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PINS Reference: EN010053

Our Reference: 10031149

23rd June 2016

Dear Giles,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 - Application by Smart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project Two

In addition to our previous submissions, and after further discussion with the applicant regarding the harbour porpoise pSAC, we would like to clarify our position on this matter.

Our main concern continues to be the impact on harbour porpoises from the noise generated by the construction phase, and the potential adverse effect on the pSAC. The draft conservation objectives of the Southern North Sea pSAC clearly state that there should be 'no significant disturbance of the species'; in our written representation we detailed that the current research shows that there is the potential for significant disturbance to harbour porpoise from construction noise. A recent paper analysing foraging rates in harbour porpoise found that they feed nearly continuously day and night to meet energy needs, and are therefore highly sensitive to disturbance (Wisniewska *et al.*, 2016). We also highlighted how research has shown that harbour porpoises leave the area during construction, and even where areas have been recolonised it is not clear if these are the same animals returning or new animals moving into the area. One long-term study shows that harbour porpoises have not returned to pre-construction levels 10 years post construction (Teilmann and Carstensen, 2012). The population impacts of harbour porpoises should be considered as part of the HRA and for any future European Protected Species license application.

In the Environmental Statement, the Applicant concludes that the impact from the project on harbour porpoises would be a 'moderate adverse' disturbance, which is significant in terms of the EIA, and we believe this will be significant in terms of the HRA due to the overlap of the project with the pSAC. When judging as to whether there will be a risk to the integrity of the pSAC, the impacts for the number of individuals that are supported by the site must be assessed, (Rees *et al.*, 2013), as well as considering the area of habitat that would be affected.

The Applicant claims that the piling activity and its impacts are temporary. We strongly disagree with this statement. Although the piling activity will have a maximum duration of 1.32 years, this will take place over the 5 year construction window where there is likely to be repeated disturbance during this time. The Applicant also acknowledges in the ES that harbour porpoise numbers are not expected to return until all piling has completed. Five years is a significant amount of time in the context of the lifespan of a harbour porpoise and will affect breeding and feeding activity.

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We continue to be concerned by the lack of baseline evidence as to the numbers of harbour porpoise the pSAC supports, the distribution within the site and the nature of how animals use the site. We detailed in our written representation that we believe the methodology for assessing marine mammal numbers was inadequate. Therefore an appropriate assessment cannot conclude there is no adverse effect on the integrity of the pSAC as there is a lack of reliable data on which to base an assessment.

Cumulative Impacts

We do not believe that the Applicant has given adequate consideration to the cumulative impacts of other planned wind farm developments in the area, and believe the Applicant does not have sufficient evidence to claim there will be no adverse impacts on the integrity of the pSAC.

Whilst we recognise that there is some uncertainty as to the construction periods of other wind farm developments in the area, an assessment must be undertaken using the proposed construction periods given for these developments. We disagree with the Applicant claims that the potential construction overlap of current projects is 'wholly unrealistic'.

We are concerned that the Applicant only considers cumulative effects from developments where construction times directly overlap with the construction period of Hornsea Offshore Wind Farm (Zone 4) - Project Two wind farm. We believe that the cumulative impacts from the construction of all the other planned wind farms must be considered, as there will be multiple construction periods over many years that may have longer term impacts than just during any direct overlap.

Mitigation

In our submissions we have raised concerns over the impact of the project on harbour porpoises. We believe that current mitigation measures are not enough to ensure there will be no adverse effect on site integrity of the pSAC either from the project alone, or from the cumulative impacts with other offshore wind farm developments.

We strongly disagree with the Applicant's conclusion that there will be no long term negative impacts to the harbour porpoise population and no further mitigation measures are necessary. Due to the degree of overlap of the project with the pSAC we strongly believe that further mitigation measures are essential.

If foundations requiring piling activities are to be used further mitigation measures, in addition to those outlined by SNCBs, are essential as we believe that these mitigation measures on their own are not adequate to ensure no adverse effect on site integrity. These additional mitigation measures must be available at the time of construction and be proven effective to ensure that it can be concluded that there will be no adverse effect on the integrity of the pSAC.

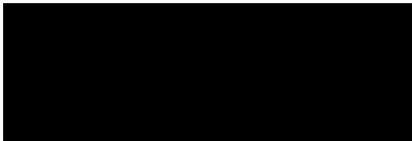
In conclusion, due to the substantial levels of uncertainty around the impacts of the project, alone and cumulatively, on harbour porpoises, and given the importance of the Hornsea Zone and the Southern North Sea pSAC for harbour porpoises, we believe it is not possible to conclude there will be no adverse effect on the integrity of the pSAC from the project. If mitigation measures to reduce the impact on harbour porpoises and ensure there is no adverse effect on site integrity of the pSAC cannot be guaranteed, then foundations requiring piling should not be authorised.

We hope you find these comments useful and would be happy to discuss any of these comments further.

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Yours Sincerely,



Vicki James
Stop whaling and science officer

References

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Teilmann, J., and Carstensen, J. 2012. Negative long term effects on harbour porpoises from a large scale offshore wind farm in the Baltic: evidence of slow recovery. *Environmental Research Letters*, **7(4)**:pp10.

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