

EN020017: Richborough Connection. Examining Authority's second written questions and requests for information

Application by National Grid for the Richborough Connection Project

Natural England's response to Examining Authority's second written questions and requests for information

Ref No.	Respondent:	Question:	Natural England Response
2	Biodiversity and geological conservation		
		<i>Habitat Regulations Assessment</i>	
Q2.2.1	Natural England	<p>Confirm agreement (or otherwise) in relation to whether the Applicant has identified all of the correct qualifying features/ interests for each of the eleven European sites screened into the assessment in the updated versions of Tables 3.1 and 3.2 [REP2-017, Appendix C].</p> <p>If not, please identify which European sites and qualifying features/ interests are not accurately reflected in Tables 3.1 and 3.2 and confirm the correct qualifying features/ interests for these European sites.</p>	<p>Natural England recommend that Table 3.1 and Table 3.2 is updated to include breeding bird and wintering bird assemblage for The Swale SPA.</p> <p>Natural England recommend that Table 3.1 and Table 3.2 is updated to include breeding bird and wintering bird assemblage for Stodmarsh SPA.</p> <p>The Stodmarsh breeding bird assemblage also needs to be added to the NSER matrices (although scoped out from requiring further assessment)</p>
Q2.2.3	Natural England	Please confirm in a Deadline 5 response that the Applicant has submitted the correct versions of the conservation objectives in [REP2-017] and in response to Q2.2.3; and if not provide the correct versions.	To follow
Q2.2.4	Natural England	Do you agree with the Applicant's response to Q1.2.10 [REP2-016], that the placement of the pylons anywhere within the limits of deviation (LoD) would not affect the conclusions of the NSER?	Yes, Natural England concurs with this conclusion.
Q2.2.5	Natural England	Is there any change to NE's agreed position on there being no plans/ projects where in-combination effects may arise (response to Q1.2.6 [REP2-073])	The question as to whether the reservoir in the Water Resources Management Plan (WRMP) is a material consideration for the Richborough

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		<p>in light of the following documents:</p> <ul style="list-style-type: none"> • South East Water's Written Representation [REP2-099]; • Jacobs Alternatives Report (Appendix 11 [REP2-183]); • Broad Oak Reservoir Bird Study (Appendix 11, Appendix G [REP2-201], which is duplicated as Appendix 12, Appendix G [REP2-208]; • Jacobs Impact Report (Appendix 12 [REP2-205]); and • South East Water Document on Bird Collision Risk [REP3-031]? 	<p>Connection project is a legal one that is not for us to advise on.</p> <p>However, should the determining body decide that the reservoir is a material consideration then this does not affect our position. The reservoir proposals are not within a European designated site and are not part of a compensatory habitat for a European designated site.</p> <p>Natural England therefore confirms that there are no plans/projects where an in combination effect would arise from the proposals with regard to the requirements of the Habitats Regulations. We therefore confirm that in combination effects can be scoped out.</p>
Q2.2.6	Natural England	Is there any change to NE's agreed position that the proposed development will not result in a likely significant effect on any European sites and that an appropriate assessment is not needed (response to Q1.2.13 [REP2-073] and SoCG [REP2-022]), in light of documents referred to in Q2.2.4?	Natural England maintains its agreed position that the proposals will not result in a likelihood of significant effects and an appropriate assessment is not required.
		<i>European and other protected species</i>	
Q2.2.27	Natural England	Please confirm that a letter of no impediment (LoNI) for water vole is not required.	The decision as to whether a licence is required is made by the applicant. Natural England are only able to advise whether a licence is able to be issued based on relevant survey and mitigation detail. It is our understanding from the applicant that the proposals will not result in licensable activities

			affecting Water Voles.
		<i>Ornithology</i>	
Q2.2.31	Applicant Natural England	<p>Respond to KWT's concerns regarding impacts on Golden plover within a site of conservation interest at a County level and its suggestion that mortality thresholds, monitoring and a mechanism for further mitigation are required [REP2-082, point 5b].</p> <p>Is there any change to the Applicant's or NE's stated positions on bird mortality monitoring not being required; in light of:</p> <ul style="list-style-type: none"> • SEW's WR and Appendices [REP2-099, REP2-201 and REP3-031], • Dover District Council's response to Q1.12.33 [REP2-065], • NFU's Deadline 3 response [REP3-046] and • KWT's points regarding Golden plover [REP2-082, point 5b]? 	<p>The issues of bird strike risk and possibility of this resulting in objections from National Grid to the future build of the reservoir is a matter for the determining authority. Large reservoirs are known to attract large birds such as geese and swans which have a known strike risk on power lines. However the ornithological conservation implications of the strike risk and its management methods are uncertain at this stage. Additionally, It improbable that meaningful results from monitoring the possible future impacts of the Broad Oak Reservoir scheme could be achieved</p> <p>The collision risk modelling (CRM) identified that the impact of the proposals would not be significant without bird diverters. The bird diverters are added on a precautionary basis but Natural England do not consider that the impacts would have a likelihood of significant effects so diverter monitoring is not an essential requirement.</p> <p>In summary, Natural England maintains that there is no requirement for post construction monitoring, as agreed in the Statement of Common Ground (Doc 8.4.3.)</p>
		<i>Mitigation and enhancement</i>	
Q2.2.38	Joint Councils The Environment	Provide any further comments on the Applicant's updated BMS [REP3-004], and where relevant to	We have no further comments to make on this.

	Agency Natural England The Kent Wildlife Trust Other Interested Parties	biodiversity matters in the updated CEMP [REP2-007].	
3	Broad Oak		
	Respondents should note that if a question in this section is already answered in one of the post-hearing actions also to be submitted at Deadline 4, then a reference to that document with paragraph number(s) will suffice in response to the question(s) below.		
		<i>Impacts of the proposed development on the proposed Broad Oak reservoir</i>	
Q2.3.2	The Environment Agency Natural England	Please provide comments on the Applicant's 'Response to South East Water's report Review of Alternative RCP Routes in Area of Interaction with Proposed Reservoir Scheme – July 2016' [REP3-019, Appendix 5] indicating any areas of concern and provide comments on the Applicant's views expressed on the potential for the two proposed developments to co-exist.	Reservoir Size In Section 2.9 of REP3-019 The Applicant states "The level of consultation between SEW and Natural England is not currently published and hence it is not known whether a higher top water level would be acceptable to environmental and other stakeholders and would form the basis of any future WRMP." Natural England issued a view on the draft design principles on the reservoir for the 32.5 and the 36m AOD reservoir designs to South East Water on the 26 th May 2016. Natural England has stated, that subject to caveats and mitigation, a reservoir of up to 36m AOD is acceptable to Natural England. This letter is referred to by the applicants in their submission on the larger sized reservoir proposal is therefore known to the applicant. It is attached for

			<p>ease of reference.</p> <p>Mitigation for the SSSI The proposed draft mitigation planting for impacts of Broad Oak reservoir by South East Water is diverse both structurally and in species. A design principle of the reservoir construction and operation is to contribute to the favourable condition of the adjacent Site of Special Scientific Interest (SSSI) as assessed by the Favourable Condition Tables. These requirements do not allow for a "monoculture" as referred to by the applicant submission REP3-019.</p> <p>The interactions between the two schemes The interaction of the current RCP route is principally with the route of the Sarre Penn proposed diversion and compliance of these proposals with the Water Framework Directive (WFD). Decisions on WFD compliance and mitigation requirements for the Sarre Penn diversion, including the need to shade the river for fish, are a matter for the Environment Agency.</p> <p>REP3-019 Appendix 5 Based on the information provided in this submission Option 4 of proposed water company "alternative routes" which undergrounds using mostly horizontal directional drilling appears to be the least ecologically damaging and has similar or lesser ecological effects than the RCP route (around Broad Oak) with regards to designated sites and protected species. Option 1 modified overhead cabling route also has similar impacts to the RCP in</p>
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			designated sites and protected species in terms of scale and magnitude based on the evidence as presented. Increased (but not significant) visual amenity effects were noted with Option 1 but do not influence protected landscapes. Based on the submissions Option 3 open cut trenching and undergrounding has more protected species effects than the RCP route around Broad Oak but is not significantly different in impact terms on the designated sites.
Q2.3.3	The Environment Agency Natural England	Please provide comments on the Applicant's Deadline 2 submission (the Mott MacDonald Report) [REP2-017, Appendix F] and SEW's response to the Mott Macdonald Report [REP3-036, Appendix 4.1, Appendix 1]? Indicating any areas of concern and provide comments on the Applicant's views expressed on the potential for the two proposed developments to co-exist.	Both REP2-017 appendix F and REP3-036 Appendix 4.1, appendix 1 pertain mostly to the Sarre Penn diversion. The acceptability of the Sarre Penn diversion proposals and the alternative options proposed in the Mott MacDonald Report and is a matter for the Environment Agency. Natural England therefore has no comments on the proposed "solutions" in these documents.

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<p>Q2.3.6</p>	<p>Applicant Canterbury City Council The Environment Agency Natural England South East Water</p>	<p>Whilst SEW's response to Q1.7.67 [REP2-098] is caveated with reference to the taking on board of the SEW Alternatives, there is a wider point regarding the necessary approvals for agreeing a planting scheme in the proposed reservoir area. Does the Applicant agree that planting (mitigation and enhancement) associated with all of SEW's land (or some of SEW's land associated with the reservoir) is an area where more certainty of design is desirable and should it also be subject to future approvals including NE and the EA as well as the relevant Local Authority?</p> <p>Do the Applicant and SEW consider securing a method of approval resolves the issues raised in the Jacobs response to the Mott MacDonald comment in SEW's response to the Applicant's Deadline 2 submissions [REP3-036, Appendix 4.1, ref 3.4.2.8]?</p> <p>If so, the Applicant is invited to propose suitable wording for the DCO and /or the LHES.</p> <p>The views of CCC, the EA and NE are sought.</p>	<p>There are statutory consultation requirements related to designated sites and/or protected species licences that are required. Natural England does not require any additional approval on the micro siting of pylons that are not in or/and do not affect designated sites or protected species</p> <p>Natural England do not need to be directly consulted further on the planting scheme.</p>
<p><i>Environmental Impact Assessment</i></p>			
<p>Q2.3.31</p>	<p>Natural England</p>	<p>As statutory nature conservation body (SNCB) is NE's agreed position still that the scope of impacts considered in the assessment set out in the ES Appendices and the scope of receptors considered in the cumulative assessment are adequate (response to Q1.2.23 [REP2-073] and SoCG [REP2-022, section 3.2]), in light of SEW's WR and related Appendices? If not, what is the basis for any</p>	<p>The question as to whether the reservoir in the Water Resources Management Plan (WRMP) is a material consideration for the Richborough Connection project is a legal one that is not for us to advise on.</p> <p>If the determining authority decides that the inclusion of the reservoir is a material consideration</p>

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		changes and is any further clarity required to be provided by the Applicant or SEW to assist NE in understanding the potential effects? If so, what?	for the Richborough Connection then a further scoping exercise may be required. However this does not affect our conclusions as stated in Q2.2.5
5	Draft Development Consent Order		
	Respondents should note that if a question in this section is already answered in one of the post-hearing actions also to be submitted at Deadline 4, then a reference to that document with paragraph number(s) will suffice in response to the question(s) below.		
		<i>Schedule 3 - Requirements</i>	
Q2.5.8	Applicant Natural England	Requirement 6 Should Natural England be added to Requirement 6(1) in the same way as the Environment Agency is included? This would be with regards consultation on the proposed lighting scheme.	It would be useful to be included should Natural England wish to comment on lighting aspects at a future point.