

**Issue Specific Hearing
Biodiversity, biological environment and ecology including
Habitats Regulations assessment
The Brighton Centre Syndicate Wing
4 December 2013**

Note: This agenda may be updated following receipt of representations at Deadline IX which is 28 November 2013

The ExA requests that all parties ensure that they have read and bring with them the representations made in response to Deadline IX.

Agenda

1. Chair's Introduction

2. Habitats Regulations assessment and Matrices

Confirmation whether the proposed scope of works (applicants Rule 17 response, 29 October 2013) is agreed by Natural England (NE), as stated in the Summary of Oral Representations.

Whether the report on Waterbird Migration Modelling is sufficient and addresses the concerns of NE, other Statutory Nature Conservation Bodies (SNCBs) and other interested parties (IPs).

Whether a significant effect on migratory or non-breeding populations can be excluded.

Whether the report on Collision Risk Assessment Update for Migrant Waterfowl addresses the concerns of the NE, other SNCBs and other IPs.

Collision risk has been apportioned for some features of some European sites; whether in these cases the information is sufficient to be able to exclude a likely significant effect or is there a need to calculate the increase in baseline mortality of the apportioned collision risk.

Whether sufficient information is provided to be able to exclude a likely significant effect where a European site contains a breeding or wintering assemblage.

Whether the assumptions applied in the applicant's assessment regarding gannet macroavoidance behaviour, the resilience of the population to additional mortality and the application of the 99.5% avoidance rate are acceptable

Whether there is agreement over the method of apportionment undertaken.

Whether there is a need to apportion collision risk to specific European sites for any other features.

Whether the applicant's assessment of collision risk against the biologically defined minimum population is sufficient and whether this has been undertaken for all relevant features.

Whether the information provided by the applicant as evidence is sufficient to exclude a likely significant barrier effect.

Whether the information provided by the applicant is sufficient regarding the potential for noise impacts on prey species.

Whether the in-combination assessment has addressed all of the relevant features, European sites and developments, and that sufficient information has been provided.

Whether apportioning cumulative collision risk to specific European sites is required to be able to exclude a significant effect.

Whether the information submitted by the applicant on 12 November 2013 regarding Additional Marine Ornithology work addresses these issues.

Whether the applicant has submitted sufficient information for the Secretary of State, as Competent Authority, to make a decision on the need for an Appropriate Assessment.

Whether NE is of the view that the No Significant Effects Report (Revision C) submitted by the applicant for Deadline VIII is sufficient to adequately support that there will be no significant effects from the project. If not, what are the outstanding matters between NE and the applicant.

3. Piling restrictions

Whether further progress has been made in discussions between Marine Management Organisation (MMO) and the applicant regarding temporal piling restrictions for herring spawning following the revised Brown and May Marine Herring Baseline Report (November 2013).

Whether further progress has been made regarding spatial piling restrictions for herring. (MMO stated in its representation dated 11 November it would provide the ExA with an updated position before Deadline IX (28 November 2013)).

Whether the temporal piling restrictions for black bream as 15 April – 30 June has been confirmed by MMO and NE.

Whether the spatial restriction for black bream defined by a radius taken from the south-eastern boundary of the Kingsmere Marine Conservation Zone has been agreed between the applicant, MMO and NE and when this will be submitted to the examination.

Whether spatial restrictions for pin piles regarding black bream following the submission of noise modelling by the applicant have been agreed by MMO and the applicant. (MMO stated in its representation dated 11 November it would provide the ExA with an updated position before Deadline IX (28 November 2013)).

Whether piling restrictions relating to cuttlefish have been agreed with MMO.

Whether the spatial extents of all the piling restrictions proposed have been marked on a consolidated plan.

Whether the temporal extents of the proposed piling restrictions have been summarised in a consolidated schedule.

4. Chalk Grassland

Whether SDNPA is content with the approach taken by the applicant in continuing to take thermal measurements along the cable route to be completed at the end of January 2014 so that cable rating calculations can re-run using measured thermal resistivity values.

Whether there are any outstanding matters not agreed between the applicant, SNCBs and other interested parties in this regard.

Whether progress has been made between the applicant and SDNPA on the s106 Agreement to mitigate impacts on chalk grassland. If not, what are the outstanding matters not agreed.

5. Tottington Mount Management Plan(TMMP)

Whether further progress has been made on the Tottington Mount Management Plan and whether agreement has been reached between the applicant and SDNPA.

Whether SDNPA has any comments on Protected Species Method Statement 1; Seed harvest, storage and reseeded, contained in the Ecological and Landscape Management Plan (August 2013).

6. Statements of Common Ground

Whether Statements of Common Ground have been agreed with the SNCBs and other interested parties. If not, what are the outstanding matters and how are they being addressed between the applicant and interested parties.

7. Other matters

Whether agreement has been reached between the applicant and NE concerning the Protected Species Method Statement 3; Reptile mitigation.

Whether the designation of the Kingsmere Marine Conservation Zone on 21 November 2013 affects any of the assessments previously carried out, specifically in relation to black bream.

8. Any other business

9. Close of hearing

Attendees:

E.ON Climate and Renewables UK Rampion Offshore Wind Limited
Marine Management Organisation
Natural England
West Sussex County Council
South Downs National Park Authority
Environment Agency
Royal Society for the Protection of Birds / Sussex Ornithological Society