

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Statement of Common Ground

The Wildlife Trusts

Document Reference – Deadline 7 / SoCG / TWT  
and Applicant

Author – Royal HaskoningDHV  
East Anglia THREE Limited  
Date – December 2016  
Revision History – Revision A

---

# Table of contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
1.1	Introduction	3
1.2	The Development	3
1.3	Consultation with TWT	4
1.3.1	Pre-Application	4
1.3.2	Post-Application	4
<b>2</b>	<b>Agreement Log</b>	<b>5</b>
2.1	Marine Mammals	5
	<b>Appendix 1: Glossary</b>	<b>11</b>
	<b>Appendix 2: Pre-application Response</b>	<b>12</b>
	<b>Appendix 3: Post-application Relevant Representation response</b>	<b>18</b>

---

# 1 Introduction

---

## 1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared with The Wildlife Trusts (TWT) 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 to TWT on the East Anglia THREE DCO application (the **Application**).
3. The position with respect to each relevant issue is presented in a tabular form.
4. A Glossary is provided in Appendix 1.

## 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 18<sup>th</sup> November 2015 and accepted for examination on 15<sup>th</sup> December 2015.

### 1.3 Consultation with TWT

#### 1.3.1 Pre-Application

8. EATL engaged with TWT on the Project during the pre-application process through Suffolk Wildlife Trust (SWT), both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.
9. Meetings held between EATL and TWT (or SWT) are listed in Appendix 7 of the Consultation Report (Application document 5.2 (7)).
10. During formal consultation, TWT (through SWT) provided comments on the Preliminary Environmental Information (**PEI**) by way of letter dated 8<sup>th</sup> July 2014 and to the Phase III consultation in 2015 by way of letter dated 7<sup>th</sup> July 2015 (the **Consultation Response**). These letters are attached at Appendix 2.

#### 1.3.2 Post-Application

11. TWT made a relevant representation to the Planning Inspectorate on 21<sup>st</sup> April 2016 (the Relevant Representation). EATL's response letter to the Relevant Representation is attached at Appendix 3.
12. In the Rule 17 request for further information of the 28<sup>th</sup> October 2016, the Examining Authority requested that this SoCG be updated to reflect the submission of additional information with regard to the Southern North Sea possible Special Area of Conservation. Amendments have been made in Table 1, below.

## 2 Agreement Log

13. Within the sections and tables below the different topics for areas of agreement between TWT and EATL are set out.

### 2.1 Marine Mammals

14. The Project has the potential to impact upon Marine Mammals. Chapter 12 of the East Anglia THREE Environmental Statement (the **ES**), document 6.1.12 of the DCO Application, provides an assessment of the significance of these impacts in relation to Environmental Impact Assessment (EIA) while the Information for the Habitats Regulations Assessment (Document 5.4 of the DCO Application) provides an assessment with regard to the potential for likely significant effects on European sites as a result of the proposed Project. Management and mitigation measures are provided within the following DCO Application documents: 6.8 Schedule of Mitigation (Offshore); 8.12 In Principle Monitoring Plan (IPMP); and 8.15 Draft Marine Mammal Mitigation Protocol (MMMP). Table 1 below provides areas of common ground that have been reached regarding the findings reported within Chapter 12 of the ES and identifies areas where agreement is still to be reached.
15. Following discussions undertaken during the Examination, the Examining Authority asked for the SoCG to be revised to reflect the conclusion of all outstanding marine mammal HRA issues.

Table 1. SoCG - Marine Mammals

Issue	EATL position	TWT Position
<b>Environmental Impact Assessment</b>		
Description of baseline conditions on Marine Mammals	The ES adequately characterises the baseline relevant to Marine Mammals	<i>It is agreed that, based on the best available evidence, the ES adequately characterises the baseline relevant to marine mammals. Although we recognise that EATL can do nothing about it, we draw attention to the fact that the data relied upon for the reference population (SCANS II) is now 10 years old and represents only a snapshot in time. Therefore we urge a precautionary approach to the assessments.</i>
Results of the assessment of impacts on Marine Mammals	The ES accurately assesses the potential impacts upon Marine Mammals	<i>It is agreed that, based on the best available evidence, a precautionary approach has been taken to assessing the potential impacts on marine mammals.</i>
<b>Habitats Regulations Assessment</b>		
The results of the	Based upon the full screening	<i>It is agreed that, based on the</i>

Issue	EATL position	TWT Position
<p>assessment of effects upon designated sites and effects which require consideration in HRA</p>	<p>exercise there is no potential for likely significant effect (LSE) on any site designated for harbour seal, grey seal or harbour porpoise</p>	<p><i>screening exercise, it is unlikely there will be a significant effect on any site designated for harbour seal or grey seal.</i></p>
<p>The results of the assessment of effects on the Southern North Sea pSAC</p>	<p>EATL has undertaken an assessment of the effects on the pSAC based upon advice from Natural England. The effects screened in and out of the assessment were agreed with Natural England.</p> <p>EATL considers that there is unlikely to be potential for LSE on the site for the project alone. In-combination it is accepted that there is potential for LSE on the summer season area of the pSAC in some scenarios. In this case, mitigation is secured via an In-Principle Site Integrity Plan (SIP)</p>	<p><i>TWT is pleased to see that a spatial assessment against the pSAC has been undertaken. However, we believe that due to a lack of adequate guidance from the SNCBs, we cannot agree that there is unlikely to be potential for LSE on the site for the project alone and for the winter season area of the pSAC.</i></p> <p><i>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, 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 assessment will be required once advice is available from the SNCBs.</i></p> <p><i>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. However, we accept that this is outside of the scope of this project and should be done at a strategic level.</i></p>

Issue	EATL position	TWT Position
<b>Management measures</b>		
<p>Mitigation proposed to address the impacts on Marine Mammals as set out in the Schedule of Mitigation (Offshore), IPMP and draft MMMP</p>	<p>Based on ES chapters the impacts are expected to be low for both species of seal and harbour porpoise and that additional mitigation (beyond embedded mitigation) is not necessary. At the time of writing the draft MMMP and Deemed Marine Licence conditions for other Offshore Wind Farms required that the MMMP “provide suitable mitigation measures to prevent injury to marine mammals”.</p> <p>EATL confirms their ongoing support of strategic initiatives and will continue to work with other developers, Regulators and Statutory Nature Conservation Bodies in order to understand and reduce cumulative impacts where possible and improve the evidence base.</p> <p>As stated in Section 12.3.2 of the ES: “The MMMP would be developed in the pre-construction period and will be based upon best available information and methodologies at that time in consultation with the relevant authorities.</p> <p><i>EATL will continue to review the development of alternative foundation installation (through industry and academic studies) and more efficient mitigation options for marine mammals.”</i></p> <p>EATL will provide drafts of the MMMP to TWT as this is developed in the pre-construction phase.</p> <p>No additional mitigation is necessary for shipping noise</p> <p>No additional mitigation is necessary for other noise inducing impacts</p>	<p><i>It is agreed that no additional mitigation for shipping noise is necessary, provided best practice is followed. It is not agreed that the embedded mitigation described is sufficient to address the impacts of disturbance to harbour porpoise, particularly in light of the consultation on the Southern North Sea pSAC which has ‘no significant disturbance as a draft conservation objective’. We understand that the impacts of disturbance is now included in the SIP.</i></p> <p><i>TWT welcomes that EATL will provide copies of the MMMP as it is development in the pre-construction phase. However, we still seek confirmation that the MMO will consult with TWT before the final document is approved.</i></p>
	<p>The European Protected Species (EPS) licence will be applied for after the DCO application is consented, prior to the onset of</p>	<p><i>It is agreed that the EPS licence will be applied for closer to the time of construction. We appreciate the inclusion of the</i></p>

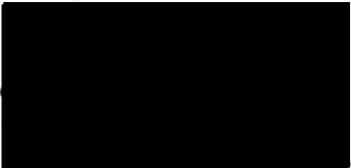
Issue	EATL position	TWT Position
	<p>construction, once more detailed design work has been carried out and is available to inform the licence application, and in consultation with the relevant stakeholders.</p> <p>EATL has offered to informally consult TWT on the EPS licence however; it is a matter for the consenting authority of the EPS licence to determine whether to formally consult TWT. EATL do not believe that Dogger Bank Teesside sets a precedent as for inclusion of non-statutory parties on the DML as each project has unique requirements.</p>	<p><i>statement that this will be done in consultation with TWT. The Dogger Bank Teesside A&amp;B DCO has set precedent for including specific parties within the DML (it is accepted that this will be consultation by applicant and not the MMO) and the MMO did not object to this. We would still prefer for this offer to be secured through the DMLs.</i></p>
	<p>It is agreed that the draft MMMP will be developed post consent in consultation with stakeholders.</p> <p>EATL has offered to informally consult TWT on the MMMP; however, it is a matter for the MMO as consenting authority to determine whether to formally consult with TWT. EATL do not believe that Dogger Bank Teesside sets a precedent as for inclusion of non-statutory parties on the DML as each project has unique requirements.</p>	<p><i>It is agreed that the MMMP will be developed closer to the time of construction. We appreciate the inclusion of the statement that this will be done in consultation with TWT. The Dogger Bank Teesside A&amp;B DCO has set precedent for including specific parties within the DML (it is accepted that this will be consultation by applicant and not the MMO) and the MMO did not object to this. We would still prefer for this offer to be secured through the DMLs.</i></p>
<p>Further mitigation proposed with respect to the Southern North Sea pSAC.</p>	<p>EATL have produced an In-principle Site Integrity Plan (SIP) which, together with new condition 13(2) in the DMLs for the generation and transmission assets (schedules 10 to 13 of the draft DCO), secures mitigation to prevent AEOL.</p> <p>EATL have consulted TWT on the content of this document.</p> <p>The SIP will be developed post-consent, in consultation with relevant stakeholders to define specific mitigation measures for East Anglia THREE. TWT will be consulted on the SIP up to the point of the submission and review of draft Plan and any associated documentation</p>	<p><i>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. It is agreed that the SIP will be developed post-consent to define specific mitigation measures for East Anglia THREE. However, due to the lack of guidance on management measures from the SNCBs, we still cannot agree no AEOL from pile drive noise disturbance on the pSAC. Once further guidance is available, TWT believes that further assessment will be</i></p>

Issue	EATL position	TWT Position
		<p><i>required to consider mitigation for impacts alone and in-combination from underwater pile driving noise.</i></p> <p><i>EATL has consulted TWT on the SIP document and we welcome the consultation up to the point of submission and review of the draft plan and any associated documents.</i></p> <p><i>However, TWT still seeks confirmation that the MMO will consult with TWT before the final document is approved.</i></p> <p><i>TWT considers it important for the outcomes of the review of consents to be taken into account of when developing mitigation for the in combination effects of pile driving noise as part of the SIP.</i></p>

Signing box: The undersigned agreed to the provisions within this SoCG - TWT

Signed	
Printed Name	Joan Edwards
Position	Head of Living Seas
On behalf of	The Wildlife Trusts
Date	7th December 2016

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

Signed	
Printed Name	Keith Morrison
Position	East Anglia THREE Senior Project Manager
On behalf of	East Anglia THREE Limited
Date	7th December 2016

---

# Appendix 1: Glossary

DCO	Development Consent Order
DML	Deemed Marine Licence
EATL	East Anglia THREE Limited
EIA	Environmental Impact Assessment
EPS	European Protected species
ES	Environmental Statement
HRA	Habitats Regulations Assessment
IPMP	In Principle Monitoring Plan
LSE	Likely Significant Effect
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management organisation
MW	Megawatt
PEI	Preliminary Environmental Information
SoCG	Statement of Common Ground
SWT	Suffolk Wildlife Trust
TWT	The Wildlife Trusts

# Appendix 2: Pre-application Response

Keith Morrison  
East Anglia Offshore Wind  
1 Atlantic Quay  
45 Robertson Street  
Glasgow  
G2 8JB

08/07/2014

**By E-mail Only**

Dear Mr Morrison,

**RE: East Anglia Three Offshore Windfarm Consultation (as required under Section 42 of the Planning Act 2008)**

Thank you for sending us details of this consultation, we have the following comments:

**1) Offshore (Preliminary Environmental Information Report Volume 1 Chapters 10 and 12)**

1.1) Marine Mammals

1.1.1) Given that everyone is working at the limits of understanding of impacts on marine mammals, we are pleased to note that a precautionary approach has been taken to the assessment. We believe that this precautionary approach is further needed due to the uncertainty surrounding much of the baseline data, for example the use of SCANS II data which is now nearly 10 years old and only represents a very small snapshot in time.

1.1.2) We accept that the use of the reference population is suitable for assessing the population level impact of the development. However, due to the large geographic area of the reference population, this does not show what impact the development may have at a local scale and dilutes the fact that potentially nearly 3000 individual harbour porpoises will be displaced from the area. This is particularly concerning given the European Protected Species (EPS) status of the harbour porpoise. We are therefore in agreement that an EPS licence would be required for this development.

1.1.3) It is recognised that underwater noise from pile driving is likely to constitute the greatest risk to marine mammals and that the largest spatial footprint of underwater noise would come from pile driving associated with monopole foundations. We would therefore question why monopole foundations are still included within the Rochdale envelope, when they were removed from the East Anglia ONE project, ostensibly for this reason. We would urge East Anglia THREE Ltd to use foundation types which are less noisy to install and to further explain the inclusion of monopoles as a foundation type.

1.1.4) We would expect East Anglia THREE Ltd to invest in and follow the development of such quieter foundation types. Not only will this ensure that these are made commercially available sooner but also that the best available technology can be employed at the time of construction.

1.1.5) Similarly, we would expect East Anglia THREE Ltd to invest in and follow the

Suffolk Wildlife Trust,  
Brooke House, Ashbocking,  
Ipswich, IP6 9JY  
Tel: 01473 890089

[www.suffolkwildlifetrust.org](http://www.suffolkwildlifetrust.org)

[info@suffolkwildlifetrust.org](mailto:info@suffolkwildlifetrust.org)

Suffolk Wildlife Trust is a  
registered charity  
no. 262777

development of mitigation techniques, to support their intended embedded mitigation to prevent PTS/auditory injury to marine mammals. This embedded mitigation, of creating an exclusion zone around any piling operation, is relied upon to remove the potential for PTS. However, we have concerns that the current mitigation guidance from JNCC is not necessarily fit for purpose for the installation of the larger turbines proposed for Round 3 development. Specifically we have concerns as to the efficacy of Marine Mammal Observers and Passive Acoustic Monitoring for detecting marine mammals and the impact of the noise from the soft start procedure. The current ORJIP project looking at the potential use of Acoustic Deterrent Devices as alternative mitigation is attempting to address these issues and we would urge East Anglia THREE Ltd to follow this project's outputs. We would also expect that East Anglia THREE Ltd would commit to using the best available mitigation techniques available at the time of construction.

1.1.6) We note the low confidence in the data underpinning the assessment for potential 'corkscrew' injuries to marine mammals, specifically pinnipeds. As such, we would expect East Anglia THREE Ltd to follow the progression of the investigation into this issue, to update the assessment if further data becomes available and to follow best practice guidance for mitigation of this impact.

1.1.7) We would also expect that East Anglia THREE Ltd would include mitigation of 'corkscrew' injuries within the proposed Marine Mammal Mitigation Protocol (MMMP). We believe that the MMMP should be comprehensive and include mitigation of all potential impacts on marine mammals, not just those arising from pile driving.

1.1.8) We have strong concerns as to the impacts assessed in the Cumulative Impact Assessment, specifically in relation to underwater noise impacts on harbour porpoise, impacts on prey species for harbour porpoise and harbour seal and collision risk with ducted propellers for all three species assessed, all of which have moderate or major adverse significant impacts predicted. We do not accept that the small contribution from the East Anglia THREE development is justification for not proposing further mitigation for these impacts and believe that East Anglia THREE Ltd should do further work to either minimise the impact or propose further mitigation.

1.1.9) Due to the levels of impacts predicted, coupled with the uncertainty surrounding these potential impacts, we believe that comprehensive monitoring of marine mammals should be required both pre and post construction. Noting the requirements within the Deemed Marine Licences for East Anglia ONE, we would expect comparable conditions for the East Anglia THREE development.

## 1.2) Benthic Ecology

1.2.1) We are pleased to note the embedded mitigation proposed, particularly in relation to micrositing of turbines and cables to avoid Annex I habitats.

1.2.2) We have concerns as to the potential cumulative impacts, in particular the moderate adverse significant impact of physical disturbance and habitat loss within the export cable corridor, due to a large number of cable crossings. We would urge East Anglia THREE Ltd to look further at mitigation options to reduce this impact.

1.2.3) Although there is a commitment to following best practice in terms of vessel maintenance to reduce the potential for introduction of invasive non-native species, there is no mention of the potential for non-native species colonisation of the turbines or cable protection during operation. Given the potential for these artificial structures to act as stepping stones<sup>1</sup>, we believe that there should be a requirement for monitoring of this during the lifespan of the development, with an agreed protocol in place for responding to any

---

<sup>1</sup> Offshore marine renewable energy devices as stepping stones across biogeographical boundaries. Thomas P. Adams, Raeanne G. Miller, Dmitry Aleynik and Michael T. Burrows. Journal of Applied Ecology 2014.

realised colonisation.

## **2) Onshore (Preliminary Environmental Information Report Volume 1 Chapter 23)**

### 2.1) Embedded mitigation

2.1.1) We are pleased that the proposal draws on the onshore mitigation measures identified and developed through the East Anglia ONE project.

### 2.2) Survey data

2.2.1) Ecological surveys of the onshore cable route were undertaken in 2011 and 2012 as part of the East Anglia ONE project (section 23.4.2.2). It is noted that it is proposed to undertake further surveys in 2014 to up date the previously gathered information. We agree that such surveys should be carried out as assessment of ecological impacts should be based on up to date survey information.

### 2.3) Cable installation scenarios

2.3.1) The preliminary environmental information report presents two scenarios for the installation of the onshore electricity transmission cable. Scenario one would involve the use of conduits installed as part of the East Anglia ONE project. Scenario two would involve installation of the EA THREE cables using open cut and horizontal direction drilling (HDD) techniques. Without mitigation measures each scenario has the potential to result in adverse ecological impacts and the scenario which results in the least overall ecological impact should be used. As three projects are proposed to utilise the same cable route it should be ensured that implementation of an individual project does not conflict with the remediation of an earlier project.

### 2.4) Good practice guidance

2.4.1) Chapter 23 makes reference to a number of published good practice guidance documents that have been used in the impact assessment (e.g. section 23.6.1.15.2.297 - Water Vole Conservation Handbook (2006)). It should be ensured that the most up to date editions of these documents are used in the assessment.

### 2.5) Summary of Potential Impacts Identified for ecological receptors (Table 23.19)

2.5.1) Table 23.19 sets out the summary of potential impacts identified for the onshore ecological receptors. For a number of receptors minor adverse impacts are predicted prior to mitigation measures being applied. For many of these impacts it is stated either that “no further mitigation is needed” or that there is “embedded mitigation”, it is then concluded that there is a residual minor adverse impact. This would appear to suggest that either the impact is unmitigatable or insufficient mitigation is included. The project should include appropriate mitigation measures sufficient to reduce ecological impacts to insignificant.

If you require any further information please do not hesitate to contact us.

Yours sincerely

James Meyer  
Conservation Planner  
Suffolk Wildlife Trust

Eleanor Stone  
Marine Planning Officer  
The Wildlife Trusts

Keith Morrison  
East Anglia Offshore Wind  
1 Atlantic Quay  
45 Robertson Street  
Glasgow  
G2 8JB

17/07/2015

**By E-mail Only**

Dear Mr Morrison,

**RE: East Anglia Three Offshore Windfarm Section 42 Further Consultation**

Thank you for sending us details of this consultation, we have read the Phase III consultation report and have the following comments:

**Removal of Scenario 2 (trenching)** – the removal of the need for trenching for this project, through the use of ducting installed as part of the East Anglia ONE project, appears to result in a considerable reduction in the amount of onshore construction work required. In principle we support the use of techniques which reduce ecological impacts, however changes to the project such as the increase in the number of jointing pits required should be included in the final assessment of impacts.

**Phasing of construction** – it is understood that it is expected that the two phase approach will take 2 months longer to construct than the one phase approach. Whilst we await the final Environmental Statement to see the full assessment of the two scenarios (including implications of cumulative impact), we consider that a longer construction period could increase temporal impacts on receptors such as marine mammals. However, dependent on how works are implemented the phasing may also give a longer time for recovery between the two project phases. A two phase approach may also allow for improvements in the development of the mitigation techniques to be implemented in the second phase.

**Worst Case** – we support the use of the worst case scenario in the impact assessment process.

**Table 2.2 (Foundation types)** – Given their potential for adverse impacts on marine mammals, such as harbour porpoise, we are disappointed to see that monopole foundations are still included as a foundation type. As detailed in our response to the consultation on this project in July 2014 (section 1.1.3 of our letter of 8<sup>th</sup> July 2014) monopole foundations were removed from the East Anglia ONE project ostensibly to ensure the impact of the project on marine mammals was reduced. We therefore continue to urge East Anglia THREE Ltd to use foundation types which are less noisy to install and to further explain the inclusion of monopoles as a foundation type.

**Other updates** – we welcome the revision of the cable corridor footprint to reduce it almost by half.

Suffolk Wildlife Trust,  
Brooke House, Ashbocking,  
Ipswich, IP6 9JY  
Tel: 01473 890089

[www.suffolkwildlifetrust.org](http://www.suffolkwildlifetrust.org)

[info@suffolkwildlifetrust.org](mailto:info@suffolkwildlifetrust.org)

Suffolk Wildlife Trust is a  
registered charity  
no. 262777

If you require any further information please do not hesitate to contact us.

Yours sincerely

James Meyer  
Conservation Planner  
Suffolk Wildlife Trust

Eleanor Stone  
Marine Planning Officer  
The Wildlife Trusts

# Appendix 3: Post-application Relevant Representation response



Eleanor Stone  
The Wildlife Trusts  
Banovallum House  
Manor House Street  
Horncastle  
Lincolnshire  
LN9 5HF

FREEPOST RSTC-EJEY-RKRX  
1 Atlantic Quay,  
45 Robertson Street,  
4th Floor,  
Glasgow, G2 8JB

2016-06-01

Dear Eleanor,

**Planning Act 2008**

**East Anglia THREE Limited**

**The Proposed East Anglia THREE Offshore Wind Farm Order**

**Relevant Representation reply letter (an appendix to the SoCG between EATL and The Wildlife Trusts)**

East Anglia THREE Limited (EATL) would like to thank you for taking the time to provide a relevant representation to the development consent order application made by EATL for the East Anglia THREE offshore wind farm.

In this letter we provide a reply to all the comments you have made in your relevant representation. In order to do this in a clear and transparent manner this is in the form of a tabulated response.

This letter will form an appendix of the final Statement of Common Ground (SoCG) between EATL and The Wildlife Trusts (TWT).

Relevant Representation Comment	EATLs response
<p>TWT has concerns regarding the impact of underwater noise from construction on marine mammals, in particular the cumulative disturbance to harbour porpoise. We recognise that the conclusions drawn are a 'worst case scenario', but as they are deemed realistic, they should be treated accordingly. Data limitations mean the Applicant has rightly taken a precautionary approach to impact assessment. However, the high uncertainty regarding the cumulative effects of behavioural impacts at a population level makes a precautionary approach even more necessary. This will have consequences for the EPS licence process. Whilst the DEPONS project, which the Applicant references, aims to address this, it is currently not advanced enough to draw meaningful conclusions.</p>	<p>The assessment is precautionary and based on worst-case scenarios. All current and relevant information will be included to assess the potential cumulative and in-combination impacts when preparing the EPS licence application and HRA.</p>
<p>The concerns relating to disturbance to harbour porpoise are elevated by the overlap of the Project</p>	<p>EATL agree that the Southern North Sea pSAC is now a material consideration and have committed</p>

Relevant Representation Comment	EATLs response
<p>and the proposed Southern North Sea SAC for harbour porpoise. Whilst we accept that until recently the details of this site have not been known, it must now be treated as a material planning consideration and an HRA will have to be conducted. It is likely we will have further representations to make on this matter.</p>	<p>to undertake an assessment in due course once information to inform the assessment is made available. Following advice from Natural England, it is anticipated that this assessment will be undertaken prior to the Planning Inspectorate drafting the Report on the Implications for European Sites (RIES).</p>
<p>We welcome the inclusion of a draft Marine Mammal Mitigation Protocol (MMMP) and draft In Principal Monitoring Plan (IPMP) with the application. However, we note that the draft MMMP only includes details of how the risk of injury would be reduced and does not consider the reduction of the disturbance impact. Given the risk of cumulative effects of disturbance and the potential impacts on the pSAC, we believe there should be a greater commitment to mitigation for disturbance. We accept that the details of the MMMP cannot be determined until closer to construction. However, as this is then outside of the planning consent process, there is no requirement for consultation with non-statutory stakeholders. Given the importance of the MMMP, we believe this should be a more transparent process and would like a commitment to wider consultation on it. We are currently in discussions with the Applicant on how this may be achieved.</p>	<p>All current and relevant information will be reviewed and taken into account when preparing the final MMMP, this will include, where applicable, consideration to reduce any significant disturbance. EATL is open to expanding consultation on the MMMP post consent to include wider stakeholders. This is reflected in the draft SoCG with TWT.</p>
<p>We support the suggestion in the IPMP of site specific monitoring using C-PODs post construction. We believe that this will give fine scale information about return rates to the site, which cannot be achieved by the more strategic DEPONS monitoring that aims to answer questions regarding population level impacts. We also note that the DEPONS project is outside the control of the Applicant and this DCO process and therefore should not be relied upon to provide any necessary monitoring. We believe that the overlap with the pSAC will require a robust monitoring programme to ensure no adverse effect on integrity.</p>	<p>All current and relevant information will be reviewed and taken into account when developing the final Monitoring Plan, to ensure it is appropriate for the site.</p>

We aim to reach agreement on all of the matters included in the table above and any other matters arising through the Statement of Common Ground with The Wildlife Trust.



If you wish to discuss the above or any other issues in connection with the Project, please contact Keith Morrison, EA3 Senior Project Manager, ScottishPower Renewables, 4th Floor, Atlantic Quay, Glasgow G2 8JB or by email at [Eastangliathree@scottishpower.com](mailto:Eastangliathree@scottishpower.com)

Yours faithfully



Keith Morrison  
Senior Project Manager

**ScottishPower Renewables**  
**Offshore Wind Development**  
Address: 4th Floor, 1 Atlantic Quay, Glasgow, G2 8JB  
[Eastangliathree@ScottishPower.com](mailto:Eastangliathree@ScottishPower.com)

