



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Bramford to Twinstead Reinforcement Project

An Examining Authority report prepared with the
support of the Environmental Services Team

Planning Inspectorate Reference: EN020002

19 January 2024

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1 INTRODUCTION

1.1 Background

- 1.1.1 National Grid Electricity Transmission plc (the Applicant) has applied to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Bramford to Twinstead Reinforcement (the Application). On behalf of the Secretary of State for Levelling Up, Housing and Communities, an Examining Authority (ExA) has been appointed to conduct an Examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant Secretary of State (SoS) as to the decision to be made on the application.
- 1.1.2 The relevant SoS, in this case the SoS for Energy Security and Net Zero (SoSESNZ), is the competent authority for the purposes of the Habitats Regulations¹ for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the SoS in performing their duties under the Habitats Regulations.
- 1.1.3 This Report on the Implications for European Sites (RIES) documents and signposts the information in relation to potential effects on European Sites² that was provided within the DCO application and submitted during the Examination by the Applicant and Interested Parties (IPs), up to Deadline 7 (D7) (17 January 2024). It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination Library (EL) published on the National Infrastructure Planning website at the following link:
[EN020002-000668-Bramford to Twinstead Examination Library.pdf \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/EN020002-000668-Bramford_to_Twinstead_Examination_Library.pdf)
- 1.1.4 Due to the timing of D7 and the publication date of this RIES, EL references are not yet available for D7 documents. Instead, D7 documents are given their full name in this RIES.
- 1.1.5 It is issued to ensure that IPs, including the Appropriate Nature Conservation Body (ANCB), Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations.

¹ The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

² The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the SoS.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making its recommendation to the SoSESNZ and made available to the SoSESNZ along with this report. The Report on Implications for European Sites (RIES) will not be revised following consultation.

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant's Habitats Regulations Assessment (HRA) Report (the HRA Report) comprised the following document:
- Bramford to Twinstead Reinforcement HRA Report [APP-057] (the 'HRA Report'), updated at D1 [REP1-007] in response to a request by NE [RR-042] to incorporate the full wording of good practice measure GH07 in the Code of Construction Practice (CoCP) [APP-178]. This RIES will refer to [APP-057] when describing the Applicant's original submission and the most iteration [REP1-007] when describing examination matters.
- 1.2.2 The HRA Report concluded that adverse effects on the integrity (AEoI) of all European sites could be excluded.
- 1.2.3 In addition to the HRA Report, the RIES refers to representations submitted to the Examination by IPs, Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the EL.

1.3 RIES questions

- 1.3.1 This RIES contains questions predominantly targeted at the Applicant and NE, which are drafted in *blue, underlined italic text*.
- The responses to the questions posed within the RIES and comments received on it will be of great value to the ExA in understanding IPs' positions on Habitats Regulations matters. It is stressed that responses to other matters discussed in the RIES are equally welcomed. In responding to the questions, please refer to the ID number.*

- 1.3.2 Comments on the RIES are timetabled for D8 (09 February 2024).

1.4 Structure of this RIES

- 1.4.1 The remainder of this report is as follows:
- **Section 2** identifies the European sites screened by the Applicant for potential likely significant effects (LSE), either alone or in combination with other projects and plans. It also identifies issues that have emerged during the Examination, up to D7.

Report on the Implications for European Sites for
Bramford to Twinstead Reinforcement Project

- **Section 3** identifies the European sites which have been considered in terms of adverse effects on site integrity, either alone or in-combination with other projects and plans. It also identifies issues that have emerged during the Examination, up to D7.
- **Annex 1** comprises a list of the European sites and qualifying features considered by the Applicant in the HRA Report and identified by IPs during the Examination, up to D7.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any European site.
- 2.1.2 The Applicant has not identified any potential impacts on European sites in other European Economic Area (EEA) States [APP-057]. Only UK European sites are addressed in this RIES.
- 2.1.3 The HRA Report [APP-057] used the screening criteria detailed within the Design Manual for Roads and Bridges (DMRB) guidance (LA 115 HRA) to identify pathways to European sites. Paragraph 2.2.1 of [APP-057] set out the DMRB criteria. It is stated that the DMRB criteria are suitable for assessing other types of linear projects in addition to highways schemes.
- 2.1.4 The HRA Report [APP-057] confirmed that there were no European sites with 2km of the project and no European sites within 30km with bats as a qualifying feature.
- 2.1.5 The HRA Report [APP-057] also considered potential for functionally linked land (FLL) that could provide habitat for bird qualifying features of European sites within the Order Limits and surrounding area. Paragraph 2.3.2 stated that a desk study and survey was undertaken, with the results compared to five-year average bird records for the Stour and Orwell Estuaries SPA and Ramsar sites³ to ascertain potential for FLL. The Applicant used a one percent threshold to identify presence of FLL for bird qualifying features and concluded that the Proposed Development is of sufficient distance (5.72km) from the European sites that FLL does not need to be considered for other, comparatively immobile species' groups.
- 2.1.6 NE [RR-042] stated that it *'accepts the evidence presented in the HRA Report (paragraph 4.5.3 and section 5.2) that the project will not result in a likely significant effect due to loss of functionally linked land.'*

Sites within the UK National Site Network (NSN)

- 2.1.7 The Applicant [APP-057] identified two European sites within the UK National Site Network (NSN) for inclusion in the assessment. These are listed in Section 3, Table 3.1 of the HRA Report and are as detailed in Table 2.1 below.

³ Core counts incorporating low tide counts from British Trust for Ornithology (BTO) WeBS Report Online

Table 2.1: European sites in the UK NSN identified in the Applicant's HRA Report [APP-057]

Name of European site	Distance from Proposed Development (km)
Stour and Orwell Estuaries SPA	5.72km south-east
Stour and Orwell Estuaries Ramsar site	5.72km south-east

- 2.1.8 The locations of these sites relative to the Proposed Development are depicted on Figure 1 of the HRA Report [APP-057].
- 2.1.9 No additional UK European sites have been identified by IPs for inclusion within the assessment in the Examination to date.

Q2.1.1 [To NE and all IPs] Other than the sites listed above, the ExA is not aware of any representations from IPs identifying any additional UK European sites for inclusion in the Applicant's HRA. IPs are requested to advise if they consider that additional sites or qualifying features could be affected by the Proposed Development.

2.2 Potential impact pathways

- 2.2.1 The HRA Report [APP-057] identifies the potential impacts from the Proposed Development, along with the potential geographical extent of effects. The potential impact pathways assessed by the Applicant are set out in Table 5.1; the sites and qualifying features assessed are listed in Appendix A, Tables A2 and A3. Potential impact pathways include:
- habitat loss (from loss of FLL);
 - habitat or species' fragmentation (fragmentation of habitat during construction of underground cables and operational barriers to birds in flight);
 - reduction in species' density (mortality or injury risk during vegetation clearance on FLL, collision with OHL, mortality of Ramsar designated aquatic invertebrates and degradation or reduction in distribution/ extent of Ramsar designated plants);
 - disturbance/ displacement (noise, visual/ lighting and avoidance); and
 - changes in key indicators of conservation value (changes to air, surface water and groundwater quality).
- 2.2.2 Annex 1, Table 1 of this RIES details the potential impact pathways considered in [APP-057] by European site and qualifying feature.
- 2.2.3 The HRA Report [APP-057] assessed the potential impacts during construction, operation and maintenance and decommissioning.

- 2.2.4 Regarding decommissioning, the HRA Report [APP-057] stated that there are no plans to decommission the project and its design life is likely to be extended beyond 40 years as the typical life of some components is 80 years. It stated that an appropriate decommissioning strategy would be considered and implemented at the point the project requires decommissioning. Submission and approval of a written decommissioning scheme is secured by Requirement 12 (R12) of the dDCO [REP6-003].
- 2.2.5 The HRA Report [APP-057] stated that all potential impacts during the decommissioning phase would be similar to, and potentially of a lower magnitude than those outlined in the construction phase.
- 2.2.6 No additional impact pathways have been identified by IPs for inclusion within the assessment in the Examination to date.

2.3 In-combination effects

- 2.3.1 Sections 2.7 and 6.4 of the HRA Report [APP-057] set out the Applicant's approach to assessing in-combination effects. Paragraph 2.7.2 listed the criteria that would be used for identifying other plans and projects for consideration: however, the HRA Report [APP-057] did not identify any other plans or projects for consideration.
- 2.3.2 Section 6.4 of the HRA Report [APP-057] stated that implementation of the good practice measures detailed in Table 6.1 would mean that *'there is no feasible risk of surface water pollutants or sedimentation acting in combination with other plans and projects.'* Further, it is stated that for the other impact pathways considered in the screening assessment, *'individual adverse effects [were] found to be absent or de minimis.'* It is concluded by the Applicant that a combination of the effects would also be *de minimis* at worst.
- 2.3.3 To date, none of the IPs has raised any concerns on the Applicant's approach to the assessment of in-combination effects.

2.4 The Applicant's assessment

- 2.4.1 The Applicant's conclusions in respect of screening are presented in Section 5 of the HRA Report [APP-057]. They are summarised in the screening matrices in Appendix A of [APP-057].

Sites for which the Applicant concluded LSE on some or all qualifying features

- 2.4.2 The Applicant concluded that the Proposed Development would be likely to give rise to significant effects, either alone or in combination with other projects or plans, on all qualifying features of:
- Stour and Orwell Estuaries SPA; and
 - Stour and Orwell Estuaries Ramsar site.
- 2.4.3 The qualifying features and LSE pathways screened in by the Applicant are detailed in Section 5 of the HRA Report [APP-057] and its screening

matrices in Appendix A (Tables A.2 and A.3). They are also identified in Annex 1, Table A1 of this RIES.

- 2.4.4 The Applicant's conclusion of likely significant effects (LSE) on those European sites and their qualifying features were not disputed by NE [RR-042] [REP2-026] or any other IPs during the Examination, up to D7.

2.5 Examination matters

Embedded mitigation

- 2.5.1 The ExA ([PD-005], EC1.3.11) sought comments from the Applicant and NE regarding the Applicant's consideration of embedded mitigation measures during screening of LSE. The ExA asked whether there is sufficient clarity in relation to the proposed trenchless crossings of the River Box and Stour to demonstrate that the Applicant's decision to consider these measures is in accordance with relevant case law⁴.
- 2.5.2 NE [REP3-074], EC1.3.11 stated that the competent authority should rely upon its own legal advice when considering application of the judgment.
- 2.5.3 The Applicant [REP3-052], EC1.3.11 stated that the trenchless crossings of the River Box and Stour are embedded measures as described in Table 4.2 of ES Chapter 4 [APP-072]. It stated that they are an intrinsic part of the project design and no other techniques for crossing these watercourses have been proposed. The Applicant considered that its approach in this respect is consistent with Paragraph 3.15 of PINS Advice Note 10 and Paragraph 007 of Guidance on the use of Habitats Regulations Assessment⁵, which reflect the decision in case law referred to by the ExA.

In-combination effects

- 2.5.4 The ExA ([PD-005], EC1.3.12) asked the Applicant and NE whether any further relevant plans or projects have come forward since the list used in the HRA Report [REP1-007] was fixed on 31 January 2023.
- 2.5.5 The Applicant ([REP3-052], EC1.3.12) stated that it was undertaking monthly reviews of planning registers to identify any new developments, or amendments to existing developments, that should be considered in the long list for the cumulative effects assessment in ES Chapter 15 [APP-083]. The Applicant confirmed that there were no new or changed projects or plans that would affect the conclusions of the in-combination assessment in [REP1-007].
- 2.5.6 NE [REP3-074] confirmed it was not aware of any but that it had not conducted a search. NE stated that it was for the Applicant to provide the information required to carry out an HRA.
- 2.5.7 Babergh and Mid Suffolk District Councils ([REP3-060], EC1.3.12) and Braintree District Council and Essex County Council ([REP3-061],

⁴ Court of Justice of the European Union, Case C-323/17 People Over Wind and Sweetman v Coillte Teoranta

⁵ Department for Levelling Up, Housing and Communities (DLUHC) and Ministry of Housing, Communities and Local Government (MHCLG), July 2019

EC1.3.12) responded that they could not find a list of the plans and projects used for the in-combination assessment but agreed that the criteria listed in Section 2.7 of the HRA Report [REP1-007] would be sufficient for the purposes of identifying plans and projects to be considered. The Councils stated that this should include live projects and any that have been consented but not yet implemented, with consideration of impacts to surface water and groundwater quality from pollution and sedimentation incidents on watercourses, as well as habitat degradation and an indirect reduction in species' density.

- 2.5.8 Babergh and Mid Suffolk District Councils [REP3-060] stated that the East Anglia GREEN (now known as Norwich to Tilbury) project was not sufficiently advanced to be included but considered that with good practice measures there would be a *de minimis* effect. Braintree District Council and Essex County Council [REP3-061] considered that there was sufficient information about East Anglia GREEN to undertake an in-combination assessment, stating that the in-combination effects should be properly explained so the Councils can consider the true impact.
- 2.5.9 The Applicant [REP4-029], EC1.3.12 responded that Section 6.4 of the HRA Report [REP1-007] stated that an in-combination assessment was not required as mitigation at Stage 2 avoided impact pathways. It stated that there were no appreciable impacts to assess in combination with other plans and/ or projects.

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for the Stour and Orwell Estuaries SPA were identified by the Applicant at paragraph 3.2.3 of the HRA Report [APP-057]. Paragraph 3.2.5 of [APP-057] stated that there is no specific information on conservation objectives for the Stour and Orwell Estuaries Ramsar site but the site vulnerabilities of both the SPA and Ramsar are listed at Section 3.3.

Q3.1.1 [To NE]: Are you satisfied with the Applicant's approach to assessment of Stour and Orwell Estuaries Ramsar site in the absence of conservation objectives for this site.

- 3.1.2 The HRA Report [APP-057] did not state whether the sites were in favourable or unfavourable condition. The Applicant confirmed the Sites of Special Scientific Interest (SSSI) that underpin the European sites at paragraph 3.2.1 of [APP-057] but the condition of the SSSIs is not stated.

Q3.1.2 [To the Applicant]: Confirm whether the Stour and Orwell Estuaries SPA and Ramsar site are in favourable or unfavourable condition.

Q3.1.3 [To NE]: Submit any information that you hold about whether the Stour and Orwell Estuaries SPA and Ramsar site are in favourable or unfavourable condition.

3.2 The Applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to AEOI from the Proposed Development, either alone or in combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Section 6 of the HRA Report [APP-057].

Mitigation measures

- 3.2.2 The Applicant's HRA Report identified mitigation measures in Section 6 [APP-057]. These were taken into account in the Applicant's assessment of effects on integrity. These measures included trenchless crossings and good practice measures set out in the CoCP [REP3-026]. The CoCP forms Appendix A to the Construction Environmental Management Plan (CEMP) [REP6-021], through which mitigation would be secured. Adherence to the CEMP is required through R4 of the dDCO [REP6-003].

Sites for which the Applicant concluded no AEOI

- 3.2.3 The Applicant concluded that the Proposed Development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.
- 3.2.4 The Applicant's conclusions in respect of the Stour and Orwell Estuaries SPA and Ramsar site were disputed by NE (regarding the adequacy of the

mitigation to avoid effects) and questioned by the ExA during the Examination. See Section 3.3 of this RIES for further details.

3.3 Examination matters

- 3.3.1 Matters raised in the Examination to date, or for which the ExA seeks clarity, in relation to AEOIs are summarised in Table 3.1 below.

Table 3.1: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation/ question
STOUR AND ORWELL ESTUARIES SPA AND RAMSAR SITE			
3.1.1	Ground and surface water quality during construction	<p>NE [RR-042] requested a detailed contingency plan on how a bentonite (or other lubricant) 'breakout' would be dealt with to demonstrate robust mitigation. NE also noted a discrepancy in the wording of good practice measure GH07 included in the CoCP [APP-178], compared to the measure described in the HRA Report [APP-057].</p> <p>The Applicant submitted an updated HRA Report [REP1-007], incorporating the wording of GH07 as set out in the CoCP [APP-178]. GH07 requires a hydrogeological risk assessment to be undertaken once trenchless crossing methods have been confirmed, with risks assessed to include consideration of a contingency for the breakout of bentonite and other agents.</p> <p>The Applicant [REP4-005] noted in its Errata List that the HRA Report [REP1-007] contained the wording of GH07 as set out in [APP-178] but acknowledged it had been updated again in [REP3-026] to allow the Environment Agency (EA) 21 days (rather than 10 days) to comment on the hydrogeological risk assessment.</p> <p>NE [REP2-026] identify that the matter relating to wording of GH07 as replicated in the HRA Report [REP1-007] is resolved. NE does not refer to its request for a detailed contingency plan for lubricant breakout in [REP2-026].</p>	<p>The ExA understands that this matter is agreed between the Applicant and NE, aside from one outstanding concern about consultation on the hydrogeological risk assessment, which is discussed in ID 3.1.2 below.</p> <p><u>Q3.3.1 [To the Applicant and NE]: Confirm that the ExA's understanding is correct, or otherwise explain what remains outstanding and what steps are being taken to resolve the matter.</u></p>

ID	Potential impact pathway	Details of issue	ExA observation/ question
STOUR AND ORWELL ESTUARIES SPA AND RAMSAR SITE			
3.1.2	Ground and surface water quality during construction	<p>NE [RR-042] requested more detail of good practice measures GH06 (foundation risk assessment) and GH07 (hydrogeological risk assessment) in the CoCP [APP-178], to include a requirement to consider potential risks to the European sites.</p> <p>The Applicant [REP1-025] confirmed that the foundation and hydrogeological risk assessments would consider risks to all relevant receptors including the SPA and Ramsar site should a pathway be identified.</p> <p>NE [REP2-026] welcomed amendments to GH06 and GH07 in the updated CoCP [REP3-026] but requested to be consulted on the hydrogeological risk assessment once it is completed. It stated that the CEMP [REP6-021] and CoCP [REP3-026] should be secured once further details on risk assessments have been provided.</p> <p>The Applicant ([REP3-048], Table 2.9) responded that the EA is the relevant authority for ground and surface water quality, and it is best placed to approve the hydrogeological risk assessment. The Applicant stated that if the EA is satisfied there is no risk to watercourses within the Order Limits, then it can be concluded there is no risk the European sites. The Applicant [REP4-034] restated this position at ISH4. At ISH2, the Applicant [REP4-017] also explained its general position on management plans, stating that its objective was to provide a finalised set for the SoS to consider as part of the DCO application.</p>	<p><u><i>Q3.3.2 [To NE]: Comment on the Applicant's without prejudice wording for R4 of the dDCO [REP6-003] as set out in DC2.6.16 (Applicant's Responses to Second Written Questions, Document 8.9.3) (EL reference to be assigned). Confirm if this is sufficient to address concerns about ensuring that the CEMP [REP6-021] and CoCP [REP3-026] would not be finalised until the outcome of the hydrogeological risk assessment is known. If there are any outstanding concerns, explain these and provide any revised wording that you consider is required.</i></u></p> <p><u><i>Q3.3.3 [To the Applicant]: Comment on the responses to EC2.3.7 from NE (NE Responses to ExQ2) [EL reference to be assigned] and</i></u></p>

ID	Potential impact pathway	Details of issue	ExA observation/ question
STOUR AND ORWELL ESTUARIES SPA AND RAMSAR SITE			
		<p>In the draft SoCG submitted at D5, NE ([REP5-011], 5.4.1) acknowledged the Applicant's response but stated that, whilst the EA is the relevant authority for ground and surface water, NE is an advisor to other competent authorities, acting as a nature conservation body under regulation 5 of the Conservation of Habitats and Species Regulations 2017 and considers it should be consulted. NE ([REP5-011], 5.3.7a and 5.3.7c) stated that it considered there to be outstanding matters with the CEMP, which may lead to further refinement of the CoCP good practice measures when resolved, because of the issue at 5.4.1. The Applicant's position was unchanged at D5 [REP5-011]. It stated that it had responded to matters in respect of the CEMP in [REP3-048].</p> <p>No further progress was reported in the draft SoCG between the Applicant and NE submitted at D6 [REP6-017].</p> <p>The ExA ([PD-008], DC2.6.16) requested the Applicant to submit some without prejudice draft wording to revise R4 of the dDCO [REP6-003] to treat the management plans, including the CEMP [REP6-021] as outline.</p> <p>The ExA ([PD-008], EC2.3.7) requested NE and the EA to explain the process that would be followed to ensure that NE were consulted on the hydrogeological risk assessment.</p> <p>The EA (EA Responses to ExQ2, EC2.3.7) [EL reference to be assigned] requested that the Applicant consult both NE</p>	<p><i><u>the EA (EA Responses to ExQ2) [EL reference to be assigned]. Confirm what further steps will be taken prior to the close of Examination to resolve this matter.</u></i></p>

ID	Potential impact pathway	Details of issue	ExA observation/ question
STOUR AND ORWELL ESTUARIES SPA AND RAMSAR SITE			
		<p>and EA to allow for both to provide their respective responses.</p> <p>NE (NE Responses to ExQ2, EC2.3.7) [EL reference to be assigned] requested the same opportunity as the EA to comment on the hydrogeological risk assessment and associated appropriate assessment. NE noted that the EA confirmed it was happy to work with NE on this matter. NE stated that it could not comment on how it would be consulted as it is unclear whether it would be subject to a condition discharge application, a permit application or another mechanism.</p>	
3.1.3	Ground and surface water quality during construction	<p>The ExA ([PD-005], WE1.12.19) sought confirmation from the EA that it was confident that sufficient controls could be put in place to ensure that activities in Flood Zone 3, including horizontal directional drilling (HDD) under the River Stour, would not result in adverse impacts to the European sites.</p> <p>The EA ([REP3-070], WE1.12.19) responded that it would recommend consultation with NE on this question as it is primarily within NE's remit. The EA was satisfied that if the control measures set out in the CEMP [REP6-021] and CoCP [REP3-026] were implemented, the project would not adversely affect the integrity of the European sites. It stated that the Applicant has committed to applying for flood risk activity permits (FRAP) where required and that NE would also be consulted through this process.</p>	<p><u>Q3.3.4 [To NE]: Notwithstanding your concern that the construction method is not yet determined, is NE satisfied that there is a sufficient control framework in the CEMP [REP6-021] and CoCP [REP3-026] and/ or through the requirement to obtain a FRAP to ensure that activities in Flood Zone 3 would be managed in a way to avoid effects to the European sites? Indicate whether your response is made on the basis</u></p>

ID	Potential impact pathway	Details of issue	ExA observation/ question
STOUR AND ORWELL ESTUARIES SPA AND RAMSAR SITE			
		<p>The ExA ([PD-008], WE2.12.4) sought confirmation from NE on this matter. NE (NE Responses to ExQ2, WE2.12.4) [EL reference to be assigned] stated that it is for the Applicant to provide sufficient information for the competent authority to complete a HRA and that sufficient information is yet to be provided as the method of construction is not yet confirmed. NE asked that the Applicant confirms how it intends to consult the EA on this matter and noted that it is a statutory requirement for competent authorities to consult NE when carrying out an appropriate assessment and to have regard to any presentations made by NE.</p>	<p><i><u>that the Applicant's without prejudice wording for R4 of the dDCO, requiring a final version of the CEMP [REP6-021] is incorporated. If not, explain any outstanding concerns and the information required to address them.</u></i></p> <p><u>Q3.3.5 [To the Applicant]:</u> <i><u>Comment on NE's response to WE2.12.4 (NE Responses to ExQ2) [EL reference to be assigned]. Explain how you intend to consult the EA on this matter and how NE would be involved in the process.</u></i></p>

3.4 Summary of Examination outcomes in relation to adverse effects on integrity

- 3.4.1 To date in the Examination, the matters identified in Table 3.1 of this RIES in respect of disputed AEOIs remain unresolved. The ExA seeks responses from the Applicant and NE, where indicated, to provide clarity on the outstanding matters.
- 3.4.2 The ExA's understanding of the Applicant's and NE's current positions in relation to AEOIs is set out in Table A1 of Annex 1 of this RIES.

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

The table in this Annex summarises the ExA's understanding of the Applicant's screening exercise and assessment of effects on integrity, and agreement with the NE at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

D = Decommissioning

✓ = LSE or AEoI cannot be excluded

X = LSE or AEoI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1: Stour and Orwell Estuaries SPA and Ramsar site

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion (alone or in combination)	Agreement with NE?	Applicant's conclusion (alone or in combination)	Agreement with NE?
<u>SPA:</u> Northern pintail (<i>Anas acuta</i>). Pied avocet (<i>Recurvirostra avosetta</i>). Grey plover (<i>Pluvialis squatarola</i>). Red knot (<i>Calidris canutus</i>). Dunlin (<i>Calidris alpina alpina</i>). Black-tailed godwit (<i>Limosa limosa islandica</i>). Common redshank (<i>Tringa totanus</i>). Waterbird assemblage of over 20,000 individuals.	Habitat loss	X	Y [RR-042]	n/a	n/a
	Habitat or species fragmentation	X	Y [RR-042]	n/a	n/a
	Reduction in species' density	X	Y [RR-042]	n/a	n/a
	Disturbance/ displacement	X	Y [RR-042]	n/a	n/a
	Changes in indicators of conservation value (resulting in degradation of aquatic habitat and/ or indirect reduction in species' density)	✓ ⁶ (alone and in-combination)	Y [RR-042]	X	?
<u>Ramsar site:</u> Criterion 2: seven nationally scarce plants and five British Red Data Book invertebrates. Criterion 5: waterfowl assemblages of international importance. Criterion 6: species' populations occurring at levels of international importance (concurrent with SPA qualifying features).					

⁶ In relation to changes to surface and groundwater quality during construction only; air quality change was screened out.