

Statement in relation to the ESBO consultation process

NV-06410-11¹; regarding application for permit under The Swedish Exclusive Economic Zone Act (1992:1140) to construct and operate an offshore wind farm on Södra Midsjöbanken

A. General

In 2012 E.ON Wind Sweden AB (“**E.ON Wind**”) applied for a permit under The Swedish Exclusive Economic Zone Act (1992:1140) (“**SEZ**”) to construct and operate an offshore wind farm at Södra Midsjöbanken. The application has been subject to transboundary consultation under the ESBO-convention which, in 2016, resulted in responses from Finland, Estonia and Poland.

This document and its appendices are designed to provide the requested information within the ESBO consultation process, and thus E.ON Wind’s response to statements received. Since the responses from the Swedish authorities and the ESBO-responses are, to a great extent, similar in its content, *e.g.* questions in relation to the impact on porpoises, long-tailed ducks, bats and fishery, E.ON Wind has translated its response from the national permitting procedure under SEZ to also serve the ESBO consultation. However, the circumstances under the SEZ-response and this ESBO response deviate in one important aspect, namely the fact that the Government, in December 2016, decided not to appoint Södra Midsjöbanken as a Natura 2000-area.² The question whether the planned farm will be in conflict with a Natura 2000-area on Södra Midsjöbanken is therefore, to E.ON Wind’s understanding, no longer an issue.

¹ M2012/00714/Me.

² The Government appointed Hoburgs Bank and Norra Midsjöbanken as a new extensive integrated Natura 2000-area in total 10 511 km². excluding an area of 470 km² at Södra Midsjöbanken. For a map of the appointed Natura 2000 area and the project area please see Appendix 4.

Summary of the SEZ-response

The appended documents can be summarized as follows.

The planned wind farm has been subject to consultation among concerned Swedish authorities. The statements received have led E.ON Wind to undertake extensive adjustments to the wind farm's original design. The altered design of the wind farm has been reported and environmentally assessed in a revised Environmental Impact Assessment report. In addition, E.ON Wind has commissioned an additional consultation process under SEZ regarding an increase of the total height for the WTGs (from 200 meters up to 240 meters). Please see [Appendix 1](#) which comprises the supplementary consultation paper which describes the adjusted wind farm design.

Thereafter, E.ON Wind has submitted an assembled response taking into account all the opinions received from the Swedish authorities, from both the initial and the complementary consultation, see [Appendix 2 and 3](#).

As follows, E.ON Wind summarizes the main features of E.ON Wind's response to the statements received.

A.1 Adjusted design of the wind farm

The adjustment entails a reduction to half of the original farm area (from 320 km² to 160 km²) and an extensive reduction of the number of WTGs (from 300 to 120 WTGs). Yet, the model of the WTGs will be higher (from 200 meters to a maximum of 240 meters) and the distance between the WTGs will increase about 20 percent. As a result thereof, the construction time will be reduced from three years to about 1.5 - 2 years. Furthermore, no WTGs will be built in the most sensitive area for foraging wintering long-tailed ducks, in water areas that are less than 18 meters shallow.

The adjusted design was, regarding the increase of the total height of the WTGs, perceived as a "better alternative" than the original by all respondents from the additional consultation process.

For a more detailed description and accompanying maps, please see Appendix 1 and section 5 of Appendix 3.

A.2 Wintering birds and impact on the long-tailed duck

As a result of the park adjustment, a significant area is completely undisturbed during both the construction and operational phase. Hence, any displacement effects of long-tailed ducks and other waterfowl will be reduced and the loss of habitat for the long-tailed duck restricted considerably.

For a more detailed description please see section D in Appendix 2 and section 2.2 in Appendix 3.

A.3 Impact on the harbour porpoise

Because of the porpoises sensitivity to high sound levels E.ON Wind has undertaken to comply with stringent noise requirements and propose that the construction period shall be limited in time. Proposed mitigation measures and commitments are presented in section 2.1.3 in Appendix 3. The overall assessment is that the wind farm will not have any significant negative impact on the harbour porpoise population.

For a more detailed description please see section E in Appendix 2 and section 2.1, Appendix 3.

A.4 Impact on fish and fishery

Undertaken mitigation measures and other commitments specified for the porpoises are also deemed adequate to minimize the impact on fish.

Furthermore, compensation will be paid to fishermen who can prove loss of income due to the wind farm's effect on their fishery opportunities within the project area at Södra Midsjöbanken.

For a more detailed description please see section 2.4 in Appendix 3.

A.5 Impact on bats

The presence and activity of bats will be registered and assessed on Södra Midsjöbanken during the construction phase. Dependent on the results from the monitoring program E.ON Wind may consider additional precaution measures during operation, such as curtail the WTGs upon certain time periods and conditions.

For a more detailed description please see section 2.4 in Appendix 3.

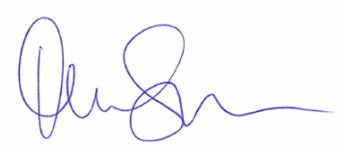
Based on the above, the overall assessment is that the planned wind farm will not have an adverse effect on the environment nor be in conflict with the new appointed Natura 2000 area.

B. The further process

Due to a very long handling time to date, and the fact that the permitting procedure under SEZ awaits responses from the current ESBO consultation, E.ON Wind request that the Swedish Environmental Protection Agency will handle the ESBO consultation with priority and inform the concerned countries as soon as possible so that no further delay occur.

Malmö 23 February 2017

E.ON WIND SWEDEN AB



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Appendices

1. Report by Sweco (2016-03-16) – Consultation document to allow for an increased total height for windturbines
2. Consultation response to amendment II_2016 05 31
3. Report by Sweco (2016-05-31) – Support document (Appendix 1) to Consultation response to amendment II_2016 05 31
4. SMB project and new Natura 2000 area