



Record of Appropriate Assessment (Habitats Regulations Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended)) (Statutory Instrument 2010/490)

Installation and operation of Nemo Link Interconnector

Licence Application MLA/2013/00072

23 December 2013

This is a record of the Habitats Regulations Assessment (HRA) undertaken for the application by National Grid Nemo Link Limited (NGNLL) for a marine licence for the installation and operation of an international submarine interconnector cable between mean high water springs (MHWS) at Pegwell Bay, Kent and the English territorial waters limit (12nm).

Legislative and Policy

Under regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations') (SI No 2010/490), in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) and EC Wild Bird Directive (Council Directive 2009/147/EC) the MMO, as a competent authority under the Habitats Regulations is unable to grant a marine licence until it is satisfied that the project, either alone or in-combination with other projects, will not cause an adverse effect to the integrity of any European site.

The Habitat Regulations transposing the Habitats and Wild Bird Directives enable competent authorities to adopt the reasoning or conclusions of another competent authority as to whether a plan or project is likely to have a significant effect on a European site or will adversely affect the integrity of a European site. They also provide that a competent authority is not required to assess any implications of a plan or project that would be more appropriately assessed by another competent authority.

Thanet District Council (TDC) undertook a Habitats Regulations Assessment under Regulation 61 of the Habitats Regulations in December 2013.

Likely Significant Effect Test

In December 2013, TDC concluded that the project had the potential to have a Likely Significant Effect (LSE) on the following;



Thanet Coast and Sandwich Bay Site of Special Scientific Interest (SSSI)

- Ramsar Criterion 2: Supporting 15 British Red Data Wetland invertebrates; and
- Ramsar Criterion 6: Supporting wintering Ruddy Turnstone (*Arenaria interpres*) occurring at levels of international importance.

Thanet Coast and Sandwich Bay Special Protection Area (SPA)

- Supporting populations of international importance of European golden plover (*Pluvialis apronaria*) and Ruddy Turnstone (*Arenaria interpres*).

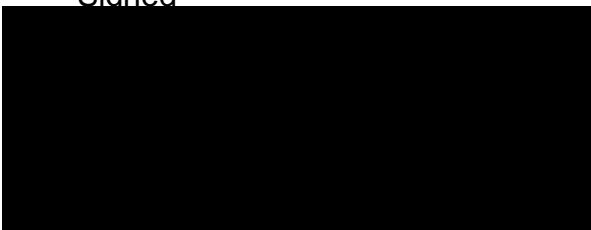
Appropriate Assessment

The TDC AA concluded that there will be no adverse effect on the integrity of either the Thanet Coast and Sandwich Bay SSSI or Thanet Coast and Sandwich Bay SPA, either as a result of the Project alone or in combination with other plans or projects.

Conclusion

Based on the information contained within the TDC AA (December 2013), the applicants Supplementary Environmental Information (SEI) titled 'Nemo Link Effect on Integrity of European Nature Conservation Interests, Applicant's Submission', the mitigation applied to marine licence L/2010/00373 and other documents and correspondence associated with the case, the MMO (as a competent authority) conclude that the proposal will have no adverse effect on the integrity of either the Thanet Coast and Sandwich Bay SSSI or Thanet Coast and Sandwich Bay SPA.

Signed



Marine Licensing Case Officer (Offshore)
23 December 2013