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Thursday, 30th June 2005

Dear [REDACTED]

**Robin Rigg Windfarm, Solway Firth – Noise Impacts on Harbour
Porpoise**

Further to our telephone conversation regarding the construction of the Robin Rigg Offshore windfarm I am writing to clarify how cross border impacts from subsea piling noise and associated mitigation measures should be regulated.

I enclose a copy of information submitted to the Scottish Executive's Wildlife and Habitats Division. This information supplements the original Environmental Statement and was submitted in support of a request for a licence under Section 44 of the Conservation (Natural Habitats & c.) Regulations 1994 relating to the potential disturbance of Harbour Porpoise within the Solway Firth during our proposed piling works.

The Scottish Executive has responded that based on the information provided, no licence is required. However condition 22 of the Scottish FEPA licence, specific to disturbance of cetaceans, has now been extended to address the issue. The extended condition requires mitigation measures and best practice to be included in a working method statement as directed by the licensing authority. The working method statement will be subject to consultation with appropriate nature conservation bodies. A copy of the Scottish Executives response letter is enclosed.

Clearly the Scottish Executive's response covers works and impacts within Scottish waters. However as stated in their letter the Scottish Executive cannot respond on behalf of DEFRA regarding impacts in English waters.

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Throughout the planning process for the project all consents and licences were managed and granted by the Scottish Executive for the works within Scotland and by English governmental bodies (DEFRA, DfT, Allerdale Council) for works within England. There was a large number of potential cross border environmental impacts dealt with in the Environmental Statement. The process established was that applications and determination for works within Scotland with cross border impacts were via Scottish Executive, subject to consultation with English authorities and consultees as appropriate.

We believe that the same approach should be applied to any licensing or regulation of underwater noise generated during piling works. We therefore propose that subsea ping noise is regulated by the extended condition of the Scottish FEPA licence as described above, subject to consultation with both Scottish Natural Heritage and English Nature. No parallel condition would be needed in any English consent.

I would be grateful if you would confirm the following with regard to potential impacts in England;

1. that based on the information submitted and the Environmental Statement, you are in agreement with the Scottish Executive's response that no licence under Section 44 of the Conservation (Natural Habitats & c.) Regulations 1994 is required.
2. that you are in agreement with the above proposal that English Nature be a consultee under the Scottish FEPA licence rather than an equivalent English condition being necessary.

If you require any further information please contact me. I look forward to your response.

Yours sincerely


Project Developer

