



AQUIND Limited

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Environmental Statement - Volume 3 - Appendix

11.1 Marine Ornithology 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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11.1 Marine Ornithology Consultation
Responses**

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TABLE 1: SCOPING OPINION RESPONSES

Consultee	Scoping Opinion ID/Page	Summary of Comment Received	How this has been addressed by the Applicant
Planning Inspectorate ('PINS')	4.6.1	On the basis that there are no Marine Conservation Zones ('MCZs'), recommended, proposed, or designated for ornithological features within the Zone of Influence ('ZOI') from the Proposed Development, the Inspectorate agrees that this matter can be scoped out.	MCZs are not considered further in relation to marine ornithology.
PINS	4.6.2	The Scoping Report identifies that chemical and fuel spills would be unplanned by nature and that pollution prevention measures would be in place to mitigate this. It is currently unclear what these measures would comprise and how they would be secured. In absence of the detail relating to these measures the Inspectorate considers that impacts resulting from exposure to surface hydrocarbons or chemicals from accidental spills should be assessed where significant effects are likely.	Potential impacts arising from exposure to surface hydrocarbons or chemicals from accidental spills have been scoped back in for assessment and are considered in Section 11.6 of this chapter.
PINS	4.6.3	The Inspectorate agrees that given the nature of the Proposed Development and the largely temporary nature of the impacts during construction, barrier effects on intertidal and marine ornithology can be scoped out of the Environmental Statement ('ES').	Potential barrier effects are not considered further in relation to marine ornithology (see Chapter 16 (Onshore Ecology) of the ES Volume 1 (document reference 6.1.16))

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PINS	4.6.4	The Inspectorate agrees that given the nature of the Proposed Development collision risk to intertidal and marine ornithology can be scoped out of the ES.	Potential collision risk is not considered further in relation to marine ornithology (see Chapter 16 (Onshore Ecology) for intertidal ornithology.
PINS	4.6.5	The Inspectorate notes the use of a 100 km initial search area for the seabird baseline and the potential for this to be widened where clear ecological links exist. The maximum foraging ranges of seabird species have also been noted in Table 11.1, some of which travel distances greater than 100 km. The ES should clearly present and justify the study area(s) applied to the intertidal and marine ornithology assessment for all receptor types. The ES should also include clear figures showing the location of designated sites considered in the impact assessment in relation to the Proposed Development.	<p>The study area applied to the marine ornithology assessment is presented in Sections 11.1 and 11.5 of this chapter.</p> <p>The location of designated sites considered in the marine ornithology assessment are shown on Figures 11.1 and 11.2 of ES Volume 2 (document references 6.2.11.1 and 6.2.11.2).</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology.</p>
PINS	4.6.6	Chapter 11 of the Scoping Report implies that the Alderney West Coast and Burhou Islands Ramsar will be considered in the Habitats Regulations Assessment ('HRA') report, alongside the ecological impact assessment. However, Chapter 17 states that effects on this site are unlikely to be significant. The ES should provide a sufficient	A HRA Report (document reference 6.8.1) has been submitted as part of the Application, in which likely significant effects on the Alderney West Coast and Burhou Islands Ramsar are considered.

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		justification based on objective evidence to support the conclusions made in respect of European sites, both within the UK and in other European Economic Area ('EEA') States/Crown dependencies, where significant effects are likely.	
PINS	4.6.7	The Inspectorate notes that intertidal ornithological surveys have been undertaken; however, the Scoping Report contains limited information regarding the survey methodology, including the location of the vantage points. This information should be clearly presented in the ES. It is recommended the Applicant seek to agree the scope and adequacy of these surveys with relevant consultation bodies.	See Chapter 16 (Onshore Ecology) for intertidal ornithology
PINS	4.6.8	The Inspectorate notes the summary numbers of protected bird species and species of conservation concern recorded on or over the Landfall site during the wintering bird surveys. The ES should provide the survey results and clearly identify the species considered in the impact assessment.	See Chapter 16 (Onshore Ecology) for intertidal ornithology.
PINS	4.6.9	The Inspectorate notes that the list of qualifying features for Chichester and Langstone Harbour Special Protection Area ('SPA') is incomplete. The	Those qualifying features with potential connectivity to the Proposed Development

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		ES and/or information to inform HRA report should correctly identify and consider likely significant effects on all qualifying features of a European site where this is being considered.	are considered further in relation to marine ornithology in this chapter. A HRA Report has been submitted as part of the Application, in which likely significant effects on the Chichester and Langstone Harbour Special Protection Area SPA are considered.
PINS	4.6.10	Reference is made to further detail on intertidal ornithology to be included in Chapter 19 (Ecology (with arboriculture)). The ES should avoid duplication but include clear cross-referencing between relevant aspect chapters.	See Chapter 16 (Onshore Ecology) for intertidal ornithology.
Natural England	Appendix 2, p.225	Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP ('LBAP').	Where relevant, consideration has been given to species listed under Section 41 of the Natural Environment and Rural Communities ('NERC') Act (2006) and the Hampshire LBAP.

Consultee	Scoping Opinion ID/Page	Summary of Comment Received	How this has been addressed by the Applicant
Natural England	Appendix 2, p.226	<p>Natural England supports the consideration of the following impacts on intertidal and marine ornithology which have been scoped in for further assessment:</p> <p>Disturbance and displacement from installation plant and support vessels; and</p> <p>Indirect effects as a consequence of prey disturbance and/or habitat loss.</p>	<p>Potential impacts arising from disturbance and displacement, and indirect effects as a consequence of prey disturbance and/or habitat loss are considered in Section 11.6 of this chapter.</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology.</p>
Natural England	Appendix 2, p.227	<p>Natural England has noted that the following impacts on intertidal and marine ornithology have been scoped out of further assessment:</p> <p>Exposure to surface hydrocarbons or chemicals due to accidental spills;</p> <p>Barrier effects; and</p> <p>Collision risk</p>	<p>Potential impacts arising from exposure to surface hydrocarbons or chemicals from accidental spills in relation to marine ornithology have been scoped back in for assessment following PINS advice and are considered in Section 11.6 of this chapter.</p> <p>Potential impacts arising from barrier effects and collision are not considered further in relation to marine ornithology.</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology.</p>

Consultee	Scoping Opinion ID/Page	Summary of Comment Received	How this has been addressed by the Applicant
Natural England	Appendix 2, p.226	Paragraph 11.3.16 on page 143: the list of SPA features is incomplete. For the full list please visit our Designated Sites View website.	<p>Those qualifying features with potential connectivity to the Proposed Development are outlined in relation to marine ornithology in Section 11.5 of this chapter.</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology.</p> <p>A HRA Report has been submitted as part of the Application, in which likely significant effects on designated sites are considered.</p>
Natural England	Appendix 2, p.228	We recommend the inclusion of a separate section of the ES to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'	A HRA Report has been submitted as part of the Application, in which likely significant effects on designated sites are considered.
Natural England	Appendix 2, p.228	The ES should include a full assessment of the direct and indirect effects of the proposal on Sites of Special Scientific Interest ('SSSIs') and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.	Those notified features with potential connectivity to the Proposed Development are outlined in relation to marine ornithology in Section 11.5 of this chapter and are considered in the impact assessment presented in Section 11.6 where relevant.

Consultee	Scoping Opinion ID/Page	Summary of Comment Received	How this has been addressed by the Applicant
Natural England	Appendix 2, p.232	The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out.	<p>Potential cumulative impacts on marine ornithology are assessed in Section 11.6 in this chapter following PINS Advice Note 17.</p> <p>Potential in-combination impacts on designated sites are considered within a HRA Report, submitted as part of the Application.</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology.</p>

TABLE 2: CONSULTATION PRIOR TO PUBLICATION OF THE PEIR

Chapter No. and Title	Consultee	Date (Method of Consultation)	Discussion	Summary of Outcome of Discussions
<p>11 – Marine Ornithology</p>	<p>Natural England</p>	<p>Consultation on Horizontal Directional Drilling ('HDD') methods in Langstone Harbour (teleconference and emails_16/07/2018)</p>	<p>Natural England recognised that Langstone Harbour possesses the full suite of designations and as such, features such as those (but not limited to) below will need to be given consideration:</p> <ul style="list-style-type: none"> - Grasslands - Lagoons - Strandline communities - Saltmarsh - Seagrass - Mudflats - Native Oyster - Overwintering birds (noise and visual impacts) <p>If the HDD entry and exit holes are anywhere near the marine</p>	<p>Langstone Harbour designations are considered as part of the Application.</p> <p>See Chapter 16 (Onshore Ecology) for intertidal ornithology. Baseline wintering bird surveys have been undertaken in the intertidal region to inform the intertidal ornithology assessment.</p>

Chapter No. and Title	Consultee	Date (Method of Consultation)	Discussion	Summary of Outcome of Discussions
			<p>environment that may directly affect the marine environment then Natural England would generally require survey work to be undertaken. However, as the HDD compound and exit and entry holes will be above MHWS (and as pollution prevention measures should be in place in the HDD compound above MHWS) then Natural England has advised that it would not be proportionate to ask for surveys, but that consideration to the designated features/habitats of Langstone Harbour can be undertaken by desk based assessment using datasets available in the public domain.</p>	

TABLE 3: PEIR CONSULTATION RESPONSES

Consultee	Section/Page	Summary of Comment Received	How this has been addressed by the Applicant
NE	Section 2.6/Page 7	We note that this chapter provides preliminary information on potential impacts upon ornithological receptors seawards of mean low water springs (MLWS). Please refer to our comments under Section 2.7 (Onshore Ecology) for advice relating to terrestrial and intertidal ornithological receptors.	<p>Acknowledged. This ES chapter presents the assessments on seabirds and inshore wintering waterfowl whereas Chapter 16 (Onshore Ecology) presents the information relating to terrestrial and intertidal ornithological features.</p> <p>In addition, a standalone HRA Report has been submitted as part of the Application in which potential impacts on designated bird features of Chichester and Langstone Harbours SPA/Ramsar site, Portsmouth Harbour SPA/Ramsar site, Solent and Southampton Water SPA/Ramsar site, and Solent and Dorset Coast pSPA are assessed.</p> <p>NE's Conservation Advice Packages^{Error! Bookmark not defined.}, particularly with respect to the 'disturbance caused by human activity' attribute, has been referenced. It is noted that NE welcomes the proposal to undertake terrestrial elements of the Landfall works outside of the overwintering bird period (Oct-</p>

Consultee	Section/Page	Summary of Comment Received	How this has been addressed by the Applicant
			Mar inclusive). Further information on this is provided in Chapter 16 (Onshore Ecology).
NE	Section 2.6/Page 7	Section 11.4 (Methods of Assessment) outlines the methodology used to identify important ornithological features ('IOFs') and characterise the type, magnitude and significance of potential impacts upon these features. We have reviewed this methodology and are content with the approach taken. Consistent with other PEIR chapters, NE welcomes the application of CIEEM guidelines to inform this assessment.	Acknowledged.
NE	Section 2.6/Page 7	NE has reviewed the baseline environment for the marine ornithology assessment (section 11.5) and recommends the inclusion of data from the Seabird Mapping and Sensitivity Tool (SeaMaST) which is available online at: https://data.gov.uk/dataset/96fce7bb-6561-4084-97cb-	This additional reference has been added to the list of data sources and relevant information has been incorporated into the baseline environment of this chapter. Displacement risks presented in SeaMaST (Bradbury <i>et al.</i> , 2014) have been accounted this chapter.

Consultee	Section/Page	Summary of Comment Received	How this has been addressed by the Applicant
		6ba92d982903/seabird-mapping-sensitivity-tool . This dataset provides evidence on the use of sea areas by all seabirds and inshore waterbirds in English Territorial Waters. While the principal aim of this tool is to map the sensitivity of birds to offshore wind developments, the analysis of displacement risks remains relevant to this development.	
NE	Section 2.6/Page 7	We note that consideration has been given to how the baseline environment may change over the operational period of the Proposed Development; together with cumulative effects arising from other plans/projects. In the case of the latter, it is assumed that outcomes of the cumulative effects assessment will be updated as required for the final ES.	The outcomes of the CEA have been updated as required within this chapter.
Langstone Harbour Board	Email 14/05/2019	1. While construction is taking place close to or adjacent to the harbour shoreline, working practices should	1. As detailed in Chapter 16 (Onshore Ecology), a winter working restriction is proposed for terrestrial and intertidal features

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		<p>be put into place to minimise noise during the overwintering bird season (October to March). Natural England should be able to provide advice on construction noise minimisation to limit disturbance to SPA birds.</p> <p>2. The route will potentially cross numerous fields and open spaces utilised by brent geese and waders during the winter months. These areas are considered secondary supporting habitat for SPA species, and further details can be found in the Solent Wader and Brent Goose Strategy. Every effort should be made to avoid rendering these spaces unusable to birds during the overwintering bird season (October to March).</p>	<p>of Chichester and Langstone Harbours SPA (Appendix 16.14 (Winter Working Restriction for Features of Chichester & Langstone Harbours SPA) of the ES Volume 3 (document reference 6.3.16.14)). This restriction would prevent sheet piling at HDD2 Allotments and HDD3 Kendall's Wharf from being undertaken between the months of October to March, inclusive.</p> <p>2. Terrestrial and intertidal features of Chichester and Langstone Harbours SPA are considered in Chapter 16 (Onshore Ecology) and Appendix 16.14 (Winter Working Restriction for Features of Chichester & Langstone Harbours SPA).</p>