

Response to Statutory Consultation

- 6** **Appl. No** : **2018/1325/RN**
 Parish : **SOUTH NORFOLK**
- Applicants Name : Orstead
 Site Address : Hornsea Project Three Offshore Wind Farm
 Proposal : National Infrastructure Application for an Order Granting
 Development Consent for the Hornsea Project Three Offshore
 Wind Farm
- Recommendation : This report details the Council's Relevant Representation response to the
 National Infrastructure Application for Development Order consent-
 Hornsea Project Three Offshore Wind Farm.

Reason for reporting to committee

Consultation on National Infrastructure that warrants consideration of the proposal by committee.

1 Planning Policies

- 1.1 National Planning Policy Framework (NPPF)
 NPPF 07 : Requiring good design
 NPPF 10 : Meeting the challenge of climate change, flooding and coastal
 change
 NPPF 11 : Conserving and enhancing the natural environment
 NPPF 12 : Conserving and enhancing the historic environment
- 1.2 Joint Core Strategy (JCS)
 Policy 1 : Addressing climate change and protecting environmental assets
 Policy 2 : Promoting good design
- 1.3 South Norfolk Local Plan (SNLP)
 South Norfolk Local Plan Development Management Policies
- DM3.8 : Design Principles applying to all development
 DM3.13 : Amenity, noise, quality of life
 DM3.14 : Pollution, health and safety
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.6 : Landscape Setting of Norwich
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

2. Consultations

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| 2.1 | District Councillors | To be reported if appropriate |
| 2.2 | SNC Conservation and Design officer | Set out in full within the report |
| 2.3 | SNC Community Services - Environmental Quality Team | Set out in full within the report |
| 2.4 | SNC Landscape Architect | Set out in full within the report |
| 2.5 | Other Representations | None received |

3 Assessment

Background

- 3.1 The application for development consent to construct, operate and maintain Hornsea Three, comprising of up to 300 wind turbine generators together with associated offshore and onshore infrastructure (including substations) and all associated development was submitted to the Planning Inspectorate (PINS) on 14 May 2018 and has been accepted for examination on Friday 8 June 2018.
- 3.2 This project is for an offshore windfarm by Orsted (Danish Energy Company) which would generate 2,400 MW of electricity, which as stated by Orsted would meet the daily energy needs of over 2 million homes. The location of Hornsea Project Three is within the North Sea to the east of Hull. The grid connection for the generated electricity is Dunston in South Norfolk. There are two key components of the project within South Norfolk, the cable route and substation located at a site northwest of Mangreen Hall, adjacent the B1113 to the west and A47 to the north. Given the scale of the development it is deemed to be a Nationally Significant Infrastructure Project (NSIP) and will be determined by the Secretary of State for Business, Energy and Industrial Strategy.

The proposal

- 3.3 This is a formal Development Consent Order (DCO) application under Section 56 of the Planning Act 2008. Following the acceptance of the application there are now three stages:
- The Pre-examination where the Council submits it's our Relevant Representation which is a summary of what we agree and/or disagree within the application, what we consider the main issues to be and their impacts; allows continues negotiations with the developer; and the Preliminary Meeting held by PINS.
 - The Examination which will lasts for a maximum of 6 months. The Council will submit a Local Impact Report (LIR) which details the likely impact of the proposed development on our district in depth and attend and participate at specific hearings.
 - Recommendation and Decision, PINS will prepare a report, including a recommendation and submit to the Secretary of State within 3 months of the close of the Examination. The Secretary of State has a further 3 months to make a decision whether to grant or refuse development consent.
- 3.4 Members may recall that the Development Management Committee agreed our response to the Preliminary Environmental Information Report (PEIR) on 13 September 2017. The PEIR was effectively a draft Environmental Impact Assessment (EIA). In summary, it was considered that further information was required to demonstrate how the proposed

development for the substation in particular will be designed to consider landscape and heritage impacts, noise, dust, artificial light and private water supply.

- 3.5 This report relates to the Relevant Representation stage where the Council is required to summarise what it considers to be the main issues and impacts of the proposal and officers are seeking members agreement of the proposed response.
- 3.6 The wind farm consists of 300 turbines off the coast of Hull and will make landfall at Weybourne, North Norfolk with a buried cable route between Weybourne and grid connection at Norwich Main National Grid Substation. The route will run through three Local Authorities North Norfolk, Broadland and South Norfolk.
- 3.7 The cable corridor will be 80m in width, within which is a 60m permanent easement post installation.
- 3.8 The substation/converter is to be located at a site northwest of Mangreen Hall, adjacent the B1113 to the west and A47 to the north. It will consist of a range of equipment for the delivery of power to national Grid such as transformers, reactors etc. and ancillary and supporting equipment. The main equipment will be housed within single or multiple buildings, in an open yard or a combination of the above. If multiple buildings are used the length and width of these buildings would be reduced proportionally to the number of buildings (e.g. if two buildings were used they would each cover half of the area required for the single larger building). The site area for all infrastructure is 149,302 sq. m.
- 3.9 The detailed design and materials of the substation/converter does not form part of the application; however, the maximum design parameters have been provided. The scale of the building is dependent on the electricity current selected. The HVAC scenario: main buildings is 220m if a single building and if multiple buildings no more than 150m in length, maximum width 75m but with a reduced height of 15m. The HVDC scenario: 220m by 75m with a height of 25m, which is a significant increase upon the maximum parameters of the building provided under the PIER consultation which was 150m by 30m by 25m in height, the HV/DC would be the same with the exception of its width of 75m.

Assessment

- 3.10 In responding to the consultation, there are 3 Key considerations:
- Heritage Assets
 - Landscape and visual
 - Noise and Pollution
- 3.11 Other matters such as highways, surface water, ecology and archaeology etc. will be covered by other consultees and so the Council will not be commenting on these issues.

Heritage Assets

- 3.12 Heritage issues arise from both the underground cabling and the installation of the substation this includes impacts on conservation areas and listed buildings which should be assessed in relation to policy DM4.10 of the SNLP and section 12 of the NPPF.
- 3.13 The undergrounding of cables will raise issues such as archaeology which is dealt with by other bodies. With regard to the above ground installation, the key heritage consideration is the impact of the HVDC converter/HVAC substation on heritage assets in very close proximity to its proposed siting.
- 3.14 The Senior Conservation and Design officer has commented as follows:
'I am generally happy with the EIA assessing the character of the heritage assets using the matrices, although I consider the impact of the development on both the setting of Keswick

Hall and the setting of the historic parkland should be considered to be a greater level of impact and of more significance in the EIA than currently attributed. This should be taken into account in any decision making, particularly with regard to the options between HVAC and HVDC substation, where the later would result in a significantly higher building, a greater degree of harm, and fewer possibility of mitigating that harm in terms of the design approach.

It should be noted that Historic England Historic Environment Good Practice Advice in Planning Note 3: The setting of guidance on setting was revised and second edition published 22 December 2017. Of particular note with regard to the EIA approach and the difference between landscape assessment and assessment of heritage assets are paras 14-16.

Keswick Hall is grade II listed with the attached designed parkland undesignated. The parkland is not a registered park and garden, nor is it on the Historic Environment Record, however, it is identified in the South Norfolk Local Plan as an historic park and garden. The park was designed by a nationally known architect Gilpin and described in Dallas, Last and Williamson (2013) as Keswick Hall is important as one of the few landscapes designed by William Sawrey Gilpin (1762-1843) in the county (see also Wolterton and Gunton). This book is also referenced in the EIA Volume 6 – 5-1 – 1.6.2 under Keswick Hall.

Historic England Historic Environment Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets" advises that "many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. In these special circumstances, these designed settings may be regarded as heritage assets in their own right, for instance the designed landscape around a country house. Furthermore, they may, themselves, have a wider setting: a park may form the immediate surroundings of a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary."

I would therefore consider that the impact on the parkland as a designed landscape garden of some significance requires a separate assessment as a undesignated heritage asset.

If assessed separately, the sensitivity of the parkland according to Chapter 6 table 5.10 would I consider have medium sensitivity as it is a designed landscaped by a nationally known landscape and relatively well preserved. I would suggest within this table the magnitude of impact would be considered moderate. Since an appreciation of the parkland would involve views through the parkland with the backdrop of open countryside, the building on the site would lead to "Change within the setting leading to some loss of significance of the asset." There would be significant change within the setting leading to a loss of significance, resulting according to the EIA assessment criteria to moderate adverse impact.

In terms of Keswick Hall as a listed building I would agree with the sensitivity being medium, but I would suggest that the magnitude of impact on its setting would be deemed to be moderate. The statement states that it would be Minor, since there would be no physical impact on the designated asset. However, views from the listed building across the parkland with a backdrop of open countryside are important to appreciating the original design of the house as being a country house within a designed parkland within open countryside. The new substation would be a large bulky and alien feature within this setting and I would therefore consider that according to table 5.11 the impact would involve "change within the setting leading to some loss of significance of the asset" and can therefore result in a moderate magnitude of impact, and I would consider that to be the case here. The resulting impact would therefore be moderate adverse.

The EIA states that the impact on Keswick Hall would not be considered significant in terms of an EIA assessment, however I consider that the adverse impact on the hall is of

significance in determining the application, as it would also be in considering the setting of the historic park and garden. The historic building visualisations clearly show that a 25m high building will be very visible looking south across the parkland from the rear of the house and this would have a significant and harmful impact on the setting of the grade II listed Hall and the setting of the parkland. Taking into consideration paras 129, 132 and 134 of the NPPF and policy DM 4.10 of the Local Plan, this would be considered less than substantial harm since the assets are not directly physically affected, however, section 66 (1) of the Planning (listed building and conservation areas) Act 1990 would require that considerable importance and weight should still be accorded to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance. Also, para 135 of the NPPF requires that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

- 3.15 In view of the above it is considered that the impact of the development on both the setting of Keswick Hall and the setting of the historic parkland should be considered to be a greater level of impact and of more significance in the EIA than currently attributed. Some of the degree of harm can be mitigated against through various measures such as having a building which is lower height, which would result in noticeably less harm if below or closer to the tree line rather than rising above it. Other mitigating measures can include further tree planting and a recessive colour for the building, which could for example be darker colours at lower levels where seen in the backdrop and below the treeline, and lighter colours where the building is seen in views above the treeline.

Landscape and visual impact

- 3.16 The key landscape and visual impacts will result from the laying of underground cabling in respect of the removal/loss of hedgerows, trees and key landscape features and the impact of the HVDC converter/HVAC substation on the landscape character and visual amenities of the area. The proposed substation is located with the B1 Tas Tributary Farmland Landscape Character Area and adjacent to C1 Yare Tributary with Parkland. Policies DM4.5, DM4.6, DM4.8 and DM4.9 are relevant in the consideration of the proposal.
- 3.17 The Landscape Architect has commented as follows:
'Landscape and Visual Impact - I am satisfied that the work has been undertaken in accordance with the accepted industry guidance (GVLIA3). Whilst there are some points of detail that may merit further scrutiny/debate, which is often the case when judgement is involved overall, I generally concur with the findings. Landscape and visual impacts, although linked, are treated separately.

For landscape impact, the greatest effect is on the site of the proposed sub-station; the LVIA concludes that there would be a significant adverse effect (major-moderate adverse) but that this would diminish outside the site where the effects would not be significant.

With regards to the visual impact, the LVIA establishes that, from the representative viewpoints chosen, the most significant visual effects are from SS9 (Mangreen Lane) and SS 6 (Low Road). SS9 is considered along with other local routes (roads and Public Rights of Way) in a section that concludes that, on completion, the visual effects for users of PRow would be significant (major-moderate adverse) but this would diminish as new planting matures so to be not significant. Whilst not from a PRow itself, viewpoint SS9 illustrates the similar visual effect likely to be experienced from the nearby residential dwellings at Mangreen, specially should the additional off-site planting indicated on figure 1.2 (Volume 6, Annex 6.6 – Residential Visual Amenity) not be realised (it is subject to landowner agreement).

As the assessment work is limited to some degree by the fact that final form of the proposed sub-station is not known at this stage, the visualisations are based on a worst-case scenario. From these it is clear that full visual mitigation from planting will not be possible, especially if the structures are to the maximum heights modelled. It is clear that any reduction in the potential height parameters will be invaluable in mitigating the predicted adverse visual effects and as such the HVAC option, with its lower height requirements, is seen to be the best option insofar as the sub-station itself is concerned.

The submitted photomontages demonstrate how the sub-station's potential visual effect is exacerbated by the fact that the enclosed elements are often viewed against the skyline. The representations illustrate the structures using a dark green finish, but an alternative approach may mitigate the effect more successfully.

Existing hedgerows and trees - Assessments have been made of the hedgerows using a standard procedure, but these only consider whether a hedge is species-rich or species poor and whether its condition is favourable or unfavourable. Whilst reference is made to the Hedgerows Regulations, no assessment is made of each hedge as to its 'importance' as defined by criteria set out in the Regulations; in addition to species composition and condition, these also include other ecological considerations and historical and archaeological factors too. Our local plan policy DM4.8 presumes in favour of retention of important hedgerows unless the need for, and benefits of, a development clearly outweigh their loss.

My understanding is that any section of hedgerow that has to be removed as part of the cabling will be replanted, which does lessen the concern about potential loss of 'important' hedgerows (especially if their status is solely because of an historic line). However, we need to be clear as to when replanting may not be possible, or when the 'importance' of a hedgerow cannot be safeguarded.

Whilst there has been consideration of many hedgerows along the cabling route, what does not appear to be available is an assessment of the existing hedgerow that currently crosses the site of the proposed sub-station. The removal of this will be permanent if the scheme proceeds, so we need to be clear of the hedge's status.

There does not appear to be any assessment of the existing trees that are potentially affected by these proposals. Most obvious are the existing trees within the hedge that crosses the sub-station site, but there may also be specimens within the cable corridor route that will potentially be affected. Paragraph 4.1.1.1 explains that approximately 7.39km of existing hedgerows will be removed for construction purposes and that "some will include trees which will also be removed". Replanted hedgerows can achieve a useful degree of visual effect in a relatively short time, but there is no tree replanting proposed for the cable corridor.

That information is unavailable at this time regarding the 'importance' (or otherwise) of the hedgerows and also that there is no assessment of the trees implicated in the scheme, makes it difficult to judge the scheme against policy DM4.8.

Landscape proposals - The proposals for planting in association with the substation are appropriate if the substation is built, but whether they are compatible with the published Landscape Strategy for the B1 Tas Tributary Farmland is open to debate. Whilst arguably the creation of woodland offers an opportunity to reduce the visual and aural impact of the A47 on the rural ambience of this area, it could also reduce the openness, which is contrary to policy DM4.6 in its consideration of the Norwich Southern Bypass Landscape Protection Zone.

The submitted Outline Landscape Management Plan promotes enhancement planting within a wider 100m corridor along the route; also included within this is replacement tree planting for those felled as a result of the cable route. Any enhancement planting, however,

is subject to landowner agreement. It would be desirable if a mechanism could be agreed by which such enhancements could be guaranteed.

- 3.18 In view of the above it is considered that in landscape impact terms, the greatest effect is on the site of the proposed sub-station and this would be a significant adverse effect (major-moderate adverse) but that this would diminish outside the site where the effects would not be significant. With regards to the visual impact, the most significant visual effects are from Mangreen Lane and Low Road. Overall the EIA concludes that, on completion, the visual effects would diminish as new planting matures so to be not significant. However, the planting will take a long time to establish. It is also considered that some of the degree of harm can be mitigated against through various measures such as having a substation/converter which is lower height and use of recessive colour for the building.
- 3.19 In respect of the impact of the cable route, in the absence of the information in terms of the 'importance' of hedgerows under the Hedgerows Regulations and assessment of trees implicated in the scheme, it is not possible to conclude on the impacts of the cable route.
- 3.20 Concern that the creation of woodland, whilst offering an opportunity to reduce the visual and aural impact of the A47 on the rural ambience of this area, its impact on the openness of the bypass protection zone could result in a significant adverse effect, which is contrary to policy DM4.6 in its consideration of the Norwich Southern Bypass Landscape Protection Zone.

Noise and Pollution

- 3.21 The key noise and pollution considerations are the impacts of the construction of and the operation of the proposal on the amenities on local residential in respect of air quality, water quality, noise and vibration, light pollution etc. Policy DM3.13 and DM3.14 are relevant to the consideration of the proposed development.
- 3.22 The Councils Environmental Quality officer has confirmed that the documentation would indicate that the proposal could take place (both the construction and operational phase) without an unacceptable impact on residents from an Environmental Health viewpoint if managed and operated appropriately.
- 3.23 In view of the above he has requested that the following paragraph forms part of our Relevant Representation:
 'With regards to specified works to be undertaken issues relating to Control of Noise, Air Quality, Artificial Light, Waste Management, Pollution Prevention, Contamination Assessment and Mitigation and Working Hours are adequately covered by the Requirements in the Draft DCO. The Council is in general agreement with the Outline Code of Construction Practise but wishes to confirm that issues relating to hours of operation, siting of any standby generators, good practise procedures, prior notification of constructional noise, floodlighting, movement and storage of waste materials, public safety, dust control, emissions, telecommunication or television interference and decommissioning should be in place in the final document'

Other Issues

Business rates

- 3.24 Off-shore wind farms are rateable, but only the parts which are above the low water mark. This means cables, substations, land and other related buildings are rateable. The cables below the water mark and the wind turbine itself are not rateable. Therefore, the assessment runs from the low water mark to where it attaches to the local electrical distribution network. If the cables and related items cross into other billing authorities then

the area which has the most rateable value from the windfarm assessment will receive the whole assessment.

Community Infrastructure Levy

- 3.25 This application is not liable for Community Infrastructure Levy (CIL) as the proposal is for buildings into which people go only intermittently for the purposes of inspecting or maintaining fixed plant or machinery.

4 Conclusion

- 4.1 This report seeks authority from Members to respond to the formal application as follows:

In general, the District Council is supportive of the project, recognising its importance in relation to the diversification of UK energy supplies and potential contribution to the national and local economy. The economic benefits in terms of investment and job creation are welcomed. We are however concerned at the adverse visual effects, together with the harm to Heritage assets the converter/substation would have on our District. Contrary to National and Local Policy.

- 4.2 The Environmental Impact Assessment has been conducted using appropriate and agreed methods and has been informed by relevant and up to date surveys, modelling, evidence gathering and desk studies. The scope and methodology of these has been agreed with key stakeholders and consultees throughout the process. Overall the ES is comprehensive and of good quality and there are no substantive issues arising from it, subject to the following comments:

Impact on Heritage Assets

- 4.3 The Council considers that the impact of the development on both the setting of Keswick Hall and the setting of the historic parkland should be considered to be a greater level of impact and of more significance in the EIA than currently attributed. This we feel should be given sufficient weight, particularly with regard to the options between HVAC and HVDC converter/substation, where the latter would result in a significantly higher building, a greater degree of harm, and fewer possibility of mitigating that harm in terms of the design approach. Other mitigating measures could include further tree planting and careful consideration of the proposed colours of the building/buildings.

Landscape and visual impact

- 4.4 It is considered that in landscape impact terms, the greatest effect is on the site of the proposed sub-station and this would be a significant adverse effect (major-moderate adverse) but that this would diminish outside the site where the effects would not be significant. With regards to the visual impact, the most significant visual effects are from Mangreen Lane and Low Road. Overall the EIA concludes that, on completion, the visual effects would diminish as new planting matures so to be not significant. However, the planting will take a long time to establish. It is also considered that some of the degree of harm can be mitigated against through various measures such as having a substation/converter which is lower height and use of recessive colour for the building.
- 4.5 In respect of the impact of the cable route, in the absence of the information in terms of the 'importance' of hedgerows under the Hedgerows Regulations and assessment of trees implicated in the scheme, it is not possible to conclude on the impacts of the cable route.
- 4.6 Concern that the creation of woodland, whilst offering an opportunity to reduce the visual and aural impact of the A47 on the rural ambience of this area, would impact on the openness of the bypass protection zone, which could result in a significant adverse effect.

Noise and Pollution

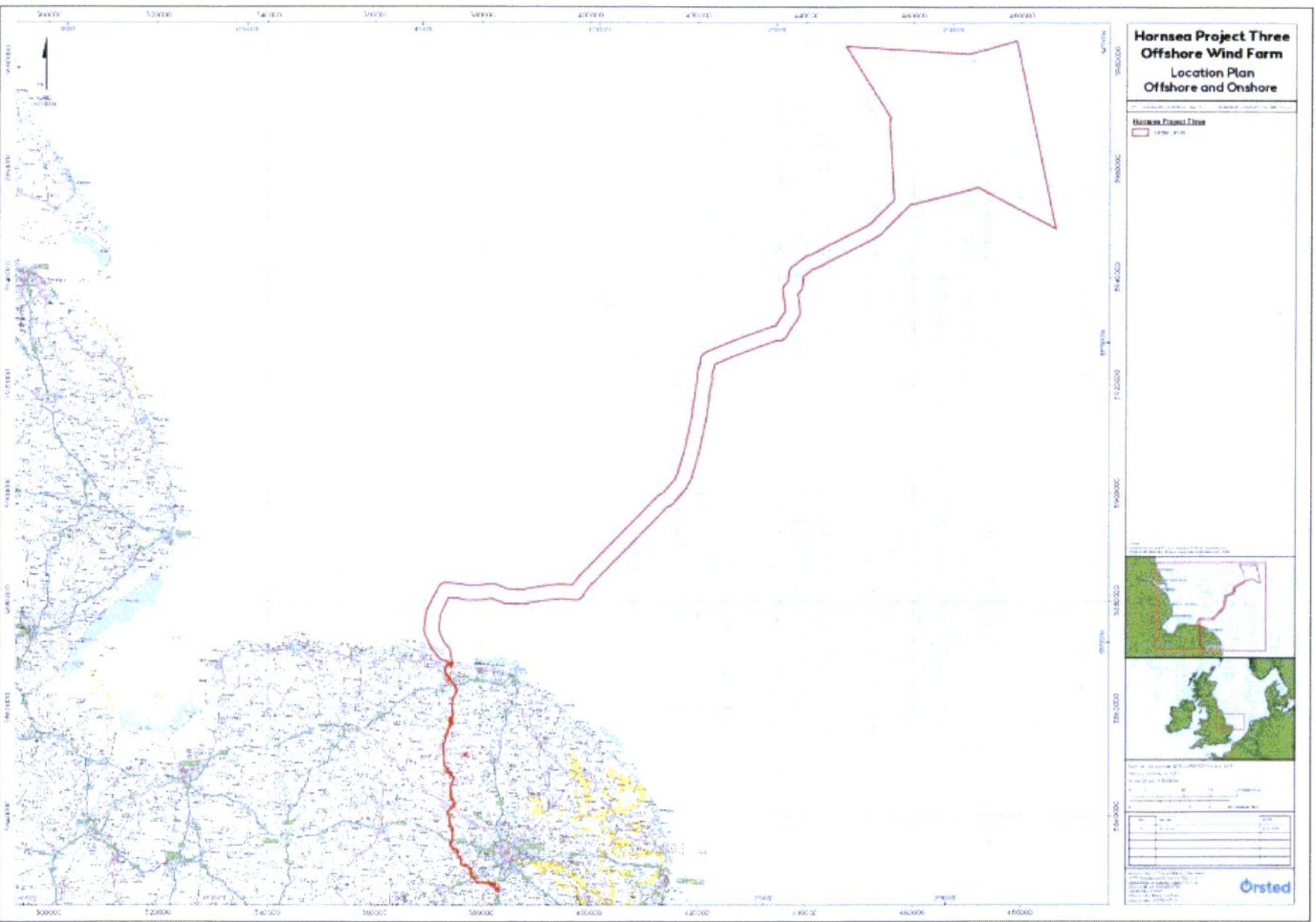
- 4.7 With regards to specified works to be undertaken issues relating to Control of Noise, Air Quality, Artificial Light, Waste Management, Pollution Prevention, Contamination Assessment and Mitigation and Working Hours are adequately covered by the Requirements in the Draft DCO. The Council is in general agreement with the Outline Code of Construction Practise but wishes to confirm that issues relating to hours of operation, siting of any standby generators, good practise procedures, prior notification of constructional noise, floodlighting, movement and storage of waste materials, public safety, dust control, emissions, telecommunication or television interference and decommissioning should be in place in the final document'

Conclusion

- 4.8 The Council acknowledge that there are national benefits in delivering 2,400 MW of electricity, which as stated by Orsted would meet the daily energy needs of over 2 million homes, however there are limited benefits at the local level. There is however harm identified at a local level, in particular by the construction of the proposed converter/substation in the parish of Swardeston. The Council considers that significant weight should be had to the visual and heritage harms in the planning balance.
- 4.9 In view of the above, the Council would urge that the substation is constructed using technologies that would allow for its height to be kept as low as possible. There is a significant difference between HVDC height of 25m and HVAC height of 15m.
- 4.10 The Council wishes to continue to work pro-actively with the applicants as the application is progressed through to Examination to try to resolve some of the outstanding issues, particularly in relation to hedgerows and trees.

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APPENDIX 1



Non-Technical Summary
Environmental Statement
May 2018

Hornsea 3
Offshore Wind Farm



Figure 3.1: Hornsea Three onshore cable corridor and locations for the onshore HVAC booster station and onshore HVDC converter/HVAC substation.

