



**AQUIND Limited**

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**AQUIND INTERCONNECTOR**  
**HABITATS REGULATIONS ASSESSMENT**  
**REPORT - VOLUME 3 - APPENDIX 4: HRA**  
**MARINE CONSULTATION RESPONSES**

The Planning Act 2008

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

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

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## DOCUMENT

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# APPENDIX 4: HRA MARINE CONSULTATION RESPONSES

**Table 1: Consultation response from the Planning Inspectorate ‘(PINS)’ provided August 2019**

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
1	Overall structure	The report is structured such that the study areas used to gather baseline data are described in Chapters 4 and 5. The relationship, between the study areas and the zones of influence (‘ZOIs’), which have been defined for the Proposed Development, are not defined until Chapter 6, which is confusing and lacks clarity regarding the approach. The definition of the study areas and the relationship to the ZOIs should be explained before the baseline data is described. It would also be helpful if figures could be provided showing the study areas and ZOIs for the Proposed Development in relation to the European sites included in the assessment.	The Habitat Regulations Assessment (‘HRA’) Report has been updated significantly since the Planning Inspectorate review and has been subsequently been consulted upon with Statutory Nature Conservation Bodies (SNCB’s). Updates include changes to Sections 4 to 6 of the HRA Report.
2	Baseline data – surveys	The Inspectorate notes that no project-specific survey data has been collected for fish, birds or marine mammals in the offshore environment and the baseline relies on existing published data.. The Applicant should include evidence of any agreements reached, or areas of disagreement, with relevant consultation bodies such as Natural England regarding the approach and append this evidence to the HRA report/application documents.	Natural England (‘NE’) have been consulted on the draft HRA and their comments are provided in Table 2 of this appendix. However, in general they are content with the approach taken for the baseline.
3	Throughout document	<i>The report makes a distinction between features which are the primary features for the purposes of site designation and those which are not, for instance in paragraphs 7.2.2.1, 7.2.2.9 and 7.2.2.17</i> For the purposes of HRA, the assessment must consider all qualifying features equally, regardless of whether they are a primary or non-	All features have been assessed, regardless of whether they are primary or qualifying reasons for designation.

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		primary reason for designation. It is not clear what benefit is provided by making this distinction.	
4	2.1.1.5	While Office of the Deputy Prime Minister ('ODPM') Circular 06/2005 is still extant, the National Planning Policy Framework ('NPPF') is a more recent expression of Government policy in relation to European sites. It also extends the range of sites that are protected (in England) to cover possible Special Area of Conservation ('SACs'), proposed Ramsar sites and sites identified as compensatory measures for adverse effects on European sites. As currently drafted the wording in the HRA does not reflect this and should be amended accordingly.	The HRA Report has been updated accordingly.
5	2.3.1.1	Suggest the wording of this paragraph is reviewed as follows: The Planning Inspectorate (hereafter known as the Inspectorate) is the body responsible for administering applications under the Planning Act 2008 (PA 2008). Once an application is accepted for examination, an Inspector(s) is/are appointed to form the Examining Authority to examine the application and make a recommendation to the Secretary of State.	Noted.
6	2.4.1.2	<p><i>...Likely Significant Effects on the site(s) cannot be discounted and these require an Appropriate Assessment by the Competent Authority (in the case of an NSIP)</i></p> <p>Some text appears to be missing from this bullet point.</p>	The HRA Report has been updated accordingly.
7	4.2.3.6	<p><i>References to International Council for the Exploration of the Sea ('ICES') rectangles and ICES Division VII.7.d</i></p> <p>It would be helpful if a figure was supplied which showed the areas covered by the relevant ICES rectangles and divisions.</p>	A Plate has been included in to the HRA Report to illustrate this.
9	6.2.5.3	<p><i>Justification for excluding LSE on some designated features</i></p> <p>This paragraph states that "<i>where features are not represented in the study area for the Proposed Development, it is considered that there is no route to impact and further consideration is not provided</i>". It is unclear whether this conclusion has been reached based on the survey</p>	Noted. Additional text has been added to Section 6.2.5 of the HRA Report in order to clarify that those species considered within the marine ornithology assessment are those present below Mean Low Water Springs

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		results. If so, this should be explained.	('MLWS'). Intertidal ornithology is covered in the onshore sections of the HRA.
10	6.2.5.6	<p><i>Scoping out of various Special Protected Areas ('SPAs')</i>            This paragraph should explain the justification for concluding that there is no potential for connectivity between these SPAs and the Proposed Development.</p>	Noted. Additional text has been included in Section 6.2.5 of the HRA Report to provide further justification for pre-screening out a number of SPAs. NE stated that they were content with this approach (see Table 2: comment numbers 5 and 12).
11	Table 6.6	<p><i>Designated features of listed SPAs</i>            The qualifying features in this table do not appear to match the features listed in Natural England's conservation objectives for the SPAs. For instance, in Table 6.6 little tern is listed as an assemblage feature of Chichester and Langstone Harbours SPA/Ramsar site; however, the conservation objectives appear to list breeding little tern as a qualifying feature in its own right. The Applicant should ensure that the correct qualifying features are identified and considered in the HRA report. The Applicant should also seek to agree the correct qualifying features and conservation objectives for the European sites considered with Natural England and provide evidence of any agreements reached with the HRA report/Development Consent Order ('DCO') application.</p>	Noted. The features listed in Table 6.6 of the HRA Report have been reviewed and updated accordingly. Evidence of agreements reached with NE are outlined in Table 2.
13	6.3.2.2 6.3.3.2	<p><i>Screening for sites designated for Annex II habitats</i>  <i>Screening for sites designated for ornithological features (onshore)</i></p> <p>The HRA report does not provide justification for using a distance of 10km to identify European sites with bats as a qualifying feature. The report does not explain how this relates to the ZOI for the Proposed Development. The same comment applies to the use of a 5km distance to identify European sites with otters as a qualifying feature and a 10km distance to identify European sites with birds as a qualifying feature. The Applicant should ensure that the assessment study area is established according to the extent of the likely impacts</p>	

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		<p>(ie based on the ZOI) rather than arbitrary distances which lack explanation.</p> <p>It is also noted that the reference to “CIEEM (2016)” at paragraph 6.3.2.2 does not appear in the references at present, thus it is unclear as to which document this is referring.</p>	
14	Table 6.6	Two different tables have been labelled Table 6.6. To avoid confusion, please could these tables be given different numbers and titles.	All table numbering has been checked and updated prior to submission.
15	6.4.2.4	Table 6.8 identifies the potential for removal of substratum during construction/decommissioning to lead to habitat loss for a number of SACs. It is not clear why habitat loss has been identified as a potential effect in Table 6.8 but then discounted in paragraph 6.4.2.4. It is recommended that the HRA report be revised to clarify. For example, what is the justification for assuming that habitat loss outside the boundaries of a European site would not undermine the conservation objectives for the SACs, given the mobile nature of the species which are the qualifying features?	Further justification has been provided explaining how habitat loss has been considered with regards to mobile species (Section 6.4.3).
16	Table 7.1	It appears that the conclusions regarding LSE from invasive species and marine litter rely on good practice measures to avoid/reduce effects. The ‘People Over Wind’ ruling from the European Court of the European Communities (case reference C-323/17) states that mitigation measures cannot be taken into account when LSE is being determined. The Applicant should ensure that where measures are proposed to avoid or reduce harmful effects on a European site and its qualifying features, these are considered in relation to the adverse effects on integrity stage of the HRA process and are considered in light of the site(s)’s conservation objectives.	The HRA Report has been updated so that mitigation measures are only considered at the Appropriate Assessment stage (Section 10). The LSE assessments do not consider any possible mitigation, including application of best practice measures, and standard conditions or plans.
17	<b>Table 7.2 – Increased Suspended Sediment</b>	<p><i>Both intertidal and subtidal seagrass beds have high sensitivity to increases in SSC etc.</i></p> <p>The text in this box states that there is no potential for LSE on this</p>	This section updated. See comments on Solent Maritime and SSC from NE below.



Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
	<b>Concentrations ('SSC') – Intertidal and subtidal seagrass beds</b>	feature but the column to the right states the opposite. It is not clear from the way the evidence is presented in the box as to which conclusion is the correct one. In addition to clarifying whether there is LSE or not, it would be helpful if the text could be re-structured to make the arguments clearer.	
18	<b>Table 7.6 Table 7.8 Table 7.10</b>	<p><i>Pollution events – It is considered however, that the likelihood of a marine pollution event occurring...is extremely low given the preventative measures in place.</i></p> <p>The conclusions about no LSE from pollution events in relation to salmon, allis shad, twaite shad, river lamprey and sea lamprey appear to rely on mitigation measures. As noted in comment 17 above, mitigation measures cannot be taken into account when LSE is being determined. The HRA report should ensure that where measures are proposed to avoid or reduce harmful effects on a European site and its qualifying features these are considered in relation to the adverse effects on integrity stage of the HRA process and are considered in light of the site(s)'s conservation objectives.</p>	The HRA Report has been updated so that mitigation measures are only considered at the Appropriate Assessment stage (Section 10). The LSE assessments do not consider any possible mitigation, including application of best practice measures, and standard conditions or plans.
19	<b>7.2.2.6, 7.2.2.14 7.2.2.23.</b>	<p><i>It is assumed that one repair would be required every 10-12 years which would be undertaken by a single vessel with repair and re-burial using similar methods to installation.</i></p> <p>Is there a justification in the Environmental Statement ('ES') which supports this statement? If so, it would be helpful to cross-refer to the relevant section of the ES in this paragraph. The ES, with reference to the Draft Development Consent Order ('dDCO'), should clearly describe the likely construction, operation (including repair and maintenance) and decommissioning activities for the Proposed Development, and these should be adequately assessed in the HRA. The Inspectorate acknowledges that the draft HRA report in its current form is yet to contain information describing the Proposed Development and recommends that the HRA report cross-refer to the</p>	<p>Further detail on the details on the Proposed Development is included in chapter 3 of the ES.</p> <p>The HRA Report has been significantly updated since the Planning Inspectorate Review and further information regarding the Proposed Development is included, along with cross-references to the ES.</p>

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		ES and dDCO, as appropriate, to support the assessment.	
20	Table 7.13	<p><i>Justification for no LSE from auditory injury/disturbance</i></p> <p>The HRA report does not reference or explain if the 2018 National Oceanic and Atmospheric Administration/National Marine Fisheries technical guidance ('NOAA guidance') has been followed in relation to this assessment. The Inspectorate understands that Natural England advocate it's use. The Applicant should demonstrate the effort made to reach agreement with Natural England on the approach to the assessment of the effects of underwater noise generated by the Proposed Development.</p>	The NOAA guidance was used in the assessment of LSE for marine mammals and has been referred to in Table 7.8 of the HRA Report.
21	Table 6.14	<p><i>Invasive non-indigenous species ('INIS') – Supporting habitat – Invasive species may be introduced into the water column via biofouling or ballast water from vessels. However, it is highly unlikely that any of these will be harmful to prey species present in the water column.</i></p> <p>It would be helpful if a reference could be provided to the evidence which supports this statement.</p>	Noted. Additional evidence has been provided to support this statement in Table 7.9 of the HRA Report.
22	8.1.1.5	<p><i>The list was compiled on XX July 2019 and is considered to be sufficient for undertaking an appraisal of the effects of any other plans or projects which, in combination with the Proposed Development, following agreement with PINS.</i></p> <p>It is unclear whether text is missing from this sentence. It should be noted that it is not the role of the Inspectorate to agree which plans or projects should be included in the in-combination assessment nor do we prescribe the cut-off date for Applicants' assessments. It is for the Applicant to determine the reasonable cut-off date for the assessment. You may therefore wish to remove the text in this sentence which infers that the Inspectorate has agreed to a specific cut-off date.</p>	The text updated accordingly, and dates specified.
23	8.2.4.4	<i>For those European sites and features where no LSE could not be</i>	Text updated.

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		<p><i>concluded for the project alone...</i></p> <p>The use of the double negative is confusing (and this phrase appears more than once in the HRA documents). It would be clearer if this wording was amended to read 'For those European sites and features where LSE could not be excluded...'</p>	
24	9.1.1.1	Paragraph 8.2.1.3 states that it is considered that LSE on the South Wight Maritime SAC could arise due to in-combination effects from SSC but paragraph 9.1.1.1 only refers to LSE on the Solent Maritime SAC. This apparent contradiction needs to be resolved.	This section of the HRA Report has been updated – See comments from NE on screening in South Wight Maritime to progress to the Appropriate Assessment ('AA') stage (Table 2 below).
25	10.2.3.5	<p><i>Within these definitions, 'long-term' is considered to be five years.</i></p> <p>Does this statement come from the Habitats Directive or any EU/UK guidance? If so, it would be helpful to explain that in this paragraph. The basis for this assumption should be stated in the HRA report.</p>	Noted. This text was taken from the ES assessment methodology (Chartered Institute for Ecology and Environmental Management ('CIEEM'), 2019). This has now been removed from the HRA Report to avoid confusion.
26	10.2.5.3	This approach is deemed to be not particularly helpful to the competent authority who will have to address the effects on all the conservation objectives. The HRA report should explicitly address the effects on all of the conservation objectives rather than using two as a proxy and leaving the effects on the other conservation objectives to be inferred. The Applicant is reminded of the requirement on them under Regulation 63(2) of the 2017 Habitats Regulations to provide such information as the competent authority may reasonably require for the purposes of the assessment.	Noted. Agreement was sought from NE on this point and they have clarified that they are content with this approach provided that potential impact pathways are clearly defined and assessed (Table 2, comment no. 27). Potential impact pathways have been clarified accordingly in Section 10 of the HRA Report. We consider that sufficient information and clarity has been provided to allow the Competent Authority ('CA') to undertake a HRA.
27	Table 10.1 – 10.7	The text in the assessment column appears to be using terms drawn from the ES ('minor magnitude', 'not significantly adverse') rather than those relevant to the consideration of effects on site integrity. The HRA report needs to explain clearly what effects the Proposed Development	Noted. Text has been amended accordingly throughout the HRA Report.

Comment No.	Relevant paragraph	Summary of comment received	How has this been addressed by the Applicant?
		would have on the integrity of the European site, with reference to the conservation objectives.	
28	Table 10.1 – 10.2	In combination effects appear to have been dismissed on the grounds that there would be no significant effects predicted for the Proposed Development. The logic of this is difficult to follow and doesn't address the possibility that non-significant effects from the Proposed Development could interact with effects from other plans or projects to create a combined adverse effect on the integrity of a European site.	Noted. In combination assessment has been revisited and the text amended accordingly.
29	Table 10.1 – 10.7	<p><i>Reliance on routine mitigation measures and good practice to avoid adverse effects on integrity.</i></p> <p>Where mitigation is relied on to avoid or reduce adverse effects on site integrity (for instance in relation to measures to avoid accidental oil spills) it would be helpful to explain how delivery of mitigation has been secured. This could be done through including a table which lists all the relevant mitigation measures relied on in the HRA and explains which requirements in the DCO would secure delivery.</p>	Mitigation section (10.2.5) updated to include details on all mitigation measures.
30	Screening and integrity matrices	<p>No matrices have been provided for any of the Ramsar sites. The version of the matrices submitted with the Application should include matrices for these sites in addition to the SPAs/SACs.</p> <p>Where the footnotes to the matrices refer to the HRA report, care should be taken to ensure that the relevant section of the HRA report does actually contain the supporting evidence. If the detailed supporting evidence is actually provided in the ES or other supporting documents the footnotes should cross-reference to these documents.</p>	Noted. Consideration of Ramsar sites has been included in both the HRA Report and the screening and integrity matrices.

**Table 2: Consultation response from Natural England (NE) on 20 September 2019**

<b>Comment No.</b>	<b>Relevant section</b>	<b>Summary of comment received</b>	<b>How has this been addressed by the Applicant?</b>
1	General layout / presentation	Natural England is content with the presentation of information and general layout of the draft HRA Report. We acknowledge that the document represents a working draft and will be subject to further amendment, including the addition of figures.	Noted. The HRA Report has been updated but the basic structure and layout has been retained.
2	Chapter 1 & Chapter 2	Natural England is content with the content and presentation of information within these chapters and has no further comments.	Noted.
3	Chapter 3	Natural England note that dredge material (potentially required as a result of sandwave clearance) will be disposed of within a designated marine disposal site, located within the Marine Cable Corridor between stations Kilometre Point ('KP') 21 and KP 109 (paragraph 3.1.2.5, page 12). While the principal reason for disposing material at this location is to reduce potential effects on nearshore waterbodies – rather than mitigating specific HRA impacts, a decision has been taken to treat this requirement as mitigation for HRA purposes. This decision is informed by the Court of Justice of the European Union (CJEU) decision on Case 323/17 People Over Wind v Coillte Teoranta, which adjudged that mitigation should not be applied at LSE screening stage but as part of the Appropriate Assessment stage. Natural England agrees with this pragmatic approach, but notes that it has implications for the screening of LSEs (please see section 6 for further comments).	Noted.
4	Chapter 4	Natural England has reviewed the environmental baseline data presented in this chapter and cross-referenced it with our previous review of the Preliminary Environmental Information Report (PEIR). Natural England are therefore content with the data sources used to inform this environmental baseline.	We note that NE are content with the environmental baseline.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
5	Chapter 6	Natural England agrees with the criteria used for the initial pre-LSE screening (scoping) stage, which takes account of the location of European sites (including Ramsar sites) in relation to AQUIND, the Zone of Influence (ZOI) of potential effects associated with AQUIND and the ecology and distribution of qualifying features – as summarised in Table 6.1 (page 61) of the draft report.	Noted.
6	Chapter 6	The ZOI for Annex 1 Habitats is based upon the outputs of sediment plume dispersion modelling, which predicts the maximum extent of the plume extending up to 25km from the Marine Cable Corridor during dredge disposal activities along an east-west axis (paragraph 6.2.2.1, page 62). As previously agreed with Natural Power, Natural England will provide comments on the outputs of this modelling separately. Therefore, please note that the advice contained within this letter is subject to the subsequent review of this modelling data.	Noted. See comment 31 of this table.
7	Chapter 6	Natural England note that potential sedimentation impacts upon the Studland to Portland SAC have been screened out of the HRA due to lack of connectivity, based on initial analysis of the worst-case scenario (paragraph 6.2.2.5. page 63). Natural England agrees with this decision.	Noted.
8	Chapter 6	Natural England also note that potential impacts upon the Wight-Barfleur Reef SAC and Bassurelle Sandbank SAC have been screened out of the HRA due to lack of connectivity. As these sites fall outside of Natural England's geographical remit, Natural England defer comment on this conclusion to the relevant nature conservation body for these sites.	JNCC confirmed that they agree with the assessment of no LSE on Wight-Barfleur Reef SAC and Bassurelle Sandbank SAC – see Table 3 below.
9	Chapter 6	We welcome the inclusion of a more detailed assessment of feature-level connectivity for the Solent Maritime SAC,	Noted.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		<p>Solent and Isle of Wight Lagoons SAC and South Wight Maritime SAC. We agree with the conclusions of the following site-based screening assessments:</p> <ul style="list-style-type: none"> <li>• Solent Maritime SAC: Estuaries; Sandbanks which are slightly covered by seawater all the time; Mudflats and sandflats not covered by seawater at low tide; Spartina swards; Atlantic salt meadows; Salicornia and other annuals colonising mud and sand: screened in for assessment.</li> <li>• Solent and Isle of Wight Lagoons SAC: all features screened out due to lack of connectivity.</li> <li>• South Wight Maritime SAC: Reefs; Submerged or partially submerged sea caves: screened in for assessment.</li> </ul>	
10	Chapter 6	<p>While the Proposed Development does not overlap the boundary of any European site designated for Annex II migratory fish species, it is acknowledged that it does lie within the migratory range of such species. We therefore welcome the precautionary decision to screen in Annex II species from the SACs listed in paragraph 6.2.3.2 (page 68) – which include the River Itchen SAC and River Avon SAC.</p>	Noted.
11	Chapter 6	<p>Potential connectivity between the Proposed Development and marine mammal SACs has been assessed using a combination of foraging range information and likely population range data (paragraph 6.2.4.1, page 69). We note that no UK marine mammal SACs have been screened in due to the lack of potential connectivity. Consistent with our previous advice to Natural Power (email from Natural England dated 03 May 2019), Natural England agrees with</p>	The agreement with our assessment to pre-screen out United Kingdom ('UK') marine mammal SACs is noted.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		the rationale and conclusion of this assessment.	
12	Chapter 6	<p>We note that the following UK Special Protection Areas (SPAs) and Ramsar sites have been screened in for the offshore assessment – based on the mean-maximum foraging ranges of designated bird species:</p> <ul style="list-style-type: none"> <li>• Solent and Dorset Coast proposed Special Protection Area ('pSPA')</li> <li>• Chichester and Langstone Harbours SPA/Ramsar site</li> <li>• Portsmouth Harbour SPA/Ramsar site</li> <li>• Solent and Southampton Water SPA/Ramsar site</li> <li>• Pagham Harbour SPA/Ramsar site</li> </ul> <p>Natural England agrees with the conclusions of these pre-LSE screening assessments.</p>	NE's agreement with the conclusions of these pre-LSE SPA / RAMSAR screening is noted.
13	Chapter 7	<p>As noted in comment 3, a decision has been taken to treat the disposal of dredge material within a designated disposal site between stations KP21 and KP109 as mitigation for the purpose of this HRA. We also note throughout Chapter 7 that potential effects of pollution are not deemed to be significant, due to the implementation of standard best practice relating to waste management, pollution prevention measures and strict navigational protocols. These best practice measures will be secured through a Marine Pollution Contingency Plan within the Environmental Management Plan which will be adhered to throughout the works. The draft report states that the requirement for producing a Marine Pollution Contingency Plan is not considered to be a HRA mitigation measure but a standard requirement for marine projects of this scale, irrespective of any HRA considerations. It is Natural England's view, informed by</p>	<p>Noted. We appreciate the advice from NE on this matter.</p> <p>However, in line with advice from PINS (Table 1, comment no. 16), the potential impacts from pollution and INIS have been taken forward to Appropriate Assessment stage where relevant measures e.g., Marine Pollution Contingency Plan, Biosecurity plans etc., are applied in order to conclude no adverse effect on site integrity.</p> <p>See Section 10 of the HRA Report for further details.</p>



Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		previous experience with marine licensing applications, that such best practice measures would not constitute HRA mitigation in this context. This view is based on the understanding that the measures contained within the Marine Pollution Contingency Plan have not been included only to respond to likely effects upon European sites, but would be implemented regardless as standard best practice.	
14	Chapter 7	Similarly, we note that the 'introduction or spread of invasive non-indigenous species (INIS)' pressure has been screened out of the LSE assessments due to the implementation of best practice measures for the management of INIS. Consistent with the implementation of a Marine Pollution Contingency Plan, it is Natural England's view that these best practice measures would not constitute HRA mitigation in this context.	Noted. See response to comment no. 13 above.
15	Chapter 7	The LSE assessment for designated Annex I features identified during the pre-LSE screening stage (Chapter 6) is presented in Table 7.1 (pages 132-147). As previously discussed with Natural England, pressures which have been classed as 'sensitive' or 'insufficient information' have been included within the LSE assessments. While Natural England agrees with this approach, we recommend that consideration is also given to the inclusion of contamination pressures (classed as 'not assessed') that could result from the proposed works.	Pressures classed as 'not assessed' on the NE Advice on Operation matrices have been included for all receptors.
16	Chapter 7	Notwithstanding the above comments, Natural England has reviewed this assessment and agrees with the determination of likely significant effect for the following site feature-pressure interactions:  Solent Maritime SAC:	Noted.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		<ul style="list-style-type: none"> <li>- Estuaries: increased suspended sediment concentration (SSC)</li> <li>- Sandbanks which are slightly covered by seawater at low tide: deposition of sediment (smothering)</li> <li>- Mudflats and sandflats not covered by seawater at low tide</li> <li>- Spartina swards: deposition of sediment (smothering)</li> <li>- Atlantic salt meadows: deposition of sediment (smothering)</li> <li>- Salicornia and other annuals colonising mud and sand: deposition of sediment (smothering)</li> </ul>	
17	Chapter 7	<p>The assessment of impacts upon the South Wight Maritime SAC resulting from increased SSC and deposition of sediment (smothering) presented in Table 7.2 (pages 141-143) states that: “<i>due to the distance from the proposed activities (3.3 km and 10 km for reefs and submerged or partially submerged sea caves respectively), only negligible and transient levels of deposition are predicted on these features. Therefore, it is considered that there is no potential for LSE</i>”. We note that this justification is based upon sediment deposition from dredge disposal activities, but recommend that potential sediment impacts arising from HDD works, cable burial activities and cable maintenance are also included to inform this determination.</p>	<p>Information on HDD works, cable burial activities and cable maintenance is also provided. Note below comment 18.</p>
18	Chapter 7	<p>In addition to the above, we note that the disposal of dredge material between stations KP21 and KP109 is being considered as mitigation for the purposes of this HRA. On this basis, we recommend that consideration is given to progressing potential SSC and sediment deposition impacts upon the South Wight Maritime SAC to the Appropriate Assessment stage.</p>	<p>The potential impacts of SSC and sediment deposition upon the South Wight Maritime SAC have been screened in at LSE stage and are considered as part the Appropriate Assessment.</p>

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
19	Chapter 7	<p>The LSE assessment for designated Annex II migratory fish species identified during the pre-LSE screening stage is presented in Tables 7.2 – 7.7 for Atlantic salmon, Allis shad, Twaite shad, sea lamprey and river lamprey respectively. Natural England has reviewed these assessments with respect to UK SACs. We note that the (worst case) assessment of increased SSC impacts upon the River Avon SAC and River Itchen SAC features is based upon the disposal of dredge material which may be required for sandwave clearance, prior to cable installation. Given that salmon and lamprey are known to use coastal waters, we recommend that potential sediment impacts arising from HDD works, cable burial activities and cable maintenance are also considered in this determination.</p>	<p>The salmon and Lamprey species from UK SACs have been screened in at LSE stage and are considered as part of the Appropriate Assessment (see comment 20 below).</p> <p>HDD works, cable burial activities and cable maintenance have been considered in the determination of adverse effects on integrity accordingly.</p>
20	Chapter 7	<p>In addition to the above, we note that the disposal of dredge material between stations KP21 and KP109 is being considered as mitigation for the purposes of this HRA. On this basis, we recommend that consideration is given to progressing potential SSC impacts upon migratory fish features of the River Avon SAC and River Itchen SAC to the Appropriate Assessment stage.</p>	<p>The possible SSC impacts upon migratory fish features of the River Avon SAC and River Itchen SAC have been screened in at LSE stage and are considered as part of the Appropriate Assessment.</p>
21	Chapter 7	<p>Potential impacts upon UK marine mammal SACs were screened out at the pre-LSE screening stage (see paragraph 5.7 above). As such, the LSE assessment presented in Table 7.9 (pages 181-188) includes those non-UK sites with potential connectivity. As these sites fall outside of Natural England’s geographical remit, we defer comment on this conclusion to the relevant nature conservation body for these sites.</p>	<p>Noted.</p>
22	Chapter 7	<p>The LSE assessment for designated (offshore) ornithological features presented in Table 7.10 (pages 190-</p>	<p>Noted. Potential impacts upon common tern and Sandwich tern arising from indirect effects have been</p>

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		<p>235) identifies the following significant feature-pressure interactions for UK sites:</p> <p>Solent and Dorset Coast pSPA:</p> <ul style="list-style-type: none"> <li>- Little tern: disturbance and displacement; indirect effects</li> <li>- Supporting habitat (water column): indirect effects</li> </ul> <p>Chichester and Langstone Harbours SPA/Ramsar site:</p> <ul style="list-style-type: none"> <li>- Red-breasted merganser: disturbance and displacement; indirect effects</li> <li>- Little tern: disturbance and displacement; indirect effects</li> <li>- Supporting habitat (water column): indirect effects, suspended sediment</li> </ul> <p>We note that potential impacts upon common tern and sandwich tern arising from indirect effects (i.e. increased SSC) as a result of HDD works, cable burial activities and cable maintenance are not deemed to be significant. The justification for this decision is based on the relative foraging range of these species and their ability to access equivalent foraging habitat elsewhere. However, given the acknowledgement that increased SSC will occur within the foraging range of these species which could affect their ability to locate prey, Natural England recommends that these species are taken forward to the Appropriate Assessment stage on this basis.</p>	<p>screened in at LSE stage and are considered as part of the Appropriate Assessment.</p>
23	Chapter 7	<p>We note that LSE has been screened out for the offshore ornithological features of Solent and Southampton Water SPA/Ramsar site; Portsmouth Harbour SPA/Ramsar site; and Pagham Harbour SPA/Ramsar site on the basis of distance or absence of impact pathways. Natural England has reviewed these assessments and agrees with the</p>	Noted.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		conclusions.	
24	Chapter 8	Natural England agrees with the approach taken to screen plans or projects for the in-combination assessment (section 8.1, pages 237-238). We have reviewed the list of projects provided in Appendix 3 and are content that, at the time of writing, the correct projects have been identified for assessment.	Noted.
25	Chapter 8	<p>Natural England has reviewed the approach taken to assess in-combination effects upon the following UK SAC designated features, as detailed in paragraphs 8.2.2 – 8.4.4 of the draft report</p> <ul style="list-style-type: none"> <li>□ Annex II migratory fish species</li> <li>□ Marine mammals</li> <li>□ Marine ornithology</li> </ul> <p>As previously discussed with Natural England, we note that for non-breeding ornithological features (e.g. red-breasted merganser), the spatial extent of in-combination effects is encompassed by the ZOI for breeding features (paragraph 8.2.4.4, page 244). For completeness, we recommend that this ZOI is quantified for each relevant non-breeding feature.</p> <p>Notwithstanding the above comments, Natural England agrees with the rationale of these assessments and the conclusion will be that no LSE will result from the Proposed Development in combination with other plans or projects upon these features.</p>	Noted. Evidence has been provided to support the ZOI used for non-breeding features in Section 8.2.4 of the HRA Report.
26	Chapter 10	We welcome the application of Natural England's Supplementary Advice on Conservation Objectives (SACOs) to inform the Appropriate Assessment of potential adverse effects. We note that only the Conservation	Noted. Further detail regarding the screening of relevant attributes into the Appropriate Assessment has been provided on a site-by-site basis throughout Section 10 of the HRA Report.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		Objectives and supplementary advice attributes relevant to the feature- activity-pressure interactions being assessed are considered. Natural England is content with this approach but recommends that the rationale for screening relevant attributes is clearly outlined within the draft report.	
27	Chapter 10	Paragraph 10.2.63 (page 253) of the draft report states that for SPAs, the Conservation Objectives relating to supporting habitats are encapsulated within the assessment of 'indirect effects' upon qualifying features. Natural England is content with this approach provided that potential impact pathways are clearly defined and assessed.	Noted. Potential impact pathways have been clearly defined and assessed throughout Section 10 of the HRA Report.
28	Chapter 10	Natural England has reviewed the assessment of potential adverse effects upon the Solent and Dorset Coast pSPA with respect to little tern (Table 10.1, pages 256-270). It is our view that the relevant attributes and targets have been included within this assessment; and we agree with the conclusion of no adverse effect on the basis of the rationale provided. Please refer to our comments in paragraph 6.7 (page 5) of this letter regarding the inclusion of common tern and sandwich tern within this Appropriate Assessment.	Noted. Common and Sandwich tern have been included within the Appropriate Assessment for the Solent and Dorset Coast pSPA.
29	Chapter 10	Natural England has reviewed the assessment of potential adverse effects upon the Chichester and Langstone Harbours SPA/Ramsar site Coast pSPA with respect to little tern and red-breasted merganser (Table 10.2, pages 272-296). It is our view that the relevant attributes and targets have been included within this assessment; and we agree with the conclusion of no adverse effect on the basis of the rationale provided. Please refer to our comments in paragraph 6.7 (page 5) of this letter regarding the inclusion of common tern and sandwich tern within this Appropriate Assessment.	Noted. Common and Sandwich tern have been included within the Appropriate Assessment for the Chichester and Langstone Harbours SPA/Ramsar site.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
30	Chapter 10	<p>Natural England has reviewed the assessment of potential adverse effects upon the Solent Maritime SAC presented in Table 10.3 (pages 299-334). It is our view that the relevant attributes and targets have been included within this assessment; and we agree with the conclusion of no adverse effect, subject to the following comments:</p> <p>We note that the feature ‘Salicornia and other annuals colonising mud and sand’ is included within the Appropriate Assessment, but is absent from the overview provided in paragraph 10.5.1 of the draft report (page 297).</p> <p>It is unclear why the ‘Supporting processes: water quality - dissolved oxygen’ and ‘Supporting processes: water quality - turbidity’ attributes have been considered for increased SSC but not for deposition of sediment (smothering) in Table 10.3.</p>	<p>Noted. ‘Salicornia and other annuals colonising mud and sand’ now included in the summary text.</p> <p>All relevant attributes and targets have been assessed for each effect. Turbidity and dissolved oxygen are water quality attributes and thus relevant only to impacts in the water column (SSC).</p>
31	Modelling appendix – plume dispersion modelling	We’re content with the modelling approach taken and the resultant outputs with respect to predicted sedimentation and SSC levels, spatial extent and duration. We don’t have any further specific comments to add at this stage.	Noted.

**Table 3: Consultation response from the Joint Nature Conservation Committee (JNCC) on 28 September 2019**

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
1	General	As the Wight-Barfleur Reef SAC and Bassurelle Sandbank SAC are located at distances of 34 km and 62 km respectively from the proposed cable route, JNCC do [not] have any concerns with the HRA report. However, we defer to our colleagues at Natural England with regards to any concerns they may have relating to the possible impacts the project may have on marine protected areas within 12nm of the UK coastline.	<p>We note you are not concerned about the possible impacts of the Proposed Development on Wight-Barfleur Reef SAC and Bassurelle Sandbank SAC, which is in line with our determination of no LSE.</p> <p>We have consulted and received comments on the draft HRA from NE which includes advice on sites within 12 nautical miles ('nmi') (see Table 2)</p>
2	General	JNCC would like to highlight that the approach to treat the restriction of disposal to beyond KP 21 as mitigation for HRA but for the EIA and treating it not as additional mitigation but part of the design is incorrect. Following ECJ rulings we would usually expect mitigation only to be considered at the AA stage of an assessment not within the HRA itself.	Clarifications were made to JNCC to confirm that disposal of any dredge material outside of KP0 – 21 was only applied as mitigation at the AA stage of the HRA. It was not considered at LSE screening stage (disposal could occur anywhere within the Marine Cable Corridor); we consider this is in accordance with the referenced ECJ ruling, and this position is supported by the advice from NE.
3	General	JNCC are happy with the comments that there is no LSE on Wight-Barfleur Reef SAC and Bassurelle Sandbank SAC and that the disposal of dredged material past KP21 was only considered at AA stage. However, possibly the wording within the HRA could be made clearer to state that it was considered at this stage and not at the earlier LSE stage.	Noted. The wording of the mitigation section has been updated.



**Table 4: Response received from the Environment Agency on 28 September 2019**

<b>Comment No.</b>	<b>Relevant section</b>	<b>Summary of comment received</b>	<b>How has this been addressed by the Applicant?</b>
1	General	The Environment Agency agree that appropriate data sources etc have been used.	Noted
2	General	The Environment Agency agree with the approach and the outcomes of the screening stage.	Noted
3	General	The Environment Agency agree with the outcomes of the LSE assessment	Noted
4	General	The Environment Agency agree with the assessments undertaken at the Appropriate Assessment stage.	Noted
5	General	The Environment Agency agree with the conclusion of the HRA Report that the Proposed Development will not result in any adverse effect on site integrity.	Noted
6	General	The Environment Agency agree with the approach to treat the restriction of disposal to beyond KP 21 as mitigation for HRA and not EIA.	Noted
7	General	The Environmental Agency are content with the projects assessed for the in combination assessment. We advise that the Southsea Coastal Defence Project (planning application 19/01097/FUL (Portsmouth City Council) and marine licence application MLA/2019/00316) is also included in the in combination assessment.	Noted. The Southsea Coastal Defence Project (planning application 19/01097/FUL (Portsmouth City Council) and marine licence application MLA/2019/00316) has been considered as part of the in-combination assessment.
8	General	The Environment Agency are happy with the approach to only consider Conservation Objectives relevant to the possible effects being considered at the AA stage.	Noted
9	General	The Environment Agency are content with the approach to only consider the attributes from the Supplementary Advice where they are relevant to the effects which are being assessed.	Noted

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
10	General	The Environment Agency are content with how mitigation has been considered throughout the assessment.	Noted

**Table 5 Consultation response from the State of Alderney (Alderney Wildlife Trust) on 1 October 2019.**

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
1		Alderney has two northern gannet ( <i>Morus bassanus</i> ) colonies within the Ramsar Site and Alderney's Territorial Waters; Les Etacs and Ortac. On page 45, it is stated that "breeding adult gannets present in the vicinity of the Proposed Development are most likely to originate from the colony at Les Etacs, Alderney, rather than the colony on île Rouzic off Brittany". Please note, breeding adult gannets present in the vicinity of the Proposed Development are most likely to originate from the Les Etacs <b>and Ortac</b> gannet colonies, Alderney.	Noted. The HRA Report has been updated accordingly.
2		As highlighted in the HRA report, Thaxter <i>et al.</i> 's (2012) study is based on generic foraging ranges, calculated from several sites and is now out of date. We would like to contribute the attached maps from recent tag work on the Ortac gannet colony (from 2015, 2016, 2017 and 2019), in order to enable an up to date HRA assessment to be made. Please note, these are for internal use for the purpose of this assessment only. If you feel the full datasets would be of use, please contact us.	Recent tracking data from Alderney's gannet colonies have been used to inform the assessment, particularly in relation to Section 8 where published tracking data has been used to inform the ZOI for in combination assessment (e.g. Warwick-Evans <i>et al.</i> , 2016).
3		The following papers also provide data from Alderney's gannet colonies and may be of use; Soanes <i>et al.</i> , (2013; tags attached to gannets from Les Etacs in 2011); Warwick-Evans <i>et al.</i> , (2015; tags attached to gannets from Les Etacs in 2013).	These papers have been used to inform both the environmental baseline and the assessment (see response to comment no. 2 above).
4		Please note Wakefield <i>et al.</i> , (2013) is cited (on page 45) but not included in the reference list.	Noted. This citation has now been included in the reference list.
5		There is a breeding population of northern fulmar ( <i>Fulmarus glacialis</i> ) on Alderney. This species has a large	Noted. Species considered in the HRA are those which are designated features of European sites with potential

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		foraging range meaning they are likely to enter the vicinity of the Proposed Development. It is recommended this species is considered in the assessment.	connectivity to the Proposed Development. Neither fulmar nor <i>Puffinus sp.</i> are features of the Alderney West Coast and Burhou Islands Ramsar and they are therefore not considered in detail within the HRA Report. They are however considered in greater detail in Chapter 11 (Marine Ornithology) of the ES Volume 1 (document reference 6.1.11).
6		We believe manx and balearic shearwaters ( <i>Puffinus puffinus</i> and <i>Puffinus mauretanicus</i> , respectively) forage extensively in the Channel. Balearic shearwaters are classified as critically endangered on the International Union for Conservation of Nature Red List (BirdLife International, 2018). It is recommended these species are considered in the assessment.	Noted. See response to comment no. 5 above.
7		<p>There are also breeding populations of the following seabirds species in Alderney's Ramsar site; storm-petrel (<i>Hydrobates pelagicus</i>), herring gull (<i>Larus argentatus</i>), guillemot (<i>Uria aalge</i>), razorbill (<i>Alca torda</i>), puffin (<i>Fratercula arctica</i>), shag (<i>Phalacrocorax aristotelis</i>) and cormorant (<i>Phalacrocorax carbo</i>).</p> <p>Please note, kittiwakes are no longer present within Alderney's Ramsar site.</p>	Noted. These species have all been considered within the HRA Report.
8		The marine mammal data used could be improved upon, as the majority of the baseline data is greater than 5 years old, with the most recent study from 2016. We recommend contacting the Sea Watch Foundation for further data and information. This organisation may also be able to provide	Only the key references from the main data sources have been presented (Table 4.2 of the HRA Report). The most recent references (mostly from 2017) at the time of writing have been used e.g. Hammond <i>et al.</i> (2017) <sup>1</sup> , Russell <i>et al.</i> (2017) <sup>2</sup> , Vincent <i>et al.</i> (2017) <sup>3</sup> .

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<sup>1</sup> Hammond, P.S., Lacey, C., Gilles, A., Viquerat, S., Börjesson, P., Herr, H., Macleod, K., Ridoux, V., Santos, M.B., Scheidat, M., Teilmann, J., Vingada, J. and Øien, N. (2017). Estimates of cetacean abundance in European Atlantic waters in summer 2016 from the SCANS-III aerial and shipboard surveys.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		further information/contacts on cetacean telemetry studies available.	<p>Studies of this type take many years to conduct. These data are considered to be sufficient to identify the species for which SACs/Ramsars need to be considered and to conduct an assessment given the nature of the Proposed Development and the fact that species occurrence in the Channel is unlikely to change in the short to medium term. The data sources and environmental baseline used are considered to be satisfactory by NE (see Table 2 above).</p> <p>Although the Sea Watch data may yield sightings of species which occur only rarely, this will not change the assessment because all four Annex II species have been considered here.</p> <p>No telemetry studies on cetaceans in UK (or French) waters have been conducted to date.</p>
9		The following organisations may be able to provide additional data, particularly for Ramsar sites within the Channel Islands; Guernsey Biological Records Centre; La Société Guernsey; Jersey Biological Records Centre; La Société Jersiaise; States of Jersey Marine Resources.	The Channel Islands Ramsars were pre-screened out because their potential for connectivity with the Proposed Development was considered to be negligible for the marine mammal species listed.
10		There is a population of grey seals ( <i>Halichoerus grypus</i> ) which breed within Alderney's Ramsar site and are recognised as a noteworthy animal species within the site. It	None of the Channel Islands Ramsars for which marine mammal species are listed were deemed to be close enough to the Proposed Development for there to be

<sup>2</sup> Russell, D.J.F., Jones, E.L. and Morris, C.D. (2017). Updated seal usage maps: The estimated at-sea distribution of grey and harbour seals. Scottish Marine and Freshwater Science 8(25): 25pp. Published by Marine Scotland Science. ISSN: 2043-7722. DOI: 10.7489/2027-1.

<sup>3</sup> Vincent, C., Huon, M., Caurant, F., Dabin, W., Deniau, A., Dixneuf, S., Dupuis, L., Elder, J-F., Fremau, M-H., Hassani, S., Hemon, A., Karpouzopoulos, J., Lefeuvre, C., McConnell, B.J., Moss, S.E.W., Provost, P., Spitz, J., Turpin, Y. and Ridoux, V. (2017). Grey and harbour seals in France: Distribution at sea, connectivity and trends in abundance at haulout sites. Deep-Sea Research Part II: Topical Studies in Oceanography 141: 294-305.

Comment No.	Relevant section	Summary of comment received	How has this been addressed by the Applicant?
		is recommended this population is included in the HRA. It may also be worthwhile contacting the other Channel Islands concerning their populations of marine mammals (contacts above).	<p>potential for connectivity. The potential for connectivity was assessed based on whether the Proposed Development fell within the likely foraging range of seals or likely population range of cetaceans using the SACs/Ramsars (see Appendix 2 of the HRA Report, document reference 6.8.3.2).</p> <p>Although grey seals are known to undertake long distance travel, the majority of their trips to sea are short (2.33 days) and relatively close to haul out sites (39.8 km; McConnell <i>et al.</i>, 1999<sup>4</sup>). The Channel Islands Ramsars, at over 100 km from the Proposed Development, were therefore pre-screened out.</p>
11	Table 7.9	On page 179, table 7.9, regarding the impacts on marine mammals, it is stated; “ <i>As animals are very unlikely to occur at very close range, i.e. within a few metres of the vessels carrying the equipment, it is considered that there is negligible potential for the sound emitted by geophysical survey and positioning equipment to induce the onset of PTS</i> ”. We feel there is a greater than negligible potential as some cetaceans are known to be attracted to and follow vessels. We recommend this potential (although small) is recognised and a simple mitigation measure is put in place. An acceptable measure would be watching for cetaceans and seals nearby, delaying the use of equipment if they are observed until there is an acceptable distance between the vessel and animals as to not cause harm.	In order for there to be potential for the sound emitted by geophysical survey and positioning equipment to induce the onset of Permanent Threshold Shift (‘PTS’), animals would need to be at very close range even if source levels were high. A strong avoidance reaction by virtually all animals is likely to be observed within 12 m of large vessels for bottlenose dolphins and 22 m for harbour porpoises (Inchcape Offshore Limited (‘ICOL’), 2013) <sup>5</sup> . Therefore, the potential for the sound emitted by geophysical survey and positioning equipment to induce the onset of PTS is considered to be negligible because animals are very unlikely to occur at very close range to the equipment. Accordingly, the assessment undertaken does not identify the need for any mitigation measures.

<sup>4</sup> McConnell, B.J., Fedak, M.A., Lovell, P. and Hammond, P.S. (1999). Movements and foraging areas of grey seals in the North Sea. *Journal of Applied Ecology* 36: 573-590.

<sup>5</sup> ICOL. (2013). Underwater noise chapter (Chapter 11) of the Inch Cape Offshore Wind Farm ES. Available at: <http://www.inchcapewind.com/publications/environmental-statement/introduction> [Accessed 19/10/2019].

