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BY EMAIL

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Dear Gareth

Non-material Change Application for an increase in hammer energy for Dogger Bank Teesside A Offshore Wind Farm

The Wildlife Trusts (TWT) welcomes the opportunity to comment on the Non-Material Change Application (NMC) for an increase in hammer energy to 4000kJ. TWT has engaged with the applicant on the non-material change request. Our response within this letter focuses on the Southern North Sea SAC.

Our position on this application reflects what was submitted for the Sophia offshore wind farm NMC application a few weeks ago. Although we welcome that further information has been provided by the applicant to inform a Habitats Regulations Assessment (HRA) for the Southern North Sea SAC, this has not been undertaken using current SNCB advice¹ to assess underwater noise disturbance impacts. This assessment must be undertaken before a decision on the NMC application can be made, whether through the Review of Consents or a separate HRA. We have outlined our views in further detail below.

1. Further information is required to inform the HRA for the Southern North Sea SAC

TWT welcomes the further information provided in the Environmental Report and Appendix A: Marine Mammal Technical Report. However, we highlight that SNCB guidance has not been used to determine underwater noise disturbance impacts on the Southern North Sea SAC. Whilst we appreciate that the assessment has considered at 26km impact radius, no information is provided on the impact against the daily and seasonal thresholds. This assessment must be undertaken to determine both alone and in-combination disturbance impacts in order to identify mitigation and monitoring requirements, which must be secured as a condition.

2. It is not appropriate to consider the outcomes of the draft HRA as part of Review of Consents

The further information provided by the applicant has referred to the draft HRA as part of the Review of Consents for the Southern North Sea SAC. The draft HRA should not be considered as part of this non-material change application. TWT did not agree to

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¹ [Guidance on noise management in harbour porpoise SACs 2020](#)

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the approach used to undertake the in-combination assessment and therefore do not agree with the outcomes of the draft assessment.

3. The Review of Consents must be published or a new HRA must be undertaken before a decision can be made

Whilst we appreciate that work is underway to complete the Review of Consents for the Southern North Sea SAC, it would not be appropriate to determine this application without assessing underwater noise disturbance impacts using current SNCB advice through a detailed HRA. Therefore, this application must be paused until the Review of Consents is complete, or a new HRA must be undertaken.

TWT would welcome clarity on the timescales for finalising the Review of Consents. Projects included in the Review of Consents are preparing for the construction phase, yet no licence conditions are in place in relation to the Southern North Sea SAC. This creates uncertainty, potential for inconsistency and does not provide TWT with confidence that there will be no adverse effect on the Southern North Sea SAC.

4. Mitigation and monitoring for disturbance impacts in the Southern North Sea must be included as a condition for this project.

Our experience is that, due to in-combination disturbance impacts from offshore wind construction and other activities such as UXO clearance and seismic survey, mitigation will be required to ensure no adverse effect on the Southern North Sea SAC. Whilst we appreciate that the Teesside A Offshore Wind Farm is included in the Review of Consents, the condition in relation to the Southern North Sea SAC must be secured for this Non-Material Change application.

We highlight that current monitoring in the Southern North Sea SAC is inadequate to determine if mitigation is fit for purpose. Therefore, monitoring must be included as part of a new condition. Guidance clearly states that for Competent Authorities to decide if mitigation is sufficient, monitoring should be put in place to understand the effectiveness of mitigation measures and put corrective measures in place if necessary². This is a gap in the draft Marine Licence condition which the MMO consulted upon in January 2019.

Thank you for considering our response. We are happy to provide further detail if required.

Yours sincerely



Dr Lissa Batey
Head of Marine Conservation
The Wildlife Trusts

² [Page 52. Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC](#)