

WIRRAL COUNCIL

PLANNING COMMITTEE

28TH JUNE 2012

SUBJECT:	PROPOSED EXTENSION TO BURBO BANK OFFSHORE WIND FARM
WARD/S AFFECTED:	NONE DIRECTLY AFFECTED – BUT OF PARTICULAR INTEREST TO MEMBERS OF NEW BRIGHTON, WALLASEY, LEASOWE AND MORETON EAST, MORETON WEST AND SAUGHALL MASSIE AND HOYLAKE AND MEOLS.
REPORT OF:	KEVIN ADDERLEY – DIRECTOR OF REGENERATION, HOUSING AND PLANNING
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report informs Members of a consultation that has been received from DONG Energy, regarding the proposed development of an extension to the west of the existing Burbo Bank wind farm, some 7 km from the North Wirral Coast off Hoylake and Meols. The project would consist up to 75 turbines (there are currently 30 turbines), over an area of up to 40km², with a maximum 'tip height' of 235m for each turbine.
- 1.2 The project will have an installed generating capacity of up to 250MW (the applicant estimates that electricity could be generated to provide for the needs of up to 170,000 homes) and therefore falls within the definition of 'Nationally Significant Infrastructure Project' set out in the Planning Act 2008. As such, DONG Energy is required to apply for a Development Consent Order to the National Infrastructure Directorate, which now forms part of the Planning Inspectorate.
- 1.3 The proposals are currently at the 'pre-application' stage. The Planning Act 2008 places importance on this stage of the process, section 42 of the Act requiring a formal pre-application consultation with statutory consultees. In this instance, Wirral Council is defined as a statutory consultee by section 43 of the 2008 Planning Act. The current consultation is an opportunity available to the Local Authority to express its own views on the merits of a proposed application for development consent directly to the 'proposer' (the developer).
- 1.4 The current consultation opportunity is separate to the process of public consultation, which the applicant must undertake under sections 47 and 48 of the Planning Act, and on which the Local Authority is able to comment under an 'adequacy of consultation' response that can be made to the Planning Inspectorate once an application is submitted. There will also be a further opportunity for the Local Authority to make representations; including representing the broader views of the residents of the

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Borough, through submission of a Local Impact Report once the Planning Inspectorate has received an application. A report was presented to Planning Committee on the 26th May 2011 outlining in full the procedure for such applications and the Local Authorities' role.

- 1.5 The project would be an Environmental Impact Assessment development, and at this stage, Preliminary Environmental Information (PEI) has been made available by the applicant providing information on the project, which can be used to inform the consultation response made by the Council. It is large and complex application, and a significant amount of PEI documentation has been provided. This report seeks to summarise the proposal and the areas of work within the PEI, and recommends a response to DONG that highlights a number of key issues to be addressed within the Development Consent Order and EIA.
- 1.6 The key issues for Wirral are considered to be the potential visual impact, impact on coastal processes and nature conservation, and the potential for noise disturbance during construction.

2.0 BACKGROUND AND THE PROPOSAL IN DETAIL

2.1 The Proposal

DONG Energy proposes to apply to the Planning Inspectorate under section 37 of the Planning Act 2008 for a Development Consent Order (DCO) for an extension to the existing 90 MW Burbo Bank Offshore Wind Farm in Liverpool Bay. The DCO will be examined by the National Infrastructure Directorate (NID) within the Planning Inspectorate and the Secretary of State who will have the final decision whether to approve the application. A deemed marine license from the Marine Management Organisation (MMO) can be incorporated into the DCO. The DCO will include:

- Offshore wind turbines and foundations (up to 75 turbines, with a maximum tip height of 235m to provide an upper boundary installed capacity of approximately 250 MW);
 - Up to one offshore substation;
 - Undersea inter-array cables between the turbines and the substation;
 - Undersea export cables in English waters to transmit electricity for the offshore substation.
- 2.2 It should be noted that the Burbo Bank project is a significant trans-boundary project, in that the wind farm itself lies in English waters in Liverpool Bay, while the generated electricity will be taken by cable to a landfall in Wales and thence overland to the distribution network. The onshore elements of the proposal would be based wholly within the County of Denbighshire in North Wales (i.e. no onshore connection is proposed within Wirral).
 - 2.3 The exact nature of the proposal has not yet been determined. The PEI technical report submitted outlines that wind turbines types with a capacity ranging from a rating of 3 MW to a rating of 7.5 MW are being considered to determine this total capacity range. These turbine types would have a hub height ranging from indicatively 75 to 125 metres; ranging from indicatively 110 to 200 metres; and clearance above the mean sea level of at least 22 metres. The final layout of the turbines will, however, be defined at a later stage. DONG Energy presented several options during the first stage of the Section 47 community consultation events (May 2011), in order to receive initial comments.

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2.4 Consideration of the Preliminary Environmental Information (PEI)

- 2.5 The PEI submitted to the Council to date is considered to present a comprehensive overview of the process that has been followed by the applicant up to this point in developing the project and undertaking the Environmental Impact Assessment. However, as noted above the PEI recognises that a number of elements of the project design and configuration remain unresolved at this point and therefore is unable to present firm conclusions other than within loose parameters presented as a 'likely worst case scenario'. Whilst it is recognised that this is appropriate to this stage of the work and the early indicative nature of this work is welcomed, due to the remaining uncertainties it is not considered appropriate for the Local Authority to offer substantive comment in detail on the evaluated impacts of the PEI.
- 2.6 The PEI is most valuable as a guide to the approach taken to the EIA, including the scope of assessment, methodologies used and baseline data collected. In general it is considered representative of the diligent and thorough approach being taken by the applicant. Although not forming part of this formal consultation, the applicant has proactively made available to the Council the draft baseline technical reports underpinning much of the assessment process, including for example those covering: Benthic and Intertidal Ecology; Geophysical and Bathymetric; Marine Mammals; Noise; Ornithology; Salmon & Sea Trout; Fish and Shellfish; Commercial Fisheries; and Habitats Regulations Screening and Scoping.

2.7 Ecology

These reports contain a large amount of environmental information that it has not proved possible for the council's advisors, Mersey Environment Advisory Service (MEAS), to review the detail of at the time of writing. However, the information is considered indicative of a sound and conscientious approach to the establishment of an appropriate EIA 'baseline'. It is recommended that the s42 response made by the Council acknowledges this, and requests continuing dialogue on such matters.

2.8 Landscape and Visual Impacts

The PEI includes a section summarising the Landscape and Seascape Visual Impact Assessment (LSVIA) that has been undertaken by the developer, considering the impact of the proposed Project on seascape and landscape character and representative 'visual receptors' within a study area including the North Wirral Coast. In the assessment, the seascape and landscape character of the application site is assessed and the wider study area, as well as the visual prominence of the proposed wind farm and the sensitivity of representative visual receptors.

- 2.9 It is outlined that further detailed assessment work will be undertaken, the magnitude of impacts arising from the construction and operation of the wind farm proposals will be considered and also the significance of the effects on seascape, landscape character and on representative visual receptors.
- 2.10 As with the existing wind farm, the introduction of additional, larger, turbines is likely to divide opinion. For the majority of people, visual impact will be the key consideration. It could be argued that the expansion of the existing wind farm would reduce the quality and value of the seascape – others may view the additional turbines more positively. Given the existing turbine infrastructure located in the seascape, and the distance from

shore to turbine, there is potentially limited scope to sustain a future objection to the proposal on these grounds. It will be important, however, that the detailed assessment of the potential impacts is undertaken, and forms part of the decision making process. It is recommended that this is highlighted as an important issue for the Local Authority.

2.11 Noise

The PEI includes a chapter that considers the potential for noise and vibration impacts, both during construction and during operation of the wind farm extension. The methodology employed is from national planning statement NPS EN-1, and considers potential impacts from underwater noise to biota, and airborne noise. A model of the propagation of airborne noise over water has been employed to determine the range over which there may be any effects and to determine the expected worst case noise levels on-land near to the coast. The modeling concludes that under worst conditions, in some circumstances during the construction phase, without mitigation there may be impacts – for example, the levels experienced by humans on-shore may temporarily and marginally be above the WHO guidelines for night noise.

- 2.12 Mitigation is then considered within the PEI - generally mitigation of noise includes a choice or combination of methods to reduce the noise emitted and methods to lessen the impact on receptors. NPS EN-1 distinguishes between engineering, lay-out and administrative measures. Reducing the noise emissions may be done by modifying the construction method or using noise reducing applications. Administrative measures include limiting the period of very noisy operation for example to day time operations. Noise reducing devices, particularly for monopile hammering operations, will be considered further. By encouraging sensitive receptors, for example fish, to move temporarily out of the affected area it is noted the potential impacts may also be reduced. It is recommended that the s42 response highlights this as an issue as important to the Local Authority.

2.13 Offshore Shipping and Navigation Impacts

The PEI considers these impacts, and a Navigational Risk Assessment has been undertaken by DONG, including surveys of vessels in the vicinity of the wind farm, consideration of the impact of the wind farm on navigation in the immediate area, and cumulative risks in combination with other development in the same area of sea. To date, consideration has been limited to one of the design options for the proposed development. Whilst the assessment undertaken to date is considered to be largely thorough, the Council would potentially want to reinforce any concerns expressed by port operators in relation to adverse impacts on shipping movements to and from the Mersey Estuary, (given the importance of the maritime economy locally). There is also limited information regarding the potential impact to recreational vessels. The Council has received one representation directly on this issue, and it is considered appropriate to highlight this issue in the response made, recommending that consultation is undertaken with known recreational groups such as Hoylake Fishermen, and the North West Sea Anglers group and charter boat operators.

2.14 Socio Economic Impacts

The PEI considers the potential benefits of the proposed development through added value generated to the local economy and that this and the potential for job creation. There is, however, limited evaluation of the benefits of the offshore development, and

little consideration of the potential for benefits in this regard to Wirral. It is recommended that the response sent to the s42 consultation response seeks further clarification on this matter, so that consideration might be given to the potential economic benefits of the proposal.

2.15 Conclusions on the PEI

Overall the PEI is considered to present a satisfactory approach to evaluating environmental impacts and to applying mitigation measures based on four categories of significance identified. It is noted, however, that categories are described with a degree of flexibility in the determination of the need for, and scale of, mitigation measures. In the final Environmental Statement it will therefore be important for the developer to explain fully the rationale behind each decision made in respect of mitigation for all identified impacts of higher than 'negligible – no impact' in the hierarchy presented.

- 2.16 The commitment within the PEI to coverage of alternatives, cumulative impacts and to mitigation is considered satisfactory but, for reasons made clear within the report, the information presented will be subject to change before final submission of the Environmental Statement.

3.0 **Proposed Response to s42 Consultation**

- 3.1 Guidance produced by the National Infrastructure Directorate does not specify the information that must be provided to statutory consultees, nor the issues that must be covered in any response. The guidance available (at: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>) does set out that the s42 consultation is an opportunity available to the Local Authority to express its own views on the merits of a proposed application for development consent. The consultation under section 42 of the Act allows the local authority to identify areas of concern and begin to weigh which matters are most significant in its own consideration of the local impact of the proposal. Any response that a local authority makes following a consultation under section 42 of the Act may be a representation in terms of the local authority's own vision and place-shaping. The guidance advises that Local Authorities may decide to comment on the suitability of the proposed application by reference to the relevant development plan. Alternatively, such representations may reflect other aspects of the proposed application that are of particular importance to the local authority.
- 3.2 Local authorities are encouraged in the guidance to take advantage of this opportunity to present their views directly to the promoter on any aspects of the proposed application that are of importance or concern to them, such as measures to mitigate any adverse impacts, so that the promoter can consider their comments before finalising their proposals.
- 3.3 Where appropriate, local authorities should suggest appropriate requirements to be included in the draft Development Consent Order being developed by the promoter as part of their application. These would be similar to conditions attached to a grant of planning permission, and might include the later approval (i.e. subsequent to the granting of a Development Consent Order) by the local authority of detailed project designs or schemes to mitigate adverse impacts.

3.4 The expansion of renewable energy generating capacity is considered consistent with the aspirations of the Liverpool City Region and Wirral Borough Council to achieve a transformation to a low carbon economy. Given this, it is recommended that the opportunity should be taken to express support in principle at this stage, subject to further representations on matters of detail once a full appraisal has been made of the final EIA information. The response made should highlight the areas of visual impact, noise, recreational navigation, socio-economics and ecology as key areas of importance to the Local Authority as the project and associated Environmental Impact Assessment are progressed. In responding, it is recommended that it is requested regard be had to the adopted Unitary Development Plan, and in particular policies REN1: Principles for Renewable Energy, CO7: Criteria for Development Within the Inter-Tidal Zone, LAN1: Principles for Landscape, PO3: Noise, NCO1: Principles for Nature Conservation, NC1: The Protection of Sites of International Importance for Nature Conservation, NC2: Sites of International Importance for Nature Conservation, and NC7: Species Protection together with RSS Policy EM17 Renewable Energy.

4.0 RELEVANT RISKS

4.1 None relevant.

5.0 OTHER OPTIONS CONSIDERED

5.1 Not applicable.

6.0 CONSULTATION

6.1 No public consultation has been undertaken. This paper is to be circulated to members of the Planning Committee and all ward councillors.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 Local interest groups, including voluntary, community and faith groups, may be consultees to the Development Consent application.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 None relevant.

9.0 LEGAL IMPLICATIONS

9.1 None relevant.

10.0 EQUALITIES IMPLICATIONS

10.1 It is not considered that this report has relevance to equality.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 The expansion of renewable energy generating capacity is considered consistent with the aspirations of the Liverpool City Region to achieve a transformation to a low carbon economy and as such this report recommends that the proposed windfarm extension be supported in principle.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 As detailed above.

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13.0 RECOMMENDATION

13.1 In line with the procedure agreed by Planning Committee on 26th May 2011 (minute 8 refers) it is recommended that the opportunity should be taken to express support in principle at this stage, subject to further representations on matters of detail once a full appraisal has been made of the final EIA information. The response made should highlight the areas of visual impact, noise, recreational navigation, socio-economics and ecology as key areas of importance to the Local Authority as the project and associated Environmental Impact Assessment are progressed. In responding, it is recommended that it is requested regard be had to the adopted Unitary Development Plan, and in particular policies REN1: Principles for Renewable Energy, CO7: Criteria for Development Within the Inter-Tidal Zone, LAN1: Principles for Landscape, PO3: Noise, NCO1: Principles for Nature Conservation, NC1: The Protection of Sites of International Importance for Nature Conservation, NC2: Sites of International Importance for Nature Conservation, and NC7: Species Protection, together with RSS Policy EM17 Renewable Energy..

14.0 REASON FOR RECOMMENDATION/S

14.1 In order to make representation on the proposed development at this stage.

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APPENDICES

None

REFERENCE MATERIAL

Further details of the project can be found on the applicant's website at:
www.burbobankextension.co.uk

SUBJECT HISTORY

Council Meeting	Date
Environment Transportation and Planning Strategy Select Committee (original wind farm)	22 nd October 2002.
Cabinet	Thursday 4 th November 2010 (Minute 193).
Planning Committee	26 th May 2011.