



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

**Appendix 16: Statement of
Common Ground between Triton
Knoll Offshore Wind Farm
Limited and the Eastern Inshore
Fisheries and Conservation
Authority**

Date: October 2015

**Appendix 16 of the Applicant's
response to Deadline 2**

Triton Knoll Offshore Wind Farm Limited

Triton Knoll Electrical System

Appendix 16: Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and the Eastern Inshore Fisheries and Conservation Authority

Appendix 16 of the Applicant's response to Deadline 2

Date: October 2015

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Approved By:	Kim Gauld-Clark
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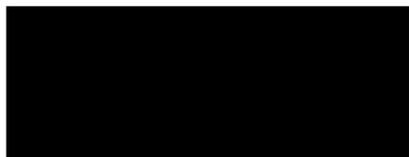
TABLE OF CONTENTS

1. CONFIRMATION OF AGREEMENT	4
2. INTRODUCTION	5
Reason for this Statement of Common Ground	5
The proposed development	5
Application elements under the EIFCAs remit	6
3. CONSULTATION	8
Summary	8
Pre-application Consultation	8
Post-application Consultation	9
4. MATTERS AGREED	10
The Application	10
Subtidal and Intertidal Ecology	12
Fish and Shellfish Ecology	15
Offshore Nature Conservation	18
Commercial Fisheries	21
Draft Development Consent Order (DCO) and deemed Marine Licence (DML)	24
APPENDICES	25
Appendix A: Audit Tracker	25

1. CONFIRMATION OF AGREEMENT

Confirmation of Agreement with

Signed:



For: Triton Knoll Offshore Wind Farm Limited

Name: Kim Gauld-Clark

Title: Senior Consents Manager

Date: 27th October 2015

Signed:



For: The Eastern Inshore Fisheries and Conservation Authority

Name: J. Gregory

Title: Acting Chief Executive Officer

Date: 27/10/2015

2. INTRODUCTION

Reason for this Statement of Common Ground

- 2.1 This Statement of Common Ground (SoCG) has been prepared in respect of Triton Knoll Offshore Wind Farm Ltd's (TKOWFL or the Applicant) application for a development consent order (DCO) under the Planning Act 2008 (the Application).
- 2.2 This SoCG with the Eastern Inshore Fisheries and Conservation Authority (EIFCA) is a means of clearly recording any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect topics of relevance to the EIFCA in relation to the Application.
- 2.3 The structure of the SoCG is as follows:
- Section 1: Introduction;
 - Section 2: Consultation;
 - Section 3: Matters agreed;
 - Section 4: Appendices
- 2.4 Throughout this SoCG the phrase "It is agreed..." is used as a precursor to any point of agreement that has been specifically agreed between the Applicant and the EIFCA. The phrase "It is not agreed..." is used as a precursor to any point that the Applicant and the EIFCA wish to identify as not yet agreed.
- 2.5 It is the intention that this document will facilitate further discussions between both parties and also give the Examining Authority (ExA) an understanding of the level of common ground between both parties from the outset of the examination process.

The proposed development

- 2.6 The Application is for development consent to construct and operate the Triton Knoll Electrical System (the proposed development) under the Planning Act 2008. The Triton Knoll Electrical System (TKES) would connect the consented Triton Knoll Offshore Wind Farm (TKOWF) offshore array to the existing National Grid substation at Bicker Fen, Boston.
- 2.7 The TKOWF is located approximately 33km (20.5 miles) east of the Lincolnshire coast. The Secretary of State granted a DCO for the TKOWF on 12 July 2013. The Application was submitted to the Planning Inspectorate on the 24 April 2015 and accepted for examination on 21 May 2015.

2.8 The proposed development comprises the project elements as described in Volume 2, Chapter 1, *Offshore Project Description* (document reference 6.2.2.1) and Volume 3, Chapter 1, *Onshore Project Description* (document reference 6.2.3.1) of the Environmental Statement (ES).

Application elements under the EIFCAs remit

2.9 The EIFCA is a non-prescribed consultee for the proposed development under section 42 of the Planning Act 2008.

2.10 The role of the Eastern Inshore Fisheries and Conservation Authority is “to lead, champion and manage a sustainable marine environment and inshore fisheries”.

2.11 The EIFCA district covers the area from the Humber to Harwich up to 6 nautical miles out to sea

2.12 The EIFCA’s key responsibilities as per Part 6, Section 153 of the Marine and Coastal Access Act 2009 comprise:

- Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way;
- Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation;
- Take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development; and
- Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

2.13 The EIFCA’s key responsibilities as per Part 6, Section 154 of the Marine and Coastal Access Act 2009 comprise:

- The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

2.14 The Application elements under the EIFCA’s remit and that have been agreed to form the scope of this SoCG are:

- Intertidal and Subtidal Ecology
- Fish and Shellfish Ecology
- Offshore Nature Conservation
- Commercial Fisheries

- Draft DCO and deemed Marine Licence (DML)

3. CONSULTATION

Summary

3.1 The Applicant engaged with the EIFCA on the proposed development during the pre-application process both in terms of informal non-statutory engagement and statutory consultation carried out pursuant to section 42 of the Planning Act 2008 (the 2008 Act). A summary of consultation undertaken, specific to an environmental topic, is presented in each of the chapters of the ES, with detail on all the consultation undertaken by the Applicant during the pre-application process presented in the Consultation Report (document reference 5.1). The Consultation Report demonstrates how the Applicant has complied with its duties under the relevant sections of the 2008 Act.

Pre-application Consultation

3.2 Consultation on the TKES commenced with discussions with the EIFCA in 2008. At that time the discussions related to the entire project, both the offshore array and the TKES.

3.3 In its response to the TKES statutory consultation in November 2014 the EIFCA provided comments relevant to their remit as a non-prescribed stakeholder on the following topics of the preliminary environmental information (PEI) – Intertidal and Subtidal Ecology, Fish and Shellfish Ecology, Offshore Nature Conservation and Commercial Fisheries.

3.4 It is agreed that the Consultation Report (document reference 5.1) submitted with the application provides accurate record of the statutory consultation which the EIFCA was involved in.

3.5 It is agreed that additional topic-specific consultation with the EIFCA, is captured within the consultation sections of each of the relevant ES chapters, listed in paragraph 2.12 of this SoCG.

3.6 It is agreed that a meeting was held with the EIFCA in March 2014 to:

- Provide an update on the project and timelines;
- Provide an update of Fisheries Liaison Officers roles and responsibilities; and
- Request up to date data on fishing grounds

Post-application Consultation

- 3.7 The Applicant made initial contact with the EIFCA in relation to the preparation of a SoCG in late May 2015, following the Secretary of State's acceptance of the Application. It was agreed that drafting a SoCG would be appropriate as a means of making a clear statement to the ExA appointed for the Application.
- 3.8 It is agreed that Appendix A accurately records the discussions between the Applicant and the EIFCA post-application.

4. MATTERS AGREED

The Application

- 4.1 The following sections of this SoCG set out the areas of agreement between the parties in respect of the Application.
- 4.2 Where the agreements set out in the following sections refer to sections of the ES, it is agreed that those statements apply equally to the equivalent data, descriptions or analyses set out in any relevant technical reports, survey reports or any other application documents, unless otherwise stated.

Policy Context

- 4.3 It is agreed that the National Policy Statements (NPS) for Overarching Energy (EN-1), Renewable Energy (EN-3) and Electricity Networks Infrastructure (EN-5), are the overriding policy documents in relation to the Project.
- 4.4 It is agreed that NPS EN-1, EN-3 and EN-5 provide for flexibility in the project design at the point of consent.
- 4.5 It is agreed that NPS EN-1 and EN-3 advocate the use of the 'Rochdale Envelope' approach to allow the assessment of effects in relation to the scope of the project design by reference to the maximum extents or dimensions, subject to the imposition of relevant controls in the draft DCO and DML (paragraphs 4.2.7 to 4.2.8 of EN-1 and paragraphs 2.6.42 to 2.6.43 of EN-3).
- 4.6 It is agreed that Policy Context sections of each of the relevant ES chapters listed in paragraph 2.12, have considered and referred to all relevant specific policy and guidance documents and all relevant national and international legislation in relation to the potential impacts identified.
- 4.7 It is agreed that each of the relevant ES chapters listed in paragraph 2.12 of this statement, contains a complete assessment of all the potential direct and indirect impacts that ought to be included for this type of development within the project area, and as defined by the relevant NPS(s) and other relevant policy and guidance.

Project Description

- 4.8 It is agreed that the project details described in Volume 2, Chapter 1, *Offshore Project Description* (document reference 6.2.2.1) of the ES, provide clear and thorough descriptions of the proposed development suitable as a basis for the detailed EIA of potential impacts on the terrestrial and marine historic environments.

-
- 4.9 It is agreed that the proposed development details are appropriately reflected in the parameters as set out in the draft DCO (document reference 3.1).

Key Parameters for the Assessment

- 4.10 It is agreed that a realistic maximum adverse scenario has been established according to the Rochdale Envelope approach, using project specification details given in Volume 2, Chapter 1 and Volume 3, Chapter 1 of the ES.

Approach to EIA

- 4.11 It is agreed that the EIA process, as set out in paragraphs 3.16- 3.20 of Volume 1, Chapter 3, *Approach to EIA* (document reference 6.2.1.3), is an appropriate approach for the identification and assessment of the potential impacts and effects of the proposed development.

Cumulative Assessment

- 4.12 It is agreed that the cumulative assessment appropriately considers all other projects with the potential to interact with the proposed development.

Subtidal and Intertidal Ecology

4.13 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Subtidal and Intertidal Ecology, including benthos.

Policy Context

4.14 It is agreed that the ES has considered and referred to relevant guidance documents and appropriate national and international legislation in relation to the potential impacts on Subtidal and Intertidal Ecology in preparing the ES.

4.15 It is agreed that the ES contains a complete assessment of all the potential direct and indirect impacts on Subtidal and Intertidal Ecology that ought to be included for this type of development within the project area, and as defined by the NPS and other relevant policy or guidance.

Scope and Methodology

4.16 It is agreed that the Subtidal and Intertidal Ecology study area defined in paragraphs 4.23 – 4.24 of Volume 2, Chapter 4 *Subtidal and Intertidal Ecology* (document reference 6.2.2.4) of the ES is appropriate for the purposes of describing the baseline environment and understanding the potential impacts upon Subtidal and Intertidal Ecology from the proposed development.

4.17 It is agreed that the impact assessment approach presented in paragraphs 4.31 – 4.40 of Volume 2, Chapter 4 of the ES is based on appropriate methodologies for the assessment of Subtidal and Intertidal Ecology impacts and that it is fit for purpose for use in the assessment process.

4.18 It is agreed that characterisation of the existing environment in the study area is accurate and appropriate and is informed by available project specific data and other publically available information. An overview of Project specific data and reports is provided in paragraphs 4.25 – 4.30 of Volume 2, Chapter 4 of the ES.

4.19 It is agreed that relevant guidance (detailed in paragraph 4.11 of Volume 2, Chapter 4 of the ES) has been used to inform the assessment approach.

Existing Environment

4.20 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Subtidal and Intertidal Ecology, as set out in paragraphs 4.41 – 4.73 of Volume 2, Chapter 4 of the ES, is appropriate to identify and describe the baseline environment.

4.21 It is agreed that the descriptions given in paragraphs 4.41 – 4.73 of Volume 2, Chapter 4 of the ES provide an accurate and appropriate characterisation of Subtidal and

Intertidal Ecology based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

- 4.22 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1, *Offshore Project Description* (document reference 6.2.2.1) of the ES.
- 4.23 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Subtidal and Intertidal Ecology during all phases of development, as defined in Table 4-7 of Volume 2, Chapter 4 of the ES, are appropriate for assessing the maximum potential impacts on Subtidal and Intertidal Ecology.
- 4.24 It is agreed that there are no other scheme permutations, when considering the project details set out in Volume 2, Chapter 1 of the ES, which could lead to any greater effect on Subtidal and Intertidal Ecology than the realistic maximum adverse scenarios set out in Table 4-7.
- 4.25 It is agreed that the scenarios identified are clearly described and sufficiently justified.
- 4.26 It is agreed that Table 4-8 of Volume 2, Chapter 4 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

- 4.27 It is agreed that paragraphs 4.90 – 4.182 of Volume 2, Chapter 4 of the ES present an assessment of the potential impacts on Subtidal and Intertidal Ecology arising from all stages of the TKES development, in accordance with the requirements detailed in the relevant policy and legislation.
- 4.28 It is agreed that there are no significant effects from construction on Subtidal and Intertidal Ecology as defined in Volume 2, Chapter 4 and summarised in Table 4-11 of the ES.
- 4.29 It is agreed that there are no significant effects from operation on Subtidal and Intertidal Ecology as defined in Volume 2, Chapter 4 and summarised in Table 4-11 of the ES.
- 4.30 It is agreed that there are no significant effects from decommissioning on Subtidal and Intertidal Ecology as defined in Volume 2, Chapter 4 and summarised in Table 4-11 of the ES.

Cumulative Impacts

- 4.31 It is agreed that the projects scoped into the cumulative impact assessment, as detailed in Table 4-9 of Volume 2, Chapter 4 of the ES are appropriate and reasonable in order to undertake the cumulative assessment for Subtidal and Intertidal Ecology.
- 4.32 It is agreed that the Design Envelope scenario considered within the assessment of potential cumulative impacts on Subtidal and Intertidal Ecology, as presented in Table 4-10 of Volume 2, Chapter 4 of the ES is appropriate for assessing the maximum likely cumulative impacts on Subtidal and Intertidal Ecology.
- 4.33 It is agreed that the project has sufficiently considered all of the potential cumulative impacts to inform the assessment. In addition, the outcome of the cumulative assessment presented in paragraphs 4.183 – 4.265 of Volume 2, Chapter 4 of the ES which concludes that there are unlikely to be any significant effects, is accurate.

Inter-related Effects

- 4.34 It is agreed that the assessment undertaken and detailed in Table 12-3 of Volume 2, Chapter 12, *Inter-related Effects (offshore)* of the ES is appropriate, accurate, and no significant effects on Subtidal and Intertidal Ecology are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

- 4.35 With respect to mitigation measures, it is agreed that given the generally low level of significance likely to be experienced by Subtidal and Intertidal Ecology receptors during the construction, operation and decommissioning of the project, no specific applied mitigation or monitoring is required.

Fish and Shellfish Ecology

4.36 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Fish and Shellfish Ecology.

Policy Context

4.37 It is agreed that the ES has considered and referred to relevant guidance documents and appropriate national and international legislation in relation to the potential impacts on Fish and Shellfish Ecology in preparing the ES.

4.38 It is agreed that the ES contains a complete assessment of all the potential direct and indirect impacts on Fish and Shellfish Ecology that ought to be included for this type of development within the project area, and as defined by the NPS and other relevant policy or guidance.

Scope and Methodology

4.39 It is agreed that the Fish and Shellfish Ecology study area defined in paragraphs 5.17 – 5.18 of Volume 2, Chapter 5 *Fish and Shellfish Ecology* (document reference 6.2.2.5) of the ES is appropriate for the purposes of describing the baseline environment and understanding the potential impacts upon Fish and Shellfish Ecology from the proposed development.

4.40 It is agreed that the impact assessment approach presented in paragraphs 5.32 – 5.45 of Volume 2, Chapter 5 of the ES is based on appropriate methodologies for the assessment of Fish and Shellfish Ecology impacts and that it is fit for purpose for use in the assessment process.

4.41 It is agreed that characterisation of the existing environment in the study area is accurate and appropriate and is informed by available project specific data and other publically available information. An overview of Project specific data and reports is provided in paragraphs 5.21 – 5.31 of Volume 2, Chapter 5 of the ES.

4.42 It is agreed that relevant guidance (detailed in paragraph 5.13 of Volume 2, Chapter 5 of the ES) has been used to inform the assessment approach.

Existing Environment

4.43 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Fish and Shellfish Ecology, as set out in paragraph 5.20 of Volume 2 Chapter 5 of the ES, is appropriate to identify and describe the baseline environment.

4.44 It is agreed that the descriptions given in paragraphs 5.46 – 5.98 of Volume 2, Chapter 5 of the ES provide an accurate and appropriate characterisation of Fish and Shellfish Ecology based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

4.45 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1 *Offshore Project Description* (document reference 6.2.2.1) of the ES.

4.46 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Fish and Shellfish Ecology during all phases of development, as defined in Table 5-8 of Volume 2, Chapter 5 of the ES, are appropriate for assessing the maximum potential impacts on Fish and Shellfish Ecology.

4.47 It is agreed that there are no other scheme permutations, when considering the project details set out Volume 2, Chapter 1 of the ES, which could lead to any greater effect on Fish and Shellfish Ecology than the realistic maximum adverse scenarios set out in Table 5-8.

4.48 It is agreed that the scenarios identified are clearly described and sufficiently justified.

4.49 It is agreed that Table 5-9 of Volume 2, Chapter 5 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

4.50 It is agreed that paragraphs 5.107 – 5.173 of Volume 2, Chapter 5 of the ES present an assessment of the potential impacts on Fish and Shellfish Ecology arising from all stages of development, in accordance with the requirements detailed in the relevant policy and legislation.

4.51 It is agreed that there are no significant effects from construction on Fish and Shellfish Ecology as defined in Volume 2, Chapter 5 and summarised in Table 5-15 of the ES. Whilst the parties do not agree on whether the effects is of negligible or minor significance, both of these categories constitute a not significant effect.

4.52 It is agreed that there are no significant effects from operation on Fish and Shellfish Ecology as defined in Volume 2, Chapter 5 and summarised in Table 5-15 of the ES. Whilst the parties do not agree on whether the effects is of negligible or minor significance, both of these categories constitute a not significant effect.

4.53 It is agreed that there are no significant effects from decommissioning on Fish and Shellfish Ecology as defined in Volume 2, Chapter 5 and summarised in Table 5-15 of

the ES. Whilst the parties do not agree on whether the effects is of negligible or minor significance, both of these categories constitute a not significant effect.

Cumulative Impacts

- 4.54 It is agreed that the projects scoped into the cumulative impact assessment, as detailed in Table 5-10 of Volume 2, Chapter 5 of the ES are appropriate and reasonable in order to undertake the cumulative assessment for Fish and Shellfish Ecology.
- 4.55 It is agreed that the Design Envelope scenario considered within the assessment of potential cumulative impacts on Fish and Shellfish Ecology, as presented in Table 5-11 of Volume 2, Chapter 5 of the ES, is appropriate for assessing the maximum likely cumulative impacts on Fish and Shellfish Ecology.
- 4.56 It is agreed that the project has sufficiently considered all of the potential cumulative impacts to inform the assessment. In addition the outcome of the cumulative assessment presented in paragraphs 5.174 – 5.264 of Volume 2, Chapter 5 of the ES) which concludes that there are unlikely to be any significant effects, is accurate.

Inter-related Effects

- 4.57 It is agreed that the assessment undertaken and detailed in Table 12-4 of Volume 2, Chapter 12, *Inter-related Effects (offshore)* of the ES is appropriate, accurate, and no significant effects Fish and Shellfish Ecology are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

- 4.58 With respect to mitigation measures, it is agreed that given the generally low level of significance likely to be experienced by Fish and Shellfish Ecology receptors during the construction, operation and decommissioning of the project, no specific applied mitigation or monitoring is required.

Offshore Nature Conservation

4.59 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Offshore Nature Conservation within the 0-6 nm sections of the proposed development boundary.

Policy Context

4.60 It is agreed that the ES has considered and referred to relevant guidance documents and appropriate national and international legislation in relation to the potential impacts on Offshore Nature Conservation in preparing the ES.

4.61 It is agreed that the ES contains a complete assessment of all the potential direct and indirect impacts on Offshore Nature Conservation that ought to be included for this type of development within the project area, and as defined by the NPS and other relevant policy and guidance.

Scope and Methodology

4.62 It is agreed that the Offshore Nature Conservation study area defined in 7.17 – 7.19 of Volume 2 Chapter 7 *Offshore Nature Conservation* (document reference 6.2.2.7) of the ES is appropriate for the purposes of describing the baseline environment and understanding the potential impacts upon Offshore Nature Conservation from the proposed development.

4.63 It is agreed that the impact assessment approach presented in the relevant chapters for each receptor as specified in paragraphs 7.30 – 7.32 of Volume 2, Chapter 7 of the ES is based on appropriate methodologies for the assessment of Offshore Nature Conservation impacts and that it is fit for purpose for use in the assessment process.

4.64 It is agreed that characterisation of the existing environment in the study area is accurate and appropriate and is informed by available project specific data and other publically available information. An overview of Project specific data and reports for each of the designated sites is provided in Table 7-7 of Volume 2, Chapter 7 of the ES.

4.65 It is agreed that relevant guidance (detailed in paragraphs 7.9 – 7.10 of Volume 2, Chapter 7 of the ES) has been used to inform the assessment approach.

Existing Environment

4.66 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Offshore Nature Conservation, as set out in paragraphs 7.20 – 7.33 of Volume 2, Chapter 7 of the ES, is appropriate to identify and describe the baseline environment.

4.67 It is agreed that the descriptions given in paragraphs 7.34 – 7.63 of Volume 2, Chapter 7 of the ES provide an accurate and appropriate characterisation of Offshore Nature Conservation based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

4.68 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1 *Offshore Project Description* (document reference 6.2.2.1) of the ES.

4.69 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Offshore Nature Conservation during all phases of development, as defined in Table 7-8 of Volume 2, Chapter 7 of the ES, are appropriate for assessing the maximum potential impacts on Offshore Nature Conservation.

4.70 It is agreed that there are no other scheme permutations, when considering the project details set out in Volume 2, Chapter 1 of the ES, which could lead to any greater effect on Offshore Nature Conservation than the realistic maximum adverse scenarios set out in Table 7-8.

4.71 It is agreed that the scenarios identified are clearly described and sufficiently justified.

4.72 It is agreed that Table 7-9 of Volume 2, Chapter 7 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

4.73 It is agreed that paragraphs 7-70 – 7-101 of Volume 2 Chapter 7 of the ES present an assessment of the potential impacts on Offshore Nature Conservation arising from all stages of development, in accordance with the requirements detailed in the relevant policy and legislation.

4.74 It is agreed that there are no significant effects of construction on Offshore Nature Conservation as defined in Volume 2, Chapter 7 and summarised in Table 7-15 of the ES.

4.75 It is agreed that there are no significant effects of operation on Offshore Nature Conservation as defined in Volume 2, Chapter 7 and summarised in Table 7-15 of the ES.

4.76 It is agreed that there are no significant effects of decommissioning on Offshore Nature Conservation as defined in Volume 2, Chapter 7 and summarised in Table 7-15 of the ES.

Cumulative Impacts

- 4.77 It is agreed that the assessment of cumulative impacts on nature conservation drew on the detail included in Volume 2 Chapter 2 *Marine Physical Environment*; Volume 2, Chapter 3 *Marine and Intertidal Ornithology*; Volume 2, Chapter 4 *Subtidal and Intertidal Ecology* and Volume 2, Chapter 6 *Marine Mammals* of the ES as described in paragraph 7.104 of Volume 2, Chapter 7 of the ES along with those detailed in Tables 7-12 and 7-13 and paragraph 7.108 of Volume 2, Chapter 7 of the ES and that these provided an appropriate and reasonable cumulative assessment for Offshore Nature Conservation.
- 4.78 It is agreed that the Design Envelope scenario considered within the assessment of potential cumulative impacts on Offshore Nature Conservation, as presented in Table 7-12 (Seabed Habitat Disturbance) and 7-13 (Habitat Change) Volume 2, Chapter 7 of the ES, is appropriate for assessing the maximum likely cumulative impacts on Offshore Nature Conservation.
- 4.79 It is agreed that the project has sufficiently considered all of the potential cumulative impacts to inform the assessment. In addition, the outcome of the cumulative assessment presented in paragraphs 7.102 – 7.111 of Volume 2, Chapter 7 of the ES which concludes that there are unlikely to be any significant effects, is accurate.

Inter-related Effects

- 4.80 It is agreed that the assessment undertaken and detailed in Table 12-2 of Volume 2, Chapter 12, *Inter-related Effects (offshore)* of the ES is appropriate, accurate, and no significant effects on Offshore Nature Conservation are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

- 4.81 With respect to mitigation measures, it is agreed that given the generally low level of significance likely to be experienced Offshore Nature Conservation receptors during the construction, operation and decommissioning of the project, no specific applied mitigation or monitoring is required.

Commercial Fisheries

4.82 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Commercial Fisheries.

Policy Context

4.83 It is agreed that the ES has considered and referred to relevant guidance documents and appropriate national and international legislation in relation to the potential impacts on Commercial Fisheries in preparing the ES.

4.84 It is agreed that the ES contains a complete assessment of all the potential direct and indirect impacts on Commercial Fisheries that ought to be included for this type of development within the project area, and as defined by the NPS and any other policy or guidance considered relevant.

Scope and Methodology

4.85 It is agreed that the Commercial Fisheries study area defined in 8.20 of Volume 2, Chapter 8 *Commercial Fisheries* (document reference 6.2.2.8) of the ES is appropriate for the purposes of describing the baseline environment and understanding the potential impacts upon Commercial Fisheries from the proposed development.

4.86 It is agreed that the impact assessment approach presented in paragraphs 8.25 – 8.39 of Volume 2, Chapter 8 of the ES is based on appropriate methodologies for the assessment of Commercial Fisheries impacts and that it is fit for purpose for use in the assessment process.

4.87 It is agreed that characterisation of the existing environment in the study area was accurate and appropriate and was informed by available project specific data and other publically available information. An overview of Project specific data and reports is provided in paragraphs 8.21 – 8.24 of Volume 2, Chapter 8 of the ES.

4.88 It is agreed that relevant guidance (detailed in paragraph 8.12 of Volume 2, Chapter 8) has been used to inform the assessment approach.

Existing Environment

4.89 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Commercial Fisheries, as set out in paragraphs 8.21 – 8.24 of Volume 2, Chapter 8 of the ES, is appropriate to identify and describe the baseline environment.

4.90 It is agreed that the descriptions given in paragraphs 8.40 – 8.96 of Volume 2 Chapter 8 of the ES provide an accurate and appropriate characterisation of Commercial Fisheries based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

- 4.91 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1 *Offshore Project Description* (document reference 6.2.2.1) of the ES.
- 4.92 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Commercial Fisheries during all phases of development, as defined in Table 8-9 of Volume 2, Chapter 8 of the ES, are appropriate for assessing the maximum likely impacts on Commercial Fisheries.
- 4.93 It is agreed that there are no other scheme permutations, when considering the project details set out in Volume 2, Chapter 1 of the ES, which could lead to any greater effect on Commercial Fisheries than the realistic maximum adverse scenarios set out in Table 8-9.
- 4.94 It is agreed that the scenarios identified are clearly described and sufficiently justified.
- 4.95 It is agreed that Table 8-10 of Volume 2, Chapter 8 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

- 4.96 It is agreed that paragraphs 8.105 – 8.155 of Volume 2, Chapter 8 of the ES present an assessment of the potential impacts on Commercial Fisheries arising from all stages of development, in accordance with the requirements detailed in the relevant policy and legislation.
- 4.97 It is agreed that there are no significant effects from construction on Commercial Fisheries as defined in Volume 2, Chapter 8 and summarised in Table 8-14 of the ES. Whilst the parties do not agree on whether the effects is of negligible or minor significance, both of these categories constitute a not significant effect
- 4.98 It is agreed that there are no significant effects from operation on Commercial Fisheries as defined in Volume 2, Chapter 8 and summarised in Table 8-14 of the ES. Whilst the parties do not agree on whether the effects is of negligible or minor significance, both of these categories constitute a not significant effect
- 4.99 It is agreed that there are no significant effects from decommissioning on Commercial Fisheries as defined in Volume 2, Chapter 8 and summarised in Table 8-14 of the ES.

Cumulative Impacts

- 4.100 It is agreed that the projects scoped into the cumulative impact assessment, as detailed in Table 8-11 of Volume 2, Chapter 8 of the ES are appropriate and reasonable in order to undertake the cumulative assessment for Commercial Fisheries.
- 4.101 It is agreed that the Design Envelope scenario considered within the assessment of potential cumulative impacts on Commercial Fisheries, as presented in Table 8-12 of Volume 2 Chapter 8 Commercial Fisheries, is appropriate for assessing the maximum likely cumulative impacts on Commercial Fisheries.
- 4.102 It is agreed that the project has sufficiently considered all of the potential cumulative impacts to inform the assessment. In addition, the outcome of the cumulative assessment presented in paragraphs 8.156 – 8.205 of Volume 2, Chapter 8 of the ES which concludes that there are unlikely to be any significant effects, is accurate.

Inter-related Effects

- 4.103 It is agreed that the assessment undertaken and detailed in Table 12-2 of Volume 2, Chapter 12, *Inter-related Effects (offshore)* (document reference 6.2.2.12) of the ES is appropriate, accurate, and no significant effects on commercial fisheries are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

- 4.104 With respect to mitigation measures, it is agreed that given the generally low level of significance likely to be experienced by commercial fisheries during the construction, operation and decommissioning of the project, no specific applied mitigation or monitoring is required.

Draft Development Consent Order (DCO) and deemed Marine Licence (DML)

- 4.105 This section of the SoCG sets out those aspects of the Application that are agreed in relation to the draft DCO including the conditions set out in the draft DML (document reference 3.1).
- 4.106 It is agreed that, in relation to the agreed scope of this SoCG, the articles of the draft DCO and the requirements set out in **Schedule 1 Part 3** of the draft DCO are appropriate and reasonable for the proposed development.
- 4.107 In addition, it is agreed that the conditions set out in the draft DML contained in **Schedule 9 Part 2** of the draft DCO are appropriate and reasonable for the proposed development

Draft DML Conditions

- 4.108 It is agreed that the wording of **Condition 7(1)(d)(iv)** *Pre-construction plans and documentation* of the draft DML adequately secures requirement for the appointment of a fisheries liaison officer.
- 4.109 It is agreed that the EIFCA defer to the other relevant statutory bodies for comments on other draft DML conditions.

APPENDICES

Appendix A: Audit Tracker

