



**AQUIND Limited**

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## **AQUIND INTERCONNECTOR**

Consultation Report – Appendix 1.7I Marine  
Specific – Briefing Note for Ongoing  
Consultation with British Marine Aggregates  
Producers Association September 2019

The Planning Act 2008

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

Document Ref: 5.1.7I

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Natural Power Memorandum			
To	BMAPA	Date	September 2019
From	Natural Power	Ref.	1199528

# Briefing Note to inform Ongoing Consultation: Responses to PEIR feedback

The following table provides a summary of key items contained within feedback on PEIR, gratefully received from the British Marine Aggregates Partners Association (BMAPA).

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	Shipping, Navigation and Other Marine Users	The distribution of commercially viable marine sand and gravel resources is highly limited, constrained by their geological distribution and their geographical position relative to the markets location. Consequently, with the growing pressures and demands being placed on marine space, it is essential that existing marine aggregate interests (production licences, applications and option areas) are provided adequate protection against new developments that may interfere with their ongoing safe operation through the policies provided in the relevant marine plans that are in place. Equally, given the limited spatial extent of marine sand and gravel deposits, it is also important that areas of potential future resource are clearly identified and flagged so they can equally be considered through the relevant safeguarding policy provisions provided in marine plans – particularly given future resource demands and requirements will inevitably evolve and change over the 20 year plan period and beyond.	<p>Discussions have been ongoing with the aggregate dredging companies most likely to be impacted by the works: Cemex, Volker and Tarmac. Tarmac have indicated that they have no significant concerns regarding the routing of the marine cable. Volker Dredging Ltd have also indicated that the use of a 1 nautical mile buffer around their dredging interests would protect their dredging areas. Cemex have also indicated that they do not have significant concerns regarding the Proposed Development.</p> <p>In order to minimise impacts to the aggregate industry, early engagement was undertaken with dredging companies and The Crown Estate. As a result, the cable route was refined to avoid current aggregate dredging interests such as the former Horsetail dredging area and the route was also moved closer to IFA2 to avoid rocky seabed/fishing grounds and minimise 'sterilisation' of the seabed between the two proposed cables (AQUIND Interconnector and IFA2).</p> <p>There has been regard to potential future areas of interest including through engagement with The Crown Estate, whose current leasing round does not indicate that any of the proposed leasing areas will be along the route of the Proposed Development. The Crown Estate has been consulted, and in their investigations of the potential for</p>

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			<p>impact to future resource, they have not raised any concerns about potential impacts resulting from the Proposed Development. The Applicant has a signed Option Agreement and agreed Licence with The Crown Estate. Similarly, the aggregate companies consulted have not raised concerns about any impacts from the Proposed Development to future aggregate resource areas of interest.</p> <p>More broadly with regards to Marine Plans, direction was provided by the Secretary of State in July 2018 that the AQUIND Interconnector is a Nationally Significant Infrastructure Project (NSIP) and therefore National Policy Statement (NPS) EN – 1 provides the primary basis for decision making, whilst regard should be made to relevant Marine Plans. Further detail on how the Proposed Development has had regard to the South Marine Plan will be provided as part of the Development Consent Order (DCO) application.</p>
2	Shipping, Navigation and Other Marine Users	<p>In this respect, we consider that the background marine mineral resource data prepared by the British Geological Survey represents an incredibly valuable dataset, not only in terms of defining where the industry may want to go in the future, but also in highlighting where it is unlikely to go. See: <a href="https://www.bgs.ac.uk/mineralsuk/planning/resourceOffshore.html">https://www.bgs.ac.uk/mineralsuk/planning/resourceOffshore.html</a> And: <a href="http://www.marineaggregates.info/downloads-and-links/bgs-mineral-resources-studies.html">http://www.marineaggregates.info/downloads-and-links/bgs-mineral-resources-studies.html</a></p>	<p>AQUIND has used the most recent up to date data available for determining the composition of the seabed which has been ground truthed through project specific marine surveys for the Proposed Development.</p> <p>It should be noted that The Crown Estate have not raised any concerns regarding the impact of the Proposed Development on the future of marine aggregate areas of interest.</p>
3	Shipping, Navigation and Other Marine Users	<p>We note that the current assessment only considers the potential impacts of the proposed route on existing licensed marine aggregate interests. We further note that no reference has been made to the existing guidance that</p>	<p>The ESCA guidance states that is “<i>generally considered that any aggregate extraction zone outside of 1NM (1.852km) will have a minimal impact</i>”</p>

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		<p>has been produced by the European Subsea Cable Association (ESCA Guideline No.19, 2016) which establishes proximity guidelines to address the potential interaction between subsea cables and marine aggregate interests - <a href="https://www.bmapa.org/documents/Guideline_19_Marine_Aggregate_Extraction_Proximity_2.pdf">https://www.bmapa.org/documents/Guideline_19_Marine_Aggregate_Extraction_Proximity_2.pdf</a></p>	<p><i>upon a submarine cable.</i>" The route of the Proposed Development has been refined through further design work and through consultation with The Crown Estate, aggregate dredging industry and fishermen and has been refined to provide a 1nm buffer from all aggregate interests which will protect, not only the Proposed Development from aggregate dredging activities but will also protect the aggregate interests from the construction of the Proposed Development.</p>
4	Shipping, Navigation and Other Marine Users	<p>No consideration has been given to the potential for the proposed project to impact on those areas of marine sand and gravel resource that may be considered for use in the future.</p>	<p>Consideration has been made to possible impacts on aggregate resource in addition to existing licensed areas, including consideration of future leasing areas. Potential areas of interest for future use are considered by The Crown Estate, and the current leasing round (started May 2019) does not indicate that any of the proposed leasing areas will be along the route of the Proposed Development. The Crown Estate has been consulted and has not raised any concerns with the potential for future areas around the Proposed Development.</p>
5	Marine Local	<p>The Marine Policy Statement (para.3.5.6) states that, amongst other considerations, marine plan authorities and decision-makers should: <i>'...take into account the need to safeguard [aggregate] reserves for future extraction'</i>.</p> <p>Policy S-AGG-3 of the South Marine Plan (HM Government, July 2018) applies the Marine Policy Statement taking account of the regional and national importance of the plan area for marine aggregate supply and the spatially discrete areas in which commercially viable deposits of sand and gravel are found. The policy is intended to enable public authorities to consider how proposals for marine development and activities within areas of high potential aggregate resource, as defined by</p>	<p>The DCO application will include detail of how we have had regard to the South Marine Plan and policies including the relevant marine aggregates policies.</p> <p>It should be noted we are required to have regard to a range of policies in the South Marine Plan (not just aggregate policies) including as those relating to protecting marine protected areas and fish resource and commercial fishing; which also have a preference for avoidance of certain areas.</p> <p>The project design process has taken measures to account for possible effects on the aggregate industry, and through refinement, the route has been further optimised closer to shore and</p>

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		<p>British Geological Survey, may impact the ability to access commercially viable marine sand and gravel resources in the future. In turn, this is intended to help maintain access to sufficient supply of aggregate resources in the future. This is further supported by the general policy for co-existence (Policy S-Co-1), which requires 'Proposals will minimise their use of space and consider opportunities for co-existence with other activities'. Therefore, in order to comply with the marine mineral safeguarding policies in the South Inshore/Offshore Marine Plans (particularly policy S-AGG-3), which in turn reflect the requirements of the UK Marine Policy Statement, we consider it necessary for both the routing plan and the decommissioning programme for the AQUIND interconnector to take full and proper account of the potential for marine mineral resources to be permanently sterilised over the long term.</p>	<p>approximately halfway along the route, following discussion with The Crown Estate, the aggregate dredging industry and fishermen.</p> <p>Chapter 2 (Alternatives) of our Environmental Statement provides details of this process, including how the cable route was refined in mid-channel, not only to cross the main shipping corridors more safely but also to avoid existing aggregate areas. The nearshore revision avoided, as far as possible, the former Horsetail dredging area, and moved the route closer to IFA2 to avoid rocky seabed/fishing grounds and minimise 'sterilisation' of the seabed between the two proposed cables (AQUIND Interconnector and IFA2).</p>
6	Shipping, Navigation and Other Marine Users	<p>Where cable infrastructure is found to coincide with commercially viable marine sand and gravel resources, the default position should be a commitment for any permanent constraint on the ability to use that resource in the future to be removed in its entirety once it reaches the end of its commercial life.</p>	<p>As stated in Section 3.2.10 of Chapter 3 (Description of the Proposed Development) of the Environmental Statement, the decommissioning of the marine cable will be determined by the relevant legislation and guidance available at the time of decommissioning. A decommissioning plan will also be developed and agreed with The Crown Estate. The Development Consent Order / Deemed Marine Licence will not grant approval for the decommissioning of the marine cable and as such a separate marine licence may be required closer to the time of decommissioning and production of the decommissioning plan.</p> <p>At the time of decommissioning, the options for decommissioning the cable will be evaluated and could include consideration of leaving the marine cable in situ, removal of the entire marine cable or removal of sections of the marine cable. These options will be</p>

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			<p>evaluated against the relevant decommissioning guidance available at the time and environmental implications, safe navigability of the area for other sea users and liability risks. A similar process will be undertaken for other infrastructure installed as part of the Proposed Development i.e. non-burial cable protection.</p>
7	Marine Local	<p>More generally, we are surprised at the limited references that are made to the South Marine Plan and its associated policy requirements as they relate to existing uses and activities, given the requirement for decisions relating to NSIP projects to have regard to these.</p>	<p>The DCO submission to the Planning Inspectorate will provide further detail of how we have had regards to the relevant policies of the South Marine Plans as well as the NPS.</p>

