

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Member for Economy Transport & Environment
<b>Date:</b>	10 June 2013
<b>Title:</b>	Navitus Bay Windfarm – Relevant Representation
<b>Reference:</b>	5870
<b>Report From:</b>	Director of Economy Transport & Environment

**Contact name:** Pete Errington

**Tel:** 01962 846766      **Email:** pete.errington@hants.gov.uk

**1. Executive Summary**

- 1.1. The purpose of this paper is to seek approval for Hampshire County Council to register as an “interested party” in the process by which a decision will be made whether or not to permit the Navitus Bay Offshore Windfarm. Assuming that approval is given, approval is also sought for the text of Hampshire County Council’s ‘relevant representation’ to be submitted as the first stage of the Public Examination process (based on the wording at paragraph 2.14).
- 1.2. This paper also seeks to briefly summarise the consenting process and timescales and the County Council’s expected role in that process.

**2. Contextual information**

- 2.1. The Navitus Bay Offshore Windfarm could comprise up to 194 wind turbines with a generating electrical capacity of up to 970MW. It is proposed to be located some 23km off the Hampshire coast near Milford-on-Sea. It would connect to the national grid via a cable which would strike land at Taddiford Gap at Barton-on-Sea and run some 30km to a grid connection at Mannington in Dorset.
- 2.2. Given the scale of the project it is classed as a “Nationally Significant Infrastructure Project” (NSIP) and falls to be determined under the provisions of the 2008 Planning Act. The application for consent is submitted to the Planning Inspectorate (PINS) who make a recommendation to the relevant Secretary of State who makes the final decision.

- 2.3. The project has been some three years in pre-application discussion and consultation. The application (the 'Development Consent Order') was submitted by the developers to the Planning Inspectorate who 'accepted' the application meaning the statutory process is now set for a final decision being made by the Secretary of State in approximately 16-18 months time.
- 2.4. The first stage in the statutory process is that all parties who have an interest in, or may be affected by, the proposed development and who may wish to make representation to the Planning Inspectorate and/or may wish to appear at the Public Examination, are required to formally register as an 'interested party'. The process of registering as an interested party also requires the submission of a 'relevant representation' which briefly sets out the nature and extent of that interest and any issues the party may wish to raise at the Examination or see addressed by the Panel of Inspectors who will conduct that Examination.
- 2.5. This statutory part of the process must be undertaken by way of completion of an online pro forma which includes the 'relevant representation'. Relevant representations are limited to 500 words. They are meant to be a very brief outline of key points which will assist the Panel of Inspectors to determine how to programme the Public Examination. There are a number of subsequent opportunities in the process for the County Council to elaborate its concerns and comments in greater detail.
- 2.6. It should be noted that the act of registering as an interested party does not commit that party to make any further submissions or representations; nor to appear formally at any hearings which may form part of the Examination process. However, not registering does preclude parties from taking any further part in the process.
- 2.7. The statutory period for registering as an interested party and submitting a relevant representation runs from 13 May and ends on 23 June.
- 2.8. The County Council has a variety of interests in this development from the perspective of a number of different statutory duties. These include Highway Authority (in respect of vehicular accesses, road closures and diversions for construction of the onshore cable route), Lead Local Flood Authority (in respect of where the cable route crosses ordinary water courses), Minerals & Waste Planning Authority (in respect of any potential sterilisation of minerals resources along the length of the cable route) and rights of way authority (in terms of diversions, temporary stopping up or more permanent closure of rights of way). The County Council also has a number of non-statutory interests in the development from landscape, archaeology, ecology, countryside, energy, tourism & economic development perspectives. In some instances the County Council acts as adviser to the district councils on these matters. It also has a 'public good' and political interest in the development.

- 2.9. Given the scale and extent of this statutory and non-statutory interest it is recommended that the County Council formally registers as an interested party for this decision-making process.
- 2.10. The County Council, along with other affected local authorities in Dorset and Hampshire (in Hampshire New Forest District Council and the New Forest National Park Authority), has been in pre-application discussions with the developers to varying degrees over the past three years. The County Council has also responded to various rounds of public consultation. In its comments on the Statement of Community Consultation, the County Council has sought to ensure that the residents of towns and villages potentially affected by the proposed development have had the opportunity to make their views known. In the initial stages of environmental impact assessments the County Council focussed its concerns primarily on the localised impacts of the construction of the cable route on the environment, landscape, ecology, and archaeology. The County Council has also touched on the broader implications (raised primarily by the Dorset authorities) on tourism and the visitor economy to the Dorset Heritage Coast, Bournemouth, and the New Forest National Park.
- 2.11. In terms of the statutory County Council responsibilities referred to above, discussions with the developers and their advisers have been on an on-going basis and of a routine nature, overcoming detailed localised issues rather than raising any fundamental reasons why the development should not go ahead.
- 2.12. There has been widespread publicity about the development over the past few years which has elicited a great deal of public interest in (and opposition to) the development; largely in terms of the visual impacts and knock-on visitor and tourism impacts and impacts on individual businesses and recreational activity along the Hampshire/Dorset coast.
- 2.13. Even though the application has been submitted and accepted by PINS, this does not mean that matters can still not be overcome. Once the County Council registers as an interested party and submits its relevant representation it will have further opportunity to either elaborate on, or withdraw from, matters highlighted in the relevant representation as discussions with the developers continue and the Examination progresses. The County Council will be invited to submit a Local Impact Report outlining its concerns in greater detail as well as written statements to the Examining Panel of Inspectors. It will have the opportunity to submit comments on other parties' Local Impact Reports and written representations. It will also have the opportunity to enter into Statements of Common Ground with the developer on key issues (mainly reflecting the County Council's statutory responsibilities). However, the authority will only have the opportunity to do this if it registers as an interested party and outlines the thrust of its case.
- 2.14. Looking at examples of relevant representations in respect of other NSIPs (e.g. the Rampion Offshore Windfarm off the Sussex coast) relevant representations are often only a few sentences long outlining the headline of

the issues in which that party is interested. As this is simply the “foot in the door” stage in the process, it is recommended that Hampshire’s Relevant Representation follows this approach. In any event, as stated above, it is limited to 500 words maximum. A suggested form of wording for this relevant representation is set out below:

*Hampshire County Council performs a number of statutory duties which impact on, and are potentially impacted by, the proposed development. These include our roles as Highways Authority, Lead Local Flood Authority, Rights of Way Authority, and Minerals & Waste Planning Authority. It also has a number of non-statutory interests in the development from landscape, archaeology, ecology, countryside, energy, tourism & economic development perspectives. In some instances the County Council acts as adviser to the district councils on these matters. It also has a democratic/political interest in the development.*

*The County Council has been in discussion with the developers over the past three years and welcomes the changes which have been made by the developer over that period in order to address the concerns raised by the County Council and other parties. The County Council’s prime concern remains to ensure that any adverse effects on the above interests caused by the development are satisfactorily minimised and mitigated. Whilst the County Council shares the concerns of others about the potential visual impact of the development and the knock-on effects on the visitor and tourism economy of the area (effects which would impact on the Hampshire economy as well as that of Bournemouth and Dorset) its interest has primarily been in respect of minimising the effects of the onshore works. The County Council is keen to participate in the decision-making process for this application to ensure its concerns and interests are adequately reflected in the final decision and that it is able to carry out its statutory duties in respect of the development.*

*The County Council’s key concerns will focus on the following matters:*

- Highways, traffic, transport, and access*
- Public rights of way*
- Landscape, ecology and visual impacts, and localised impacts on trees and hedgerows*
- Archaeological impacts*
- Impacts on localised flooding and water courses*
- Tourism, recreation and impacts on the economy*
- Discharge of requirements, monitoring and enforcement*

*There are many aspects of the above elements of the proposal with which the County Council is content. However, there are areas where, at this stage in the process, it has not yet been demonstrated that the developer has sought to minimise and mitigate potential impacts to our satisfaction. The County Council will continue to work with the developer to address and overcome outstanding concerns. However, if these cannot be overcome then these are the matters on which the County Council would wish to express a view through the Examination process.*

2.15. While this development has been in gestation for approximately three years, now that the application has been accepted by the Planning Inspectorate the timescales for future submissions becomes extremely tight. These are statutory timescales which are strictly adhered to by the Examining Panel of Inspectors.

### **3. Recommendations**

- 3.1. That Hampshire County Council register as an 'interested party' in the decision making process in respect of the Navitus Bay Offshore Windfarm.
- 3.2. That a 'relevant representation' based on the wording at paragraph 2.14 of this report be submitted to the Planning Inspectorate.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

- 1.1 The proposals in this report have been developed with due regard to the requirements of the Equality Act 2010, including the Public Sector Equality Duty and the Council's equality objectives. The website contains a summary [assessment of the impacts](#).
- 1.2 It is considered that the issues covered by this report will not have impacts requiring further specific actions by the Council above those already established in its existing policies and working procedures.

### **2. Impact on Crime and Disorder:**

- 2.1. None

### **3. Climate Change:**

- 3.1. How does what is being proposed impact on our carbon footprint / energy consumption?
- 3.2. The project, if consented, could produce enough clean, safe renewable energy to supply approximately 710,000 homes and lower the UK's carbon dioxide emissions by 1,290,000 tonnes a year.
- 3.3. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?
- 3.4. The project has a lifespan of 25 years after which the consent will require it is decommissioned and removed (or a fresh consent application will be required). Climate change projections (particularly impacts from sea-level rise and coastal erosion) have been factored into the impact assessments.