



ENGLAND

The Wildlife Trusts

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Phillip Asquith
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

BY EMAIL

20th July 2016

Dear Mr Asquith

Re: EN010056 Application by East Anglia Offshore Ltd for an Order Granting Development Consent for the East Anglia THREE Offshore Wind Farm

The Wildlife Trusts Reference 10032129

Please find below our written representation and response to the Examining Authorities First Written Questions.

Written Representation

- 1.1 The Wildlife Trusts (TWT) welcome this opportunity to comment further on this application. This follows the submission of a relevant representation and alongside the progression of a Statement of Common Ground with the applicant. This written representation builds on the issues raised in these documents.
- 1.2 The Wildlife Trusts, with more than 800,000 members are the largest UK voluntary organisation dedicated to conserving the full range of the UK's habitats and species, whether they be in the countryside, in cities or at sea. TWT manages 2,300 reserves covering more than 90,000 hectares of land including coastal reserves; TWT stand up for wildlife, inspire people about the natural world and foster sustainable living.
- 1.3 TWT support the UK's current targets to reduce greenhouse gas emissions and the government's ambitions to tackle climate change and increase the proportion of overall energy generated from alternative sources. However, we do not believe that this should be at the expense of the environment and firmly believe that it needs to be 'right technology, right place'.

Patron

*HRH The Prince of Wales
KG KT GCB OM*

President

Simon King OBE

*Royal Society of Wildlife Trusts
Registered Charity no. 207238
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friendly paper*

- 1.4 Our primary concerns regard the impact of underwater construction noise on marine mammals, particularly the cumulative effects on harbour porpoise. We recognise that there may be impacts on other aspects of the environment, however we limit ourselves at this stage to commenting on marine mammal impacts. We defer to the greater expertise of the RSPB to comment on offshore ornithological matters and would support their position.
- 1.5 Data limitations mean the Applicant has rightly taken a precautionary approach to impact assessment. There is uncertainty as to the baseline harbour porpoise population itself, including the population size, distribution and structure. Whilst the management unit for the reference population has been agreed as the North Sea, it should be noted that this is still based on limited evidence. Genetic evidence also points towards further sub-divisions of the population, although there is currently not enough certainty to make more accurate divisions.
- 1.6 TWT accept that, in relation to the impact of injury/death, mitigation is already provided for by the inclusion of a MMMP in the DCO. Whilst there is still uncertainty as to the success of this mitigation, we accept that the number of animals impacted to this degree of severity will be minimised. However, in relation to disturbance of harbour porpoise we do not agree that the mitigation so far proposed is adequate, predominantly due to the predicted cumulative impacts and the potential impact on the Southern North Sea harbour porpoise pSAC.
- 1.7 Until we have seen the further information submitted to inform the HRA for the Southern North Sea pSAC, we are unable to comment on the position of the Applicant in this matter. We also understand that JNCC has not yet provided formal advice or guidance on the site. However, we would expect that as East Anglia THREE Offshore Wind Farm is wholly within the pSAC that further mitigation measures will be required to ensure that the conservation objective of 'no significant disturbance' is not compromised. This will be particularly important when considering the project in combination with other wind farm developments. We intend to submit further comments on this matter when the information to inform an HRA has been submitted.
- 1.8 We would also expect that further provision for impact studies at the site will be required to better understand the nature of the impact during construction. This would help answer some of the questions surrounding marine mammal assessments, such as porpoise return times, which have not been measured at projects on this scale or using larger turbines. We believe that the In Principle Monitoring Plan should be updated to reflect this, when further information regarding the HRA is submitted.

First Written Questions

HRA5 Are Whale and Dolphin Conservation, the Wildlife Trusts, and other interested parties (IPs) satisfied that the current wording of the draft DMLs is sufficient to ensure the mitigation considered in the HRA report, including the MMMP, would be delivered?

We understand this question to be asking whether we are satisfied with the current wording of the draft DMLs for delivery of marine mammal mitigation in general, as we have not yet seen information in the HRA report on the Southern North Sea pSAC. In relation to the DML condition which references the MMMP, we do not believe that this is adequate as it stands. The draft MMMP submitted with the application only includes measures which mitigate the risk of death or injury and does not address the wider issue of disturbance. The draft DML condition presently only refers to the MMMP aiming to prevent acoustic disturbance, which the draft MMMP will not do, as it stands. We believe that this condition should refer to the MMMP preventing 'injury and/or disturbance' and should also define injury and disturbance by reference to the Offshore Marine Conservation (Natural Habitats, &c.) Regulations, 2007. Unless this condition is revised, we do not believe there is adequate security that the required mitigation would be delivered.

Furthermore, we believe that further conditions will be required after consideration of an updated HRA report and subsequent conclusion of appropriate assessment of the Southern North Sea pSAC. We have strong concerns that the detail of these mitigation protocols / EPS licence applications are not done with any requirement for public consultation. We believe that this is not compliant with the Aarhus convention (pillar 2 on public participation in decision making). We set a precedent in the Dogger Bank Teesside A&B wind farm DMLs, where the Royal Society of Wildlife Trusts was named as a consultee for the MMMP and see no reasonable argument as to why that wouldn't also apply in this application. Whilst we have had confirmation from the Applicant in the Statement of Common Ground that they will informally consult with us, we still believe that, as per the Aarhus convention, there should be provision for public participation on these plans.

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



Joan Edwards
Head of Living Seas
The Wildlife Trusts