



AQUIND Limited

AQUIND INTERCONNECTOR

Applicant's Comments on the Report on
Implications to European Sites

The Planning Act 2008

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1. INTRODUCTION

- 1.1.1.1. The Examining Authority ('ExA'), with the support of the Planning Inspectorate Environmental Services Team, provided the Report on the Implications for European Sites ('RIES') on the 3 February 2021. The Applicant has reviewed the RIES and Sections 2 to 7 of this document provide the Applicant's comments on the RIES.
- 1.1.1.2. The Applicant notes that the RIES reflects information provided to the Examination up to Deadline 7 (25 January 2021) and the Applicant has continued to work closely with Natural England with the aim of progressing outstanding matters in relation to the Habitat Regulations Assessment ('HRA').
- 1.1.1.3. The following information was submitted by the Applicant on 1 March 2021 at Deadline 8.

2. APPLICANT'S COMMENTS ON SECTION 2 OF THE RIES

2.1.1.1. The Applicant has no comment to make on Section 2 of the RIES.

3. APPLICANT'S COMMENTS ON SECTION 3 OF THE RIES

- 3.1.1.1. The Applicant notes the text within paragraphs 3.0.12 and 3.1.1 in relation to 'bird refuge areas' at Milton Common. The ExA has also requested (24 February 2021) an update on this matter under Rule 17 of the Infrastructure Planning (Examination Procedures) Rules 2010.
- 3.1.1.2. Within their Deadline 7 submission (REP7-107), Natural England raised the prospect of a refuge area on Milton Common designed to offset temporary impacts on SWBGS from additional developments in the region. The Applicant discussed this matter with Natural England on 11 February and the final position is stated within the Statement of Common Ground submitted at Deadline 8 (document reference 7.5.11). The Applicant outlined that there exists no extant planning permission or management plan in relation to Milton Common in relation to such areas being established.
- 3.1.1.3. As a consequence, the Applicant does not consider that there are any implications for the HRA. The HRA has assessed all properly established functionally linked habitat sites and protections, through the winter working principles, are provided in relation to these.
- 3.1.1.4. The Applicant would however note that the winter working principles contained at Section 6.2 the Onshore Outline Construction Environment Management Plan (Document reference: 6.9 Rev 007) ('**OOCEMP**') confirm that construction works cannot take place on in SWBGS (those categorised as either core-primary support, secondary support, low use or candidate) sites that overlap with the Proposed Development Order Limits during October – March. This restriction, along with the remainder of the winter working principles, to be secured by the OOCEMP will apply to all SWBGS sites and will be effective to avoid impacts on those. Therefore should SWBGS sites on Milton Common come forward in the future these protections will apply in relation to them.
- 3.1.1.5. The Applicant has no further comment to make on Section 3 of the RIES.
- 3.1.1.6. The Applicant notes that further details in relation to the outcomes of the Applicant's screening are provided in Annex 2 of the RIES. The Applicant provides comments on Annex 2 of the RIES in Section 6 of this document.

4. APPLICANT'S COMMENTS ON SECTION 4 OF THE RIES

- 4.1.1.1. The Applicant has no comment to make on text in Section 4.1 of the RIES.
- 4.1.1.2. In a footnote after paragraph 4.2.3 of the RIES, it is stated that the Applicant's screening and integrity matrices note that Atlantic Salmon is not a qualifying feature of the Solent Maritime SAC. The Applicant confirms that this remains to be the case as shown in Natural England's Designated Sites View website¹.
- 4.1.1.3. Table 4.1 below provides the Applicant's comments on Table 4.1 of the RIES (in respect of matters which are disputed by Interested Parties only). The Applicant has also made comments on the revised integrity matrices presented in Annex 3 in Section 7 of this document.

Table 4.1 – Applicant's Comments on Table 4.1 of the RIES – Shadow Appropriate Assessment

Site	Applicant's Comment
Chichester and Langstone Harbour SPA	<p>The only feature of this site where the outcomes of the Applicant's conclusion of no adverse effect on site integrity ('AEoI') have been disputed in relation to the in-combination assessment is for dark-bellied brent goose and consequently the waterfowl assemblage of which this feature is a component. The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only.</p> <p>The Applicant discussed this matter with Natural England on 11 February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.</p>

¹ Available online from:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0030059&SiteName=Solent%20Maritime%20SAC&SiteNameDisplay=Solent%20Maritime%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=&NumMarineSeasonality=&HasCA=1> [last accessed 23 February 2021].

Site	Applicant's Comment
	<p>For all other onshore features (as shown in Annex 2) including shelduck (wintering), shoveler (wintering), widgeon (wintering), pintail (wintering), teal (wintering), grey plover (wintering), ringer plover (wintering), curlew (wintering), bar-tailed godwit (wintering), turnstone (wintering), sanderling (wintering), dunlin (wintering), redshank (wintering), Sandwich tern (breeding), little tern (breeding) and common tern (breeding), the conclusions of AEoI have not been disputed by any Interested Party ('IP') as evidenced in the Statement of Common Ground submitted at Deadline 8 (document reference 7.5.11). The Applicant further notes that Sandwich tern is a breeding feature of the SPA not 'wintering' as noted in Annex 2.</p> <p>The integrity matrix in Annex 3 (Stage 2 Matrix 1b) has not included Sandwich tern, common tern and little tern. In addition, to being assessed as marine features in the HRA Report (REP7-029), these features were also assessed as onshore features in Tables 10.2 and 10.4 of the HRA Report (REP7-029) and in HRA Integrity Matrices 2C and 2D for Onshore Ecology (REP5-018). Further detail on this is provided in Section 7 of this document.</p> <p>Table 4.1 is incorrect and it is unclear why the RIES has presented revised integrity matrices in Annex 3 (Stage 2 Matrix 1a) for the marine features of this SPA. The Applicant's conclusion of no AEoI for red-breasted merganser, Sandwich tern, little tern and common tern as marine features of this SPA (as presented in Tables 10.1 and 10.3 of the HRA Report (REP7-029) and HRA Integrity Matrices 2A and 2B for marine ornithology (REP5-018)) has not been disputed by any IP, as evidenced within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8). It is, however, acknowledged that further clarification has been requested in regard to Annex 3 (Stage 2 Matrix 1a) and this has been provided in Section 7 of this document.</p>
Portsmouth Harbour SPA	<p>The only feature of this site where the outcomes of the Applicant's assessment on AEoI have been disputed in relation to the in-combination assessment is for dark-bellied brent goose.</p> <p>The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only. This aspect, and the overall focus of the Solent Waders and Brent Goose Strategy ('SWBGS') sites considered in the HRA are relevant to dark-bellied brent goose only and this has been agreed with Natural England.</p> <p>Furthermore, the Applicant discussed this matter with Natural England on 11</p>

Site	Applicant's Comment
	<p>February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.</p> <p>The conclusion of no AEoI for all other onshore features including black-tailed godwit and dunlin is evidenced in Tables 10.8 and 10.10 of the HRA Report (REP7-029) and in HRA Integrity Matrices 3C and 3D for Onshore Ecology (REP5-018).</p> <p>Table 4.1 is incorrect and it is unclear why the RIES has presented revised integrity matrices in Annex 3 (Stage 2 Matrix 1a) for red breasted merganser. Red-breasted merganser was assessed as a marine feature in Table 10.7 and 10.9 of the HRA Report and in HRA Integrity Matrices 3A and 3B for Marine Ornithology (REP5-018). The Applicant's conclusion of no AEoI for this feature has not been disputed by any IP, as evidenced within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8).</p> <p>The Applicant agrees with the notes and conclusions for this feature in the revised integrity matrix (Stage 2 Matrix 2) as they are similar to the conclusions within the matrices submitted at Deadline 5 (REP5-018) and HRA Report submitted at Deadline 7 (REP7-029).</p> <p>It is, however, acknowledged that further clarification has been requested in regard to Annex 3 (Stage 2 Matrix 1a) and this has been provided in Section 7 of this document.</p>
<p>Portsmouth Harbour Ramsar</p>	<p>Dark-bellied brent goose is assessed in in Tables 10.8 and 10.10 of the HRA Report (REP7-029) and HRA Ramsar Integrity Matrices 1A and 1B in Appendix 5 (REP5-033).</p> <p>The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature.</p> <p>The Applicant discussed this matter with Natural England on 11 February 2021. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully</p>

Site	Applicant's Comment
	<p>established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.</p>
<p>Chichester and Langstone Harbour Ramsar</p>	<p>Table 4.1 is incorrect as the only feature of this site where the outcomes of the Applicant's conclusion of no AEol have been disputed in relation to the in-combination assessment is for dark-bellied brent goose.</p> <p>The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only. This aspect, and the overall focus of the SWBGS sites considered in the HRA Report (REP7-029) are relevant to dark-bellied brent goose only and this has been agreed with Natural England.</p> <p>Furthermore, the Applicant discussed this matter with Natural England on 11 February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.</p> <p>For all other onshore features including shelduck, ringed plover, redshank, grey plover, dunlin, black tailed godwit and little tern the conclusions of AEol (Tables 10.2 and 10.4 of the HRA Report (REP7-029) and in Appendix 5 HRA Integrity Matrices 2C and 2D for Onshore Ecology (REP5-033)) have not been disputed by any IP, as evidenced in Statement of Common Ground with Natural England.</p> <p>Given its marine foraging habitat, little tern was also assessed as a marine feature in Tables 10.2 and 10.4 of the HRA Report (REP7-029) and in Appendix 5 HRA Integrity Matrices 2A and 2B for Marine Ornithology (REP5-033). The Applicant's conclusion of no AEol for little tern has not been disputed by any IP as evidenced within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8).</p>

5. APPLICANT'S COMMENTS ON ANNEX 1 OF THE RIES

5.1.1.1. The Applicant has no comment to make on Annex 1 of the RIES.

6. APPLICANT'S COMMENTS ON ANNEX 2

THE RIES

6.1.1.1. The Applicant has the following comments on Annex 2 as shown in Table 6.1 below.

Table 6.1 – Applicant's Comment on Annex 2 of the RIES - Screening

Site	Applicant's Comment
<p>Chichester and Langstone Harbour SPA</p>	<p>The only feature of this site where the outcomes of the Applicant's conclusion of screening for LSE have been disputed in relation to the in-combination assessment is for dark-bellied brent goose and consequently the waterfowl assemblage of which this feature is a component.</p> <p>The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only. This aspect, and the overall focus of the SWBGS sites considered in the HRA are relevant to dark-bellied brent goose only and this has been agreed with Natural England.</p> <p>Furthermore, the Applicant discussed this matter with Natural England on 11 February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England..</p> <p>The outcomes of screening for all other onshore features of this SPA (HRA Screening Matrices 2C and 2D; REP5-018) have not been disputed by any IP, as evidenced in the Statement on Common Ground with Natural England (as submitted at Deadline 8; document reference 7.5.11). These onshore features include shelduck (wintering), shoveler (wintering), widgeon (wintering), pintail (wintering), teal (wintering), grey plover (wintering), ringer plover (wintering), curlew (wintering), bar-tailed godwit (wintering), turnstone (wintering), sanderling (wintering), dunlin (wintering), redshank (wintering), Sandwich tern (breeding), little tern (breeding) and common tern (breeding).</p> <p>The three tern species were also screened as marine features given their</p>

marine foraging habitat, alongside red-breasted merganser, and again, the outcome of this was not disputed by any IP.

Sandwich tern is listed as being a wintering feature of this SPA in Annex 2 of the REIS. This is incorrect and is correctly listed by the Applicant as a breeding feature in the HRA Report (Tables 7.9 and 7.10; REP7-029) and HRA Screening Matrices (Matrices 2A to 2D; REP5-018).

Annex 2 is incorrect and it is unclear why the RIES has presented revised integrity matrices in Annex 3 (Stage 2 Matrix 1a) for the marine features of this SPA. The outcome of the Applicant's screening for red-breasted merganser, Sandwich tern, little tern and common tern as marine features of this site has not been disputed by any IP, however, the final column of the table in Annex 2 suggests otherwise. Agreements on these conclusions are evidenced within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8).

It is, however, acknowledged that further clarification has been requested in regard to Annex 3 (Stage 2 Matrix 1a) and this has been provided in Section 7 of this document.

Portsmouth Harbour SPA

Dark-bellied brent goose, black-tailed godwit and dunlin were assessed in Table 7.10 of the HRA Report (REP7-029) and in HRA Screening Matrices 3C and 3D for Onshore Ecology (REP5-018).

The only feature of this site where the outcomes of the Applicant's conclusion on screening have been disputed in relation to the in-combination assessment is for dark-bellied brent goose.

The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only. This aspect, and the overall focus of the SWBGS sites considered in the HRA are relevant to dark-bellied brent goose only and this has been agreed with Natural England.

Furthermore, the Applicant discussed this matter with Natural England on 11 February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.

The outcomes of screening for all other onshore features including black-

	<p>tailed godwit and dunlin were assessed as onshore features and the outcomes of screening have not been disputed as evidenced in Statement of Common Ground with Natural England.</p> <p>Annex 2 is incorrect and it is unclear why the RIES has presented a revised integrity matrix in Annex 3 (Stage 2 Matrix 1a) for red breasted merganser. Red-breasted merganser was assessed as a marine feature in Table 7.9 of the HRA Report and HRA Screening Matrices 3A and 3B for Marine Ornithology (REP5-018). The outcome of the Applicant's screening for this feature has not been disputed by any IP, as evidenced within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8).</p> <p>It is, however, acknowledged that further clarification has been requested in regard to Annex 3 (Stage 2 Matrix 2) and this has been provided in Section 7 of this document.</p> <p>The Applicant agrees with the notes and conclusions for this feature in the revised integrity matrix (Stage 2 Matrix 2) as they are similar to the conclusions within the HRA Integrity Matrices 3A and 3B (REP5-018) and Table 10.9 of the HRA Report submitted at Deadline 7 (REP7-029).</p>
River Axe SAC	<p>The final column for this site has not been populated. This should state '<i>Not disputed by any IP</i>'.</p>
Solent and Isle of Wight Lagoons SAC	<p>The final column for this site in Annex 2 only has reference to the Natural England Relevant Representation (RR-181). The Applicant assumes that this is because Natural England is the only relevant Interested Party for this designated site and who has agreed with the Applicant's outcomes of screening for this site.</p>
Wight Barfleur Reef SAC	<p>The final column for this site in Annex 2 only has reference to the Natural England Relevant Representation (RR-181) however the JNCC also agreed with the Applicant's conclusions on screening of the Wight Barfleur Reef SAC (and Bassurelle Sandbank SAC which is not included in Annex 2) which is also in their jurisdiction (see Table 3, of Appendix 4 (APP-504)). It is the Applicant's position that this column for this site should state '<i>Not disputed by any IP</i>'.</p>
Bassurelle Sandbank SAC	<p>This site is not included within Annex 2. JNCC agreed with the Applicant's conclusions on screening of this site which is in their jurisdiction (see Table 3, of Appendix 4 (APP-504) and as agreed within the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Items 3.7.1-3.7.3).</p>
Chichester and	<p>The only feature of this site where the outcomes of the Applicant's screening</p>

Langstone Harbour Ramsar

have been disputed in relation to the in-combination assessment is for dark-bellied brent goose.

The proposed refuge areas on Milton Common as detailed by Natural England at Deadline 7 (REP7-107) are designed to compensate for that feature only. This aspect, and the overall focus of the SWBGS sites considered in the HRA are relevant to dark-bellied brent goose only and this has been agreed with Natural England.

Furthermore, the Applicant discussed this matter with Natural England on 11 February. Within the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11) it is stated that should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.

The outcomes of screening for all other onshore features including shelduck, ringed plover, redshank, grey plover, dunlin, black-tailed godwit and little tern have not been disputed.

Annex 3 has not included little tern in the revised integrity matrix (Stage 2 Matrix 1b) for onshore ecology.

Given its marine foraging habitat, little tern was also assessed as a marine feature. The outcomes of the Applicant's screening for little tern as a marine feature of this site has not been disputed by any IP. However, the final column within Annex 2 suggests otherwise. This is incorrect as evidenced in the Statement of Common Ground with Natural England and Joint Nature Conservation Committee submitted at Deadline 6 (REP6-046) (Table 3.7, Item 3.7.8).

The Applicant agrees with the notes and conclusions for this feature in the revised integrity matrix for marine ornithology (Stage 2 Matrix 1a) on the basis of the clarifications provided in Section 7 (as they are similar to the conclusions within the HRA Integrity Matrices 2A and 2B submitted at Deadline 5 (REP5-018) and HRA Report submitted at Deadline 7 (REP7-029).

The clarifications requested by the ExA in Annex 3 are provided in Section 7 of this document.

7. APPLICANT'S COMMENTS ON ANNEX 3 OF THE RIES

7.1.1.1. Tables 7.1 to 7.3 below provide the Applicant's comments on Annex 3 of the RIES.

Table 7.1 – Applicant's Comments on Annex 3 Stage 2 Matrix 1a of the RIES for Chichester and Langstone Harbour SPA (Marine Ornithology Features)

Reference	Applicant's Comment
General	As stated in Tables 4.1 and 6.1 of this document, it is unclear why the RIES has presented revised integrity matrices in Annex 3 (Stage 2 Matrix 1a) for the marine ornithological features of this site as the conclusions of no AEol for marine features have not been disputed by any IP. However, it is acknowledged that further clarification has been requested and this has been addressed below.
a	The Applicant agrees with the notes provided and has no further comment.
b	The Applicant agrees with the notes provided and has no further comment.
c	The Applicant agrees with the notes provided and has no further comment.
d	The Applicant agrees with the notes provided however as reference note d . is also placed in the 'In-combination effects' column of the matrix it is also worth noting that similar best practice measures are employed for the other plans and projects which will also prevent accidental spills occurring, as stated in HRA Integrity Matrix 2B for Marine Ornithology – In Combination assessment (REP5-018) under reference note d .
e	The Applicant agrees with the notes provided. However, the spatial extent value presented as '0.7 km ² in total' should state 0.74 km ² . The reason for this change has been described in paragraphs 3.3.3.7 and 3.3.3.8, and paragraphs 8.1.1.10 to 8.1.1.12 of the HRA Report (REP7-029) and does not alter the conclusions of the assessment.
f	The Applicant agrees with the notes provided and has no further comment.
g	The Examining Authority has requested clarification as follows: <i>Matrix 1a follows HRA Integrity Matrix 2D [REP5-018]. Matrix 2D does not appear to be consistent with the assessment in Table 10.4 of [REP7-029] which only predicts effects from onshore accidental spillages during construction and decommissioning. The Applicant is invited to clarify this</i>

Reference	Applicant's Comment
	<p><i>point.</i></p> <p>It is the Applicant's understanding that the revised Matrix 1a presented in Annex 3 of the RIES is for marine ornithology considerations only and therefore should follow HRA Integrity Matrices 2A and 2B (Marine Ornithology; REP5-0198). The Applicant's conclusions on in-combination marine effects on marine features are considered to be covered under reference note d. in HRA Integrity Matrix 2B (REP5-0198) for Marine Ornithology – In Combination assessment. These conclusions are consistent with the assessment in Table 10.3 of the HRA Report (REP7-029), which covers all development phases. As is noted under reference note d. in HRA Integrity Matrix 2B (REP5-0198), routine best practice waste management and pollution prevention measures would prevent accidental spills during all phases of development. It is considered by the Applicant that these measures are applicable to accidental spills originating in both the onshore and marine environments.</p> <p>It is noted that reference note g. in the revised Matrix 1a is missing for Sandwich tern during the decommissioning phase and, in relation to in-combination effects, is only employed for common tern. If it is the intention of this reference note to assess potential effects of onshore spills on marine features, it is suggested that the note should also be placed within the Sandwich tern decommissioning column, and within the in-combination columns for Sandwich tern, little tern and supporting habitat.</p>
<p>h</p>	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Matrix 1a follows HRA Integrity Matrix 2D [REP5-018]. Matrix 2D does not appear to be consistent with the assessment in Table 10.4 of [REP7-029] which only predicts onshore effects from plastic waste during construction and decommissioning. The Applicant is invited to clarify this point.</i></p> <p>It is the Applicant's understanding that the revised Matrix 1a presented in Annex 3 of the RIES is for marine ornithology considerations only and therefore should follow HRA Integrity Matrices 2A and 2B (Marine Ornithology; REP5-0198). The Applicant's conclusions on in-combination effects on marine features are considered to be covered under reference note d. in HRA Integrity Matrix 2B (REP5-0198) for Marine Ornithology – In Combination assessment. These conclusions are consistent with the assessment in Table 10.3 of the HRA Report (REP7-029), which covers all development phases.</p> <p>As is noted under reference note d. in HRA Integrity Matrix 2B (REP5-0198), routine best practice waste management and pollution prevention measures</p>

Reference	Applicant's Comment
	<p>would prevent accidental spills during all phases of development. It is considered by the Applicant that these measures are applicable to accidental spills originating in both the onshore and marine environments.</p> <p>It is noted that reference note h. in the revised Matrix 1a is missing for Sandwich tern during the construction and decommissioning phases, and, in relation to in-combination effects, is only employed for common tern. If it is the intention of this reference note to assess potential effects of onshore litter on marine features, it is suggested that the note should also be placed within the Sandwich tern construction and decommissioning columns, and within the in-combination columns for Sandwich tern, little tern and supporting habitat.</p>
<p>General</p>	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Supporting habitat is not a designated feature of the SPA/Ramsar site. The Applicant is requested to explain which of the designated features would be affected by effects on the supporting habitat.</i></p> <p>The Applicant acknowledges that Supporting Habitat (Water Column) is not a designated feature of the SPA/Ramsar site. However, in order to assess the potential for effects on supporting habitats for marine ornithological features, Natural England requested that Supporting Habitat (Water Column) was considered as a feature (see Appendix 4, APP-504).</p> <p>The features most likely to be affected by effects on Supporting Habitat (Water Column) are those which are visual foragers, since an increase in turbidity resulting from HDD works, cable burial activities and cable maintenance can make it harder to see prey in the water column or from the sea surface. This would include red-breasted merganser, Sandwich tern, common tern and little tern. Assessment of AEoI in relation to this effect is provided in Table 10.3 of the HRA Report (REP7-029).</p>

Table 7.2 – Applicant’s Comments on Annex 3 Stage 2 Matrix 1b of the RIES for Chichester and Langstone Harbour SPA and Ramsar Site (Onshore Ecology)

Reference	Applicant’s Comment
General	The integrity matrix in Annex 3 (Stage 2 Matrix 1b) has not included Sandwich tern, common tern and little tern. These features were assessed as onshore features given the presence of breeding colonies within the site.
a	The Applicant agrees with the notes provided and has no further comment.
b	The Applicant agrees with the notes provided and has no further comment.
c	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Supporting habitat is not a designated feature of the SPA/Ramsar site. The Applicant is requested to explain which of the designated features would be affected by effects on the supporting habitat.</i></p> <p>This is noted by the Applicant. The dark-bellied brent goose feature of the SPA only would be affected by effects on supporting habitat. This aspect is agreed and evidence in the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11).</p>
d	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Matrix 1b follows HRA Integrity Matrix 2C [REP5-018]. Matrix 2D does not appear to be consistent with the assessment in Table 10.4 of [REP7-029] which only predicts effects from accidental spillages during construction and decommissioning. The Applicant is invited to clarify this point.</i></p> <p>Integrity Matrix 2D (REP5-0198) identifies that accidental spillages may occur during the operational phase. There is no adverse effect on site integrity due to the application of routine mitigation measures. This should be taken as appropriate and Table 10.4 of the HRA Report (REP7-029) identifies all phases of the development and the inconsistent text has been removed from Table 10.4.</p>
e	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Matrix 1b follows HRA Integrity Matrix 2C [REP5-018]. Matrix 2D does not appear to be consistent with the assessment in Table 10.4 of [REP7-029] which only predicts effects from accidental spillages during construction and decommissioning. The Applicant is invited to clarify this point.</i></p> <p>Integrity Matrix 2D (REP5-0198) identifies that accidental spillages may occur during the operational phase. There is no adverse effect on site integrity due to the application of routine mitigation measures. This should be taken as appropriate and Table 10.4 of the HRA Report (REP7-029)</p>

Reference	Applicant's Comment
	identifies all phases of the development and the inconsistent text has been removed from Table 10.4.
f	Should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.
g	The Applicant agrees with the notes provided and has no further comment.

Table 7.3 – Applicant’s Comments on Annex 3 Stage 2 Matrix 2 of the RIES for Portsmouth Harbour SPA/Ramsar Site

Reference	Applicant’s Comment
Feature – Red breasted Merganser	The RIES includes red-breasted merganser in the revised matrix (Stage 2 Matrix 2).The Applicant agrees with notes b. for this feature in the revised integrity matrix from marine ornithology (Stage 2 Matrix 1a) as they are similar to the conclusions on this feature within the HRA Integrity Matrices 3A and 3B submitted at Deadline 5 (REP5-018) and Table 10.9 of the HRA Report submitted at Deadline 7 (REP7-029).
a	The Applicant agrees with the notes provided and has no further comment
b	The Applicant agrees with the notes provided and has no further comment.
c	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Matrix 2 follows HRA Integrity Matrices 3C and 3D[REP5-018]. Matrices 3C and 3D do not appear to be consistent with the assessment in Table 10.10 of [REP7-029] which only predicts effects from accidental spillages during construction and decommissioning. The Applicant is invited to clarify this point.</i></p> <p>Integrity Matrices 3C and 3D (REP5-0198) identify that accidental spillages may occur during the operational phase. There is no adverse effect on site integrity due to the application of routine mitigation measures. This should be taken as appropriate and Table 10.10 of the HRA Report (REP7-029) identifies all phases of the development and the inconsistent text has been removed from Table 10.10.</p>
d	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Matrix 2 follows HRA Integrity Matrices 3C and 3D[REP5-018]. Matrices 3C and 3D do not appear to be consistent with the assessment in Table 10.10 of [REP7-029] which only predicts effects from litter during construction and decommissioning. The Applicant is invited to clarify this point.</i></p> <p>Integrity Matrices 3C and 3D (REP5-0198) identify that litter may occur during the operational phase. There is not adverse effect on site integrity due to the application of routine mitigation measures. This should be taken as appropriate and Table 10.10 of the HRA Report (REP7-029) identifies all phases of the development and the inconsistent text has been removed from Table 10.10.</p>

Reference	Applicant's Comment
e	<p>The Examining Authority has requested clarification as follows:</p> <p><i>Supporting habitat is not a designated feature of the SPA/Ramsar site. The Applicant is requested to explain which of the designated features would be affected by effects on the supporting habitat.</i></p> <p>This is noted by the Applicant. The dark-bellied brent goose feature of the SPA only would be affected by effects on supporting habitat. This aspect is agreed and evidence in the Statement of Common Ground with Natural England submitted at Deadline 8 (document reference 7.5.11)</p>
f	<p>Should the bird refuges on Milton Common at some point in the future be lawfully established and properly managed so as to provide functionally linked habitat, winter working principle 1 would de facto apply in relation to them, and therefore adequate mitigation is already secured from a HRA perspective. This matter is now agreed with Natural England.</p>

8. CONCLUSION

- 8.1.1.1. Based on the conclusions reported in the HRA Report submitted at Deadline 8 and supporting figures and appendices, the Applicant maintains the position that the Proposed Development will have no AEol on any sites screened into the HRA, taking into account mitigation measures which are secured through the DCO and associated certified documents.

