

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Natural England Advice

Document Reference – Deadline 5/ Second  
Written Questions/ NE advice and meeting note/  
HRA13

Date: 28<sup>th</sup> September 2016

Our ref:

Your ref:



**Ms Gillian Sutherland**  
**ScottishPower Renewables (SPR)**

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**BY EMAIL ONLY**

Dear Gillian,

**East Anglia THREE OWF: Habitats Regulation Assessment for the Southern North Sea pSAC**

Thank you for our telecall of 26<sup>th</sup> September 2016 to discuss Natural England's comments, submitted at Deadline 5, with regard to the HRA for the Southern North Sea pSAC. Following that discussion, Natural England provides the following advice for the development of the HRA.

The timeline for publication of management measures for the pSAC and casework guidance is currently unknown and the advice provided herein is therefore subject to change.

In the absence of finalised management measures, Natural England advise the parameters for assessment that were discussed at workshops with industry on 9<sup>th</sup> February 2016, 23<sup>rd</sup> March 2016 and 31<sup>st</sup> March 2016 should be used, as outlined below:

- A distance of 26km from an individual piling location should be used to assess the area of pSAC habitat harbour porpoise may be disturbed from during piling operations.
- Displacement of harbour porpoise should not exceed 20% of the seasonal component of the pSAC at any one time and or on average exceed 10% of the seasonal component of the pSAC over the duration of that season.
- The effect of the project should be considered in the context of the seasonal components of the pSAC, rather than the pSAC as a whole.

In addition, Natural England considers a buffer of 10km around seismic operations should be used in the assessment. We would also welcome the inclusion of unexploded ordnance as a 'noisy' activity that may impact the pSAC and a distance of 26km should be used in the assessment.

Natural England considers this the most appropriate approach to assessing potential impacts of the Project on the pSAC that can be undertaken at this time with the limited information available.

It is Natural England's understanding that it is the Applicant's intention to undertake this further work for submission at Deadline 6 of the Examination. This timeframe will include consultation with Natural England and therefore Natural England will submit a response on the updated HRA at Deadline 6 also.

Yours sincerely,

Claire Ludgate

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**EA3 HRA discussions**  
**Natural England call – 26/09/16**

**Glasgow office:**

Gillian Sutherland (SPR)

Keith Morrison (SPR)

Tom Anderson (SPR)

**On the phone:**

Rachel Furlong (SPR)

Paolo Pizzolla (RHDHV)

David Tarrant (RHDHV)

Alexandra Fawcett (NE)

Rebecca Walker (NE)

Claire Ludgate (NE)

Deadline 4 has now passed. Due to limited resources and tight time scales Natural England (NE) were unable to provide comments on the HRA document relating to the Harbour Porpoise pSAC until late the day before deadline 4. Scottish Power Renewables (SPR) welcomes Natural England's comments and appreciates the feedback however due to the short notice we were unable to incorporate Natural England's comments into the HRA submission at deadline 4.

Natural England clarified they have not changed their advice. The approach SPR have taken to date, to assess impacts against harbour porpoise population numbers at the North Sea management unit level is valuable and appropriate and should be included in future submissions. Natural England would now like the assessment to be put in the context of the pSAC in terms of spatial overlap and potential habitat loss. Natural England continues to provide advice in line with the developments of other projects.

**Latest update on the Harbour Porpoise pSAC:**

The consultation response has been written up and sent to DEFRA for review before submission to the Minister. Draft management advice for certain pressures has also been sent to Defra for review. The department for business, energy & industrial strategy (BEIS) are also reviewing the draft management advice but no timescales have been set out for the review to conclude.

At the present time it is still the SNCB's view that the Harbour porpoise pSAC will not be assessed in relation to site specific population numbers but will be assessed in relation to habitat loss. The current thresholds proposed are:

- 20% habitat loss during any period
- 10% habitat loss across any season

Natural England are not referring to these thresholds as guidance for the time being as this approach has not been confirmed. Instead of stating this as guidance SPR should refer to previous and ongoing discussions with SNCBs.

Natural England believes the boundaries for the pSAC are still the same as those put forward during the public consultation.

**Action – Natural England to confirm pSAC boundaries and send the latest boundary information onto to SPR. (Completed)**

Although SPR recognise that Natural England are waiting for feedback from DEFRA, we have concerns that as nothing has been published regarding the proposed management measures the advice could potentially change and we would be required to make amendments further down the line. Natural England understand SPR’s position but are unable to make any guarantees regarding the need for future amendments. In order to provide an audit trail for SPR and as SPR do not have full sight of information from other projects (Hornsea 1 and 2) referred to in comments, NE will write a letter setting out the requirements for the next iteration of the HRA document.

**Action – Natural England will send SPR a letter clarifying the amendments required in the HRA document including: (Completed)**

- **The use of the 26km as a measure of disturbance distance,**
- **Presentation of the spatial overlap with the pSAC,**
- **Making reference to the habitat loss thresholds**
- **Incorporating of potential UXO detonation and seismic activity**

It is noted that the letter will be worded carefully as NE are not sure of the progress or potential outcomes of the BEIS review.

SPR will issue a note to the Secretary of State for deadline 5 outlining the approach that will be taken and the timescales agreed. This should reduce the amount of questions put forward and make the panel aware of the work being undertaken ahead of future hearings (25<sup>th</sup> October).

**Action – SPR to issue note to the Secretary of State prior to deadline 5**

SPR and Natural England have agreed to the approach and timescales outlined in the table below.

NE to send letter to SPR	By the 30 <sup>th</sup> September
SPR to submit note to SoS detailing the present discussions and an outline of the agreed approach and timescales.	Submission at deadline 5
SPR to make amendments to HRA and send to NE for comment	13 <sup>th</sup> October
NE to provide feedback to SPR	Written response to SPR on the 28 <sup>th</sup> October following discussions before and at the ISH on the 25 <sup>th</sup> of October.
SPR to respond to feedback and make any amendments.	8 <sup>th</sup> November (Deadline 6)

**In-combination assessment**

Natural England agree that the Scottish projects can be removed from the in-combination assessment.

Regarding seismic activity, Hornsea Project One used a 5 km disturbance distance. However following the publication of guidance by DECC 10 km has been accepted as an appropriate distance for assessment (used by Hornsea Project Two). Although Natural England still have reservations with this distance in certain circumstances.

In terms of complexity SPR and NE agree that the assessment can be kept relatively simple and will be based on the piling of the most exterior foundations within the project site (i.e. maximum and minimum overlap with the pSAC, to be done for all in combination wind farms).

SPR will present the worst case scenario and a more indicative scenario to allow comparison. Natural England’s previous issues with the indicative scenarios related to why certain projects had been included and others hadn’t. This needs to be better explained, although it was highlighted that this will be continue to change until the point the HRA is undertaken.

**Action – SPR to add text to explain inclusion/ removal of certain projects from in-combination assessment.**

SPR made it clear that despite trying to replicate the calculations made in the Hornsea two assessment the same numbers cannot be achieved due to changes in project boundaries. This has led to increased overlap and decreased overlap with the pSAC observed for different projects. Natural England agreed that this was fine as long as any differences were clearly justified.

Natural England confirmed that SPR should refer to the approach taken by Hornsea

**Second round of written questions:**

ECMM16	<p>At the first Development Consent Order (DCO) Issue Specific Hearing (ISH) on 29 June 2016, Schedule 1 Part 3 Requirement 5 of the dDCO was discussed. The Applicant described footprints for foundation bases and that wider 4m diameter piles would be required for triangular bases with smaller 3.5m diameter piles for square bases, but the square bases would have a greater pile footprint. Can NE confirm that it is content with the temporal and spatial piling assessment, and that it is immaterial for EIA or HRA assessment whether 3.5m or 4m diameter piles are used in the way the Applicant proposes?</p> <p><i>Note- worst case from ES – 2 piling events on 12m diameter monopiles</i></p>
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	<p><i>using the maximum hammer energy of 3,500kJ.</i></p> <p>Natural England agree that this has already been addressed.</p>
HrA20	<p>The approach proposed by the Applicant in relation to the draft SIP leaves detailed mitigation to be determined post-consent. Is NE satisfied that this approach meets the requirements of the Habitats Directive?</p> <p>Natural England agree that SPR have done all that they can with the given information. Natural England will seek legal opinion and provide a response.</p>

### Summary of actions

Action	Deadline	Status
Natural England to confirm pSAC boundaries and send the latest boundary information onto to SPR.	30 <sup>th</sup> September	Completed Sent to PP by RW on 27 <sup>th</sup> September 2016
Natural England will send SPR a letter clarifying the amendments required in the HRA document	30 <sup>th</sup> September	Completed Sent to GS and PP by CL on 28 <sup>th</sup> September 2016
SPR to issue note to the Secretary of State prior to deadline 5	6 <sup>th</sup> October	Completed
SPR to add text to explain inclusion/ removal of certain projects from in-combination assessment.	13 <sup>th</sup> October	