

From: [REDACTED]
To: [East Anglia ONE North](#)
Cc: [REDACTED]
Subject: EA1N Deadline 4 - TWT Response
Date: 13 January 2021 16:51:36
Attachments: [image001.png](#)
[TWT Response EA1N Deadline 4 Jan2021.pdf](#)

Dear East Anglia ONE North Case Team,

Reference: 20024817

Please find attached The Wildlife Trusts' submissions for Deadline 4. This includes:

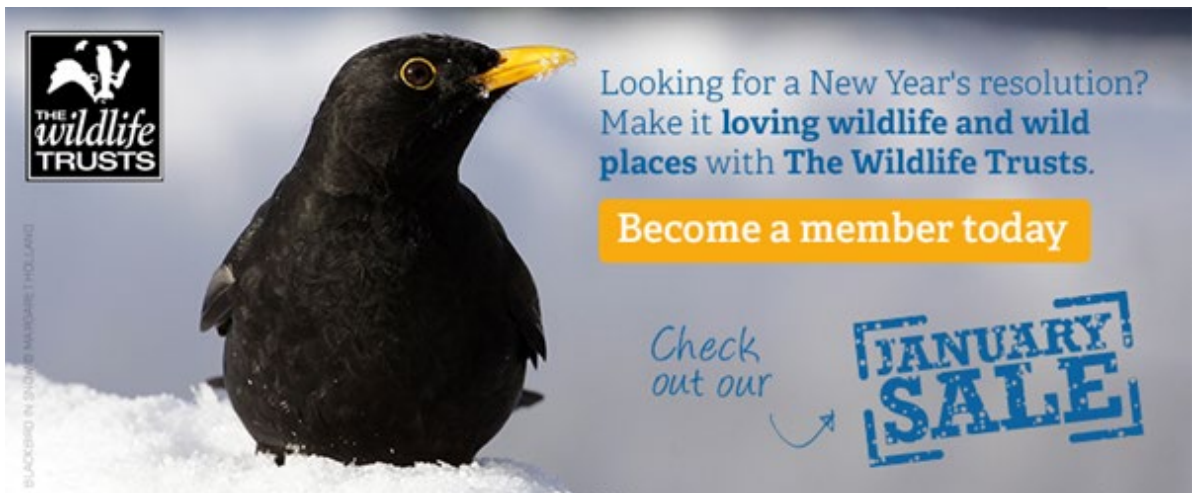
- TWT Comments on the updated Draft Marine Mammal Mitigation Protocol [REP3-042] submitted by the Applicant at Deadline 3 (Appendix A);
- TWT Comments on the updated In-Principle Site Integrity Plan [REP3-044] submitted by the Applicant at Deadline 3 (Appendix B).

If you require any further information, please do not hesitate to get in touch.

Kind regards,

Christina

[REDACTED]
Marine Planning Officer
[REDACTED]



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National Infrastructure Planning
The Planning Inspectorate
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The Wildlife Trusts reference: 20024817

BY EMAIL

13 January 2021

Dear East Anglia ONE North Case Team,

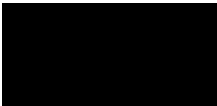
The Wildlife Trusts' response for Examination Deadline 4 Submissions for East Anglia ONE North Offshore Wind Farm.

The documents TWT is submitting at Deadline 4 are as follows:

- TWT Comments on the updated Draft Marine Mammal Mitigation Protocol [REP3-042] submitted by the Applicant at Deadline 3 (Appendix A);
- TWT Comments on the updated In-Principle Site Integrity Plan [REP3-044] submitted by the Applicant at Deadline 3 (Appendix B).

Thank you for taking our response into consideration. We look forward to engaging further with all parties as part of the examination and we are happy to provide more detail if required.

Yours sincerely



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The Wildlife Trusts

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Appendix A – TWT Comments on the updated Draft Marine Mammal Mitigation Protocol [REP3-042]

Section 1 - Introduction

Paragraph 6

TWT welcome engagement by the applicant on the development of the SIP and being named as a consultee within the document. We look forward to our continued engagement with the applicant on this matter.

Paragraph 8

The applicant has stated that the *“final MMMP for UXO clearance will be submitted to the MMO at least three months prior to UXO clearance activities being undertaken, for approval in consultation with the relevant SNCB”*. TWT would like to enquire as to the reasoning behind this change.

Section 4 – East Anglia ONE North Commitments

The applicant has revised the project commitments to include the phrase *“(at source)”*. This inclusion does not change our concerns on the revised project commitments (concerning the scheduling of UXO clearance and piling) as the project alone impacts on site integrity will still be dependent on commitments to mitigation and full assessments of mitigation effectiveness that would not occur until post-consent.

For further detail on these concerns, please see TWT’s Comments on the updated In-Principle Site Integrity Plan [REP3-044] in Appendix B.

Section 5 – Draft Protocols for UXO Clearance and Piling

Paragraph 33

TWT defers to Natural England’s advice regarding the clustering of UXOs.

Appendix 1 – Effectiveness of Possible Mitigation Measures

TWT welcomes the inclusion of the Appendix to discuss the effectiveness of possible mitigation measures for UXO clearance and piling activities.

Paragraph 6

TWT welcomes that discussion of mitigation has been based on the worst case maximum predicted impact ranges as opposed to the 5km disturbance impact range.

Paragraph 8

Regarding Acoustic Deterrent Devices (ADDs), TWT would like to highlight that there is some evidence to say ADDs are effective at significant distances (greater than the largest maximum impact range of 11.1km stated in paragraph 7), such as up to 12km in Dähne *et al.* (2017)¹, and up to 15km in Brandt *et al.* (2013)². However, a great deal more work is required to understand the effectiveness of current mitigation for UXO clearance and to develop better options if the current mitigation is found to be inadequate. TWT suggests that monitoring is undertaken if ADDs are used, in order to confirm their effectiveness.

TWT welcomes the explanation behind the choice of 700kg as the UXO possible maximum charge weight, though we would like to highlight that other offshore wind farms such as Hornsea Two have chosen to include up to 800kg in their MMMPs as a worst case scenario, due to the potential of encountering

¹ Dähne, M., Tougaard, J., Carstensen, J., Rose, A., and Nabe-Nielsen, J. (2017). Bubble curtains attenuate noise from offshore wind farm construction and reduce temporary habitat loss for harbour porpoises. *Marine Ecology Progress Series*, 580:221-237.

² Brandt, M. J., Hoeschle, C., Diederichs, A., Betke, K., Matuschek, R., Witte, S., and Nehls, G. (2013). Far-reaching effects of a seal scarer on harbour porpoises, *Phocoena phocoena*. *Aquatic Conservation-Marine and Freshwater Ecosystems* 23:222-232.

German ground mines. Is the applicant certain that they will not need to carry out UXO detonations of this magnitude?

Paragraph 13

TWT welcomes the consideration of noise mitigation measures for UXO clearance, such as low order deflagration and the use of bubble curtains. TWT would like to highlight that recent studies on low order deflagration have detailed the effectiveness of this technique³ and we would ask low order to be prioritised over high order wherever possible. TWT feel that bubble curtains should be a standard condition when obtaining a licence for high order UXO clearance and we have stated this across multiple projects. However, bubble curtains are generally not necessary for undertaking low order UXO clearance.

In addition, TWT requests that the UXO specific MMMP (and SIP) contain a full exploration of alternative options, such as leaving the UXO in situ (through avoidance / micro siting) or removing UXO from the site. The possibility of using either technique should be explored and in the event they are discounted, justification of this choice should be provided.

Paragraph 14

Please refer to our comments on paragraph 8 for our views on ADDs and Appendix B for our concerns on the scheduling of UXO clearance and piling.

TWT would like to highlight that the precautionary swimming speeds mentioned in this paragraph do not match the new rounded-up figures in the main report (Paragraph 47).

Paragraph 15

TWT would like to enquire into the nature of the acoustic monitoring for East Anglia ONE, was PAM used only at the noise source or was this spread throughout the site?

³ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893773/NPL_2020 - Characterisation of Acoustic Fields Generated by UXO Removal.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893773/NPL_2020_-_Characterisation_of_Acoustic_Fields_Generated_by_UXO_Removal.pdf).

Appendix B – TWT Comments on the updated In-Principle Site Integrity Plan [REP3-044]

Section 1 – Introduction

Paragraph 22

The applicant has stated that the *“final detailed SIP for UXO clearance activities will be produced at least three months prior to UXO clearance activities being undertaken, following revision and consultation”*. TWT would like to enquire as to the reasoning behind this change.

Section 2 - Consultation

Table 2.2

TWT welcome engagement by the applicant on the development of the SIP and being named as a consultee within the document. We look forward to our continued engagement with the applicant on this matter.

Section 4 – Project Description

4.1. East Anglia ONE North Commitments

As stated in our summary of oral submissions made at Issue Specific Hearing 1 and our comments on the Addendum for Marine Mammals [REP1-038] submitted at Deadline 3, TWT have some concerns with the revised project commitments related to the scheduling of UXO clearance and piling. As these revised commitments have not changed, our concerns remain the same. [Paragraphs below extracted from TWT’s Deadline 3 response [REP3-148]].

Although the SIP mechanism is still fairly new, SIPs have traditionally only been used for managing in-combination impacts. Providing a more detailed plan post-consent for in-combination noise impacts benefits both the developer and the regulator as this allows the provision of an up-to-date cumulative baseline to be included in the noise management plan and reduces the risks for both parties that arise from the long lead in time for offshore wind farm developments.

TWT only support the SIP mechanisms for in-combination impacts and we believe that SIPs should not be used to manage project-alone impacts. The purpose of the SIP is to guard against the risks associated with long term planning where there is a significant unknown factor (up-to-date cumulative noise baseline) that lies outside of the project’s control.

However, in this case the results of the assessment have already shown that the project-alone impact(s) in question (more than one UXO detonation / more than one piling event / at least one UXO event and at least one piling event in a 24 hour period) would cause significant noise disturbance within the Southern North Sea SAC by exceeding the 20% daily threshold⁴.

We feel that project-alone impacts should be conditioned as part of the Development Consent Order (DCO) and it would not be appropriate to include commitments within the DCO that are conditioned by mitigation that will not be committed to until post-consent.

It is our view that adapting the SIP to include project-alone impacts would entail a significant change to the purpose of the document. In this case discussions would need to be held between stakeholders in the industry to agree on the purpose of the Site Integrity Plan and the role the mechanism serves in managing underwater noise impacts.

Section 6 – In Principle Management and Mitigation Measures

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889842/SACNoiseGuidanceJune2020.pdf

Paragraph 82

TWT welcomes the consideration of noise mitigation measures for UXO clearance, such as low order deflagration and the use of bubble curtains. TWT would like to highlight that recent studies on low order deflagration have detailed the effectiveness of this technique and we feel that bubble curtains should be a standard condition when obtaining a licence for high order UXO clearance. However, bubble curtains are generally not necessary for undertaking low order UXO clearance.

In addition, TWT requests that the UXO specific SIP contains a full exploration of alternative options, such as leaving the UXO in situ (through avoidance / micro siting) or removing UXO from the site. The possibility of using either technique should be explored and in the event they are discounted, justification of this choice should be provided.

6.4 Measure 4: Clustering of UXO Devices

TWT defers to Natural England's advice regarding the clustering of UXOs.

Additional notes

TWT still abides by our comments submitted at Deadline 3 regarding the need for a regulatory mechanism for managing the in-combination impacts from multiple SIPs. However we appreciate that the development of the regulatory mechanism lies outside of the control of this examination.