

Sent via email
(Kathleen.Mongan@marinemanagement.org.uk)

26-01-2015

**Subject: East Anglia ONE Offshore Wind Farm Order 2014
Discharge of DML conditions, Generation 17 (2)(f); 19(2) and Transmission 16(2)**

Dear Ms Mongan,

Introduction

East Anglia ONE Limited (EA One) considers that there is strategic work currently being undertaken that will fulfil the requirements of the following conditions in the East Anglia ONE deemed marine licences (DMLs):

Generation Marine Licence	Transmission Marine Licence
17 (2)(f) – Pre construction	16 (2)(f) – Pre construction
19 (2) – Post construction	18 (2)(f) – Proposed to be deleted

These conditions require pre- and post-construction surveys of existing marine mammal activity within the Order limits, and any wider area as appropriate, in order to test predictions in the environmental statement (ES) concerning key marine mammal interests of relevance to the authorised scheme.

This letter proposes the EA ONE strategy to discharge the above conditions and requests confirmation of acceptance of the proposed approach by the MMO.

Marine mammal monitoring

The purpose of the marine mammal monitoring proposed for the Project is to confirm that the impact assessment findings presented in the ES hold true.

EA One considers that wider strategic work rather than site specific surveys should form the primary mechanism to deliver the marine mammal monitoring for the EA One project required pursuant to the DMLs.

Specifically, the strategic work will seek to confirm the findings of the ES that offshore wind farm construction activity (specifically piling activity) will not result in significant adverse effects on marine mammal populations (specifically harbour porpoise) in the North Sea. This will be achieved through participation in the 'DEPONS' (Disturbance Effects on the Harbour Porpoise Population in the North Sea) project. The DEPONS project will lead to fundamental new insights into harbour porpoise responses to underwater piling noise, as well as their small

and large-scale general movement patterns. This information will be fed into a model, which will provide an evidence based framework for the assessment of wind farm underwater noise impacts.

This project is being undertaken by Aarhus University and is being funded by members including East Anglia Offshore Wind Ltd, SMart Wind, Forewind Ltd, Vattenfall AB and Clusius C.V. The project is aimed at delivering outputs that can be used by regulators for management purposes and industry for informing future assessments. It will entail undertaking computer modelling of population dynamics in response to noise stimuli, and be validated by field based studies. The project is affiliated with The Carbon Trust's offshore renewable joint industry programme (ORJIP).

The key objectives of the DEPONS project are to:

- Obtain data on behavioural responses of harbour porpoise to noise;
- Obtain data on harbour porpoise prey distribution in the North Sea;
- Obtain data on variations in movement patterns of harbour porpoise in the North Sea;
- Obtain data on local population densities of harbour porpoise data near wind farms; and
- Undertake modelling in order to investigate and understand the consequence of disturbance from wind farm activity for the harbour porpoise population within the North Sea.

Interim results are in the process of being collated into the 2014 annual report with a final report expected to be produced in 2016. Further detail is available via the DEPONS project web page: <http://depons.au.dk/>

It is understood that Natural England supports this approach, recognising the potential for more useful monitoring across a larger scale study (i.e. the North Sea), and is content that the strategic monitoring will be adequate provided that it is completed to an appropriate standard, as also agreed for the SmartWind Hornsea1 and ForeWind Doggerbank Creyke Beck projects.

We also note that the approach appears consistent with the MMO's draft response to the strategic monitoring review where the MMO suggests that such strategic, regional level initiatives are likely to be most appropriate in seeking to monitor the potential effects of offshore wind farm construction effects or to address remaining key uncertainties.

Discharge of DML conditions

As a consequence of the above, EA One requests the MMO's confirmation that it will accept the above, approach for the discharge of the relevant conditions in the DMLs, being condition 17(2)(f) (Pre-construction monitoring and surveys) and condition 19(2)(f) (Post construction) in the generation assets DML and condition 16(2)(f) (Pre-construction monitoring and surveys) and condition 18(2)(f) (Post construction) in the generation assets DML.

In the event that the strategic level work does not complete or deliver its objectives, we note the MMO has the power pursuant to section 72 of the Marine and Coastal Access Act 2009 to vary a marine licence, which could be utilised should it become necessary to agree project-specific monitoring.

It should also be noted that EA One is committed to implementing a Marine Mammal Monitoring Protocol (MMMP) as per condition 11(f) to provide mitigation in relation to possible instantaneous injury from piling and also implement noise monitoring during installation of piles as per condition 18. The strategic works referred to in this letter will focus on monitoring wider temporal and spatial impacts displacement.

We request written confirmation from the MMO that this approach will discharge the relevant conditions cited.

Yours faithfully

Gillian Sutherland
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