East Anglia THREE
Offshore Windfarm

East Anglia THREE

Statement of Common Ground

Suffolk Wildlife Trust

Document Reference – Deadline 2 / SoCG / SWT and Applicant

Author – Royal HaskoningDHV
East Anglia THREE Limited
Date – July 2016
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SCOTTISHPOWER RENEWABLES

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1 Introduction

1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared for Suffolk Wildlife Trust 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 SWT on the East Anglia THREE DCO application (the **Application**)

3. The position with respect to each relevant issue is presented in a tabular form.

4. A Glossary is provided in Appendix 1.

1.2 The Development

5. 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**).

6. 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 37km from landfall to the 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.

7. The Application was submitted to the Planning Inspectorate on 18th November 2015 and accepted for examination on 15th December 2015.

1.3 Consultation with SWT

1.3.1 Pre-Application

8. EATL engaged with SWT on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.

9. Meetings held between EATL and SWT are listed in Appendix 7 of the Consultation Report (DCO document 5.2 (7).

10. During formal consultation, SWT provided comments on the Preliminary Environmental Information (**PEI**) by way of letter dated 8th July 2014 and to the Phase III consultation in 2015 by way of letter dated 17th July 2015 (the **Consultation Response**). These letters are attached at Appendix 2.

1.3.2 Post-Application

11. SWT made a relevant representation to the Planning Inspectorate on 22nd April 2016 (the **Relevant Representation**). EATL's response to this is attached as Appendix 3.

2 Agreement Log

12. Within the section and table below the different topics for areas of agreement between SWT, and EATL are set out.

2.1 Terrestrial Ecology (excluding ornithology)

13. The Project has the potential to impact upon Terrestrial Ecology (excluding ornithology). Chapter 23 of the East Anglia THREE Environmental Statement (the **ES**), Document 6.1.23 of the DCO Application, provides an assessment of the significance of these impacts with regard to Environmental Impact Assessment (EIA) and the Information to inform Habitats Regulations Assessment (Document 5.4 of the DCO Application) provides an assessment with regard to the potential for likely significant effects on European sites as a result of the proposed East Anglia THREE Project. Management and mitigation measures are provided within the Outline Code of Construction Practice (OCoCP) and Outline Landscape and Ecology Management Scheme (OLEMS) (Document 8.1 and Document 8.6 of the DCO Application). Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.

Table 1. SoCG - Terrestrial Ecology (excluding ornithology)

Issue	EATL Position	SWT Position
Environmental Impact Assessment		
Description of baseline conditions on Terrestrial Ecology (excluding ornithology).	The ES adequately characterises the baseline relevant to Terrestrial Ecology (excluding ornithology)	Agreed
Results of the assessment of impacts on Terrestrial Ecology (excluding ornithology) from East Anglia THREE	The ES accurately assesses the potential impacts upon Terrestrial Ecology (excluding ornithology) Following detailed design work for East Anglia ONE (which will be installing the ducts for East Anglia THREE) a single trench is now proposed for East Anglia THREE. Therefore for East Anglia THREE there will now be a single onshore cable laying operation. It is proposed to update the DCO accordingly. Note that the option for phasing will be retained at the substation and at the wind farm. Both long and short duct options are still under consideration at the time of writing. The decision on which will	Agreed We note that construction will now involve a single trench and that therefore there is no requirement for phasing, with the possible exception of at the substation and wind farm. We agree that the use of a single duct with no requirement for phased working is the approach likely to result in the fewest temporal impacts. We note that the decision on the use of long or short landfall ducts is to be made by East Anglia ONE and not East Anglia THREE and is therefore outside of the scope of this DCO.

Issue	EATL Position	SWT Position
	be used will be made by East Anglia ONE as they will be installing the ducts for East Anglia THREE.	
Habitats Regulations Assessment		
The results assessment of effects upon designated sites and effects which require consideration in HRA	All designated sites were screened out from the HRA.	Agreed
Management measures		
Mitigation proposed to address the impacts on Terrestrial Ecology (excluding ornithology) from East Anglia THREE as set out in the OCoCP and OLEMS	The mitigation measures set out are appropriate and proportionate. EATL do not propose to update the ES as the new water vole guidance does not materially change the assessment, however the OLEMS is a living document and will be revised during the examination to reflect any updated guidance. EATL is in discussion with Suffolk County Council and other stakeholders regarding the potential to leave the haul road in situ (this was discussed in Appendix 23.7 of Application document 6.3.23 (7)) upon completion of East Anglia ONE and potentially between phases of East Anglia THREE. In either case (if haul road is retained or not retained) the reinstatement of habitat will need to be carefully managed to determine the most efficient and beneficial ways of undertaking this. Potential management measures were covered in the Outline Temporary Works Reinstatement Plan (Application document 8.16 (OTWRP)). However it is now considered (given that phasing along the onshore cable route has been removed) that any management measures would sit with East Anglia ONE and secured through the discharge of their reinstatement requirements.	Agreed, subject to the following: We note that the updated guidance will be addressed in the OLEMS, but not by revising the ES. Provided that the OLEMS is kept updated we consider that this will address this matter. We note that management measures for the reinstatement of habitats along the haul road will now sit with EAOW and that control of this is therefore now not appropriate as part of an EATL OTWRP.

2.2 Onshore Ornithology

14. In an email dated 5th May 2016, SWT stated that they were content that comments regarding onshore ornithology were adequately covered by the Royal Society for the protection of Birds (RSPB), therefore by mutual agreement this SoCG does not include onshore ornithology.

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

Signed	
Printed Name	James Meyer
Position	Conservation Planner
On behalf of	Suffolk Wildlife Trust
Date	01/07/2016

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

Signed	
Printed Name	Keith Morrison
Position	Senior Project Manager
On behalf of	East Anglia THREE Limited
Date	20/7/2016

Appendix 1: Glossary

DCO	Development Consent Order
EATL	East Anglia THREE Limited
EIA	Environmental Impact Assessment
ES	Environmental Statement
HRA	Habitats Regulations Assessment
MW	Mega Watt
OCoCP	Outline Code of Construction Practice
OLEMS	Outline Landscape and Ecology Management Scheme
OTWRP	Outline Temporary Works Reinstatement Plan
PEI	Preliminary Environmental Information
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
SWT	Suffolk Wildlife Trust

Appendix 2: Pre-application Responses

Suffolk Wildlife Trust

THE wildlife TRUSTS

Keith Morrison
East Anglia Offshore Wind
1 Atlantic Quay
45 Robertson Street
Glasgow
G2 8JB

08/07/2014

By E-mail Only

Dear Mr Morrison,

RE: East Anglia Three Offshore Windfarm Consultation (as required under Section 42 of the Planning Act 2008)

Thank you for sending us details of this consultation, we have the following comments:

1) Offshore (Preliminary Environmental Information Report Volume 1 Chapters 10 and 12)

1.1) Marine Mammals

1.1.1) Given that everyone is working at the limits of understanding of impacts on marine mammals, we are pleased to note that a precautionary approach has been taken to the assessment. We believe that this precautionary approach is further needed due to the uncertainty surrounding much of the baseline data, for example the use of SCANS II data which is now nearly 10 years old and only represents a very small snapshot in time.

1.1.2) We accept that the use of the reference population is suitable for assessing the population level impact of the development. However, due to the large geographic area of the reference population, this does not show what impact the development may have at a local scale and dilutes the fact that potentially nearly 3000 individual harbour porpoises will be displaced from the area. This is particularly concerning given the European Protected Species (EPS) status of the harbour porpoise. We are therefore in agreement that an EPS licence would be required for this development.

1.1.3) It is recognised that underwater noise from pile driving is likely to constitute the greatest risk to marine mammals and that the largest spatial footprint of underwater noise would come from pile driving associated with monopole foundations. We would therefore question why monopole foundations are still included within the Rochdale envelope, when they were removed from the East Anglia ONE project, ostensibly for this reason. We would urge East Anglia THREE Ltd to use foundation types which are less noisy to install and to further explain the inclusion of monopoles as a foundation type.

1.1.4) We would expect East Anglia THREE Ltd to invest in and follow the development of such quieter foundation types. Not only will this ensure that these are made commercially available sooner but also that the best available technology can be employed at the time of construction.

1.1.5) Similarly, we would expect East Anglia THREE Ltd to invest in and follow the

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development of mitigation techniques, to support their intended embedded mitigation to prevent PTS/auditory injury to marine mammals. This embedded mitigation, of creating an exclusion zone around any piling operation, is relied upon to remove the potential for PTS. However, we have concerns that the current mitigation guidance from JNCC is not necessarily fit for purpose for the installation of the larger turbines proposed for Round 3 development. Specifically we have concerns as to the efficacy of Marine Mammal Observers and Passive Acoustic Monitoring for detecting marine mammals and the impact of the noise from the soft start procedure. The current ORJIP project looking at the potential use of Acoustic Deterrent Devices as alternative mitigation is attempting to address these issues and we would urge East Anglia THREE Ltd to follow this project's outputs. We would also expect that East Anglia THREE Ltd would commit to using the best available mitigation techniques available at the time of construction.

1.1.6) We note the low confidence in the data underpinning the assessment for potential 'corkscrew' injuries to marine mammals, specifically pinnipeds. As such, we would expect East Anglia THREE Ltd to follow the progression of the investigation into this issue, to update the assessment if further data becomes available and to follow best practice guidance for mitigation of this impact.

1.1.7) We would also expect that East Anglia THREE Ltd would include mitigation of 'corkscrew' injuries within the proposed Marine Mammal Mitigation Protocol (MMMP). We believe that the MMMP should be comprehensive and include mitigation of all potential impacts on marine mammals, not just those arising from pile driving.

1.1.8) We have strong concerns as to the impacts assessed in the Cumulative Impact Assessment, specifically in relation to underwater noise impacts on harbour porpoise, impacts on prey species for harbour porpoise and harbour seal and collision risk with ducted propellers for all three species assessed, all of which have moderate or major adverse significant impacts predicted. We do not accept that the small contribution from the East Anglia THREE development is justification for not proposing further mitigation for these impacts and believe that East Anglia THREE Ltd should do further work to either minimise the impact or propose further mitigation.

1.1.9) Due to the levels of impacts predicted, coupled with the uncertainty surrounding these potential impacts, we believe that comprehensive monitoring of marine mammals should be required both pre and post construction. Noting the requirements within the Deemed Marine Licences for East Anglia ONE, we would expect comparable conditions for the East Anglia THREE development.

1.2) Benthic Ecology

1.2.1) We are pleased to note the embedded mitigation proposed, particularly in relation to micrositing of turbines and cables to avoid Annex I habitats.

1.2.2) We have concerns as to the potential cumulative impacts, in particular the moderate adverse significant impact of physical disturbance and habitat loss within the export cable corridor, due to a large number of cable crossings. We would urge East Anglia THREE Ltd to look further at mitigation options to reduce this impact.

1.2.3) Although there is a commitment to following best practice in terms of vessel maintenance to reduce the potential for introduction of invasive non-native species, there is no mention of the potential for non-native species colonisation of the turbines or cable protection during operation. Given the potential for these artificial structures to act as stepping stones[1], we believe that there should be a requirement for monitoring of this during the lifespan of the development, with an agreed protocol in place for responding to any

[1] Offshore marine renewable energy devices as stepping stones across biogeographical boundaries. Thomas P. Adams, Raeanne G. Miller, Dmitry Aleynik and Michael T. Burrows. Journal of Applied Ecology 2014.

realised colonisation.

2) Onshore (Preliminary Environmental Information Report Volume 1 Chapter 23)

2.1) Embedded mitigation

2.1.1) We are pleased that the proposal draws on the onshore mitigation measures identified and developed through the East Anglia ONE project.

2.2) Survey data

2.2.1) Ecological surveys of the onshore cable route were undertaken in 2011 and 2012 as part of the East Anglia ONE project (section 23.4.2.2). It is noted that it is proposed to undertake further surveys in 2014 to up date the previously gathered information. We agree that such surveys should be carried out as assessment of ecological impacts should be based on up to date survey information.

2.3) Cable installation scenarios

2.3.1) The preliminary environmental information report presents two scenarios for the installation of the onshore electricity transmission cable. Scenario one would involve the use of conduits installed as part of the East Anglia ONE project. Scenario two would involve installation of the EA THREE cables using open cut and horizontal direction drilling (HDD) techniques. Without mitigation measures each scenario has the potential to result in adverse ecological impacts and the scenario which results in the least overall ecological impact should be used. As three projects are proposed to utilise the same cable route it should be ensured that implementation of an individual project does not conflict with the remediation of an earlier project.

2.4) Good practice guidance

2.4.1) Chapter 23 makes reference to a number of published good practice guidance documents that have been used in the impact assessment (e.g. section 23.6.1.15.2.297 - Water Vole Conservation Handbook (2006)). It should be ensured that the most up to date editions of these documents are used in the assessment.

2.5) Summary of Potential Impacts Identified for ecological receptors (Table 23.19)

2.5.1) Table 23.19 sets out the summary of potential impacts identified for the onshore ecological receptors. For a number of receptors minor adverse impacts are predicted prior to mitigation measures being applied. For many of these impacts it is stated either that "no further mitigation is needed" or that there is "embedded mitigation", it is then concluded that there is a residual minor adverse impact. This would appear to suggest that either the impact is unmitigatable or insufficient mitigation is included. The project should include appropriate mitigation measures sufficient to reduce ecological impacts to insignificant.

If you require any further information please do not hesitate to contact us.

Yours sincerely

James Meyer
Conservation Planner
Suffolk Wildlife Trust

Eleanor Stone
Marine Planning Officer
The Wildlife Trusts

Suffolk Wildlife Trust

THE wildlife TRUSTS

Keith Morrison
East Anglia Offshore Wind
1 Atlantic Quay
45 Robertson Street
Glasgow
G2 8JB

17/07/2015

By E-mail Only

Dear Mr Morrison,

RE: East Anglia Three Offshore Windfarm Section 42 Further Consultation

Thank you for sending us details of this consultation, we have read the Phase III consultation report and have the following comments:

Removal of Scenario 2 (trenching) – the removal of the need for trenching for this project, through the use of ducting installed as part of the East Anglia ONE project, appears to result in a considerable reduction in the amount of onshore construction work required. In principle we support the use of techniques which reduce ecological impacts, however changes to the project such as the increase in the number of jointing pits required should be included in the final assessment of impacts.

Phasing of construction – it is understood that it is expected that the two phase approach will take 2 months longer to construct than the one phase approach. Whilst we await the final Environmental Statement to see the full assessment of the two scenarios (including implications of cumulative impact), we consider that a longer construction period could increase temporal impacts on receptors such as marine mammals. However, dependent on how works are implemented the phasing may also give a longer time for recovery between the two project phases. A two phase approach may also allow for improvements in the development of the mitigation techniques to be implemented in the second phase.

Worst Case – we support the use of the worst case scenario in the impact assessment process.

Table 2.2 (Foundation types) – Given their potential for adverse impacts on marine mammals, such as harbour porpoise, we are disappointed to see that monopole foundations are still included as a foundation type. As detailed in our response to the consultation on this project in July 2014 (section 1.1.3 of our letter of 8th July 2014) monopole foundations were removed from the East Anglia ONE project ostensibly to ensure the impact of the project on marine mammals was reduced. We therefore continue to urge East Anglia THREE Ltd to use foundation types which are less noisy to install and to further explain the inclusion of monopoles as a foundation type.

Other updates – we welcome the revision of the cable corridor footprint to reduce it almost by half.

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If you require any further information please do not hesitate to contact us.

Yours sincerely

James Meyer
Conservation Planner
Suffolk Wildlife Trust

Eleanor Stone
Marine Planning Officer
The Wildlife Trusts

Appendix 3: Post-application Reply

James Meyer
Suffolk Wildlife Trust
Brooke House
Ashbocking
Ipswich
Suffolk
IP6 9JY

FREEPOST RSTC-EJEY-RKRX
1 Atlantic Quay,
45 Robertson Street,
4th Floor,
Glasgow, G2 8JB

2016-06-01

Dear James,

Planning Act 2008

East Anglia THREE Limited

The Proposed East Anglia THREE Offshore Wind Farm Order

Relevant Representation reply letter (an appendix to the SoCG between EATL and Suffolk Wildlife Trust)

East Anglia THREE Limited (EATL) would like to thank you for taking the time to provide a relevant representation to the development consent order application made by EATL for the East Anglia THREE offshore wind farm.

In this letter we provide a reply to all the comments you have made in your relevant representation. In order to do this in a clear and transparent manor this is in the form of a tabulated response.

This letter will form an appendix to the final Statement of Common Ground (SoCG) between EATL and Suffolk Wildlife Trust (SWT).

Relevant Representation Comment	EATLs response
We support the use of cable ducts laid as part of the East Anglia ONE offshore windfarm project for the onshore transmission cables required for this project. We consider that this will reduce the onshore ecological impacts resulting from the construction of this scheme.	EATL welcome the support of SWT with regard to the use of the ducts to be installed by East Anglia ONE.
We note that two construction approaches are described in the Environmental Statement (ES), a One Phase approach and a Two Phase approach. Whilst the Environmental Impact Assessment (EIA) set out in the ES concludes that the magnitude of negative impacts from either approach is the same, the One Phase approach would take approximately half as long as the Two Phase and therefore any temporal impacts would be lessened using this	Following detailed design work for East Anglia ONE (which will be installing the ducts for East Anglia THREE) a single duct is now proposed for East Anglia THREE. Therefore for East Anglia THREE there will now be a single onshore cable laying operation. It is proposed to update the DCO accordingly.

Relevant Representation Comment	EATLs response
approach. We would favour the use of any approach which reduces the likely ecological impact of a scheme, irrespective of whether the reduction is significant in EIA terms.	Note that the option for phasing will be retained at the substation and at the wind farm.
Paragraph 23.6.1.7.1.2 (252) of the Chapter 23 (Terrestrial Ecology) of the ES makes reference to the use of a long duct at landfall site. This would appear to be the preferable landfall option from an ecological perspective.	The ducts for East Anglia THREE have been consented as part of the East Anglia ONE Offshore Wind Farm Order, and therefore do not form part of the East Anglia THREE offshore wind farm application. EATL understand that both long and short duct options are still under consideration at the time of writing. The decision on which will be used will be made by East Anglia ONE as they will be installing the ducts for East Anglia THREE.
Water vole – it should be noted that since the publication of the application documents for comment, the licencing regime for water voles on development sites has been updated and the Water Vole Mitigation Handbook (Dean, M., Strachan, R. Gow, D. and Andrews, R. (2016) The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series) Eds Fiona Matthews and Paul Chanin. Mammal Society, London) has been published. Whilst this may not strictly change the mitigation measures required to be implemented, a licence from Natural England may now be required to implemented them. The relevant sections of the ES and the Outline Landscape and Ecological Management Strategy should be updated to reflect these changes.	EATL do not propose to update the ES as the guidance does not materially change the assessment, however the Outline Landscape and Ecological Management Strategy (Document Reference – 8.6) is a living document and will be revised during the examination to reflect any updated guidance.
We note that parts of the access along the terrestrial cable route would follow/re-use those used during the installation of the cables and ducts as part of the EAOW ONE project. Whilst we consider that reusing such routes is, in principle, logical (particularly in areas of existing low ecological value), there appears to be the potential for the requirement to remove mitigation planting provided as part of the EAOW ONE project a relatively short time after its implementation. Where this is to be the case, careful consideration is required to ensure that re-opening of gaps is minimised. We would also recommend the use of temporary fencing across the newly created gaps in order to ensure that bat commuting routes are maintained.	EATL are committed to minimising impacts wherever possible noting that it will be necessary to carefully balance effects between different receptor groups. The greatest concern for local residents affected by the East Anglia THREE project is traffic and transport issues. The single greatest material requirement (and therefore HGV trip generator) is for the construction and removal of the haul road for access. EATL is in discussion with Suffolk County Council and other stakeholders regarding the potential to leave the haul road in situ (this was discussed in Appendix 23.7 document 6.3.23 (7)) upon completion of construction works for East Anglia ONE and potentially between phases of East Anglia THREE, as this would reduce impacts upon the local community. In either case (if the haul road is retained or not retained) the reinstatement of habitat will need to be carefully managed to determine the most efficient and beneficial ways of

Relevant Representation Comment	EATLs response
	undertaking this. It should be noted that upon completion of the construction works for East Anglia ONE, reinstatement would take place in either case in full apart from areas where the haul road would be retained for future projects. . Therefore, for example, a 55m gap in a hedgerow would be reduced to 5.5m. The gaps would be bridged via temporary fencing as described in document 8.16 the Outline Temporary Works Reinstatement Plan (OTWRP). The acceptability of the period over which any area would be left without reinstatement is currently under discussion with SCC.

We aim to reach agreement on all of the matters included in the table above and any other matters arising through the Statement of Common Ground with Suffolk Wildlife Trust.

If you wish to discuss the above or any other issues in connection with the Project, please contact Keith Morrison, EA3 Senior Project Manager, ScottishPower Renewables, 4th Floor, Atlantic Quay, Glasgow G2 8JB or by email at Eastangliathree@scottishpower.com

Yours faithfully

[redacted]

Keith Morrison
Senior Project Manager

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SCOTTISHPOWER RENEWABLES