

SAC Noise Management Regulators Working Group Communication Spring '23

Expansion of the Regulators' Working Group

Last year the SNS SAC Regulators' Working Group grew to become *The SAC Noise Management Regulators' Working Group*. This will enable it to cover a wider remit and formally encompass representation from Defra, NRW and DAERA. Marine Scotland have also been invited to attend quarterly, as we continue to seek pragmatic solutions to marine noise management across UK.

Five harbour porpoise Special Areas of Conservation are now within the Group's immediate considerations: Southern North Sea, North Anglesey Marine, Bristol Channel Approaches, North Channel and West Wales Marine. New objectives have been set for the Group¹ but initial focus will remain on the SNS SAC which we recognise as facing the biggest challenge to accommodate development of offshore energy industries and support the objectives of the designated SAC.

Unexploded Ordnance Disposal

Throughout the past year we have continued to investigate opportunities to better understand, assess and therefore manage the impacts of marine UXO disposal. Consideration of emerging technologies and techniques of UXO disposal have been a major function of the Group, supporting the collation of test and operational data to enable optimal licensing conditions to be applied. As a result, it has been possible to ensure low order UXO disposal techniques are the default option for licence consenting.

In addition, we have encouraged the participation of operators to reduce some of the uncertainties contained within UXO disposal licence applications. The current practice of applying for the licence before a detailed target survey has been conducted leaves much uncertainty about the number and condition of UXO. The consequent assessment of the worst case outcome leads to disproportionate noise impact and is likely to delay completion of the Regulator's assessment. Most critically, this places unnecessary constraints on other activity within the SAC until the UXO removal work has completed. Therefore, we continue to seek more effective means of consenting this vital work. Further trials of low order techniques and bubble curtains has been undertaken by NPL and the results, when available, will be considered with a view to seeking even more improvement of UXO disposal processes.

Regulators are feeding into the revised UXO joint position statement to reflect updated knowledge and the experience gained since its initial publication. We have also worked together in response to The Stop Sea Blasts Campaign to ensure cross Government consistency and thorough consideration of the Campaign concerns.

Other Noise Management

The Group has continued to identify possible changes which could improve noise management, particularly in the short-term. This led to the MMO-led workshop in January '23 in collaboration with Pathways to Growth, and Defra to discuss proposals with stakeholders. A full report from this workshop was circulated to the attendees in May.

¹ [SNS Regulators Working Group Terms of Reference Nov 20 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/sns-regulators-working-group-terms-of-reference-nov-20.pdf)

During the Summer of '22 RWG members needed to work together and with operators to coordinate and manage various noisy activity to prevent noise thresholds being exceeded. This entailed verifying the impacts of already completed activity with operators to compile the most accurate assessment of seasonal disturbance levels. By this method it was possible to update the initial assessment of noise impact and so subsequent activity could be more accurately assessed. Furthermore, through collaboration with operators, OPRED and MMO has sought to reduce over-estimation of disturbance accredited to geophysical surveys during licensing and consent assessment. We continue to collate data on geophysical surveys for OWF to monitor the suitability of the MMO's current licensing exemption/self-service process within a busy sound scape.

The RWG has continued to clarify the application of SNCB guidance regarding harbour porpoise disturbance in the SNS SAC for the benefit of licensing and consent submissions and assessments.

Defra's Offshore Wind Enabling Actions Programme has delivered a series of research and evidence projects on underwater noise impacts and management, which are due to be published in Summer '23. Regulators have been involved in discussing and refining the project specifications to ensure they deliver valuable outcomes to improve underwater noise management.

Both MMO and Defra are partially funding the JNCC's upgrade to the Marine Noise Registry (MNR). This has involved agreeing a scope for the update and having regular steering group meetings to ensure that the upgraded MNR provides the ability to assess and forecast those areas of highly concentrated, noisy activities more accurately against the SNS SAC noise thresholds and to allow operators / developers to cooperate and align their work schedules better. Regulators have been feeding into the development of the revised MNR to ensure it becomes the highly valuable, interactive and open-access management and coordination tool that marine users, regulators and other stakeholders asked for. A further iteration of the updated MNR is expected to go live in Summer 2023.

The RWG has been supporting the development and introduction of the piling noise offshore wind environmental standard. Without appropriate management, and a change in the way activities are undertaken, there is a risk that the planned rapid expansion of offshore wind farms could be limited by the need to safeguard the environment from excessive noise. It is therefore becoming increasingly important that noise abatement and mitigation technologies are employed, and these will be of fundamental importance as construction activities ramp up to meet the UK target of 50GW operational offshore wind power by 2030. An environmental standard for OWF installation aims to lessen noise impacts, smooth the consenting process and maximise the available opportunities for developers.

SNS SAC Coordination Conditions

Further licensing and consent conditions have been developed to encourage collaborative working between operators and across sectors. MMO and OPRED have issued licences and consents with conditions which require operators to coordinate when they will undertake their activities. Proposals for this coordination must be approved prior to works occurring and post-activity reporting are required as part of these licence or consent conditions. Regulators are currently reviewing how they can make this process easier for developers which is discussed in the workshop and MNR points below. The SNS SAC Activity Tracker is currently being updated weekly to more accurately reflect completed or on-going activities.

Short-term Noise Management Workshop - Summary

Although there are medium and long-term ambitions for improving the management of noise in place in the form of research projects, process changes and management measure development, it was recognised that there is a need for short-term measures to bridge the gap and ensure noise issues do not prevent sustainable development within the short-term. The MMO, in collaboration with Defra and Pathways to Growth organised the short-term underwater noise management workshop. Pre-workshop material was sent to stakeholders with suggestions of four possible management measures.

Responses around the effectiveness of the measures, any potential issues, timescales, and collaboration potential for implementation were reviewed to be addressed at the online workshop held on 12th January 2023.

- **Measure 1** related to a current over-estimation of the required number of detonations within UXO clearance marine licence applications, resulting in a large difference between predicted and actual numbers cleared.
 - The proposal was for UXO detailed survey/ intrusive investigation to be undertaken prior to marine licence application submission.
 - Concerns were raised at the workshop on this proposal in relation to potential impacts on consenting time and financial implications.
 - Actions are underway to address the workshop discussion, including providing guidance on UXO assessments and clarity on the licensing requirements for UXOs.
- **Measure 2** proposed a requirement for robust evidence to be provided to substantiate the efficacy and noise reduction abilities of specific low-order technology to enable a more proportionate assessment of the risk of high-order detonation.
 - A need for improved guidance and clarification of the evidence requirements was raised at the workshop, and a shared, centralised evidence base for data sharing.
 - Actions being investigated include convening a working group for providing training and guidance on best practice and agreeing a consistent definition for “low-order”. Volunteers are being sought for inclusion in this group.
- **Measure 3** involved investigating the current issues experienced by developers with regards to coordination.
 - In the workshop, discussion focused on improvements that could be made to the existing process and a request for clarity on the evidence required to demonstrate coordination.
 - Investigations are being made into the set-up of a working group to better understand coordination challenges and identify examples of best practice.
 - Closer working between the MMO and OPRED for improved forecasting is being undertaken.
- **Measure 4** proposed that operators in the SNS SAC submit notice if the intended length of works changes (completes early / cancellation / delay). The MMO and OPRED can utilise this information to inform the licencing and consenting decision process. This is expected to be an interim measure until the Marine Noise Registry upgrade is complete.
 - This is a voluntary request.
 - Developers were generally supportive of this proposal, with a request for clarity on the requirements, which has been actioned within the call for information request.
 - MMO, Defra and P2G are collating an action plan from pre-workshop feedback, discussions in the workshop and meetings following the workshop.

Call for Activities Forecast Information in the SNS SAC Summer 2023

In addition to Measure 4 of the noise workshop, the MMO and OPRED have approached developers and operators to provide more proactive information to improve forecasting abilities to help manage noise. This is in addition to information already gathered from licence or consent applications. Regulators will review the information received to identify any areas of high noise concentration and will work with individual operators / developers to reduced noise in the marine environment.