

Date: 03 May 2019
 Our ref: 278493
 Your ref: EN010084



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BY EMAIL ONLY

Dear Sirs,

Deadline 5A – Comments on revised dDCO submitted by the Applicant at Deadline 5

The following constitutes Natural England’s formal statutory response. Natural England have provided comments on the applicant’s revised dDCO submitted at Deadline 5: *Annex C to Appendix 31 to Deadline 5 Submission: Revised Draft Development Consent Order-Tracked Changes*

Within Natural England’s Deadline 5 response we provided comment upon the previous version of the dDCO. Table 1 below highlights Natural England’s previous responses, whether the applicant has made any changes to address the issue within the current dDCO and if this has satisfied our concerns or queries.

Table 1. Comments upon the latest dDCO in light of our Natural England’s previous responses.

Natural England’s response at Deadline 5 (Note: Condition references within this column refer to previous version.)	Has the applicant addressed the issue?
<p><i>Schedule 12 Export Cable System - Part 4 Conditions – Condition 13 2 (a)</i> – As mentioned previously in section 2.1, there is reference to ground truthing the pre-construction geophysical data within the BRMP and the schedule of monitoring.</p> <p>However, for completeness it would be useful to explicitly state that ground truthing will be carried out within this condition, to ensure a clear mechanism to carry out the surveys is provided.</p>	<p>No -The applicant has not made the ground truthing associated with the Biogenic Reef Plan and the schedule of monitoring explicit within this section.</p> <p>Natural England understand it is stated within the BRMP and the schedule of monitoring, however for completeness it would be useful for it to be explicit on the face of the DCO.</p>
<p><i>Schedule 12 Export Cable System - Part 4 Conditions – Condition 13 (2) (b)</i> – It states “<i>In the event that certain works are carried out in the Goodwin Sands rMCZ...</i>” Further reference to what these works are should be made clearer to avoid any ambiguity.</p>	<p>Yes - The Applicant has removed the wording highlighted in our response which makes it clear on what works the condition is referring to.</p>

<p><i>Schedule 12 Export Cable System - Part 4 Conditions – Condition 13 (2) (b) (i) –</i> Reference is made to sub paragraph 2(c) however, paragraph 2(c) refers to the saltmarsh plan which is not in line with this paragraph. This requires further clarification from the applicant.</p>	<p>No - This is a minor comment, however any further clarification on this point would be welcomed.</p>
<p><i>Schedule 12 Export Cable System - Part 4 Conditions – Condition 13 (2) (b) (ii) –</i> It states that geophysical monitoring will be “<i>interpreted</i>” to help monitor changes in sediment type following sandwave clearance. What will this interpretation involve?</p> <p>Furthermore, in line with Natural England’s suggestion at section 9.5.1.6. and the applicants Condition 13 (2) (b) (i), pre-construction ground truthing drop down video surveys should be extended to include areas likely to be impacted by sandwave clearance.</p>	<p>No - Although, the text has been changed there is still no indication what this interpretation will involve. Furthermore, there also seems to be a typo with some repeating text at the end of condition (b) (i).</p> <p>Regarding the second point, although it has now been made explicit in the post-construction stage that ground truthed surveys will be carried out within the pMCZ if sandwave clearance has occurred (see new additional text at condition 17 (5)), condition 13 (2) (b) (ii) still lacks any mention of ground truthing any pre-construction data. To monitor any change there needs to be equal survey effort and methodologies to gather comparable data for pre and post construction.</p>
<p><i>Part 4 Conditions – Condition 13 (2) (e) –</i> Natural England welcome the addition of further surveys for ringed plover to inform a ringed plover mitigation plan. However, we would welcome further discussion with the applicant to seek clarity on how the surveys will be used to inform and implement additional mitigation.</p>	<p>Yes – Following discussion at a meeting held with the applicant on the 02/05/2019 we were reassured that measures will be in place to ensure that if ringed plover are present the necessary actions will be taken by the ECoW and the contractors to ensure any mitigation is correctly implemented.</p>
<p><i>Schedule 12 Export Cable System - Part 4 Conditions – Condition 15 (5) –</i> Within the pre-construction section at Condition 13 (2) (b) (ii) it states that data will be interpreted to determine the potential effects from sandwave clearance within the pMCZ. At condition 15 (5) regarding the post construction phase there is no reference to monitoring the effects of sandwave clearance within the pMCZ, only cable protection. There needs to be sufficient linkages between the pre and post construction surveys to determine any impacts from these works. Additionally, and as stated in Natural England’s response at Deadline 4 within section 3.2.1.4, there needs to be a widening of these post-construction ground truthed surveys to cover the areas impacted by sandwave clearance within the pMCZ.</p>	<p>Yes – What is now condition 17 (5), the applicant has added in the text “or sandwave clearance” which ensures post-construction surveys will determine any impacts from both cable protection and now sandwave clearance within the Goodwin Sands pMCZ.</p>
<p><i>Schedule 12 Export Cable System - Part 4</i></p>	<p>Ongoing – This point was raised within the</p>

<p><i>Conditions – Condition 15</i> – Within the BRMP it is made clear that post-construction monitoring will be undertaken to validate the success of any micrositing. However, there is no reference to this within condition 15, and 17 of Schedule 11 Part 4. For completeness, it should explicitly state within this condition that this monitoring will be carried out. This will ensure a clear mechanism is there. Also, in line with the applicant’s assertions that ground truthing data will be collected pre-construction for the BRMP this should be committed to post-construction to aid in determining the success of any micrositing.</p>	<p>meeting of the 02/05/2019 with the applicant. The applicant took an action away to review the addition of the BRMP post-construction within the DCO.</p> <p>From Natural England’s perspective the commitment for post-construction surveys is already made within the BRMP and schedule of monitoring. Therefore, like for pre-construction surveys associated with the BRMP, the post-construction surveys should also be added to the DCO.</p>
<p>Specific Query from the applicant following the meeting on the 02/05/2019 – Natural England to review the SIP wording in the dDCO.</p>	<p>Natural England is happy with the wording, however the changes at Schedule 11 – Part 4 - Condition 13 (k), need to be mirrored in the relevant condition of schedule 12 for the export cable system (Schedule 12 – Part 4 – Condition 11 (k)).</p>

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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