum (document

- reference 03/02), the Cable Statement (document reference 07/01) and in paragraph 1.15-1.21 of ES Chapter 1, Volume 1.
- As summarised in paragraph 9.40(iii) of this Report, information on the electrical system has been provided in the Application through the inclusion of a Cable Statement as an Application document (document reference 07/01) pursuant to Regulation 6(1)(b) of the APFP Regulations.
 - Additional information is provided in the cumulative impact assessments of the ES to identify and consider the cumulative effects that might arise from the development of TKOWF alongside that of the electrical connection works (particularly the offshore cables).
 - An update newsletter was provided to all consultees in January 2012 documenting the onshore connection location for TKOWF and introducing how the electrical system elements of the project will be developed (including those who completed a feedback form and provided a contact address). This is described in paragraph 9.40(iii).
- iii) Comments in relation to community benefits are welcomed by the Applicant. Further work will be done on this topic if the project is granted development consent.
- iv) Feedback on sustainability considerations, efficiency and cost considerations is welcomed by the Applicant. However, it is not felt that these topics are material to the consideration of development consent for the project. For this reason, and for the reasons set out in paragraphs 9.154-9.155 (relating to the demonstrated need for the proposed offshore wind farm as set out in NPSs), no further regard has been had to these comments.
- v) The outline approach to the decommissioning of TKOWF is set out in Volume 1, Chapter 6 of the ES. Operators are obliged under the provisions of Section 105 to 114 of the Energy Act 2004 to introduce a decommissioning scheme for an offshore wind farm. Prior to the commencement of construction, the Applicant will provide the Department of Energy and Climate Change (DECC) with a decommissioning programme which they will be expected to carry out at the end of the operational life of the wind farm.

An Indication of the Level of Support for the Project

- 9.243 138 of the completed feedback forms provided an answer to the question ‘*What are your views on the proposed Triton Knoll Offshore Wind Farm?*’⁷⁴; approximately 14% (22 returned forms) gave no answer. **Figure 9.7** illustrates the feedback provided in response to this question.
- 9.244 In total, nearly 80% (127 returned feedback forms) indicated support for the project; of those, nearly two-thirds (61%) provided ‘full support’ with the remainder providing ‘broad support’. Approximately 7% (11 completed forms) did not support the project.

⁷⁴ Excluding forms completed by minors.

9.245 The feedback forms completed by the three minors all indicated full support for the project.

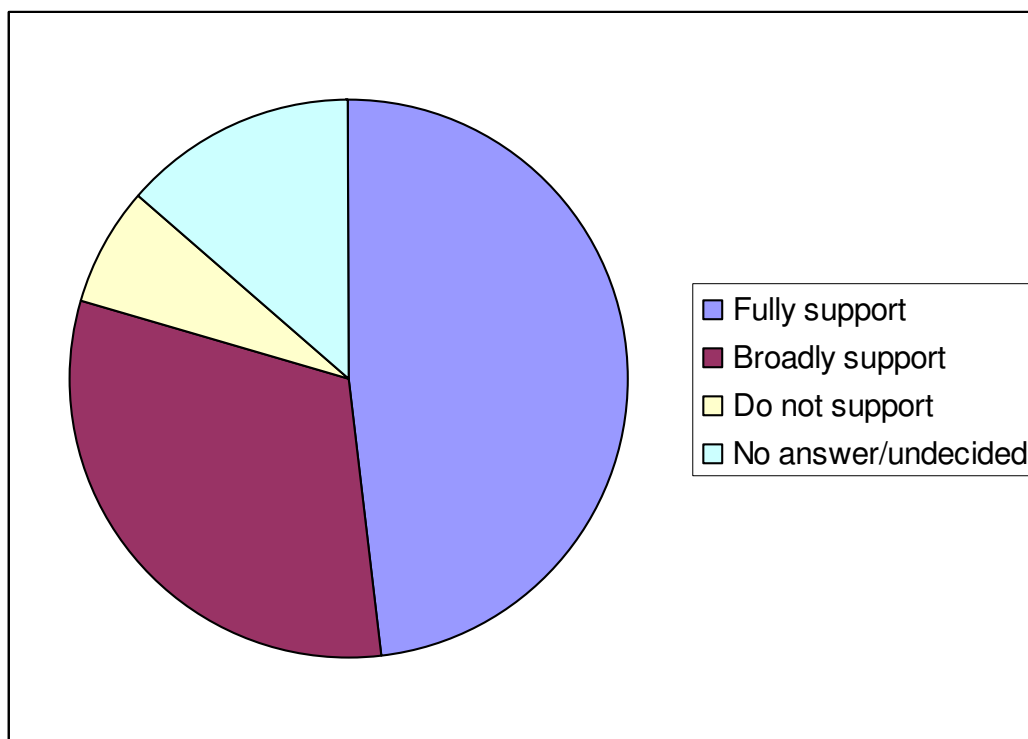


Figure 9.7. What are your views on Triton Knoll Offshore Wind Farm?

Compliance Statement

9.246 The requirements, as set out in the 2008 Act and relevant guidance documents, for the Applicant to summarise consultation responses received under section 47 of the 2008 Act and to describe the regard that has been had to the responses in developing the proposed application are presented in **Box. 8.1** in Chapter 8. An account of how these requirements have been complied with for TKOWF is set out in the Applicant's completed section 55 application checklist (**Appendix 2.1**).

9.247 **Appendix 2.1** and the information provided in this Chapter of the Consultation Report demonstrate that all requirements for summarising section 47 consultation responses and having regard to those responses under section 49 of the 2008 Act have been met. It can be concluded from an analysis of this information that the comments, views and impacts identified through the section 47 consultation have significantly influenced the final Application, predominantly in terms of the content and scope of the Application documents.

9.248 A list of individual section 47 consultation responses (excluding the feedback forms) and their areas of interest is included in **Appendix 9.1** to this Consultation Report. This sets out all responses, including those received after the response deadline, grouped according to section 47 consultee categories; namely technical organisations and users of the sea, non-statutory organisations, elected representatives and members of the public.

9.249 A detailed record of each response and an account of the regard that has been made to individual comments is set out in a series of response tables in

Appendices 9.2, 9.3, 9.4 and 9.5 for each of the consultee groupings. A record of the feedback received from feedback forms and an account of the regard that has been made to this feedback is set out in response tables in **Appendix 9.6**. The response tables are further categorised as appropriate and summarised in this Chapter of the Consultation Report.

- 9.250 The Applicant has continued to engage with consultees following its formal consultation activities and prior to submission of the Application to the IPC, where appropriate. This is documented in Chapter 11 of the Consultation Report.

10 Summary of Responses under Section 48 of the Planning Act

Introduction

- 10.1 This Chapter of the Consultation Report sets out how the Applicant has complied with its duty under section 49 of the Planning Act 2008 (the 2008 Act) to take account of responses received to section 48 publicity. Information pertaining to consultation responses received under sections 42 and 47 of the 2008 Act is presented in Chapters 8 and 9 respectively.
- 10.2 This Chapter seeks to provide the information relevant to the section 48 publicity responses as required in the Consultation Report under sections 37(7)(b) and 37(7)(c) of the 2008 Act and the relevant parts of the Infrastructure Planning Commission (IPC) and Department of Communities and Local Government (DCLG) guidance on pre-application consultation (summarised in **Box 8.1** in Chapter 8 of this Report).

Legislative Context

- 10.3 Section 49(2) of the 2008 Act requires the applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under sections 42, 47 and 48. A relevant response for the purposes of section 48 is defined in section 49(3)(c) as a response to publicity under section 48 that is received by the applicant before the deadline imposed.
- 10.4 Paragraph 87 of the DCLG guidance notes that there is a clear expectation that the views and impacts identified through the consultation should influence the final Application. Promoters should therefore be able to demonstrate that they have acted reasonably in fulfilling the requirements of section 49 of the 2008 Act.

Summary of Responses Received

- 10.5 No responses were received specifically in relation to the section 48 publicity.
- 10.6 Approximately 40% of people who filled out a feedback form noted that they were made aware of the consultation through newspaper adverts, notifications and press releases (paragraph 9.216 of this Report). It is not, however, possible to ascertain which of these respondents heard about the consultation through methods employed under section 47 consultation or as a result of the section 48 notice.
- 10.7 A summary of comments recorded in the feedback forms and the regard that the Applicant has had to these comments in developing the project is set out in paragraphs 9.198-9.245 of this Report.

Compliance Statement

- 10.8 The requirements, as set out in the Act and relevant guidance documents, for the Applicant to summarise responses to section 48 publicity and to describe the regard that has been had to the responses in developing the proposed application are presented in **Box 8.1** in Chapter 8. An account of how these requirements have been complied with for TKOWF is set out in the Applicant's completed section 55 application checklist (**Appendix 2.1**).

- 10.9 Given that no responses were received specifically to the section 48 notice, none are summarised in this Chapter of the Consultation Report. However, comments received from respondees who heard about the consultation from newspapers (which could have included the section 48 notice) and the regard that the Applicant has had to these comments is set out in paragraphs 9.198-9.245 of Chapter 9 of the Consultation Report.

11 Post-Formal Consultation Engagement

Introduction

- 11.1 This Chapter of the Consultation Report sets out the non-statutory ‘informal’ engagement that the Applicant has undertaken following its formal consultation activities as prescribed by the Planning Act 2008 (the 2008 Act) and described in Chapters 5, 6 and 7 of this Consultation Report. This engagement was held to further explore and seek to overcome some of the issues raised during the formal consultation period.
- 11.2 As described in paragraph 3.2 in Chapter 3, engaging in consultation throughout the application process and beyond is encouraged in the Department of Communities and Local Government (DCLG) guidance on pre-application. In addition, the Infrastructure Planning Commission (IPC), in paragraph 24 of its revised Guidance Note on Pre-Application Stages, encourages the applicant to carry out on-going consultation with statutory consultees following formal consultation but before submitting its application to the IPC. It notes that this will assist the applicant to comply with its duties under section 49 of the 2008 Act.

Summary of Post-Formal Consultation Engagement

- 11.3 Rather than focusing specifically on statutory consultees (as encouraged in the IPC’s revised guidance note), the Applicant has undertaken non-statutory consultation to further discuss the key issues raised during its formal consultation, with both statutory and non-statutory consultees.
- 11.4 A summary of the key consultations held and the key topics covered in these consultations is provided in **Table 11.1**. **Table 11.1** categorises the consultation under the headings of nature conservation, commercial fisheries and other marine users.

Table 11.1. A summary of consultations held following formal consultation

Organisations consulted	Date of consultation	Summary
Nature Conservation		
Marine Management Organisation (MMO), Cefas, Joint Nature Conservation Council (JNCC), Natural England	21 July 2011; 1 September 2011	Meetings to discuss content of the draft Marine Licence to be included in the Development Consent Order (DCO) (submitted as document reference 03/01). Matters relating to the Preliminary Environmental Information (PEI) were also covered in the first meeting and an update on the project application programme in the second meeting.
JNCC and Natural England	18 August 2011	Conference call to discuss the Habitats Regulations Assessment (HRA) requirements.
MMO and Cefas	8 September-1 December 2011	Written correspondence regarding the herring spawning assessment.
JNCC, Natural England and Cefas	9 September 2011	Conference call to discuss the marine mammal assessment, related noise modelling and the HRA.
MMO, Cefas, JNCC and Natural England	4 October 2011	Conference call to discuss the noise propagation modelling report and the assessment of marine mammals. The 2009 and 2010 survey results and assessment of the level of herring spawning activity in the area of the Triton Knoll Offshore Wind Farm (TKOWF) were also discussed.
JNCC	24 October 2011	Conference call to discuss the final marine mammal technical report and impact assessment.
Natural England and JNCC	13 December 2011	Marine mammal impact assessment – discussion of assessment presented in the draft final Environmental Statement (ES) Chapter and associated appendices.
JNCC and Royal Society for the Protection of Birds (RSPB)	7-22 December 2011	Follow up written ornithological consultation on specific analysis to assist interpretation of significance of impact.

Organisations consulted	Date of consultation	Summary
Commercial Fisheries		
Individual fishermen likely to be working on or near to the TKOWF site	6 July 2011	Letters distributed seeking to engage in detailed and confidential dialogue concerning relative use of the site. Some dialogue and written responses received from fishermen.
CRPMEM Nord	19 July-8 August 2011	Informal meetings with the representative of CRPMEM Nord (a French trawlers organisation). Site boundary coordinates provided.
Individual fishermen likely to be working on or near the TKOWF site	16 December 2011	Follow up letter and introducing the engagement of a specialist fisheries consultant to facilitate ongoing discussion.
Individual fishermen likely to be working on or near the TKOWF site	4-5 January 2012	Follow up telephone calls to arrange meetings to progress discussions with individual fishermen.
Other Marine Users		
Westminster Gravels Limited (WGL)	14 July 2011; 5 October 2011; 16 November 2011	A series of meetings have been held with WGL to explore the extent of the distance required between turbine locations and safe dredging activities, the means to achieve this and the commercial implications of mitigation measures. Discussions are being progressed. Having agreed principles to ensure that the two activities (wind farm operation and aggregate dredging) can be carried out alongside each other, will focus on reaching a mutually acceptable commercial agreement.
GDF SUEZ E&P UK	14 September 2011	Project update meeting held during which it was noted that the proposed pipeline from the Juliet well has been rerouted and passes 1 nm north of TKOWF site. Other potential issues were agreed not to be significant.
BP	15 December 2011	Phone call to further understand the potential impact raised by BP in their formal consultation response on seismic surveys undertaken using Ocean Bottom Cables (OBC) technology (see paragraph 9.79).

12 Conclusion

- 12.1 The Applicant, Triton Knoll Offshore Wind Farm Limited (TKOWFL), was awarded an opportunity to develop a 1,200 megawatt (MW) offshore wind farm off the east coast of Lincolnshire, known as Triton Knoll Offshore Wind Farm (TKOWF), in 2003. Since this time, the project has been subject to extensive consultation, in terms of both non-statutory 'informal' engagement and formal consultation carried out pursuant to the Planning Act 2008 (the 2008 Act).
- 12.2 Early non-statutory consultation has had a significant influence on the project in terms of its site boundaries, the work undertaken to assess the suitability of the site for an offshore wind farm and its design.
- 12.3 Formal consultation under sections 42, 47 and 48 of the 2008 Act was carried out in June and July 2011. The consultation activities included the following:
- i) Preparation of a range of consultation materials suitable for differing levels of technical expertise ranging from detailed technical documents in the form of Preliminary Environmental Information (PEI) to more basic materials providing non-technical information on the proposed project for the community.
 - ii) Publication of a newsletter.
 - iii) A series of public exhibitions along the east coast of England.
 - iv) Briefings for elected members carried out at the public exhibition venues.
 - v) Lodging of documents in public. Documents were provided to parish clerks to place in locations where their community members would be best able to access the information and were deposited in local access points and libraries.
 - vi) Regularly updated project website.
 - vii) A series of press releases to the media and the posting of adverts in newspapers and in local communities.
 - viii) Follow-up discussions with statutory and non-statutory consultees to specifically address key areas of concern.
- 12.4 Responses received to the consultation raised issues on the project from prescribed bodies, local authorities, technical users of the sea, non-statutory consultees, elected members and members of the local and wider communities. The key issues can be considered to focus on the potential effects on marine ecology and nature conservation, fishing interests, the safety of shipping and navigation, landscape and seascape, the cumulative impacts of TKOWF in conjunction with other offshore and onshore wind farms and issues relating to the electrical system that will be required for the project.
- 12.5 All responses to the consultation, whether they were received before the deadline for responses (i.e. 'relevant responses') or after the formal consultation period have been considered by the Applicant. Where practicable, responses have been taken into account by TKOWFL in preparing its Application for development consent for submission to the Infrastructure Planning Commission (IPC). Where comments have not influenced the project, justification has been provided in this Consultation Report.

12.6 The amendments that have been made to the project as a result of the formal consultation undertaken can be summarised as follows:

- i) The maximum number of offshore wind turbines has been reduced from 333 to 288, in light of comments from nature conservation bodies and to mitigate potential impacts on birds.
- ii) Feedback on the PEI has been incorporated in the development and finalisation of the Environmental Statement (ES) (document reference 05/01). This has included the following:
 - A further herring larvae survey has been undertaken. Non-statutory consultation has been carried out on this survey which has been reflected in the ES assessments.
 - Additional assessments have been undertaken including on the potential impacts of piling noise on marine mammals and on collision risk modelling on ornithology.
 - Mitigation measures have been included where significant impacts arise, including a marine mammal mitigation protocol incorporating a soft-start procedure for marine piling work to mitigate the impacts from sound pressure on marine mammals.
 - Inaccuracies have been corrected, clarifications have been made and additional quantification of impacts has been developed where possible in response to specific comments from consultees.
 - Additional GIS analysis of impacts has been included, for example in relation to the spatial effects of noise on fish species.
 - Further referencing has been made to justify assumptions and to support conclusions as suggested by consultees.
 - Monitoring plans have been included for fish, birds, marine mammals and the seabed.
- iii) Conditions and requirements have been included in the Deemed Marine Licence and Development Consent Order (document reference 03/01) respectively to address specific issues raised by consultees. For example:
 - The approach to marine construction works as suggested by the Marine Management Organisation (MMO).
 - The completion of an Emergency Response Co-operation Plan (ERCoP) as suggested by the Maritime and Coastguard Agency (MCA).
 - The inclusion of a regional solution approach to mitigate the impact of the Greater Wash wind farms on the safe and efficient en-route air craft control service as suggested by NATS.
 - Appointment of a Fisheries Liaison Officer.
 - Arrangements for dealing with seabed debris arising from construction activities.
 - Arrangements for cabling and cable installation.

- Conditions relating to archaeological mitigation, monitoring and reporting.
 - iv) A number of illustrative three-dimensional images have been included as part of the Application (document reference 06/01) to provide an indication of what the project will look like and how the project will vary depending on the turbines selected for the site.
 - v) Agreements have been progressed with other marine users that have the potential to be affected by TKOWF. These include agreements for pipeline crossings, helicopter operators accessing gas platforms and interactions with dredging operators.
 - vi) Additional information has been provided on the electrical infrastructure components of the project (which do not form part of this Application). This included:
 - The circulation of an update newsletter in January 2012 confirming the onshore connection location for the project and background information on the electrical infrastructure required for TKOWF.
 - Detailed information included within a Cable Statement⁷⁵ (document reference 07/01) setting out the outline design and location of connecting electrical works as conceived based on the current grid connection offer from National Grid.
- 12.7 Following formal consultation on the project, the Applicant undertook further consultations to discuss the key issues raised from the consultation. These were held with marine ecology and nature conservation bodies, fishermen and marine users. Feedback from this engagement has been fed into the Application where practicable.
- 12.8 In the spirit of effective consultation, the Applicant continues to engage with a range of consultees and will continue to do so as the project progresses.

Statement of Compliance

- 12.9 In developing the approach to consultation for TKOWF, the Applicant has given careful consideration to the specific requirements set out in relevant legislation and guidance documents.
- 12.10 This Consultation Report sets out the activities the Applicant has undertaken under sections 42, 47 and 48 of the 2008 Act (Chapters 5, 6 and 7 respectively) and the consultation responses received by the Applicant under these sections (Chapters 8, 9 and 10 respectively). Each Chapter (Chapters 5-10) sets out the relevant legislative context for each section and concludes with a compliance statement to demonstrate how the consultation undertaken has adhered to relevant legislation and guidance.
- 12.11 The compliance statements can be summarised as follows:
- i) Undertaking formal consultation under section 42 of the 2008 Act: Chapter 5 of this Report demonstrates in paragraphs 5.43-5.48 and **Appendices 2.1**

⁷⁵ The Cable Statement has been included as an Application document pursuant to Regulation 6(1)(b) of the Infrastructure Planning (Applications, Prescribed Forms and Procedures) Regulations 2009.

and **5.8** that all requirements of the 2008 Act and relevant Regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed.

- ii) Undertaking formal consultation under section 47 of the 2008 Act: Chapter 6 of this Report demonstrates in paragraphs 6.85-6.90 and **Appendices 2.1** and **6.33** that all requirements of the 2008 Act and relevant Regulations have been met and the guiding principles set out in the relevant guidance documents have been largely followed. The only exception of where the guidance has not been strictly followed is in the provision of PEI to the local authorities during consultation on the revised Statement of Community Consultation (SoCC)⁷⁶. Instead, the local authorities were provided with revised Proposals for Community Consultation documents to inform their response on the content of the SoCC (which contained information on the project, the objectives and scope of the consultation, how ‘vicinity’ was defined for the project, the methods to be employed in the consultation and key impacts associated with TKOWF). In addition, it is noted that where there is no section 43(1) local authority, as is the case with TKOWF, there is no requirement to formally consult on the SoCC.
- iii) Undertaking formal notification under section 48 of the 2008 Act: Chapter 7 demonstrates in paragraphs 7.16-7.17 and **Appendix 2.1** that all requirements of the 2008 Act and relevant Regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed.
- iv) Having regard to section 42 consultation responses: Chapter 8 demonstrates in paragraphs 8.168-8.172 and **Appendix 2.1** that all requirements for summarising section 42 responses and having regard to those responses under section 49 of the 2008 Act have been met.
- v) Having regard to section 47 consultation responses: Chapter 9 demonstrates in paragraphs 9.246-9.250 and **Appendix 2.1** that all requirements for summarising section 47 responses and having regard to those responses under section 49 of the 2008 Act have been met.
- vi) Having regard to section 48 publicity responses: Chapter 10 highlights that no responses were received specifically to the section 48 notice.

12.12 The compliance statements demonstrate that all relevant requirements set out in the legislation have been adhered to in completing the pre-application process for TKOWF. Furthermore, where appropriate, guiding principles set out in relevant guidance documents have been followed in carrying out pre-application consultation for TKOWF.

12.13 In conclusion, TKOWFL has undertaken extensive pre-application consultation in accordance with its revised SoCC, in compliance with relevant legislation and in light of the guiding principles of consultation as set out in the IPC and DCLG guidance documents. The Applicant has endeavoured to accurately reflect the various stages of consultation that have been undertaken and to represent the views and feedback from consultees that have been engaged in the process. It can be concluded from an analysis of the information provided in this Report

⁷⁶ Paragraph 14. of IPC Guidance Note 1 on Pre-Application Stages (August 2011).

that the comments, views and impacts identified through the pre-application consultation have influenced the submitted Application. This influence has predominantly been in terms of the content and scope of the Application documents and the final form of the Application, for example, in the reduction in the maximum number of turbines from 333 to 288.