

SCOTTISHPOWER
RENEWABLES

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on The Wildlife Trusts' Deadline 3 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
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Applicable to **East Anglia ONE North** and **East Anglia TWO**



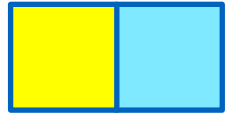
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Glossary of Acronyms

DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DML	Deemed Marine Licence
ExA	Examining Authority
FCS	Favourable Conservation Status
HRA	Habitats Regulation Assessment
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SNCB	Statutory Nature Conservation Body
SoS	Secretary of State
TWT	The Wildlife Trusts
UK	United Kingdom
UXO	Unexploded Ordnance

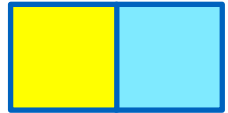


Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Cable sealing end compound	A compound which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Cable sealing end (with circuit breaker) compound	A compound (which includes a circuit breaker) which allows the safe transition of cables between the overhead lines and underground cables which connect to the National Grid substation.
Construction consolidation sites	Compounds associated with the onshore works which may include elements such as hard standings, lay down and storage areas for construction materials and equipment, areas for vehicular parking, welfare facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure.
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
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 ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
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 TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
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.
HDD temporary working area	Temporary compounds which will contain laydown, storage and work areas for HDD drilling works.



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.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.
Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.
Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
National electricity grid	The high voltage electricity transmission network in England and Wales owned and maintained by National Grid Electricity Transmission
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[ONE North] windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines 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 infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



1 Introduction

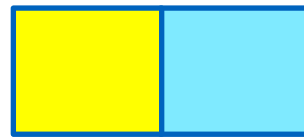
1. This document presents the Applicants' comments on The Wildlife Trusts' (TWT) Deadline 3 submission (REP3-148).
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23rd 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 Appendix A – TWT Summary and Further Detail on Oral Submissions made at the Issue Specific Hearing 1 (ISH1), 1st December 2020

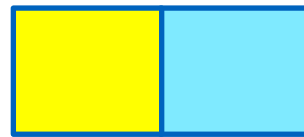
Table 1 TWT Response Provided in Appendix A of their Deadline 3 submission (REP3-148) and the Applicants' Comments on this

Reference TWT Comment		Applicants' Comments
Site Integrity Plan (SIP) – Project alone impacts and the Addendum for Marine Mammals [REP1-038]		
001	After reviewing the Addendum for Marine Mammals [REP1-038] submitted by the Applicant at Deadline 1, TWT have some concerns with the revised project commitments related to the scheduling of UXO clearance and piling.	Noted
002	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.	
003	TWT only support the SIP mechanisms for in-combination impacts and we believe that SIPs should not be used to manage project-alone impacts. As mentioned in the paragraph above, 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.	There is no reason why a SIP cannot be used to manage project alone, in-combination effects or both. One of the key purposes of the SIP is to enable the MMO to be satisfied that the plan provides such mitigation as is necessary to avoid the projects adversely affecting the integrity of the relevant SAC. This will need to be considered in the context of the projects alone and in combination with other plans or projects. The Applicants note that the assessment provided within the Deadline 1 Submission - Information to Support Appropriate
004	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	

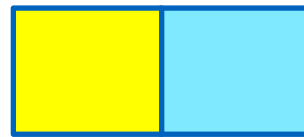


Reference TWT Comment		Applicants' Comments
	event in a 24 hour period) would cause significant noise disturbance within the Southern North Sea SAC by exceeding the 20% daily threshold ¹ .	Assessment – Addendum for Marine Mammals (REP1-038) would allow for a single noisy activity within a 24-hour period in the winter area in the winter period at the project-alone level and that the Applicants have made the commitment within the SIP that there would only be a single event <u>unless</u> at-source mitigation can be shown to reduce the noise levels for multiple events below the 20% threshold for the SAC.
005	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.	
006	<p>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.</p> <p>For further detail on these points, please see TWT's Comments on the Addendum for Marine Mammals [REP1-038] in Appendix B.</p>	<p>If it could not be demonstrated that noise levels could be mitigated to below the threshold then more than one piling or UXO event would <u>not</u> be permitted within any 24-hour period.</p> <p>It is the Applicants' view that many of the reasons why it is appropriate to use the SIP to manage in-combination impacts equally apply to the management of project alone impacts.</p> <p>For example, the commitments secured in the conditions currently included in the DMLs (see below) prevent the introduction of high noise levels associated with UXO clearance and piling into the marine environment of the Southern North Sea SAC without further consideration of the project alone and cumulative position through the approval process of the SIP and the MMMP. The control mechanism currently set out within the DMLs allows for the review of currently available mitigation techniques as well as consideration of new techniques that may become available during the preconstruction phase. It will also enable changes to the science on the issue, changes in guidance and regulatory advice and any changes to the conservation objectives for the SAC to be taken into consideration prior to approval of the SIP and MMMP by the MMO.</p>

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889842/SACNoiseGuidanceJune2020.pdf



Reference	TWT Comment	Applicants' Comments
		<p>Additionally, the Applicants have committed to consulting with Natural England (and The Wildlife Trusts) through the in-principle SIP and have proposed a consultation programme within the in-principle SIP (Table 2.1) that commences more than 12 months in advance of the first noisy activity (UXO clearance).</p> <p>For UXO clearance, condition 16 of the generation DML and condition 12 of the transmission DML states that:</p> <p><i>(1) No removal or detonation of UXO can take place until the following have been submitted to and approved in writing by the MMO—</i></p> <p>...</p> <p><i>(b) a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies; and</i></p> <p><i>(c) an East Anglia [TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan for UXO Clearance which accords with the principles set out in the in principle East Anglia [TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan.</i></p> <p><i>(2) In approving the East Anglia [TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan for UXO Clearance the MMO must be satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Offshore Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.</i></p> <p><i>(3) Any UXO clearance activities must be undertaken in accordance with the method statement, marine mammal mitigation protocol and</i></p>



Reference TWT Comment	Applicants' Comments
	<p><i>East Anglia [TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan for UXO Clearance approved under paragraph (1).</i></p> <p>With regard to piling, condition 17 of the generation DML and condition 13 of the transmission DML states that:</p> <p><i>(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—</i></p> <p>...</p> <p><i>(f) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.</i></p> <p><i>(2) In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities must not commence until an [East Anglia TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan for Piling which accords with the principles set out in the in principle East Anglia [TWO/ONE North] Project Southern North Sea SAC Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Offshore Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.</i></p> <p>Overall, the Applicants therefore consider that there are sufficient controls in place to ensure that multiple noisy activities will not be</p>



Reference TWT Comment		Applicants' Comments
		<p>able to be carried out until the relevant plans (SIP and MMMP) have been approved by the MMO and in approving the plans, the MMO will need to be satisfied that appropriate mitigation is in place.</p> <p>It is the Applicants' view that the commitments already made allow for robust control of this issue by the MMO and that no further conditions are necessary. However, in recognition of Natural England's and TWTs' position on this matter and following a discussion with NE on the 11th January 2021, the Applicants are exploring the potential for a DML condition to be included in the DCO. The Applicants will continue to engage with Natural England, TWT and MMO on this matter and will provide a further update through submissions to the examination anticipated to be at Deadline 5 or Deadline 6. The Applicants would however re-emphasise that they consider that the approval process of the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made.</p>
Impacts on the Southern North Sea SAC – UXO Detonation and piling		
007	<p>Therefore due to our concerns with the Addendum for Marine Mammals [REP1-038] as described above and in Appendix B, we continue to abide by our position on UXO detonation and piling as stated in TWT Written Representation submitted at Deadline 1. TWT believe that piling and UXO detonation should be limited to 1 on any given day, in order to ensure that the 20% threshold is not exceeded and the project-alone impacts do not have the potential to cause significant noise disturbance to the harbour porpoise population of the Southern North Sea SAC.</p>	<p>As stated in Row 006 above, the Applicants have already committed to no more than one noisy activity within a 24 hour period without at-source mitigation in the winter area in the winter period to ensure that the 20% threshold is not exceeded.</p> <p>As stated in Row 006 of this table, notwithstanding the Applicants' position that the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made, the Applicants are exploring the potential for a DML condition to be included in the DCO and will</p>



Reference TWT Comment		Applicants' Comments
		provide a further update through submissions to the examination anticipated to be at Deadline 5 or Deadline 6.
008	In addition, we suggest that it may be useful for regulators/SNCBs to provide guidance as to the definition of the phrase 'any given day' in the current methodology for assessing noise impacts 1. Is this intended to refer to a calendar day (midnight-midnight) or any 24 hour period? It would be useful to clarify this to ensure consistency between future projects or scheduling of noisy activities.	No further comment.
Impacts on the Southern North Sea SAC – Mitigation		
009	We appreciate that Defra, the MMO and the Southern North Sea Regulators Working Group are taking positive steps to develop effective management for in-combination underwater noise impacts and TWT will continue to work closely with all stakeholders on this. However, as a regulatory mechanism for managing the in-combination impacts from multiple SIPs is not yet in place and is unlikely to be in place before the end of this examination, we cannot agree with the in-combination assessment conclusions of no adverse effect on the Southern North Sea SAC.	The Applicants would reference the MMO Deadline 3 submission (REP3-109) which states: <i>The MMO is a member of the SNS Regulators Working Group and as such, are part of discussions regarding how activities which generate noise can be managed. There is currently an Activity Tracker available for any users of the sea to update when generating noise within the SAC. This is found within the Statutory Nature Conservation Body (SNCB) Noise Guidance section on the Offshore Petroleum Regulator for Environment and Decommissioning website (https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#conservation-of-offshore-marine-habitats-and-species-regulations-2017), an example has been provided in Appendix 1. The tracker will work alongside the SNS SIP that will be submitted as part of the Pre-construction documents.</i>
010	As stated in our Written Response submitted at Deadline 1, we appreciate that the development of the regulatory mechanism lies outside of the control of this examination, however we suggest the Planning Inspectorate and the	Noted



Reference TWT Comment		Applicants' Comments
	Secretary of State considers what controls need to be put in place to ensure no adverse effect on the Southern North Sea SAC at this current time.	
DML Construction Monitoring Conditions - Cessation of piling		
011	<p>As expressed at ISH1, TWT agree with the position put forward by the MMO at ISH1 regarding the inclusion of provisions in the DML which would require piling to cease if noise levels are significantly higher than those assessed in the ES. This is a standard condition that has been applied across projects and we feel that the MMO need to have all the legal powers necessary to enforce the conditions in the DML as they see fit.</p> <p>If necessary, we would be happy to discuss a solution to this further with all parties.</p>	The Applicants have updated condition 21(3) of the Generation DML and condition 17(3) of the Transmission DML within the draft DCO submitted at Deadline 3 (REP3-011) as requested by the MMO in order to address these concerns.

3 Appendix B – TWT Comments on the Addendum for Marine Mammals [REP1-038]

Table 2 TWT Response Provided in Appendix B of their Deadline 3 submission (REP3-148) and the Applicants' Comments on this

Reference TWT Comment		Applicants' Comments
Section 2: Project Commitments		
001	Paragraph 17	The Applicants would like to clarify that UXO and piling activities would be mitigated as described in the updated Marine Mammal Mitigation Protocol (MMMP) submitted at Deadline 3 (REP3-042). The addition of 'without mitigation' was to distinguish between at source mitigation (for example,



Reference	TWT Comment	Applicants' Comments
	<p>The applicant has elected to revise the project commitments relating to UXO clearance and piling. TWT have concerns regarding the following commitments:</p> <p>“In the winter period in the winter area, only one UXO detonation without mitigation could occur in a 24 hour period.”</p> <p>“In the winter period in the winter area, only one piling event without mitigation could occur in a 24 hour period.”</p> <p>“During the winter period there would be no UXO detonation without mitigation in the offshore development area in the same period as any piling without mitigation in the offshore development area.”</p> <p>These concerns are explained in further detail below.</p>	<p>bubble curtains) and the standard mitigation that is secured through the MMMP.</p> <p>Paragraph 26 states (emphasis added):</p> <p>“In addition to the embedded mitigation secured through this MMMP (such as establishing a Mitigation Zone based on the maximum potential range for PTS, soft-start and ramp-up, and activation of ADDs prior to soft-start, see section 5), the Applicant has also committed to the following:…”</p> <p>Within the updated Southern North Sea (SNS) Site Integrity Plan (SIP) submitted at Deadline 3 (REP3-045) the words ‘at source’ have been added before ‘without mitigation’ to clarify this point, for example:</p> <p>“During the winter period there would be no UXO detonation <i>without (at source) mitigation</i> in the offshore development area in the same 24 hour period as any piling <i>without (at source) mitigation</i>.”</p> <p>The Applicants have responded to the TWT’s detailed comments below.</p>
<p>Section 3.2: Project Alone Paragraphs 27, 30 & 37</p>		
002	<p>The Applicant’s revised project commitments state that there will be no more than one UXO detonation or more than one piling event in a 24 hour period, apart from if “it can be demonstrated that effective mitigation can be provided.” The Applicant therefore states that the SIP will cover the project-alone case for multiple UXO clearance events and/or multiple piling events in the winter.</p> <p>As detailed in Table 3.2, the results of the assessment have shown that any increases to 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</p>	<p>This is correct. After the use of standard mitigation, only one noisy activity would be possible per day in winter without the use of at-source mitigation.</p>



Reference	TWT Comment	Applicants' Comments
	cause significant noise disturbance within the Southern North Sea SAC by exceeding the 20% daily threshold ² .	
003	Significant noise disturbance to the Southern North Sea SAC impacts the ability of the site to make a full contribution to maintaining the Favourable Conservation Status (FCS) of harbour porpoise and has the potential to cause long-term declines in the population of the designated species.	The Applicants are committed to ensuring that adequate mitigation measures are in place, as secured through the In-Principle SIP (REP3-044), to ensure that the thresholds of significance are not breached.
004	As mentioned in our Written Representation submitted at Deadline 1, we are pleased the applicant has included TWT as a consultee on the Draft (MMMP) and In-Principle Site Integrity Plan (SIP) and we welcome the opportunity to discuss mitigation further with the applicant.	Noted.
005	<p>However, TWT only support the SIP mechanisms for in-combination impacts and we believe that SIPs should not be used to manage project-alone impacts.</p> <p>We feel that these provisions and the conclusions of Table 3.7 are not appropriate given that they are dependent on mitigation that will be conditioned post-consent. We believe that project-alone impacts should be conditioned as part of the Development Consent Order (DCO) and it would not be appropriate to include provisions within the DCO that are conditioned by mitigation that will not be committed to until post-consent.</p>	<p>See the Applicants' response in Row 003 of Table 1.</p> <p>As stated in Row 006 of Table 1, notwithstanding the Applicants' position that the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made, the Applicants are exploring the potential for a DML condition to be included in the DCO and will provide a further update through submissions to the examination anticipated to be at Deadline 5 or Deadline 6.</p>
006	The Applicant also states:	See the Applicants' response in Row 003 of Table 1 .

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889842/SACNoiseGuidanceJune2020.pdf



Reference	TWT Comment	Applicants' Comments
	<p><i>“The option to allow both piling and UXO clearance in the same 24 hour period in the winter area during the winter period has been removed, unless it can be demonstrated that effective mitigation can be provided for either activity (or both).”</i></p> <p><i>“The SIP will therefore cover this case if this is required to maintain this flexibility for construction.”</i></p> <p>TWT do not believe that the flexibility for construction would be appropriate in this case. 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.</p> <p>However, as mentioned previously the results of the assessment have already shown that the project-alone impact(s) in question would cause significant noise disturbance within the Southern North Sea SAC.</p>	
007	<p>Therefore as it stands at DCO, the project-alone impacts would have an adverse impact on the site integrity of the Southern North Sea SAC as the necessary mitigation will not be committed to until post-consent.</p>	<p>The Applicants note that the assessment provided within the Deadline 1 Submission - Information to Support Appropriate Assessment – Addendum for Marine Mammals (REP1-038) would allow for a single noisy activity within a 24-hour period in the winter area in the winter period at the project-alone level and that the Applicants have made the commitment within the in-principle SIP that there would only be a single event <u>unless</u> at-source mitigation can be shown to reduce the noise levels for multiple events below the 20% threshold for the SAC.</p> <p>If it could <u>not</u> be demonstrated that noise levels could be mitigated to below the threshold then more than one piling or UXO event would <u>not</u> be permitted within a 24 hour period.</p>

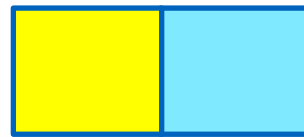


Reference	TWT Comment	Applicants' Comments
Section 4 Site Integrity Plan		
008	<p>Paragraph 46</p> <p>The Applicant proposes that:</p> <p><i>"...the In-Principle SIP (ISIP) for the Project is expanded in scope to reflect the project-alone effects as well as in-combination effects."</i></p> <p>Although it is acknowledged that the SIP is a fairly new mechanism, TWT views this as a significant change to the purpose of the document as SIPs have traditionally only been used for managing in-combination impacts. In this case TWT feels that discussions would need to be held between stakeholders in the industry in order to agree on the purpose of the site integrity plan and the role the mechanism serves in managing underwater noise impacts.</p>	See the Applicants' response in Row 003 of Table 1 .
009	<p>SIPs allow the Applicant to provide a detailed method statement to deliver any mitigation or management measures post-consent, which includes an up-to-date and current description of the cumulative baseline. This is useful for both the applicant and the regulator when measuring in-combination impacts as it reduces the risks associated with long lead in times in offshore wind development.</p> <p>However, in this instance it is already known that the project alone impact of 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 will cause significant noise disturbance within the Southern North Sea SAC by exceeding the 20% threshold. Therefore, we believe that the SIP is not an appropriate mechanism in this case.</p>	See the Applicants' response in Row 003 and 007 Table 1 .



Reference	TWT Comment	Applicants' Comments
010	<p>The Applicant also states:</p> <p><i>“Should the Applicant wish to undertake multiple UXO clearance or piling events on the same day in the winter period, this will be possible if it can be demonstrated that effective mitigation can be provided.” The evidence for this will be provided in the relevant SIP(s) (either for UXO clearance, piling or both) post-consent.”</i></p> <p>TWT would like further clarity on the Applicant’s definition of effective mitigation and who would determine the effectiveness of any mitigation measure proposed.</p>	<p>Effective mitigation would be determined from the ability of mitigation measures to reduce the noise impact so that it is below the disturbance thresholds for the SAC.</p> <p>This would be secured through the SIP which requires to be approved by the MMO in consultation with Natural England.</p>
011	<p>In this scenario, both the commitment to the mitigation and the evidence for the effectiveness of the mitigation would be provided post-consent. Therefore we believe that it would not be possible to rule out adverse effect on site integrity under the these new provisions as not enough information will be included on the face of the DCO.</p>	<p>See the Applicants’ response at Row 007 of this table</p>
012	<p>Paragraph 47</p> <p>We do not agree with the Applicant’s view that the SIP offers the most flexible and appropriate mechanism for managing potential project-alone noise impacts. As previously stated, SIPs have traditionally only been used to regulate in-combination impacts and these new provisions would significantly change the purpose of the document.</p> <p>TWT only supports the SIP for in-combination impacts, as the risks from other future projects are largely unknown at the time of consent due to the long lead in times of the offshore wind development process. However, in this case we know that the project alone impact(s) in question will exceed the 20% threshold of the Southern</p>	<p>See the Applicants’ response in Row 003 of Table 1.</p>

Applicants' Comments on TWT Deadline 3 Submissions
13th January 2021



Reference	TWT Comment	Applicants' Comments
	North Sea SAC and potentially leading to an adverse effect on site integrity.	
013	As mentioned previously, under these revised project conditions both the commitment to the mitigation and the evidence for the effectiveness of the mitigation would be provided post-consent. Therefore we believe that it would not be possible to rule out adverse effect on site integrity under the these new provisions as not enough information has been included on the face of the DCO.	See the Applicants' response in Row 007 and 010 of this table.