



The Wildlife Trusts
The Kiln Waterside
Mather Road
Newark
Nottinghamshire
NG24 1WT

Department: Consents
Your reference: EN010051: Sophia Offshore
Wind Farm – Non-material change application
to the Development Consent Order
Date: 1 October 2018
Our reference: ECO DOC No. 002753658-01
Contact: Harriet Thomas
[REDACTED]
E-mail: harriet.thomas@innogy.com

Dear Ms Edwards,

Re: Reference EN010051: Sophia Offshore Wind Farm – Non-material change application to the Development Consent Order

We are writing in reply to The Wildlife Trusts consultation response on the Sofia Offshore Wind Farm (OWF): Non Material Change (NMC) Application as set out in your letter dated 26 July 2018.

Innogy's detailed responses to matters raised by The Wildlife Trusts are set out in Table 1. Where appropriate within Table 1, we have referenced matters agreed with Natural England during a teleconference on 26 September. A copy of Innogy's response to Natural England is enclosed with this letter (dated 1 October 2018, Ref: ECO DOC No. 002748390-01).



Table 1: Innogy’s response to The Wildlife Trusts’ Comments

The Wildlife Trusts (TWT) comment	Innogy Response
<p>1. TWT is very concerned to see an increase in hammer energy to 5500kJ for Sophia Offshore Wind Farm. This is the highest hammer energy put forward by any offshore wind farm developer to date. We cannot agree that there will not be a significant impact, especially for in-combination effects on the Southern North Sea (SNS) SCI.</p>	<p>1. Innogy confirms that due regard was had to potential effects on the Southern North Sea SAC and Site of Community Importance (SNS SCI) in Section 7 of the Appendix B Sofia Offshore Wind Farm: Environmental Appraisal of Increased Hammer Energy (Innogy Ltd., 2018) (referred to as the Environmental Appraisal report). The Environmental Appraisal report demonstrates that there are no changes to the conclusions on impact significance within the Environmental Statement as a result of the proposed hammer energy increase and that further, the proposed increase in hammer energy would not alter any of the conclusions drawn in the HRA and Appropriate Assessment (AA) by the Secretary of State (SoS) for the DCO in 2015. The information presented within the Environmental Appraisal report considers the latest conservation objectives and the approach is aligned with the SNCB advice on how to approach such assessments. Innogy does not therefore consider that there is any new risk to the SNS SCI posed from this proposed hammer energy increase.</p> <p>Sofia cannot comment as to other developer’s justification for certain hammer energy. Sofia engineers have engaged with potential contractors and based on feedback from these discussions (which have considered the consented design parameters and available information on ground conditions within the Sofia array area) have identified that 5,500kJ hammer energy may be required as an absolute maximum hammer energy for monopole installation. It should be</p>



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	<p>noted, as with any maximum hammer energy, this represents an upper limit that may be required, but for the majority of the piling activity hammer energies will be lower. It is important to note that, within the appraisal, the modelling assumptions were as presented within the original ES, which was to assume a 30 minute ramp up of energy before piling at full hammer energy for the remainder of the pile installation (5hrs). Based on experience, this is likely to represent a very significant over estimation of the piling profile, resulting in highly precautionary noise propagation ranges in the NMC application.</p> <p>General industry experience to date would indicate that monopoles in the SNS are typically installed within 1.5 to 3 hours with maximum hammer energy only being reached (if at all) for a small fraction of that time.</p>
<p>2. Due to this and the fact that the previous DECC assessment in 2015 was undertaken without any detailed site management information, we see the change to the DCO as material and therefore requiring a new Habitats Regulations Assessment (HRA) to be undertaken for the SNS SCI to ensure no Adverse Effect on Site Integrity (AEoI).</p>	<p>2. The basis for considering the materiality (or otherwise) of Innogy's changes has been considered in detail in our reply to Natural England's consultation response, a copy of which is enclosed for ease of reference (see Innogy's response to Natural England enclosed with this letter). In particular, Innogy's response to NE clearly sets out why the changes (including the proposed increased hammer energy) are not material in the context of the relevant guidance and the approach taken by the SoS on other NMC decisions to date. In summary, the guidance and past decisions indicate that if proposed amendments do not give rise to new, materially different, likely significant effects on the environment, then this indicates that the changes should be considered non-material. Similarly, with regards to the suggestion that a new</p>



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	<p>HRA is required, it should be noted that if changes proposed to a project do not result in any increase in the environmental impacts, or in any new, materially different likely significant effects additional to those considered as part of a project’s AA, an updated HRA is not required.</p> <p>When undertaking its HRA for the Sofia project and reaching the conclusion of no Adverse Effect on Integrity, the SoS considered the impacts on the SNS SCI because it was a recommended dSAC at the time of the AA. It should be noted that Sofia’s position is different to that for the recent Triton Knoll NMC application and the East Anglia One NMC application where the HRA and AA undertaken by the SoS at the time of the decision on the DCOs for those projects had not taken into account the SNS SCI as it had not been identified as a recommended dSAC or a cSAC at the relevant time.</p> <p>In this context Innogy reiterate that the effects of the proposed change in hammer energy on marine mammals and the SNS SCI have been considered within the Environmental Appraisal report, which concludes that there is no potential risk of the original conclusions presented within the AA being affected by the proposed hammer energy increase. As such, Innogy would assert that, given the outcome of the assessments for marine mammals, the amendments proposed in our NMC application are not material.</p> <p>It should be noted that during a teleconference on 26 September, it was</p>

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	<p>agreed with Natural England that following further consideration of the issue and the analysis given by Innogy, updated HRAs were not required for marine mammals (see Innogy’s response to Natural England enclosed with this letter).</p>
<p>3. We also have strong concerns regarding the cumulative impact of underwater noise disturbance to harbour porpoise across their range. Harbour porpoise are a European Protected Species which are particularly sensitive to noise disturbance. Harbour porpoise use echolocation to detect their prey and have a high metabolism requiring them to feed constantly (Wisniewska et al., 2016). Very loud noises such as piling noise can cause harbour porpoise displacement (Dähne et al., 2013) from potential important feeding grounds. Furthermore, recent research has shown that porpoise can lose 4% of their body weight in just 24h from starvation. Through prolonged disturbance and restricted access to good feeding grounds, this could pose a risk to life for individual porpoise and as a consequence, an impact on the harbour porpoise population.</p>	<p>3. Section 6.3.1 of the Environmental Appraisal report demonstrates and concludes that there is no change to the ES conclusions on the significance of impacts on Harbour Porpoise. The ES conclusions on impacts on harbour porpoise both from the project alone and cumulatively therefore remain valid. Similarly, Section 7 of the Environmental Appraisal shows that the hammer energy increase does not change the SoS HRA conclusions of no Adverse Effect on Integrity on the now designated SNS SCI (designated solely for harbour porpoise) for either the project alone or in combination with other plans, projects or proposals. Innogy confirms that an MMMP will be produced for the project as required under the DCO through consultation with regulators. As part of the preparation of this MMMP a consideration of available mitigation will be required to ensure that it adequately mitigates risks to marine mammals, including harbour porpoise.</p> <p>During the teleconference on 26 September, Natural England have advised that they are satisfied that the MMMP, required under the DCO and deemed Marine Licences (dMLs), will address mitigation for noise propagation for the project alone and cumulatively/in combination and note that this may include noise reduction measures (see Innogy’s response to Natural England enclosed with this letter).</p>

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<p>4. We appreciate that BEIS is undertaking the Review of Consents the SNS SCI. However, we are concerned that a decision on this application will be made before the completion of the Review of Consents, resulting in a lack of detailed consideration of the effects from increased hammer energy on the SNS SCI. A new HRA is required before a decision is made on this application or the decision must be postponed until the Review of Consents is complete.</p>	<p>4. Taking the above into account, Innogy considers that the DCO has sufficient measures already in place to deal with the concerns raised by TWT. The outcome of the BEIS Review of Consents, if available, will be considered during the development of the MMMP. Innogy does not therefore consider that it is appropriate that a decision is delayed until the outcome of the BEIS RoC. Innogy notes that any delay would not be consistent with the approach that has been taken to date on NMC applications for other projects that are also part of the BEIS Review of Consents.</p>
<p>5. In addition, the contribution of the proposed increase in hammer energy from Sofia Offshore Wind Farm to cumulative disturbance impacts on harbour porpoise populations requires assessment before no likely significant effect can be concluded.</p>	<p>5. This has been covered in our response to point 3 above.</p>

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<p>6. Our general comments on underwater noise management in the Southern North Sea are as follows:</p> <ol style="list-style-type: none"> 1. TWT does not agree with the current proposal on underwater noise management. The science underpinning the approach is weak, it is difficult to deliver and does not encourage noise reduction. 2. Underwater noise should be managed at a regional seas level using noise limits. Noise limits should apply across all construction activities associated with offshore wind farm development. This approach is used in Germany, the Netherlands and Belgium, and should be applied in English and Secretary of State waters, ensuring consistency across the Southern North Sea. 3. Due to cumulative underwater noise impacts, underwater noise mitigation should be conditioned as part of planning consents. 4. Fishing should be included in cumulative/in-combination assessments; it is not part of the baseline. 5. Detailed monitoring of noise levels and harbour porpoise population activity should be undertaken at a strategic level to verify predictions made in planning applications and to provide information for the growth of the offshore wind sector. 6. Strategic mitigation and monitoring should be implemented through a conditioned levy payment which would also establish and support a Southern North Sea underwater noise management steering group. 	<p>6. Innogy notes that the TWT's 6 points on underwater noise management in the Southern North Sea are more aimed at the regulator than the Sofia NMC application and therefore, we have no further comments on these points.</p>

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7. TWT is a named consultee on the DCO in relation to the Marine Mammal Mitigation Protocol (MMMP) for Sophia Offshore Wind Farm and we look forward to working with the applicant in the future on the development of mitigation for both harbour porpoise as an EPS and the SNS SCI.	7. Innogy confirms that it will engage with TWT on the MMMP as set out in Conditions 16(e) and 13(e) of the Schedule 9 and Schedule 11 dMLs for the Sofia project within the DCO.

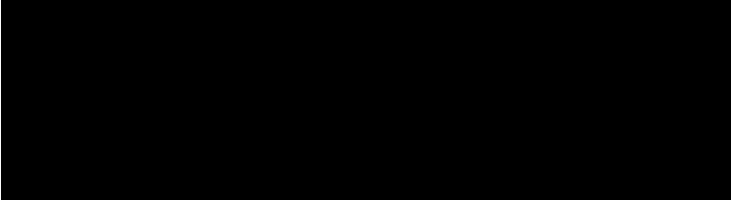
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Yours faithfully,



Harriet Thomas
Offshore Consents Manager
Sofia Offshore Wind Farm Limited

Cc: Robert Pridham, Case Manager, BEIS

enclosed – Copy of Innogy’s response to Natural England, October 2018 (ECO DOC No. 002748390-01)