



Philip Asquith
The Planning Inspectorate
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8th November 2016

BY EMAIL

Dear Mr Asquith

EN010056 Application by East Anglia Offshore Ltd for an Order Granting Development Consent for the East Anglia THREE Offshore Wind Farm: Request for further information

The Wildlife Trusts Reference 10032129

Please find our response below to the request for further information.

The Wildlife Trusts as a named consultee

The Wildlife Trusts (TWT) has considered the points made by the Marine Management Organisation and the applicant at the DCO hearing on the 26th of October 2016 regarding the inclusion of TWT as a named consultee in the DCO in relation to the Site Integrity Plan (SIP) and the Marine Mammal Mitigation Protocol (MMMP). Based on the points outlined below, TWT continues to request to be a named consultee in the DCO.

We appreciate that the applicant has named TWT in the SIP in terms of consultation on the draft SIP post-consent. But as per our response to the Examiners second written questions, we do not believe that the level of consultation outlined is adequate. We would also like to note that TWT is not named as a consultee with regards to the MMMP.

Whilst we support that the MMO will be the signatory for the MMMP and SIP, this gives a great deal of discretion to the MMO as to the mitigation required to achieve no Adverse Effect On Integrity (AEOI) on the Southern North Sea pSAC. At present, we do not know what would constitute AEOI, what mitigation would be required to achieve AEOI and the mechanism the MMO would use to determine this.

The mechanism to determine the level of mitigation to determine no AEOI would normally take place as part of the examination of the application by the Secretary of State. We accept that it is reasonable to determine the detail of mitigation closer to the time of construction when more is known about the project specification, cumulative impacts and viability of mitigation measures. But even in acceptance of this, uncertainties remain in several areas including the in-combination effects of the

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construction of wind farms on the pSAC. Coupled with the fact that guidance on the management of the pSAC has not yet been published by the SNCBs and the uncertainties on what would constitute no AOEI, we believe full transparency is required when the MMO sign off the SIP and MMMP, determining the level of mitigation required. We believe that to be compliant with the Aarhus Convention, 1998 (Articles 6 and 7)¹, there needs to be an opportunity for public participation in the determination of the mitigation required for the Southern North Sea pSAC as outlined in the SIP and MMMP post-consent, and request for TWT to be a named consultee in the DCO in relation to these documents.

Number of turbines in EA1 when built

TWT responded to DECC on 16th February 2016 regarding the non-material change to the EA1 order and stated that “We do not fundamentally have concerns regarding the variation request; indeed a significant reduction in the number of turbines will result in a lesser impact on all marine mammals.” The applicant has recently confirmed to TWT that a reduction to 102 wind turbines will not increase the worst case scenario hammer energy used during installation at 900kJ. As there will be no increase in the level of hammer energy, we believe there are no further implications for the Southern North Sea pSAC assessment, other than those stated previously.

SIP and review of consents

The Examiner discussed at the Hearing on DCO matters if the review of consents will need to be considered in the SIP once the Southern North Sea pSAC is designated. We believe that the SIP should be reviewed once the review of consents has taken place, as the outcome may impact upon the in-combination assessment of the pSAC.

Thank you for your consideration of our submission,
Yours sincerely,



Joan Edwards
Head of Living Seas
The Wildlife Trusts

¹ <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>