

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Applicant's Response to Action Points and Rule 17 Letter

Document Reference – Deadline 6/Action Points
and Rule 17 Response

ISH 24th October – Environmental Matters

ID	Action	Party
1	Applicant to clarify the difference between the minimum square meterage quoted in the skylark mitigation plan and the countryside stewardship scheme option AB4 that was referred to in the Local Authorities' response to Second Written Question EL10.	The Applicant
Applicants response	<p>The letter to Suffolk County Council dated 13 October 2016 (a draft of which was submitted at Deadline 5, Document reference Deadline 5/ Action Points/Draft Skylark mitigation agreement (with SCC)) identifies "two plots [to be] located and prepared in accordance with the Countryside Stewardship option AB4, measuring not less than two metres by two metres, to be managed for ten years specifically as skylark habitat".</p> <p>Countryside Stewardship option AB4 has the following requirements:</p> <ul style="list-style-type: none"> • create fallow plots at least 3m wide and with a minimum area of 16 square metres in winter cereal fields; and • space plots across the field at a minimum density of 2 plots per ha, making sure they are located away from tramlines, boundaries and margins to minimise nest predation. <p>Following discussion with SCC, the Applicant has written to SCC regarding this discrepancy and confirmed that the full requirements for skylark mitigation as specified in AB4 will be accommodated within the payment as per the terms of the letter of 13 October. SCC have responded accepting this and indicating that agreement in principle has been reached for mitigation plots on land with a SCC tenant farmer. A copy of both of these letters is submitted at Deadline 6 (Deadline 6/ Skylark Mitigation Agreement update).</p>	
2	Applicant to provide update on Contract for Difference (CfD) process and how this provides comfort regarding the number of turbines to be built at the East Anglia ONE offshore wind farm (EA1).	The Applicant

Applicants response	<p>The East Anglia One project secured a contract for difference (CfD) for 714MW through the first CfD allocation round in February 2015. Under the terms of the CfD there is no ability to increase the size of the project, only ability to reduce capacity in certain circumstances. Given the restrictions in changes to capacity under the terms of the CfD, under the CfD awarded the EAONE project can only deliver a maximum capacity of 714MW.</p>	
3	<p>Applicant to provide further details, including a plan if necessary, of how the proposed change to draught height has been calculated.</p>	The Applicant
Applicants response	<p>The East Anglia THREE draught height was set at 22m Mean High Water Springs (MWHS) following Marine Guidance Note (MGN 372) for navigational clearance and taking the site conditions into consideration.</p> <p>The Applicant has been in discussion with RSPB in relation to their request to increase draught height for the purposes of reducing collision risk since the beginning of the Examination. Typically such decisions would not be made until post consent at a time when technical and commercial considerations are better understood. However, following a detailed review by internal and external specialists, and having considered the key technical and commercial risks and other relevant constraints, EATL has, at the preconstruction stage, commit to a 2m MHWS draught height increase from 22m to 24m across 70% of turbines. This commitment was positively received by RSPB.</p> <p>There will be no increase to the tip height parameters (up to 247m) set down in the draft Order as a result of this increase in draught height and there will be no spatial restriction on where the turbines with an increased draught height must be installed. The increase in draught height is proposed to be secured through amendments to the parameters in the DMLs (Sch 10 to 11) and also in the parameters contained in the Requirements of the draft Order.</p> <p>Figure 1 below illustrates various turbine height parameters with reference to ordnance datum, including draught height.</p>	

Generally, offshore wind turbines are kept as low to the mean sea level as practically possible to limit the size of the foundations and correspondingly the size of fabrication facilities, transportation vessels and installation cranes. In practical terms, the minimum draught height requirement is driven by the need to keep the turbine rotors sufficiently clear of the foundation working platform to allow maintenance operations to be carried out safely; in particular the blades need to be above the reach of the platform maintenance crane. The platform height is in turn determined by the wave and tidal conditions at the site; the platform is positioned above the maximum wave crest elevation.

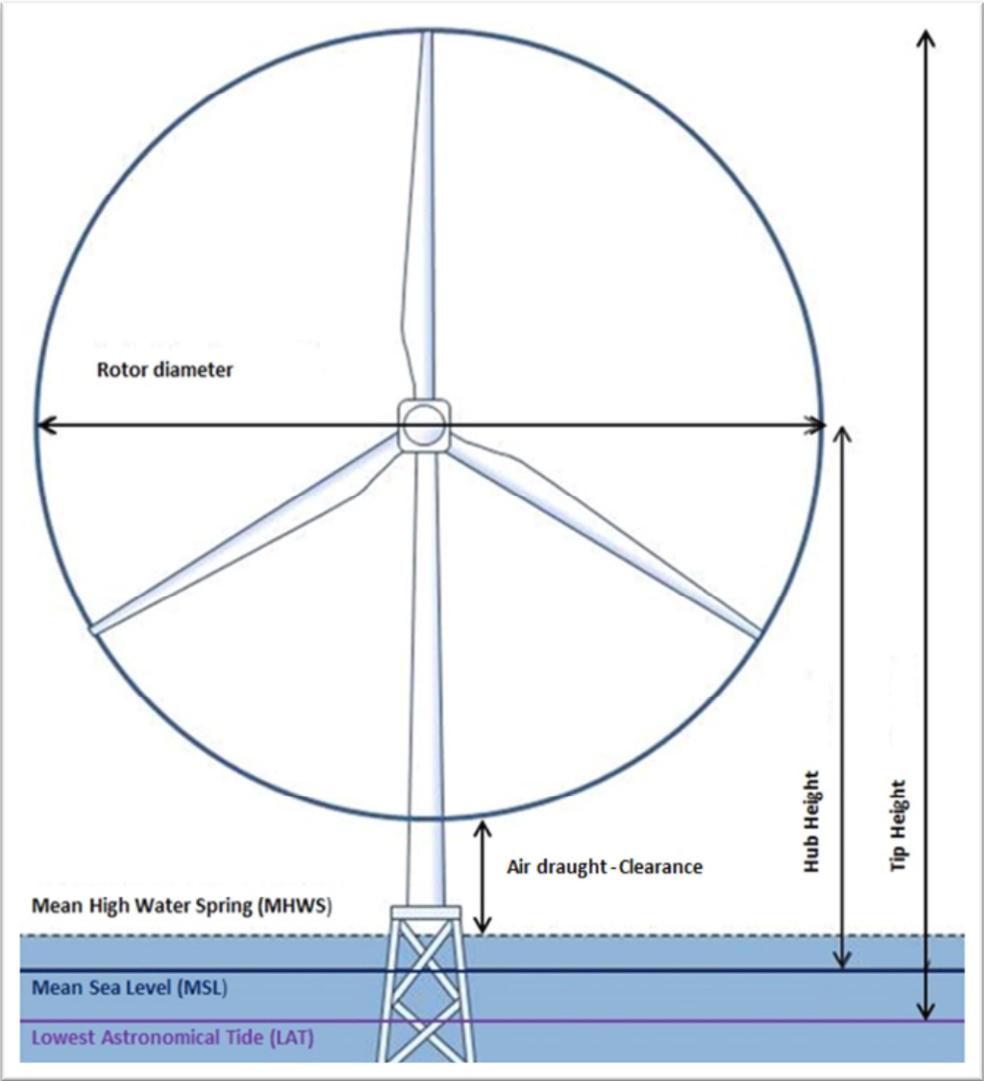
It is prudent to keep the range of potential hub-heights as wide as possible at this stage given the technical risk associated with limiting flexibility to manage both the frequency response and clustering strategy of the foundation design.

The water depths are significant in some areas of the EA3 site and consideration was given to whether increasing the turbine heights could increase loads on the foundations, in particular for monopiles.

Consideration was also given to the risk associated with placing any limitations on turbine parameters as this could significantly impact the economic business case for the development, given that a larger turbine would offer the possibility of increased energy production and more efficient balance of plant. Furthermore, any limitation on turbine choice might significantly impact the supply chain and UK content targets, national and local employment, and infrastructure such as ports and manufacturing facilities.

The Applicant took these factors into consideration in its discussions with RSPB when assessing the potential for an increase in draught height. Given the project variables outlined above and the early stage of the development in relation to ascertaining supply chain, and following an assessment of the reduction in collision risk associated with an increase in draught height, it was agreed that a 2m MHWS increase in draught height to 24m would be acceptable to the Applicant and the RSPB.

Figure 1



4	Applicant to provide information to offer comfort to the Examining Authority on the spacing and location of the 70% of turbines with a greater draught height.	The Applicant
Applicants response	<p>The Band collision risk model estimates collisions using parameters for the turbine specifications, seabird biometrics (e.g. body length, wingspan, etc.), the density of birds in flight (each month) and the proportion which fly at rotor height. The latter value is calculated as a site specific value if there are sufficient observations for robust estimation (i.e. >100) or from data pooled across wind farms for less abundant species (e.g. from Johnston et al. 2014). Thus, the data are site specific at the level of the whole wind farm, but there is no within wind farm spatial aspect. As a consequence, for collision risk modelling it is only the number of turbines at each height which is relevant to the collision estimates. The location of different height turbines within the wind farm footprint has no bearing on the outputs.'</p> <p>Johnston, A., Cook, A.S.C.P., Wright, L.J., Humphreys, E.M. and Burton, E.H.K. (2014). Modelling flight heights of marine birds to more accurately assess collision risk with offshore wind turbines. <i>Journal of Applied Ecology</i> 51: 31-41.</p>	
5	<p>Applicant to consider the need to include details of the amended draught height for 70% of the turbines in the draft Development Consent Order (dDCO), in addition to the proposed amendment to the draft Deemed Marine Licences (dDMLs) (Schedules 10 and 11).</p> <p>(dDMLs) (Schedules 10 and 11).</p>	The Applicant
Applicants response	<p>The increase in draught height is proposed to be secured through amendments to the parameters in the DMLs (Sch 10 to 11) and also in the parameters contained in the Requirements of the draft Order.</p>	
6	Applicant to submit updated southern North Sea potential Special Area of Conservation (pSAC) Habitat Regulation Assessment (HRA) report with updated spatial assessment as	The Applicant

	requested by Natural England for Deadline 6.													
Applicants response	This has been submitted at Deadline 6 (Deadline 6 / HRA / The Applicant).													
7	Applicant to provide updated Site Integrity Plan (SIP).	The Applicant												
Applicants response	The ExA has clarified that the revised SIP should be submitted at Deadline 7													
8	Applicant to consider whether The Wildlife Trusts (TWT) should be a named consultee throughout the DCO.	The Applicant												
Applicants response	The Applicant has addressed this in its written summary of oral submissions. The Applicant considers that it is not necessary or appropriate to name TWT or WDC in the draft Order (or DMLs) given the commitment made to consult TWT and WDC in the SIP.													
9	Local Planning Authorities (LPAs) and the Applicant to provide update on discharge of requirements for EA1 that may have implications for East Anglia THREE.	The Applicant and the LPAs												
Applicants response	See table below which outlines the status of the EA1 discharge of requirements that may have implications for East Anglia THREE. Discharged/projected dates for the discharge of requirements have been set out. Please note that this table is also considered to respond to Environmental ISH Action Point 11.													
<table border="1"> <thead> <tr> <th>East Anglia ONE DCO Deliverable</th> <th>East Anglia ONE DCO Requirement</th> <th>Condition Discharged/ Programmed discharge date</th> <th>Relevant to East Anglia THREE</th> </tr> </thead> <tbody> <tr> <td>Landscape Management Plan Substation Work No. 38 -41</td> <td>Requirement 12</td> <td>14-Sep-16</td> <td>Yes</td> </tr> <tr> <td>Sub-document: Masterplan and Architectural Report</td> <td>N/A</td> <td>n/a</td> <td>Yes</td> </tr> </tbody> </table>			East Anglia ONE DCO Deliverable	East Anglia ONE DCO Requirement	Condition Discharged/ Programmed discharge date	Relevant to East Anglia THREE	Landscape Management Plan Substation Work No. 38 -41	Requirement 12	14-Sep-16	Yes	Sub-document: Masterplan and Architectural Report	N/A	n/a	Yes
East Anglia ONE DCO Deliverable	East Anglia ONE DCO Requirement	Condition Discharged/ Programmed discharge date	Relevant to East Anglia THREE											
Landscape Management Plan Substation Work No. 38 -41	Requirement 12	14-Sep-16	Yes											
Sub-document: Masterplan and Architectural Report	N/A	n/a	Yes											

	East Anglia ONE DCO Deliverable	East Anglia ONE DCO Requirement	Condition Discharged/ Programmed discharge date	Relevant to East Anglia THREE	
	Landscape Management Plan Cable Route Work No 3B-38	Requirement 12	01-Feb-17	Yes	
	Code Of Construction Practice	Requirement 20	28-Oct-16	Yes	
	Archaeology WSI	Requirement 18	25-Jan-17	Yes	
	Ecological Management Plan	Requirement 19 and 27 (2)	16-Dec-16	Yes	
	Landfall Method Statement	Requirement 11	08-Feb-17	Yes	
	To be discharged	n/a = not applicable	Discharged		
10	Applicant to provide access and egress details for primary construction consolidation sites.				The Applicant
Applicants response	This has been submitted at Deadline 6 (Deadline 6/Access and Egress for PCCS)				
11	Applicant to provide project plan for discharge of relevant EA1 Requirements.				The Applicant
Applicants response	See action point (9) above.				

ISH 24th October – Compulsory Acquisition

ID	Action	Party
1	Applicant to submit a 'traffic lights' map of progress on Compulsory Acquisition, with a schedule itemising changes in plot status. This document is also to be refreshed to record the position at Deadline 8.	The Applicant
Applicants response	This has been submitted at Deadline 6 (Deadline 6/ Land Agreements Update)	
2	Applicant to update the landowners' table to include third party discussion. This document is also to be refreshed to record the position at Deadline 8.	The Applicant
Applicants response	This has been submitted at Deadline 6 (Deadline 6/Updated Plot by Plot Analysis).	
3	Applicant and National Grid to confirm the settlement and withdrawal of the National Grid objection.	National Grid and Applicant
Applicants response	Negotiations with National Grid are continuing. Good progress is being made and it is anticipated that National Grid will be in a position to withdraw their objection before the close of the examination. It should be noted that as negotiations currently stand, changes may be required to Part 5 of Schedule 8 of the draft Order which set out the protective provisions for the benefit of National Grid.	
4	Applicant and Anglian Water to confirm the settlement and withdrawal of the Anglian Water objection.	Anglian Water and Applicant
Applicants response	The Applicant and Anglian Water have agreed that there is sufficient flexibility in Part 4 of Schedule 8 (Protective Provisions for the benefit of Anglian Water) to	

	deal with their concern and that no further changes need to be made to Part 4. Anglian Water has requested that an amendment is included to Part 1 of Schedule 8 to clarify that Part 4 applies to Anglian Water and not Part 1. The Applicant has proposed an amendment to Part 1 of Schedule 8 of the draft Order accordingly. Anglian Water has confirmed that they are content with the amendment.	
5	<p>The Applicant is to review the following matters arising from the Statement of Reasons:</p> <ul style="list-style-type: none"> - Explanation of the working space required for cable laying (Para 7.13); - Consider apparent typographical errors (Paras 7.15 & 16); - Explanation of differing dimensions quoted relating to the cable corridor in Paras 7.13, 7.17 and 7.19; - Update of Schedule 1 to the Statement of Reasons. 	Applicant
Applicants response	The matters identified above have been reviewed and a revised Statement of Reasons has been submitted (Deadline 6/Updated Statement of Reasons (Version 4). In relation to the review of matters arising re Schedule 1 the Applicant will submit a schedule of updates to Application documents at Deadline 8.	
7	The Applicant is to submit final refreshed Statement of Reasons, Book of Reference and Land Plans with any changes to respond to ongoing diligence and progress in negotiations.	Applicant
Applicants response	As set out above, an updated Statement of Reasons has been submitted (Ref XXX). An updated Book of Reference and, if necessary, updated Land Plans will be submitted at Deadline 8.	

ISH 25th October – DCO

ID	Action	Party
1	Marine Management Organisation (MMO) and the Wildlife Trusts (TWT) to provide views on the difference between implications of 102 and 150 turbines.	MMO and TWT
Applicants response	The implications of this relate to ornithological impacts. As such the Applicant has provided the information shown in Rule 17 (3) below to RSPB and Natural England for confirmation of their position on this issue.	
2	Article 7 – Applicant to provide update from Crown Estate	Applicant
Applicants response	Negotiations with the Crown Estate are continuing. It is anticipated that agreement as to the wording of the Crown Rights article (Article 37) will be agreed before the close of the examination, although it should be noted that this may require a change to the drafting of that Article within the draft Order.	
3	Local Planning Authorities (LPAs) and Applicant to provide comments on need for 'maintenance' to be specifically referred to in either R18(3) of the draft Development Consent Order (dDCO) or the Surface Water and Drainage Management Plan. An update should be reflected in the updated dDCO if applicable.	The LPAs and Applicant
Applicants response	Paragraph 123 of the revised OCoCP (doc REF) states the following "At the substation, the proposed surface water drainage scheme will be designed to meet the requirements of the NPPF by limiting the post development off site run-off to the existing Greenfield rate and providing sufficient on site attenuation for rainfall events up to the 1 in 100 year rainfall event, plus a 30% allowance for	

	<p>climate change over the lifetime of the development.”</p> <p>Although not explicitly stated, as the Surface Water and Drainage Management Plan will be intended for the lifetime of the development it will include any requirements for maintenance.</p>	
4	<p>Applicant to provide wording for 'commence' definitions along with views received from the LPAs on such wording. An update should be reflected in the updated dDCO if applicable.</p>	Applicant
Applicants response	<p>The Applicant has proposed an amended definition for 'commence' in the draft Order and understand that the LPAs intend to make separate submissions.</p> <p><i>"commence" means:</i></p> <p><i>(a) in relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for pre-construction surveys and monitoring and, (b) in respect of any other works comprised in the authorised project, beginning to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements save that site clearance works landward of MHWS and archaeological works within Work Number 67 must first have been notified to the relevant planning authority for confirmation that the works do not constitute commencement and either:</i></p> <p><i>(i) the relevant planning authority has confirmed that the works do not constitute commencement;</i></p>	

	<p>(ii) <i>no response has been received by the undertaker within 5 working days of notification (the initial period); or</i></p> <p>(iii) <i>within the initial period the relevant planning authority requests in writing an additional period of 10 working days to make such a determination and no response is received by the undertaker within that additional period of 10 working days</i></p> <p><i>then the works shall be construed not to constitute commencement and the words "commencement" and "commenced" are construed accordingly;</i></p>	
5	Applicant to reflect on the definition of 'maintain'. An update should be reflected in the updated dDCO if applicable.	Applicant
Applicants response	The Applicant has amended the definition of 'maintain' in the draft Order (and DMLs) so that it follows precisely the definition contained in the East Anglia ONE Order.	
6	Applicant to consider the inclusion of TWT for consultation. TWT to provide updated position.	Applicant and TWT
Applicants response	The Applicant has addressed this in its written summary of oral submissions. The Applicant considers that it is not necessary or appropriate to name TWT or WDC in the draft Order (or DMLs) given the commitment made to consult TWT and WDC in the SIP.	
7	Requirement 12 – Applicant to update to reduce ambiguity. An update should be reflected in the updated dDCO if applicable.	Applicant
Applicants response	Requirement 12 has been amended in the draft Order accordingly.	
8	MMO to provide views on the appropriateness of being the signatory of the Site	Applicant

	Integrity Plan (SIP).	
Applicants response	As stated at the hearing, the Applicant believes that the MMO would be the most appropriate approval body for the final SIP. The Secretary of State's rationale for including the pSAC condition in the DMLs rather than the DCO is also apparent in the Appropriate Assessment conducted for Hornsea 2. Further detail in relation to this is included in the Applicant's written summary of oral representations.	
9	Applicant to consider stating explicitly in the dDCO or SIP that that a review of the SIP is required upon the designation of any sites after a review of consents.	Applicant
Applicants response	This has been included within the revised SIP in accordance with the MMO's response to the draft SIP. The Applicant will consult further with Natural England, the MMO, WDC and TWT for submission of a revised SIP at Deadline 7.	
10	Applicant to seek views from conservation bodies on the draft SIP prior to submission to the Planning Inspectorate. These responses are to be submitted alongside the draft SIP.	Applicant (by Deadline 7)
Applicants response	See action point (9) above.	
11	Applicant to update the Plan of Plans [REP5-015], signposting any updates to plans.	Applicant
Applicants response	This has been submitted (Deadline 6/ Revised Plan of Plans/ The Applicant).	
12	Applicant to set out latest position on draft SIP.	Applicant
	The Applicant is updating the SIP to account for comments received at Deadline 5. The main amendments proposed are referred to within the Applicant's	

	<p>Comments on Responses to the ExA's Second Questions (Deadline 6 / Comments on ExA 2nd - WQs / Applicant).</p> <p>The Applicant will consult further with Natural England, the MMO, WDC and TWT for submission of a revised SIP at Deadline 7.</p>	
13	Applicant to set out one final approval body for each plan to ensure more than one body is not responsible for signing off any one document.	Applicant
Applicants response	This has been amended in the revised Plan of Plans (Deadline 6/ Revised Plan of Plans/ The Applicant).	
14	Applicant to ensure that where versions of plans are referenced in the dDCO, these need to be updated where necessary.	Applicant
Applicants response	The Applicant has updated references to certified documents in Article 32 of the draft Order as necessary.	
15	A final audit of the Plan of Plans is to be carried out at the end of the examination and submitted for D8.	Applicant
Applicants response	This will be undertaken in due course.	
16	Applicant to ensure that the Construction Environmental Management Plan (CEMP) is tied into the Plan of Plans.	Applicant
Applicants response	The OCoCP is the principal document in a hierarchy of documents, it sets out the key principles to be adhered to during construction and in high level terms the means by which they should be achieved. The OCoCP will be finalised before construction commences and once signed off by the local planning authorities will become the CoCP.	

	<p>The terms of the CoCP will be used to produce a Project Environmental Management Plan (PEMP). The PEMP will set out how the Applicant intends to manage environmental risks associated with the development, including the onshore construction works and will set out specific control measures necessary to deliver the requirements of the CoCP and any other mitigation measures that have been committed to that relate specifically to the construction phase of the project. The PEMP also includes the minimum requirements, for inclusion within Construction Environmental Management Plans (CEMPs) to be produced by contractors according to their specific construction activities, and sets out guidance and best practice for their implementation at construction sites.</p> <p>Contractors undertaking work on behalf of the Applicant will be screened and selected, using a variety of criteria that include environmental credentials. Where works have the potential to impact the environment, contractors are required to prepare a CEMP, reflecting their identified environmental risks. An individual CEMP will therefore be prepared for each major scope of work. For each activity, the contractor produced CEMP will also identify the specific construction work process/aspects, the environmental impact of each process/aspect, the mitigation measure/best practice to be used and the relevant procedure or method of work to be followed. Note that to reduce ambiguity within the OCoCP, the text has been updated to change 'project CEMP' to PEMP. The revised OCoCP has been submitted (Deadline 6 / 8.1 OCoCP V2/ Applicant)</p>	
17	Applicant to clarify in which situations a CEMP would be required.	Applicant
Applicants response	A CEMP would be required wherever onshore construction works have the potential to impact the environment and will be based upon the principles outlined in the PEMP. CEMPs will be required for each part of the onshore works where the impacts differ, as relevant to any particular location in which those works are to be carried out (e.g. a CEMP for transition bays and jointing bays would be the same, but the requirements of a CEMP for construction of the	

	substation would be different). However, all CEMPs will adhere to the same set of principles selecting the relevant ones for the particular work.	
18	Applicant to consider the listing of a CEMP in R22 (2) of the dDCO.	Applicant
Applicants response	The PEMP and any CEMPs will be subsidiary to agreed principles within the final CoCP. Given that the CoCP is secured in the draft Order (through reference to the certified OCoCP), the Applicant considers that the PEMP and CEMP are already adequately secured within the draft Order.	
19	Applicant to consider the need to specifically refer to the Bat Conservation Trust guidance for lighting.	Applicant
Applicants response	The Applicant has renumbered the conditions within Schedules 14 and 15; Schedules 10 – 13 were unaffected. A note which sets out a comparison of the DML condition numbers between the various DMLs is attached (Deadline 6/Note of DML Referencing).	
20	Applicant and MMO to undertake a re-referencing exercise to ensure that the numbering in the dDMLs is sequential. To ensure that the evolution of the document can be tracked, a note should accompany this explaining the changes.	Applicant
Applicants response	The Applicant has renumbered the requirements within Schedules 14 and 15, Schedules 10 – 13 were unaffected.	
21	Statement of Common Ground (SoCG) between Eni UK Limited (Eni) and the Applicant, to include both areas of agreement and disagreement between the parties. If agreement has not been reached, each party should append their preferred protective provision.	Applicant and Eni
Applicants	Since 26 October EATL and Eni have discussed preparation of a Statement of	

response	<p>Common Ground and have concluded that, in light of their respective positions, each party should make their own submission at Deadline VI. A draft of the submission has been submitted to Eni for comment and to allow Eni to respond at Deadline VI. EATL have in turn not seen Eni's draft submission in sufficient time to comment on it before Deadline VI and must therefore reserve the right to respond to it, if necessary, at Deadline VII.</p> <p>EATL has submitted its own Position Statement at Deadline VI (Deadline 6/Applicant's Position Statement re Eni UK Limited)</p> <p>EATL propose that if, contrary to their primary contention that no protective provision is required at all, the ExA were to recommend the inclusion of some form of protective provision in the draft Order, that those provisions take the form of those submitted at within the above noted position statement.</p>	
22	Eni and Applicant to provide information regarding the buffers required for infrastructure.	Applicant and Eni
Applicants response	<p>Safe working distances (buffers) are likely to be required for the purposes of health and safety and the protection of assets during the construction, operational and decommissioning phases of the East Anglia THREE project. Other sea users or project developers will, where appropriate, be required to respect specified buffers as designated by EATL for these purpose. It should be noted however that until such times as the detail of any potential interface is clearly understood, exact detail of buffer requirements cannot be specified with complete certainty. Nevertheless the following key buffers could apply depending on the circumstances and therefore may be of relevance:</p> <ul style="list-style-type: none"> • Under the Energy Act 2004 a 500m safety zone may apply around each turbine during construction • Turbine safety zones for the operational period may also be applied for if required 	

	<ul style="list-style-type: none"> • It is probable that pipeline crossings with array cables would be undesirable due to proximity of wind farm structures. Export cable/pipeline crossings would all require prior agreement • There are Deep Water Shipping routes to the east and west of the site, a 2 nautical mile buffer is applied to the east and a 1 nautical mile buffer applies to the west. It is unlikely the MCA will permit any structures between the windfarm and the deep water route • MCA will have concerns on the access and egress from the windfarm site for Search and Rescue Operations. They will require to have clear air space • A minimum of one kilometre separation from turbine and associated above sea assets but this would require to be on the basis of risk assessment once detail of interface is known • A 250m buffer is likely to applied to either side of windfarm export and interconnection cables <p>Once detail is known about the type, extent and location of any Eni assets that may interface with EATL assets, firmer details can be provided on these matters.</p>	
23	Applicant to liaise with MMO regarding the review of consents process and any impact on this Examination.	Applicant and MMO
Applicants response	The Applicant understands that the MMO is not currently conducting any review of Marine Licences (or licence conditions more generally) and that this therefore has no impact on the examination. To the extent that a review of any consent is required pursuant to regulation 27 of the Offshore Marine Conservation (Natural Habitats) Regulations 2007 (as amended) following any designation of the pSAC to a SAC, the Applicant understands that this would be conducted by the Secretary of State as soon as reasonably practicable after the date of SAC designation.	

Rule 17 letter

ID

Action

Party

Number of Turbines in East Anglia ONE when built

1	<p>The issue was discussed at the second Environmental Issue Specific Hearing (ISH) and the third Development Consent Order (DCO) ISH regarding the proposal that East Anglia ONE Ltd (EA1) will only build out its consent to 102 turbines. This has not been secured. The East Anglia ONE Offshore Wind Farm Order 2016 (as amended) (EA1 DCO) can still be fully implemented and up to 150 turbines can be constructed with the HVAC option. The ExA needs to take this into consideration in its recommendations and therefore seeks further information as set out below.</p> <p>As the proposal to reduce the number of turbines to be constructed under the EA1 DCO to 102 has not been legally secured, the ExA must consider this application on the basis that up to 150 turbines can be constructed under the EA1 DCO. Please can NE and RSPB give their views on the basis of 150 turbines being used for assessment purposes?</p> <p>Are there any implications for Environmental Impact Assessment (EIA) or Habitats Regulations Assessment (HRA) conclusions?</p> <p>What are NE's and RSPB's views in respect of conclusions on adverse effects on the integrity of the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA?</p>	Natural England (NE) and the Royal Society for the Protection of Birds (RSPB)
---	---	---

Applicants response	<p>The Applicant has provided a note (Deadline 6 / CRM 150 turbines / The Applicant) which considers collision risk for East Anglia ONE with the theoretical 150 turbines, both with regard to cumulative and in-combination effects. This note was provided to both Natural England and the RSPB. The RSPB's responses to the Rule 17 letter, which are included in the note, confirm that they do not believe that an increase in turbines from 102 to 150 would have any implications for the EIA or the HRA (including effects on integrity of the Flamborough and Filey Coast pSPA/Flamborough Head and Bempton Cliffs SPA.</p> <p>As discussed in the note the Applicant does not consider that there are any implications in either EIA or HRA terms if the 150 turbine scenario were to proceed.</p> <p>The Applicant understands that Natural England will submit their response to this action directly to the ExA at Deadline 6</p>	
2	What in the MMO's view are the implications if assessment is based on the use of 150 turbines as opposed to 102 turbines?	Marine Management Organisation (MMO)
Applicants response	n/a	
3	<p>The revised Collision Risk Modelling (CRM) submitted at Deadline 5 [REP5-026] includes at Appendix 3 the monthly and annual collision mortality for five species assessed for EA1 using Band Option 1. The main body of the revised CRM presents the cumulative and in-combination modelling results using 102 turbines and the amended design for East Anglia THREE (EA3). To ensure the ExA has sight of a full assessment for the 150 turbine scenario, the Applicant is requested to provide a CRM note detailing the cumulative consented totals for the five species, for EIA purposes, and the in-combination totals for HRA purposes, using the 150 turbine data provided in Appendix 3 and the updated design for EA3.</p> <p>If the Applicant wishes to rely on a maximum of 102 turbines being constructed</p>	The Applicant

	under the EA1 DCO, the Applicant is requested to explain how this can legally be secured in the absence of an amendment to the EA1 DCO. Please provide legal authority for your submissions.	
Applicants response	<p>The Applicant has provided a note (Deadline 6 / CRM 150 turbines / The Applicant) which considers collision risk for East Anglia ONE with the theoretical 150 turbines, both with regard to cumulative and in-combination effects.</p> <p>Given that the differences between the 102 and 150 turbine cases are minimal and do not materially alter the cumulative or in-combination conclusions, the Applicant does not believe that there is a requirement to legally secure the 102 turbine design.</p>	
4	Is the MMO content that the Applicant's proposed amendments to the wording of Condition 1 (Design Parameters) of the draft Deemed Marine Licences (dDMLs) within Schedule 10 and 11 of the draft DCO (dDCO), as suggested in the Applicant's answer to Second Written Question HRA11 [REP5-012], secures the construction of 70% of the total number of turbines with an increased draft height, and is enforceable?	MMO
Applicants response	The Applicant and the MMO have discussed the drafting of the proposed parameter to secure the increase in draught height in the relevant DMLs and the Requirements of the draft Order. The MMO has queried whether the drafting could be amended to make the parameter more precise. Discussions in relation to this matter are ongoing and a further update will be provided to the Examining Authority as soon as possible.	
5	Does Requirement 2 (detailed offshore design parameters) in Schedule 1, Part 3 of the dDCO also need to be amended to reflect the proposed change?	MMO
Applicants response	The Applicant confirms that an amendment has been made to Requirement 2 of the draft Order to secure the draught height increase proposed.	

6	It is noted that the most recent Statements of Common Ground (SoCGs) between the Applicant and RSPB and the Applicant and NE were provided at Deadline 2 [REP2-049 and REP2-053]. These included a number of outstanding items in relation to offshore ornithology in particular. Given the length of time since their submission, and changes in the design, modelling and assessment during the course of the Examination, please could the Applicant update the SoCGs with these parties and submit for Deadline 6?	MMO NE and RSPB
Applicants response	The ExA has clarified that revised SoCGs are to be submitted at Deadline 7.	
Southern North Sea Possible Special Area of Conservation (pSAC) and Greater Wash potential Special Protection Area (pSPA)		
7	The Applicant is requested to provide screening and integrity matrices for the Southern North Sea pSAC to accompany its updated Southern North Sea pSAC HRA report to be submitted at Deadline 6. The matrices should be produced in accordance with guidance contained in Planning Inspectorate Advice Note 10.	The Applicant
Applicants response	These have been submitted at Deadline 6 (Deadline 6 / Screening and integrity matrices / The Applicant).	
8	NE, TWT, WDC and MMO are requested to comment at Deadline 7 (8 December 2016) on the updated version of the Applicant's Southern North Sea pSAC HRA report which the Applicant will be submitting at Deadline 6. In particular, any outstanding areas of disagreement should be highlighted. The Applicant is requested to provide a final response on these Deadline 7 comments at Deadline 8 (15 December 2016) together with updated SoCGs.	NE, The Wildlife Trusts (TWT), Whale and Dolphin Conservation (WDC) and MMO

Applicants response	The Applicant will continue to liaise with the MMO, Natural England, TWT and WDC in relation to the HRA report and will provide its response to any comments submitted to the ExA (at deadline 7) by those parties at Deadline 8. Furthermore any updated SoCGs (to the extent not previously submitted at Deadline 7) will be submitted at Deadline 8. Through the updated SoCGs and the responses to Deadline 7 and 8 all outstanding areas of disagreement will be highlighted.	
9	As the Greater Wash pSPA is now out for public consultation, could NE and RSPB confirm their views in relation to any likely significant effects on the pSPA as a result of the EA3 project?	NE and RSPB
Applicants response	The Applicant can confirm that the pSPA has already been considered within the application documents which support the East Anglia THREE application.	
Skills strategy		
10	LPAs are asked to confirm their views on a need for a skills strategy for EA3, having reflected on the Applicant's statement made at the Environmental ISH on 25 October 2016 that the skills strategy for EA1 had not been taken into account in the EA3 Environmental Statement (ES) baseline, that the ES found no significant impact and that therefore the Applicant considers that there is no need for a skills strategy for EA3.	Local Planning Authorities (LPAs)
Applicants response	The Socio Economic Impact Assessment undertaken by East Anglia THREE does not include the EA1 skills strategy in the baseline assessment that determines labour market sensitivity. The sensitivity of the labour market is defined using the criteria outlined in Table 28.3 (Socio-economic Sensitivity Criteria) of Chapter 28 of the East Anglia THREE Environmental Statement (Document 6.1.28). Table 28.9 (Assessed Sensitivity of each areas labour market) summarises the reasons	

	<p>for the assessed level of labour market sensitivity. As indicated in the chapter this is based on existing labour market profiles using Experian 2015 Labour Market Data.</p> <p>SPR and SCC have agreed a position statement which has been signed by both parties and is submitted as part of Deadline 6. (Deadline 6/ SPR and SCC position statement on skills).</p>	
11	<p>Regarding the skills strategy, is document REP1-009 still the most up-to-date skills strategy for EA1 and is it expected to need updating? Any updated document should be submitted into the Examination at Deadline 6.</p>	LPAs
Applicants response	<p>The EA1 skills strategy submitted at Deadline 1 (Document REP1-009 contained some minor typographical errors. The final version as agreed with the local planning authorities is submitted at Deadline 6 (Deadline 6 / Environmental ISH/EAONE Skills Strategy).</p> <p>In December 2015 Suffolk County Council, Mid Suffolk District and Waveney District Council approved the East Anglia ONE Skills Strategy. Since January 2016 East Anglia ONE has been implementing the strategy in the following ways;</p> <ol style="list-style-type: none"> 1. Attendance at Skills Events including The Big Bang in June 2016, The Suffolk Skills Show October 2016 and planned attendance at East of England Energy Group Skills for Energy Conference November 2016. At each event ScottishPower Renewables brings virtual reality headsets to introduce children to offshore and onshore windfarms. These events are also used as an opportunity to present information about a career in renewable energy and the East Anglia Offshore Wind projects. 2. ScottishPower Renewables and The Mason Trust have arranged four career talks in schools with engineers from the offshore wind business of ScottishPower Renewables. These talks have been hosted in colleges and schools across East 	

	<p>Anglia and a programme to host more of these next Spring and next Autumn is underway.</p> <p>3. ScottishPower Renewables has joined the East of England Energy Group Skills for Energy sub group with other developers and suppliers in the region. This provides a forum to contribute to regional skills topics and organisation of the Skills for Energy Sub Group.</p> <p>4. In June 2016 ScottishPower Renewables and Siemens agreed a 5 year skills and training plan focused on the offshore wind sector. Siemens will support the activity of ScottishPower Renewables through career talks, college engagement and promotion of STEM at careers events.</p> <p>5. In September 2016 four students at University of East Anglia began their Iberdrola sponsored masters as part of the Iberdrola foundation programme. This sponsors students pursuing an engineering based post-graduate programme.</p>	
Updated documentation		
12	<p>The ExA requests that any outline documents that have been updated since they were last submitted into the Examination by the Applicant should be submitted for Deadline 6 (to be accompanied by tracked change versions) to enable comments to be made by all IPs at Deadline 7, with further responses to be made at Deadline 8.</p> <p>Where documents are updated to address typographical errors and other such minor matters, final versions should be submitted by Deadline 8. The ExA has noted that the Applicant plans to submit the following updated documents at Deadline 6:</p> <ul style="list-style-type: none"> • Outline Landscape and Ecological Management Strategy (OLEMS); • Outline Code of Construction Practice (COCP) 	

	<ul style="list-style-type: none"> • Outline Written Schemes of Investigation (WSIs) • pSAC HRA report • The ExA would also welcome the Applicant’s updated draft Site Integrity Plan at Deadline 6. • The ExA would also welcome the Applicant’s updated draft Site Integrity Plan at Deadline 6. 	
Applicants response	<p>These have been submitted at Deadline 6 (Deadline 6 / OLEMS V2/ Applicant; Deadline 6 / OLEMS V2/ Applicant; Deadline 6 / 8.1 OCoCP V2/ Applicant).</p> <p>As stated above, the revised SIP will be submitted at Deadline 7.</p>	
Final submissions of draft DCO and other documentation		
13	<p>The Applicant is requested to ensure that the following documentation is submitted at Deadline 8:</p> <ul style="list-style-type: none"> • final draft DCO in Word and PDF • final draft DCO showing the changes from the application version • final draft DCO showing the changes from the previous version • final draft DMLs, renumbered, and renumbering explained • updated Explanatory Memorandum 	
Applicants response	<p>The Applicant can confirm that these documents will be submitted at Deadline 8.</p>	

