



ENGLAND

The Wildlife Trusts

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Prof. J Glasson
The Planning Inspectorate
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2 The Square
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BY EMAIL

21st September 2015

Dear Prof Glasson,

**Re: EN010053 Application by Smart Wind Ltd for an Order Granting
Development Consent for Hornsea Offshore Wind Farm (Zone 4) - Project Two**

The Wildlife Trusts: Reference 10031157

**Summary of Oral submissions made at the Issue Specific Hearing, 16th
September 2015**

1. Possible designation of a SAC for harbour porpoise

We welcome the request that a 'shadow HRA' screening assessment is carried out now and appreciate that site integrity assessments cannot be done until site boundaries and conservation objectives are known. However, we are concerned that the Applicant believes that the assessment they have so far carried out for the EIA will be sufficient to inform a site integrity test for a new SAC. As we have raised in our written representation, we believe there is a material distinction between the protection afforded under the EPS requirements and as a feature of an SAC. As such it will not be possible to conclude no adverse effect on site integrity by determining that the population impact is not significant. EC guidance is clear that the term site integrity must refer to the site itself and that a plan or project 'is not allowed to destroy a site or part of it on the basis that the conservation status of the habitat types and species it hosts will anyway remain favourable within the European territory of the Member State'¹. We believe that there is case law which supports this argument, which we shall submit as necessary when the SAC consultation is available and a full HRA is submitted.

*Patron
HRH The Prince of Wales
KG KT GCB OM
President
Simon King OBE*

¹ EC, 2000: Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

2. Adequacy of baseline information for marine mammals

The baseline population information, from which the reference population estimate is derived, is from the SCANS II survey. This data is 10 years old and was collected over a period of a few days, in July, by boat survey. There was a significant shift in distribution (although not overall abundance) between the SCANS I (1994) and II surveys. There is therefore considerable uncertainty in this baseline population estimate. There is also uncertainty around the stock structure & possible sub populations in the North Sea, which could mean that the large geographic area used for the management unit (and subsequently the reference population), is not valid. High uncertainty means high precaution is needed. When a harbour porpoise SAC HRA is required, this uncertainty will have even more significance when determining whether no adverse effect on site integrity can be concluded beyond reasonable scientific doubt.

3. Effects of displacement from underwater noise

Given that neither the next report from the DEPONS project or the outcome of the work on the Interim PCoD model will be available in time to inform this Examination, we maintain that there is still considerable uncertainty about the consequences of behavioural disturbance from underwater noise. The conclusion of 'moderate adverse' impact, whilst we accept is precautionary, has to be so due to the high levels of uncertainty. Given this conclusion, both for the project alone and in the cumulative impact assessment, we believe that further mitigation should be guaranteed if monopiles are to be a permitted foundation option. The Hornsea Project 2 area has been shown to have very high harbour porpoise density (2.391 animals/km² compared with a North Sea range of 0.125 – 0.598 animals/km²), therefore the impacts of displacement are likely to be more significant than if displaced from less important areas within their range. Furthermore, as above, the effects of displacement and the uncertainty around this will be even more significant when a harbour porpoise SAC HRA is required, as it will make it difficult to come to an acceptable conclusion of no adverse effect on site integrity.

4. Mitigation and Monitoring

Whilst we welcome the inclusion of the additional condition in the draft DMLs (*'where appropriate, consideration of the use of noise reduction at source technologies'*) we still have concerns that this is still not a guarantee that this mitigation will be used. We are not aware that, at present, any such proven and viable technologies exist, for the size of monopiles and hammer energies which will be required. The Applicant stated in the hearing that these are indeed available and we would welcome evidence to support this. As previously submitted, we believe that with the 'moderate adverse' impact of disturbance to harbour porpoise concluded in the ES, guaranteed mitigation should be a requirement if monopiles are the chosen foundation type.

Regarding monitoring, we support the request to secure the provision of an In Principle Monitoring Plan (IPMP) in the DCO and shall provide comments on the draft IPMP once it has been submitted. We maintain that site specific monitoring should be included, to answer the

question as to whether marine mammals return to the site and, if so, how long this takes post construction. We recognise that strategic monitoring is also required to address the different question of population level impacts. However, given the importance of the Hornsea zone, we believe that it will be important to understand whether the area becomes available again to animals post construction, not only to determine the impact of this development but also to inform future developments in the North Sea.

5. Submission of data to the Noise Registry

We are pleased to note that an additional condition is to be added to the DCO, to ensure that noise data is submitted to the Marine Noise Registry.

Thank you for your consideration of our submission,
Yours sincerely,

A solid black rectangular box used to redact the signature of Joan Edwards.

Joan Edwards

Head of Living Seas
The Wildlife Trusts