

East Anglia THREE Offshore Windfarm

East Anglia THREE

In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan

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1 Introduction

1.1 Purpose of the Plan

1. The purpose of the In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan (the 'Plan') is to set out the approach for East Anglia THREE Limited (EATL) to deliver any project mitigation or management measures in relation to the Southern North Sea possible Special Area of Conservation (pSAC) required by the conditions contained within the Deemed Marine Licences (DMLs) for the proposed East Anglia THREE project.
2. The East Anglia THREE project related measures outlined in the Plan are in place to ensure the avoidance of significant disturbance of harbour porpoise *Phocoena phocoena* in relation to the pSAC site Conservation Objectives, and therefore allow the conclusion of 'no adverse effect beyond reasonable scientific doubt' on the pSAC.
3. The approach and measures listed in the Plan are only in relation to the East Anglia THREE project, and are in response to the conclusions of the Habitats Regulations Assessment (HRA) completed by EATL (Document Reference: Deadline 4/HRA). The HRA concluded that further mitigation and management measures may be necessary in relation to in-combination effects of pile driving noise.
4. Following completion of the Appropriate Assessment (AA) by the Competent Authority it is acknowledged that the Plan may require revision to reflect the conclusions of the AA; it is the AA which will be used to determine any mitigation and management measures that need to be secured in the Plan post consent.
5. It is possible that mitigation and management measures will be required for other plans and projects in the in-combination HRA, but it is not possible for EATL to detail what these will be or how they will be secured, and is therefore outwith the scope of the Plan.
6. The Plan provides a framework for further discussion and consultation by EATL with the Marine Management Organisation (MMO) and other relevant stakeholders including Statutory Nature Conservation Bodies (SNCBs) post consent to agree the exact details of any required project related management measures.
7. Due to the long lead in time for the development of offshore wind farms it is not desirable or possible to provide final detailed method statements prior to consent being granted. However, agreeing guiding principles will allow refinements to be made based on the best available knowledge and technology. A final detailed Plan will be produced closer to the time of construction, following revision and consultation as per the outline schedule in Section 2.
8. At the time of the submission of the Plan the Joint Nature Conservation Committee (JNCC) and Natural Resources Wales (NRW) have undertaken consultation on five sites

to be considered as pSACs for harbour porpoise. The consultation closed on the 3rd May 2016. Ministers will take the final decisions on whether to proceed with the pSACs based solely on the scientific case presented following the initial selection process and consultation responses.

9. Until final decisions have been made, the Conservation Objectives for each site remain as draft and management measures are yet to be confirmed. As such, the Plan should be considered as in Principle until further guidance from JNCC and Natural England is provided. In its final form, the Plan will include updated information on Conservation Objectives and management measures for the Southern North Sea pSAC.

1.2 Draft of relevant conditions in DMLs

10. EATL have drafted the proposed wording for the DML to capture the East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan. Any requirement for capturing mitigation requirements in relation to mortality and injury to marine mammals is captured by the MMMP (and secured in Condition 13(f) of the DML). Any requirements to reduce acoustic disturbance in relation to European Protected Species (EPS) will be captured through the EPS Licencing process (see Section 5.3.1) and any requirements in relation to the Southern North Sea pSAC will be secured by conditions 13-(2) to 13-(4) of the DML.

1.2.1 East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan conditions

11. The draft DML submitted with the DCO did not include any conditions relating to the pSAC. EATL have drafted additional conditions to reflect any potential requirement for projected related management or mitigation measures as outlined in this document following the conclusions of the HRA undertaken by EATL. These have been submitted at Deadline 4 of the examination timeline. The wording of the proposed conditions reflects the fact that the exact measures that may be required will follow the conclusions of the AA. Until the AA is completed and final Conservation Objectives and management measures are provided for the pSAC it is not possible to define the required mitigation or management measures with greater precision.
12. EATL acknowledge that any required mitigation or management measures should be precise, effective and deliverable in order to maintain the integrity of the pSAC. The Plan is designed to ensure that this will be the case once any required measures have been defined. Section 2 provides an outline schedule for refinement and sign off of the Plan.
13. EATL believe that the draft conditions reflect a desire to secure any required measures within the DML, but allow scope for refinement of the measures through consultation once final Conservation Objectives and management measures are available for the pSAC, and once final construction methods for the project have been confirmed. This

will enable use of the most appropriate project related measures to be confirmed based on best knowledge, evidence and proven available technology at the time of construction. This approach will also remove the need to revise the DML wording should the proposed measures change between the time of consent and construction.

14. Proposed conditions:

Pre-construction plans and documentation

13(2) *In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities may not commence until an East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan which accords with the principles set out in the In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.*

13(3) *For the purpose of paragraph (2)*

(a) *the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until*

(i) that Area (or any part of it) becomes a European offshore marine site or a European site; or

(ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and

(b) *harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.*

1.3 Structure of the Plan

15. Following a brief introduction, including details of wording in the DMLs, the in Principle Plan outlines consultation undertaken, an outline schedule for refinement of the Plan, a brief description of the project and a summary of the current status of the Southern North Sea pSAC. It then provides an overview of the conclusions of the HRA; and mitigation and management measures relevant to the pSAC. Following the completion of the AA, post consent, the Plan will be revised and updated.

2 Consultation

2.1 Pre-consent

16. EATL have consulted on the structure and content of the Plan, as well as the associated proposed DML wording, with the MMO and Natural England. Their comments have been taken into account in the drafting of this document and a consultation log is provided as Appendix 1.
17. The Wildlife Trusts and Whale and Dolphin Conservation have also been provided draft versions of this document for comment during the Examination process, but prior to submission for Deadline 4 (15th September 2016) no comments been received by EATL.

2.2 Post consent

18. This section of the Plan will capture any ongoing consultation with the MMO and relevant bodies as required in relation to conditions 13(2) to 13(4) of the DML. EATL accepts that there will be an ongoing requirement to review the need for project mitigation and management measures with the MMO as project design and construction plans are progressed. A consultation programme will be developed at the post consent stage.

2.3 Schedule for agreement of the Plan

19. It is not possible at this stage to determine exact dates for agreement and refinement of the Plan. However, key milestones have been outlined in Table 1 to signpost the likely development of the Plan between consent and construction.

Table 1: Milestones for refinement and agreement of the Plan (Indicative only)

| Indicative stage | When | Action | Relevant Authority/Consultee |
|--|---|---|---|
| In-principle Plan developed | Prior to close of examination | Drafted by EATL, review and agreement in approach. | MMO and Natural England; TWT and WDC |
| Consent granted and AA | Summer 2017 | EATL review in principle Plan, identify areas for revisions/updates. | Internal only |
| Southern North Sea pSAC final Conservation Objectives and Management measures are defined/ further advice is provided/site is adopted. | Unknown (it is not possible to determine when this may occur) | EATL review in principle Plan, identify areas for revisions/updates once further guidance on the pSAC is received. If required EATL will undertake consultation to ensure any required thresholds for disturbance or noise levels are captured in the Plan. | MMO and Natural England, potentially SoS, TWT and WDC |
| Draft design - if applicable | Pre-construction | EATL will be refining the project design during the pre- | Internal only |

| | | | |
|--|--|---|---|
| | | construction period. Updates to design that could impact the conclusions of the AA may be subject to further assessment if deemed appropriate in consultation with the relevant authority. Any updated assessment will also require consideration of mitigation and management measures outlined in the Plan. | |
| Submission and review of draft Plan and any associated documentation | Minimum of 12 months prior to commencement of pile driving | The Plan will be updated to capture all assessments and mitigation measures. Alongside the draft Plan implementation plans, methods statement and monitoring requirements will also be drafted for any required measures. | MMO and Natural England, (draft Plan only- TWT and WDC) |
| Noise Prognosis | Minimum of 9 months prior to pile driving | An updated noise assessment based on final foundation and installation design and installation shall be submitted to the MMO | MMO |
| Final design | Approximately 9 months prior to construction | EATL will confirm the project design and installation techniques during the pre-construction period. Updates to design that could impact the conclusions of the AA may be subject to further assessment if deemed appropriate in consultation with the relevant authority. Based on the final project design, an updated assessment will be undertaken if necessary, this will include consideration of in-combination effects. Updates to the assessment that could impact the conclusions of the AA may be subject to further assessment if deemed appropriate in consultation with the relevant authority. Any assessment will also include the efficacy of mitigation or management measures. | MMO, Natural England, and potentially Secretary of State; |
| Final Plan sign-off | Minimum 4 months prior to commencement of pile driving | The draft Plan will be updated and finalised. | MMO and Natural England |
| Construction monitoring and reporting | Construction (not expected before 2021) | | MMO |

3 Description of Project

20. We have not included a full description of the project in the Plan as this is available in the primary application documentation (see Chapter 5 Description of the Development, (Document Reference 6.1.5) and Chapter 12 Marine Mammal Ecology (Document Reference 6.1.12). However, as the project description is refined post consent this section of the Plan will be updated to reflect any relevant changes.

4 Southern North Sea pSAC for Harbour Porpoise

21. The Southern North Sea pSAC is the largest of the pSACs proposed for the conservation of harbour porpoise. The only qualifying feature of the site is harbour porpoise (the Habitats Directive Annex II species). The Southern North Sea pSAC boundary is based on a modelling prediction of harbour porpoise habitat (Heinänen and Skov 2015), and harbour porpoise densities are linked to this modelled suitable habitat. JNCC (2015) have also defined seasonal (summer and winter) areas of the pSAC reflecting how the importance of the site to harbour porpoise varies.

4.1 Draft Conservation Objectives

22. The draft Conservation Objectives for the proposed Southern North Sea pSAC are designed to ensure that the obligations of the Habitats Directive can be met. Article 6(2) of the Directive requires that there should be no deterioration or significant disturbance of the qualifying species or to the habitats upon which they rely. This Plan sets out how the project will identify, agree and implement suitable and appropriate mitigation measures to ensure that is upheld.

23. The draft Conservation Objectives for the site are (JNCC and Natural England 2016):

To avoid deterioration of the habitats of the harbour porpoise or significant disturbance to the harbour porpoise, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to maintaining Favourable Conservation Status (FCS) for the UK harbour porpoise.

To ensure for harbour porpoise that, subject to natural change, the following attributes are maintained or restored in the long term:

1. *The species is a viable component of the site;*
2. *There is no significant disturbance of the species; and*
3. *The supporting habitats and processes relevant to harbour porpoises and their prey are maintained.*

24. These draft Conservation Objectives ‘are based on considerations of the ecological requirements of the species within the site, yet their interpretation is contextualised in their contribution to maintaining¹ FCS at a wider scale. With regard the Southern North

¹ Maintain implies that, based on our existing understanding, the feature is regarded as being in favourable condition and will, subject to natural change, remain in this condition after designation (JNCC & Natural England 2016).

Sea site, harbour porpoise need to be maintained rather than restored' (JNCC and Natural England 2016).

4.2 Advice on Management Measures

25. Specific management measures are yet to be developed for the pSAC, however JNCC and Natural England (2016) advise that *'the site should be managed in a way that ensures that its contribution to the maintenance of the harbour porpoise population at FCS is optimised, and that this may require management of human activities occurring in or around the site if they are likely to have an adverse impact on the site's Conservation Objectives either directly or indirectly identified through the assessment process'*.
26. In the absence of management measures for the pSAC, EATL are confident that their commitment to develop a MMMP, Project Southern North Sea Site Integrity Plan and EPS licencing in consultation with the relevant authorities in the pre-construction period will ensure that project management and mitigation measures, if deemed necessary, can be enforced and will use the most appropriate methods therefore upholding the Conservation Objectives.

5 Project Mitigation and Management Measures

5.1 Potential Project and In-combination Effects

27. The HRA Screening (Document Reference 5.4, Section 2.5.4) and consultation with Natural England (*Appendix 12.1* (Document Reference 6.3.12 (1)) of the East Anglia THREE DCO application) identified the proposed Southern North Sea draft SAC (dSAC, now pSAC) for harbour porpoise as the only Natura 2000 site for marine mammals requiring further assessment for the proposed East Anglia THREE project. Section 2.5.4 of the HRA Screening (Document Reference 5.4) identified the following potential effects on the harbour porpoise qualifying feature:
- Potential disturbance and displacement as a result of increased noise levels generated during construction;
 - Changes in prey availability during construction, operation and decommissioning; and
 - Increased collision risk with vessels during construction, operation and decommissioning.
28. The potential for any lethal effects and auditory injury (instantaneous onset of Permanent Threshold Shift (PTS)) associated with underwater noise has been screened out of the HRA assessment, as proposed embedded mitigation measures associated with pile driving will ensure this is not a risk for marine mammals (as agreed through the Evidence Plan process and in response to the Preliminary Environmental Information Report consultation (see section 12.1.5.3 of Document Reference 6.3.12 (1)).
29. Other sources of underwater noise (mostly low frequency noise) during installation and operation (such as vessel noise, seabed preparation, rock dumping, cable installation and maintenance, or turbine noise) are not predicted to cause lethal effects or auditory injury (defined as PTS) to marine mammals as assessed in the Environmental Statement (ES; Document Reference 6.1.12). As stated in Table 12.2 of the ES, explosives (which do have the potential to cause lethal effects or injury) will not be used during decommissioning.
30. Based on the draft Conservation Objectives there is no indication that the proposed East Anglia THREE project would not enable the draft Conservation Objectives to be upheld and there should be no potential for a likely significant effect (LSE) from the proposed East Anglia THREE project alone.
31. In order to reach a conclusion of no adverse effect on site integrity, the HRA concluded that in-combination with other plans or projects further mitigation and management

measures may be necessary in relation to potential disturbance from pile driving noise. The potential for an adverse effect on site integrity was not concluded for any of the other in-combination assessments. As such, mitigation or management measures in relation to disturbance from pile driving noise at East Anglia THREE are only considered in this Plan.

32. Until further revisions are made to the other plan and project descriptions and timelines included in the HRA in-combination assessment as well as further guidance being provided by the JNCC and Natural England on management measures for the pSAC, the potential mitigation and management measures for EATL cannot be fully defined. Therefore, EATL have listed project related measures that may be required and that can be secured through this Plan if necessary (see Section 5.4 of this document).
33. Following completion of the AA by the competent authority it is acknowledged that the Plan may require revision to reflect the conclusions of the AA. The AA will be used to determine any mitigation and management measures that need to be secured in the Plan post consent.

5.2 Embedded mitigation and the MMMP

34. Whilst predicted noise levels in very close proximity to the driven pile are comparable to those estimated for injury and mortality, the establishment of exclusion zones and soft-start procedures, through the MMMP, would reduce the risk of injury to any marine mammals located within a few metres of the pile during installation to negligible levels. EATL have provided a draft MMMP (dMMMP) with the DCO application (Document Reference 8.15 of the East Anglia THREE DCO application).
35. The dMMMP is in line with current best practice to prevent mortality and injury to marine mammals from pile driving (JNCC, 2010).
36. The final MMMP will be developed in the pre-construction period and will be based upon best available information and methodologies at that time, in consultation with the relevant authorities. Embedded mitigation has been agreed during consultation with Natural England, as has the approach to developing the MMMP post consent (Document Reference 6.3.12 (1)).
37. The MMMP also secured under Condition 13(f) of the Deemed Marine Licences (DML), and the final MMMP would be agreed with the MMO at least four months prior to construction.

5.3 Licensing

5.3.1 EPS

38. An EPS Licence will be sought from the MMO supported by a detailed risk assessment of the potential risk to harbour porpoise (and any other EPS deemed necessary at the

time of application) based on the finalised project parameters and piling schedule/details.

39. EATL has received written confirmation from the MMO that, based on available information and current evidence provided, the MMO see no reason not to issue an EPS licence under regulation 53 of the Conservation of Habitats and Species Regulations 2010 on submission of an application (Document Reference: Deadline 2/ MMO Letter re EPS Licence/ ECMM14).
40. As stated in section 12.3.2 of Chapter 12 Marine Mammal Ecology of the ES, EATL will commit to the use of soft-start procedures and exclusion zones to prevent the risk of mortality and auditory injury to EPS during pile driving activities.

5.3.2 Marine Licences

41. Associated works which may give rise to potential impacts for underwater noise will be subject to additional licensing (post DCO consent) and notifications e.g. geophysical surveys and unexploded ordnance (UXO) clearance.

5.4 East Anglia THREE Project Southern North Sea pSAC site integrity measures

42. Following the HRA, EATL has determined that project management and mitigation measures may be required, regarding the potential for disturbance to harbour porpoise from pile driving noise.
43. This section of the Plan sets out the measures currently available or likely to be available in the future, which could be applicable to the project. For each of the measures information will be provided to detail in what way it will result in the avoidance of significant disturbance to harbour porpoise and allow the conclusion of 'no adverse effect beyond reasonable scientific doubt' on the pSAC. Note there are two relevant issues to be considered here:–
 - The project design parameters have not yet been confirmed (as detailed in the HRA); and
 - The pSAC management measures are unavailable.
44. The adopted project measures should be agreed and secured in the period between consent and the commencement of piling as per condition 13 of the DML following an updated assessment of the potential impacts from pile driving and an assessment of their efficacy. Potential measures are defined below, however, confirmation of any measure(s) that will be employed cannot be confirmed until project design parameters are finalised, and the final Conservation Objectives and management measures are known for the pSAC. At that point it will be clear what any required measures will be trying to achieve in terms of mitigation.

45. The project measures outlined below are in addition to the mitigation secured within the MMMP.
46. Potential mitigation to be delivered by the project management measures include:
 - Spatial: Minimising the total area of 'disturbance' at any one time. This could be a reduction in the area of the North Sea MU or pSAC which is subject to noise levels (based on a to be determined threshold following further guidance) that may cause disturbance to harbour porpoise; and
 - Temporal: Minimising the duration of additional underwater noise generated through piling events over any given time frame that may cause 'disturbance' to harbour porpoise in the North Sea MU or the pSAC (based on a to be determined threshold following further guidance).

5.4.1 Measure 1: Scheduling of pile driving

47. Amendment of the piling schedule could allow a reduction in the total in-combination area of disturbance from multiple projects, thus reducing the area of the pSAC that harbour porpoise may be avoiding at any one time. It could also be used as a measure to reduce the duration of any in-combination continuous disturbance within a given time period (month, season or year).
48. Amendments to the scheduling of pile driving will allow the MMO to schedule piling, having regard to previous, ongoing and future piling associated with other offshore developments and other activities likely to act in-combination such as seismic surveys.

5.4.2 Measure 2: Alternate foundation methodologies

49. The use of alternate foundation methods, within the consented project envelope, such as suction piles or gravity base foundations, would result in lower noise levels than pile driving during the construction of the wind farm. The in-combination total area of disturbance to harbour porpoise could be reduced by the implementation of alternate methods.
50. Developments are on-going in relation to methods such as vibro-piling and double walled piles which also have the potential to greatly reduce the area of potential disturbance from pile driving.

5.4.3 Measure 3: Noise mitigation systems

51. Noise mitigation systems are currently being developed that enable a reduction of pile driving noise (decibels) at source. These methods currently include various types of bubble curtain, hydro sound dampers, screens or tubes, and cofferdams.
52. By a reduction in the noise at source the total area of potential disturbance to harbour porpoise would be reduced. However, it should also be noted that many of these

measures may increase the total duration of disturbance from underwater noise during foundation installation and this should be a consideration in an assessment of their efficacy.

53. It should be noted that suitability of any noise mitigation system will be dependent on a number of factors including pile diameter and length, ground conditions, and water depth. These factors will be considered in any assessment of the efficacy of the measure. The information to inform this selection will be contingent on the selection of the chosen foundation type and supplier which will only be available once contracts are being finalised post consent and Financial Investment Decision (FID).
54. Prior to the start of construction a noise prognosis for the final design of the windfarm will be prepared and submitted to the MMO. This will clearly set out the predicted noise levels to be generated by the preferred foundation type, installation technique and construction programme. This will then be used to update the commitments within this Plan. An outline of the schedule for this work has been provided in Table 1.

5.4.4 Other potential measures

55. The Plan allows the consideration and assessment of other relevant technologies or methodologies that may emerge in the future. This will ensure that any new technologies or methods that may occur prior to construction can be used during construction of the project.
56. Given the time lag between consent and the start of offshore construction (up to seven years); it is likely that new measures will be available. The Plan should not be restricted to measures only available at the time of consent.

5.4.5 Measures not applicable

57. Seasonal restrictions on pile driving are not included in the Plan as a potential project mitigation or management measure by EATL. While seasonal restrictions to pile driving may be applicable to some projects in order to restrict pile driving to a season in which harbour porpoise are less reliant on part of the pSAC, the location of East Anglia THREE project lies within both summer and winter areas of the pSAC means that a pile driving noise could radiate into both areas throughout the year. Seasonal restrictions could be captured by a schedule of pile driving and EATL believes that inclusion of seasons separately is unnecessary duplication of 5.4.1..
58. Changes in the location of wind turbine generators are not included in the Plan as a potential project mitigation or management measure by EATL. The East Anglia THREE project is located entirely within the pSAC, as such it is not possible to relocate wind turbine generators to locations outside the pSAC, or to maximise distance from the pSAC boundary.

5.4.6 Assessment of efficacy of measures and implementation

59. Prior to the implementation by EATL of any project mitigation or management measures an assessment of the ability of each measure (alone or in combination with other measures) will be required to ensure the approach is able to achieve any required reduction in disturbance to harbour porpoise. The assessment is expected to include a degree of likely confidence in each measure.
60. EATL will work with the MMO and other statutory consultees to ensure that any approach to such assessment, is done in timely manner, and using the most robust approach possible.
61. Following assessment of project mitigation and management measures EATL will work with the MMO to develop a timescale for delivery of any measures, an implementation plan, as well as agree any reporting or monitoring requirements. The implementation plan will include the approach to enforcement of the measures, and how any failures will be rectified.
62. It is anticipated that following the provision of final Conservation Objectives for the pSAC and final management measures, details of acceptable levels of disturbance will be provided, as well as noise thresholds considered to disturb harbour porpoise. This will enable an approach to assessment to be agreed, which will then enable the requirements of any project mitigation and management measures employed by EATL to be identified and consulted upon, and appropriate implementation plans to be developed.

6 Summary

63. The Conservation Objectives for the Southern North Sea pSAC remain as draft and Management Measures are yet to be confirmed. Once further guidance from JNCC and Natural England is provided the Plan will be updated in consultation with the MMO and other relevant bodies.
64. The Plan will be used to capture identification, consultation and assessment of any project management or mitigation measures required to ensure 'no adverse effect beyond reasonable scientific doubt' on the pSAC.

7 References

Heinänen, S. and Skov, H (2015). The identification of discrete and persistent areas of relatively high harbour porpoise density in the wider UK marine area, JNCC Report No.544 JNCC, Peterborough.

JNCC (2015) SAC selection; harbour porpoise *Phocoena phocoena*. Available at: <http://jncc.defra.gov.uk/protectedsites/sacselection/species.asp?FeatureIntCode=S1351>

JNCC and Natural England (2016) Harbour Porpoise (*Phocoena phocoena*) possible Special Area of Conservation: Southern North Sea Draft Conservation Objectives and Advice on Activities. Advice under Regulation 18 of The Offshore Marine Conservation (Natural Habitats, etc.) Regulations 2007 (as amended), and Regulation 35(3) of The Conservation of Habitats and Species.

JNCC et al. (2010). Draft EPS Guidance - the Protection of marine European Protected Species from injury and disturbance. JNCC, CCW and NE. Habitats and Species Regulations 2010 (as amended).

Appendix 1 Table of Consultation

65. A draft of this In-Principle Plan was provided to the MMO for comment on the 30th September 2016. MMO provided comments on the 2nd September. These comments were incorporated into a second draft of the In-Principle Plan, which was then sent to Natural England and the MMO for comment on the 8th September following further discussions with all parties. Natural England provided comments on the 14th September which were then incorporated into this draft.

| Consultee | Comment | Response |
|-----------|---|---|
| MMO | General The document is welcomed to the extent that it provides more clarity on the framework for finalising and implementing the mitigation. However, more clarity on timings of approach including submissions, revisions and provision of supporting information should be included | Noted. Table 1 was added with indicative milestones, including interaction with stakeholders and feedback mechanisms |
| MMO | Section 1.1 Is this document only considering disturbance of harbour porpoise (and not other parts of draft Cos i.e. impacts to supporting habitats and their prey?) | Clarifications added that this is just covering disturbance |
| MMO | Section 1.1 Clarity is needed. Is this to be a certified document? Is it being considered draft until it is submitted to meet DML? | Yes, this will be a certified 'In Principle' document and will work like the MMMP/Monitoring Plan |
| MMO | Section 1.2.1 Mitigation measures should be precise, effective and deliverable and clearly defined. What mitigation should be defined and result from the AA. Important that AA is consulted upon. | Additional text added to clarify links to the Appropriate Assessment |
| MMO | Section 1.2.1 We have some concerns about the proposed wording of conditions but welcome the detangling of MMMP from disturbance of mammals | Since the comments were received there have been further discussions on the wording. EATL welcomes MMO's support on the approach. |
| MMO | Section 5.1 MMO would have expected that the projects considered in combination would be included in this section? It allows understanding of WCS to be considered. | Links to the HRA have been added to the text which includes the projects considered at this stage. |
| MMO | Section 5.1 Mitigation measures would need to be defined enough to provide beyond reasonable scientific advice a conclusion of no AEOI. | Further detail on measures added to section linking to the outcome of the Appropriate Assessment |
| MMO | Section 5.4 Worst case parameters are available for the project | As this is a living document, and worst case assumptions are listed in the HRA, these do not need to be added to this document. |

| Consultee | Comment | Response |
|-----------------|--|---|
| MMO | Section 5.4 Mitigation measures should be defined and secured prior to a decision being made, and the detail finalised and mitigation delivered post consent. They can be revised following changes in design etc. post consent | Noted. However, given the status of management measures EATL cannot provide any values for what the final plan will achieve, therefore only the principles are covered in this document |
| MMO | Section 5.4 Removing certain potential mitigation measures which are not feasible is welcomed to help focus on mitigation measures that are deliverable. | Noted |
| Natural England | General Natural England welcomes the Southern North Sea pSAC Site Integrity Plan as a stand-alone document to set out the approach to delivering any management or mitigation measures that are required to avoid significant disturbance of harbour porpoise and allow the conclusion of no adverse effect on site integrity to be made in relation to the Southern North Sea pSAC from the East Anglia THREE project | Noted |
| Natural England | General Natural England would welcome further consideration and clarity being provided with respect to the timings and submission of work in relation to the delivering of some of the documents described in the Plan as outlined further below. It is imperative that adequate time is allowed prior to construction for consideration and implementation of the most appropriate mitigation and/or management measures. | Noted. EATL will continue to discuss refinement to the indicative milestones provided in this draft. |
| Natural England | Section 1.2 The final part of section 1.2 is confusing and may benefit from re-wording. It is not clear if the intention is to suggest that EPS licensing is the only way to deal with the issue of disturbance. Natural England advises that an EPS licence is not a form of mitigation to reduce acoustic disturbance. It may help to add in the wording ' <i>...to reduce acoustic disturbance</i> ' after the word 'requirements' in the final sentence and to make the intended role of EPS Licensing clearer. | Noted, the wording has been changed as suggested. |
| Natural England | Section 5.4.3 Paragraph 48 states a noise prognosis report shall be prepared and submitted to the MMO prior to the start of construction. Given the complexities that may be involved in this and the implications for mitigation at East Anglia THREE; how long before construction will the noise prognosis be undertaken and can timings be secured in the Site Integrity Plan to ensure that enough time is allowed for it to be properly considered? This would also apply to the assessment of the ability of any mitigation measure alone or in-combination with other measures discussed in paragraphs 53-54. | An indicative timescale of at least 9 months prior to the start of piling has been stated in the timeline. |
| Natural England | Natural England also queries whether, given the potential complexities involved, four months prior to construction is early enough for the MMMP to be submitted as stated in paragraph 31 and secured under Condition 13(f) of the DML. | EATL consider 4 months as the standard for marine licences to be acceptable for submitting the MMMP, however EATL welcome |

| Consultee | Comment | Response |
|-----------------|---|---|
| | | further discussion with the MMO/NE as required. |
| Natural England | Table 1 Natural England welcomes the inclusion of Table 1 in Version 5 of the Plan, but the milestone for 'Submission and Review of draft Plan' is missing and as this includes all the implementation plans, method statements and monitoring requirements, we feel it is key to have this included. | This has now been added with timescale stated of minimum of 6 months prior to pile driving |
| Natural England | Natural England welcomes the clear outlining of which mitigation measures may be feasible for East Anglia THREE. However, we feel further detail should be included for each of these in future iterations of the Plan. | Further detail will added in future iterations of the Plan as more information becomes available |
| Natural England | Section 5.4.5 states that seasonal restrictions on pile driving are not included in the Plan as a potential mitigation or management measure by EATL, but there is no real justification for this provided and Natural England believes a seasonal/appropriate temporal restriction at East Anglia THREE could potentially be beneficial and may help to manage in-combination impacts on the pSAC. Therefore, we would advise that restrictions on pile driving be removed from section 5.4.5 and considered alongside measures 1-3. | EATL agrees that any seasonal restriction is covered by Measure 1 Schedule of Piling and therefore to include both is unnecessary duplication, updated. |