

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Applicant's Comments on the ExA's REIS Report

Document Reference – Deadline 7 / Comments on
REIS / Applicant

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Date – December 2016
Revision History – Revision A

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1 Introduction

1. This document contains the Applicant's comments on the ExA's "Report on the Implications for European Sites Proposed East Anglia Three Offshore Wind Farm" (the REIS report).

1.1 Table of comments

ID	Comment and Applicants response
3.16, Table 4.3, Annex 3 1.153	<p>With respect to the Outer Thames Estuary pSPA reference is made to “best practice for vessel movement” – this point is also made as a request for further information in the Rule 17 letter of 17th November</p>
Applicant’s response	<p>The Applicant and Natural England have agreed the principles which will be used when establishing best practice vessel operations. These principles are reproduced within our response to the Rule 17 letter (Deadline 7/Response to Rule 17 Letter /Applicant).</p> <p>Detailed best practice guidance for vessel operations will be prepared by the Applicant and approved by the MMO, prior to construction of the wind farm as part of the project environmental management plan, and will be in line with these principles for both the construction and operational phases of East Anglia THREE. The Applicant proposes amendments to condition 13 of the deemed marine licences (Schedules 10 – 15 of the draft Order) to secure this as follows</p> <p><i>13(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO....</i></p> <p><i>(c) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of....</i></p> <p><i>(v) vessels and vessels transit corridors, which minimises disturbance to red throated diver</i></p> <p><i>(d) A project environmental management plan covering the period of construction and operation to include details of....</i></p> <p><i>(vi) procedures to be adopted within vessels transit corridors to minimise disturbance to red throated diver</i></p> <p>These amendments to condition 13 have been agreed with both the MMO and Natural England.</p>
4.23	<p>With respect to the Southern North Sea pSAC</p> <p>The current position of the SNCBs and IPs at the point of issue of the RIES is as follows:</p> <p>TWT do not agree that there would be no likely significant effects from the project alone in relation to the pSAC draft conservation objectives 1 and 2 (as concluded in the Applicant’s Deadline 4 SNS pSAC HRA report [REP4-011] reviewed by TWT), and consider that likely significant effects cannot be ruled out in relation to the in-combination effects from piling activity, on harbour porpoise prey species, and in respect of collision risk;</p>
Applicant’s response	<p>With regard to piling impacts the Applicant considers (in line with the revised HRA, REP6-021) that alone there is unlikely to be potential LSE, whilst in-combination there is potential for LSE (for the summer season area) depending upon the number of</p>

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	<p>projects piling simultaneously.</p> <p>The Applicant responded to non-piling points in REP6-023 (Comments on Responses of Other Parties to Second Written Questions), Table 1.8 – for both points, TWT stated that they did not agree with the conclusions as “a fully quantified assessment has not been undertaken”</p> <p>With regard to impacts on prey species,</p> <p><i>1.7 The cumulative impacts upon prey species were assessed as part of the ES, Chapter 11 Fish and Shellfish Ecology (APP-119) assessment, Natural England agreed in the SoCG that: “the assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Fish and Shellfish Ecology are likely to be non-significant in EIA terms.”</i></p> <p><i>It was agreed with Natural England during the Evidence Plan process that commercial fisheries were part of the baseline. Commercial fisheries were therefore included in the assessment in this way</i></p> <p>The Applicant believes that the REIS report should note that the Applicant has responded on this point and that the assessment was agreed by Natural England in EIA terms, and further that Natural England has to date not commented upon this aspect of the HRA.</p> <p>With regard to collision risk</p> <p><i>1.8 The Applicant considers that it is not possible at this stage to undertake a full quantified assessment of in-combination collision risk. The approach taken for the assessment has been consulted on and agreed with Natural England.</i></p> <p>In the Environmental Statement Chapter 12 Marine Mammal Ecology (APP120) it was noted in section 12.6.1.5 (paragraph 379) that there was limited evidence from available data (i.e. post-mortem examination) of harbour porpoise susceptibility to vessel collision. Combined with the low densities of individuals it was concluded that impacts from collisions would be of negligible significance. It should be noted that Natural England agreed in the SoCG (REP2-053) with the conclusions of the ES both for project alone and cumulative assessments. The Applicant believes that the REIS report should note that the Applicant has responded on this point and that the assessment was agreed by Natural England in EIA terms, and further that Natural England</p>

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	has not provided any comment with regard to the assessment of collision impacts within the HRA to date.
4.14; Table 4.3; Annex 3 1.49, 1.61, 1.72	With regard to the Flamborough and Filey Coast pSPA, <i>“turbine height”, “height of turbine hubs”</i>
Applicant’s response	The Applicant notes that there is some inconsistency in the description of the commitment to raise the draught height of turbines. Paragraph 4.14 describes <i>“changes to turbine height”</i> , Table 4.3 states <i>“Applicant to raise the height of turbine hubs”</i> , Annex 3 paragraphs 1.49, 1.61 and 1.72 mention <i>“turbine heights”</i> . In all cases this should be stated as an increase in turbine draught height to avoid any confusion.
Table 4.3	With regard to the Southern North Sea pSAC , it is noted that the MMO are not in agreement with the conclusions of the HRA.
Applicant’s response	<p>The Applicant questions whether it is appropriate to name the MMO here as they have previously indicated (as per the SoCG, REP2-055) that</p> <p><i>“MMO is neither the competent authority nor SNCB for this case therefore defers to the opinion of the relevant SNCB, NE, on all matters relating to HRA”</i></p> <p>The Applicant considers that the MMO’s comments regarding the pSAC have been restricted to those regarding the implementation of management measures through the EPS licence, dMMMP and IPSIP.</p>
Annex 3, 1.90	<p>WDC set out in its WR [REP2-008] its concerns about the noise pollution resulting from pile-driving and its potential to displace harbour porpoise from the Southern North Sea pSAC. It commented on methodological concerns, including:</p> <ul style="list-style-type: none"> • the methodology for the boat-based surveys used was not adequate for assessing relative marine mammal abundance; • the area covered in the boat-based surveys was not large enough to fully assess the population of marine mammals that could be impacted; • the surveys covered the East Anglia ONE project site and did not extend to the East Anglia THREE project site, resulting in insufficient and imprecise data; and • further dedicated marine mammal surveys should be undertaken.
Applicant’s response	<p>The Applicant believes that the REIS report should note that survey methods and data requirements for both the EIA and HRA assessment were agreed in the SoCG with Natural England (REP2-053), specifically that:</p> <ul style="list-style-type: none"> • The site specific survey methods, duration and data analysis are sufficient to characterise the existing environment. • The ES adequately characterises the baseline environment in terms of Marine Mammals • The use of harbour porpoise and unidentified individuals represents a precautionary approach to calculating harbour

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	<p>porpoise density across the Project area.</p> <ul style="list-style-type: none"> Suitable correction factors have been used to account for marine mammals below the surface during aerial surveys.
Annex 3, 1.96, 1.98	With regard to the Southern North Sea pSAC , Submission of Interim HRA (REP-012) and HRA Report Revision A (REP4-016)
Applicant's response	The Applicant considers that it should be noted in both these paragraphs that the assessments were undertaken with full consultation and guidance from Natural England with regard to the approach to assessment, building upon the agreed approach taken to the EIA as recorded in the SoCG (REP2-053).
Annex 3, 1.107	With regard to the Southern North Sea pSAC , WDC [REP5-004] reiterated its concern that the Applicant's proposal (as secured in Condition 18 of the dDMLs [REP4-003]) to monitor the noise generated only by the first four piled foundations of the project was inadequate, and would "not generate sufficient data on which to assess the accuracy of the noise modelling or extrapolate the impacts of pile driving on harbour porpoises for the duration of the construction period." WDC reiterated its view that, in order to fully ground-truth the noise modelling assessment, <i>"the monitoring and reporting should continue, preferably, for the duration of the construction period, and certainly in different parts of the development site over a longer period of time at the start, in the middle, and towards the end of the construction period."</i>
Applicant's response	<p>The Applicant considers that it should be noted that a response was provided on this point in the 2nd ISH for Environmental issues as summarised in the Written Summary of Oral Submission at Environmental Issue Specific Hearing (REP6-017), and that the Applicant considers that there is already adequate provision for additional survey within the draft order.</p> <p><i>The monitoring of the first four piles is undertaken to determine that the predictive noise modelling is comparable to the actual noise levels as soon as possible, in order to verify that the mitigation measures based on the predictive noise modelling are adequate. If the monitoring of the first four piles is considered to be inadequate to determine that the predictive noise modelling reflects the actual noise measurements, then the MMO would request that further noise measurements are undertaken. The monitoring is secured by Condition 18 of the relevant DMLs.</i></p> <p><i>In particular, condition 18(3) states that: "The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required."</i></p> <p><i>Therefore, there is already provision for further monitoring should it be required. The details of the noise monitoring must be agreed with the MMO prior to construction and will take into account any new best practice/procedures, managed through the In Principle Monitoring Plan.</i></p> <p>MMO agreed with this point in their Written summary of oral submission at the Issue Specific Hearing on 26 October 2016 (REP6-</p>

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	009), stating <i>“The MMO can confirm it is content that there is sufficient provision within the DMLs to allow for additional noise monitoring to be undertaken if it is deemed required following assessment of initial monitoring results.”</i>

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