

Date: 11 February 2022  
Our ref: 378747  
Your ref: EN010021



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**VIA EMAIL ONLY**

Dear Sir/Madam,

**Application for a non-material change to the Dogger Bank Creyke Beck A and B Offshore Wind Farm Development Consent Order**

The Planning Inspectorate has consulted online on 21 December 2021 regarding the application by Dogger Bank A and B (formerly Creyke Beck A and B) Offshore Wind Farms to make a Non-Material Change (NMC) to the Dogger Bank Creyke Beck A&B Development Consent Order (DCO).

The following constitutes Natural England's formal response.

**Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (Schedule 4) / Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (Regulation 10)**

Natural England agrees that the increase in hammer energy from 3,000 kJ to 4,000 kJ for monopiles and 1,900 kJ to 3,000 kJ for pin piles will not change the outcome of the Environmental Impact Assessment, given the SNCB's guidance on assessment and management of underwater noise (negligible increase in injury distances and 26 km effective deterrent radius for monopiling).

**The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017**

We can confirm that the proposed works are located within the Southern North Sea Special Area of Conservation (SNS SAC) and the Dogger Bank SAC.

Natural England agrees that the increase in hammer energy from 3,000 kJ to 4,000 kJ for monopiles and 1,900 kJ to 3,000 kJ for pin piles will not change the outcome of the Habitats Regulations Assessment, given the SNCB's guidance on assessment and management of underwater noise (negligible increase in injury distances and 26 km effective deterrent radius for monopiling). However, we highlight that the conclusion of no adverse effect on integrity (AEoI) in-combination for the SNS SAC is reliant on effective mitigation measures being secured within the Site Integrity Plan.

Natural England are supportive of this approach in principle, however we have previously advised that a mechanism to manage multiple SIPs over varying timescales needs to be developed and put in place by the Regulators to ensure that the noise thresholds are not exceeded. Whilst we recognise steps have been taken to achieve this with the creation of the Activity Tracker, the current "case by case" approach is not fit for purpose and has already resulted in the in-combination noise levels coming close to exceeding the site thresholds. Should potential exceedance of the thresholds occur,

a process for dealing with this issue needs to be in place. Until the mechanism by which the SIPs will be managed, monitored and reviewed is further developed, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts that could arise from this Project, and therefore it is not possible to be certain that there will be no AEoI on the SNS SAC.

### **Marine and Coastal Access Act 2009**

The works, as set out in the information supplied by the Applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

### **Wildlife and Countryside Act 1981 (as amended)**

We can confirm that the proposed works are not located within or in close proximity to a Site of Special Scientific Interest. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). Therefore, if the works are carried out in accordance with the application, in Natural England's view they are not likely to damage any of the flora, fauna or geological or physiological features for which the site is designated.

### **Specific comments on the Application:**

Natural England welcomes the new, additional modelling that has been undertaken to incorporate up to date reference population abundance data, density estimates and the noise threshold criteria from Southall et al 2019. We also welcome the re-modelling of the original hammer energies using the up to date data to allow for a more accurate comparison of the impacts of the proposed increase in hammer energies. The newly modelled Permanent Threshold Shift (PTS) impact zones are not significantly different to those modelled for the Environmental Statement (ES) and we are satisfied a Marine Mammal Mitigation Protocol (MMMP) will be implemented to mitigate impacts from PTS. We note there are several results from the new modelling that demonstrate a marked increase in the size of the Temporary Threshold Shift (TTS) impact zones for harbour porpoise, minke whale and both seal species when compared with the modelling from the ES. However, the remodelling of the original hammer energies alongside the proposed hammer energies demonstrates that this is a nuance of the modelling rather than a significant change due to an increase in hammer energy. We are therefore in agreement that the proposed increases to hammer energy constitute a non-material change to the original application(s) and will not result in a significant increase in impact to marine mammals.

Natural England is content that the proposed increased hammer energies will not result in any difference to the disturbance assessment for the Southern North Sea SAC as the same 26 km and 15 km Effective Deterrent Ranges (EDRs) for monopile and pin piles respectively are still applied, regardless of the increased hammer energies. We are also content that the new hammer energies are within those used for the assessment in the Review of Consents undertaken by BEIS, noting our above concerns regarding the reliance on SIPs to ensure no AEoI in-combination.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully,

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