

## Sofia Offshore Wind Farm

# Environmental Appraisal of Increased Hammer Energy Appendix D - Consultation Summary

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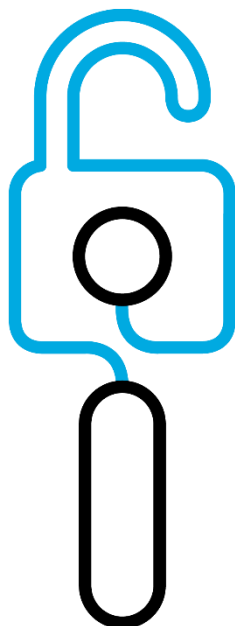
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## 1 Introduction

This document represents Appendix D to the Environmental Appraisal of Increased Hammer Energy (SOWFL, 2020. EcoDoc Ref; 003230484-01) and provides a summary of the key consultation held with relevant stakeholders on the 5,500kJ hammer energy increase application from 2018. This information has been provided in support of the latest 4,000kJ hammer energy increase DCO non- material change application to help provide context and justification for the approach taken to the Environmental Appraisal.

Key consultation that has been summarised within this Appendix is as follows:

- Natural England;
- The Marine Management Organisation (MMO);
- The Wild Life Trusts (TWT);
- Whale and Dolphin Conservation (WDC); and
- The Department of Business, Energy and Industrial Strategy (BEIS).

## 2 Consultation Summary

### 2.1 Natural England

SOWFL responded to Natural England’s consultation response (Ref; 5829 Consultation 250933) relating to the proposed 5,500kJ NMC application, on 1<sup>st</sup> October 2018 (Ref; ECO DOC No. 002748390-01). The consultation covered a number of topics (including ornithology and benthic ecology) beyond marine mammals, reflecting the nature of the broader NMC that was made by SOWFL in 2018. A summary of the responses from Natural England relevant to the hammer energy increase component of the previous application, is presented below. An adapted version of the full consultation response (capturing all matters relevant to the 5,500kJ hammer energy increase topic) is presented at Annex A to this Appendix.

Summary of NE comment	Summary of SOWFL response	Relevance to 4,000kJ Application
Questioning of materiality of change	Clarification as to the nature of what constitutes a material change and precedents for such decisions	The nature of the proposed change (an increase in hammer energy) although smaller than originally sought in 2018, remains the same therefore, evidence presented by SOWFL remains valid for this NMC.
Query relating to the reduction in piling duration	Clarification that this is reflective of the difference between a jacket based foundation scenario and a monopole design. SOWFL confirmed no changes would occur to duration as a result of the proposed increased hammer energy	Remains valid for 4,000kJ application
Query relating to the extent of PTS effects	Confirmation that PTS (SPL <sub>peak</sub> ) ranges for 5,500kJ are within standard mitigation ranges for all mammal species	PTS (SPL <sub>peak</sub> ) ranges for 4,000kJ are less than modelled for 5,500kJ and therefore, comfortably within standard mitigation ranges for all species
Query relating to the consideration of the SNS SAC	Confirmation that final application will consider it where appropriate	Consideration of the potential implications on the SNS SAC is presented within the Environmental Appraisal Main Report and Appendix E to the Main Report.
Query relating to the need for an updated in-combination effects assessment	Confirmation of agreement between SOWFL and NE that no further assessment or updated HRA is required as part of the application	Remains valid for 4,000kJ application
NE agree that no further assessment of fish receptors is required to	SOWFL acknowledged agreement	Remains valid for 4,000kJ application

Summary of NE comment	Summary of SOWFL response	Relevance to 4,000kJ Application
support the NMC due to the agreed worst case assumption the original application		

## 2.2 Marine Management Organisation (MMO)

A significant level of consultation took place between SOWFL and the MMO (and their scientific advisor CEFAS) in 2018 on the 5,500kJ hammer energy increase application. This consultation resulted in a number of rounds of clarifications and also the following additional workstreams relating to both mammal and fish receptors:

- Modelling of SEL<sub>cum</sub> metrics (using NMFS, 2018 thresholds) to further assess impacts on marine mammals;
- Modelling of impacts on fish receptors; and
- Modelling of impacts on the Flamborough Head herring spawning grounds.

Having presented the MMO with the outputs throughout the consultation process, SOWFL and the MMO were able to achieve broad agreement that the information presented by SOWFL enables the MMO to conclude that *“the supporting information adequately demonstrates that the risk of a significant impact is unlikely to be high, and is therefore content that the increased hammer energy of 5,500kJ can be used in the construction method statement”* (full detail of the three main consultation responses between SOWFL and the MMO are presented in Annex B to this Appendix).

This Environmental Appraisal (for 4,000kJ) has taken on board all of the matters raised during the 2018 consultation with the MMO and included updated outputs for each of the points cited above for the 4,000kJ hammer energy increase. It is therefore, the position of SOWFL that the above agreed position should apply to this latest application, especially given the impacts ranges are reduced (from the 5,500kJ on which the agreements were reached).

## 2.3 The Wildlife Trust (TWT)

A summary of the matters raised by TWT, how SOWFL had due regard to them and how they relate to the 4,000kJ application is detailed below. A full copy of the consultation response is provided at Annex C to this Appendix.

Summary of TWT comment	Summary of SOWFL response	Relevance to 4,000kJ Application
Concerns about 5,500kJ being the highest hammer energy sought to date and the implications of this on the SNS SAC	Clarification of the assessments undertaken and the context of the use of maximum hammer energy	N/A although the logic of the SOWFL applies should TWT retain concerns about a maximum hammer energy of 4,000kJ
Consider the change to be material and trigger need for new HRA	Clarification of SOWFL’s interpretation of the context of what constitutes a material change and that given no increased or new effects were identified then a new HRA is not required. Additional confirmation that impacts on the SNS SAC were considered within the Secretary of States Appropriate Assessment on the project.	Response by SOWFL remains valid for the 4,000kJ application
Concerns about cumulative impacts on harbour porpoise (points 3 and 5)	Confirmation of the conclusions of the Environmental Appraisal (no significant impacts on harbour porpoise) and therefore, ES conclusions remain valid (both alone and cumulatively). Confirmation of MMMP commitment.	Response by SOWFL remains valid for the 4,000kJ application
Concerns about overlap of the NMC application with	Confirmation that existing DCO conditions relating to the SNS SAC afford protection and	Response by SOWFL remains valid for the 4,000kJ application

Summary of TWT comment	Summary of SOWFL response	Relevance to 4,000kJ Application
the Review of Consents (for the SNS SAC)	that the outputs of the RoC will need to be factored into pre-commencement documentation required from the project	
Generic comments about UWN management in the SNS	Points noted but also noted that they are industry wide and not specific to the 5,500kJ NMC application	Response by SOWFL remains valid for the 4,000kJ application
Request to be named on the MMMP	Confirmation that TWT are a named consultee on this document within the DCO	Response by SOWFL remains valid for the 4,000kJ application

## 2.4 Whale and Dolphin Conservation (WDC)

A summary of the matters raised by WDC, how SOWFL had due regard to them and how they relate to the 4,000kJ application is detailed below. A full copy of the consultation response is provided at Annex D to this Appendix.

Summary of WDC comment	Summary of SOWFL response	Relevance to 4,000kJ Application
Concerns about noise impacts associated with increase to 5,500kJ and also the consequence for the SNS SAC	Confirmation of Environmental Appraisal findings (no new or significant effects will occur as a result of the proposed change), including a consideration of the hammer energy increase on the SNS SAC (no risk to site integrity from increase in hammer energy) and the role of the MMMP (will ensure necessary mitigation is in place to ensure PTS risk to marine mammals is negligible).	Response by SOWFL remains valid for the 4,000kJ application
WDC acknowledges the modelling undertaken including the recognition of new metrics	Comment acknowledged	Same modelling approach used to inform the 4,000kJ application
WDC note other developers varying to 4,000kJ and that impact ranges for this are much less than for 5,500kJ	Clarification of the context of the 5,500kJ hammer energy increase and levels of precaution built in to the modelling outputs	SOWFL assumes WDC will acknowledge the reduced impact ranges of the 4,000kJ outputs as set out within the main Environmental Appraisal and supporting Appendices. The same points relating to precaution apply to the 4,000kJ modelling work.
Concerns about impact ranges and request for new HRA for the SNS SAC	Clarification of the basis for determining materiality and the fact that as no new or significant impacts identified as a result of the hammer energy increase, no new HRA is required. Confirmation of consideration of the SNS SAC within the Environmental Appraisal and that no risk to site integrity was identified.	Response by SOWFL remains valid for the 4,000kJ application
Note that the MMMP will need to have due regard to the outputs of the RoC process. Wish to be a consultee on the MMMP	Confirmation that the DCO contains a commitment for a MMMP and that it will need to demonstrate no risk to site integrity to the SNS SAC. Further confirmation that the MMMP will have due regard to outcomes of the RoC process.	Response by SOWFL remains valid for the 4,000kJ application

## 2.5 BEIS

Annex E to this Appendix presents the response from SOWFL to BEIS following a request for information to assist BEIS in undertaking an Appropriate Assessment on the Southern North Sea SAC (from the then proposed 5,500 kJ hammer energy increase). The response from SOWFL demonstrated that there was no risk of adverse effects on any of the Conservation Objectives and therefore, no risk to the overall site integrity from the proposed hammer energy increase.

This updated 4,000 kJ hammer energy increase submission has identified (in the main Environmental Appraisal report) that impacts from the latest proposals will be less than those identified under the original 5,500 kJ application. Therefore, the conclusions drawn within Annex E remain valid for this 4,000 kJ application and these are summarised within Section 7 of the main Environmental Appraisal report. This has been further demonstrated at Appendix E to the main Environmental Appraisal report, which presents the equivalent information for the 4,000 kJ scenario.

It is further noted that the RoC process remains extant for the SNS SAC, with the latest draft being released in December 2018<sup>1</sup>. SOWFL can confirm that the approach taken and findings of the 5,500 kJ appraisal as presented at Annex E (and which can be equally applied to the 4,000 kJ appraisal) are in keeping with the draft HRA produced by BEIS and also that the approach in is keeping with the latest SNCB guidance as released in June 2019<sup>2</sup>.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/753026/RoC\\_SNS\\_cSAC\\_HRA\\_5.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753026/RoC_SNS_cSAC_HRA_5.0.pdf)

<sup>2</sup> SNCB Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs. (England, Wales & Northern Ireland). June 2019



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