



Phillip Asquith
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
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BY EMAIL

10th August 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 in respect of responses to the Examining Authorities First Written Questions.

Written Representation

1.1 The Wildlife Trusts (TWT) welcome this opportunity to comment further, following the submission of our previous written representation and response to first written questions, relevant representation and our Statement of Common Ground with the applicant. This written representation builds on the issues raised in these documents.

Comments on responses to first written questions

ECMM4, NE

ES Chapter 12 [APP-120] considers inter-related effects on marine mammals in relation to prey species, vessel noise, ship strikes, ducted propellers and underwater noise from pile driving and operational noise. The ES considers the individual effects from each of these impacts but does not consider combined effects on marine mammals. Is NE satisfied that any inter-related (within project) effects on marine mammals have been fully addressed?

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Applicant's [part of] response: *It is accepted that animals in one part of the site could be subject to collision whilst others elsewhere are displaced. However, developing a model for a worst case additive scenario in this case would be highly complex and add further layers of assumption and precaution to an assessment for which there are already high levels of precaution embedded within individual impact assessments.*

- 1.2 While we appreciate the complexity of developing a model for such worse case scenario planning, The Wildlife Trusts believe that such modelling is necessary to ensure that in-combination effects are adequately assessed, especially as full assessment will be required during the harbour porpoise pSAC HRA. One of our key concerns relates to in-combination and cumulative impacts, especially given the number and scale of developments in the North Sea which are adding to other non-related pressures, such as bycatch, pollution, disturbance and habitat degradation.

ECMM11, Applicant, NE

The Wildlife Trusts in its RR [RR-022] would like the MMMP to cover reduction in disturbance as well as avoiding the risk of injury to marine mammals. Does the Applicant or NE think that these proposals are necessary to avoid harm either to individual marine mammals or at a population level? Is the Applicant willing to undertake wider consultation on the development of the MMMP?

Applicant's response: The Applicant has provided a dMMMP submitted as part of the Application. The dMMMP is in line with current best practice to prevent injury to marine mammals from pile driving (JNCC, 2010). The results of the impact assessment for pile driving (Section 12.6.1 of the ES (ES Volume 1 Chapter 12) indicate no significant impact from disturbance by construction at the reference population level (the impact is assessed as minor adverse). This level of significance was agreed with NE (Appendix 12.1 of the ES (Volume 3 Chapter 12). As such, no mitigation measures for disturbance are considered necessary.

Based on the cumulative impact assessment (Section 12.7.1 of the ES (ES Volume 1 Chapter 12) there is the potential for a moderate adverse and therefore significant impact on harbour porpoise from pile driving noise. However, the East Anglia THREE project makes only a minor contribution to this potential impact. Furthermore, confidence in the predicted impact level is low and a high level of precaution has been applied. The Applicant has committed to updating the dMMMP post consent in consultation with Natural England and with agreement from the MMO (as secured under Condition 13(f) of the DML). The approach to minimising acoustic disturbance to marine mammals and developing the MMMP post consent has been agreed with Natural England and the MMO.

The Applicant proposes to provide TWT with the updated MMMP when it is submitted to the MMO for approval. However, consultation upon the MMMP is the responsibility of the MMO and it is therefore for the MMO to decide whether it is appropriate to consult TWT.

- 1.3 We would like to reiterate our strong concerns about the lack of a publicity clause in mitigation protocols/EPs licence applications where decision making is passed solely to the MMO. We recognise that the MMO should consult with Natural England and welcome the applicants willingness to share the updated MMMP once submitted to the MMO with us but see no reason why a publicity clause and further consultation should not apply here.
- 1.4 We once more, draw your attention to the precedent set in the Dogger Bank Teesside A&B wind farm DMLs, and compliance with the Aarhus convention (pillar 2 on public participation in decision making), where The Wildlife Trusts was named as a consultee for the MMMP, and more recently to a joint letter from SMart Wind Limited/Dong Energy and The Wildlife Trusts in the Hornsea 2 wind farm where the Applicant confirmed that it would have no objection to the approval pursuant to such provisions being made by the MMO subject to a prior consultation with Natural England (as the relevant Statutory Nature Conservation Body) and The Wildlife Trusts. We wish to pursue the same level of consultation here.

Thank you for your consideration of our submission,

Yours sincerely,



Joan Edwards
Head of Living Seas
The Wildlife Trusts