

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Statement of Common Ground

Eastern Inshore Fisheries and  
Conservation Authority (EIFCA)

Document Reference – Deadline 2 / SoCG / EIFCA  
and Applicant

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East Anglia THREE Ltd  
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# Table of contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
1.1	Introduction	3
1.2	The Development	3
1.3	Consultation with the EIFCA	4
<b>2</b>	<b>Agreement log</b>	<b>5</b>
2.1	Benthic Ecology	5
2.2	Fish and Shellfish Ecology	7
2.3	Commercial Fisheries	9
	<b>Appendix 1 East Anglia THREE Clarifications for EIFCA 28 June 2016</b>	<b>12</b>

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# 1 Introduction

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## 1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared for the Eastern Inshore Fisheries and Conservation Authority (EIFCA) to show where agreement has been reached with East Anglia THREE Limited (EATL) during the pre and post Development Consent Order (DCO) application consultation.
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to representatives from the EIFCA regarding the East Anglia THREE DCO application (the **Application**). Topic specific matters agreed, not agreed and actions to resolve between the EIFCA and EATL are included. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the issue.
3. The position with respect to each relevant issue is presented in a tabular form.

## 1.2 The Development

4. The Application is for development consent to construct and operate up to 172 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the **Project**).
5. The DCO, if made, would be known as the East Anglia THREE Offshore Wind Farm Order. It will comprise the following elements:
  - Up to 172 offshore wind turbines and associated foundations, with an installed capacity of up to 1,200 MW;
  - Up to two meteorological masts and foundations;
  - Up to twelve buoys;
  - Up to six offshore electrical stations;
  - Up to one offshore platform housing accommodation facilities;
  - Subsea inter-array cables between the wind turbines and offshore electrical stations;
  - Up to four subsea export cables to transmit electricity from the offshore electrical stations to shore;
  - Up to four interconnector cables between the East Anglia ONE and East Anglia THREE Projects;
  - Scour protection around foundations and on inter-array and export cables as required;
  - Landfall at Bawdsey with onshore transition bays to join the offshore and onshore cables;
  - Up to four onshore underground circuits (each containing up to three cables) pulled through existing ducting to be laid by East Anglia ONE or directly laid, running for approximately 37 km from landfall to the

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- connection point at Bramford, Suffolk, with jointing pits, to transmit electricity to up to two new onshore substations;
- Up to two onshore substations at Bramford, Suffolk, to connect the offshore windfarm to the National Grid;
  - The permanent and / or temporary compulsory acquisition (if required) of land and / or rights for the proposed Project;
  - Overriding of easements and other rights over or affecting land for the proposed Project;
  - The application and / or disapplication of legislation relevant to the proposed Project including inter alia legislation relating to compulsory purchase; and
  - Such ancillary, incidental and consequential provisions, permits or consents as are necessary and / or convenient.
6. The Application was submitted to the Planning Inspectorate on 18<sup>th</sup> November 2015 and accepted for examination on 15<sup>th</sup> December 2015.

### **1.3 Consultation with the EIFCA**

7. This section briefly summarises the consultation that EATL has had with the EIFCA; for further information on the consultation process and the outcome of consultations please see the Consultation Report (document 5.2 of the DCO Application).

#### **1.3.1 Pre-Application**

8. EATL (and their consultants Brown and May Marine (BMM)) engaged with the EIFCA on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out in 2014 pursuant to section 42 of the Planning Act 2008.

#### **1.3.2 Post-Application**

9. Following telephone and email correspondence with the EIFCA (17<sup>th</sup> of May 2016, 6<sup>th</sup> of June 2016 and 28<sup>th</sup> June 2016) agreement was reached on certain matters previously raised by the EIFCA. No relevant representation has been made to date.

## 2 Agreement log

10. The topics for areas of agreement between EIFCA and EATL are set out below.

### 2.1 Benthic Ecology

11. The proposed Project has the potential to impact benthic ecology. Chapter 10 of the East Anglia THREE Environmental Statement (ES) (Document 6.1.10 of the DCO Application) provides an assessment of the significance of these impacts. Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter.

Table 1. SoCG –Benthic Ecology

ID	EATL Position	EIFCA Position
<b>Existing Environment</b>		
1	The description of the existing environment provides sufficient information for the characterisation of the benthic ecology within the study area surrounding the export cable corridor inshore of 6nm.	Agreed.
<b>Assessment Methodology</b>		
2	The environmental impact assessment methodologies used are appropriate for assessing the potential impacts of the Project on benthic ecology.	Agreed.
3	In light of the available scientific evidence EATL believes the assessment to be comprehensive and robust. The approach to the assessment was agreed with the MMO (as advised by Cefas) and Natural England through the Evidence Plan process. Following communication and agreement reached between the EIFCA and EATL on the 28 <sup>th</sup> of June 2016, EATL have provided additional written clarification in relation to this point (Appendix 1).	EIFCA acknowledge this but consider that shipping noise should be considered in combination with other noise sources within the area of the Project.
4	EATL believe that assessments provided by the online resource MarLIN are the best available and their use is appropriate. The use of the MarLIN assessments is industry standard and they are also used by the Statutory Nature Conservation Bodies (SNCBs) to inform their work. EATL also highlight the fact that as the MarLIN reviews are themselves comprehensive reviews of existing data. Therefore,	The assessment of potential impacts on benthic invertebrates relies substantially on the assessments provided by MarLIN. In light of this the EIFCA believe that other datasources should be reviewed and referenced to cross check those

ID	EATL Position	EIFCA Position
	<p>in many cases there is little other information, beyond that included within their references, by which to undertake any review of additional data.</p> <p>Following communication and agreement reached between the EIFCA and EATL on the 28<sup>th</sup> of June 2016, EATL have provided additional written clarification in relation to this point (Appendix 1).</p>	<p>provided by MarLin.</p>
<b>Assessment Conclusions</b>		
5	<p>Assuming the inclusion of the embedded mitigation described in the ES, impacts on the benthic and epibenthic environment from the Project are likely to be not significant In EIA terms.</p>	<p>Agreed.</p>

## 2.2 Fish and Shellfish Ecology

12. The proposed Project has the potential to impact upon Fish and Shellfish Ecology. Chapter 11 of the East Anglia THREE ES (Document 6.1.11 of the DCO Application) provides an assessment of the significance of these impacts. Table 2 below provides areas of common ground that have been reached regarding the findings reported within that chapter.

Table 2. SoCG – Fish and Shellfish Ecology

ID	EATL Position	EIFCA Position
<b>Existing Environment</b>		
1	The description of the existing environment provides sufficient information in relation to fish and shellfish ecology within the study area surrounding the export cable corridor inshore of 6nm.	Agreed.
2	EATL acknowledge the increased importance of the bass population off the East Anglian coast and the associated importance to commercial fishing and recreational angling.	This is also EIFCA's view.
<b>Assessment Methodology</b>		
3	The environmental impact assessment methodologies (as agreed at the evidence plan meeting held with the Cefas and Natural England on 10 <sup>th</sup> September 2013) used are appropriate for assessing the potential impacts of the Project on fish and shellfish ecology within the study area surrounding the export cable corridor inshore of 6nm.	Agreed.
<b>Assessment Conclusions</b>		
4	EATL believe that the assessment of underwater noise is comprehensive and robust, incorporating comprehensive review of the available scientific literature at the time of writing and modelling of noise contours using widely accepted methods in relation to species specific hearing capabilities and location of spawning grounds. With specific reference to cumulative noise effects, the assessment considered all potential future windfarm developments which could be undertaken at the same time as the Project. This approach was agreed in consultation with Cefas and Natural England (10 <sup>th</sup> September 2013).	EIFCA acknowledge this but suggest that, for future developments within the East Anglia Zone, a strategic approach could be taken that includes all potential sources of marine noise in addition to piling.
5	Assuming the inclusion of the embedded mitigation	Agreed.

ID	EATL Position	EIFCA Position
	described in the ES, impacts on fish and shellfish ecology from the Project are not likely to be significant in EIA terms.	
6	Assuming the inclusion of the embedded mitigation described in the ES, cumulative impacts on fish and shellfish ecology are likely to be non-significant in EIA terms.	Agreed.

## 2.3 Commercial Fisheries

13. The proposed Project has the potential to impact commercial fishing activity. Chapter 14 of the ES (Document 6.1.14 of the DCO Application) provides an assessment of the significance of these impacts. Table 3 below provides areas of common ground that have been reached regarding the findings reported within that chapter.

Table 3. SoCG – Commercial Fisheries

ID	EATL Position	EIFCA Position
<b>Existing Environment</b>		
1	The description of the existing environment provides sufficient information in relation to commercial fishing activity within the study area surrounding the export cable corridor inshore of 6nm. EATL acknowledges that the use of MMO fisheries statistics and VMS datasets are not entirely applicable to the under 10m inshore fishing fleet. In order to address this EATL undertook extensive consultation with the relevant stakeholders and the results of this consultation have been included within the Existing Environment section of the ES (sections 14.5.10, 14.5.12 and 14.15.13).	EIFCA consider that the use of MMO fisheries statistics and VMS datasets are not entirely applicable to the under 10m inshore fishing fleet. However EIFCA consider the description of the existing environment sufficient and that the additional consultation with stakeholders results in an appropriate level of assessment.
<b>Assessment Methodology</b>		
2	The impact assessment methodologies used are appropriate for assessing the potential impacts of the Project on commercial fishing activity within the study area surrounding the export cable corridor inshore of 6nm.	Agreed.
<b>Assessment Conclusions</b>		
4	Assuming the inclusion of the embedded mitigation described, impacts on commercial fishing activity from the Project are likely to be not significant in EIA terms.	Agreed.
<b>Management Measures</b>		
5	Cables shall be installed with the objective of minimising as far as reasonably practicable effects on longer term fishing operations. A detailed cable laying plan will be provided which incorporates a burial risk assessment to ascertain suitable burial depths and cable laying techniques in accordance	Agreed.

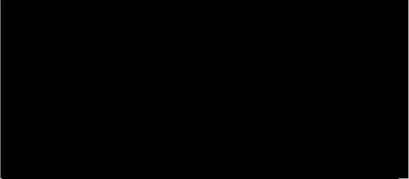
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ID	EATL Position	EIFCA Position
	with the draft DML (Schedule 10 to 15, Part 2, Paragraph 13 (g)(ii)) and with the objective of achieving the maximum level of cable burial.	
6	EATL will adopt a hierarchical approach to cable protection options in the event that full burial of the entire cable length is not achievable. Under this approach, which will involve consultation with relevant fishing organisations and their representatives, protection options will be assessed using a number of criteria including the aim of selecting protection methods which would cause the least disturbance to fishing practices.	Agreed.

Signing box: The undersigned agreed to the provisions within this SoCG - EIFCA

Signed	
Printed Name	SULTAN GREGORY
Position	A/CEO
On behalf of	EASTAN IFCA
Date	27/7/16

Signing box: The undersigned agreed to the provisions within this SoCG – EATL

Signed	
Printed Name	Keith Morrison
Position	East Anglia THREE Senior Project Manager
On behalf of	East Anglia THREE Limited (EATL)
Date	26/07/2016

# Appendix 1 East Anglia THREE Clarifications for EIFCA 28 June 2016

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## Introduction

The Eastern Inshore Fisheries and Conservation Authority (EIFCA) commented upon the 1<sup>st</sup> draft of the Statement of Common Ground (SoCG) provided by East Anglia THREE Ltd (EATL). Following a meeting held on the 28<sup>th</sup> June it was agreed that EATL would provide the EIFCA with some further information and clarifications on the points made. This note provides that information.

## Further information

### Benthic Ecology

#### Comment 1

*“EIFCA express concerns over the assumption in Appendix 10.1 Benthic Ecology Evidence Plan, item 4.1.1.4 “Underwater noise and vibration:”, point 28, “However it is likely that there is habituation to noise created by the existing shipping which occurs in the area”. We suggest that rather than assuming that habituation would minimise the impacts of additional noise, this pressure should be considered “in combination” with other noise sources within the area.”*

The approach used in the assessment, which is common with other EIAs was to consider underwater noise sources which currently occur within the study area (mainly vessel noise) as part of the baseline environment. As stated in paragraph 258 Chapter 10 of the Environmental Statement (document reference 6.1.10) the sensitivity of benthic species to underwater noise is poorly understood. That paragraph also references a number of studies that show that some benthic species are able to detect underwater noise. However, there is little evidence available to show that underwater noise and vibration would have a negative impact on benthic species. A precautionary approach was taken in the assessment which applied a medium sensitivity to benthic species for underwater noise. This approach was agreed with the MMO (as advised by Cefas) and Natural England through the Evidence Plan process.

It should be noted that other similar projects such as Hornsea Project One and Two have not undertaken any assessment of the impacts of underwater noise on benthic species as it was not considered to be an impact. EATL however believed that due to uncertainties surrounding the sensitivity of benthic species to underwater noise it was more robust to include this in the EIA.

#### Comment 2

*“The assessment of impacts would appear to rely very heavily on MarLIN as a source of information. Whilst this is undoubtedly an excellent resource, we would like to suggest that at some point there is a review based on other data sources as a “sanity check”.*

EATL believe that the assessments provided by MarLIN are the best available, that these are industry standard for use and are used by the SNCBs to inform their work e.g. Regulation 35 advice for the Race Bank SCI draws in information provided by MarLIN to assess the sensitivities of habitats and species which are features of designated sites. We would also highlight the fact that the MarLIN assessments are themselves reviews of existing data and that in many cases there is little other information, beyond that included in their references, to undertake such a review.

#### Comment 3

*“EIFCA have concerns that there may be impacts from noise on fish behaviour and spawning for some distance around the activity, and that for instance piling will continue for an appreciable time. Such impacts – whilst occurring outside the “six mile” remit of EIFCA – could potentially impact on fish populations which support fisheries within our area of responsibility.”*

This comment refers to fish species which are covered in Table 2 of the SoCG.

#### General comments

*“We note that there is an inconsistency in the consideration of the Annex 1 habitat of Sabellaria reef. Appendix 10.4, section Executive Summary point 4 states “One site within East Anglia THREE and one site in East Anglia FOUR were found to comprise an area of Sabellaria spinulosa reef which is an Annex 1 habitat.” However,*

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*Appendix 10.1, section 4.1.1.5, point 29 states "...Annex I habitat, however none are known to exist within East Anglia THREE and East Anglia FOUR at present."*

*In the light of increasing focus on Sabellaria, such as the inclusion of less "reefy" areas in advice from Natural England, it may be worthwhile re-considering the potential implications of the levels of Sabellaria identified."*

As discussed during the meeting on the 28<sup>th</sup> June the apparent inconsistency is due to variation on exactly how *Sabellaria* "reef" is defined. However, regardless of the current baseline (and whether *Sabellaria* is present as individuals, crusts or reef) EATL have agreed through the Evidence Plan process that preconstruction surveys will be used to identify the presence of biogenic reefs at that time. If any such features are found then EATL would microsite infrastructure where possible to minimise impacts. This is reflected in the SoCG with Natural England through the following statement. *"It is agreed by both parties that detailed assessment of biogenic reef (Sabellaria or Mytilus) is a matter for pre-construction survey and final routeing."* As discussed during the meeting on the 28<sup>th</sup> June a similar line can be added to the EIFCA SoCG along with a commitment to consult with the EIFCA (during the preconstruction phase) with regard to the location of any areas that are protected by existing byelaws to protect biogenic reef.

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