AQUIND Limited

AQUIND INTERCONNECTOR

Consultation Report – Appendix 1.7F Marine Specific – Briefing Note for Ongoing Consultation with JNCC August 2019

The Planning Act 2008

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Natural Power Memorandum			
To	JNCC	Date	August 2019
From	Natural Power	Ref.	1199521

Brefing Note for Ongoing Consultation: Responses to PEIR Feedback

The following table provides a summary of key items contained within feedback on PEIR, gratefully received from the Joint Nature Conservation Committee (JNCC).

This briefing note is structured in order 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	Topic	*Comment*	Applicant's Response
1	**Intertidal and Benthic Ecology**	JNCC is of the opinion that insufficient survey evidence was presented in the application to allow the best provision of accurate and meaningful advice. While we recognise that it is unlikely that survey-based data can be expanded upon for this application, we provide the following to help BEIS and the operator understand what we consider necessary in an application. It is good practice to include high resolution acoustic data, video and / or still images in the context of the proposed activity. • Survey sample 22 was collected outside the marine cable corridor, therefore it is unclear whether there is the potential for Annex I stony reefs to be present within the marine cable corridor. The habitat identified within the marine cable corridor was offshore circalittoral coarse sediment with numerous to occasional boulders which follows the composition of a classified Annex I stony reef. The JNCC would advise that if any Annex I stony reefs are present during the cable installation that these are avoided and we would recommend micro-routing to ensure a 500m clearance of this feature. • JNCC would advise the use of dynamic positioning for the vessel during the cable installation to minimise potential impacts on the seabed, specifically the Annex I reef.	The comments are acknowledged, and it is proposed that further investigation of Annex I stony reef within the Marine Cable Corridor can be undertaken during pre-installation survey works. Should Annex 1 habitat be identified within the Marine Cable Corridor then micro siting to avoid this habitat will be undertaken where possible.
2	**Marine Mammals**	The current application only uses injury thresholds proposed by Southall et al, 2007 in Section 10.3.2.21. More recent injury thresholds for marine mammals were published in 2016 (NOAA, 2018), superseding	The revised assessment presented within the ES chapter will only use the NOAA (2018) thresholds for auditory injury.

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		the Southall thresholds, which have been used later in the report. The new thresholds/hearing functions represent the most comprehensive and up to date scientific knowledge available to use in assessments of the risk of auditory injury to marine mammals and should be used in future noise assessments.	
3	**Physical Processes/ Intertidal and Benthic Ecology**	JNCC believe it would be beneficial to include a summary of the total seabed footprint impact area as part of Table 6.17 to provide a complete overview of the actual total impact of the operation. It would also be useful to include the impact area of thermal effects on the surrounding seabed.	Table 6.17 provided the realistic worst-case parameters known at the time for each potential impact identified during the different phases of the project. These worst-case parameters will be reviewed to reflect the very latest design and data. When JNCC requests a total impact area, is that total impact through trenching or through dredging, or impact through placement of non-burial protection individually or all together? We consider the first two activities to be construction activities, while the latter is operational; further clarity on your request would be appreciated. While we do not consider that thermal effects from cables will result in significant environmental effects, for completeness the impact of thermal emissions will be considered within Chapter 8 and the Habitat Regulations Assessment (HRA) Report.
4	**Physical Processes**	JNCC note that there is currently a lack of detail on the impact of the deposition of dredged material. While plume modelling is being carried out and will be reported in the ES, the potential impact from the initial dredging, deposition, re-dredging and final deposition as infill for the worst case, which could be up to 1.7 million cubic metres, needs to be addressed in the ES.	Plume dispersion modelling has been undertaken and will be reported on within a technical report that will be presented as an appendix to Chapter 6 within the ES. Whilst the plume dispersion modelling only examines the plume created by the initial

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			maximum disposal volumes of 1.75 million cubic meters, it is considered that subsequent dredge and final deposition for infill activities (should they be required) will be for substantially less volumes than the initial disposal operations, and the time between events will be sufficiently long enough to allow for some natural infill to take place. The Applicant has committed to producing a detailed construction method statement and dredge and disposal strategy document in consultation with the MMO and NE prior to works commencing. A post-disposal report to compare the activities proposed with those that were actually undertaken during construction, will also be produced if dredge and deposit activities are required and can also include information regarding the use of material for backfill as part of the construction process (however we do consider such activities to be a form of disposal but part of construction activities).
5	**Intertidal and Benthic Ecology**	Whilst JNCC appreciates that subtidal sands and gravels are identified across the majority of the benthic survey area, this is a UK BAP priority habitat and therefore the impact to this habitat should be reduced as much as practically possible.	Acknowledged. The final cable route will be micro-routed to avoid areas of sensitive habitat including where possible UK BAP Priority Habitat. It is anticipated that the results of the pre-installation survey will inform where potential exists to micro-site away from sensitive habitats, where possible.
6	**Intertidal and Benthic Ecology**	JNCC does not believe that the proposed operations are likely to cause a significant impact upon the marine environment. However, we note	Acknowledged. See responses for Items 1 and 5 also.

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		that many protected habitats are highly sensitive to cable operations and we would therefore always expect the operator to mitigate as much damage as possible to the habitats. Here we include our most up-to-date understanding about the habitat found within the area of proposed operations and also any comments we have concerning possible methods to mitigate damage.	
7	**Intertidal and Benthic Ecology**	The proposed operations take place close to an Annex I Reef which is an Annex I habitat under the EU Habitats Directive. As such, their presence contributes to the national resource of that habitat. For more information, please see here: http://jncc.defra.gov.uk/page-1523.	Acknowledged. See response to Item 1.
8	**Intertidal and Benthic Ecology**	We encourage the operator to work to minimise the amount of stony reef impacted, and that mitigation is put in place to ensure this.	Acknowledged. See response to Item 1.
9	**Intertidal and Benthic Ecology**	The scoping report states that in the offshore area the High Voltage Direct Current (HVDC) cable route will pass close to the Offshore Overfalls and Offshore Brighton Marine Conservation Zones (MCZs), by 1.15km and 8.5km respectively: the former is partly in English inshore waters and the latter entirely offshore. The application should fully assess any potential impacts on these Marine Protected Areas (MPAs). Information on these MCZs is available via the following links: Offshore Overfalls MCZ - http://jncc.defra.gov.uk/page-6776 Offshore Brighton MCZ - http://jncc.defra.gov.uk/page-6775	Acknowledged. An MCZ assessment is being undertaken and will be submitted with the application. This assessment will consider the potential impacts of the Proposed Development on the Offshore Overfalls and Offshore Brighton MCZs amongst others.
10	**Intertidal and Benthic Ecology**	The operation potentially involves the introduction of hard substrate into a mainly sedimentary environment. Although the changes are not necessarily considered as having a significant impact in this instance, we still encourage the operator to continue working to minimise the amount of hard substrate material used. We note that the long-term effects of the introduction of substratum into naturally sandy or muddy sea beds is not fully understood at present and should be carefully considered by the regulators.	Acknowledged. It is the preference of the Applicant to bury cables, where it is possible, to sufficient depths in order to protect the cable; this will be the case along the majority of the cable route identified to date. Non-burial protection will be proposed in areas where the target burial depth is not achievable or at areas where alternatives do not exist such as the Atlantic Cable Crossing and the HDD exit/entry location. The potential impacts of

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			placement of non-burial protection will be assessed within the relevant chapters of the final ES.
11	**Intertidal and Benthic Ecology**	JNCC welcome detailed commentary on stabilisation operations to allow further understanding of their actual nature conservation impact. This would include: • Location of dump sites; • Size / grade of rock to be used; • Tonnage / volume to be used; • Contingency tonnage / volume to be used; • Method of delivery to the seabed; • Footprint of rock; • Assessment of the impact; • Expected fate of deposit after end of production, i.e. will it be left in situ or recovered. Where stabilisation material cannot be avoided, we recommend using a more targeted placement method e.g. fallpipe vessel rather than using vessel-side discharge methods.	The ES will present as much detail as is possible based on the information known at the time. It is important to bear in mind that this level of detail and location of non-burial protection will need to be confirmed prior construction due to the changing nature of the seabed and will be informed by pre-construction surveys. The ES can present typical values for size/grade of rock and tonnage/volume of rock to be used in specific areas such as the cable crossing and the HDD exit/entry location however, this information would be need to be reviewed after the results of pre-installation surveys are known and reported on through the Cable Burial and Installation Plan (and/or Cable Protection Plan).
12	**Application**	Whilst JNCC appreciates that not all of the detailed project design is finalised at the time of ES submission, JNCC reiterates that best practice would not be to submit applications where stabilisation / protection material requirements are incrementally increased. The worst-case scenario should be assessed in the application to enable a meaningful assessment of the whole environmental impact of the project to be undertaken.	Appendix 3.2 presents the worst-case design parameters for non-burial protection. These parameters also include a contingency (which is being consulted upon with the MMO) over and above the realistic worst-case scenario for amount of non-burial protection to account for any additional works that might be required during construction or during operational maintenance and repair works. Therefore, it is considered that the assessments have covered the worst-case scenario which will cover

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			additional requirements and avoid incremental increases.
13	**Application**	It is understood that activities evolve over time, and that subsequent stages are often contingent on the outcome of the earlier activities. However, every effort should be made to predict the likely outcome and carry out an assessment on that basis so that all the elements have been assessed and presented in an ES.	Acknowledged.
14	**Marine Mammals**	We understand that this consultation at the moment involves a preliminary scoping report. However, we wish to reiterate, if it is found at a later date that avoiding UXO entirely is not achievable and UXO operations are to be carried out during the course of the project we would ask that the following would need to be included in a detailed assessment: • Consideration of the types of UXO likely to be present, the number of detonations likely in a single day, and the season over which these operations are due to occur; • An informed estimate of potential injury zones and marine mammal numbers within those zones (per species); • Details of marine mammal monitoring methods e.g. visual detection, PAM, designated person; • Details of the deployment of acoustic deterrent devices; • Details of monitoring procedures e.g. mitigation vessel, mitigation zone, pre-detonation monitoring, timings and delay procedures; • Explosive charge sequencing and post detonation searches; • A communication protocol and a reporting protocol.	Paragraph 3.1.5.3 of Chapter 3 of the PEIR identifies the requirement for UXO surveys and investigation. Permission for undertaking these activities will be sought through a separate marine licence with the MMO. The impact assessments that support the application for a marine licence will be based on the latest survey data and will include detailed assessment of the items listed by JNCC as well as being accompanied by an EPS Risk Assessment.