



# **Galloper Wind Farm Project**

## **Annex A**

### **Application Clarifications, Corrections and Omissions**

June 2012

Galloper Wind Farm Limited

**RWE**  
npower renewables

**SSE**  
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# 1 INTRODUCTION

## 1.1 Purpose

This document has been produced in response to three activities:

- A review by Galloper Wind Farm Limited (GWFL) of comments made in the Section 55 (of the Planning Act 2008) checklist which the former Infrastructure Planning Commission (IPC) (now comprising part of the Planning Inspectorate) provided in relation to acceptance of the Galloper Wind Farm (GWF) application.
- A review by GWFL of comments made in the 'Rule 6' letter by the Examining Authority (ExA).
- A secondary GWFL audit of information contained within the submitted application documents

With respect to the Section 55 checklist, the former IPC noted some observations in relation to its interpretation of text and plans submitted in the application. Whilst none were of sufficient concern to the IPC to warrant the non-acceptance of the application, GWFL considers it helpful to provide a response and clarification to the IPC's notes, which is also in line with the request contained in the subsequent ExA Rule 6 letter.

## 1.2 Legal status of this document

GWFL submitted the Development Consent Order application for GWF on 21<sup>st</sup> November 2011 and the IPC accepted the application on 19<sup>th</sup> December 2011. In their recent Rule 6 letter the ExA set the 8<sup>th</sup> June 2012 as the deadline for the submission of any documents relating to corrections or omissions to the application and environmental information.

## 1.3 Availability of documents

The ExA Rule 6 letter identifies that documents submitted by the 8<sup>th</sup> June deadline will be made available on the PINS website on 15<sup>th</sup> June 2012.

With respect to two proposed supplementary submissions, noted in the IPC Section 55 checklist, GWFL has made documents available via its own website ([www.galloperwindfarm.com](http://www.galloperwindfarm.com)) from the Relevant Representations stage onwards, these being specifically:

- Offshore Works (Clarification) Plans at a scale of no greater than 1:2500 at A0.
- Seascape photomontages, comprising appendices to the Seascape, Landscape and Visual Impact Assessment (SLVIA) accidentally omitted from the application documents.

## 1.4 Content of clarification document

It is important to note that none of the clarifications in this document introduce any material changes to the proposed development as submitted in the application. All have been produced with the intention of clarifying any aspects or correcting any omissions that the IPC/ExA have noted in their Section 55 checklist or Rule 6 letter, or as identified independently by GWFL in their own auditing procedures.

## 2 CLARIFICATIONS – SECTION 55 CHECKLIST

References in the following section reflect those used in the IPC's section 55 checklist.

### 2.1 IPC Ref 2.1 – Application Form / Cover Letter references

It is confirmed that Document Ref 1.1 (Covering letter to the application) at Item 3 of the section "Subject of the application" should refer to section 15(3) of the 2008 Act, not 15(2) as written.

It is confirmed that Document Ref 1.1 (Covering letter to the application) at Item 4 of the section "Subject of the application" should refer to section 16 of the 2008 Act, not 15(3) as written.

The correct position regarding the relevant categories of development under the Planning Act 2008 is as stated in the DCO (Document 3.1) and the Explanatory Memorandum (Document 3.2). The inconsistencies noted above in the covering letter are a cross-referencing error.

### 2.2 IPC Ref 2.4(a) – Content of Environmental Statement

It is confirmed that figures/montages referenced in Appendix 6 (Doc 5.4.5) in relation to the seascape assessment were accidentally omitted. They accompany this submission to the ExA and have been available on the GWFL website from the Relevant Representations stage onwards. It is confirmed that an audit has identified no other figures/montages which appear to have been accidentally omitted.

### 2.3 IPC Ref 2.4(c) – Content of Explanatory Memorandum

It is clear from previous IPC examined projects that have passed through the examination process that the Development Consent Order (DCO) will be considered in detail, affording time for discussion in relation to the provisions proposed. No clarification on this matter is therefore proposed at this stage, however GWFL confirm that it is their intention to provide an updated DCO, responding to outcomes of the SCG process, for the 1<sup>st</sup> response date (16<sup>th</sup> July 2012).

## 2.4 IPC Ref 2.4(d) – Purpose of Works 12

For the avoidance of doubt, it is confirmed that Works 12 (the diversion of existing 132kV cables to run via the new Transmission Compound) is entirely related to GWF and does not serve the existing Greater Gabbard Offshore Wind Farm.

Work No.12 is necessary due to the requirements laid down in the National Electricity Transmission System Security and Quality of Supply Standard (NETS SQSS). The NETS SQSS defines the minimum standards of the grid connection offered by the transmission network operators.

Based on the SQSS standard the transmission network operator (NGET) has to provide a connection onshore which enables any connecting generator (in this case GWFL) to export all the capacity for any single fault in the onshore transmission system (e.g. single transformer fault, single underground cable fault, single OHL fault).

With respect to GWF, the most efficient means by which to achieve this is to utilise existing capacity at the Leiston A substation (which currently serves only Greater Gabbard Offshore Wind Farm). This is achieved by the implementation of Works No. 12 solely to support GWF.

## 2.5 IPC Ref 2.4(g) Consideration of Likely Significant Effects

The consideration of Likely Significant Effects for the 9 European sites affected included the following consultation with Statutory Nature Conservation Bodies (SNCBs):

- GWFL submission of a draft HRA screening report to JNCC and Natural England for comment (19 May 2011)
- JNCC and Natural England comments received on the draft HRA screening report (23 June 2011)
- GWFL submission of a request for clarification on the comments received (7 July 2011)
- JNCC and Natural England response to the above request for clarification (14 July 2011)

Subsequent to this, GWFL updated the draft screening report in response to the comments that had been received (inclusive of further evidence base to support no LSE conclusion with regard to the queried sites). No further comments were received from the SNCBs at this stage and the final HRA Screening Report was forwarded for information purposes to the IPC on 29 July 2011. The HRA then proceeded to the next step in the process, culminating in the HRA report, which incorporates a No Likely Significant Effects Report (Section 6 of the HRA Report, Doc 6.3) and Information for Appropriate Assessment (Section 7 of the HRA Report).

GWFL note that with regard to the Alde-Ore Estuary SPA (lesser black-backed gull population), LSE was agreed from the outset for effects relating to potential collision risk. Further information was requested by the SNCBs to support the conclusion of no LSE for disturbance related effects, which was duly provided within the final version of the Screening Report and HRA Report.

## **2.6 IPC Ref 2.4(h) – Statement of Reasons**

The IPC identified that there were a number of inconsistencies, duplications and contradictions in particular relating to Plots 6, 10, 11, 12, 14, 17, 18 and 19 and that this would need to be resolved. In the absence of specific reference to individual inconsistencies, duplications or contradictions, GWFL has provided further information below to supplement that included in the Statement of Reasons Schedule 1.

### **Plots 6, 10, 11 and 12**

Plots 6, 10, 11 and 12 are identified on Plans 2.3a and 2.3b as Works No. 3B, i.e. a grid connection consisting of up to three cables laid underground from mean low water to the south of Sizewell to Work No. 4. Plot 6 will also be used for temporary works associated with the reception pit for the drilling operations used to drill between the transition bays (Work 4) and the cable landfall area and for the installation of anchor blocks and lines to anchor the vessel(s) that will bring the GWF export cables to shore.

The permanent works associated with Plot 6, 10, 11 and 12 are required for the installation of up to three ducts below ground using a drilling technique and then drawing the GWF export cables and other associated minor cabling through the ducts using a rig located at the drill site. For electrical and maintenance reasons each of the GWF export cables will be approximately 10m apart between cable centres. An additional 9m permanent easement is also required beyond the outermost cables to allow access to the cables for maintenance, to prevent future development over the cables and maintenance easement, and to allow for limits of deviation in the drilling works. The total width of protection, and therefore width of freehold title being sought from the landowners over these cables, is 38m.

No compulsory purchase powers are being sought with regard to Plots 6 and 10 as that land is owned by Suffolk Coastal District Council, could be construed as open space and an agreement has been reached between the landowner(s) and GWFL.

### **Plot 14**

Plot 14 is required to allow provision of a compound related to the construction of the adjacent transition bay area (Work 4) and the works required to drill the ducts for, and pull ashore, the GWF export cable(s).

No permanent works are associated with this plot therefore only temporary rights to Plot 14 are sought.

### **Plots 17, 18 and 19**

Plots 17, 18 and 19 are currently used as a construction access track for the Greater Gabbard Offshore Wind Farm (GGOWF) transition bays. It is understood by GWFL that the commercial agreement for the GGOWF access track was that this would be a temporary track and that it would revert to the landowner on completion of the construction of the GGOWF transition bays and installation of the cables. It is understood that plots 17, 18 and 19 will be converted back to arable by Greater Gabbard Offshore Winds Limited (GGOWFL) after completion of the transition bays and cable installation.

GWFL acknowledge that it may be possible to utilise the existing GGOWF access track and would seek to do so if this is technically and commercially viable. However given that GWFL cannot be certain of the starting date for commencement of work on the access track to the GWF transition bays and that this might be when the access track is no longer in GGOWF's control it is therefore necessary to acquire access for the purposes of GWFL rights permanently and, as noted in the Statement of Reasons (paragraph 11.6(v)), offer the land back subject to the retention of rights of access to use the track.

In addition Plot 18 is required for the GWF cable corridor (Work 5) between the transition bays (Work 4) and the GWF compound element of the substation (Work 6). The permanent works required are described in the Statement of Reasons Schedule 1 under Works 5.

### **2.7 IPC Ref 2.4(i) – Land Plan**

Article 20 is intended to authorise the extinguishment or suspension of any private rights in existence over any land subject to compulsory purchase powers under the DCO. To make this more explicit on the land plan, in response to the IPC Section 55 observation, GWFL have included the following additional wording in the key to the land plan:

- After the words “Order land – limits of land to be acquired” inserted the words “and subject to the extinguishment or suspension of private rights”
- After the pink rectangle and the word “Permanent” inserted the words “and subject to extinguishment of private rights”
- After the blue rectangle and the word “Temporary” inserted the words “and subject to the suspension of private rights”

For the avoidance of doubt it is confirmed that the onshore and offshore land plans match at the point of transition. Differential scales, as covered in the ExA Rule 6 letter, are addressed later in this document.

For the avoidance of doubt, it is not intended that the Land Plan identifies the properties listed in Part 2 of the Book of Reference. The thin red line around Rosery Cottages is as a result of OS base data and its associated colouration. A revised Land Plan (Doc 2.5 Rev 20) is included with this document where this OS base data has been changed to a grey colour to avoid any potential misinterpretation of the thicker red line shown in the key.

## **2.8 IPC Ref 2.4(j) Point of transition between offshore and onshore plans**

For the avoidance of doubt it is confirmed that the onshore and offshore plans match at the point of transition. Sheet 1 of the Clarification Works Plans (C2.4-1) specifically addresses this point. Differential scales, as covered in the ExA Rule 6 letter, are addressed later in this document.

## **2.9 IPC Ref 2.4(j) Area not included within the Order Limits**

The key item 'Areas not included in the Order Limits' is intended to identify, for the avoidance of doubt, any area entirely bounded by the Order Limits, but which is not intended to be included in the Order Limits. With respect to the IPC's comment, GWFL has identified the area enclosed by the upper and lower Sizewell Beach access routes (east of Coastguard Cottages) as the only remaining area where this could be applied. GWFL have included revised Works Plans 2.3a Rev 22 and 2.3b Rev 18 showing the area enclosed by the beach access routes as 'Areas not included in the Order Limits'. These plans have also been revised to change the OS base data from a red colour to a grey colour as set out in paragraph 2.7 above.

## **2.10 IPC Ref 2.4(j) Scale of offshore plans and accuracy of Order Limits**

For the avoidance of doubt, whilst the offshore Order Limits boundary and coordinates contained within the draft DCO match exactly, it is proposed that the DCO coordinates prevail in case of any discrepancy. It is proposed that this is considered as an amendment to the draft DCO through the Examination process if so desired.

Differential scales, as covered in the PINS Rule 6 letter, are addressed later in this document.

## **2.11 IPC Ref 2.4(k) Onshore plan in relation to Regulation 5(2)(k)**

It is GWFL's understanding that the new rights sought under Article 19(2) do not fall under APFP Reg 5(2)(k) and therefore should not be referred to in the land plan.

Regulation 5(2)(k) requires an application for development consent to be accompanied by a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation.

However draft Article 19(2) does not seek to authorise the creation or alteration of means of access at the existing junction of Sizewell Gap with the private road (parcel 117) adjacent to parcel 119 and no physical works are required to be carried out. The acquisition of a right to oversail parcel 119 is required due to the particularly long length of certain vehicles which will be required to negotiate this existing means of access during the construction and maintenance of the proposed project and those vehicles will only be able to do so by oversailing parcel 119 and a right to do so is therefore necessary.

Similarly, draft article 19(2) does not seek to authorise the creation of (public) rights of way in relation to parcels 26, 123 and 144. The powers which are sought in relation to those parcels of land are a right only for the promoter to use the land to gain access to other land which is being acquired under the DCO in connection with the construction of the project sought to be authorised by it.

## **2.12 IPC Ref 2.4(k) Onshore plan in relation to draft Article 23**

In relation to draft article 23, this authorises the entry on and appropriation of the subsoil of any street within the “Order limits”. The Order limits are defined in article 2 of the draft Order as the limits shown on the order limits plan. Since draft article 23 seeks to authorise a right to use land, in accordance with the requirements of Regulation 5(2)(i)(i) which requires that the land plan identifies any land over which it is intended to exercise any right to use land, it is confirmed that draft article 23 should relate to the land plan. Accordingly (even though article 23 reflects the wording used in model provision 27) it is considered that draft article 23(1) should be amended so that the reference to “Order limits” should instead be a reference to “Order land”.

It is considered that the land to which draft article 23 relates should be all of the pink land shown on the land plan. Article 23 follows the model provision and provides that the undertaker may use any street within the Order limits for the authorised development - without being required to acquire any part of the street or any easement or right in the street. The definition of ‘street’ given by article 2 (again, following the model provision) is the meaning provided by section 48 of the NRSWA 1991 which includes any highway, road, lane, footway, alley or passage, any square or court and any land laid out as a way whether it is for the time being formed as a way or not. Draft article 23 may therefore relate to any such land within the land coloured pink on the land plan and there is no requirement either within the drafting of the model provision or under the Applications Regulations for the land plan to specify the ‘streets’ to which the article relates in any greater detail than is already provided.

GWFL would therefore welcome further advice from the ExA on how this can be addressed to their satisfaction.

### **2.13 IPC Ref 2.4(o) Discrepancy between Works Plan (1 of 2) and the Onshore General Arrangement**

The differences with regard to the physical extent of the proposed Work No.12 in the Onshore Works Plan (Docs 2.3a and b) and the extent of cable works in the Onshore General Arrangement (Doc 2.7) are intentional. The 'other electricity cable and utility corridor' in the Onshore General Arrangement which partially overlies Work No.12 includes associated development (i.e. a services and utility cable corridor) to the onshore authorised development listed in Schedule 1 Part 1 of the draft DCO, but does not itself form part of Work No.12.

### **2.14 IPC Ref 2.5 Scale of offshore plans satisfying Regulations 5(l) and 5(m)**

In section 2.5 of the s55 checklist published by the IPC, comment was made in relation to plans and figures under Regulation 5(2).

GWFL acknowledge that of Document References 2.1 - 2.20, i.e. plans and drawings submitted under Regulation 5(2)(i), (j), (n) and (o), 2.14 - 2.20 do not include a north arrow, however such an inclusion is not appropriate for these illustrative plans, cross-sections and elevations.

Of those plans and drawings contained in the Environmental Statement submitted under Regulation 5(2)(l) and (m) (as listed in section 2.5 of the s55 checklist), GWFL acknowledge that Figures 9.2, 9.7, 13.17, 14.8, 14.9 and 23.7 do not include a north arrow. GWFL have included a north arrow on the reissued figures C9.7 and C13.7. The inclusion of a north point is not appropriate on C9.2. Figures C14.8, C14.9 and C23.7 are from other referenced sources.

With regard the scaling of plans within the ES, GWFL acknowledge that the plans falling under Regulations 5(l) and 5(m) are not scaled fully to A4, given that the relevant pages also accommodate margins and borders. GWFL have prepared revised (additional) versions of these plans fully at A3. For the reasons set out in section 3.2, it is not considered appropriate to recreate each of these plans at 1:2500 scale.

Differential scales, as covered in the ExA Rule 6 letter, are addressed later in this document.

### **2.15 5.18 Applicability of Regulation 9(1)(c)**

The IPC did not notify GWFL of any additional consultation bodies or persons under Regulation 9(1)(c). GWFL did not therefore consider that Regulation 9(1)(c) had been applied in this case and, as a result, marked the application form accordingly.

### 3 CORRECTIONS AND OMISSIONS – RULE 6 LETTER

#### 3.1 Rule 6, page 20, paragraph 1

Whilst the application did not include a complete copy of the HRA Screening Report, it is confirmed that the detailed factual content and conclusions of the Screening Report are recreated in Section 5 (pages 65 to 67, inclusive) of the Habitat Regulations Report (Doc 6.3). A copy of the full HRA Screening Report is included with this document in Appendix D as Doc 6.3.1.

#### 3.2 Rule 6, page 20, paragraphs 2 and 3

In response to the IPC's comments at acceptance stage, GWFL made a full set of offshore Works Plans, covering the entire Order Limits, available at [www.galloperwindfarm.com](http://www.galloperwindfarm.com) throughout the Relevant Representations period and beyond. Clarification plan C2.4-1 covers the transition from the offshore works to the onshore works and is the same red line seen diverging eastwards on Doc 2.3a and 2.3b.

GWFL acknowledge the comments in relation to appropriate scaling and detail of base mapping. GWFL note that it is the intention that forthcoming secondary legislation will alter or abolish the need to satisfy the criteria of no greater than 1:2500 @ A0 for offshore plans. This is in acknowledgement of the significant number of plans, comprising Order Limits, Works Plans, Land Plans, Extinguishment of Rights Plans and other plans for large offshore projects, that for GWF would each require a further 79 sheets each.

In response to the ExA's comments, GWFL have secured alternative base mapping and updated the various Clarification Plans C2.4-1 to C2.4-79.

#### 3.3 Rule 6 letter, page 20, paragraph 4

As noted in paragraph 2.2 of this document, the figures noted by the ExA were omitted from the application in error and were made available at [www.galloperwindfarm.com](http://www.galloperwindfarm.com) from the Relevant Representations stage onwards. The figures also accompany this document in Appendix A for formal submission to the ExA .

#### 3.4 Rule 6 letter, page 20, paragraph 5

Whilst it is assumed that the ExA's comments are intended to merely clarify whether an invertebrates survey was carried out, the text below provides a full explanation of the circumstances surrounding this element of the ES:

As noted in the ES paragraph 23.4.89 a desk study in 2005 identified a number of notable terrestrial and freshwater invertebrates, associated with the Sizewell Marshes SSSI, heathland habitats in the Suffolk Sandlings, and the coastal beach and dune system. Paragraph 23.4.92 acknowledges that the foreshore is likely to support a diverse terrestrial invertebrate assemblage but that the majority of the development proposal will be undertaken on

agricultural land which is considered to be of limited value for terrestrial invertebrates. Taken as a whole, the development footprint was considered of local value for terrestrial invertebrates.

The overall value of the shingle / dune habitat however has been acknowledged as of national importance in ES paragraphs 23.4.21 to 23.4.26, implicitly acknowledging the value of the habitat and the invertebrates it supports.

The Marine and Intertidal Ecology chapter of the ES (paragraph 12.3.6) also states that:

*'The habitats of the intertidal are predominantly barren shingle and ephemeral seaweeds (see 12.4.4) and are not considered sensitive or likely to have changed since the characterisation surveys of 2005. This approach was clearly set out in the Scoping Report (SSER and RWE NRL, 2010) and received no objection from the consultees.'*

Given the national value of the habitat was acknowledged in the ES, the acknowledgement by JNCC / Natural England in their Scoping Response that the datasets from the surveys undertaken for the Greater Gabbard offshore wind farm were sufficient to inform an EIA, the dynamic nature of the intertidal shingle habitat and the proposal to drill under the most sensitive foreshore habitats above Mean High Water, it was considered that there would be no additional benefit to carrying out a specialist invertebrate survey of the shingle / dune habitats.

### **3.5 Rule 6 letter, page 20, paragraph 6**

The reference in page 14 of the Statement of Reasons Schedule 1 that refers to Chapter 5, Section 17.5 of the ES is in error and should refer to Chapter 5, Section 19 with respect to the sealing end compounds. Further details with regard to the replacement telecommunications mast for GGOWL are given in ES Chapter 5, paragraph 5.20.1.

## **4 CORRECTIONS AND OMISSIONS – GWFL AUDIT**

### **4.1 Environmental Statement Chapter 8**

GWFL note that two tables in the ES Chapter 8 (Nature Conservation Designations) have been numbered in error as Table 8.12. The first Table 8.12 on page 62 sets out a summary of cumulative assessment for European designated sites. The second Table 8.12 on pages 66 - 70 sets out a summary of impact assessment undertaken for nature conservation designations.

## 4.2 Environmental Statement Chapter 8

Paragraph 11.7.103 of the ES should refer to Havergate Island breeding surveys in 2011, not Orford Ness.

## 4.3 Environmental Statement Chapter 23

In paragraph 23.6.31 of the ES it is incorrectly stated that 4.3ha of new woodland habitat will be created (including transitional edge habitat). Paragraph 23.6.31 should have stated that after the proposed additional woodland and woodland edge planting is established there will be a total of 4.3ha of woodland and woodland edge habitat, including those trees that are to be retained in Sizewell Wents woodland.

This minor wording error is not reflected in the assessment of impacts in the ES as paragraph 23.6.34 correctly states that *'1.7ha of mixed plantation woodland (associated with Sizewell Wents) will be lost as a result of the GWF substation development... [and] approximately 1.6ha of core woodland planting and 1.3ha of woodland edge and grassland habitats [will be created].'*