

Appendix 13.1 ♦ Marine Ecology and Biodiversity Consultation

CONSULTATION

Feedback

13.1.1. The 2014 Scoping Opinion made several comments in relation to marine ecology (Table A13.1.1). The 2014 Scoping Opinion provided suggestions for baseline studies and targeting key species in addition to agreeing the methodology for the studies.

Table A13.1.1. Excerpts of consultation responses in relation to Marine Ecology in the 2014 Scoping Opinion from the Planning Inspectorate (from Environment Agency, Marine Management Organisation, Natural England and the Port of London Authority.

Consultee	Response	How the response has been addressed
Environment Agency	We also advise that harbour and grey seals are considered when deciding which further baseline surveys are required. They are found in this part of the Thames Estuary and are known to haul out at suitable locations. They are vulnerable to disturbance and therefore the use of the site should consider the likely impacts on individuals and how to mitigate the impacts. The Zoological Society of London has some data on seals, which may indicate if further surveys are required. Marine intertidal and subtidal surveys will be necessary to allow assessment of potential impacts upon the protected species <i>Alkmaria romijni</i> (Tentacled lagoon-worm). A possible impact of not having a rigorous baseline level for aquatic	Details on harbour and grey seals are provided in the <i>Baseline conditions</i> section. Intertidal and subtidal surveys will be conducted to inform the ES for the DCO application. A detailed marine ecology baseline is provided in <i>Baseline conditions</i> below. This will be supplemented by further surveys. The findings of these surveys will be incorporated

Consultee	Response	How the response has been addressed
	invertebrates is that it may not be possible to properly assess the impacts of the development on ecology and water quality. The EIA should take into account the planned increase in sea traffic as a result of the development, which would increase disturbance and could also be an erosion risk to the saltmarsh, which is already showing signs of erosion from boat wash. It may also impact on the West Thurrock lagoon and marshes Site of Special Scientific Interest. The increase in boat traffic, dredging for navigation, new moorings and jetty construction will need to consider the impact upon the marine protected species <i>Alkmaria romijni</i> which has been found within this stretch of the river Thames and was a supporting element for the Thames estuary proposed Marine Protection zone. The impact of flood defences and coastal realignment will also need to consider the potential impact upon this species. The EIA also needs to include the identification of and assessment of impacts to coastal, intertidal and marine habitats, plus the potential for indirect effect on other coastal areas if there are changes to the hydrology at this location. There should also be consideration of the impacts in the context of climate change and rising sea levels.	into the ES for the DCO application. The effects on benthic habitat/species (including <i>Alkmaria romijni</i>) from increases in boat traffic and other hydrodynamic effects is assessed in the <i>Change in hydrodynamics and sediment accretion/erosion</i> section of <i>Potential significant environmental effects of the proposals</i>. The effects of changes in hydrodynamics on marine receptors are assessed in <i>Change in hydrodynamics and sediment accretion/erosion section of Potential significant environmental effects of the proposals</i>.
Marine Management Organisation	It should be noted that, if a deemed marine licence/marine licence is required, all related mitigation measures will need to be captured, where appropriate, as conditions within the deemed marine licence/marine licence. It is the prerogative of the developer to decide how exactly the Environmental Statement is structured. However, if Marine aspects are not assessed in a	Noted. The effects on marine ecology are addressed within this standalone

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	standalone chapter we would expect the following issues to be addressed elsewhere in the report: • Marine ecology (including fisheries); • Underwater noise and vibration (e.g. Percussive piling); • Coastal processes (including scour and accretion); • Navigational risk; • Dredging and disposal of dredged materials; and • Impacts upon other legitimate users of the marine environment. It is important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. Consideration of the implications of the whole scheme including associated development should be included in the Environmental Statement. Details of European designated sites as well as sites of regional and local importance are contained within the report. In addition, The Thames has been recommended for designation as a marine conservation zone (rMCZ) and developers should be aware that the Department for Environment, Food and Rural Affairs (Defra) may wish to designate this site in future tranches of MCZ	chapter. Cumulative effects will be assessed within the <i>Cumulative and in-combination effect</i> section. A detailed review of the effects on the Swanscombe MCZ will be provided within a MCZ assessment that will be submitted at the DCO application stage. The potential effects on the SPA

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	designations. Consideration should therefore be given to potential direct and indirect impacts of the development upon the Thames rMCZ¹. As the development is not directly connected with, or necessary to, the management of a European site, it is likely that the development could have a significant effect on internationally designated sites and will therefore require assessment under the Habitats Regulations. As such we recommend that a separate section of the Environmental Statement is included entitled 'Information to support a Habitats Regulations Assessment'. Depending upon the proposed works baseline studies are likely to be required in order to assess the impacts of the proposed development upon the marine environment. The studies should reflect the key species identified in the designated areas (including the proposed interest features of the rMCZ). As such surveys may be required for a range of organisms ranging from benthic organisms, to marine mammals and sea birds. The details of such studies including the methodology, effort, timing and area will need to be agreed and need to be designed holistically to cover the site and surrounding area. The EIA must include an assessment of the environmental effects of those species and habitats on the OSPAR List of Threatened and Declining Species and Habitats.	and Ramsar sites will be assessed within a Habitat Regulations assessment report to be provided for the DCO application stage. Site-specific surveys will be conducted as detailed in the <i>Data acquisition methodology</i> section below. The <i>Potential significant environmental effects of the proposals</i> section assesses effects on species and habitats on the OSPAR List of Threatened and Declining Species and Habitats. Dredging is no longer considered to be required for the Project. The effects on birds is discussed in Chapter 12. The ecological effects on fish

¹ This site is now designated as the Swanscombe MCZ

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	Table 6.3 suggests that dredging will be undertaken as part of the construction works and also refers to increased erosion as a result of increased river traffic. The impacts of such activities on the ecology of the project site and designated sites will need to be considered during both the construction and operational phase. Table 6.3 also refers to potential loss of habitat. Such areas may be used as feeding and/or roosting areas. Consideration of commercial fisheries, nurseries and spawning areas should also be undertaken. Impacts on the marine environment must be considered in order to be able to justify whether they should or should not be scoped out of the EIA process.	including spawning and nursery areas is assessed in the <i>Potential significant environmental effects of the proposals</i> section below. Impacts on the marine environment have been scoping in for the assessment and are discussed within this chapter.
Natural England	The Thames has been recommended for designation as a marine conservation zone (rMCZ¹) and developers should be aware that the Department for Environment, Food and Rural Affairs (Defra) may wish to designate this site in future tranches of MCZ designations. Consequently, Natural England recommends that the environmental statement should give consideration to the potential direct and indirect impacts to The Thames rMCZ. In this case the proposal is not directly connected with, or necessary to, the management of a European site. Based upon the current information, in our view it is likely that the proposal will have a significant effect on internationally designated sites and therefore will require assessment under	A detailed review of the effects on the Swanscombe MCZ will be provided within a MCZ assessment that will be submitted at the DCO application stage. The potential effects on the SPA and Ramsar sites will be assessed within a Habitat Regulations assessment report to be provided at a later date.

Consultee	Response	How the response has been addressed
	the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'. The Natura 2000 network site conservation objectives are available on our internet site at http://publications.naturalengland.org.uk/category/6490068894089216 which should be of help when preparing this information. The environmental statement should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities to conserve and enhance biodiversity.	These habitats and species have been assessed within the <i>Potential significant environmental effects of the proposals</i> section below.
Port of London Authority	The River bus facilities are not identified in paragraph 6.57 as being likely to have potential ecological effects. It is not clear yet whether an existing jetty is to be utilised or a new jetty is proposed². However, table 6.3 does identify disturbance and silt mobilisation resulting from dredging and jetty construction works as a potential ecological effect and it also identifies "long term changes to accretion and erosion of saltmarsh and mudflat habitats resulting from the existence of the jetty and increased wash arising from boat traffic)".	The effects of disturbance and silt mobilisation from jetty construction works are assessed in in the <i>Potential significant environmental effects of the proposals</i> section below.

² It is now clarified that part of the works is the construction of new jetties.