



AQUIND Limited

AQUIND INTERCONNECTOR

Environmental Statement – Volume 3 – Appendix 10.1 Marine Mammals and Basking Sharks Consultation Responses

The Planning Act 2008

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

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

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Sharks Consultation Responses

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TABLE 1 – SCOPING RESPONSES

Consultee	Scoping Opinion ID/Page	Summary of Comment Received	How this has been addressed by the Applicant
Planning Inspectorate (PINS)	4.5.1	<p>The Scoping Report contains very little information on the likely numbers and types of vessels to be used for the Proposed Development and the baseline with which to compare. In the absence of sufficient justification, the Inspectorate cannot agree to scope out this matter.</p> <p>The Environmental Statement ('ES') should clearly describe the likely type and number of vessels to be utilised during construction and the risk to marine mammals. An assessment of collision impacts on marine mammals and basking sharks should be included, where significant effects are likely to occur.</p>	<p>Chapter 3 (Description of the Proposed Development(of the ES Volume 1 (document reference 6.1.3) describes the likely type and numbers of vessels.</p> <p>Chapter 10 Marine Mammals and Basking Sharks of the PEIR described the risks to marine mammals and basking sharks in Section 10.3.2, where further justification was provided as to why this matter could be scoped out.</p> <p>This and the other elements scoped out of the assessment are listed in Section 10.3.4 of Chapter 10 (Marine Mammals and Basking Sharks) of the ES Volume 1 (document reference 6.1.10).</p>
PINS	4.5.2	<p>As noted at point 4.5.1 above, the Scoping Report contains very limited information regarding the likely numbers and type of vessels, together with the likely noise generated from such vessels.</p> <p>The Inspectorate considers that insufficient justification has been provided as to why this matter can be scoped out. The ES should therefore</p>	<p>Chapter 3 (Description of the Proposed Development) of the ES describes the likely type and numbers of vessels.</p> <p>Chapter 10 of the PEIR described the risks to marine mammals and basking sharks in Section 10.3.2, where further</p>

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		include an assessment of effects on marine mammals and basking sharks arising from increased vessel noise, where significant effects are likely to occur.	justification was provided as to why this matter could be scoped out. This and the other elements scoped out of the assessment are listed in Section 10.3.4 of Chapter 10 (Marine Mammals and Basking Sharks).
PINS	4.5.3	<p>The Scoping Report contains limited information with regards to the equipment involved and noise levels for these activities, together with baseline noise levels, to support the scoping out of this matter. Reference is made to the relatively low densities of species known to occur in the Channel; however, information on population densities for species has similarly not been provided in the Scoping Report to support this statement. Therefore, the Inspectorate does not agree to scope out these matters.</p> <p>The ES should include an assessment of effects on marine mammals and basking sharks arising from these activities, where significant effects are likely.</p>	<p>This chapter describes the baseline information and abundance/densities for marine mammals and basking sharks in Section 10.5.</p> <p>Chapter 10 of the PEIR described the potential effects of noise from construction/installation activities in Section 10.3.2, where further justification was provided as to why this matter could be scoped out.</p> <p>This and the other elements scoped out of the assessment are listed in Section 10.3.4 of Chapter 10 (Marine Mammals and Basking Sharks).</p>
PINS	4.5.4	The Scoping Report contains no information regarding marine mammal and basking shark populations within the likely Zone of Influence (ZOI)	This chapter describes the baseline information and population densities for

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		<p>for the Proposed Development, or evidence to support the statements made, in respect of basking sharks in particular. The Inspectorate considers that limited justification has been provided and therefore does not agree to scope out this matter.</p> <p>The ES should include an assessment of EMF effects on marine mammals and basking sharks, where significant effects are likely.</p>	<p>marine mammals and basking sharks in Section 10.5.</p> <p>Chapter 10 of the PEIR described the risks from EMF to marine mammals and basking sharks in Section 10.3.2, where further justification was provided as to why this matter could be scoped out.</p> <p>This and the other elements scoped out of the assessment are listed in Section 10.3.4 of Chapter 10 (Marine Mammals and Basking Sharks).</p>
PINS	4.5.5	<p>The Scoping Report does not define the study area and/or ZOI for the assessment of effects on marine mammals and basking sharks. This should be clearly stated and justified in the ES.</p>	<p>The study area is described within Section 10.1.2 of this chapter, and the ZOI within Section 10.7 of this chapter and Appendix 10.2 (Marine Mammal Cumulative Assessment Matrix) of ES Volume 3 (document reference 6.3.10.2).</p>
PINS	4.5.6	<p>This aspect refers to basking sharks within the title and in Table 10.2 scoping out of matters; however, no other reference is made to basking sharks. It is also unclear which data sources will be used to inform the baseline and assessment of impacts on basking sharks.</p>	<p>Chapter 10 (Marine Mammals and Basking Sharks) describes the baseline information and population densities for marine mammals and basking sharks in Section 10.5. Data sources are listed in Table 10.2.</p>

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		The ES should clearly identify the data sources used to inform the assessment.	
PINS	4.5.7	The Scoping Report does not clearly state whether an assessment will be included in the ES of potential significant impacts to sensitive receptors as a result of the detonation/removal of UXO from the marine environment. The Applicant should ensure that significant effects to marine mammals and basking sharks associated with UXO removal or detonations are assessed. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.	Paragraph 2.1.13 of the Scoping Report stated that Unexploded Ordnance ('UXO') surveys and any required UXO removal/detonation would be undertaken pre-construction and the works would be consented through a separate stand-alone marine licence. It is the intention of the Applicant to submit European Protected Species ('EPS') risk assessments, an application for EPS licence (if required) and all relevant environmental information required for these works to support the marine licence application. Accordingly, future UXO surveys, investigations and removals are not covered by this Application.
Natural England ('NE')	Page 4	Natural England notes that the following impacts have been scoped out for further assessment; Marine mammals; Collision with vessels; and Increased vessel noise; and	Further information relating to these impacts was presented within Section 10.3.2 of Chapter 10 of the PEIR, where further justification was provided as to why these matters could be scoped out.

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		<p>Increased anthropogenic noise from geotechnical investigations, seabed preparation, route clearance, cable lay and burial; and Presence of EMF.</p>	<p>This and the other elements scoped out of the assessment are listed in Section 10.3.4 of Chapter 10 (Marine Mammals and Basking Sharks).</p>
<p>JNCC (‘Joint Nature Conservation Committee’)</p>	<p>Page 3</p>	<p>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:</p> <ul style="list-style-type: none"> • 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; 	<p>Paragraph 2.1.13 of the Scoping Report stated that UXO surveys and any required UXO removal/detonation would be undertaken pre-construction and the works would be consented through a separate stand-alone marine licence. It is the intention of the Applicant to submit EPS risk assessments, an application for EPS licence (if required) and all relevant environmental information required for these works to support the marine licence application. This information to support the marine licence would include those items listed by the JNCC. Accordingly, future UXO surveys, investigations and removals are not covered by this Application.</p>

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		<ul style="list-style-type: none"> • Details of monitoring procedures e.g. mitigation vessel, mitigation zone, predetonation monitoring, timings and delay procedures; • Explosive charge sequencing and post detonation searches; • A communication protocol and a reporting protocol 	

TABLE 2 – PEIR CONSULTATION RESPONSES

Consultee	Summary of Comment Received	How this has been addressed by the Applicant in this ES chapter
JNCC	<p>The current application only uses injury thresholds proposed by Southall <i>et al.</i> (2007) in Section 10.3.2.21. More recent injury thresholds for marine mammals were published in 2016 (NOAA, 2018), superseding 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.</p>	<p>Only the National Oceanic and Atmospheric Administration (‘NOAA’) (2018) thresholds for auditory injury have been used in this chapter.</p>
JNCC	<p>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:</p> <ul style="list-style-type: none"> • Consideration of the types of UXO likely to be present, the number of detonations likely in a single 	<p>Should any unexploded ordnance (‘UXO’) clearance be required, a stand-alone Marine Licence application will be made.</p> <p>This approach has been agreed with the Marine Management Organisation (‘MMO’) in a meeting in September 2018 and with Natural England in a meeting in February 2019 (see Consultation Report (document reference 5.1) This process will be followed because the UXO surveys have yet to be conducted and therefore the number, size and type of potential</p>

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	<p>day, and the season over which these operations are due to occur;</p> <ul style="list-style-type: none"> • 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. 	<p>targets requiring safe removal or clearance is not known at this stage (and potential effects cannot, therefore, be assessed in this chapter).</p> <p>Should a Marine Licence application need to be made, then accompanying Supporting Information and EPS Risk Assessment will provide detail on the items listed in JNCC's comment.</p>
NE	<p>Natural England understands that a separate marine licence will be sought for any required unexploded ordnance detonations. However, consideration should be given in the cumulative effects assessment to the potential cumulative impact of UXO detonations, in-</p>	<p>The potential requirement for UXO clearance has been considered within the cumulative effects assessment within this chapter. However, because UXO surveys have yet to be conducted, and any removal work required will precede all other preparation and</p>

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	<p>combination with both other work being undertaken for AQUIND and other plans and projects in the vicinity of the project.</p>	<p>construction works by a number of months, detailed consideration, and therefore a meaningful assessment, has not been possible.</p> <p>Therefore, a cumulative effects assessment will be included as part of the Marine Licence deed for UXO work, should one be necessary. This approach has been agreed with the MMO in a meeting in September 2018 and with Natural England in a meeting in February 2019 (see Consultation Report Document Ref. 5.1)</p>
<p>NE</p>	<p>Paragraph 10.6.1.10: Natural England is satisfied with the use of 5km as the range to be considered in the assessment of impacts to marine mammals from all geophysical surveys. However, if it is anticipated that airguns may be used at any point, this range should be extended to 10km.</p>	<p>The use of airguns is not proposed. This has been noted in Section 10.4.4.</p>
<p>NE</p>	<p>Paragraph 10.7.1.2: Natural England welcomes the commitment from AQUIND to undertake a EPS Licence Risk Assessment to determine if a licence is required. At the very least, a voluntary notification of geophysical</p>	<p>In addition to undertaking an EPS Risk Assessment, the Applicant will complete and submit a voluntary notification of the geophysical work to the MMO. The Marine Noise Registry ('MNR') will also be completed.</p>

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	works should be completed and submitted to the MMO and the data submitted to the Marine Noise Registry.	
NE	Paragraph 10.9.1.6: Natural England will provide relevant advice regarding impacts of the HDD works on marine mammals when more information on those works becomes available.	<p>The drilling aspect of the Horizontal Directional Drilling ('HDD') works was scoped out at the PEIR stage.</p> <p>Works associated with the HDD works, such as vibro-hammering/sheet piling, have been assessed in Section 10.6.4 of this chapter.</p>