

East Anglia THREE
Offshore Windfarm

East Anglia THREE

Statement of Common Ground

The Marine Management Organisation

Document Reference – Deadline **7** / SoCG / MMO
and Applicant

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Date – **December** 2016

Revision History – Revision A

Deleted: July



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1 Introduction

1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared for the Marine Management Organisation (MMO) to show where agreement has been reached with East Anglia THREE Limited (EATL) during the Section 42 and post application consultation.
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to the MMO on the East Anglia THREE Application. Topic specific matters agreed, not agreed and actions to resolve between the MMO and East Anglia THREE are included.
3. The structure of agreements is presented in tabular form.
4. Throughout this agreement SoCG points of agreement and disagreement between EATL and the MMO are clearly indicated. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
5. A Glossary is provided in Appendix 1

1.2 The development

6. 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**).
7. The DCO, if made, would be known as the East Anglia THREE Offshore Windfarm 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.
8. The Application was submitted to the Planning Inspectorate on 18th November 2015 and accepted for examination on 15th December 2015.

1.3 Consultation with the MMO

9. This section briefly summarises the consultation that EATL has had with the MMO, for further information on the consultation process and the outcome of consultations please see the Consultation Report (document 5.1 of the East Anglia THREE DCO application¹). As advisor to the MMO, Cefas have been involved in consultation with EATL and the position taken by the MMO in the agreement logs this.

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1.3.1 Pre-Application

10. EATL engaged with the MMO 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.
11. During formal consultation, the MMO provided comments on the Preliminary Environmental Information (PEI) by way of letter dated 7th July 2014 (the **Consultation Response**). This letter is attached at Appendix 2. EATL addressed a number of these comments in its Application submitted to the Planning Inspectorate on 18th November 2015.
12. Further to the statutory section 42 consultation, several meetings were held with MMO through the “Evidence Plan” with Cefas attending the Working Group meetings on MMO’s behalf. Further detail on the Evidence Plan can be

¹ Available at <http://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-three-offshore-wind-farm/?ipcsection=docs>

found in the Consultation Report (Document 5.1 of the East Anglia THREE DCO application). Monthly Update phone calls were also held with the MMO on a regular basis during the pre-application phase.

1.3.2 Post-Application

13. Following a meeting on 12th April 2016 and subsequent communication with the MMO (Appendix 3), agreement was reached on certain matters previously raised by the MMO.
14. The MMO made a relevant representation to the Planning Inspectorate on 21st April 2016 (the **Relevant Representation**). EATL provided a reply letter to the relevant representation (Appendix 4) on the 23rd June 2016.
15. Comments contained within the Relevant Representation that are relevant to this SoCG are included within the agreement log tables below.

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2 Agreement Logs

16. Within the sections below the different topics for areas of agreement between the MMO and EATL are set out.

2.1 Marine Geology, Oceanography and Physical Processes

17. The proposed East Anglia THREE project has the potential to impact upon Marine geology, oceanography and physical processes. Chapter 7 of the East Anglia THREE Environmental Statement (ES) provides an assessment of the significance of these impacts. Table 1 provides areas of common ground that have been reached regarding the findings reported within that chapter.
18. This topic was discussed at an Evidence Plan meeting on the 13th September 2013. A method statement for the assessment was produced which was revised based on the discussion, circulated and agreed. Natural England and Cefas were also present at this meeting.
19. A second meeting was held to discuss the Preliminary Environmental Information Report (PEIR) on 3rd July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the Environmental Statement (ES) Chapter 7 Marine Geology, Oceanography and Physical Processes (as recorded in *Table 7.1* of the chapter)

Table 1. SoCG – Marine Geology, Oceanography and Physical Processes

Topic	EATL Position	MMO Position	Final Position
Environmental Impact Assessment			
Existing Environment	Sufficient survey data (extent/duration) have been collected to undertake the assessment.	MMO has no further comment to make at this time.	It is agreed by both parties that sufficient data has been collected
	The Environmental Statement (ES) adequately characterises the baseline environment in terms of Marine Geology, Oceanography and Physical Processes.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts Post application - this is now confirmed upon review of the final submitted application documents	It is agreed by both parties that the ES adequately characterises the baseline environment
Assessment methodology	The list of potential physical process effects assessed, as proposed in the Evidence Plan method statement [and subsequently used in the ES] provided October 2013 is appropriate.	MMO has no further comment to make at this time.	It is agreed by both parties that the list of potential physical processes effects assessed in the ES are appropriate.
	The impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the proposed project. This includes: <ul style="list-style-type: none"> The assessment based on expert judgement based upon knowledge of sites and available contextual information (in particular Zone and East Anglia ONE studies and modelling) – therefore no new modelling (e.g. sediment plumes or deposition) was undertaken for the assessment The definitions used of sensitivity and magnitude in the impact assessment are appropriate. The approach to screening in plans and projects for consideration the cumulative impact assessment, and the resulting lists of plans and projects for each receptor. 	MMO has no further comment to make at this time.	It is agreed by both parties that methodologies used for assessing potential impacts on physical processes is appropriate

Topic	EATL Position	MMO Position	Final Position
	The worst case scenario presented in the assessment is appropriate for this project.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts Post application - this is now confirmed upon review of the final submitted application documents	It is agreed by both parties that the worst case scenario presented in the assessment is appropriate for this project
	The assessment of effects for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Marine Geology, Oceanography and Physical Process are likely to be non-significant in EIA terms.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts Post application - this is now confirmed upon review of the final submitted application documents	It is agreed by both parties that, assuming the inclusion of the embedded mitigation described within the ES, impacts on Marine Geology, Oceanography and Physical Process are likely to be non-significant in EIA terms.
Habitats Regulations Assessment			
	The assessment of effects upon designated sites is appropriate and there are no effects which require consideration in HRA	29 October 2015 – MMO is neither the competent authority nor statutory nature conservation body (SNCB) for this case therefore defers to the opinion of the relevant SNCB, Natural England (NE), on all matters relating to Habitats Regulations Assessment (HRA).	EATL are content that any HRA matters are deferred to NE.
Management Measures			
	Given the impacts of the project, the conditions provided within the DML (and supporting certified documents) for the management and monitoring of sediment dynamics, waste and debris are considered appropriate and adequate.	21 April 2016 - The draft In Principle Monitoring Plan does not appropriately reflect licence condition 19(2)(b) (Schedules 10, 11, 12, 13, 14 & 15) and should be updated to include post-construction monitoring of cable burial depths as a reason for monitoring, as well as the stated reasons of structural integrity and engineering (scour).	<u>The DCO was updated to ensure that monitoring is ongoing</u> <u>13 (g) A cable specification, installation and monitoring plan, to include..</u> <u>(iii) proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of</u>

Deleted: It is agreed by both parties that the Monitoring Plan will be updated during the course of the Examination. The final Plan will consider management and monitoring of sediment dynamics, waste and debris.¶
¶ Further detail is provided in Appendix 4

Topic	EATL Position	MMO Position	Final Position
			<p><u>unburied or shallow buried cables. 19 (4) Following installation of cables, the cable monitoring plan required under condition 13(1)(g)(iii) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.</u></p> <p><u>The IPMP has been updated to refer to a “scour protection management and cable protection plan (monitoring of scour and protection measures)”;</u></p>

2.2 Marine Water and Sediment Quality

20. The proposed East Anglia THREE project has the potential to impact upon marine water and sediment quality. Chapter 8 of the East Anglia THREE Environmental Statement (ES) provides an assessment of the significance of these impacts. Table 2 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.

Table 2. SoCG – Marine water and sediment quality

Topic	EATL Position	MMO's Position	Final Position
Environmental Impact Assessment			
Existing Environment	The existing environment has been accurately reported and sufficient survey data (extent/duration) have been collected to enable this.	The MMO are satisfied that the existing environment has been accurately reported	It is agreed by both parties that the existing environment has been accurately reported
Assessment methodology	The impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on marine water and sediment quality.	The MMO are satisfied that appropriate assessment methodology has been used	It is agreed by both parties that appropriate assessment methodology has been used
Assessment conclusions	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on the water and sediment quality are likely to be non-significant in EIA terms	The MMO are satisfied that the appropriate assessment conclusions have been reached.	It is agreed by both parties that the appropriate assessment conclusions have been reached.
Management Measures			
	Management measures to limit the impacts of the East Anglia THREE project to marine water and sediment quality are appropriate.	<p>The MMO advise that any dredged material containing contaminant levels above Cefas action level 2 [found in the proximity of sample station 30] is excluded from any dredge and disposal permitted under the East Anglia THREE DCO / DML.</p> <p>Should dredge and sediment disposal or cable installation by jetting become necessary (as identified during the detailed design phase) within 250m of Site 30, further survey work would be required by the applicant, the nature and extent of which would be agreed by the MMO four months prior to the survey being undertaken.</p> <p>Should the results of this survey identify arsenic levels above Cefas Action level 2 an</p>	<p>Both parties agree that should any licensed activities become necessary (as identified during the detailed design phase) within 250m of Site 30, further survey work would be required by the applicant, the nature and extent of which would be agreed by the MMO four months prior to the survey being undertaken.</p> <p>Should the results of this survey identify arsenic levels above Cefas Action level 2 an additional marine licence application may be required and onshore disposal considered. This will be secured by a condition in the DML which states:</p>

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Topic	EATL Position	MMO's Position	Final Position				
		<p>additional marine licence application may be required and onshore disposal considered.</p>	<p><i>"No licenced-activities may take place within the area hatched black on the works plan being 250m from site 30 ("restricted area") unless the MMO has confirmed in writing that it is satisfied with the results of a sediment sample survey or that sufficient mitigation has been secured in the approved method statement secured under condition 13(g), to prevent impacts from contaminated sediment.</i></p> <p><i>"sediment sample survey" means a survey to be carried in the event that works are proposed in the restricted area which:</i></p> <ul style="list-style-type: none"> <i>samples sediment for arsenic contamination in the restricted area; and</i> <i>must be carried out in accordance with details first been approved by the MMO"</i> <p><i>"site 30" means site 30 shown on the works plan (offshore) which has the following grid coordinates:</i></p> <table border="1" data-bbox="1480 1066 1908 1187"> <thead> <tr> <th data-bbox="1480 1066 1688 1098">Latitude</th> <th data-bbox="1700 1066 1908 1098">Longitude</th> </tr> </thead> <tbody> <tr> <td data-bbox="1480 1098 1688 1129">52 27 32.889 N</td> <td data-bbox="1700 1098 1908 1129">02 36 9.019 E</td> </tr> </tbody> </table> <p><i>"</i></p> <p>The Applicant will update the IPMP so that the final monitoring plan can include a monitoring method for</p>	Latitude	Longitude	52 27 32.889 N	02 36 9.019 E
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52 27 32.889 N	02 36 9.019 E						

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Topic	EATL Position	MMO's Position	Final Position
			recording elevated levels of arsenic if required.

2.3 Underwater noise

21. The proposed East Anglia THREE project has the potential to produce underwater noise. Chapter 9 of the East Anglia THREE ES provides an assessment of the magnitude of these impacts. Table 3 provides areas of common ground that have been reached regarding the findings reported within that chapter. There are no issues in relation to the underwater noise assessment where agreement has not been reached.
22. This topic was discussed indirectly through the marine mammal and fish ecology Evidence Plan meetings (see sections 2.5 and 2.6 for further details).

Table 3. SoCG – Underwater noise

Topic	EATL Position	The MMO's Position	Final Position
Underwater noise modelling	The underwater noise modelling completed for the East Anglia THREE project is appropriate.	<p>9.1 Appendix 9.1 Underwater Noise Modelling - It is appropriate that the modelling has been completed at 20 single pile locations inside and around the boundary of the EA3 site to represent the geographical extent of the wind farm and to account for bathymetric features so as to capture the variability in the regional underwater sound propagation.</p> <p>Appropriate noise modelling has been undertaken for two concurrently operating piling vessels within the site operating at 3500kJ. The contour lines indicate the possible behavioural disturbance for harbour porpoise and pelagic fish.</p> <p>A number of worst case scenarios have been assessed, based on the worst case hammer energy of 3500kJ. The impact criteria used in the assessment is appropriate and the predicted injury and behavioural impact ranges for marine mammals and fish are provided.</p>	Both parties agree that the underwater noise modelling completed for the East Anglia THREE project is appropriate.

2.4 Benthic Ecology

23. The proposed East Anglia THREE project has the potential to impact upon Benthic Ecology. Chapter 10 of the East Anglia THREE Environmental Statement (ES) provides an assessment of the significance of these impacts. Table 4 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.
24. This topic was discussed at an Evidence Plan meeting on the 10th September 2013. A method statement for the assessment was produced which was revised based on the discussion, circulated and agreed. Natural England and Cefas were present.
25. A second meeting was held to discuss the PEIR on 3rd July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES Chapter 10 Benthic Ecology (as recorded in *Table 10.1* of the chapter)

Table 4. SoCG – Benthic Ecology

Topic	EATL Position	The MMO's Position	Final Position
EIA			
Existing Environment	Sufficient survey data (extent/duration) have been collected to undertake the assessment.	MMO have no further comments to make at this time.	It is agreed by both parties that sufficient data has been collected
Assessment Methodology	The list of potential impacts to be assessed, as proposed in the Evidence Plan method statement is appropriate.	MMO have no further comments to make at this time.	It is agreed by both parties that the list of potential effects on benthic ecology assessed in the ES are appropriate.
	The impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on the Benthic Environment. This includes: Assessments which utilise the Marine Geology, Oceanography and Physical Process assessment which is based on expert judgement The definitions of sensitivity and magnitude used in the impact assessment	MMO have no further comments to make at this time.	It is agreed by both parties that the methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on the benthic ecology.
	The approach to cumulative impact assessment for each receptor is appropriate and, assuming the inclusion of the embedded mitigation described, cumulative impacts on the Benthic Environment are likely to be non-significant in EIA terms	MMO have no further comments to make at this time.	It is agreed by both parties that the approach to cumulative impact assessment is appropriate and the impacts on the Benthic Environment are likely to be non-significant in EIA terms
	Detailed assessment of biogenic reef (<i>Sabellaria</i> or <i>Mytilus</i>) is a matter for pre-construction survey and final routeing.	MMO have no further comments to make at this time.	It is agreed by both parties that detailed assessment of biogenic reef (<i>Sabellaria</i> or <i>Mytilus</i>) is a matter for pre-construction survey and final routeing.
	The worst case scenario presented in the	29 October 2015 – MMO notes that this is	It is agreed by both parties that the

Topic	EATL Position	The MMO's Position	Final Position
	ES is appropriate for this project.	agreed in principle based upon PEIR Post application - this is now confirmed upon review of the final submitted application documents.	worst case scenario presented in the ES is appropriate for this project.
Assessment conclusions	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on the Benthic Environment are likely to be non-significant in EIA terms	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR Post application - this is now confirmed upon review of the final submitted application documents	It is agreed by both parties that the assessment of impacts presented in the ES is appropriate and that impacts to Benthic Ecology are likely to be non-significant in EIA terms
	Assuming the inclusion of the embedded mitigation described in the ES, cumulative impacts on the Benthic Environment are likely to be non-significant in EIA terms	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR Post application - this is now confirmed upon review of the final submitted application documents	It is agreed by both parties that, cumulative impacts on Benthic Ecology are likely to be non-significant in EIA terms.
Habitats Regulations Assessment			
	The assessment of effects upon designated sites is appropriate and there are no effects which require consideration in HRA. All Special Areas of Conservation are screened out of the assessment with regard to Benthic Ecology	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
Management measures			
	It is agreed that the given the impacts of the project, the conditions provided within the DML (and supporting certified documents) for the management and monitoring of impacts on the Benthic Environment are considered appropriate and adequate.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts, DCO and IPMP provided in October 2015 Post application - this is now confirmed upon review of the final submitted application documents.	It is agreed that the management measures detailed in the DCO application (ES, DMLs and supporting certified documents) are appropriate and adequate.

2.5 Fish and Shellfish Ecology

26. The proposed East Anglia THREE project has the potential to impact upon Fish and Shellfish Ecology. Chapter 11 of the East Anglia THREE Environmental Statement (ES) provides an assessment of the significance of these impacts. Table 5 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.
27. This topic was discussed at an Evidence Plan meeting on the 10th September 2013. A method statement for the assessment was produced which was revised based on the discussion, circulated and agreed. Natural England and Cefas were present.
28. A second meeting was held to discuss the PEIR on 3rd July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES Chapter 11 Fish and Shellfish Ecology (as recorded in *Table 11.1* of the chapter)

Table 5. SoCG – Fish and Shellfish Ecology

Topic	EATL Position / Position we would like to agree	The MMO's Position	Final Position
EIA			
Existing Environment	Sufficient survey data (extent/duration) has been collected to undertake the Assessment.	29 October 2015 – MMO notes the agreement of our scientific advisors, Cefas, and has no further comment to make at this time.	It is agreed by both parties are agreed that sufficient data has been collected
	The ES adequately characterises the baseline environment in terms of Fish and Shellfish Ecology.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of fish and shellfish ecology.
Assessment Methodology	The list of potential impacts to be assessed, as proposed in the Evidence Plan method statement, is appropriate.	29 October 2015 – MMO notes the agreement of our scientific advisors, Cefas, and has no further comment to make at this time.	It is agreed by both parties that the list of potential effects on fish and shellfish ecology assessed in the ES are appropriate.
	The impact methodologies used provide an appropriate approach to assessing potential impacts of the proposed project on fish and shellfish ecology.	29 October 2015 – MMO notes the agreement of our scientific advisors, Cefas, and has no further comment to make at this time.	It is agreed by both parties that the methodologies used for the assessing the impacts to fish and shellfish ecology are appropriate.
	The definitions used of sensitivity and magnitude in the impact assessment are appropriate.		
	The key species taken forward for assessment is appropriate.		
	The worst case scenario presented in the ES is appropriate for this project.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the worst case scenario presented in the ES is appropriate to the project.
The approach to screening in plans, projects and impacts for consideration in the cumulative impact assessment is appropriate.	29 October 2015 – MMO notes the agreement of our scientific advisors, Cefas, and has no further comment to make at this	It is agreed by both parties that the correct plans and projects have been used in the cumulative impact	

Topic	EATL Position / Position we would like to agree	The MMO's Position	Final Position
		time.	assessment.
	The approach to cumulative impact assessment for each receptor is appropriate.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the approach to cumulative impact assessment is appropriate for fish and shellfish ecology.
Assessment conclusions	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on the Fish and Shell Fish Ecology are likely to be non-significant in EIA terms	The MMO had concerns regarding the use of Spiny lobster (<i>Palinurus elephas</i>) as a proxy for assessing the sensitivity of common lobster (<i>Homarus gammarus</i>). Further to the provision of clarification information (Appendix 3) the MMO are content with the methodology used.	It is agreed by both parties that the assessment of impacts during construction, operation and decommission draw the correct conclusions. Deleted:) .
	Assuming the inclusion of the embedded mitigation described in the ES, cumulative impacts on fish and shellfish ecology are likely to be non-significant in EIA terms. This includes impacts of underwater noise upon cod spawning.	MMO agree that cumulative impacts on fish and shellfish ecology are likely to be non-significant in EIA terms 21 st April Representation- MMO is content with the report conclusions that the contribution of East Anglia THREE to the cumulative effect of underwater noise on cod spawning is considered to be of negligible significance.	It is agreed by both parties that the cumulative impacts on fish and shellfish ecology are likely to be non-significant in EIA terms
Habitats Regulations Assessment			
	There are no HRA considerations for on Fish and Shellfish Ecology (distance from designated sites and diffuse distribution of Annex 1 species) All Special Areas of Conservation are screened out of the assessment with regard to on Fish and Shellfish Ecology	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
Management Measures			
	It is agreed that the given the impacts of the project, the conditions provided within the DML	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts	It is agreed by both parties that the management measures detailed

Topic	EATL Position / Position we would like to agree	The MMO's Position	Final Position
	(and supporting certified documents) for the management and monitoring of impacts on fish and shellfish ecology are considered appropriate and adequate.	and agrees that it is to be confirmed upon review of the final submitted application documents	within the ES, DMLs (and other certified supporting documents) are appropriate and adequate.

2.6 Marine Mammal Ecology

29. The proposed East Anglia THREE project has the potential to impact upon Marine Mammal Ecology. Chapter 12 of the East Anglia THREE Environmental Statement (ES) provides an assessment of the significance of these impacts. Table 6 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.
30. This topic was discussed at Evidence Plan meetings on 13th September and 15th November 2013 and the 2nd April 2014. A method statement for the assessment was produced which was revised based on the discussion at the first meeting, circulated and agreed by Natural England. These meetings allowed for the preparation of the PEIR.
31. A meeting was held to discuss the PEIR on 3rd July 2014. Natural England, the MMO and Cefas were present. The discussion formed the basis of the Section 42 PEIR consultation responses which were in turn used to update the assessment for the ES Chapter 12 Marine Mammal Ecology (as recorded in *Table 12.1* of the chapter).
32. A further meeting was held on 6th July 2015 to go over the previously agreed statements and to discuss the shadow Habitats Regulations Assessment report. A method statement was produced for this meeting specifically for the HRA.
33. At the Evidence Plan Steering Group Natural England and the MMO discussed the conclusions of the assessment and the HRA materials to be submitted with the DCO application (21st October 2015).
34. 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 6. SoCG – Marine Mammal Ecology

Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
EIA			
Existing Environment	Site specific survey methods, duration and data analysis are sufficient to characterise the existing environment.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The use of harbour porpoise and unidentified individuals represents a precautionary approach to calculating harbour porpoise density across the Project area.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	Suitable correction factors have been used to account for marine mammals below the surface during aerial surveys.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The ES adequately characterises the baseline environment in terms of marine mammals.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
Assessment Methodology	Harbour porpoise, grey seal and harbour seal are the only species of marine mammal to be considered in the impact assessment.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The reference populations as defined in the ES are appropriate.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The definitions used of sensitivity and magnitude in the impact assessment are appropriate.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The potential impacts considered in the assessment are appropriate.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The approach to assessment of impacts from pile driving noise for marine mammals follows current best practice and is therefore appropriate for this assessment.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.

Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
	Underwater noise impacts from pile driving is the only impact where a quantified assessment can be made.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	Appendix 9.1 (Underwater Noise Modelling) clearly and accurately presents the results of the underwater noise modelling for pile driving illustrating the realistic the worst case scenario.	The MMO did have concerns with one aspect of how the underwater noise modelling has been presented in the ES, however further to the clarification email (Appendix 3) the MMO are satisfied with the methodology used.	Both parties are satisfied with the methodology used.
	The approach to screening in plans and projects for consideration the cumulative impact assessment, and the resulting lists of plans and projects for each receptor is appropriate.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The approach to cumulative impact assessment for each receptor is appropriate.	29 October 2015 – MMO notes the agreement of NE and has no further comment to make at this time.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The worst case scenario presented in the ES is appropriate for this project.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the worst case scenario presented in the ES is appropriate for this project.
Assessment conclusions	The assessment of impacts for construction, operation and decommissioning presented is appropriate and, assuming the inclusion of the embedded mitigation described, impacts on Marine Mammals are likely to be non-significant in EIA terms for the project.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the impacts on Marine Mammals presented in the ES are appropriate and likely to be non-significant in EIA terms.
	The assessment of cumulative impacts for construction, operation and decommissioning presented is appropriate.	29 October 2015 – MMO notes that this is agreed in principle based upon PEIR drafts and agrees that it is to be confirmed upon review of the final submitted application documents	It is agreed by both parties that the cumulative impacts for construction, operation and decommissioning presented in the ES are appropriate.

Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
Habitats regulations Assessment			
	There are no HRA considerations for species other than harbour porpoise, harbour seal and grey seal.	29 October 2015 – 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.	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The list sites screened in for assessment for each of the species harbour porpoise, harbour seal and grey seal is appropriate.	29 October 2015 – 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	EATL is content that the MMO has deferred its opinion on this matter to NE.
	The potential impacts considered in the assessment are appropriate.	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	Based upon the full screening exercise there is no potential for Likely Significant Effect (LSE) on any site designated for harbour seal.	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	Based upon the full screening exercise there is no potential for LSE on any site designated for grey seal.	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	Based upon the full screening exercise there is no potential for LSE on any site designated for harbour porpoise.	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	No LSE could be concluded for all cSAC and SAC and therefore no Appropriate Assessment is required at the time of submission.	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	On the basis of a likely overlap with the proposed Southern North Sea dSAC this site is screened in for further assessment (if the site is taken forward).	29 October 2015 – 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.	EATL are content that any HRA matters are deferred to NE.
	At the time of the submission of the	29 October 2015 – MMO is neither the	EATL are content that any HRA

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Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
	<p>application there is insufficient information available to undertake a meaningful assessment of the proposed dSAC.</p> <p><u>EATL has undertaken an assessment (provided as the Information for the Habitats Regulations Assessment: Marine Mammal Assessment Southern North Sea pSAC) based upon the draft conservation objectives available for the pSAC and worked with Natural England to refine this assessment in line with their latest advice.</u></p> <p><u>EATL conclude that there is unlikely to be potential for Adverse Effect on Integrity (AEOI) of the pSAC for the project alone, and that for the in-combination effects some scenarios may have potential for AEOI</u></p> <p><u>However, in the event that it is concluded that there is potential for AEOI, condition 13(2) of the DMLs (for generation and transmission assets) and the management measures secured through the In-principle Site Integrity Plan (SIP) are sufficient to ensure that AEOI is avoided (see Management Measures, below).</u></p>	<p>competent authority nor SNCB for this case therefore defers to the opinion of the relevant SNCB, NE, on all matters relating to HRA. However, it should be noted that this was discussed on 21 October 2015 and approach was agreed by the Steering Group.</p> <p>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.</p>	<p>matters are deferred to NE.</p> <p>EATL are content that any HRA matters are deferred to NE.</p>
Management Measures	Impacts are expected to be low for both species of seal and harbour	29 October 2015 – MMO agreed with in principle position. However, management	It is agreed by both parties that the management measures are still

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Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
	<p>porpoise and that additional mitigation (beyond embedded mitigation) is not necessary. No additional mitigation is necessary for shipping noise. No additional mitigation is necessary for other noise inducing impacts.</p>	<p>measures are still under discussion, dependant on the provision by Natural England of the Habitat Regulations Assessment and conservation advice.</p>	<p>under discussion, dependant on the provision by Natural England of conservation objectives and advise on the Habitats Regulations Assessment.</p>
	<p>The EPS licence will be applied for after the Development Consent Order (DCO) application is consented, prior to the onset of construction, once more detailed design work has been carried out and is available to inform the licence application, and in consultation with the relevant Statutory Nature Conservation Agencies.</p>	<p>29 October 2015 – MMO agreed with in principle position. However, management measures are still under discussion, dependant on the provision by Natural England of the Habitat Regulations Assessment and conservation advice. The MMO have provided a letter of comfort to confirm that they see no reason why a licence would not be granted.</p>	<p>It is agreed by both parties that the EPS licence will be applied once the project has been consented.</p>
	<p>As agreed with the MMO a draft marine mammal mitigation protocol (MMMP) was provided with the DCO application. This document includes appropriate mitigation measures or provides a framework for how appropriate mitigation measures would be determined.</p>	<p>29 October 2015 – MMO agreed with in principle position. However, management measures are still under discussion dependant on the provision by Natural England of Habitats Regulations Assessment and conservation objectives advice.</p>	<p>It is agreed by both parties that the MMMP (secured within the DMLs schedules 10 -15 Condition 13 (f)) will be developed post consent in consultation with the Natural England.</p>
	<p>The draft MMMP will be developed post consent in consultation with the Natural England.</p>	<p>29 October 2015 – MMO agrees.</p>	
	<p><u>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</u></p>	<p><u>The MMO reviewed the draft SIP submitted by the applicant at Deadline 4 and was, in general, content with the approach taken. The MMO provided comments on the SIP at Deadline 5, which the Applicant incorporated in</u></p>	<p><u>It is agreed by both parties that condition 13(2) of the relevant DMLs, provide an appropriate framework for approving and securing any mitigation required</u></p>

Topic	EATL Position / Position we would like to agree	MMO's Position	Final Position
	<p><u>13 of the draft DCO), secures mitigation to prevent AEOI on the Southern North Sea pSAC should this site be designated..</u></p>	<p><u>a revised draft SIP. However, it is noted by both parties and agreed that the MMO's comments related to paragraph 48 of the SIP in their deadline 5 response have not been addressed. This is because they are comments requesting the ExA or SoS to determine who is best placed to regulate scheduled piling across multiple developments.</u></p>	<p><u>post consent under the SIP for East Anglia THREE..</u></p>

2.7 Deemed Marine Licence

35. During the course of the examination, a number of changes were made to the DCO and DMLs, at the request of the MMO and other stakeholders.

36. All wording within the revised DCO and DMLS (Version 4, REP-024) have been agreed by the Applicant and the MMO. All changes are shown within the Schedule of Changes to the draft DCO (REP-026).

37. Other wording has been agreed following the version of the DCO stated above (regarding the turbine draught height and vessel best practice) and will be included in the next version to be submitted.

38. The only exception on the DML wording is in relation to of the MMO's comments at deadline 5 regarding condition 13 (3) of the DMLs. "The MMO is to content with the drafting of Condition 13(2) of the dDMLs to the extent that,

it secures the requirement to submit for approval by the MMO the SIP for assessment of effects on the Southern North Sea pSAC. However, the MMO considers that Condition 13(3) is not necessary as it restates existing requirements under the relevant habitats regulations, and as such does not meet the National Planning Policy Framework tests for planning condition."

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Table 7 Deemed Marine Licence Conditions – additional points for consideration¶
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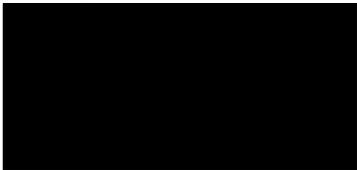
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The MMO
Page 29

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

Signed	
Printed Name	Ross Hodson
Position	Senior Licensing Manager
On behalf of	Marine Management Organsition
Date	07/12/2016

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	07/12/2016

Appendix 1 Glossary

DCO	Development Consent Order
DML	Deemed Marine Licence
EATL	East Anglia THREE Limited
EIA	Environmental Impact Assessment
ES	Environmental Statement
MCA	Maritime and Coastguard Agency
SoCG	Statement of Common Ground
PEIR	Preliminary Environmental Information Report
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol

Appendix 2 The MMO's PEIR response

No change in appendix

Appendix 3 Further Correspondence

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Appendix 4 EATL Relevant Rep reply letter

No change in appendix

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