



30 January 2019

Dear Stakeholder,

Southern North Sea SCI: Review of Consents - Proposed Marine Licence Condition: Site integrity Plan

This is a consultation on a proposed modification to the (deemed) marine licences (“the proposed condition”) of the following offshore windfarm projects:

- Dudgeon
- Greater Gabbard
- Galloper
- Hornsea Project Two
- Creyke Beck A and B
- Teesside A and B

The purpose of the proposed condition is to protect the Southern North Sea Site of Community Interest (SCI) from being adversely affected by windfarm development, either alone or in-combination with other plans and projects. This follows a consultation (1st November – 13th December 2018) on the draft Habitats Regulations Assessment (HRA) undertaken by the Department for Business, Energy and Industrial Strategy (BEIS) and the Marine Management Organisation (MMO) for the Southern North Sea SCI Review of Consents¹.

In light of the consultation responses received and due to the need to consult specifically on a proposed modification to a (deemed) marine licence, the MMO and BEIS are consulting (a) the affected licence holders (b) the relevant statutory authorities and all other interested parties on the proposed condition. The proposed condition is provided in the attached Annex A and further information, including background and explanatory notes, is provided in Annex B. The parameters referred to in part (a) of the proposed condition are provided in Annex C.

¹ <https://www.gov.uk/government/consultations/southern-north-sea-review-of-consents-draft-habitats-regulations-assessment-hra>

All interested parties are invited to review this new information and provide comments by 27 February 2019. BEIS and the MMO will respond to and publish your representations alongside the final HRA in the coming months.

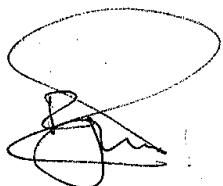
Please send your response to:

By mail:

Marine Consents
Marine Licensing Team
Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH

By email: marine.consents@marinemanagement.org.uk

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Richard West', written over a faint circular stamp or watermark.

Richard West
Marine Case Manager
Marine Management Organisation

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Annex A

MMO proposed draft condition for Southern North Sea SCI Review of Consents (Deemed) Marine Licences

A *[project name]* Southern North Sea Site of Community Interest (SCI) Site Integrity Plan must be submitted to the MMO for approval in consultation with the relevant Statutory Nature Conservation Body no later than 6 months prior to construction unless otherwise agreed with the MMO.

The commencement of any offshore activities, with the potential to adversely affect the Southern North Sea SCI, under any phase of construction cannot take place until a *[project name]* Southern North Sea SCI Site Integrity Plan has been submitted to the MMO and the MMO has confirmed in writing it is satisfied that –

(a) the project parameters within that Site Integrity Plan accord with those used for that project upon which the assessment within the Southern North Sea SCI Review of Consents Habitats Regulations Assessment (HRA) of [date] 2019 is based, *[as set out for that project in Annex [] of the HRA]*; and

(b) the assessment of the effect of the project in-combination with other plans or projects should not exceed the thresholds within the HRA that have been deemed not to cause an adverse effect. The thresholds within the HRA are as follows:

Noise disturbance within the SCI from a plan/project individually or in combination will not exclude harbour porpoises from a maximum of 20% of that part of the SCI that was designated on the basis of higher persistent densities for that season of the SCI for a period of 1 day and,

Over a season, the noise disturbance within the SCI from a plan/project individually or in combination per day will not exclude harbour porpoises from an average of 10% of the relevant area of the SCI.

If the MMO is not satisfied that (a) and (b) are met, the MMO will undertake a further HRA and construction can only proceed on that project once the MMO grants approval.

Additional definitions to be added to DMLs

Southern North Sea SCI Review of Consents: conducted by BEIS and the MMO, see <https://www.gov.uk/government/consultations/southern-north-sea-review-of-consents-draft-habitats-regulations-assessment-hra>

Habitats Regulations 2017: The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017.

Season (as referred to in the proposed condition above): Summer is defined as 1 April to 30 September inclusive, winter as 1 October to 31 March inclusive.

1 day (as referred to in the proposed condition above): One calendar day from 0000 to 2359. Timescale applicable only at HRA / AA stage due to the impracticality of daily noise limit management of activities.

Site Integrity Plan: A detailed project design plan, including an up-to-date account of the cumulative baseline, to be submitted to the MMO for the purposes of satisfying part (a) and (b) of condition *[insert relevant number]*. The SIP must also include measures to be put in place by the licence-holder to monitor impacts of the activity on the conservation objectives of the Southern North Sea SCI, to be agreed by the MMO in consultation with the relevant Statutory Nature Conservation Body. Retrospective compliance analysis is advised.

ANNEX B

Further Information

In January 2017 the Southern North Sea Site of Community Importance (SCI) was designated for the protection of harbour porpoise. When a new European site is designated there is a statutory requirement for a review to be undertaken of certain consents. As part of the review, a Habitats Regulations Assessment is required to be undertaken by the competent authority, which in this case is the Department for Business, Energy and Industrial Strategy (BEIS) and the Marine Management Organisation (MMO) acting jointly.

The draft HRA, published on 1st November 2018, concluded that the projects subject to the review will not have an adverse effect on the integrity of the SCI either alone or in combination with other plans and projects. This conclusion is based on the assumptions made in the draft HRA, secured by the insertion of a proposed modification to the relevant (deemed) marine licences.

The proposed (deemed) marine licence modification (“the proposed condition”) is provided in Annex A of this letter. In responding to this proposal, interested parties are asked to also consider the following explanatory notes.

- The parameters set out in Part (a) of the proposed condition (Annex C) are those used within the draft HRA. These will be appended to the final HRA when it is published.
- The thresholds set out in Part (b) of the proposed condition are those that have been detailed in the draft HRA. Part (b) ensures that the area affected by the noise attributed to relevant projects, alone and in-combination, will not breach these thresholds.
- The draft HRA has demonstrated that under many, realistic, scenarios, the thresholds will not be breached. However, due to the currently unknown number of plan/project interactions that could occur at the time of construction, it is not considered practicable to assess all possible scenarios at this stage. A more complete understanding of the cumulative baseline can be established closer to the time of windfarm construction. It would be at that point in time for the licence holder, in consideration of the most up-to-date information on plans or projects likely to have a significant effect on the Southern North Sea SCI, to demonstrate to the MMO that the area affected by noise will remain below these thresholds. It should be noted that Southern North Sea regulators are working together to ensure coordinated information about future consented or licenced activities likely to affect the SCI is publicly available.
- For construction to progress, the MMO must be satisfied that the cumulative effect of noise will be below the thresholds referred to in Part (b) of the proposed condition. If the MMO is not satisfied, the licence holder will be required to submit additional information to the MMO who will undertake a further HRA. This additional information should be submitted to the MMO in the form of a shadow HRA, which could include alternative assessment methods. If adverse effects are identified at

that stage, the HRA may need to include other mitigating approaches, such as an alteration to the construction schedule or the deployment of noise reducing technology. Any new mitigation proposed at that stage must be described in detail (for example, with use of robust modelling techniques) with an explanation based on scientific evidence of how it will eliminate or reduce the adverse impacts which have been identified. Information should also be provided of how, when and by whom they will be implemented, and what arrangements will be put in place to monitor their effectiveness and take corrective measures if necessary.

- It is recommended that the MMO would consult key stakeholders throughout the process of condition discharge determination. This should include, but is not limited to, the relevant SNCB, the Wildlife Trusts and Whale and Dolphin Conservation.
- It is recognised that some consents already contain requirements and conditions associated with the protection of the environment, including the requirement to protect marine mammals. BEIS and the MMO consider that these should be retained to ensure compliance with environmental safeguards. The MMO will make best endeavours to limit any duplication of work created by the addition of the proposed condition.