



Philip Asquith  
The Planning Inspectorate  
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7<sup>th</sup> December 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**

**Response to Rule 17 Letter dated 28<sup>th</sup> October 2016**

*Southern North Sea Possible Special Area of Conservation (pSAC) and Greater Wash potential Special Protection Area (pSPA)*

*Request to NE, The Wildlife Trusts (TWT), Whale and Dolphin Conservation (WDC) and MMO 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.*

**1. Southern North Sea HRA report**

- 1.1 This response is focused on the spatial assessment now included in the HRA report. Please see our previous responses on the wider HRA at deadline 5<sup>1</sup>.
  
- 1.2 The Wildlife Trusts (TWT) is pleased to see that a spatial assessment for the pSAC has been undertaken. However, due to a lack of adequate formal guidance from the SNCBs, we cannot agree with the conclusions of no LSE for the impacts of pile driving noise alone and in-combination impacts (wintering area). It is critical for all future wind farm projects that guidance on noise disturbance management in relation to harbour porpoise pSACs is published and consulted upon with all

<sup>1</sup> TWT deadline 5 response <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010056/EN010056-001617-The%20Wildlife%20Trusts%20-%20Response%20to%20nd%20Qs.pdf>

**The Wildlife Trusts**

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friendly paper*

interested parties as soon as possible.

- 1.3 TWT welcomes the SIP as an approach to the delivery of mitigation and management measures to address the impact of the in-combination effects of pile driving noise on the Southern North Sea pSAC. However, again due to the lack of guidance from the SNCBs, we still cannot agree no AEOI from pile driving noise on the pSAC. We have concerns regarding the lack of mitigation which may be available in relation to disturbance from pile driving noise as a result of the spatial assessment, in particular in relation to the alone assessment and in-combination winter assessment. We believe further refinement of the HRA and SIP will be required once further information and advice is available from the SNCBs, and we are pleased to see that the applicant has reflected this in the SIP. TWT considers it important for the outcomes of the review of consents to be taken into account when developing mitigation for the in combination effects of pile driving noise as part of the SIP.
- 1.4 We also believe that some work needs to be undertaken to understand the cumulative temporal in-combination impacts of pile driving noise e.g. what will be the impact over time on the number of areas which will be temporarily unavailable to harbour porpoise within the pSAC. We recognise that this is outside the scope of this project and should be undertaken at a strategic level.

## **2. Statement of Common Ground**

- 2.1 TWT has updated the Statement of Common Ground with the applicant and we are pleased that we have reached agreement for further consultation with TWT post-consent on the SIP. It has also been agreed that copies of the MMMP will be provided. However, we still seek confirmation that the MMO, as the Competent Authority, will consult with TWT on the final SIP and MMMP before approval is given. As stated in our previous responses, a precedent has been set from the Hornsea 2 project whereby TWT was named on the DCO as a consultee, allowing compliance with the Aarhus Convention (pillar 2 on public participation and decision making). We wish to pursue the same level of consultation here.

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



Joan Edwards  
Head of Living Seas  
The Wildlife Trusts