

From: [Ziauddin, Zara](#)
To: [Aquind Interconnector](#)
Subject: Natural England - AQUIND Interconnector - Issue Specific Hearing 3 (ISH3) on Environmental Matters - Deadline 5 (Monday 30 November 2020)
Date: 30 November 2020 19:57:51
Attachments: [Natural England Response - AQUIND Interconnector Issue Specific Hearing 3 \(ISH3\) on Environmental Matters - Deadline 5 -EN020022.pdf](#)

Dear Panel of Examining Inspectors

Your ref: EN020022

RE: Deadline 5 Deadline (Monday 30 November 2020) for receipt by the ExA of: • Any information requested by the ExA under Rule 17 of the Examination Rules to assist the Hearings scheduled for weeks commencing 7 and 14 December 2020, including full transcripts of all oral submissions to be given at the OFHs and CAHs.

Please find attached Natural England's response for items relating to: AQUIND Interconnector - Issue Specific Hearing 3 (ISH3) on Environmental Matters.

If you have any further queries, please do not hesitate to contact.

Kind regards

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Date: 30 November 2020
Your ref: EN020022



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Dear Panel of Examining Inspectors

AQUIND Interconnector Issue Specific Hearing 3 (ISH3) on Environmental Matters - Deadline 5 on the Examination Timetable (Monday 30 November 2020).

Please find Natural England's response below for agenda specific matters.

7. Habitats Regulation Assessment

a) Visual disturbance

- Answers to ExQ1 ME1.10.33 suggest a difference of opinion between the Applicant and Natural England in relation to the inclusion of visual disturbance immediately adjacent to the Chichester and Langstone Harbours SPA/ Ramsar site boundary and its supporting habitat on qualifying SPA flock features as a Likely Significant Effect in the Habitats Regulations Assessment. Notwithstanding the proposed mitigation of works being avoided in such areas during the over-wintering period, should the HRA report be updated?
- With references to the Works Plans, are there any construction areas that Natural England is particularly concerned about in respect of this possible Likely Significant Effect?

The applicant has sent Natural England an updated HRA which has considered visual disturbance in the Appropriate Assessment. The document refers to screening measures that will be undertaken during the construction work where this has potential to impact the SPA or supporting habitat. This approach is acceptable to Natural England and has addressed our concerns.

b) Can the Applicant and Natural England provide an update on the HRA and the extent of progress towards common ground. The Statement of Common Ground submitted at Deadline 1 suggests all matters have been resolved, but the document is still labelled 'draft'.

It is our understanding that the latest version of the SOCG has confirmed that the HRA is 'agreed' between the applicant and Natural England.

c) In ExQ1 HAB1.1.18, the Examining Authority asked Natural England to provide electronic copies of the conservation objectives and, where relevant, the supplementary advice on conservation objectives for a list of European sites. We were referred in the answer to links to external websites. This raises a concern that the information is not in the Examination, that links could break, or the objectives might change during or after the Examination. Is it possible for the Applicant and Natural England to agree

the information and for the Applicant to submit it into Examination, perhaps as an Annex to the HRA report, the Statement of Common Ground or in any other suitable submission?

Our designated sites system does not lend itself to doing this as information found on the website is interactive and difficult to be downloaded into discrete documents that could easily be placed into an appendix for example. The concern raised with us by the ExA is that 'the information is not in the Examination, that links could break, or the objectives might change during or after the Examination.'

The most up to date information will be available on the Designated Sites View website and it is very unlikely to change for the relevant sites within the timescale of an Examination and if it were it would likely have formed part of the advice given. Even if a link was broken somewhere or corrupted in a document, the website will still be available and easy to access and from direction from [gov.uk](https://www.gov.uk/guidance/conservation-advice-for-marine-protected-areas-how-to-use-site-advice-packages) <https://www.gov.uk/guidance/conservation-advice-for-marine-protected-areas-how-to-use-site-advice-packages>

Additionally, Natural England have raised the above matter with the Planning Inspectorate case team for AQUIND and have received the following response:

"The Examining Authority is looking for the full list of Conservation and Supplementary Advice attributes at the time of Examination as part of the HRA audit trail. At present, it seems that only those attributes that the Applicant has screened into the assessment are included in documentation in the Examination. However, the Applicant's HRA Report does include links to the relevant Natural England information, so the Applicant should be able to complete any further action that is required to address the Examining Authority's request following ISH3 on Tuesday 15 December 2020, without further input from Natural England."

This information has been relayed to the applicant.

9. Marine matters

i) The Deemed Marine Licence

- Can the Marine Management Organisation (MMO) and Natural England confirm if the methods of non-burial protection for the cable are acceptable and adequately secured in the DCO and Deemed Marine Licence? Following the Applicant's response at Deadline 2, do you still consider that further detail needs to be added to the design parameters to confirm maximum amount of cable protection required?

Natural England can confirm it is content with the methods of non-burial protection for this cable and that the new amended definition, as set out in the Applicant's response in Deadline 2, is appropriate.

j) Marine habitats and assessments

- Whilst it is stated that a precautionary approach was taken to determine the study areas for the baseline, could the Applicant provide reassurance that Figure 8.1 does not need updating to reflect the regional boundaries used in the ES? Are the MMO and Natural England content with the extent of the study area?

Natural England is content with the study area.

- With reference to the Applicant's answer to question ME1.10.6, could Natural England and the Marine Management Organisation confirm they are satisfied that the most appropriate and up-to-date environmental information has been used to inform and influence the definition of the Zone of Influence relating to benthic receptors?

Natural England is satisfied that the most appropriate and up-to-date environmental information has

been used to inform and influence the definition of the Zone of Influence relating to benthic receptors.

If there are any further queries, please do not hesitate to contact.

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Natural England