

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Statement of Common Ground

The Royal Society for the Protection of
Birds

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Applicant and RSPB

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1 Introduction

1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared with the Royal Society for the Protection of Birds (the RSPB) to show where agreement has been reached with East Anglia THREE Limited (EATL) during the pre and post Development Consent Order (DCO) application consultation.
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest and concern to the RSPB on the East Anglia THREE DCO application (the **Application**) matters agreed, matters still to be agreed and actions to be resolved between the RSPB and EATL are included.
3. The position with respect to each relevant issue is presented in a tabular form.
4. Throughout this document points of agreement and those to be resolved between EATL and the RSPB, are clearly indicated. Points that have still to be resolved will be the subject of ongoing discussions wherever possible to progress and/or refine, the position between the parties.

1.2 The Development

5. The Application is for development consent to construct and operate up to 172 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the **Project**).
6. The DCO, if made, would be known as the East Anglia THREE Offshore Wind Farm Order. It will comprise the following elements:
 - Up to 172 offshore wind turbines and associated foundations, with an installed capacity of up to 1,200 MW;
 - Up to two meteorological masts and foundations;
 - Up to twelve buoys;
 - Up to six offshore electrical stations;
 - Up to one offshore platform housing accommodation facilities;
 - Subsea inter-array cables between the wind turbines and offshore electrical stations;
 - Up to four subsea export cables to transmit electricity from the offshore electrical stations to shore;
 - Up to four interconnector cables between the East Anglia ONE and East Anglia THREE Projects;
 - Scour protection around foundations and on inter-array and export cables as required;
 - Landfall at Bawdsey with onshore transition bays to join the offshore and onshore cables;
 - Up to four onshore underground circuits (each containing up to three cables) pulled through existing ducting to be laid by East Anglia ONE or directly laid, running for

approximately 37km from landfall to the connection point at Bramford, Suffolk, with jointing pits, to transmit electricity to up to two new onshore substations;

- Up to two onshore substations at Bramford, Suffolk, to connect the offshore windfarm to the National Grid;
- The permanent and / or temporary compulsory acquisition (if required) of land and / or rights for the proposed Project;
- Overriding of easements and other rights over or affecting land for the proposed Project;
- The application and / or disapplication of legislation relevant to the proposed Project including inter alia legislation relating to compulsory purchase; and
- Such ancillary, incidental and consequential provisions, permits or consents as are necessary and / or convenient.

7. The Application was submitted to the Planning Inspectorate on 18th November 2015 and accepted for examination on 15th December 2015.
8. A glossary is provided in Appendix 1

1.3 Consultation with the RSPB

1.3.1 Pre-Application

9. EATL engaged with the RSPB on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.
10. Meetings held between EATL and the RSPB are listed in Appendix 7 of the Consultation Report (DCO document 5.2 (7)).
11. During formal consultation, the RSPB provided comments on the Preliminary Environmental Information (**PEI**) by way of letter dated 4th July 2014 and to the Phase III consultation in 2015 by way of letter dated 22nd July 2015 (the **Consultation Response**). These letters are attached at Appendix 2.

1.3.2 Post-Application

12. EATL met with the RSPB on the 24th March 2016. The RSPB made a relevant representation to the Planning Inspectorate on 22nd April 2016 (the **Relevant Representation**). The comments contained in the RSPB's Relevant Representation with the EATL's response are set out in Appendix 3.

13. In the Rule 17 request for further information of the 28th October 2016, the Examining Authority requested that this SoCG be updated to reflect the submission of additional information with regard to further discussions on offshore ornithology. Amendments have been made in Table 1, below.

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2 Agreement Log

14. Within the sections and tables below the different topics for areas of agreement between the RSPB, and EATL are set out.

2.1 Offshore Ornithology

15. The proposed Project has the potential to impact upon Offshore Ornithology. Chapter 13 of the East Anglia THREE Environmental Statement (the **ES**) and the Information for the Habitats Regulations Assessment Report (Document 6.1.13 and Document 5.4 of the DCO Application, respectively, along with associated figures and appendices – see Appendix 4 for full list) provide an assessment of the significance of these impacts. Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where issues are still to be resolved and agreement reached.

16. Offshore Ornithology was discussed at Evidence Plan meetings on 30th September and 11th November 2013, 28th March and 2nd July 2014 and 3rd June and 6th July 2015. A further meeting was held post-submission of the Application on the 24th March 2016.

17. Following discussions undertaken during the Examination, the Examining Authority asked for this SoCG to be revised to reflect the conclusion of all outstanding ornithological issues.

Table 1. SoCG – Offshore ornithology

Issue	EATL Position	RSPB Position
Environmental Impact Assessment		
Description of baseline conditions on Offshore Ornithology.	The ES adequately characterises the baseline relevant to offshore ornithology	Agree
Results of the assessment of impacts on Offshore Ornithology from East Anglia THREE	<p>The ES accurately assesses the potential impacts upon offshore ornithology.</p> <p>The approach to the impact assessment has been consulted on and agreed with Natural England and the RSPB in the Ornithology Expert Topic Group as part of the Evidence Plan process.</p> <p>EATL <u>have undertaken further consultation with the RSPB during the Examination and this has led to the commitment to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS.</u></p>	<p><u>The RSPB's concerns regarding significance of cumulative and in-combination impacts on gannet, kittiwake and great black-backed gull have been reduced as a result of a commitment from the Applicant to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS for the East Anglia THREE project and the knowledge that the maximum number of turbines for the East Anglia ONE project has been reduced to 150 turbines. This results in a consequent reduction for cumulative and in-combination collision risk to gannet, kittiwake and great black-backed gull.</u></p> <p><u>The RSPB does have residual concerns about some approaches</u></p>

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Issue	EATL Position	RSPB Position
	<p><u>East Anglia ONE Limited (EAOL) has also written to the Secretary of State to confirm that it will construct the HVAC option under the East Anglia ONE Order (as amended) which is limited to a maximum of 150 turbines, albeit that EAOL's letter confirms that it will actually construct 102 x 7MW turbines (see REP5-025).</u></p> <p><u>The revised cumulative and in-combination collision risk assessment (incorporating the increase in the East Anglia THREE draught heights and reduced turbine numbers for East Anglia ONE (102 turbines case)) concludes that the cumulative and in-combination impacts including East Anglia THREE will now be less than those already consented for Hornsea Project 2. East Anglia THREE also provided CRM numbers for a maximum East Anglia ONE 150 turbine case. The revised numbers do not alter RSPB's conclusions.</u></p>	<p><u>and scientific procedures used in the assessment of impacts by EATL. These are explained in our previous responses [REP2-024 and REP5-005].</u></p>
Habitats Regulations Assessment		
Screening		
Sites covered in the Screening	The screening report includes all potentially relevant European sites.	Agree with addition of Flamborough Head and Bempton Cliffs SPA
	SPA features identified in the updated screening report are the only ones for which HRA will be required: <ul style="list-style-type: none"> • Deben Estuary SPA (dark-bellied brent goose); • Outer Thames Estuary SPA (red-throated diver); • Alde-Ore Estuary SPA (lesser black-backed gull); • Flamborough and Filey Coast pSPA (gannet, kittiwake). 	Agree with addition of Flamborough Head and Bempton Cliffs SPA
Assessment		
Conclusion for the Deben Estuary SPA.	The project alone and in-combination has no adverse effects on the integrity of the Deben Estuary SPA.	Agree
Conclusion for the Alde-Ore Estuary SPA and Ramsar.	The project alone and in-combination has no adverse effects on the integrity of the	Agree

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 Any increase in draft height could have significant technical and commercial implications affecting and most likely reducing options available to the project in the open market and therefore there is a need to maintain maximum flexibility at this stage. In addition restrictions on turbine tip height introduced as a result of MOD concerns on impacts on defence radar (and set out in the draft Order) in the context of suitable / available /acceptable mitigation measures to address these concerns underline to need to retain maximum flexibility. ¶
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 Additionally, East Anglia THREE's contribution to the cumulative collision total is relatively small and the proposed hub height increases would therefore have a small overall effect on the total collision figure. There is also a great deal of uncertainty with regard to whether (and to what extent) consented projects contributing to the effect will in fact be built.

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Issue	EATL Position	RSPB Position
Conclusion for the Outer Thames Estuary SPA.	Alde-Ore Estuary SPA and Ramsar. The project alone and in combination has no adverse effects on the integrity of the Outer Thames Estuary SPA.	Agree
Conclusion for the Flamborough Head and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA	The project alone and in combination has no adverse effects on the integrity of the Flamborough Head and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA.	<u>The RSPB's concerns regarding significance of in-combination impacts on gannet and kittiwake have been reduced as a result of a commitment from the Applicant to increase the turbine draught height of 70% of the total number of turbines to 24m above MHWS for the East Anglia THREE project. This change and the change to the maximum number of turbines which can be constructed for East Anglia ONE (i.e. 150 turbines) has reduced our concerns regarding in-combination collision risk to gannet and kittiwake (see REP5-005 and REP6-002).</u>
Management measures		
Management measures: Potential for Collision Risk Impacts to Gannet and Kittiwake	Given the predicted impacts of the project in terms of offshore ornithology established via detailed consultation, surveying, modelling and assessment, the subsequent provisions within the draft East Anglia THREE DCO are considered appropriate and adequate to minimise the significance of any such impacts. <u>EATL has committed to increase the draught height of 70% of the East Anglia THREE turbines to 24m MHWS. This is secured by the new parameter set out below which will be included in the Requirements to the DCO as well as in the DMLs for the generation assets (schedules 10 and 11 of the DCO):</u> <u>The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised scheme and the authorised scheme in licence 2 (generation) taken together must not exceed 52 turbines.</u>	<u>RSPB is content with the proposed wording of the DCO parameter</u>

Deleted: At present the RSPB does not have confidence that potential adverse effects on the integrity of these protected sites and their species can be avoided. We are concerned about East Anglia THREE's contribution to in-combination collision risk to gannets and disagree with some of the parameters used by the Applicant in this assessment. When collision risk is recalculated using our preferred parameters, we find that East Anglia THREE contributes around 10% of the total in-combination collision mortality to this species.

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2.2 Onshore Ornithology

- 18. The Project has the potential to impact upon Onshore Ornithology. Chapter 24 of the East Anglia THREE ES and the Information for the Habitats Regulations Assessment Report (Document 6.1.24 and Document 5.4 of the DCO Application, respectively) provide an assessment of the significance of these impacts. Management and mitigation measures are provided within the following DCO Application documents: 8.1 Outline Code of Construction Practice (OCoCP) and 8.6 Outline Landscape and Ecological Management Strategy (OLEMS). Table 2 below provides areas of common ground that have been reached regarding the findings reported within that chapter and identifies areas where agreement is still to be reached.

- 19. This topic was discussed at Evidence Plan meetings on 30th September and 11th November 2013, 28th March and 2nd July 2014 and 3rd June and 6th July 2015. A further meeting was held post-submission on the 24th March 2016

Table 2. SoCG - Onshore Ornithology

Issue	EATL position	RSPB Position
Environmental Impact Assessment		
Description of baseline conditions on Onshore Ornithology.	The ES adequately characterises the baseline relevant to Onshore Ornithology	Agree
Results of the assessment of impacts on Onshore Ornithology from East Anglia THREE	The ES accurately assesses the potential impacts upon Onshore Ornithology	Agree
Habitats Regulations Assessment		
The results assessment of effects upon designated sites and effects which require consideration in HRA	The Deben Estuary SPA was screened into the assessment and it was concluded that there would be no adverse effect upon the site's integrity	Agree
Management measures		
Mitigation proposed to address the impacts on Onshore Ornithology from East Anglia THREE as set out in the OCoCP and OLEMS	The mitigation measures set out are appropriate and proportionate.	Agree

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Signing box: The undersigned agreed to the provisions within this SoCG – RSPB

Signed	<u>Signed in final PDF</u>
Printed Name	<u>Signed in final PDF</u>
Position	<u>Signed in final PDF</u>
On behalf of	<u>Signed in final PDF</u>
Date	<u>Signed in final PDF</u>

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Signing box: The undersigned agreed to the provisions within this SoCG – EATL

Signed	
Printed Name	Keith Morrison
Position	Senior Project Manager
On behalf of	East Anglia THREE Limited
Date	<u>6th December 2016</u>

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Appendix 1 Glossary

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Appendix 2 RSPB S42 Responses

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Appendix 3 EATL Relevant Representation reply letter

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Appendix 4 List of Documents forming the basis of this SoCG

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