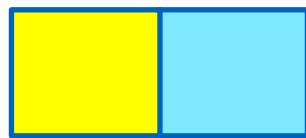




SCOTTISHPOWER  
RENEWABLES



# East Anglia ONE North and East Anglia TWO Offshore Windfarms

## Draft Statement of Common Ground The Wildlife Trust (TWT)

Applicants: East Anglia ONE North Limited and East Anglia TWO Limited  
Document Reference: ExA.SoCG-28.D1.V1  
SPR Reference: EA1N\_EA2-DWF-ENV-REP-IBR-000913

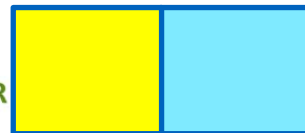
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Author: Royal HaskoningDHV

Applicable to **East Anglia ONE North** and **East Anglia TWO**



Revision Summary				
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Description of Revisions			
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## Glossary of Acronyms

BEIS	Department for Business, Energy & Industrial Strategy
CfD	Contracts for Difference
DCO	Development Consent Order
DML	Deemed Marine Licence
DTS	Distributed Temperature Sensing
EIA	Environmental Impact Assessment
EPS	European Protected Species
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
FID	Final Investment Decision
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
PD	Procedural Decision
PINS	Planning Inspectorate
PTS	Potential Threshold Shift
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
TWT	The Wildlife Trust
UXO	Unexploded Ordnance



## Glossary of Terminology

Applicants	East Anglia TWO Limited / East Anglia ONE North Limited
Construction, operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO / East Anglia ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
Evidence Plan Process	A voluntary consultation process with specialist stakeholders to agree the approach to the EIA and the information required to support HRA.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land and connect to the onshore cables.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Platform link cable	Electrical cable which links one or more offshore platforms, these cables will include fibre optic cables.
Safety zone	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.



Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transmission Deemed Marine License (DML)	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.

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# 1 Introduction

## 1.1 Background

1. This document is applicable to both the East Anglia ONE North and East Anglia TWO Development Consent Order (DCO) applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.
2. This Statement of Common Ground (SoCG) has been prepared by East Anglia TWO Limited, East Anglia ONE North Limited (the Applicants) and The Wildlife Trust (TWT). It identifies areas of the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications (the Applications) where matters are agreed or not agreed between the parties.
3. The Applicants have had regard to the guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG.
4. This SoCG has been structured to reflect topics of interest to TWT on the Applications. Topic specific matters agreed, not agreed and actions to resolve between the Applicants and TWT are included within this SoCG.
5. The table(s) presented below is the basis for a SoCG with the Applicants and TWT in respect of the following topic(s):
  - Marine Mammals (specifically harbour porpoise); and
  - The Development Consent Order
6. Comments on onshore ecology have been provided separately by Suffolk Wildlife Trust.
7. Throughout the SoCG the phrase "Agreed" identifies any point of agreement between the Applicants and TWT.
8. The phrase "Not Agreed" identifies any point that is not yet agreed between the Applicants and TWT. Points that are not yet agreed will be the subject of ongoing discussion between the Applicants and TWT to reach agreement on the point wherever possible or refine the extent of disagreement between parties. The notes column of the SoCG tables provides commentary on these matters.



9. The tables in **section 2.1** are based upon discussions and information exchanged between the Applicants and TWT during the pre-application and post application phases of the application.

## 1.2 The Development

10. The key offshore components of each project will comprise:
- Offshore wind turbines and their associated foundations;
  - Offshore platforms - up to four offshore electrical platforms and their associated foundations supporting some of the windfarm's electrical equipment, and up to one construction, operation and maintenance platform and associated foundations that may cater for personnel and activities required during the construction phase and operation and maintenance of the windfarm;
  - Sub-sea cables between the wind turbines and between wind turbines and offshore electrical platforms (inter-array), between separate offshore platforms (platform link cables) and between offshore electrical platforms and the landfall (export cables);
  - Scour protection around foundations and on inter-array, platform link and export sub-sea cables as required; and
  - Potential for one meteorological mast (met mast) and its associated foundations for monitoring wind speeds during the operational phase of the windfarm.
11. The key onshore components of each project, will comprise:
- The landfall site with up to two transition bays to connect the onshore and offshore cables;
  - Up to six onshore cables, up to two fibre optic cables and up to two distributed temperature sensing (DTS) cables installed underground (some or all of which may be installed in ducts) and associated jointing bays installed underground;
  - Onshore substation; and
  - Electrical cable connection between onshore substation and National Grid substation;
12. National Grid infrastructure will also be required to connect each project to the national electricity grid. Key components of the National Grid infrastructure which is common to both projects will comprise:
- National Grid substation;





- Cable sealing end compounds and a cable sealing end (with circuit breaker) compound; and
- Realignment of the existing overhead lines; including the reconstruction or replacement of up to three existing overhead pylons in proximity to the National Grid substation and the addition of up to one new pylon in close proximity to existing overhead pylons.

### 1.3 Summary of Agreed, Not Agreed and Outstanding Matters

13. **Table 1.1** provides a summary of the matters agreed, not agreed and those which are outstanding and in discussion between the Applicants and TWT for marine mammals and the DCO. For further information on agreements that are outstanding / in discussion and for which the Applicants and TWT are working to address within the examination period, see the detailed agreement **Table 2.2**.

**Table 1.1 Summary of Areas of Agreed, Not Agreed or those which are in discussion for Receptor Topic Areas Raised by TWT**

Topic	Agreed, Not Agreed or Outstanding
Marine Mammals	Existing environment is <b>Agreed</b> for EIA and the Information to Support Appropriate Assessment Report.  All other matters either ' <b>In Discussion</b> ' or ' <b>Not Agreed</b> '.
Development Consent Order	In discussion

## 2 Statement of Common Ground

14. A summary of the consultation undertaken to date with TWT and the matters agreed or not agreed between the Applicants and TWT (based on discussions and information exchanged between the Applicants and the TWT during the pre-application and examination phases of the applications) are set out below for marine mammals and the DCO. Note that TWT has only commented on matters relating to cetaceans and this SoCG is therefore only relevant to that species group. TWT has no comment upon issues regarding seals.

### 2.1 Marine Mammals

15. Each project has the potential to impact upon marine mammals. **Chapter 11 Marine Mammals** of the ES (PINS reference APP-059) provides an assessment of the significance of these impacts.



16. **Table 2.1** provides an overview of meetings and correspondence undertaken with TWT regarding marine mammals. **Table 2.2** provides areas of agreement and disagreement regarding marine mammals.
17. Further details on the stakeholder engagement process for marine mammals can be found in the **Consultation Report** (PINS reference APP-029).

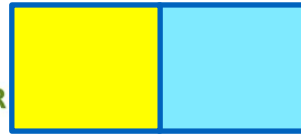
**Table 2.1 Summary of Consultation with TWT regarding Marine Mammals**

Date	Contact Type	Topic
<b>Pre-Application</b>		
30 <sup>th</sup> May 2017	Meeting	Expert Topic Group (ETG) meeting 1
9 <sup>th</sup> August 2017	Briefing Note	Sizewell update
27 <sup>th</sup> February 2018	Briefing Note	EA1N/EA2 cable corridor update
6 <sup>th</sup> March 2018	Meeting	ETG 2
9 <sup>th</sup> January 2019	Meeting	ETG 3
21 <sup>st</sup> June 2019	Meeting	ETG 4
<b>Post-Application</b>		
15 <sup>th</sup> April 2020	Meeting	SoCG meeting 1: To discuss format of SoCG
1 <sup>st</sup> July 2020	Meeting	SoCG meeting 2: To discuss updates to the agreement table
12 <sup>th</sup> September 2020	Meeting	SoCG meeting 3: To discuss updates to the agreement table



Table 2.2 Marine Mammals (specifically harbour porpoise)

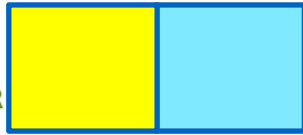
ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
<b>Environmental Impact Assessment</b>						
TWT - 001	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
TWT - 002	Assessment Methodology	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the project.	Agreed	Agreed	Not agreed	<p><b>TWT position:</b> TWT has a concern regarding the inconsistent approach used to determine sensitivity and magnitude between developers, which makes it more challenging to compare the assessment conclusions across several projects. TWT would support preparation of updated guidance for developers on the assessment of potential impacts on marine mammals to ensure a consistent approach to their assessment and to enable a like-for-like comparison of assessment outputs across different projects. TWT recognise that resolution to this requires broad discussion with SNCBs, industry and NGOs alongside updated guidance and that this issue cannot be resolved at a project level.</p> <p><b>Applicants Position:</b> Noted. In establishing the sensitivity criteria described in <b>section 11.4.4.1</b> of <b>Chapter 11 Marine Mammals</b> (APP-059) the Applicants have used best available evidence</p>



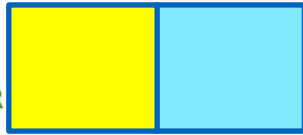
ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						including published data sources. The thresholds used to define the level of magnitude ( <b>section 11.4.4.3</b> ) for each impact have been defined by expert judgement, current scientific understanding of marine mammal population biology and JNCC et al. (2010) draft guidance on disturbance to EPS species. The Applicants agree that updated industry guidance would be helpful and would go some way in enabling simpler comparisons between projects. However expert judgement and experience is of equally high importance when applying this guidance and determining impact significance.
TWT - 003	Assessment Conclusions	<i>Project-alone assessment:</i> The conclusions of the project-alone assessments of impacts for construction (excluding UXO clearance), operation and decommissioning are agreed.	Agreed	Agreed	Not agreed	<b>TWT position:</b> not agreed based upon comments in TWT-002.
TWT - 004		<i>Project-alone assessment:</i> The conclusions of the project-alone assessment of impacts for pre-construction noise from UXO clearance are agreed.	Agreed	Agreed	Not agreed	<b>TWT Position:</b> TWT has some concerns in the confidence of the project-alone assessment to conclude minor adverse effect on harbour porpoise as this conclusion is drawn from the residual impact following application of



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						mitigation proposed by the Applicants, to which TWT has concerns (see TWT-006 'Mitigation').  <b>Applicants position:</b> The Applicants refer to the response provided in Agreement Statement TWT-006.
TWT - 005		<i>Cumulative assessment:</i>  The conclusions of the cumulative assessment are agreed	Agreed	Agreed	Not agreed	<u>Commercial fisheries</u>  <b>TWT position:</b> Commercial fisheries should be included in the CIA. TWT does not consider fishing to be part of the baseline.  <b>Applicants position:</b> As agreed with Natural England at an Expert Topic Group (ETG) Meeting on the 6 <sup>th</sup> of March 2018, fishing activity has been considered as part of the baseline. The Applicants consider this is appropriate as it has existed in the North Sea for a long time before any offshore windfarm construction and it is not a recent or an increasing activity (in most areas fishing is currently in decline). This position is supported in the approach taken by the Secretary of State in relation to the Appropriate Assessments for both Hornsea Project Three and Norfolk Vanguard offshore windfarms.  <u>Cumulative impact conclusions</u>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						<p><b>TWT position:</b> As outlined above TWT has some concerns about the sensitivity and magnitude criteria. The figures presented in table 11.69 showing the cumulative impact from all noise sources only summarises the noise from single piling activities. Appreciating that there is likely to be a mix of single (EA1N 8,833/EA2 6,947 harbour porpoise) and concurrent (EA1N 16,337/EA2 12,605 harbour porpoise) piling activity, the cumulative impact from all noise sources could be between 14,623 to 22,127 (for EA1N) and 14,327 to 19,279 (for EA2) harbour porpoise impacted, which TWT consider high. Although we agree that mitigation secured through the SIP is likely to reduce impact, monitoring will be important to verify this.</p> <p><b>Applicants position:</b> With regard to the sensitivity and magnitude criteria, see response to TWT-002.</p> <p>With regard to the potential number of animals that could be disturbed, it is important to note the commitments made in the <i>in-principle site integrity plan</i> (APP-594) to no concurrent piling between the Projects.</p>

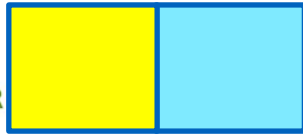


ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						<p>Table 11.69 presents the “<i>Quantified CIA for the Potential Disturbance of Marine Mammals from all Possible Noise Sources Including Piling</i>” for each Project on the basis of the assumptions in sections 11.7.4.1 (projects which could be piling concurrently) and 11.7.5.1.2.3 (projects in construction concurrently but not piling), this therefore incorporates non-piling construction noise from East Anglia ONE North in the East Anglia TWO assessment and vice versa.</p> <p>For other projects, the table assumes that each of the projects included in the cumulative assessment is single piling, rather than using an unrealistic scenario where all of the projects in Table 11.57 are piling at the same time and all piling concurrently. Given that all the projects in the cumulative scenario will have their own SIP to avoid significant effects upon the SNS SAC, the impacts will need to be under the thresholds for the SAC or mitigated, therefore it is considered that the scenario presented is realistic.</p> <p><u>Discrepancy between tables</u></p> <p><b>TWT position:</b> Please note, there is a discrepancy in the total of all other noisy</p>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						<p>activities between Table 11.66 and 11.69 for East Anglia TWO.</p> <p><b>Applicants position:</b> The discrepancy is in Table 11.66. This table should have used the total number of harbour porpoise disturbed from Table 11.64 of 2,808. The number presented (3,559) is an error. The correct value of 2,808 has been carried through to Table 11.69 however. Therefore, the total presented in Table 11.69 is the correct cumulative estimate of disturbed porpoise from all sources during piling at East Anglia TWO.</p>
TWT - 006	Mitigation	Given the impacts of the project, the proposed mitigation outlined in the Schedule of Mitigation Offshore (APP-574) with respect to the Marine Mammal Mitigation Protocol (MMMP) and Site Integrity Plan (SIP) and the embedded mitigation in section 13.3.3 of ES <b>Chapter 11 Marine Mammals</b> (APP-059) is appropriate.	In discussion	In discussion	In discussion	<p>TWT support the use of a MMMP and a SIP but emphasise that monitoring will be important to verify the effectiveness of mitigation. We welcome that the applicant will secure UXO clearance activity within the DCO alongside associated mitigation document.</p> <p><u>UXO</u></p> <p><b>TWT position:</b> TWT has concerns regarding large potential threshold shift (PTS) impact range for harbour porpoise. We do not support the continued use of EPS injury licences without the addition of noise mitigation by industry and expect developers to invest in research and</p>





ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						<p>implementation of appropriate mitigation to reduce PTS impacts. Although we support the use of a UXO-specific MMMP, we do have some concerns that the efficacy of the current mitigation methods are not scientifically verified to ensure that there will not be a PTS impact.</p> <p><b>Applicants position:</b> The Applicants note the TWT's concerns on the UXO PTS impact range for harbour porpoise. To clarify, whilst it is anticipated that an EPS injury licence will be required on the basis that no mitigation methodology can remove the risk of injury with absolute certainty, the Applicants do not intend to rely on the EPS licensing process. The Applicants have committed to preparing a robust MMMP and SIP in accordance with the Draft MMMP and In-principle SIP which will be approved by the MMO and against which the Applicants have committed to consulting with TWT. Additionally, the draft DCO secures provisions for pre-construction and post-construction monitoring of marine mammals (see TWT-017 and 018).</p>
TWT - 007		It is agreed that the Applicant will consult with TWT on the MMMP and SIP for both UXO	Agreed	Agreed	Agreed	The Applicant will update the Draft MMMP and In-principle SIP to include TWT as a consultee.



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
		clearance and for construction activities, and where possible, the EPS licensing process.				These two documents will be submitted into the Examination at Deadline 3.
<b>Information to Support Appropriate Assessment Report</b>						
TWT - 008	Existing Environment	Sufficient survey data has been collected to inform the assessment.	Agreed	Agreed	Agreed	None
TWT - 009	Assessment Methodology	The impact assessment methodologies used for the HRA provide an appropriate approach to assessing potential impacts of the project.	Agreed	Agreed	Not Agreed	<p><u>Population assessed</u></p> <p><b>TWT position:</b> TWT disagree with SNCB advice that the assessment of impacts on harbour porpoise populations in the Southern North Sea SAC is against the Management Unit. The European Commission has made clear in guidance that the expression 'integrity of the site' should be on the specific site*. We propose that a site-based assessment based on estimated population number alongside an assessment against the Management Unit should be undertaken.</p> <p><b>Applicants position:</b> The Applicants have followed SNCB advice on this matter and used the Management Unit as the metric against which to base harbour porpoise assessments.</p>

\* EC, 2000: Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						This position is consistent with the approach taken by the Secretary of State in relation to the Appropriate Assessments for both Hornsea Project Three and Norfolk Vanguard offshore windfarms
TWT - 010	Assessment Conclusions	<p><i>Project-alone assessment:</i></p> <p>The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed.</p>	In discussion	In discussion	In discussion	<p><u>Piling and UXO</u></p> <p><b>TWT position:</b> Piling and UXO disturbance impacts: we note that piling and UXO impacts will breach the winter daily thresholds (table 5.18) and that the SIP will be used to ensure careful management to reduce impacts. We acknowledge that EA1N and EA2 will not be constructed at the same time but highlight that careful underwater noise management will be required if one project is undertaking UXO clearance whilst the other is undertaking piling activity.</p> <p><b>Applicants Position:</b> Noted. Appropriate management measures to be implemented through the SIP and MMMP for the above scenario will ensure no significant disturbance and no Adverse Effect on Integrity on the Southern North Sea SAC for the project alone. The Applicants also note that the Draft MMMP and In-principle SIP will be updated to take</p>



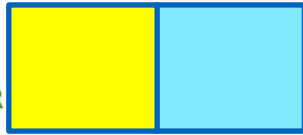
ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						account of the changes in the site conservation objectives in addition to other updates and submitted into the Examination at Deadline 3.
TWT - 013		<p><i>In-combination assessment (all projects):</i></p> <p>The conclusions of the in-combination assessment are agreed</p>	Agreed	Agreed	Not agreed	<p><u>Commercial Fisheries</u></p> <p><b>TWT position:</b> Commercial fisheries should be included in the in-combination assessment. TWT does not consider fishing to be part of the baseline. This approach was undertaken for BEIS Review of Consents for the Southern North Sea (published September 2020) and therefore all projects should now follow this approach.</p> <p><b>Applicants position:</b> As agreed with Natural England at an ETG Meeting on the 6<sup>th</sup> of March 2018 fishing activity has been considered as part of the baseline. The Applicant considers this appropriate as it has existed in the North Sea for a long time before any offshore windfarm construction and it is not a recent or an increasing activity (in most areas fishing is currently in decline). This position is supported in the approach taken by the Secretary of State in relation to the Appropriate Assessments for both Hornsea Project Three and Norfolk Vanguard offshore windfarms.</p>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						<p><u>SIP</u></p> <p><b>TWT position:</b> In-combination, the spatial and seasonal thresholds will be breached (on the current worst case assessment) and therefore mitigation will be required to ensure no adverse effect on the Southern North Sea SAC. We support the use of a SIP. However, we highlight that we cannot currently conclude no adverse effect from in-combination underwater noise disturbance impacts due to the lack of regulatory mechanism in place. We welcome the progress the Regulators Group is making but require more certainty on the process to give confidence of no adverse effect.</p> <p><b>Applicants position:</b> The Applicants consider that it is the responsibility of the MMO to develop a mechanism to manage the SIP process and to determine the adequacy and timing of mitigation commitments put forward by the Applicants (and other developers constructing projects at the same time as the Applicants) in respect of the southern North Sea SAC.</p>
TWT - 014	Mitigation	<i>Project-alone mitigation:</i>	In discussion	In discussion	In discussion	<p><b>TWT position:</b> TWT has concerns regarding large UXO PTS impact range for the Southern</p>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
		Given the impacts of the project, the proposed mitigation outlined in the Schedule of Mitigation Offshore (APP-574) with respect to the Marine Mammal Mitigation Protocol (MMMP) and Site Integrity Plan (SIP) and the embedded mitigation in section 13.3.3 of ES <b>Chapter 11 Marine Mammals</b> (APP-059) is appropriate.				North Sea SAC. We do not support the continued use of EPS injury licences without the addition of noise mitigation by industry and expect developers to invest in research and implementation of appropriate mitigation to reduce PTS impacts. Although we support the use of a UXO MMMP, we do have some concerns that the efficacy of the current mitigation methods are not scientifically verified and therefore TWT has concerns in the confidence of the assessment to conclude no adverse effect on the Southern North Sea SAC.  See <b>the Applicants</b> response to this point in TWT – 006 above.
TWT - 015		<i>In-combination mitigation:</i> Given the impacts of the project, the proposed mitigation outlined in the Schedule of Mitigation Offshore (APP-574) with respect to the Marine Mammal Mitigation Protocol (MMMP) and Site Integrity Plan (SIP) and the embedded mitigation in section 13.3.3 of ES <b>Chapter 11 Marine</b>	In discussion	In discussion	In discussion	<u>SIP</u>  <b>TWT</b> welcomes the progress made on the assessment of underwater noise disturbance assessment within the Southern North Sea SAC. However, we still have some concerns on the approach to the in-combination mitigation and emphasise that a regulatory mechanism and monitoring programme will be essential to increase our confidence. This is currently lacking.



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
		<b>Mammals</b> (APP-059) is appropriate.				<p><b>The Applicants</b> reiterate that the SIP which will be managed by the MMO provides the best and most flexible mechanism to manage this issue.</p> <p><u><i>Inclusion of Final Investment Decision and Contract for Difference</i></u></p> <p><b>TWT:</b> We would like to discuss the inclusion of the Final Investment Decision (FID) and Contract for Difference (CfD) across all SIPs prepared by the offshore wind industry. This is to ensure that decisions made at these milestones do not limit the mitigation required to ensure no adverse effect. Monitoring requirements also need to be taken into account in relation to these milestones.</p> <p>As highlighted previously, we cannot agree no adverse effect for the Projects in combination with other identified projects, despite the SIP being in place, as a regulatory mechanism is not in place. This should be discussed during examination.</p> <p><b>Applicants position:</b> The inclusion of reference to FID and CfD milestones in the in-principle SIP will be addressed in the updated in-principle SIP to be submitted into the Examination at Deadline 3.</p>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
						With regard to the lack of a Regulatory mechanism to manage the in-combination outputs of the SIP, the Applicants consider that it is the responsibility of the MMO, as the regulator, to develop a mechanism to manage the SIP process and to determine the adequacy and timing of mitigation commitments put forward by the Applicants (and other developers constructing projects at the same time as the Applicants) in respect of the southern North Sea SAC.
TWT - 016		It is agreed that the Applicant will consult with TWT on the MMMP and SIP for both UXO clearance and for construction activities, and where possible, the EPS licensing process.	Agreed	Agreed	Agreed	The Applicant will update the Draft MMMP and In-principle SIP to include TWT as a consultee. These two documents will be submitted into the Examination at Deadline 3.
<b>Draft Development Consent Order (DCO)</b>						
TWT - 017	Wording of Requirement(s) and Condition(s)	<p>The wording of the following Requirements and Conditions pertaining to marine mammals are appropriate and adequate:</p> <ul style="list-style-type: none"> <li>Condition 16(1)(b) and (c) in the generation DML and Condition 12(1)(b) and (c)</li> </ul>	In discussion	In discussion	In discussion	<b>TWT position:</b> TWT is pleased that conditions have been included in relation to UXO clearance, but wishes to review the updated draft DCO, updated Draft MMMP and updated In-principle SIP due to be submitted into the Examination by the Applicants at Deadline 3 prior to considering whether we are in





ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
		<p>in the transmission DML with reference to a marine mammal mitigation protocol and Site Integrity Plan in order to minimise the impact of noise on marine mammals (UXO Clearance).</p> <ul style="list-style-type: none"> <li>Condition 17(1)(f), (2) and (3) in the generation DML and Condition 13(1)(f), (2) and (3) in the transmission DML with reference to the marine mammal mitigation protocol, Site Integrity Plan and hammer energies (piling).</li> <li>Conditions 20(2)(c) and 22(2)(c) in the generation DML and Conditions 16(2)(c) and 18(2)(c) in the transmission DML with reference to pre-construction and post-construction marine mammal monitoring.</li> <li>Requirement 10 provided within DCO Schedule 1, Part 3 with reference to a</li> </ul>				<p>agreement with the provisions made in the draft DCO.</p> <p><b>Applicants position:</b> The Applicants confirm that they intend to submit the updated draft DCO, Draft MMMP and In-principle SIP into the Examination at Deadline 3 and will continue engagement with TWT on this matter.</p>



ID	Topic	Statement	East Anglia TWO Limited position	East Anglia ONE North Limited position	The Wildlife Trust position	Notes
		decommissioning programme.				
<b>Other Matters as Required</b>						
TWT - 018	Marine mammal monitoring	The provisions for pre-construction and post-construction marine mammal monitoring secured through the DMLs and In-principle monitoring plan are agreed.	In discussion	In discussion	In discussion	<p><b>TWT position:</b> for the Southern North Sea SAC, monitoring of both harbour porpoise and underwater noise pre-construction, during construction and post-construction are required to verify that mitigation is fit for purpose. TWT support a strategic approach to monitoring and will work with developers, regulators and SNCBs on the development and implementation of this. We request that the applicant consults with TWT as the marine mammal monitoring plan/monitoring as part of the SIP is developed.</p> <p><b>Applicants position:</b> The draft DCO secures marine mammal monitoring which will be addressed post-consent through the Monitoring Plan. The basis of any marine mammal monitoring required for inclusion in the Monitoring Plan will be identified through the MMMP and SIP in respect of which the Applicants have agreed to consult with TWT (see TWT-016).</p>



### 3 Signatures

18. The above Statement of Common Ground is agreed between the Applicants and the Wildlife Trust on the day specified below.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised for and on behalf of **the Wildlife Trust**

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised for and on behalf of **EAST ANGLIA TWO LIMITED**

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised for and on behalf of **EAST ANGLIA ONE NORTH LIMITED**