



Galloper Wind Farm Project
Environmental Statement – Chapter 7: Consultation
October 2011
Document Reference – 5.2.7

Galloper Wind Farm Limited



Document title Galloper Wind Farm Project
 Environmental Statement – Chapter 7:
 Consultation
 Document short title Galloper Wind Farm ES
 Document Reference 5.2.7
 Regulation Reference APFP Regulations, 5(2)(a)
 Version 5
 Status Final Report
 Date October 2011
 Project name Galloper Wind Farm Project
 Client Galloper Wind Farm Limited
 Royal Haskoning 9V3083/R01/303424/Exet
 Reference

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Checked by	Kate Harvey	
Date/initials check	KH	1.11.2011
Approved by	Kate Harvey	
Date/initials approval	KH	1.11.2011

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7 CONSULTATION

7.1 Introduction

7.1.1 This Chapter of the Environmental Statement (ES) outlines the general approach taken to consultation for the Environmental Impact Assessment (EIA) and details the consultation which has been carried out to inform the EIA process.

7.1.2 As detailed in Chapter 3 Planning and Legislative Context, Galloper Wind Farm (GWF) is defined under Part 3 (15, (3)) of the Planning Act 2008 as a Nationally Significant Infrastructure Project (NSIP). The project also includes a small amount of new overhead cables, running from the two sealing end compounds next to the existing 400kV pylon up to the arms of the tower, each of which will be extended, which also classes as a NSIP.

7.2 Consultation Procedure under the Planning Act 2008

7.2.1 Section 42 of the Planning Act 2008 (Planning Act) details the developers' duty to consult with Local Authorities (outlined further in Section 43 of the Planning Act), prescribed bodies and those persons with interest in the land (outlined further in Section 42 of the Planning Act). Pre-application consultation guidance (published by Department for Communities and Local Government (DCLG), 2009) states that the documentation used during the statutory consultation should contain sufficient detail for consultees to provide an assessment of the likely impacts.

7.2.2 Section 47 of the Planning Act details the duty to consult with the local community, and gives specific details on how, and with whom, this consultation should take place. Section 48 outlines how the applicant must publicise the proposed application. Further information on this process is detailed in **Section 7.5**.

7.2.3 A Statement of Community Consultation (SoCC) and Preliminary Environmental Information (PEI) (in the form of a Preliminary Environmental Report (PER)) were produced for the purpose of the Section 42 and 47 consultation (further detailed within **Consultation Report**). The PEI was used to inform stakeholders about the proposed development and to provide an opportunity to be involved with, and to feed into, the ongoing EIA process.

7.3 EIA Consultation Undertaken

7.3.1 GWFL have taken a proactive approach to consultation, with key stakeholders involved on a non-statutory basis (with respect to the Planning Act) from the project outset and prior to site award by The Crown Estate. Consultation has included the bodies, organisations and individuals who represent the key interest and user groups both within Suffolk and the wider study area.

7.3.2 Comments received during non-statutory consultation exercises have informed site and layout design, including the location of the onshore substation. Comments have also informed the EIA process and been taken into account during the preparation of this ES. Further detail on the development of the scheme in response to consultation is provided in **Chapter 6 Site Selection and Alternatives**. Detailed consultees responses, where relevant, are included in the **Consultation Report** with a summary in each appropriate technical Chapter.

7.3.3 GWFL has had general discussions about ornithology since 2007 with the Joint Nature Conservation Committee (JNCC) and since 2009 with Natural England. Further details are included in the **Consultation Report**. The discussions covered a broad range of topics, including the scope of the collision risk modelling, Habitats Regulations Assessment (HRA) and cumulative impact assessment. Following the statutory consultation that was undertaken GWFL undertook to provide further information to the JNCC, Natural England and the RSPB in the form of a draft technical report, to be finalised for the application. Further details are included in the **HRA Report**. The technical report contained the most up to date information that was available at the time. Specifically, it included the results of the collision risk assessment and population viability analysis for the lesser black-backed gull (LBBG) population of the Alde-Ore Estuary Special Protection Area, being two of the core elements of the Information for Appropriate Assessment, submitted as part of the HRA report.

7.3.4 GWFL recognise that further discussion will be necessary on the following areas in relation to LBBG:

- the potential for further population modelling; and
- the investigation of future management intervention options.

7.3.5 It is proposed that the latter is undertaken at a strategic level (i.e. incorporating other offshore wind farms in the area), to reflect the in-combination nature of the issues identified in the ES.

7.3.6 It is noted that the IPC's Advice Note 10 makes clear that it is the developer's responsibility to include 'sufficient information' to enable the competent authority to determine whether an Appropriate Assessment is required. Whilst it is recognised that there will be ongoing consultation and discussion with JNCC and Natural England regarding further LBBG population modelling and management intervention options, in view of the detailed consultation undertaken to date and the results of the assessment reported in the ES and accompanying documents, GWFL is satisfied that sufficient information has been included within the DCO Application for the Competent Authority to make a determination during the examination period. In addition, GWFL are confident that outstanding issues with the JNCC, NE and RSPB can be resolved in the approach to the examination period as the process of agreeing statements of common ground will provide ample opportunity to do this and to this end GWFL are continuing discussions with

JNCC, Natural England and the RSPB with a view to resolving all remaining issues.

7.4 Scoping Study

7.4.1 Scoping was undertaken for the GWF project between June and August 2010. The responses are provided within the relevant ES technical Chapters.

7.5 Scope of Works and Progress Discussions

7.5.1 GWFL have undertaken specific consultation, where necessary, with relevant key stakeholders to agree approaches on the specialist studies and site surveys that have been undertaken to inform the EIA process. **Table 7.2** provides a summary of the above in order to determine the scope of study. Further detailed information on the specific studies is provided within the relevant Chapter of this ES.

Table 7.2 Summary of EIA studies and associated consultation

EIA Study Aspect	Consultation carried out to on scope of the study
Geophysical and benthic ecology survey	Scope of Works (SoW) agreed with Centre for Environment, Fisheries and Aquaculture Science (Cefas), JNCC, Natural England, Marine Fisheries Agency (MFA) (now the Marine Management Organisation (MMO))
Ornithological survey and technical report	Initial SoW was agreed with JNCC and subsequent consultations held on suitability of data acquisition with JNCC, Natural England and MMO throughout the course of the data capture phase (see Section 12.3)
Archaeology desk-study (offshore)	n/a: follows best practice guidance
Fish and shellfish survey	SoW agreed with Cefas
Commercial fisheries assessment and fisheries liaison	SoW agreed with Cefas. Meetings also held with local fishermen's groups, sea fisheries committees and Marine and Fisheries Agency (MFA) (now MMO)
Underwater noise modelling	SoW agreed with Cefas
Shipping and navigation assessment (including navigation risk assessment)	SoW agreed with Marine and Coastguard Agency (MCA)
Seascape and landscape	SoW agreed with Natural England

EIA Study Aspect	Consultation carried out to on scope of the study
visual impact assessment	
Landscape and visual impact assessment (onshore)	SoW agreed with Natural England, Suffolk County Council and Suffolk Coastal District Council
Traffic impact assessment	SoW agreed with Suffolk County Council
Ecological surveys (onshore)	Suitability of dataset coverage agreed with Natural England
Archaeological desk-based assessment (onshore)	SoW agreed with English Heritage and Suffolk County Council

7.5.2 In addition to the consultation detailed so far, there have been ongoing meetings with the IPC to discuss key project details throughout the progression of the GWF project. The details of these meetings do not form part of the technical Chapters, but have been used to develop the EIA process and methodology.

7.6 Statutory Consultation

Section 42 - Preliminary Environmental Report

7.6.1 The PER presented the initial findings of the EIA work and was used to inform statutory consultees about the proposed application as part of the consultation required under Section 42 of the Act. This consultation was undertaken for a period of 28 days between 13th June and 14th July. The PER was designed to enable consultees to provide an informed response to the environmental effects of the project, from preliminary information compiled by GWFL at that stage of the project's development.

7.6.2 Guidance on pre-application consultation under the Planning Act has been produced by the Department for Communities and Local Government (DCLG, 2009). Paragraph 81 of the guidance states that, regarding technical consultees (i.e. statutory bodies), there is a requirement for "a clear set of written documents, outlining proposals in sufficient detail for consultees to provide their assessment of the likely impacts." In line with the DCLG guidance the PER contained:

- A map of sufficient size and scale to clearly identify the proposed location(s) for development;
- A high level description of the type and size of the development;
- An outline of the project options, including any alternatives to those options already considered;
- Information sufficient for the relevant consultee to assess the impacts of the proposals on their area of interest;

- Detail of any hazardous materials needed during the construction or operation of the development;
- Information regarding any compulsory purchase of land that may be needed, and where relevant, any land to be given in exchange;
- Information on whether or not an EIA is being, or will be carried out;
- The deadline by which responses must be received; and
- Information on when an application is intended to be submitted to the Infrastructure Planning Committee (IPC).

7.6.3 In addition to fulfilling these guidance requirements, the PER for GWF also:

- Explained the aspects of the project which are still not resolved at this PER stage, and can therefore be influenced by the consultation;
- Set out the design flexibility sought within the consent application and how the 'Rochdale Envelope' assessment approach will be used within the EIA to account for this flexibility;
- Summarised baseline work which is ongoing and where this has limited the impact assessment to date;
- Summarised the findings of the assessment which has been carried out to date, and where necessary include explanations on limitations and precautions which should be taken as a result of this being a preliminary assessment; and
- Invited feedback from consultees, including comment on potential mitigation measures.

7.6.4 Specific feedback was sought from consultees on the following questions with regard to the information contained within the PER (note Chapter numbers of the PER referred to in the Questions are not consistent to those within the ES):

Question 1: Permitting flexibility (applying the Rochdale envelope)

- Do consultees feel that the assessment approach has addressed the realistic worst case development scenario (as detailed in **Chapter 4** and further explained within each assessment Chapter)?

Question 2: Existing environment

- This PER (within the assessment **Chapters 8 to 27**) has set out the relevant information that will be used to characterise the existing environment within the EIA and has provided an initial overview of this data. Do consultees feel that the information identified is adequate for the EIA and if not please specify where gaps or uncertainties exist?

Question 3: Assessment of impacts

- Do the consultees feel that the assessments made (based on the available data) adequately represent the most likely outcome and potential impacts (see assessment **Chapters 8 to 27**)?

Question 4: Mitigation

- At this stage of the project providing extensive detail on mitigation measures is clearly not practicable given that many of the technical studies are ongoing. However, and where possible, we have provided a broad overview of mitigation that is likely to be considered for each relevant parameter. In light of this, GWFL welcome any comment on the outline mitigation specified throughout the assessment **Chapters 8 to 27**. Furthermore, GWFL would like to illicit your responses on whether there are any further specific measures that you feel should be considered?

Question 5: Outline monitoring

- Under The Planning Act (2008) consenting process, there is a requirement for a front loaded approach, where commitments to future monitoring are outlined and form part of the draft DCO and/or draft Marine Licence. However, GWFL do not envisage that it will be entirely feasible to specify detailed monitoring plans within the consent submission. As such, and in line with the detail provided in assessment **Chapters 8 to 27** and as with question 4 above, we have provided summary detail where possible. If you have an opinion on the information provided, or anything further to add on the outline monitoring within this PER, then GWFL welcomes your views.

7.6.5 More generally, consultees were asked to identify any changes to the project they would like GWFL to consider, with reasons, subject to the decisions which were not open to influence in the light of project design decisions already taken.

7.6.6 Under the new regime in the Planning Act, GWFL were expected to seek to resolve as many matters with consultees as could reasonably be done before consent submission. Consultees were asked to be open about any specific concerns, so that they can be discussed and addressed before the application is submitted.

7.6.7 Lastly, consultees were asked to identify any specific matters which they considered should be dealt with by way of conditions (known as "requirements") in the DCO.

Section 47 – community consultation

7.6.8 Community consultation (Section 47) took place in parallel with the Section 42 statutory consultation, for which the PER was produced.

7.6.9 The process for community consultation was set out in a SoCC. The SoCC outlined the nature of GWF, how GWFL will engage with the community in the area, and how people can engage with the developer on the design of the wind farm and any associated mitigation measures.

7.6.10 Further details on the process for producing the SOCC are included in the **Consultation Report**.

7.6.11 The IPC recommends that the applicant provides preliminary environmental information (PEI) alongside the SoCC (under s47 of the Planning Act 2008). The 2009 EIA Regulations define PEI as "*information compiled by the applicant*" that "*is reasonably required to assess the environmental effects of the development (and of any associated development)*" (Regulation 2).

7.6.12 The PEI was designed to help consultees and local communities understand the nature, scale, and location of the development so that they can participate fully in the consultation process and make an informed judgement on the details of the proposed development.

7.6.13 A series of public exhibition were held in to give the general public the opportunity to learn more about GWF and speak to representatives from GWFL. The exhibitions included information on all aspects of the offshore and onshore works and took place on the 16th June (2011) at Sizewell Beach Café and on the 17th and 18th June at Leiston United Church.

7.6.14 Further details on the process and results of the Section 47 consultation are included in the Consultation Report.

7.7 Further Consultation

7.7.1 The IPC will need to be satisfied that both community and statutory consultation have been undertaken appropriately prior to the acceptance of the application for a DCO. Once an application has been accepted by the IPC, individuals and groups will have the opportunity to register, and be invited to, a Preliminary Meeting chaired by the IPC to identify the issues that will be covered in the examination. Statutory consultees may attend by right. Thereafter all statutory consultees and registered interested parties will have a full opportunity to submit detailed representations on the project, and to participate in the formal examination.

Post consent consultation

7.7.2 GWFL have outlined mitigation measures as well as a commitment to implementing appropriate measures within the ES and DCO application, where deemed necessary. However, given the level of design flexibility maintained at the application stage, it is likely that the full detail and method statements relating to certain mitigation measures will not be able to be fully specified at that juncture. Accordingly there are provisions in the DCO, relating to onshore works, and in the deemed marine licence, in relation to offshore works, under which approvals of the final form of a variety of mitigation measures will be submitted for approval by Suffolk Coastal District Council and the MMO respectively.

Summary

7.7.3 All statutory and non statutory consultees responses obtained throughout the formal and informal consultation process for GWF have been used to inform the EIA process and are be incorporated, where necessary, within the ES and displayed in the **Consultation Report**.

7.8 References

Department of Energy and Climate Change (DECC) (2009). Available at URL: www.decc.gov.uk. Accessed 05/05/2009

Department of Trade and Industry (DTI) (2004). Marine Consents and Environment Unit (MCEU). Guidance Notes, Offshore Wind Farm Consents Process. August 2004.

DCLG, 2009. Planning Act 2008 Guidance on pre-application consultation. Department for Communities and Local Government September 2009.

Infrastructure Planning Commission Website:
<http://infrastructure.independent.gov.uk>.