AQUIND Limited

AQUIND INTERCONNECTOR

Consultation Report – Appendix 1.7E Marine Specific – Briefing Note of Ongoing Consultation with Environment Agency

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)

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Natural Power Memorandum			
To	Environment Agency	Date	July 2019
From	Natural Power	Ref.	1199526

Briefing Note to inform Ongoing Consultation: Responses to PEIR feedback

The following table provides a summary of key items contained within feedback response on PEIR, gratefully received from the Environment Agency.

This briefing note is structured as below aims to provide information to reviewers as to how the applicant proposes to address the comments received as part of the s.42 consultation process.

Item No.	Topic	*Comment*	Applicant's Response
1	**Marine Water and Sediment Quality**	In regard to impacts on Shellfish and Bathing Waters, we advise the Applicant to include assessment of short-term effects as part of the WFD assessment.	Acknowledged. An assessment of the short-term impacts to Shellfish and Bathing Waters will be included in the WFD assessment.
2	**Fish and Shellfish**	Further assessment is required in relation to the impacts on migratory fish, in particular from noise and vibration on certain species such a Sea Trout, Salmon and Eel.	Migratory fish (sea trout, salmon and eel) will be included in the noise and vibration assessment section of the Fish and Shellfish chapter within the final Environmental Statement (ES).
3	**Marine Water and Sediment Quality**	We are pleased to see a Water Framework Directive (WFD) assessment has been included (Appendix 7.1 of the PEIR), and in particular impacts on marine water and sediment quality, Shellfish Waters and Bathing Waters.	Acknowledged. A finalised WFD Assessment will be provided as part of the DCO application.
4	**Marine Water and Sediment Quality**	We agree that the impacts on water quality from increases in suspended sediment concentrations will be temporary, including those related to re-suspension of contaminated sediments. However, even temporary deterioration of water quality in proximity to sensitive areas such as Shellfish Waters and Bathing Waters can have negative impacts on the designated sites. Hence, we advise the Applicant to assess even short-term effects as part of the WFD assessment. This will be particularly relevant in the context of any dredging activities and floatation pits near the Eastney bathing water. We would also suggest to screen in any OOS cable removals where they have the potential to give rise to increased suspended sediment concentrations in proximity to sensitive areas.	The use of flotation pits for construction/installation of the cables is no longer proposed and will not be included within the project description for the final ES (and therefore will not be assessed). HDD works at landfall are proposed to occur between KP1 and KP 1.6 and no sandwave/large ripple clearance or disposal of dredged material is proposed within waters that are closer to shore than KP 21 (which is outside of the WFD Waterbodies). The potential effects of HDD pit 5excavation will be assessed used empirical / observational evidence.

Item No.	Topic	*Comment*	Applicant's Response
			Plume dispersion modelling is currently being undertaken to investigate the extent and sediment concentrations of the passive plumes from disposal of dredged material and area likely to be affected, and an assessment on the HDD works and cable installation activities proposed within the nearshore areas will be presented within the final ES. The results of the modelling will be presented within the ES and the potential impacts assessed accordingly. There have been no OOS cables identified in the vicinity of WFD protected waters (Table 2, Appendix 3.1 of the PEIR) and as such, no assessment of their removal is required within the WFD assessment.
5	**Marine Water and Sediment Quality**	We would like to emphasise the proximity of the Eastney Bathing Water protected area to the proposed cable corridor and landfall site. Any sediment disturbance in proximity to the bathing water during the Bathing Water Season (May to September) has the potential to impact on bathing water quality and WFD compliance at this site by elevating suspended sediment concentrations and potential faecal contamination.	The impacts to the Eastney Bathing Water area have been scoped in to the WFD assessment being undertaken. HDD works at landfall are proposed to occur between KP1 and KP 1.6 and no sandwave/large ripple clearance or disposal of dredged material is proposed within waters that are closer to shore than KP 21. Plume dispersion modelling is currently being undertaken to investigate the extent and sediment concentrations of the passive plume from disposal of dredged material and area likely to be affected, and an assessment on the HDD works and cable installation activities proposed within the nearshore areas will be presented within the final ES. The results of the modelling will be presented within the ES and the potential impacts assessed accordingly.

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6	**Marine Water and Sediment Quality**	Section 7.5.4. We are pleased that the potential effects on Natura 2000 sites will be assessed within the HRA, and that the findings will be used to update the Marine WFD assessment accordingly. In particular, the potential impacts on the Solent Maritime SAC will need to be assessed due to the close proximity to the proposed landfall location at Eastney.	This work is currently being undertaken and will be submitted alongside the final ES and DCO submission. We have been engaging directly with Natural England (NE) regarding the drafting of the HRA and plan to consult with NE, JNCC and the Environment Agency on the draft HRA prior to DCO submission.
7	**Fish and Shellfish**	Section 9.4.4.3. Should any of the methods listed in this section, or any alternatives be selected or proposed, then these will need to be assessed and included in the ES.	The use of flotation pits for construction/installation of the cables is no longer proposed and will not be included within the project description for the final ES (and therefore will not be assessed). Further information relating to the other construction methods proposed is currently under investigation and will be presented and assessed within the ES if the methods remain part of the design.
8	**Fish and Shellfish**	Section 9.4.4.7. We agree that a Habitat Regulations Assessment (HRA) will need to be produced and submitted as part of the DCO application.	Acknowledged.
9	**Fish and Shellfish**	Table 9.3. We agree that Transitional and Coastal waters (TraC) surveys will partly provide a baseline of data for migratory species. As acknowledged, these surveys are only undertaken once or sometimes twice a year, and therefore may not capture all migratory species present at different times of the year. We agree that deeper water fish species are likely to be under represented.	Acknowledged.
10	**Fish and Shellfish**	Section 9.6.3.26. We agree with the inclusion of fish and shellfish of conservation importance, namely Eel, Atlantic Salmon, Brown/Sea Trout,	Acknowledged.

Item No.	Topic	*Comment*	Applicant's Response
		and other migratory fish such as River and Sea Lamprey, and Allis and Twaite Shad.	
11	**Fish and Shellfish**	Section 9.5.4.7. The presence of Sea Trout has been confirmed by observation in Langstone and Portsmouth Harbour. The presence of Salmon is also confirmed in Portsmouth Harbour as demonstrated by survey data on the River Wallington. Therefore, regard must be given for these species.	The final ES will assess the potential effects of the Proposed Development on sea trout and salmon.
12	**Fish and Shellfish**	Sections 9.6.3.29 & 9.6.3.52. The background concentration of suspended solids is required to enable these figures to be used in context. We also need to understand how far these suspended solids will move. Therefore, currently we are unable to agree that temporary increase in suspended solids is not significant for Salmon and Sea Trout. This issue should be addressed within the ES.	Plume dispersion modelling is currently being undertaken to investigate the extent and sediment concentrations of the passive plume from disposal and area likely to be affected, and an assessment (using empirical methods) on the HDD works and cable installation activities proposed within the nearshore areas will be presented within the final ES. The results of the modelling will be presented within the ES and the potential impacts assessed accordingly.
13	**Fish and Shellfish**	Sections 9.6.3.53/54/55. We agree there is potential for elvers to be present within the proposed development. We agree that a temporary increase in suspended solids is not significant for Eel, Sea and River Lamprey and Twaite and Allis Shad.	Acknowledged.
14	**Fish and Shellfish**	Section 9.6.3.60. Salmon, Sea Trout and Eel must be included as hearing specialist fish, and it must be demonstrated within the ES that there will be no impact on these species from noise and vibration.	Although salmon and sea trout are hearing generalists and eels do not possess the ability to hear they have been included in the assessment for noise and vibration. References have been included to justify the conclusion that this effect is not significant for these species.
15	**Fish and Shellfish**	Section 9.6.3.67. Salmon and Sea Trout have not been included in this section. As hearing specialist fish, these need to be assessed against the noise and vibration generated by HDD. If these are to be screened out,	Although salmon and sea trout are hearing generalists they have been included in the assessment for noise and vibration from HDD. References have been included to

Item No.	Topic	*Comment*	Applicant's Response
		then evidence needs to be provided. Such evidence can be provided by a review of relevant literature.	justify the conclusion that this effect is not significant for these species.
16	**Fish and Shellfish**	Section 9.6.4.2. The potential impact of EMF on migratory salmonids has not been included. If these are to be screened out then evidence needs to be provided. Such evidence can be provided by a review of relevant literature.	Salmon and sea trout have been included in the assessment for potential effects from EMF. As the minimum cable burial depth is 1 m the level of EMF at the seabed will be just 42 µT. No effects were found in salmon from levels of EMF at 95 µT so it is concluded that there will be no significant effects on salmon and sea trout from EMF. Full references have been included in the ES to justify this conclusion.
17	**Fish and Shellfish**	Table 9.7. Species of commercial importance should also include Brown Trout (rod and line) and Eel (commercial eel fishery).	Both the brown trout (rod and line) and eel fishery (commercial eel fishery) are conducted in a riverine environment with no overlap with the Proposed Development. Therefore, no connectivity exists with these fisheries, and they are not therefore considered in the Fish and Shellfish chapter (or Commercial Fisheries chapter) as species of commercial importance. The potential impacts on eels and brown trout has been assessed in the ES and it was concluded that all effects were not significant for eel or brown trout.
18	**Fish and Shellfish**	Table 9.8. Cable depth is cited as being between 0.6 and 5.1 metres. It is unclear how the depth of cable will be determined at any given location. This should be specified within the ES. The likelihood of impact, on migratory fish, from suspended solids and/or others, is increased the deeper the depth of the trench.	Cable depth is dependent on seabed conditions, and the likely burial depths will be informed by a Cable Burial Risk Assessment (CBRA). Further detail will be covered within the description of the Proposed Development once it has been refined. The effect of suspended sediment concentration (SSC) on migratory fish will be assessed in the final ES chapter.

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19	**Fish and Shellfish**	Table 9.9. This table will need to be re-assessed in light of our comments in regard to Chapter 9.	Acknowledged.
	Fish and Shellfish	Section 9.9.1.6. We agree that cumulative effects of this and other projects needs to be included in the ES.	Acknowledged.
20	**Fish and Shellfish**	Section 9.9.1.10 We cannot agree with the conclusion of no potentially significant effects until our comments in regard to Chapter 9 are addressed.	Acknowledged.
21	**Fish and Shellfish**	Section 9.10.1.1 We agree that an HRA is required for SAC's with fish features listed.	Acknowledged. It is currently proposed that the Environment Agency will be consulted on a draft HRA prior to DCO submission.