Planning Inspectorate
Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Morven Hawthorn Pit Grid Connection Project

Case Reference: EN0210005

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

25 March 2025

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1. INTRODUCTION

1.0.1 On 12 February 2025, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Morven Offshore Wind Limited (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) for the proposed Morven Hawthorn Pit Grid Connection Project (the proposed development). The applicant notified the Secretary of State (SoS) under regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development and by virtue of regulation 6(2)(a), the proposed development is 'EIA development'.

1.0.2 The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report, available from:

Documents | Morven Hawthorn Pit Grid Connection Project

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the proposed development as currently described by the applicant. This Opinion should be read in conjunction with the applicant's Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in appendix 1 in accordance with EIA regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.0.6 The Inspectorate has published a series of advice pages, including 'Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7)'. AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

1.0.8 https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes

1.0.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 3)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 3.3.1.3	Site area	The site area stated in the Scoping Report is included as one area and it is not clear whether this covers just the English part of the proposed development or also includes the Scottish part of the proposed development. The ES should clearly include the site area subject to the Development Consent Order (DCO) and this should be clearly written in the ES and reflect as such in the DCO.
2.1.2	Section 3.4.3	Footprint of seabed preparation	The Scoping Report states that seabed preparation may be required prior to cable installation. The ES should describe the expected seabed preparation activity that would be required, including confirmation of the volume of sand and disposal location arising from any pre-sweeping of sand waves. The ES should also identify the worst-case footprint of seabed disturbance that would arise from offshore construction activities.
2.1.3	Paragraph 3.4.3.17	Cable protection	The Scoping Report states that external cable protection may be required for the offshore components, for example where cables cross existing third party assets or where full burial is not achieved. The ES should explain the worst-case scenario for cable protection and include the assumptions used which the worst case scenario is based on. It should detail the maximum volume of material required for cable protection and explain how this has been quantified.
2.1.4	Paragraph 3.4.3.18	Vessel movements	The ES should describe the expected number, type and frequency of vessel movements required to construct, operate and decommission the proposed development. If these are unknown, then the ES should explain the assumptions that have been made about vessel movements to inform assessment using a worst-case scenario.

ID	Ref	Description	Inspectorate's comments
2.1.5	Paragraph 3.5.1.1	Connection to National Grid Hawthorn Pit substation and onwards to Morven Offshore Windfarm	The Scoping Report identifies the proposed development's connection with other proposed and/ or planned infrastructure projects. The ES should describe the relationship between the proposed development and any connected projects, including the use of figures. This should include the extent to which the proposed development is dependent on their delivery and the development timelines of other projects (including the predicted lifespans once operational), with an explanation of how these will be coordinated to reduce environmental effects. Any assumptions made about connected projects should be explained, together with any uncertainty remaining and how this is addressed in the assessment.
2.1.6	Section 3.5.3	Cable width	This section in the Scoping Report includes a description for both the onshore export cables and grid connection cables, however the text does not always differentiate between the different sets of cables. There are also some apparent discrepancies regarding the width of the onshore export cable, whereby the text states that it could be a maximum of 100m, but table 3.4 refers to an indicative width of 50m. The ES should always make it clear which cables are being referred to and ensure that a maximum design scenario is being assessed in the ES at all times to ensure consistency.
2.1.7	Paragraphs 3.5.2.1, 3.5.2.3, table 3.3 and table 7.45	Landfall, including trenchless techniques	The Scoping Report states that the export cables are likely to be installed through the intertidal zone using trenchless methods (such as Horizontal Directional Drilling (HDD)). It also states that there may be a need for construction vehicles to access the beach and there may be a requirement to have an offshore marine spread. The Inspectorate notes the mitigation measure MM-14, which states that cable installation in the nearshore would be undertaken using trenchless methods. The precise technique at this stage is not clear. The ES should describe and assess any options in this regard, including effects during construction, operation and decommissioning. Impacts associated with the anticipated changes at the landfall site throughout the lifetime of the proposed development should be assessed where significant effects are likely. Where reliance is placed on the use of a specific method to mitigate significant effects, the applicant should ensure that such commitments are appropriately defined and secured. The ES should describe how cable

ID	Ref	Description	Inspectorate's comments
			burial and siting of associated infrastructure would be managed throughout the lifespan of the proposed development. The alternatives chapter of the ES should describe the main reasons for the option chosen, including a comparison of the environmental effects.
2.1.8	Paragraph 3.5.3.4	Temporary access roads and vehicle movements during construction	The Scoping Report states that temporary access roads will be required. Temporary watercourse crossings (including culverts and bridges) may also be needed to facilitate the route. The ES should describe the location and parameters of temporary access routes, including any changes proposed to the existing highway, and confirm the predicted number/ type of traffic movements required. Where details are unknown, a worst-case scenario should be presented. Where crossing of watercourses and culverts are required, these should be discussed and agreed with the Environmental Agency.
2.1.9	Paragraph 3.6.1.6	Temporary construction compounds	The ES should describe the proposed number, location and parameters of temporary construction compounds and laydown areas required during construction and decommissioning of the proposed development. The ES should assess any likely significant effects arising from these works.
2.1.10	Paragraph 3.9.1.2	Decommissioning	The Scoping Report states that onshore and offshore cables are likely to be left in-situ, but there is a possibility that they may be removed, in the event that the proposed development is decommissioned. The Inspectorate notes that a decommissioning plan will be prepared post-consent and updated across the lifetime of the development. However, in order to ensure that all likely significant effects associated with the proposed development are included in the ES, the ES should include an assessment of decommissioning effects based on a reasonable worst-case scenario.
2.1.11	Chapter 6	Alternatives	The Scoping Report describes three options for landfall, two options for routeing of the offshore cable, and three options for the onshore cable route. The location of the proposed substation is also to be determined, with an area of search shown on paragraph 6.2. The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the proposed development have yet to be finalised. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations. The need and justification to support the level of flexibility sought must be explained in the ES, including how it has been taken into account in the assessments

ID	Ref	Description	Inspectorate's comments
			through relevant parameters (temporal and spatial) and a defined worst-case for resulting environmental effects. It will be essential to ensure consistency throughout the ES and any other relevant assessments supporting the application from which the ES draws. It should be noted that if the proposed development materially changes prior to submission of the DCO application, the applicant may wish to consider requesting a new scoping opinion.
2.1.12	Figure 7.9, figure 7.28	Figures	It is difficult to distinguish the benthic habitat types presented on figure 7.9 in the nearshore area. It is also not possible to distinguish the proximity of designated sites to the cable route and landfall site in figures such as figure 7.28 at the scale currently provided. The ES must include clear and appropriate figures to support the impact assessment. Figures should be of an appropriate scale and shading to allow each element on the figure to be clearly distinguishable and include clear keys/ legends and labels.
2.1.13	N/A	Materials and waste	The ES should include a description of the nature and quantity of materials and natural resources used in the proposed development, including expected quantities and types of any waste that would be generated during construction, operation and decommissioning. The ES should describe the assumptions made in the assessment with regards to likely exportation of waste. The Inspectorate notes that no separate waste aspect chapter is to be produced and there is no commitment at this stage to produce a Site Waste Management Plan (SWMP). An assessment of effects relating to waste should be provided where significant effects are likely to occur, including in relation to transport effects arising from the movement of waste.
2.1.14	N/A	Tables and figures	The numbering of the tables and figures does not accord with the chapter structure and sometimes these are misreferred to in the supporting text. The ES should include a clear and logical number system for tables and figures, with the correct references in the supporting text.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 4.1.1.4	General scope	The Inspectorate notes the applicant intends to prepare an ES that covers both the proposed development and a separate marine licence application in Scotland. The Inspectorate is content with this approach provided that the ES project description is structured such that it is clear which elements are to be consented within the DCO. However, the assessments within the ES must clearly identify the effects associated with the works that would be permitted by the DCO separately. This is to ensure that the Examining Authority/ Secretary of State can understand the effects associated with the proposed developments and the requirements for any mitigation secured within the DCO. Where it is not possible to make a distinction between effects associated with the DCO in England and the marine licence in Scotland, such as in the case of mobile species that may occur in both Scottish and English waters, this should also be clearly stated in the ES and the approach to the assessment supported by appropriate reasoning. The ES should also describe any interactive or cumulative effects between the different project elements where these would lead to significant effects.
2.2.2	Paragraph 4.3.1.3	Good design	The summary of English guidance and best practice guidelines does not mention the recently published Nationally Significant Infrastructure Projects: Advice on Good Design. The applicant is encouraged to review this advice and incorporate the principles into the proposed development.

ID	Ref	Description	Inspectorate's comments
2.2.3	Paragraph 4.5.4.3	Professional judgement	Where the ES utilises professional judgement to either assign significance or in the absence of a recognised methodology, the ES should provide a justification and methodology for this. Where judgement is used to assess that a significance of 'moderate effect' is not considered a significant effect, this should clearly be stated in the ES.
2.2.4	Paragraph 11.3.1.1	Transboundary	It is noted that the Scoping Report states that the following aspects have been screened in for further consideration in the ES: • fish and shellfish ecology • offshore and intertidal ornithology • marine mammals • shipping and navigation • commercial fisheries • climate change The Inspectorate recommends that the ES should identify whether the proposed development has the potential for significant transboundary effects, and if so, what these are, and which EEA States would be affected. The Inspectorate will undertake a transboundary screening on behalf of the SoS in due course.
2.2.5	N/A	Scoping out impacts	The Scoping Report states in several chapters that no impacts are proposed to be scoped out, however the tables within the text indicate that some matters are proposed to be scoped out of various stages. The Inspectorate has therefore considered these matters below accordingly.

3. ENVIRONMENTAL ASPECT COMMENTS - OFFSHORE

3.1 Physical Processes

(Scoping Report Section 7.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 7.4	Increased suspended sediment concentrations (SSC) and associated deposition (operation)	This matter is proposed to be scoped out based on the likely minimal works and small areas of disturbance during the operational phase, although it is also acknowledged that maintenance operations (e.g. cable repair/ reburial etc.) may result in indirect impacts on receptors due to temporary increases in SSCs and associated sediment deposition. There is limited information regarding the operational works proposed and potential extent of activities. On this basis, the Inspectorate advises that this matter should be scoped into the assessment, or the ES should demonstrate, with evidence of agreement from relevant consultation bodies, that likely significant effects would not occur.
3.1.2	Table 7.4	Impact to seabed morphology (decommissioning)	There is limited justification regarding the scoping out of the decommissioning phase of this aspect. The Inspectorate is therefore not in a position to scope this matter out of further assessment as there could still be an impact during decommissioning depending on the proposed scenario. The ES should assess the worst-case scenario for decommissioning or demonstrate, with evidence of agreement from relevant consultation bodies, that likely significant effects (LSE) would not occur.
3.1.3	Table 7.4	Impacts to sediment transport pathways due to the presence of infrastructure (construction and decommissioning)	Limited justification is provided regarding the scoping out of this matter during the construction and decommissioning phases. During all phases it is anticipated that there will be some form of infrastructure present; as there are limited details regarding the construction and decommissioning activities, the Inspectorate is not able to scope this matter out at this stage and this matter should be scoped into the assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.4	Table 7.3	Designated sites	The Northumbria Coast Special Protection Area (SPA) is not included within the identified designated sites, the assessment should include this site within the assessment to determine the likely effects on this site. The applicant is directed to Natural England's response at appendix 2 of this Opinion.
3.1.5	N/A	Additional impacts	The scope of the assessment does not include impacts on waves and currents at present, and there is no mention of why this may have been discounted as a potential impact. The applicant is recommended to include this matter within the scope of the assessment for the ES or include justification regarding why there are no LSE on this matter. The applicant is directed to Natural England's response at appendix 2 of this Opinion.

3.2 Underwater Sound

(Scoping Report Section 7.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Table 7.7	Increased underwater sound from unexploded ordnance (UXO) clearance (operation and decommissioning)	As UXO clearance is only to be conducted during the construction phase, the Inspectorate is able to agree to scope this matter out of further assessment.
3.2.2	Table 7.8	Effects of the particle motion element of underwater sound on marine mammals (all phases)	This matter is proposed to be scoped out on the basis that there is no evidence that particle motion has any effect on marine mammals. The Inspectorate is content to scope this matter from the assessment on this basis.

ID	Ref	Description	Inspectorate's comments
3.2.3	Table 7.8	Fish and shellfish	The assessment of particle motion on fish and shellfish is not mentioned in the Scoping Report, the applicant should consider whether there will be any LSE on fish and shellfish and scope this matter in accordingly, seeking agreement with the relevant consultation bodies.

3.3 Water Quality

(Scoping Report Section 7.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Paragraph 7.3.6.2	All matters	The Scoping Report states that all matters in relation to water quality are proposed to be scoped out of assessment, stating that the proposed matters relating to water quality will be assessed in other relevant environmental aspect chapters, including: physical processes, benthic subtidal and intertidal ecology, and fish and shellfish ecology. The Inspectorate does not consider that the evidence presented in the Scoping Report is sufficient to allow this matter to be scoped out of further assessment. The matters are discussed individually below.
3.3.2	Table 7.12	Impacts to sediment transport and sediment transport pathways due to the presence of infrastructure	This matter is proposed to be scoped out on the basis that there is no proposed infrastructure that could impact sediment transport and pathways. The Inspectorate is aware that cable protection can impact water flow, particularly at low water depths. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope these matters from the assessment. The ES should include an assessment of this matter, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of LSE.
3.3.3	Table 7.12	Increased SSC and associated deposition	The physical processes and benthic subtidal and intertidal ecology chapters have scoped in this matter for assessment but do not consider the impacts on water quality. There is limited adequate justification provided in the Scoping Report regarding why this matter should be scoped out of assessment. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope these matters from the assessment. The ES should include an assessment of this matter, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of LSE.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.4	Table 7.12	Increased risk of introduction Invasive Non-Native Species (INNS)	The Scoping Report states that the risk relating to this matter through vessel movement will be assessed with in the benthic subtidal and intertidal ecology chapter, as well as through the Environmental Management Plan (EMP) and relevant guidelines. On this basis the Inspectorate is content to scope this matter out from further assessment in this chapter.
3.3.5	Table 7.12	Accidental pollution during construction, operation and maintenance (O&M), and decommissioning	The Scoping Report states that embedded mitigation will include vessel compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL), as well as the provision of a Marine Pollution Contingency Plan (MPCP) to include emergency plans for pollution incidents and securing best practice measures through an EMP. Based on the information provided on the proposed mitigation and control measures, the Inspectorate agrees that significant effects from accidental release of pollution during all phases are unlikely. The Inspectorate agrees that this matter can be scoped out; the ES should identify and ensure that mitigation for all potential pollution incidents are accounted for in the MPCP. The ES should explain where appropriate management and control measures to reduce/ avoid potential pollution events are secured through the DCO or other legal mechanism, for all phases of the proposed development.
3.3.6	Table 7.12	Impacts from the release of sediment-bound contaminants	This matter is proposed to be scoped out due to the low levels of sediment contamination in the area. However, the historic industrial use at landfall has not been taken into consideration, therefore the Inspectorate cannot agree to scope this matter out. This matter should be scoped into the assessment.
3.3.7	Table 7.12	Impacts to bathing water quality	The Scoping Report states that there are two bathing waters within the study area, however limited justification is provided to detail why they would not be impacted. The Inspectorate considers that an assessment is required regarding this matter and therefore cannot agree to scope this matter out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.8	Table 7.12	Impacts to shellfish water protected areas	This matter is proposed to be scoped out due a 45km distance to the nearest shellfish water protected area. On this basis the Inspectorate is content to scope this matter out of further assessment.
3.3.9	Table 7.12	Impacts to the achievement of Good Environmental Status (GES)	Limited information regarding the achievement of GES is given within the Scoping Report. The Inspectorate cannot agree to scope this matter out with the limited information provided. This matter should be scoped into the assessment, or agreement with the relevant statutory consultation bodies regarding the agreement to omit this matter from the scope should be provided.

3.4 Benthic Subtidal and Intertidal Ecology

(Scoping Report Section 7.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 7.18	Temporary habitat loss/ disturbance (operation)	The Scoping Report states that impacts associated with temporary habitat loss and disturbance during the O&M phase are expected to be minimal, and associated with minor repair and reburial events only, with much smaller areas of disturbance expected than during the construction and decommissioning phases. As such, this impact is not proposed to be assessed for the O&M phase. As the O&M activities are not fully described, the Inspectorate does not feel that it has sufficient justification to agree to scope this matter out. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope these matters from the assessment. The ES should include an assessment of temporary habitat loss/ disturbance during operation, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of LSE.
3.4.2	Table 7.18	Increased SSCs and associated deposition (operation)	The Scoping Report considers that impacts associated with increased SSCs and associated deposition during the O&M phase are expected to be minimal, and associated with minor repair and reburial events only, with SSCs and redeposition expected to be considerably lower than during the construction and decommissioning phases. As such, this impact is not proposed to be assessed for the O&M phase. The Inspectorate's comments at ID 3.4.1 apply equally to this matter. The Inspectorate advises that this matter should be scoped into the assessment, or the ES should demonstrate, with evidence of agreement from relevant consultation bodies, that likely significant effects would not occur.
3.4.3	Table 7.18	Colonisation of hard structures (construction and decommissioning)	The impact of the introduction of artificial structures and the colonisation of said structures by marine biota is not proposed to be assessed during the construction and decommissioning phases. The Inspectorate notes that removal of hard substrates is scoped into the assessment for the decommissioning stage. Taking into consideration the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			length of time anticipated for construction, the Inspectorate considers that colonisation of hard structures may occur during construction and therefore the Inspectorate does not agree to scope this matter out. The ES should assess impacts of colonisation of hard structures during construction and decommissioning where significant effects are likely to occur, or demonstrate, with evidence of agreement from relevant consultation bodies, that LSE would not occur.
3.4.4	Table 7.18	Changes in physical processes (construction and decommissioning)	The Scoping Report states that the presence of cable protection may introduce localised changes to the tidal flow and wave climate, which in turn may result in potential changes to the sediment transport pathways and associated impacts to benthic ecology. No justification is provided to explain why this matter is to be scoped out for the construction and decommissioning phases. Section 7.1.8 of the Scoping Report describes the proposed modelling for physical processes, which will be used to inform the assessment of changes due to installation and operation. Given that the likely type and volume of cable protection is not yet known, including likely timescales for installing cable protection during the construction phase, the Inspectorate does not agree that changes in physical processes resulting from the proposed development on benthic species can be scoped out. Similarly in respect of decommissioning, it is also not yet known whether cable protection would be left in situ or removed and thus whether there is potential for LSE due to changes in physical processes at the decommissioning stage. The ES should include an assessment of changes in physical processes, where LSE could occur, or evidence demonstrating clear agreement with relevant consultation bodies that this matter can be scoped out and the absence of significant effects.
3.4.5	Table 7.18	Removal of hard substrates (construction and operation)	The Inspectorate concurs that this impact can be scoped out for the construction phase on the basis that loss of existing habitats during construction is scoped into the assessment and there would be no removal of hard substrates associated with the proposed development at the construction stage.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorates considers there may be removal of hard substrates due to potential O&M activities. As the O&M activities are not fully described, the Inspectorate does not feel that it has sufficient justification to agree to scope this matter out. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope this matter from the assessment. The ES should include an assessment of the impact from the removal of hard substrates during operation, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
3.4.6	Table 7.18	Impacts to benthic invertebrates due to Electromagnetic Fields (EMF) (construction and decommissioning)	The Inspectorate agrees to scope out impacts from EMF during construction and decommissioning as the cables would not be live and therefore there would be no pathway for effect.
3.4.7	Table 7.19	Accidental release of pollutants (construction, O&M, and decommissioning)	The applicant proposes to scope this matter out on the basis that control and management measures will be set out and implemented through standard post-consent plans (eg EMP, including a MPCP). Outline management plans are to be provided with the ES. The Scoping Report states that following the implementation of these plans the likelihood of an accidental spill occurring is very low and in the unlikely event that such an event did occur, the magnitude will be minimised through measures outlined in the MPCP. The Inspectorate agrees that this matter can be scoped out on the basis that the mitigation measures proposed within the outline management plans should be sufficient to address the likely impacts and avoid a likely significant effect. The ES should include details of the mitigation and explain how its delivery is assured with reference to relevant documents.
3.4.8	Table 7.19	Impacts to benthic invertebrates due to thermal emissions from subsea electrical cables	The Scoping Report references scientific literature which acknowledges that buried cables can warm the sediment in direct contact with the cable, and the thermal profile can depend heavily on the physical characteristics of the burial and the sediment. For buried cables, the temperature change at the seabed is reduced due to the distance between the cable

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			and the seabed surface due to the increased dissipation of heat with distance from the cable. Cable protection material such as rock berms and concrete mattresses are also concluded to reduce heat conduction to negligible levels. The Inspectorate agrees that as cables are proposed to be buried at depths of between 0.5 and 2.5m, or where this is not practicable, be surrounded by cable protection measures (Scoping Report table 3.2 and paragraph 3.4.3.16), significant effects on benthic ecology due to thermal emissions are unlikely to occur. The Scoping Report includes commitment to developing and adhering to Cable Specification and Installation Plan (CSIP) (table 7.5 of Scoping Report) and concludes there is limited scope for impacts to benthic invertebrates due to heat from subsea cables. On this basis, the Inspectorate agrees this matter can be scoped out of further assessment.
3.4.9	Section 7.4.12	Transboundary effects	The Inspectorate is not able to agree to scope this matter out until it has undertaken its own transboundary screening. See the Inspectorate's comments at ID 2.2.4 of this Opinion.

ID	Ref	Description	Inspectorate's comments
3.4.10	Table 7.15	Baseline data	The applicant's attention is directed to the comments of the Environment Agency (EA) at appendix 2 of this Opinion with regards to the availability of the CEFAS OneBenthic data modelling and visualisation tool. The applicant should consider this source of benthic data in preparing the baseline information for the ES.
3.4.11	Table 7.16	Benthic ecology features	Ocean quahog is a protected feature of Farnes East Marine Conservation Zone (MCZ). Additionally, peat and clay exposures are a protected feature of the Coquet to St Mary's MCZ. The ES should include an assessment of these protected features.
3.4.12	Table 7.18	Impacts – cable protection	The applicant's attention is drawn to the comments of Natural England in appendix 2 of this Opinion regarding its position on cable protection. Where cable protection is required, the

ID	Ref	Description	Inspectorate's comments
			Inspectorate advises that the ES should identify the options available and provide an assessment of the LSE that would arise from installation of the selected option (or options if flexibility is sought), including impacts from secondary scouring. The ES should clearly describe any mitigation measures relied on to avoid significant effects on benthic receptors, including designated sites (as applicable) and explain how the measures would be secured.
3.4.13	Table 7.18 and Paragraphs 7.4.4.2 to 7.4.4.9	Surveys	The Scoping Report describes site-specific benthic surveys that were carried out in 2023. In the absence of information on the rationale behind the approach to sampling, it is difficult for the Inspectorate to understand if the baseline data is likely to be adequate. The ES should either demonstrate that the adequacy of the baseline data has been agreed through consultation with relevant consultation bodies (with supporting information e.g. meeting minutes) or present a detailed justification as to why it is considered adequate. The applicant should ensure the baseline is adequately understood for the purposes of impact assessment and to inform preparation of the CSIP, and development of any necessary mitigation measures thereafter. The Inspectorate advises that efforts should be made to agree the scope and method of any future survey work with relevant consultation bodies, including Natural England and the Marine Management Organisation. The applicant's attention is drawn to the comments from Natural England in appendix 2 of this Opinion in relation to the scope of further surveys.
3.4.14	Table 7.18, Table 7.19	HDD drilling fluid	Paragraph 3.5.2.1 confirms that the export cables will likely be installed through the intertidal zone using trenchless methods (such as HDD). Paragraph 3.5.2.3 also states that access may be required on to the beach and that an offshore spread may be required. There are limited references in the benthic ecology chapter to the potential for HDD drilling fluid break out in the Scoping Report and the potential effects this could have on benthic receptors (e.g. through smothering). Accidental spillages are noted to be scoped out based on control measures. For the avoidance of doubt, the ES should clearly describe any mitigation measures relied upon to control and manage HDD drilling fluid breakout and explain how its delivery would be secured with reference to relevant documents.

3.5 Fish and Shellfish Ecology

(Scoping Report Section 7.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 7.27	Temporary habitat loss and disturbance of habitats (operation)	This matter is proposed to be scoped out based on the likely small areas of disturbance and minimal works expected during the O&M phase. As the O&M activities are not fully described, the Inspectorate does not feel that it has sufficient justification to agree to scope this matter out. The ES should include an assessment of temporary habitat loss/ disturbance during operation, or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
3.5.2	Table 7.27	Underwater sound impacting fish and shellfish receptors (operation)	The Scoping Report proposes to scope out this matter due to major maintenance activities (cable reburial and cable repair activities) being non-routine during the O&M phase. The Scoping Report proposes to assess activities that may cause underwater sound such as pre-construction site investigation surveys during construction and decommissioning activities such as removal of joint bays and cable protection. See also comment ID 3.7.1 below. However, limited information is available on the O&M activities. If repair works are required, the Inspectorate understands that such activity would generate underwater noise. The Inspectorate advises that this matter should be scoped into the assessment, or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.5.3	Table 7.27	Increased SSCs and associated sediment deposition (operation)	This matter is proposed to be scoped out based on the likely minimal works and small areas of disturbance during the O&M phase, although it is also acknowledged that maintenance operations (e.g. cable repair/reburial etc) may result in indirect impacts on fish and shellfish communities due to temporary increases in SSCs and associated sediment deposition. The Inspectorate's comments at ID 3.5.1 apply equally to this matter. The Inspectorate advises that this matter should be scoped into the assessment, or the ES should demonstrate, with evidence of agreement from relevant consultation bodies, that likely significant effects would not occur.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.4	Table 7.27	Colonisation of hard structures (construction and decommissioning)	The Scoping Report does not provide justification for scoping this matter out from these two phases of the proposed development. The Inspectorate considers that colonisation of hard structures may occur during construction and therefore the Inspectorate does not agree to scope this matter out. The construction and decommissioning phase may also result in the introduction of INNS. The ES should assess impacts of colonisation of hard structures during construction and decommissioning where significant effects are likely to occur, or demonstrate, with evidence of agreement from relevant consultation bodies, that LSE would not occur.
3.5.5	Table 7.27	EMF from subsea electrical cabling (construction and decommissioning)	On the basis that cables would not be live until the beginning of operation, the Inspectorate agrees to scope out impacts from EMF during construction and decommissioning, as there would be no pathway for effect.
3.5.6	Table 7.28	Accidental release of pollutants (all phases)	The Inspectorate agrees that this matter can be scoped out on the basis that the mitigation measures proposed within the outline management plans, including MPCP, are sufficient to address the likely impacts and avoid a likely significant effect. The ES should include details of the mitigation and explain how its delivery is assured with reference to relevant documents.
3.5.7	Table 7.28	Underwater sound from vessels (all phases)	This matter is proposed to be scoped out on the basis that vessels associated with the proposed development would not represent a likely significant change from the existing baseline noise levels of shipping in the area, and thus is unlikely to add significant underwater sound over baseline levels. The Scoping Report states that underwater sound generated by vessels is likely to be low and potential impacts to fish and shellfish receptors are only likely to occur if individuals remained within their immediate vicinity (i.e. within metres) for several hours/ days and this is stated to be highly unlikely to occur. The Inspectorate does not agree that significant effects relating to underwater noise associated with vessels is unlikely. The Scoping Report does not provide information to demonstrate that noise would be localised or evidence of the level of background noise

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			that is currently present. It is noted that information concerning the underwater noise levels associated with vessels is proposed to be analysed and assessed as part of the underwater sound modelling study to inform the underwater noise ES chapter. In the absence of confirmed construction details the Inspectorate considers that this matter should be scoped in for further assessment or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.5.8	Table 7.27	Thermal emissions from operational cables (all phases)	As the cable would not be in operation during construction or either decommissioning phase options, the Inspectorate agrees that an assessment of thermal emissions can be scoped out of assessment for these phases of the proposed development. For reasons explained in respect of benthic receptors ID 3.4.8 above, the Inspectorate agrees that as cables are proposed to be buried at depths of between 0.5 and 2.5m, or where this is not practicable, be surrounded by cable protection measures (Scoping Report table 3.2 and paragraph 3.4.3.16), significant effects on fish and shellfish receptors due to thermal emissions are unlikely to occur. The Scoping Report includes commitments to developing and adhering to CSIP (table 7.5 of Scoping Report) and concludes there is limited scope for impacts to fish and shellfish due to heat from operational subsea cables. On this basis, the Inspectorate agrees this matter can be scoped out.

ID	Ref	Description	Inspectorate's comments
3.5.9	Table 7.21	Legislation	The table does not include any reference to the Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009, although these are noted to be reference in chapter 8.3 of the Scoping Report. The fish and shellfish chapter of the ES should include references to relevant legislation.
3.5.10	Section 7.5.5	Baseline	The applicant is directed to the comments of the EA at appendix 2 to this Opinion with regards to the potential presence of eels in the vicinity of the proposed development.

ID	Ref	Description	Inspectorate's comments
3.5.11	Table 7.29	INNS	This chapter of the Scoping Report contains limited reference to the potential impact associated with spreading of INNS. The Inspectorate notes proposed mitigation measure MM-6, which includes a commitment to include measures within the outline CoCP, such as the Biosecurity Plan, to control the spread of INNS and mitigate impacts on fish and shellfish receptors. The ES should include details of the mitigation and explain how its delivery is assured with reference to relevant documents.

3.6 Marine Mammals

(Scoping Report Section 7.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Paragraph 7.6.5.64	Species scoped out of the assessment	Paragraph 7.6.5.64 proposes to scope the following species out of the impact assessment as they are considered to be rare or occasional visitors and/ or occur in very low numbers in the marine mammal study area: • harbour seal (depending on the results of the telemetry study) • short-beaked common dolphin • Atlantic white-sided dolphin • Risso's dolphin • killer whale • long-finned pilot whale • pygmy sperm whale • sei whale The Scoping Report acknowledges that these species are protected by legislation, including some that are protected under Annex II of the Habitats Regulations, regardless as to whether they are important ecological features. The ES should include details of the mitigation measures proposed to ensure compliance with legislation and explain how its delivery is assured with reference to relevant documents. The applicant's attention is directed to the comments of Natural England in appendix 2 to this Opinion regarding the scoping out of the above species. In the absence of agreement with consultation bodies, the Inspectorate does not agree to scope out the above species from further assessment at this stage. The ES should include an assessment of potential

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			impacts on these species, where LSE could occur or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.6.2	Table 7.34	Injury and disturbance from underwater sound generation from UXO clearance (operation and decommissioning)	On the basis that UXO clearance would take place during the construction phase and would not be required during operation or decommissioning phases, the Inspectorate is content to scope this matter from further assessment.
3.6.3	Table 7.34 and table 7.35	Injury to marine mammals due to collision with vessels (operation)	The Scoping Report states at table 7.35 that O&M vessels will transit slowly through the proposed development and will adhere to the Scottish Marine Wildlife Watching Code. The Inspectorate notes the proposed mitigation measure MM-78, which describes that a Vessel Management Plan (VMP) will be developed to reduce disturbance to marine mammal receptors from transiting vessels, and that vessels will transit slowly through the proposed development, with all vessel operators to adhere to the Scottish Marine Wildlife Watching Code and Defra Marine and Coastal Wildlife Code. The justification does not expand on why construction and decommissioning phase collision is scoped in and O&M scoped out. However, the Inspectorate considers that due to the likely reduced numbers of vessels involved in O&M activities and with the mitigation measures to be secured, this matter can be scoped out of the assessment for the operational phase. The ES should explain how the VMP will be secured. The Inspectorate also advises that the applicant should provide an outline VMP to demonstrate how effects on marine mammals would be minimised.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.4	Table 7.34	Disturbance to marine mammals from pre-construction site investigation surveys (operation and decommissioning)	On the basis that pre-construction site investigation surveys are not required for the operation and decommissioning phases, this matter can be scoped out of the assessment for those phases.
3.6.5	Table 7.35	Injury and disturbance from underwater sound generated by piling (all phases)	The Scoping Report confirms that no underwater piling is proposed. On this basis the Inspectorate is content to scope this matter out of further assessment.
3.6.6	Table 7.35	Accidental pollution (all phases)	The Inspectorate agrees that this matter can be scoped out on the basis that the mitigation measures proposed within the outline management plans, including MPCP, should be sufficient to address the likely impacts and avoid a likely significant effect. The ES should include details of the mitigation and explain how its delivery is assured with reference to relevant documents.
3.6.7	Table 7.35	Increased SSC and associated sediment deposition (all phases)	Regarding increased suspended sediments, the Inspectorate is content that impacts on marine mammals (apart from impacts to prey resource, which is scoped in) are not likely to result in significant effects and can be scoped out of further assessment.
3.6.8	Table 7.35	Impact of EMF (from surface laid or buried cables) (operation)	The Inspectorate notes the references to studies and literature in the Scoping Report and based on the information provided, agrees that this matter can be scoped out. The Inspectorate acknowledges that this is an evolving matter and as such, agreement should be sought from the relevant conservation bodies.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.9	Table 7.35	Effects of the particle motion element of underwater sound on marine mammals (all phases)	This matter is proposed to be scoped out on the basis that there is no evidence that particle motion has any effect on marine mammals. The Inspectorate is content to scope this matter from the assessment on this basis.

ID	Ref	Description	Inspectorate's comments
3.6.10	Sections 7.6.4 and 7.6.5	Baseline data, surveys and characterisation	The Inspectorate notes the comment from Natural England in relation to baseline data (see appendix 2 of this Opinion). The applicant should seek to agree the approach to baseline characterisation with relevant consultation bodies, including Natural England.
3.6.11	Table 7.34	Impacts - UXO and noise generating activities	The applicant's attention is directed to the comments of Natural England regarding policy and guidance available in respect of noise activities in the marine environment, including UXO. The applicant should seek to agree the approach to the assessment of noise impacts to marine mammals with relevant consultation bodies, including Natural England and the Marine Management Organisation.

3.7 Offshore and Intertidal Ornithology

(Scoping Report Section 7.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Table 7.44	Indirect impacts from underwater sound affecting prey species (operation)	The Scoping Report does not provide justification for scoping out this matter during the operational phase. It acknowledges that disturbance related impacts associated with the operation of vessels may occur. As the O&M activities are not fully described, the Inspectorate does not feel that it has sufficient justification to agree to scope this matter out of further assessment. The ES should include an assessment of indirect impacts from underwater sound affecting prey species during the operational phase, with reference to O&M activities, or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
3.7.2	Table 7.44	Temporary habitat loss/disturbance from increased SSCs, including indirect impacts on prey species (operation)	As per comment ID 3.7.1 above, the Scoping Report does not include justification as to why this matter is to be scoped out during operation, in particular in respect of O&M activities. The ES should include an assessment of temporary habitat loss/ disturbance from increased SSCs, including indirect impacts on prey species during the operational phase, with reference to O&M activities, or the information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
3.7.3	Table 7.45	Accidental pollution (all phases)	The Inspectorate agrees that this matter can be scoped out on the basis that the mitigation measures proposed within the outline management plans, including MPCP, should be sufficient to address the likely impacts and avoid a likely significant effect. The ES should include details of the mitigation and explain how its delivery is assured with reference to relevant documents.
3.7.4	Section 7.7.3	Study area, including assessments of ornithological	The Inspectorate notes the intention to assess ornithological receptors in both terrestrial ecology and ornithology and in the offshore ornithology ES chapters, and thus the potential for effects to be assessed on the same ornithological receptor but presented within the two different aspect chapters. The ES should clearly identify likely significant

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		receptors between ES chapters	effects to important ecological features, including ornithology receptors, and provide appropriate cross-reference to the findings of other relevant ES assessments to avoid duplication, whilst maintaining clarity of assessment.
3.7.5	Paragraph 7.7.4.4	Site-specific surveys	The Inspectorate notes the location of the intertidal surveys, which were undertaken over a 12-month period in 2023/ 2024. The applicant is directed to the comments of Natural England in appendix 2 to this Opinion with regards to site-specific surveys for the proposed development. The applicant should make effort to agree the scope and adequacy of surveys with relevant consultation bodies, including Natural England.

3.8 Commercial Fisheries

(Scoping Report Section 7.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 7.50	Temporary loss or restricted access to fishing grounds (operation)	The Scoping Report supporting text is contrary to the proposed justification to support the scoping out of this matter, stating that O&M work could cause temporary loss or restricted access to fishing grounds. On this basis the Inspectorate is not able to scope this matter out of further assessment. The ES should include an assessment of potential impacts on this matter, where LSE could occur or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.8.2	Table 7.50	Long term loss or restricted access to fishing grounds (construction and decommissioning)	The proposed timescales for construction and decommissioning could still be lengthy enough for potential LSE to occur. On this basis the Inspectorate is not able to agree to scope this matter out. This matter should be included in the assessment, unless agreement with the relevant consultation bodies is agreed to scope this matter out.

3.9 Shipping and Navigation

(Scoping Report Section 7.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Table 7.54	Reduced access to local ports and harbours (operation)	The Scoping Report states that it is anticipated that there will be minimal vessel traffic during operation. On the basis that reduced access to local ports is unlikely during operation with minimal additional vessel traffic, the Inspectorate is content that this matter can be scoped out of further assessment.
3.9.2	Table 7.54	Disruption to fishing and recreational activities (operation)	The Scoping Report states that it is anticipated that there will be minimal vessel traffic during operation. On the basis that there will be minimal additional vessel traffic during operation, the Inspectorate is content that this matter can be scoped out of further assessment.
3.9.3	Table 7.54	Disruption to third party marine activities (i.e. dredging) (operation)	As the location of the cable has not been finalised, it is unclear whether the cable in situ will restrict any marine activities i.e. dredging. The Inspectorate does not agree that this matter can be scoped out of the assessment for this phase. The ES should include an assessment of this matter, where likely significant effects could occur.
3.9.4	Table 7.54	Reduction of under-keel clearance as a result of subsea infrastructure (construction and decommissioning)	The Inspectorate considers that the presence of infrastructure could result in a reduction in under keel clearance during the construction phase as it progresses and also remain until removed entirely (where removal is sought). The Inspectorate does not agree this matter can be scoped out of the assessment for these phases of the proposed development. The ES should include an assessment of this matter, where likely significant effects could occur
3.9.5	Table 7.54	Anchor interactions with subsea cables (construction and decommissioning)	The Inspectorate considers that the presence of infrastructure would result in anchor interactions during the construction phase as it progresses and also remain until removed entirely (where removal is sought). Therefore, the Inspectorate does not agree this matter can be scoped out of the assessment for these phases of the proposed development. The

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			ES should include an assessment of this matter, where likely significant effects could occur.
3.9.6	Table 7.54	Fishing gear interactions with subsea cables from a navigational safety perspective (construction and decommissioning)	The Scoping Report states that the designed in mitigation will be sufficient to avoid LSE in the construction and decommissioning phases. The proposed mitigation seems reasonable to avoid LSE, therefore the Inspectorate is able to agree to scope this matter out for these phases. The applicant's attention is drawn to the response from the Maritime and Coastguard Agency at appendix 2 of this Opinion, whereby there is a requirement to provide a Navigation Risk Assessment. This should be submitted and secured within the DCO.
3.9.7	Table 7.54	Interference with navigation, communications and position fixing equipment (construction and decommissioning)	The Scoping Report states that the designed in mitigation will be sufficient to avoid LSE in the construction and decommissioning phases. The Inspectorate is content that the proposed mitigation is sufficient to avoid LSE and agrees that this matter can be scoped out of further assessment.

3.10 Marine Archaeology

(Scoping Report Section 7.10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.10.2	Paragraph 7.10.3.1	Study area	A 2km buffer around the scoping boundary is proposed to encompass the study area, however limited justification regarding this has been included. The ES should confirm why this study area is appropriate in accordance with relevant guidance and agreement with the relevant statutory consultation bodies.
3.10.3	Table 7.61	Unknown archaeological receptors	This table identifies the potential impacts for the proposed assessment but there is no consideration of presently unknown archaeological receptors. This matter should be scoped into the assessment. The applicant's attention is drawn to the comments from Historic England at appendix 2 of this Opinion. The ES should include an assessment of potential impacts on archaeological receptors, where LSE could occur or the ES should otherwise explain, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.

3.11 Other Sea Users, Marine Infrastructure and Communications

(Scoping Report Section 7.11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Table 7.65	Interference with offshore microwave fixed communication links (construction and decommissioning)	The Inspectorate accepts that interference with offshore microwave fixed communication links between offshore oil and gas platforms is likely to be limited to the operational phase. However, the applicant should ensure consultation with relevant operators addresses potential effects prior to full operation as above, and if any effects are identified these should be assessed in the ES.
3.11.2	Table 7.66	Increased suspended sediment concentrations and associated deposition affecting aggregate extraction areas	Given the information in the Scoping Report demonstrating the absence of aggregate extraction areas within the study area, the Inspectorate agrees that no impact pathway exists. The Inspectorate agrees to scope this matter out of the ES, subject to any changes to aggregate extraction areas that may occur as the EIA is refined.
3.11.3	Table 7.66	Alterations to sediment transport pathways affecting aggregate extraction areas	Given the information in the Scoping Report demonstrating the absence of aggregate extraction areas within the study area, the Inspectorate agrees that no impact pathway exists. The Inspectorate agrees to scope this matter out of the ES, subject to any changes to aggregate extraction areas that may occur as the EIA is refined.
3.11.4	Table 7.66	Impacts on carbon capture storage (CCS)	The Scoping Report seeks to scope this matter out on the grounds that there would be no spatial overlap with existing or proposed CCS sites so there would be no pathway for LSE. The Inspectorate agrees that this matter can be scoped out of further assessment. Should proposed CCS sites be identified within the study area in future, the ES would need to address this matter.

4. ENVIRONMENTAL ASPECT COMMENTS – ONSHORE

4.1 Ground Conditions and Contamination

(Scoping Report Section 8.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	Table 8.3	Permanent loss of or damage to a locally or nationally important geological feature (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of permanent loss of or damage to a locally or nationally important geological feature during operation and decommissioning on the basis that any loss of or damage to a locally or nationally important geological feature would occur during construction and is therefore scoped in for construction. The Inspectorate agrees this matter can be scoped out of further assessment.
4.1.2	Table 8.3	Temporary loss of access to geological features with statutory conservation designations (operation)	The Scoping Report proposes to scope out an assessment of temporary loss of access to geological features with statutory conservation designations on the basis that loss of access in unlikely during operation. This matter is scoped in for construction and decommissioning as the three corridors and landfall options cross through Sites of Special Scientific Interest (SSSIs) designated for their geological features. The Inspectorate agrees this matter can be scoped out of further assessment.
4.1.3	Table 8.3	Sterilisation of mineral resources due to permanent development in or near existing or allocated mineral sites (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of sterilisation of mineral resources due to permanent development (including landfall, onshore substation, and buried cables) in or near existing or allocated mineral sites during operation and decommissioning on the basis that this effect would be assessed for the construction phase. The Inspectorate agrees this matter can be scoped out of further assessment.
4.1.4	Table 8.3	Temporary sterilisation of mineral resources	The Scoping Report proposes to scope out an assessment of the temporary sterilisation of mineral resources during operation on the basis that this matter is likely to occur during

		due to construction activities such as presence of temporary construction compounds (operation)	construction or decommissioning The Inspectorate agrees this matter can be scoped out of further assessment.
4.1.5	Table 8.4	Accidental release of contaminants to ground (operation)	The Scoping Report seeks to scope out this matter on the grounds that the proposed development will be designed and constructed to comply with industry good practice for pollution prevention, the above ground infrastructure will be secure and only accessible to suitably trained and authorised workers, and all operations will be subject to the Health and Safety at Work Act (1974), and regulations made under this Act. The Inspectorate notes that effects from the release of contaminants to ground or surface water due to during construction and decommissioning would be assessed as part of the ES. The Inspectorate agrees that the potential for such effects during operation are capable of mitigation through standard management practices and can be scoped out of the assessment. The ES should provide details of the proposed mitigation measures to be included in the Environment Management Plan. The ES should also explain how such measures will be secured.
4.1.6	Table 8.4	Health effects on groundworkers due to land contamination (all phases)	The Scoping Report proposes to scope out this matter on the basis that direct contact, inhalation and/ or ingestion of contaminants in or on the ground is not anticipated to result in a LSE during construction, O&M or decommissioning. The Scoping Report states that any work that may bring workers into contact with contaminants would be subject to The Construction (Design and Management) Regulations 2015 (CDM), the Health and Safety at Work Act (1974) and legal obligations for appropriate risk assessments. The Inspectorate has considered the characteristics of the proposed development and is content that the operational and maintenance phase is unlikely to result in significant human health effects on groundworkers from exposure to contaminants. As such, an assessment of the O&M phase can be scoped out of further assessment. However, in the absence of further information about the site, such as a Phase 1 Geo-environmental Desk Study at this stage, it is unclear whether the potential for exposure during the construction and decommissioning phase. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not in

			a position to agree to scope these matters from the assessment. The ES should include an assessment of the likely significant effects on human health resulting from exposure to contaminants during construction and decommissioning, or provide evidence to demonstrate the absence of LSE including evidence of agreement with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
4.1.7	Paragraph 8.1.3.2	Study area	A 250m buffer is proposed around the scoping boundary for the study area. The applicant's attention is drawn to comments from the Environment Agency stating that this is insufficient and noting that several sites within this scoping boundary have been omitted. The applicant should seek to agree a study area with the relevant consultation bodies, state why this is appropriate in accordance with relevant guidance and ensure all sites and receptors within the scoping boundary are included within the assessment.
4.1.8	Table 8.2	Sources of baseline data	The applicant's attention is drawn to the Environment Agency's comments in appendix 2 of this Scoping Opinion which gets out several sources of baseline data. The Inspectorate advises that these should be taken into account to ensure assessments are informed by a robust baseline.
4.1.9	Section 8.1.2 and Table 8.1	Guidance document	The Inspectorate also suggests consideration of the Institute of Environmental Management and Assessment (IEMA) Guidance – Land and Soil in EIA (2022).

4.2 Water Resources and Flood Risk

(Scoping Report Section 8.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	Table 8.23	Landfall cables and associated earthworks resulting in potential impacts on water quality or flood risk (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of impacts on water quality or flood risk from landfall cables and associated earthworks during operation and decommissioning, on the basis that O&M activities are likely to be small-scale and landfall cables will be left in situ during decommissioning. The Inspectorate notes the concerns expressed by the Environment Agency in appendix 2 of this Scoping Report and therefore does not agree to scope this matter out of further assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
4.2.2	Table 8.23	Onshore cable construction (including watercourse crossings) and associated earthworks resulting in a potential impact on water quality, hydromorphology, groundwater levels and flood risk (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of onshore cable construction and associated earthworks resulting in a potential impact on water quality, hydromorphology, groundwater levels and flood risk during operation and decommissioning phases on the basis that this effect is only likely to occur during construction. The Inspectorate notes the concerns expressed by the Environment Agency in appendix 2 of this Scoping Report and therefore do not agree to scope this matter out of further assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

4.2.3	Table 8.23	Substation construction and associated earthworks resulting in a potential impact on water quality, hydromorphology, groundwater levels and flood risk (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of substation construction and associated earthworks during the operation and decommissioning phases. The Inspectorate is content to scope this matter out during operation. However, the Inspectorate notes the concerns expressed by the Environment Agency in appendix 2 of this Scoping Report and therefore do not agree to scope this matter out of further assessment during decomissioning. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE during decomissioning.
4.2.4	Table 8.24	O&M activities resulting in a potential impact on groundwater levels	The Inspectorate agrees that as a result of the limited land disturbance during the operational and maintenance stage it is unlikely for such activities to culminate in significant effects. This matter can be scoped out of further assessment.
4.2.5	Table 8.24	Decommissioning activities resulting in a potential impact on groundwater levels	The Scoping Report states that sub-surface infrastructure will be left in place in the decommissioning phase and there will be no dewatering works. The Inspectorate agrees that where the proposed development is to be left in situ and there would be no disruption of flow to ground water arising from decommissioning activities, this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
4.2.6	Table 8.26 MM-60	Watercourse crossings	The Scoping Report suggests that crossings of sensitive watercourses may be required. The ES should describe the nature of any proposed works within or in proximity of sensitive watercourses. Information should be provided regarding the location, scale, and dimensions of any proposed watercourse crossings/ instream structures, as well as the nature of any associated construction works. The ES should consider the potential of such works to negatively impact watercourses within the study area, including the ecological status of any watercourses protected under the Water Framework Directive.

4.2.7	Table 8.26 MM-26	Sustainable drainage system (SuDS)	The Scoping Report states that to minimise flood risk during operation and maintenance, SuDS will be implemented into the design. The ES should describe the location and design of the SuDS, including on a figure(s) or cross-refer to the relevant section of any Flood Risk Assessment for the proposed development.
4.2.8	Section 8.2.4	Data sources – flood and coastal erosion risk data	The Environment Agency has published new flood and coastal erosion risk data in 2025 following the release of its "National assessment of flood and coastal erosion risk in England 2024". Further updates are also expected to follow. The applicant should ensure that assessments take account of updated data sets as these become available through Defra's Data Services Platform. Where relevant, the applicant is encouraged to liaise with the EA to determine the implications for project design and the scope of assessments.

4.3 Terrestrial Ecology and Ornithology

(Scoping Report Section 8.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	Table 8.42	Temporary and permanent impacts, both direct and indirect, to habitats and species within the proposed development Scoping Boundary and relevant zone of influence (ZoI) (operation and decommissioning)	This matter as listed in table 8.42 of the Scoping Report is very broad (i.e. permanent and temporary impacts, direct and indirect, on species and habitats). It is not clear what specific impacts are proposed to be scoped in or out, particularly in respect of the operation and decommissioning, as justification for scoping out these phases is not provided. It is also unclear whether this matter includes impacts on designated sites. The ES should make clear the specific impacts considered in the ES. For ease of understanding these should be broken down further e.g. habitat loss, disturbance etc. With regards to the operational phase, it is unclear at this stage whether there would be any LSE on important ecological features during the O&M phase arising from temporary/ permanent impacts on habitats and species. As the O&M activities are not fully described and the important ecological receptors not yet determined, the Inspectorate considers that it does not have sufficient justification to agree to scope this matter out for the operational phase. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope these matters from the assessment. The ES should include an assessment of impacts at all phases of the proposed development, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE. With regards to decommissioning impacts see comments at ID 4.3.5 below. On the basis that the cable would remain buried, the Inspectorate is content to scope out an assessment of decommissioning impacts associated with the buried cable. The ES should, however, consider likely impacts associated with the removal of above ground infrastructure, where likely significant effects to habitats and species could occur.
4.3.2	Table 8.42	Potential damage, degradation or loss of	The Scoping Report provides little justification in support for scoping this matter out for the operation and decommissioning phases. Reference is made only to construction phase

		habitats within designated conservation sites (operation and decommissioning)	activities. As the precise cable route has not yet been determined and thus the proximity of designated sites to the proposed development, the ES should include an assessment of potential damage, degradation or loss of habitats at designated sites during all phases of the proposed development, where LSE could occur. The assessment of impacts on designated sites should include consideration of direct effects, together with effects arising from pollution, hydrological changes, and changes to air quality, where LSE could occur. The assessment should be informed by the findings of other ES chapters, for example air quality and water quality. The applicant's attention is directed to the comments of Natural England in appendix 2 of this Opinion with regards to designated site information and potential effect pathways. The applicant should seek to agree the scope of the assessment, including that for designated sites with relevant consultation bodies, including Natural England.
4.3.3	Table 8.42	Habitat fragmentation and impacts on species dispersal, including protected and/ or notable species, and species listed on designated site citations. Direct removal and/or degradation of irreplaceable, protected or notable habitats (operation and decommissioning)	The Scoping Report provides little justification to scope this matter out for the operation and decommissioning phases. Although O&M activities are likely to be small scale and infrequent, it is unclear at this stage whether decommissioning activities would result in direct removal or degradation of irreplaceable, protected or notable habitats. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to scope these matters from the assessment. The ES should include an assessment of this matter, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
4.3.4	Table 8.42	Damage or destruction of bird nests, and loss of roosting, breeding, foraging, hibernating or resting habitat of	It is unclear from the description in table 8.42 whether this potential impact relates to the works at the substation only or the entire onshore scheme. Similarly, no justification has been provided to explain why this matter is to be scoped out during operation and whilst sensitive clearance is identified for the construction phase at table 8.44, it is unclear if this would continue for O&M. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not able to agree to

		protected and/or notable species (operation)	scope this matter from the assessment. The ES should include an assessment of this matter, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
4.3.5	Table 8.43	Temporary and permanent impacts, both direct and indirect, to habitats and species and designated sites as a result of decommissioning activities along the cable corridor, including at the landfall	The Scoping Report states that cable would be left in situ once decommissioned and therefore any habitats and species and designated sites above or in close proximity to the underground cable would remain undisturbed. The Inspectorate agrees that where the proposed development cable corridor elements are to be left in situ and there would be no impacts to habitats, species or designated areas from decommissioning activities along the cable corridor, this matter can be scoped out of the assessment. The ES should, however, consider likely impacts associated with the removal of above ground infrastructure, where likely significant effects to habitats, species and designated sites could occur.
4.3.6	Section 8.3.11	Transboundary impacts	The Inspectorate is not able to agree to scope this matter out until it has undertaken its own transboundary screening. See the Inspectorate's comments at ID 2.2.4 of this Opinion.

ID	Ref	Description	Inspectorate's comments
4.3.7	Table 8.35, Table 8.39 and Table 8.40, figures 8.13 and 8.14	Study area/ ZoI	The Scoping Report states that the assessment would consider nationally and locally statutory designated sites within a 10km buffer where there are bat and/ or ornithological interest features. At present, tables 8.39 and 8.40 do not include any such sites beyond a 2km buffer. Figures 8.13 and 8.14 do however show there are SSSIs beyond the 2km buffer. The ES should include an assessment of all designated sites within the ZoI, where LSE could occur. The ES should be accompanied by a clear figure presenting the designated sites, including SSSIs designated for bats and/ or ornithological interest within the proposed 10km ZoI and considered in the assessment. At present the 10km buffer/ ZoI is not presented. The figures should include a clear key and labels to identify designated sites, including SSSIs.

4.3.8	Table 8.35	ZoI for watercourses	The ZoI from the proposed development to mapped waterbodies and watercourses should consider potential hydrological links rather than limiting the study area to 250m, particularly where support migratory fish may be present.
4.3.9	Table 8.44 and table 8.47	Guidance	The bats and artificial lighting guidance referenced in tables 8.44 and 8.47 has been updated. See Institution of Lighting Professionals (ILP) and Bat Conservation Trust (BCT) Guidance Note GN08/23: Bats and Artificial Lighting At Night (2023). The ES should refer to the latest ILP/ BCT guidance to inform the principles of the lighting design and mitigation.
4.3.10	Table 8.44	Mitigation MM10 – ancient woodland	The proposed development should avoid ancient woodland as an irreplaceable habitat. The Scoping Report refers to depth of trenchless technique; however, it is not clear if this is to be employed for woodland at this stage. If a trenchless technique is to be used to install the cable beneath areas of ancient woodland, the ES should include an assessment of effects on the woodland, including any indirect hydrological changes, where LSE could occur. Any mitigation relied upon should be clearly described, including how it is to be secured.
4.3.11	Table 8.47	District Level Licensing (DLL)	It is noted that discussions are ongoing with Natural England regarding the approach to great crested newts (GCN) surveys, assessment and mitigation, and regarding the use of DLL. The Inspectorate understands that the DLL approach includes strategic area assessment and the identification of risk zones and strategic opportunity area maps. The ES should include information to demonstrate whether the proposed development is located within a risk zone for GCN. If the applicant enters into the DLL scheme, Natural England will undertake an impact assessment and inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the proposed development is likely to have a significant effect on GCN. The outcome of this assessment will be documented on an Impact Assessment and Conservation Payment Certificate (IACPC). The IACPC can be used to provide additional detail to inform the findings in the ES, including information on the proposed development's impact on GCN and the appropriate compensation required.

4.3.12	Table 8.74	Further surveys considered – freshwater habitats and species	The applicant should seek to agree the scope of further surveys required and appropriate methodologies with relevant consultation bodies, such as the Environment Agency.
4.3.13	Section 8.3.9	Cumulative impacts	The applicant's attention is directed to the comments of Natural England in appendix 2 to this Opinion regarding a potential project to consider for the cumulative assessment. This includes potential future repair works to Northumbrian Water Sewage Treatment Works on the edge of Hawthorn Dene SSSI. The ES should consider potential hydrological impacts to the SSSI, including potential cumulative effects, where LSE could occur.
4.3.14	N/A	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

4.4 Archaeology and Cultural Heritage

(Scoping Report Section 8.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.4.1	Table 8.51	Permanent loss of archaeological remains and loss of historic landscape features (operation and decommissioning)	The Scoping Report proposes to scope in an assessment of the permanent loss of archaeological remains and loss of historic landscape features during the operation and decommissioning phases on the basis that this effect is likely to occur during construction from land preparation such as earthworks and excavation. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation and decommissioning.
4.4.2	Table 8.51	Perceptual change to historic landscape features (construction)	The Scoping Report proposes to scope out an assessment of perceptual change to historic landscape features arising from above ground infrastructure during the construction phase on the basis that above ground infrastructure will not yet be erected. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for construction.
4.4.3	Table 8.52	Adverse physical impacts on archaeological remains, outside of the scoping boundary (construction)	The Scoping Report proposes to scope out adverse physical impacts on archaeological remains outside of the scoping boundary during construction on the basis that no direct disturbance, damage, or alteration would arise to archaeological remains located outside of the scoping boundary. The Inspectorate agrees that this matter can be scoped out of further assessment.
4.4.4	Table 8.52	Temporary change to setting of heritage assets (construction)	The Scoping Report proposes to scope out temporary change to setting of heritage assets during the construction phase on the basis that impacts arising through change to setting during the construction phase (both onshore and offshore) will be temporary and as such are not deemed to be significant. The Inspectorate notes that within table 8.51 the applicant proposes to scope in change within the setting of heritage assets during the operation and decommissioning phases (assumed to be the lifecycle of the structure).

			The Scoping Report does not provide justification as to why all project phases will not temporarily change the setting of heritage assets. Additionally, the layout of the proposed development has not been finalised. If these were to be located close to a heritage asset, this could result in a significant effect. The Inspectorate does not have sufficient information to agree to scope this matter out. Accordingly, the ES should include an assessment of this matter or evidence demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
4.4.5	Table 8.52	Adverse physical impacts on archaeological remains within the scoping boundary (operation and decommissioning)	The Scoping Report proposes to scope this matter out on the basis that archaeological remains within the scoping boundary will have been removed, following appropriate mitigation during the construction phase. The Inspectorate considers that potential indirect impacts to archaeology remaining in situ during the operation may include impacts from alteration of drainage patterns as a result of the existence of the proposed development. Furthermore, there is potential for ground disturbance during decommissioning and effects are likely to be similar to those experienced during construction. Accordingly, the ES should include an assessment of this matter or demonstrate the absence of likely significant effects with agreement from the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
4.4.6	Section 8.4.3	Study area	The study areas presented in the Scoping Report need to be justified in accordance with relevant guidance and agreed with the relevant statutory consultation bodies.
4.4.7	n/a	Guidance and baseline	The Inspectorate notes that the assessment criteria primarily relies on a desk-based evaluation. The applicant's attention is drawn to the response of Durham Country Council in appendix 2 of this Scoping Opinion, which emphasises the importance of undertaking fieldwork investigations, recommends explicitly acknowledging the assessment criteria limitations within in the ES and includes wording to reflect the necessity of pre-determination fieldwork.
4.4.8	n/a	Setting of heritage assets	The applicant's attention is drawn to the response of Historic England in appendix 2 of this Scoping Opinion, which includes guidance on managing change within the settings of heritage assets and a list of designated heritage assets, which may provide

			information of relevance to establishing the baseline and/ or assessment approach in the ES.

4.5 Traffic and Transport

(Scoping Report Section 8.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	Table 8.61	O&M traffic and transport impacts	The Scoping Report proposes to scope out operational phase traffic and transport on the basis that operational traffic will consist of maintenance activities which is anticipated to be minimal. The Inspectorate agrees to scope this matter out subject to confirmation that the numbers and types of vehicles for all the operational phase is stated in the ES, with reference to relevant thresholds and agreement with relevant consultees that this matter would not give rise to a significant effect.

ID	Ref	Description	Inspectorate's comments
4.5.2	Paragraph 8.5.3.1	Study area	The proposed study area has not been defined within the text, however reference points for data collection and the relevant roads and strategic network are shown. The ES must provide a rationale for the study area used in the assessments and agree this where possible with the relevant consultation bodies.

4.6 Onshore Noise and Vibration

(Scoping Report Section 8.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	Table 8.70	Noise and vibration from the operation of the cable	The Scoping Report proposes to scope out an assessment of noise and vibration from underground cables during operation. The Inspectorate agrees that noise and vibration from the operation of the underground cable is unlikely to result in significant effects and is content that this matter can be scoped out of further assessment.
4.6.2	Table 8.70	Noise and vibration from the decommissioning of the cable	In the decommissioning scenario where the underground cables are left in-situ, the Inspectorate is content that this matter can be scoped out of further assessment. Should there be a possibility that the underground cables will be removed during decommissioning then an assessment of LSE will be required in the ES.
4.6.3	Table 8.70	Vibration from the O&M of the substation	Limited justification is presented for the proposed scoping out of this matter in the Scoping Report. The Inspectorate does not agree to scope this matter out given the uncertainties regarding the chosen location of the converter station and the proximity to sensitive receptors. The Scoping Report provides limited information regarding anticipated operational vibration levels. The ES should provide an assessment of operational vibration or information demonstrating the absence of likely significant effects, with evidence of any agreement with relevant consultation bodies.
4.6.4	Table 8.70	Traffic noise and vibration on existing road network (operation)	The Inspectorate agrees to scope this matter out on the basis that operational traffic movements are likely to be infrequent and unlikely to give rise to significant effects.
4.6.5	Section 8.6.5	Baseline	Several receptors have been identified, however the distance of the receptors from the proposed development and study areas has not been stated. A plan showing the locations of these identified receptors should be included in the ES.

4.7 Onshore Air Quality

(Scoping Report Section 8.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	Table 8.79	Emissions of air pollutants from traffic on roads (operation)	The Inspectorate agrees that it is unlikely that there would be a significant change in vehicle flows during operation and therefore it is also unlikely that significant effects would occur in respect of air quality. The ES should confirm that the anticipated road vehicle movements are below the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) screening values and provide the outcome of the operational screening assessment. Should the screening values be exceeded then an assessment of likely significant effects should be provided.
4.7.2	Table 8.79	Emissions of air pollutants from construction plant equipment on site (operation and decommissioning)	The Scoping Report proposes to scope out onshore plant generated impacts during O&M and decommissioning on the basis that the proposed development does not include proposals for any onshore plant which could generate air emissions. Any pollutants generated during decommissioning are anticipated to be less than half the amount generated during construction. On the basis that no significant emissions are likely to arise from operational plant, and any pollutants generated during decommissioning will be less than during construction, the Inspectorate agrees that this matter can be scoped out of the ES.
4.7.3	Table 8.79	Emissions of dust (operation and decommissioning)	This matter is proposed to be scoped out on the basis that onshore elements of the proposed development are unlikely to generate dust during O&M, and any dust generated during decommissioning will be less than half the amount generated during construction. The Inspectorate agrees that dust emissions associated with O&M and decommissioning of the proposed development are unlikely to result in significant effects, and this matter can be scoped out of the ES.
4.7.4	Table 8.79	Emissions of odour from (all phases)	The Inspectorate is content that there is unlikely to be significant emissions of odour during construction and therefore agrees that this matter can be scoped out of the air quality

			assessment. The Inspectorate notes the applicant's intention at commitment MM-49 to avoid areas of historic landfill through design. If historic landfill sites cannot be avoided then an assessment of LSE will need to be included within the ES.

ID	Ref	Description	Inspectorate's comments
4.7.5	Table 8.76	Guidance	The applicant's attention is drawn to the Defra advice '$PM_{2.5}$ Targets: Interim Planning Guidance'. The ES should explain how key sources of air pollution within the proposed development have been identified and how action has been taken to minimise emissions of $PM_{2.5}$ or its precursors.
4.7.6	Table 8.80	Sensitive sites	Where sensitive sites are listed, this should also include any historic landfill sites that are also proposed to be avoided to reflect the justification proposed in ID 4.7.4 above.

4.8 Land Use, Tourism and Recreation

(Scoping Report Section 8.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	Table 8.86	Temporary change to land use and/ or land cover temporarily restricting access to/ use of land used for public access, public open space, or other community activity (operation)	The Scoping Report proposes to scope out an assessment of temporary change to land use and/ or land cover used for public access, public open space, or other community activity during the operation phase on the basis that this effect is only likely to occur as a result of construction and decommissioning activities such as working corridors and temporary compounds. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out of assessment for operation.
4.8.2	Table 8.86	Temporary change to land use and/ or land cover temporarily restricting access to/ use of land for agriculture, forestry or commercial activity (operation)	The Scoping Report proposes to scope out an assessment of temporary change to land use and/ or land cover temporarily restricting access to/ use of land for agriculture, forestry or commercial activity during the operation phase on the basis that this effect is only likely to occur as a result of construction and decommissioning activities such as working corridors and temporary compounds. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out of assessment for operation.
4.8.3	Table 8.86	Construction of buildings, infrastructure, hardstanding resulting in permanent loss of agricultural land and soil due to soil removal or soil sealing due to land	The Scoping Report proposes to scope out an assessment of permanent loss of agricultural land and soil due to soil removal or soil sealing due to land use change to buildings or hard surfacing (e.g. concrete, paving slabs, tarmac etc.) during the operation and decommissioning phases. This matter is scoped in for construction on the basis that where the removal of naturally occurring soil or soil sealing takes place, it is considered to be a permanent effect which would occur during construction. Given the nature of the proposed development and the information provided within the Scoping Report, the

		use change to buildings or hard surfacing (operation and decommissioning)	Inspectorate agrees to scope this matter out of assessment for operation and decommissioning.
4.8.4	Table 8.86	Soil damage and damage to agricultural land (operation)	The Scoping Report proposes to scope out an assessment of soil damage and damage to agricultural land from use of construction vehicles, materials and equipment laydown and storage, handling and stockpiling of soils during the operation phase on the basis that this effect is likely to occur during construction and decommissioning. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation and decommissioning.
4.8.5	Table 8.86	Use of construction vehicles, materials and equipment laydown and storage, handling and stockpiling of soils resulting in soil damage and damage to agricultural land (operation)	The Scoping Report proposes to scope out an assessment of soil degradation and damage to agricultural land during the operation phase on the basis that soil disturbance, vegetation stripping, excavation and stockpiling of soils will only take place during the construction and decommissioning phases. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation.
4.8.6	Table 8.86	Soil disturbance and vegetation stripping, excavation and stockpiling of soils resulting in soil erosion and loss of organic matter resulting in soil degradation and damage to agricultural land. Potential for the	The Scoping Report proposes to scope out an assessment of degradation of topsoil due to mixing with subsoil, or contamination with other materials resulting in soil degradation and damage to agricultural land during the operation phase on the basis that this effect is likely to result from soil excavation, storage in stockpiles and handling which are only anticipated during the construction and decomissioning phases. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation and decommissioning.

		ALC grade to be lowered (operation)	
4.8.7	Table 8.86	Damage to existing land drainage, resulting in structural damage to soil, waterlogging or erosion of soil around damaged sections, increased surface run-off, and damage to agricultural land. (operation)	The Scoping Report proposes to scope out an assessment of damage to existing land drainage during the operational phase on the basis that this impact is likely to arise from ground excavation and use of plant during ground works during the construction and decomissioning phases. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation.
4.8.8	Table 8.87	Loss of soils or agricultural land (operation and maintenance and decommissioning)	The Scoping Report proposes to scope out loss of soils or agricultural land during the operation and maintenance and decommissioning phases given any loss of agricultural land will occur during the construction phase. Where there would be no further permanent losses during operational and maintenance or decommissioning activities that would result in likely significant effects on agricultural land, including Best Most Versatile (BMV), the Inspectorate is content that this matter can be scoped out of the impact assessment. However, the ES should clearly describe the assumptions made in respect of decommissioning and potential effects on agricultural land and make clear of the reasonings for the conclusions reached.

ID	Ref	Description	Inspectorate's comments
4.8.9	Section 8.8.3	Study area	The proposed study area of a 250m buffer beyond the scoping boundary has not been adequately justified in the Scoping Report. It is likely that a wider area may be required to address any tourism and recreation impacts. The ES should include justification for the proposed study area in accordant with relevant guidance and agreed where possible with the relevant statutory consultation bodies.

4.8.10	Section 8.8.5	Agricultural land	The ES should contain a clear tabulation of the areas of land in each BMV classification to be temporarily or permanently lost as a result of the proposed development, with reference to accompanying map(s) depicting the grades. Specific justification for the use of the land by grade should be provided. The applicant's attention is drawn to the comments from Natural England at appendix 2 of this Scoping Opinion. Consideration should be given to the use of BMV land in the applicant's discussion of alternatives.

5. ENVIRONMENTAL ASPECT COMMENTS – COMBINED OFFSHORE AND ONSHORE

5.1 Landscape and Visual Impact Assessment (LVIA)

(Scoping Report Section 9.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
5.1.1	Table 9.5	Receptors outside the zone of theoretical visibility (ZTV)	See also comment at ID 5.1.9 and 5.1.10 below. Provided that the ZTV is robust, the Inspectorate considers that significant effects are unlikely beyond this area and agrees that this matter can be scoped out of further assessment.
5.1.2	Table 9.5	National Character Areas (NCA) 15: Durham Magnesian Limestone Plateau	The Scoping Report proposes to scope this receptor from the assessment on the basis that the scale and nature of the proposed development relative to the scale of the NCA within which it is located is such that impacts are localised and not likely to significantly affect the character of the landscape. The Inspectorate considers that it would have been helpful to overlay the proposed development with the NCA to aid interpretation of the scoping out of this receptor. Given the location of the proposed development within the NCA and the absence of sufficient justification to support the scoping out, the Inspectorate cannot agree to scope out an assessment of the NCA at this stage. The ES should include an assessment of this receptor or provide information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
5.1.3	Table 9.5	Operational and decommissioning impacts on landscape receptors in relation to the landfall and onshore cable corridor	The Scoping Report states that operational impacts on landscape receptors are proposed to be scoped out as there would be no above ground structures, and that decommissioning impacts are proposed to be scoped out on the basis that infrastructure would remain in-situ. The Inspectorate agrees that in general the introduction of the underground cable is unlikely to give rise to significant long-term effects on landscape receptors during operation of the proposed development. However, it is unclear whether any easement required

			would result in permanent landscape changes and the potential for such effects should be considered. The ES should assess the potential for significant short-term effects during the beginning of the operational phase, as proposed reinstatement measures mature along the cable route. With respect to decommissioning, the Scoping Report states at paragraph 9.1.6.7 that it is anticipated that all above ground structures onshore will be removed at the end of the operational lifetime, but onshore export cables will be left in situ to minimise the environmental disturbance during decommissioning. On this basis, the Inspectorate agrees that impacts during the decommissioning of the landfall and onshore export cables are not likely to result in significant effects on landscape and visual receptors. This matter can be scoped out of further assessment.
5.1.4	Table 9.5	Operational and decommissioning impacts on visual receptors in relation to the landfall and onshore cable corridor	These impacts are proposed to be scoped out for the same reasons as ID 5.1.3 above. The Inspectorate agrees that operational and decommissioning impacts on visual receptors relating to the landfall and onshore cable corridor can be scoped out of the assessment. However as noted above, the ES should assess the potential for significant short-term effects during the beginning of the operational phase, as proposed reinstatement measures mature along the cable route.
5.1.5	Table 9.5	Seascape character impacts in relation to the onshore and offshore components (all phases)	Seascape character impacts are proposed to be scoped out at table 9.5 as significant impacts on the key characteristics of the Marine Character Areas (MCA) are considered unlikely. It is unclear whether this matter is intending to scope out MCAs, which have not been identified in the Scoping Report. If it is proposing to scope out all seascape character impacts from the onshore and offshore scheme, this appears contrary to the text table 9.4 in the Scoping Report for the construction phase in particular, which indicates that impacts on seascape from construction works in the intertidal and inshore areas at the landfall will be assessed within the ES. Given the nature of the proposed development, the Inspectorate is content that impacts on seascape character during operation and decommissioning of the landfall and onshore export cables are not likely to result in significant effects and can be scoped out. The ES should assess potential impacts on seascape character from construction of the landfall

			and export cables or include information to demonstrate agreement with the relevant consultation bodies and the absence of an LSE.
5.1.6	Table 9.5	Offshore export cable (operation and decommissioning)	O&M and decommissioning activities associated with the offshore export cables located below the sea are scoped out as there will be no visible elements above the sea. The Inspectorate is of the opinion that provided the offshore and onshore export cables remain in situ during and after the decommissioning phase, significant effects are unlikely, and this matter can be scoped out of further assessment. Similarly, the Inspectorate concurs that O&M activities for the offshore export cable are unlikely to give rise to significant effects and can be scoped out of further assessment.
5.1.7	Table 9.5	Construction associated with the offshore cables beyond 25km offshore	The Scoping Report states that significant impacts beyond 25km offshore are not likely due to minimal visibility of nearshore works and the transient nature of the offshore cable lay vessel. The Inspectorate considers that the ES should provide an assessment of the potential impacts of construction activities, including the presence and movements of associated vessels, on offshore visual receptors, such as recreational vessels, where significant effects are likely to occur. Consideration should also be given to the potential cumulative visual effects of offshore construction activities on receptors. Cross references to the Shipping and Navigation ES Chapter should be considered.

ID	Ref	Description	Inspectorate's comments
5.1.8	Paragraph 9.1.3.5 and figure 9.1	Study area	The ES should justify the study area used based on the worst-case scenario(s) and receptors likely to experience a significant effect and make effort to secure agreement with relevant consultation bodies.
5.1.9	Table 9.2 and Section 9.1.4	Data sources – ancient woodland inventory	The applicant is directed to the response of Durham County Council at appendix 2 to this Opinion regarding sources of ancient woodland data. The assessment should include reference to the Ancient Woodland Inventory maintained by Durham County Council, as

			referenced in the County Durham Plan, as a data source for ancient woodland and assess the presence of and potential effects on ancient woodland.
5.1.10	Paragraph 9.1.5.16	Viewpoints	Efforts should be made to agree the number and location of viewpoints and photomontages with relevant consultation bodies, including the host local authorities. The ES should include confirmation of the consultation undertaken, together with evidence of agreement about the final viewpoints selected. Where any disagreement remains, an explanation as to how the final selection was made should be provided. The ES should include a plan to illustrate the location of viewpoints in relation to the proposed development. Consideration should be given to the production of night-time visualisations to support the assessment of effects from lighting requirements.
5.1.11	Section 9.1.5	Cultural heritage receptors	The applicant is advised to include heritage specific viewpoints, as appropriate, to support the heritage assessment. Suitable cross-referencing between the LVIA aspect chapter and Cultural Heritage aspect chapter should be included in the ES. The applicant's attention is also directed to the comments of Durham County Council at appendix 2 to this Opinion, and the recommendation to also consider non-designated heritage assets identified in the County Durham Local List of Historic Parks, Gardens, and Designed Landscapes and include in the assessment. The applicant should make effort to agree the heritage-specific viewpoints and heritage assets to be included in the assessment with the relevant consultation bodies, where possible.

5.2 Human Health

(Scoping Report Section 9.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
5.2.1	Paragraph 9.2.3.1, and table 9.14	Offshore elements of the project (all phases)	The Scoping Report proposes to scope out an assessment of offshore effects, specifically on the following matters: • Health related behaviours – physical activity; risk taking behaviour; diet and nutrition. • Economic environment – employment and income; education and training. • Social environment – housing; relocation; open space, leisure and play; transport modes, access and connections; community safety; community identity, culture, resilience and influence; social participation, interaction and support. • Bio-physical environment – climate change and adaptation; air quality; noise and vibration; water quality or availability; land quality; radiation. • Institutional and built environment – health and social care services; built environment; wider societal infrastructure and resources. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that these matters as listed in table 9.14 can be scoped out of the ES.
5.2.2	Table 9.13	Bio-physical environment - onshore water quality (operation)	The Scoping Report proposes to scope in an assessment of water quality during the construction and decommissioning phase as potential health impacts may arise from run-off or spillages from construction areas into potable water sources. Table 9.13 scopes out an assessment of this matter during operation. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation.

5.2.3	Table 9.13	Understanding of risk (risk perception) (construction and decommissioning)	The Scoping Report proposes to scope in an assessment of public understanding of risk in relation to operational EMF. Given the nature of the potential effect, table 9.13 proposes to scope out an assessment during construction and decommissioning. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees to scope this matter out for operation.
5.2.4	Table 9.13 and 9.14	Health related behaviour – physical activity (all phases)	The Scoping Report proposes to scope out an assessment of onshore physical activity health effects for all phases, as any potential health impacts would be considered under the open space, leisure and play health determinant instead, as outlined in table 9.13. The Inspectorate is content with this approach.
5.2.5	Table 9.14	Health related behaviours – risk taking behaviour (all phases)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to risk-taking behaviour for all project phases, on the basis that the workforce is expected to be relatively small, have a high proportion of workers from the regional area and risks are similar to other routine construction and shipping activities. The Inspectorate agrees that this matter can be scoped out of the ES.
5.2.6	Table 9.14	Health related behaviours – diet and nutrition (all phases)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to diet and nutrition for all project phases on the basis that construction and operation of the proposed development would not change population diet or food prices. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.7	Table 9.14	Economic environment – employment and income (operation)	The Scoping Report proposes to scope out an assessment of the onshore effects on employment and income for operation on the basis that employment opportunities associated with the operation of the proposed development are not expected to be on a scale that could have significant population level health effects. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES provided that information is included within the ES with regards to likely employment numbers and to evidence how this conclusion was reached.

5.2.8	Table 9.14	Economic environment – education and training (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on education and training opportunities for all project phases on the basis that the proposed development is not anticipated to be of a nature, scale or duration that would result in significant effects to population health. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.9	Table 9.14	Social environment – housing (all phases)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to housing for all project phases on the basis that there is not considered to be a significant effect associated with changes in the availability of housing. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.10	Table 9.14	Social environment – relocation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects related to housing for all project phases on the basis that the proposed development would not involve compulsory purchases of homes or community facilities. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.11	Table 9.14	Social environment – transport modes, access, and connections (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of the onshore effects on transport modes, access and connections for operation and decommissioning on the basis that the expected vehicle movements associated with the proposed development would have a minimal impact on road transport. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.12	Table 9.14	Social environment – community safety (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on community safety for all phases on the basis that appropriate management plans and fencing would be in place to manage security and safety risks to the public. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.

5.2.13	Table 9.14	Social environment – community identity, culture, resilience and influence (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on community identity, culture, resilience and influence for all project phases on the basis that visual impacts associated with the proposed development are not expected to be of a scale that could affect population health or community identity. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.14	Table 9.14	Social environment – social participation, interaction and support (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on social participation, interaction and support for all project phases on the basis that the proposed development would not directly affect land or areas used for community interaction. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.15	Table 9.14	Bio-physical environment – climate change and adaptation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on climate change and adaptation for all project phases on the basis that embodied carbon and climate altering pollutant emissions are not of a scale which could have population level effects. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.16	Table 9.14	Bio-physical environment – air quality (operation)	The Scoping Report proposes to scope out an assessment of the onshore effects on air quality for the operation and maintenance phase on the basis that air emissions and odour from the proposed development are not expected to be on a scale that would affect population health. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.17	Table 9.14	Bio-physical environment – land quality (operation)	The Scoping Report proposes to scope out an assessment of the onshore effects on land quality for the operation and maintenance phase on the basis that activities

			requiring land excavations are considered unlikely and any risks would be managed by industry best practice contamination discover, avoidance and response measures. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.18	Table 9.14	Bio-physical environment – radiation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on radiation for the construction and decommissioning phases on the basis that the proposed development would not use or make changes to major EMF producing electrical infrastructure, and for the operational phase on the basis that levels of exposure to EMF would not pose a risk to public health. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.19	Table 9.14	Institutional and built environment – health and social care services (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on health and social care services for all project phases on the basis that a minimal number of workers will be required and so demands on local healthcare will not be significant. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.20	Table 9.14	Institutional and built environment – built environment (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on the built environment for all project phases on the basis that significant population health implications associated with the proposed development are not anticipated, and long-term impacts on land use patterns are restricted to the converter stations. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
5.2.21	Table 9.14	Institutional and built environment – wider societal infrastructure and resources (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on wider social infrastructure and resources during all project phases on the basis that this is covered in the Morven Offshore Array project. Given the nature of the proposed development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
5.2.2.2	Paragraph 9.2.8.6	Assessment methodology	The proposed assessment methodology in the Scoping Report is high level and does not identify what would be considered a significant effect in EIA terms for the health assessment. The ES should make clear how any likely significant effects have been determined for socio-economic aspects of the proposed development and clearly describe the methodology adopted for the assessment.

5.3 Aviation (Military and Civil) and Radar

(Scoping Report Section 9.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
5.3.1	Table 9.17	Use of cranes (above 10m in height) close to airfield flying operation (operation and decommissioning)	Post construction, cranes are proposed to be removed, and any remaining infrastructure is not of a significant height to cause LSE. On this basis the Inspectorate is content to scope this matter out of the operational phase. The use of cranes has not been confirmed during decommissioning, however it is likely that they would be required as the Scoping Report states that the reverse of the construction process would be undertaken. On this basis the Inspectorate is not able to agree to scope this matter out from the decommissioning phase and the ES should include the decommissioning phase in the assessment.
5.3.2	Table 9.17	Degradation of Met Office weather radar (operation and decommissioning)	The Scoping Report states that limited detail is known regarding potential impacts on Met Office weather radar and that the Met Office will be consulted regarding the construction stage. It is unlikely that the proposed development will impact weather radar, but this should be confirmed with the Met Office for all stages. On the basis that there are unlikely to be LSE, the Inspectorate is able to agree to scope this matter out, pending final agreement from the Met Office.
5.3.3	Table 9.17	Creation of a physical obstacle to low flying aircraft (operation and decommissioning)	Post construction, tall infrastructure is proposed to be removed, and any remaining infrastructure is not of a significant height to cause LSE. On this basis the Inspectorate is content to scope this matter out of the operational phase. The use tall infrastructure has not been confirmed during decommissioning, however it is likely that cranes would be required as the Scoping Report states that the reverse of the construction process would be undertaken. On this basis the Inspectorate is not able to agree to scope this matter out from the decommissioning phase and the ES should include the decommissioning phase in the assessment.

5.3.4	Table 9.18	Potential impact to users of restricted airspace	The highest part of the proposed development at present is circa 30m, should this maximum height remain then the Inspectorate is content to scope this matter out of further assessment. Should the maximum height of the proposed development increase, then this matter should be scoped into further assessment, unless agreement with the relevant consultation bodies is sought.
5.3.5	Table 9.18	Potential disruption to military practice and exercise areas (PEXA)	The Scoping Report states that no PEXA is located within the scoping boundary, however the response from the Ministry of Defence states that this is not the case. The Inspectorate cannot agree to scope this matter out at this stage and an assessment of LSE should be included in the ES. The applicant's attention is drawn to the response from the Ministry of Defence at appendix 2 of this Opinion.
5.3.6	Table 9.18	Disturbance as a result of the onshore and offshore cables	The cables are proposed to be located sub-surface, therefore the Inspectorate is content to scope this matter out of further assessment.

5.4 Socio-Economics

(Scoping Report Section 9.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
5.4.1	Section 9.4.3 and table 9.25	Impact on commercial fisheries	The Scoping Report defines the socio-economic study areas as the English, Scottish and UK economies, as well as the local socio-economic study area as Durham County Council and Sunderland City Council administrative boundaries. The Scoping Report proposes to scope out socio-economic effects from commercial fisheries, stating that commercial fishery effects which could lead to socio-economic implications are not expected during construction, operation and maintenance or decommissioning. The Inspectorate is content to scope out socio-economic effects on the English and UK economies from commercial fisheries. However, the Inspectorate is not content to scope out the socio-economic effects from commercial fisheries on the local socio-economic study area. There is not enough information at this time to identify the scale of any potential impacts from the proposed development on commercial fisheries. The ES should report on any socio-economic effects in the appropriate chapter or provide a justification as to why LSE would not arise or demonstrate where agreement has been reached with the relevant consultation bodies to scope out socio-economic effects from commercial fisheries on the local socio-economic study area.
5.4.2	Section 9.4.3 and table 9.25	Impact on shipping and navigation	The Scoping Report defines the socio-economic study areas as the English, Scottish and UK economies, as well as the local socio-economic study area as Durham County Council and Sunderland City Council administrative boundaries. The Scoping Report proposes to scope out socio-economic effects from shipping and navigation impacts, such as an increase in shipping costs of goods, stating that

			Impacts of such an extent are not expected during construction, operation and maintenance or decommissioning. The Inspectorate is content to scope out socio-economic effects on the English and UK economies from shipping and navigation. However, the Inspectorate is not content to scope out the socio-economic effects from shipping and navigation on the local socio-economic study area. There is not enough information at this time to identify the scale of any potential impacts from the proposed development on shipping and navigation. The ES should report on any socio-economic effects in the appropriate chapter or provide a justification as to why LSE would not arise or demonstrate where agreement has been reached with the relevant consultation bodies to scope out socio-economic effects from shipping and navigation on the local socio-economic study area.

ID	Ref	Description	Inspectorate's comments
5.4.3	Paragraphs 9.4.8.1 to 9.4.8.11	Assessment methodology	The proposed assessment methodology in the Scoping Report is high level and does not identify what would be considered a significant effect in EIA terms for the socio-economic assessment. The ES should make clear how any likely significant effects have been determined for socio-economic aspects of the proposed development and clearly describe the methodology adopted for the assessment. Where professional judgement has been used this should be supported with robust evidence.

5.5 Climate Change

(Scoping Report Section 9.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
5.5.1	Table 9.33 and table 8.23	The vulnerability of the proposed development to climate change (construction)	The Scoping Report states that the construction phase (approximately 4 years) would not be lengthy enough for significant climate change risks to occur compared to the present-day baseline. The applicant states that they would employ good health and safety practices with respect to risks such as heatstroke or storm events offshore. The Inspectorate considers that there is potential for climate change impacts to have likely significant effects on the construction phase, for example in respect of increased flood risk that may require mitigation in the planning of construction compounds and temporary drainage strategies. The Inspectorate notes (table 8.23) that the vulnerability of the proposed development to flooding during construction will be assessed within a standalone Flood Risk Assessment. The Inspectorate is content with this approach, provided any likely signficant effects are reported within the ES. The applicant should ensure that the most recent climate change allowances are taken into account in the applicant's assessment.
5.5.2	Table 9.33 and paragraph 9.5.8.11	The in- combination climate impacts of the proposed development (construction and decommissioning)	The Scoping Report explains that in combination climate impacts will be assessed within each relevant topic chapter, assessing how climate change may affect the future baseline scenario. The Inspectorate is content with this approach. The climate change ES chapter should cross-reference other relevant chapters where this is assessed in for clarity.

ID	Ref	Description	Inspectorate's comments
5.5.3	Section 9.5.8, paragraphs	Assessment methodology	The Inspectorate notes the references in the Scoping Report (paragraph 9.5.8.1) to professional guidance (i.e. 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' (Institute of Environmental Management and Assessment (IEMA) 2022))

	9.5.8.1 to 9.5.8.11		and IEMA's 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation' (IEMA, 2020). The ES should set out the methodologies used to explain any departure from the proposed approach where professional judgement is applied. Outputs from other assessments should be clearly explained where these have been applied. Where significance criteria are not explicitly defined within the guidance, the ES should clearly set out where deviation from guidance has occurred and professional judgement has been applied. The applicant's attention is drawn to the comments from Natural England at appendix 2 of this Scoping Opinion.

6. ENVIRONMENTAL ASPECT COMMENTS – OTHER ENVIORNMENTAL TOPICS

6.1 Topics Covered Elsewhere

(Scoping Report Section 10.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
6.1.1	Section 10.1.2	Other residues and emissions	The Inspectorate agrees that likely significant effects arising from residues and emissions (e.g. dust, pollutants, light, noise, vibration) are to be assessed in the relevant aspect chapters of the ES and a standalone aspect chapter for residues and emissions is not required. The applicant's attention is however directed to the Inspectorate's comments in the relevant aspect chapters above with regards to residue and emission matters, for example lighting.
6.1.2	Section 10.1.3	Material assets	The Scoping Report states that potential impacts on material assets arising from the proposed development will be considered in the other sea users; marine infrastructure and communications; archaeology and cultural heritage; land use, tourism and recreation; and socio-economics aspect chapters of the ES and a standalone material assets aspect chapter is not proposed. The Inspectorate agrees with the proposed approach on this basis.
6.1.3	Section 10.1.4	Major accidents and disasters	A standalone ES chapter for major accidents and disasters is not proposed on the basis that potential accidents and disasters will be assessed in other aspect chapters, where relevant, including significant effects arising from the vulnerability of the proposed development to major accidents and disasters. The Scoping Report also states that a description of how major accidents and disasters have been considered in the design of the proposed development will be outlined in the project description chapter of the ES. The Inspectorate has considered this approach and agrees that a standalone chapter is not necessary on the basis that the information relating to major accidents and disasters will be provided elsewhere in the ES. Each ES chapter should clearly state where it has

			considered major accidents and disasters within the relevant technical assessments. The Inspectorate would expect an overarching section in the ES which explains how potential impacts have been identified and where in the ES the assessment of their effects is presented. The applicant's attention is also directed to the comments of the Inspectorate in ID 5.5 above in respect of climate and extreme weather events.
6.1.4	Section 10.1.5	Offshore airborne noise	The Scoping Report states that any potential impacts from offshore airborne noise will be assessed in the offshore and intertidal ornithology, and human health aspect chapters. However, the Scoping Report proposes to scope out offshore matters in the human health aspect chapter. The justification for scoping out offshore airborne noise is given in table 9.14, stating that the cable laying activities are not anticipated to be of a nature, scale, or duration to cause LSE. On this basis the Inspectorate agrees that a standalone chapter can be scoped out of the ES. Impacts that are generated nearer to onshore receptors, i.e. activity associated with the laying/ removal of nearshore cable, should be scoped into the ES where there is potential to result in likely significant effects. The Inspectorate is content that the main impacts from noise to ecological receptors occur from underwater noise, which is to be assessed in other relevant aspects chapters.

6.2 Topics Proposed to be Scoped Out

(Scoping Report Section 10.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
6.2.1	Section 10.2.2	Offshore air quality	The Inspectorate agrees that a standalone chapter for this matter can be scoped out of the ES on the basis that the main source of emissions would be exhaust emissions from vessels, due to the nature and location of the proposed development, associated vessel movements would only generate a small increase in emissions, which is unlikely to result in significant effects on human and ecological receptors. The Scoping Report also states that GHG emissions would be dealt with in the climate change aspect chapter.
6.2.2	Section 10.2.3	Daylight, sunlight and microclimate	A daylight, sunlight, and microclimate aspect chapter is proposed to be scoped out of the ES on the basis that any built elements, such as the converter stations, would not be sufficiently tall or close to other buildings to result in likely significant effects. In addition, given the nature of the offshore and onshore elements of the proposed development such as buried cables and limited above ground buildings and infrastructure, these are not likely to result in microclimate changes. The Inspectorate has considered the nature and characteristics of the proposed development and agrees a standalone chapter can be scoped out of the assessment.
6.2.3	Section 10.2.4	Heat and radiation	Based on the Information provided within the Scoping Report indicating that the construction, O&M, and decommissioning stages, are unlikely to generate significant levels of heat, and the infrastructure will be designed to reduce heat emissions, the Inspectorate is in agreement that heat can be scoped out of assessment as a specific chapter. The applicant proposes to scope out a standalone chapter on radiation on the basis that effects relating to EMFs from the cables will only be produced during O&M, whereby the cables will be designed to comply with current guidelines. The Inspectorate notes that operational EMFs are considered in the benthic ecology and fish and shellfish ecology

			chapters of the ES. On this basis Inspectorate is content that a standalone chapter is not required.
6.2.4	Section 10.2.5	Major accidents and disasters	The Scoping Report lists matters relating to major accidents and disasters that are proposed to not be addressed in other aspect chapters (as discussed in ID 6.1.3). These matters are either extremely unlikely, do not apply to the proposed development, or will be adequately addressed under other standardised precautions and regulations. On this basis the Inspectorate agrees that the matters listed in this section can be scoped out from further assessment and a standalone chapter for major accidents and disasters is not required. The applicant should read this advice in conjunction with the advice written in ID 6.1.3 above.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES

Bodies prescribed in schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations (as amended)')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Secretary of State for Defence	Ministry of Defence
The relevant parish councils	Bournmoor Parish Council
	Dalton-le-Dale Parish Council
	Easington Colliery Parish Council
	Easington Village Parish Council
	Haswell Parish Council
	Hawthorn Parish Council
	Hetton Town Council
	Horden Parish Council
	Lamesley Parish Council
	Little Lumley Parish Council
	Murton Parish Council
	North Lodge Parish Council
	Peterlee Town Council
	Pittington Parish Council
	Seaham Town Council
	Seaton with Slingley Parish Council
	Shadforth Parish Council

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Shotton Parish Council
	South Hetton Parish Council
	West Rainton and Leamside Parish Council
	Burdon Parish Council
	Warden Law Parish Council
The Environment Agency	The Environment Agency
Natural England	Natural England
The Forestry Commission	The Forestry Commission
Relevant AONB Conservation Boards	North Pennines National Landscape
The Historic Buildings and Monuments Commission for England	Historic England
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
Trinity House	Trinity House
The relevant Highways Authority	Durham County Council Highways Team
	National Highways
The Civil Aviation Authority	Civil Aviation Authority
The Health and Safety Executive	Health and Safety Executive
United Kingdom Health Security Agency	United Kingdom Health Security Agency
NHS England	NHS England

TABLE A2: RELEVANT STATUTORY UNDERTAKERS

'Statutory undertaker' is defined in The APFP Regulations (as amended) as having the same meaning as in section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The Coal Authority	Mining Remediation Authority - formerly the Coal Authority
The Crown Estate Commissioners	The Crown Estate
	Crown Estate Scotland
The relevant police authority	Durham Police and Crime Commissioner
	Northumbria Police and Crime Commissioner
	Cleveland Police and Crime Commissioner
The relevant ambulance service	North East Ambulance Service
The relevant fire and rescue authority	County Durham and Darlington Fire and Rescue Service
	Tyne and Wear Fire and Rescue Service
	Cleveland Fire and Rescue Service
The relevant Integrated Care Board	North East and North Cumbria Integrated Care Board
NHS England	NHS England
The relevant NHS Foundation Trust	Cumbria, Northumberland and Tyne and Wear NHS Foundation Trust
	North East Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Dock and Harbour authority	Seaham Port
	Sunderland Port
Civil Aviation Authority	Civil Aviation Authority

STATUTORY UNDERTAKER	ORGANISATION
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	National Air Traffic Services (NATS) En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Northumbrian Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	Mua Gas Limited
	Quadrant Pipelines Limited
	Stark Works
	National Gas
The relevant electricity distributor with CPO Powers	Northern Powergrid (Northeast) Limited
	Northern Powergrid (Yorkshire) plc
	Advanced Electricity Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Green Generation Energy Networks Cymru Ltd
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	Stark Infra-Electricity Ltd
	The Electricity Network Company Limited

STATUTORY UNDERTAKER	ORGANISATION
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited
	National Grid North Sea Link Limited

TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008

LOCAL AUTHORITY
Yorkshire Dales National Park Authority
Northumberland County Council
South Tyneside Council
Sunderland City Council
Westmorland and Furness Council
North Yorkshire Council
Gateshead Council
Durham County Council
Darlington Borough Council
Hartlepool Borough Council
Stockton-on-Tees Council

TABLE A4: THE MARINE MANAGEMENT ORGANISATION

Section 42(1)(a) of the PA2008 requires consultation with the Marine Management Organisation in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection 42(2).

ORGANISATION
The Marine Management Organisation

TABLE A5: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Royal National Lifeboat Institution

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Darlington Borough Council
Durham Country Council
Environment Agency
Fulcrum Pipelines Limited
Gateshead Council
Hartlepool Borough Council
Health and Safety Executive
Hetton Town Council
Historic England
Joint Nature Conservation Committee
Marine Management Organisation
Maritime and Coastguard Agency
Ministry of Defence
Murton Parish Council
National Air Traffic Services (NATS) En-Route Safeguarding
National Gas
National Grid Electricity Transmission Plc
National Grid Ventures
Natural England
Northern Gas Networks Limited
Northumberland County Council
Seaham Town Council

South Tyneside Council
The Coal Authority
Trinity House

DARLINGTON Borough Council

CHIEF EXECUTIVE'S OFFICE &
ECONOMIC GROWTH GROUP
Town Hall, Darlington DL1 5QT

Morven Hawthorn Pit Grid Connection Project

By e-mail
morventransmissionassets@planninginspectorate.gov.uk

[redacted]
14 February 2025

Our ref: Morven Hawthorn Pit DCO
Your ref: EN0210005
Please ask for: [redacted]
Document Name: 1402251

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) – Regulations 10 and 11
Application by H2NorthEast Limited (the applicant) for an Order granting Development Consent for H2NorthEast Limited (the Proposed Development)
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

I write in response to your letter dated 13 February 2025 regarding the above matter.

I can confirm that the Council has reviewed the relevant submitted documents and has no comments to make at this stage.

Yours sincerely

[redacted]

[redacted]
Development Manager

[redacted]

Your ref:
Our ref: AACON/25/00284

Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

13 March 2025

Dear [redacted]

Proposed	Scoping Opinion Consultation from Planning Inspectorate under Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) (Regulations 10 and 11) in respect of an application by Morven Offshore Wind Limited for an Order granting Development Consent for the Morven Hawthorn Pit Grid Connection Project
At	Morven Hawthorn Pit Grid Connection Project
For	Morven Offshore Wind Limited

I refer to your recent request for a scoping opinion for the above development.

The request has been considered in accordance with the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 ("the Regulations"). This letter can therefore be considered to be the Council's Scoping Opinion for the purposes of Regulation 15 (Regulation 15) of the Town and County Planning (Environmental Impact Assessment) Regulations 2017.

Scope of the Environmental Statement (ES)

The Environmental Statement (ES) must contain the information specified under Regulation 18(3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and must meet the requirements set out in Regulation 18(4). Further details on these regulatory requirements can be found in Regulation 18.

In addition, the ES must include any supplementary information specified in Schedule 4 of the 2017 Regulations, where relevant to the specific characteristics of the proposed development and the environmental features likely to be significantly affected. Further guidance on the content and structure of the ES is available in the online Planning Practice Guidance.

A key requirement of the ES is a comprehensive and factual description of the development. Particular emphasis should be placed on identifying and assessing the main and significant environmental effects arising from the proposals. While impacts of lesser significance may require less detailed analysis, the ES should still demonstrate that their potential relevance has been duly considered.

Where alternative approaches to the development have been explored, the ES should include a description of the reasonable alternatives considered, their relevance to the project, and the rationale for the final design choice, including a comparative analysis of the environmental effects.

The ES should also provide a clear account of the data sources, methodologies, and forecasting techniques used to assess the potential environmental impacts. Any mitigation measures designed to prevent, reduce, or offset significant adverse effects should be explicitly described within the relevant sections.

A Non-Technical Summary (NTS) must be included to provide an accessible overview of the findings for non-specialist audiences.

Ultimately, the ES must include all information reasonably required to enable the Local Planning Authority (LPA) to reach a well-informed conclusion on the significant environmental effects of the proposed development.

Scope of the Environmental Statement

Having reviewed the Scoping Report (February 2025) for the Morven Hawthorn Pit Grid Connection Project, it is agreed that the ES should focus on the following environmental impact topics:

Offshore Environmental Topics:

- Physical Processes
- Underwater Sound
- Water Quality
- Benthic Subtidal and Intertidal Ecology
- Fish and Shellfish Ecology
- Marine Mammals
- Offshore and Intertidal Ornithology
- Commercial Fisheries
- Shipping and Navigation
- Marine Archaeology
- Other Sea Users, Marine Infrastructure, and Communications

Onshore Environmental Topics:

- Ground Conditions and Contamination
- Water Resources and Flood Risk
- Terrestrial Ecology and Ornithology
- Archaeology and Cultural Heritage
- Traffic and Transport
- Onshore Noise and Vibration
- Onshore Air Quality
- Land Use, Tourism, and Recreation

Combined Offshore and Onshore Topics:

- Landscape and Visual Impact Assessment (LVIA)

- Human Health
- Aviation (Military and Civil) and Radar
- Socio-Economics
- Climate Change

Integration of Topics to Avoid Duplication

It is noted that certain environmental considerations will be incorporated into relevant chapters rather than presented as standalone assessments. These include:

- **Residues and Emissions** (e.g., dust, noise, pollutants) to be assessed within the chapters on ground conditions, water resources, ecology, noise, and air quality.
- **Material Assets** (e.g., infrastructure, cultural heritage, socio-economics) to be addressed within existing chapters, negating the need for a separate assessment.
- **Major Accidents and Disasters** to be considered within chapters addressing groundwater, flood risk, climate change, ecology, navigation safety, transport, and emergency response.
- **Offshore Airborne Noise** to be evaluated in relation to ornithology and human health.

Additional Required Chapters

While it is acknowledged that human health and major accidents/disasters are proposed to be incorporated into other assessments, it is recommended that human health impacts be summarised within a dedicated chapter, in accordance with Regulation 4(2) and Schedule 4, Paragraph 5 of the 2017 Regulations.

Additionally, it is advised that the ES should include standalone chapters on cumulative effects and the consideration of alternatives. These additions will ensure compliance with EIA best practice and provide clarity on the rationale behind the development's design and its broader environmental implications.

The additional chapters should therefore include:

- **Human Health and Population**
- **Cumulative Effects**
- **Consideration of Alternatives**

Topics Scoped Out of the ES

The scoping report proposes that certain topics be excluded from the ES, as they are not anticipated to result in significant environmental effects. The justifications for scoping out these topics are summarised as follows:

- **Offshore Air Quality:** Emissions from offshore vessels are expected to be negligible, with greenhouse gas emissions addressed separately in the Climate Change chapter.
- **Daylight, Sunlight, and Microclimate:** Given that the project's structures will not exceed 30m in height, impacts on daylight, sunlight, or microclimate are unlikely.
- **Heat and Radiation:** Heat generation from the project is expected to be minimal and accounted for in the design. Electromagnetic fields (EMFs) from electrical infrastructure will comply with national exposure guidelines.
- **Major Accidents and Disasters:**

- **Construction and Decommissioning Risks:** Risks such as structural collapse and fire will be mitigated through risk assessments and adherence to UK Health and Safety regulations.
- **Operation and Maintenance (O&M) Risks:** Any accidents are anticipated to be work-related and managed under established safety protocols.
- **Existing Services and Utilities:** The project will avoid or safely cross existing infrastructure (e.g., gas, water, power), minimising disruption.
- **Transport Networks:** Road and railway crossings will employ trenchless installation methods where feasible, reducing potential impacts.
- **Mines and Storage Caverns:** No active mining or underground storage facilities are present within the project area.
- **Third-Party Damage:** Industry-standard provisions will be implemented to protect buried cables from accidental damage.
- **External Risks (Aircraft, Chemical Sites, Nuclear Facilities):** The project is located away from major accident hazards.
- **Cyber-Attacks and Terrorism:** Security measures will be aligned with national infrastructure standards, ensuring resilience comparable to other substations in the UK.

The Council has reviewed these justifications and has no objections to the proposed exclusions from the ES.

Consultation responses

I have consulted the specialist teams from within the Council and where responses have been received, I have incorporated them into the comments on each of the chapter topics set out below. It is understand that as part of the wider consultation exercise, the Planning Inspectorate will consult other 'Consultation Bodies' in accordance with Regulation 15(4).

Landscape and Visual Impact

The submitted scoping report identifies that the ES will include a Landscape and Visual Impact Assessment (LVIA) which will incorporate individual landscape features and elements, landscape character and quality and visual amenity.

The scope and methodology for the Landscape and Visual Impact Assessment (LVIA), as outlined in Section 9 and Appendix G of the Scoping Report, are considered appropriate for assessing the potential landscape and visual effects of the proposed development. The approach taken aligns with established best practices and provides a robust framework for evaluating the sensitivity of landscape receptors, the magnitude of potential effects, and the significance of any impacts arising from the project.

As part of the baseline assessment, it is recommended that Non-Designated Heritage Assets (NDHAs) identified in the County Durham Local List of Historic Parks, Gardens, and Designed Landscapes be referenced within both the LVIA and Cultural Heritage sections of the Environmental Impact Assessment (EIA) Report. These assets, while not formally designated, contribute to the historic landscape character of the area and may be sensitive to changes

resulting from the proposed development. Including them in the assessment will ensure a more comprehensive evaluation of the potential impacts on locally valued historic landscapes.

Additionally, while the North East (NE) Inventory of Ancient Woodland provides useful information on the extent of ancient woodland within the study area, it is acknowledged that this dataset has certain limitations, particularly in relation to its accuracy within County Durham. In this regard, the Ancient Woodland Inventory maintained by Durham County Council (DCC), as referenced in the County Durham Plan, is considered to be a more precise and reliable source of information for identifying ancient woodland within the LVIA study area. This dataset should be used as the primary reference for assessing the presence and potential effects on ancient woodland, ensuring that the assessment is based on the most accurate and locally relevant data available.

By incorporating these additional considerations, the LVIA and Cultural Heritage assessments will be better positioned to reflect the full range of landscape and heritage sensitivities within the study area, thereby strengthening the overall robustness of the EIA process.

Biodiversity

The potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 194 of the NPPF requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

The conclusions of the Scoping Report regarding the inclusion of terrestrial ecology and ornithology within the Environmental Impact Assessment (EIA) are supported. The decision to scope these aspects into the assessment is appropriate, given the potential for the proposed development to impact habitats and species of ecological significance within the study area.

Although outside the scope of this specific expertise, the approach to scoping in offshore ecology also appears to be well-reasoned. Consideration of marine and coastal habitats, as well as the potential effects on marine species, is an important aspect of the assessment, particularly in relation to construction and operational impacts. The inclusion of offshore ecology within the EIA ensures that potential interactions with designated sites, protected species, and marine ecosystems are adequately evaluated.

The Environmental Statement (ES) should provide a robust methodology for assessing ecological effects, including appropriate baseline surveys, impact assessments, and mitigation measures. Where relevant, assessments should align with best practice guidance and statutory requirements to ensure that any potential ecological impacts are effectively identified and addressed.

Overall, the proposed scope for the ecological assessments is considered appropriate, and no concerns have been identified at this stage regarding the inclusion of these topics within the EIA.

Hydrology and Hydrogeology

It is advised that the risks posed to water dependent features, ground and surface water, by the proposed quarry extension be considered. Quarry operations should not detrimentally impact on the quality or quantity of water within the vicinity of the site. The proposed assessments as suggested within the section titled ‘Water Resources’ of the submitted scoping document are considered to be acceptable. It is accepted that one Hydrogeological Risk Assessment to cover both the extension and existing site would be appropriate

The Environment Agency has advised that if is intended to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose, then an abstraction licence would be required. There is no guarantee that a licence would be granted, as this is dependent on available water resources and existing protected rights. It is stated within, in Section 2.0 of the Dust Management Plan that there would be lagoons. It is not, however, stated where the water for these would come from. Details of water supply and discharge should be provided. The scoping report states that no dewatering is expected, however, discharge from temporary excavations can occur if the discharge can meet all of the conditions of the Regulator Position Statement "Temporary dewatering from excavations to surface water", if needed. If any discharge cannot meet all of the conditions, a Bespoke Environmental Permit would be required.

Cultural Heritage and Archaeology

The proposed approach to assessing the Historic Environment is considered acceptable. However, the assessment criteria outlined in Table 8.5.1 primarily rely on a desk-based evaluation of the potential impacts of the proposed development on archaeological and cultural heritage assets. While desk-based assessments provide a crucial foundation for understanding known heritage constraints, they do not account for the possibility of previously unrecorded or unknown archaeological remains within the development area. Such remains can only be identified through appropriate fieldwork, such as geophysical survey and trial trenching, which should be undertaken before the determination of the application.

Conducting field investigations at an early stage will allow any potential impacts on archaeological assets to be identified and mitigated as part of the decision-making process. This proactive approach would ensure that heritage considerations are fully integrated into the development assessment, reducing the risk of unexpected archaeological discoveries later in the project timeline.

It is therefore recommended that the Environmental Statement (ES) explicitly acknowledges this limitation and includes wording to reflect the necessity of pre-determination fieldwork. This addition would strengthen the assessment process, ensuring it aligns with best practice in heritage impact evaluation and provides a more comprehensive understanding of the potential archaeological constraints associated with the proposed development.

The methodology for identifying and assessing cultural heritage matters, as outlined in Section 8.4 of the Scoping Report, is considered robust and appropriate. The approach demonstrates a thorough understanding of the potential heritage constraints associated with the proposed development and will inform the preparation of a well-evidenced Cultural Heritage chapter within the ES.

It is particularly encouraging to note that heritage assets located adjacent to the study area have been scoped in for further assessment at this early stage. This proactive inclusion ensures that potential indirect impacts on these assets, such as changes to their setting, can be fully considered as the project progresses. The incorporation of adjacent assets within the assessment will be particularly beneficial once the design freeze is reached, enabling a more comprehensive evaluation of the final development proposals.

At present, no significant concerns have been identified with the proposed approach. The methodology aligns with established best practices in heritage impact assessment and provides a strong foundation for further evaluation as the ES is developed.

Air Quality and Dust

The proposed scope and methodologies set out in the scoping report are considered to be acceptable.

Noise and Vibration

The proposed approach to noise and vibration assessment is considered to be acceptable.

Traffic and Transport

Beyond the construction phase, it is not anticipated that the proposed development would result in any material impact on the local road network. During the operational phase, traffic movements associated with the development are expected to be minimal and are unlikely to generate a significant increase in vehicle trips that could adversely affect road capacity, safety, or the overall functionality of the local highway network.

It is recommended that the Environmental Statement (ES) provides further clarification on the anticipated trip generation, vehicle types, and any ongoing transport-related activities associated with the operational phase. This should include an assessment of whether any long-term vehicle

movements, such as maintenance or servicing requirements, could have cumulative effects on traffic flow, road safety, or infrastructure wear and tear.

Additionally, if any abnormal load movements or periodic increases in traffic are expected during the operation of the development, these should be identified and assessed within the ES. Any necessary mitigation measures, such as routing strategies or traffic management plans, should also be outlined to ensure that the local highway network remains unaffected in the long term.

Overall, subject to the provision of further supporting evidence within the ES, the proposal is not expected to result in any material impact on the local road network following the completion of the construction phase.

Climate Change

The proposed approach to climate change is considered to be acceptable.

Human Health

It is noted that there is an intention to not include a stand alone human health chapter but to incorporate an assessment of human into other chapters, where relevant. This approach to assessing human health is useful but it is considered that a stand alone summary is still required.

Cumulative Effects

The Scoping Report outlines subsections within the relevant chapters to address cumulative effects, ensuring that the potential interactions between the proposed development and other projects are considered. While this approach is valuable, it would be beneficial to include a standalone chapter within the Environmental Statement (ES) that provides a comprehensive summary of cumulative effects across all relevant environmental topics.

A dedicated chapter would allow for a more holistic assessment of how the proposed development, in combination with other existing, consented, or proposed developments in the vicinity, may result in incremental or combined impacts on receptors such as landscape, biodiversity, heritage assets, traffic, air quality, and noise levels. This would help ensure that cumulative impacts are fully assessed, particularly where individual topic-specific chapters may focus primarily on the development's direct effects rather than broader interactions with other schemes.

The standalone cumulative effects chapter should also outline the methodology used to identify relevant developments for inclusion in the assessment, providing clear justification for the selection criteria. Consideration should be given to spatial and time overlaps between projects, as well as the potential for indirect, secondary, and combined effects.

By incorporating a dedicated cumulative effects chapter, the ES would provide a clearer and more structured analysis of how the proposed development fits within the wider context of ongoing and planned development in the area. This would support a more informed decision-making process and ensure that all potential cumulative impacts are appropriately identified and, where necessary, mitigated.

General comments regarding Environmental Statements

The environmental information presented as an ES should provide a basis for thorough assessment; but additional information may be required or additional mitigation measures sought during consideration of the application.

The nature of the impacts that the ES will need to assess are such that it may take time to produce accurate and robust forecasts of the likely effects on the environment. It is important that the timescale for producing the ES takes this into consideration in order to prevent the possibility of delays arising during the formal consideration of the ES and application whilst adequate or up to date information is provided.

The comments contained in this letter are made 'without prejudice' to the formal consideration of any planning application by the County Council as Planning Authority. It should also be noted that the fact that a Scoping Opinion has been given does not prevent the Planning Authority from requesting further information at a later stage in the process (Regulation 25)

I trust this clarifies the scope of the EIA development submission.

Yours sincerely

[redacted]
Senior Planning Officer

creating a better place
for people and wildlife

Environment Agency

Planning Inspectorate
[morventransmissionassets@planninginspectorate.gov.uk]

Our ref: XA/2025/100274/01-L01
Your ref: EN0210005

Date: 13 March 2025

Dear Sir/Madam

EIA SCOPING CONSULTATION FOR THE MORVEN HAWTHORNE PIT GRID CONNECTION PROJECT. LOCATED IN THE NORTH SEA, IN BOTH SCOTTISH AND ENGLISH WATERS. THE ONSHORE ELEMENT OF THE BOUNDARY IS LOCATED WITHIN THE LOCAL AUTHORITY AREAS OF DURHAM COUNTY COUNCIL AND SUNDERLAND CITY COUNCIL

Thank you for your consultation on the Environmental Impact Assessment (EIA) Scoping Opinion for the above Nationally Significant Infrastructure Project (NSIP).

We have reviewed the Morven Hawthorne Pit Grid Connection (MHPGC) Project EIA Scoping Report (February 2025).

Our detailed advice on key issues is presented in the various appendices to this letter.

Appendices

Yours faithfully

[redacted]
Planning Specialist

[redacted]
Direct fax
[redacted]
[redacted]

Appendix A – Coastal Geomorphology

A1 – Unknown landfall location

Document Reference(s): *MHPGC Project EIA Scoping Report* Tables 6.2 and 7.18	
Issue	The intended landfall location is currently unknown.
Impact	We are unable comment on whether the design principles and construction method are appropriate in this location, especially given the industrial history of the area, and the protected status of the coastline.
Solution	Further consultation should be undertaken when further information is available regarding landfall location.

End of Appendix A

Appendix B – Surface Water Quality

B1 - Licences

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 2.3 Chapter 2.4 Chapter 8.2, Table 8.17	
Issue	The above Sections of the Scoping Report do not mention water quality discharge permits or abstraction licences.
Impact	Without water quality discharge permits contaminated waters could have a detrimental impact on the receiving environment. Without abstraction licences, there could be uncontrolled changes to groundwater levels and movement. Failure to assess the necessary permits early could mean any potential restrictions or obstacles are not known until late in the process which could affect project timescales.
Solution	Apply for relevant permit(s) at the earliest opportunity due to significant delays within the permitting system.

End of Appendix B

Appendix C – Biodiversity

C1 – Possible impacts to third parties

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 6.3, Table 6.1	
Issue	Water Framework Directive (WFD) surface waterbodies do not appear to have been considered as constraints currently being considered within the options appraisal. We note that Main Rivers have been included.
Impact	There is a risk that the potential importance of these habitats (and functionally-linked tributaries) could be overlooked as part of the site selection process which could mean sites that pose more damage to biodiversity are selected.
Solution	The Applicant should consider all WFD surface waterbodies and functionally-linked tributaries as constraints to be assessed as part of the options appraisal.
Additional narrative/ explanation (if necessary) It is observed that WFD waterbodies in this locale are not designated as Main Rivers.	

C2 – Proposed culverting of Ordinary Watercourses

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Table 8.26 MM-62	
Issue	Ordinary Watercourse crossings and use of culverts
Impact	Culverts can adversely affect the WFD status of a watercourse.
Solution	Avoid the use of culverts. Open span crossings are preferred. If culverting can't be avoided, the WFD Assessment will need to identify and assess potential risks to: • Hydromorphology • Biology – habitats • Biology – fish

	• Water Quality • Protected areas

C3 – Missing legislation

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Table 8.31	
Issue	Omission of recent (2024) legislation pertaining to biodiversity net gain (BNG).
Impact	Risk of not considering new environmental definitions in legislation in respect of BNG, such as 'irreplaceable habitat', along with related obligations with regard to said habitats.
Solution	Please include the following legislation, policy and guidance: Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.

C4 – Zone of influence (ZoI)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Table 8.35	
Issue	Proposed ZoI may not be sufficient to capture all potential impacts on waterbodies.
Impact	Risk of not considering effects on ecological features beyond this ZoI (e.g. features located greater than 250m downstream).
Solution	Hydrological connectivity should be considered when defining ZoI for watercourses.
Additional narrative/ explanation (if necessary) Where migratory fish could be affected, the ZoI may need to be much wider. The most precautionary approach in the absence of further information would be to consider all downstream habitat and consider upstream habitats when considering migratory fish.	

C5 – Limited baseline information

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Table 8.37	
Issue	The level of baseline information available for the onshore elements is limited, with only walkover surveys being carried out.
Impact	The initial scoping process has been informed by very limited data. Important information such as the distribution of habitats or the proportion of the site accessed has been absent from this process, potentially impacting the appropriateness of site selection and limiting the value of the scoping process.
Solution	Further consultation should be undertaken when further ecology baseline information is available regarding scope of assessment and option selection outcomes. Ideally UKHab surveys would be undertaken for ecology, allowing for a less generic scoping assessment and to provide an indication of any further surveys that may need to be undertaken.

C6 – Riparian habitat assessments

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Table 8.47	
Issue	Proposals for potentially required freshwater surveys do not detail any kind of riparian habitat, hydromorphological or geomorphological assessment methods. Hydromorphological assessments are mentioned elsewhere in the Scoping Report, but no methods are provided.
Impact	Not carrying out such assessments could mean that impacts and mitigation requirements are not properly assessed.
Solution	Where watercourses are affected, proposals for riparian habitat assessments should be considered. Please consult the Environment Agency (EA) on the appropriateness of such assessments.
Additional narrative/ explanation (if necessary) Dependent upon the nature of the Proposed Development, such assessments may be required to inform the Guidelines for Ecological Impact Assessment (EcIA) and WFD assessments. They may also be required to inform any associated	

requirements for avoidance, mitigation and/or compensation measures. MoRPH surveys may be sufficient to address this issue.

End of Appendix C

Appendix D – Marine Ecology

D1 – Bathing waters

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 6.3, Tables 6.1 and 6.2 Chapter 7.3, Section 7.3.5.2	
Issue	Bathing waters have been omitted from list of key constraints considered, despite being subsequently referred to in Table 6.2. The Proposed Development must not compromise areas protected by WFD (i.e. bathing waters).
Impact	Failure to consider bathing waters as part of the site selection process may mean that inappropriate sites are pursued and mean that the Applicant does not comply with WFD.
Solution	Include bathing waters in the list of key constraints considered as part of the options appraisal and ensure that bathing waters are given due consideration when assessing impacts from changes in water quality associated with the project.
Additional narrative/ explanation (if necessary) Two designated bathing waters are located immediately to the north of Seaham.	

D2 – Desktop datasets

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 7.4, Table 7.15	
Issue	CEFAS OneBenthic data modelling and visualisation tool not included in the list of key resources used to understand benthic habitats around the Proposed Development.
Impact	Incomplete sets of evidence have been used to assess risk, leading to potentially detrimental impacts to benthic habitats as a result of the Proposed Development.
Solution	Ensure that OneBenthic is included in the process to assess presence or distribution of benthic species and habitats within the EIA.

D3 – Cambois Connection Marine Scheme (CCMS)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 7.4, Section 7.4.5.12	
Issue	The Scoping Report incorrectly states that the CCMS is "expected" to overlap with the regional benthic ecology study area, when in actual fact the CCMS will fall entirely within the regional benthic ecology study area.
Impact	Incorrect interpretation of overlap with other projects may mean in combination effects are not assessed appropriately.
Solution	Reword Section 7.4.5.12 to correctly reflect overlaps between CCMS and the regional benthic ecology study area.

D4 – Thermal emissions

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 7.4, Table 7.19 Chapter 7.5, Table 7.28	
Issue	The Scoping Report incorrectly states that heat conduction is likely to be negligible for cables that are unburied and protected by thick concrete mattresses or rock berms. Heat conduction increases with density, so the opposite pattern will be true.
Impact	Incorrect statements lead to incorrect interpretation about risks and impacts.
Solution	Rephrase to reflect actual patterns for how conductivity is influenced by density of covering material and adjust conclusions about scoping in/out where necessary.

D5 – Missing legislation

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 7.5, Table 7.21

Issue	The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 are not included.
Impact	The legal responsibility on the Applicant pertaining to this fish specific legislation has not been considered. This infers that the impacts on fish from the construction, operation and decommissioning phases have not been fully considered.
Solution	Ensue that all relevant legislation is listed and given consideration when assessing impacts to fish and shellfish receptors. Include both the Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 in the Fish and Shellfish Ecology chapter in the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES).

D6 – Desk study – fish records

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Section 8.3.5.51	
Issue	Incomplete desk study conducted for presence of fish. The Scoping Report states that the desk study did not return records of any fish species within 2km of the MHPGC Project Scoping Boundary, however the National Biodiversity Network (NBN) Atlas shows a record of three-spined stickleback (*Gasterosteus aculeatus*) from Dalton beck in Seaham. Moreover, EA data explorer shows another record for the same species in Ryhope burn, each of which is within or <2km from the Scoping Boundary.
Impact	Risk of underestimating potential impacts to fish.
Solution	Complete a more thorough desk study for records of fish and assume that eel will be present.
Additional narrative/ explanation The lack of records is certainly due to a lack of sampling rather than a lack of fish and is not a strong basis for them being discounted from assessment. Whilst there are no records of eel in the becks and burns in the immediate study area, there are records from further upstream and in nearby watercourses. It should be assumed that they will be present due to the availability of suitable habitat.	

D7 – Omission of freshwater fish

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.3, Table 8.42	
Issue	Omission of freshwater fish outside of a generic reference to species. The absence of fish records from watercourses in the study area is not adequate reason not to consider potential impacts to fish arising from the project. Due to availability of suitable habitat and nearby records for eel, eel should be assumed to be present.
Impact	Impacts to fish may be missed, which may mean that the Applicant fails to comply with legislation.
Solution	Ensure that impacts to fish are specifically noted amongst those that are Scoped In.

D8 – Impacts to fish

Document Reference(s): *MHPGC Project EIA Scoping Report* Appendix D, Table D. 2	
Issue	Not all impacts to fish have not been considered. Changes to suspended sediment concentration (SSC) is not the only potential source of disturbance to fish. Noise (during construction or decommissioning and electro-magnetic fields (EMF)) and riverbed heating during operation may also cause disturbance to migrating fish (and to other receptors sensitive to these variables).
Impact	Risk of not being compliant with WFD.
Solution	Ensure that all relevant impacts are included in the assessment, not just SSC.

End of Appendix D

Appendix E – Groundwater and Contaminated Land

E1 - Relevant policy and legislation

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 2, Section 2.3.8 and Chapter 8, Table 8.1	
Issue	The following policy and guidance, which we would expect to see cited, is missing from the Scoping Report. • The National Planning Policy Framework was most recently revised in December 2024. • The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 have been updated with The Environmental Damage (Prevention and Remediation) (England)(Amendment) Regulations. • Durham County Council, The County Durham Plan (adopted 2020): *Policy 35* – Water Quality is not referenced with respect to ground conditions and land contamination, which along with Sections 5.368 and 5.381 set out expectations about water body protection. • The Environment Agency's Land Contamination Risk Management guidance was updated in 2023. • The Environment Agency's Approach to Groundwater Protection is not cited as a point of reference.
Impact	Potential for aspects of the Project not to be in accordance with current guidance and legislation.
Solution	Ensure the above is included as relevant policy and legislation.

E2 - Design of onshore cables

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 3, Section 3.5.3	
Issue	No information is provided regarding the design of onshore cables.

Impact	Potential for underground cables to pose an unacceptable risk to groundwater quality.
Solution	Confirmation of whether fluid filled cables are proposed as part of the design of the Proposed Developer is required.

Additional narrative/ explanation

In accordance with Statement C5 of the EA's Approach to Groundwater Protection, the EA will normally object to pipelines or fluid-filled cables that transport pollutants, particularly hazardous substances that:

- Pass through SPZ1 or SPZ2 where this is avoidable.
- Are below the water table in principal or secondary aquifers.

Where there is an unavoidable need for pipelines or fluid-filled cables to pass through SPZ1 or SPZ2, operators are expected to adopt Best Available Techniques (BAT) and operate in accordance with the Energy Networks Association guidance.

The EA expects operators to carry out a site-specific risk assessment prior to the decommissioning of fluid-filled cables in SPZ1 and SPZ2 and will work with operators to agree the best available environmental option.

E3 - Proposed water drainage for the land Substation (LSS) site

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 3.5, Section 3.6.1.3	
Issue	No detail of the proposed drainage solution for the LSS is provided at this stage, including how this will manage potentially contaminated water, in particular firefighting water in the event of a substation fire. It is also presumed that the LSS would require a local water supply for emergency firefighting purposes, and that this may require the construction of a borehole-fed emergency water supply.
Impact	Insufficiently mitigated rainwater runoff and emergency fire water runoff from this facility could result in impacts to controlled waters. Potential for firefighting water supply constraints to be encountered.

Solution	Confirmation of how surface water runoff from the LSS will be managed to avoid impacting surface and groundwater bodies is required. Should a borehole-fed emergency water supply be required, a groundwater investigation consent may be required.
Additional narrative/ explanation A Surface Water Drainage Strategy and/or Surface Water Management Plan should be developed which includes measures for the isolation and removal of potentially contaminated runoff from the LSS. This information should include, but not be limited to: • A detailed drainage plan which demonstrates, in the event of an emergency, that contaminated firewater can be adequately contained within the site to ensure that there is no discharge of polluted water to ground or surface water bodies. • The scheme should include an impermeable base or layer beneath the substation infrastructure, to ensure infiltration beneath the site can be controlled. • Any system for the storage of contaminated firewater should have sufficient capacity/headroom for the volumes expected in the event of a fire, even during periods of intense rainfall. • The system for containing firefighting effluent should be automatic with a backup system in place in case of power failure.	

E4 - Cable installation method

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 3, Section 3.5.3.6	
Issue	Horizontal Directional Drilling (HDD) might be employed.
Impact	HDD or other trenchless installation methods could impact groundwater or surface water quality if not suitably managed.
Solution	HDD crossings should be supported by the development and implementation of a Drilling Fluid Breakout Plan.
Additional narrative/ explanation	

If HDD is proposed to be used to cross watercourses the Applicant would need to assess whether this would affect local licensed or unlicenced abstractions by carrying out a water feature survey. A Hydrogeological Risk Assessment should also be carried out where HDD or other trenchless installation methods are proposed which may interact with Principal or Secondary A aquifers or pass beneath surface watercourses or sensitive ecological habitats.

E5 - Operation and maintenance phase activities

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 3, Section 3.8	
Issue	Anticipated activities during the operation and maintenance phase of the Project are not listed.
Impact	Uncertainty about the risks posed by the Project to the environment during the operation and maintenance phase
Solution	Confirmation of anticipated operation and maintenance activities for the onshore portion of the Project is required.

E6 - Retention of buried infrastructure during decommissioning

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 3, Section 3.9	
Issue	The retention of buried structures is likely during the decommissioning phase.
Impact	Retained infrastructure could cause contaminative impact to controlled waters following decommissioning phase if risks are not properly assessed.
Solution	The risks posed by the retention of below ground infrastructure following decommissioning needs to be considered and assessed.

E7 - Study area buffer

Document Reference(s): *MHPGC Project EIA Scoping Report*

Chapter 8, Section 8.1.3	
Issue	A 250m buffer for assessing impacts to geology, hydrogeology, minerals and land contamination is insufficient. The entire study area is underlain by Principal Aquifer.
Impact	Potentially significant sensitive receptors may be excluded from assessment due to the adoption of an insufficient search buffer.
Solution	The applicant should increase the study area boundary to adequately identify sensitive groundwater receptors which may be affected by the Project.

E8 - Sources of baseline data

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Table 8.2	
Issue	Several potentially significant sources of baseline data are not indicated to have been assessed in support of the EIA at this stage, notably authorised landfill sites, historic Ordnance Survey maps and site walkover survey information.
Impact	Risk that the baseline conditions established do not take account of potentially significant contamination sources or adequately identify historic or current potentially contaminative activities.
Solution	Baseline conditions need to be informed by adequate information in future stages of the DCO process.
Additional narrative/ explanation We recognise that no authorised landfill sites are present within the Study Area, however the EIA should demonstrate that this information has been considered.	

E9 - Characterisation of ground conditions

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Sections 8.1.5.8 and 8.1.5.9	
Issue	There is no reference to the presence of:

	• localised superficial River Terrace Deposits (superficial Secondary A aquifer) • Seaham Residue mudstone (Principal Aquifer) • Pelaw Lay Member (superficial Unproductive strata)
Impact	Inadequate characterisation of ground conditions could lead to an inadequate conceptual model and potentially insufficient mitigation of risks to controlled water.
Solution	All strata indicated to be present within the study area needs to be accounted for and their characteristics considered to inform the assessment of risks to controlled waters.

E10 - Colliery waste and historic railway material

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Sections 8.1.5.11 and 8.1.5.19	
Issue	Colliery waste materials and historic mineral railway lines are present within the order limits along the coastline.
Impact	Potential increase in pollution risks and/or water quality deterioration.
Solution	The location(s) in which the Project would transition onshore needs to be carefully considered to ensure that the development proposals would not cause detrimental impact to water quality by the disturbance of colliery waste/ historic railway materials.

E11 - Historic landfill site (i)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Section 8.1.5.25	
Issue	The cliffs and beach alongside Halliwell Banks former landfill site act as a form of 'sidewall' to the landfill. Contaminants of concern, from the landfill, include speciated Total Petroleum Hydrocarbons (TPH), speciated polycyclic aromatic hydrocarbons (PAHs), BTEX (benzene, toluene, ethylbenzene & xylene), polychlorinated biphenyls (PCBs), cyanide, semi-volatile organic compounds (SVOCs), volatile organic compounds (VOCs), solid and liquid waste matter

Impact	Potential for the Project to introduce new contaminant mobilisation pathways and increase erosion of existing colliery waste. Should the cable(s) disturb this site, this could result in the applicant becoming one of the identified appropriate persons for the landfill.
Solution	The location and installation of the cable(s) should avoid this site to prevent further deterioration and/or erosion of the waste materials and cliffs, and to prevent the creation of new preferential pathways for the migration of contaminants associated with the landfilled materials. Furthermore, the location and installation of the cable(s) should not result in any water quality deterioration and/or an increase in pollution risks.

E12 - Historic landfill site (ii)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Sections 8.1.5.27 and 9.1.5.28	
Issue	The Hetton Moor Farm landfill and Murton Lane landfill polygons extend into the western part of the Scoping Boundary.
Impact	Landfill material, which is presumed to be situated off-site, could possibly be encountered within the Scoping Boundary.
Solution	Recognise that Hetton Moor Farm and Murton Lane landfill sites extend into the Project Scoping Boundary.

E13 - Potential sources of contamination

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Section 8.1.5.29	
Issue	The list of identified potential sources of land contamination identified within the Scoping Boundary does not consider the full study area (including buffer distance)
Impact	Potential for significant off-site contamination sources to be discounted from consideration, which may result in inadequate assessment of risks.

Solution	Potential land contamination sources within the full study area, not just the Scoping Boundary, need to be considered.

E14 - Definitions of Receptor Value

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Table 8.27	
Issue	The value of groundwater supporting ground water dependant terrestrial ecosystems (GWDTEs), or impacts on GWDTEs is not considered within the list of definitions.
Impact	Potential for impacts to GWDTEs from alterations to groundwater flow and quality not to be identified.
Solution	The sensitivity and magnitude of impacts to GWDTEs arising from changes to groundwater from the Project need to be considered.
Additional narrative/ explanation The below Sites of Special Scientific Interest are recorded as GWDTEs (GWDTE map/features) and as such are sensitive to impacts to groundwater quantity and quality. • Hesledon Moor West SSSI; • Hesledon Moor East SSSI; and • Durham Coast SSSI.	

E15 - Designed in measures (legislation)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Table 8.5, MM-35	
Issue	The Health and Safety at Work Act (1974) and the Construction (Design and Management) Regulations 2015 is specifically protective of human health.
Impact	Adherence to this legislation would not directly ensure the avoidance and minimisation of contamination.

Solution	Ensure that the unexpected contamination protocol is in accordance with current UK guidance.

E16 - Study area for risks to groundwater

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Section 8.2.3	
Issue	No indication of the study area for risks to groundwater is stated.
Impact	It is unclear what the extent of the study area for groundwater impacts relating to the project is. This could lead to sensitive groundwater receptors which could be impacted by the Project not being assessed adequately.
Solution	The study area for groundwater impacts needs to be confirmed.

E17 - Saline intrusion within the Magnesian Limestone aquifer

Document Reference(s): *MHPGC Project EIA Scoping Report* Section 8.2.5.25	
Issue	Local over-pumping has led to saline intrusion within the Magnesian Limestone aquifer near the coast.
Impact	Potential for the Project to exacerbate ongoing aquifer degradation resulting from saline and mine water intrusion.
Solution	The risk of impacting or otherwise influencing flow paths and /or connectivity between the Magnesian Limestone and Coal Measures and/or the sea should be assessed, where required.

E18 - Impacts proposed to be Scoped Out

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8, Table 8.23 and Table 8.24

Issue	Impacts related with landfall cables and associated earthworks during the operation and maintenance and decommissioning phases have been scoped out. No justification has been provided for leaving these impacts Scoped Out of further assessment, and details of the proposed location and spatial extents of landfall cable infrastructure are limited.
Impact	The landfall cables and associated infrastructure could act as a source of contamination or as a preferential pathway for migration of mobile contaminants during the operation and maintenance phase and following decommissioning if not adequately designed and managed.
Solution	Impacts to groundwater quality from landfall cables should be scoped in during the operation and maintenance and decommissioning phases until it can be demonstrated that this aspect of the Project would not cause impact.
Issue	Impacts from onshore cable construction and associated earthworks are not 'Scoped In' during the operation and maintenance phase and decommissioning (and presumed 'Scoped Out') without justification.
Impact	Onshore cables and associated infrastructure could act as a source of contamination or as a preferential pathway for migration of mobile contaminants during the operation and maintenance phase and following decommissioning if not adequately designed and managed. Table 8.25 identifies that onshore cables will be retained in-situ following decommissioning.
Solution	Impacts from the construction of onshore cables and associated infrastructure during the operation and maintenance and decommissioning phases should be scoped in until it can be demonstrated that this aspect of the Project would not cause impact
Additional narrative/ explanation Table 8.25 identifies that onshore cables will be retained in-situ following decommissioning.	
Issue	Impacts from the substation construction and associated earthworks during the decommissioning phase have been scoped out. Sub-surface infrastructure is proposed to be retained in-situ in the decommissioning phase.

Impact	Potential for aspects of the proposed substation development to pose a significant risk to groundwater quality if these are not adequately assessed and mitigated.
Solution	Impacts from the substation construction and associated earthworks should be Scoped In during the decommissioning phase until it can be demonstrated that this aspect of the Project would not cause impact.
Additional narrative/ explanation The siting of the substation is still to be determined and based on the information available there is significant potential for foundation structures, such as piled foundations, to extend into the underlying bedrock Principal aquifer, designated locally as Source Protection Zones 2 and 3	

E19 - Thermal emissions from buried high voltage cables

Document Reference(s): Topic not mentioned within Scoping Report	
Issue	Potential impacts to groundwater from thermal emissions from buried high voltage cables have not been included in the list of potential impacts to the water environment.
Impact	Potential for significant thermal impacts on groundwater not to be identified and mitigated.
Solution	The potential impacts of buried high voltage cables on groundwater bodies need to be considered.
Additional narrative/explanation Heat as a groundwater pollutant was introduced in 2023 via the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 SI No.2023/651: *""pollutant", in relation to England, means any—* a) *substance,* b) *heat, or* c) *biological entity or micro-organism,* *which is liable to cause pollution;"*	

We are mindful that work is being carried out in this area in relation to heating of groundwater from ground source heating and cooling systems but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables. The EA's Chief Scientist's Group has published a report for Ground Source Heating and Cooling (GSHC) systems (Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems). In this study, a 'thermal plume' was defined as the region around a GSHC system that experiences a 1 degree C temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground HV cables. The Chief Scientist's Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means. At this stage we require the potential thermal implications of buried cables, in relation to risks to groundwater, to be considered further.

E20 - WFD – Risk Issues for Impact Assessment

Document Reference(s): *MHPGC Project EIA Scoping Report* Appendix A, Table D.2	
Issue	The identified risk issues identified for Impact Assessment are not fully comprehensive.
Impact	Potentially significant risks to WFD Groundwater bodies may not be assessed in the proposed WFD Compliance Assessment.
Solution	The following impact risks should also be considered: • The potential for piling and other foundation works to result in the creation of new contaminant migration pathways affecting the WFD Groundwater bodies. • The potential for trenchless cable installation methods such as HDD to result in the creation of new contaminant migration pathways affecting the WFD Groundwater bodies. • The potential for residual below ground infrastructure following decommissioning to act as a source of contamination and /or a

	preferential pathway for the mobilisation of mobile contaminants. • The potential for drainage infrastructure to introduce mobile contaminants such as fire water or spills and leaks from operational plant which may affect water quality in WFD Groundwater bodies.

End of Appendix E

Appendix F – Water Resources

F1 – Groundwater levels

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Sections 8.2.5.26 and 8.2.5.27	
Issue	The Scoping Report states that there has been a general rise in groundwater water levels in the Durham area in the past due to a reduction in public water abstraction, but the Wear abstraction licensing strategy states that groundwater water levels have lowered in some areas and reduced the available base flow in these watercourses. The abstraction licensing strategy associates this has occurred because of the implementation of measures to address water quality issues, associated with pollution from historic coal mining.
Impact	There is a risk that groundwater availability in the catchment could be misunderstood, which could have implications for any proposed groundwater abstraction required as part of the Proposed Development.
Solution	The Applicant should ensure that they are fully aware of groundwater levels across the catchment. We also recommend that the Wear abstraction licensing strategy is reviewed with regards to the outlook for any proposed groundwater abstraction.
Additional narrative/ explanation The resource availability assessment of the Magnesian Limestone aquifer in the Wear catchment is subject to further investigation and a better understanding of the risks will assist any permitting determinations required for abstraction. We are pleased therefore that the Scoping Report states that a full review of the WSP (2024) North East Magnesian Limestone Conceptual Model report will also be implemented during the EIA process.	

F2 – Consumptive uses of water

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Table 8.26	
Issue	Consumptive uses of water during the construction phase of the Proposed Development have not been Scoped In to the assessment,

	despite the Scoping Report making reference to dust management and Horizontal Directional Drilling (HDD) which can require significant volumes of water. Wheel and concrete washing and potable/domestic supply to welfare stations can also require significant volumes of water.
Impact	If water is to be supplied via mains, we recommend early engagement with NWL to ensure that these demands can be met. If water is required from surface water or groundwater, a new abstraction licence would be required and the permitting requirements should not be underestimated and considered early. Failure to assess this early could mean any potential restrictions or obstacles are not known until late in the process which could affect project timescales.
Solution	We recommend that the Applicant produces a basic water supply strategy to identify all consumptive uses of water, indicative volumes required and an options appraisal of sources of supply intended to be used to meet demands. This will help to identify and problem solve any potential restrictions or obstacles early in the process and may expedite the permitting process later.

End of Appendix F

Appendix G – Flood Risk and Modelling

G1 – Flood Risk Assessment (FRA) (policy and data sources)

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Table 8.18 and Table 8.20	
Issue	The FRA must align with national policy and best practices.
Impact	A sequential approach must be applied to the siting of permanent infrastructure and temporary components of the project. The Sequential Test will be required to be passed, as outlined in the National Policy Statement (NPS) EN-1, and the National Planning Policy Framework (NPPF). If parts of the site needs to be situated in areas at risk of flooding, then The Exception Test must also be applied and the FRA must assess flood risk from all sources of flooding.
Solution	Include the above tests in the FRA.

Additional narrative/ explanation (if necessary)

Compliance with policy regarding the Sequential Test is not within the remit of the EA but with the Local Planning Authority (LPA). We are emphasising the need for the Applicant to demonstrate the Sequential Test has been passed. The FRA should consider coastal erosion and potential implications on flood risk.

A sequential approach to the storage of spoil should be applied. Spoil must be stored outside of the 1 in 30-year flood extent/Flood Zone 3b.

FRA guidance and data sources:

Flood risk and coastal change - GOV.UK

The National Coastal Erosion Risk Map

Shoreline Management Plans

Flood risk assessments: climate change allowances - GOV.UK

National River Flow Archive | National River Flow Archive

Advice on working with public bodies in the infrastructure planning process, Annex D: Environment Agency - GOV.UK

Asset Information and Maintenance Programme It's advisable for the Applicant to liaise with the Lead Local Flood Authority (LLFA) regarding surface water and groundwater flood risk.

G2 – Updated EA Flood Map for Planning

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Section 8.2.5.37	
Issue	The EA Flood Map for planning has been used to identify different flood zone areas and the extent of flooding possible within the scoping boundary. Please note, the Flood Map for Planning will be updated at the end of March 2025 and hence the flood risk picture within the scoping boundary could change.
Impact	The current published Flood Map for Planning will be updated at the end of March 2025. The assessment of flood risk could change
Solution	Please review the updated Flood Map for Planning once this is published at the end of March 2025. Please see the additional comments section below for further information
Additional narrative/ explanation Further information is available online at: Updates to national flood and coastal erosion risk information - GOV.UK	

G3 – Hydraulic modelling

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Table 8.23	
Issue	Table 8.23 notes that further information on tidal and fluvial levels will be obtained from the EA and Lead Local Flood Authority (LLFA). We do not hold any detailed hydraulic modelling for the watercourses which cross the order limits. Similarly, from a tidal perspective we do not hold any detail coastal hydraulic modelling in this location
Impact	There is limited detailed flood risk information for the watercourses and coastline within the order limits. The assessment of flood risk could be inaccurate and there could be evidence gaps if checks and further investigation is not undertaken.
Solution	Depending on the placement of final above ground elements associated with the landfall locations, substation, and other ancillary infrastructure, there may be a requirement to undertake further detailed

	analysis in the form of hydraulic modelling so that the flood risk impacts to and because of the development can be understood.

Additional narrative/ explanation
We do hold information on design tidal water levels in the form of the Coastal Flood Boundary (CFB, 2018) dataset. This can be downloaded from the Defra Data Services Platform at Defra data services platform

G4 – Operational lifetime of the development

Document Reference(s): *MHPGC Project EIA Scoping Report*

Chapter 8.2, Table 8.25

Issue	The operational lifetime of the development is expected to be 35 years. As this is non-residential development the starting point for any assessment for the lifetime of the development should be 75 years.
Impact	Flood risk over the lifetime of the development could be underestimated, particularly when considering factors such as climate change.
Solution	Please consider a 75-year lifetime for the development as a starting point. This would mean considering climate change from a fluvial perspective for the 2080's epoch and sea level rise over a 75-year period once the development is in place.

Additional narrative/ explanation

From a fluvial flood risk perspective, the assessment time horizon for climate change for the development should be the 2080s epoch. From a tidal perspective sea level rise should be considered for the lifetime of the development considering the construction, operating, and decommissioning phases. As the development would be classed as "*Essential Infrastructure*" the higher central and upper climate change scenarios should be considered along with a credible maximum scenario from a tidal perspective (H++). Further details on climate change uplifts for watercourse (fluvial) flows and sea level can be found online at: Flood risk assessments: climate change allowances - GOV.UK

G5 – Ordinary watercourses with no associated Flood Zone mapping

Document Reference(s): *MHPGC Project EIA Scoping Report*

Chapter 8.2, Figure 6.2 and Table 8.25	
Issue	There may be fluvial flood risk associated with the ordinary watercourses within the LSS search area and more widely within the onshore order limits. It is important to note that there are some smaller ordinary watercourses which have no associated Flood Zone mapping due to the small size of their respective catchments.
Impact	There is an evidence gap in fluvial flood risk for smaller ordinary watercourses which means that flood risk could be underestimated.
Solution	The updated Risk of Flooding from Surface Water (RoFSW) mapping (January 2025) is a useful starting point for understanding the potential flood risk associated with smaller watercourses where there is no mapped Flood Zone information. Depending on the placement of the substation and other infrastructure in relation to the ordinary watercourses across the site, more detailed hydraulic modelling may be required.
Additional narrative/ explanation The new Risk of Flooding from Surface Water (RoFSW) and Risk of Flooding from Rivers and Sea datasets may provide some useful information. Further information is available online at: Updates to national flood and coastal erosion risk information - GOV.UK. We would recommend placing the substation within Flood Zone 1 and outside of any areas at risk of surface water flooding.	

G6 – Watercourse crossings

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2 Item MM-62 Table 8.26	
Issue	New watercourse crossings (culverts or bridges) may be proposed.
Impact	Inappropriate design of crossings could lead to increases in flood risk and difficulties associated with access and egress to the site.
Solution	Careful consideration will need to be given to how the design flood level will be determined for any proposed crossings. Typically, this would be determined by undertaking hydraulic modelling or referring to

	existing detailed hydraulic modelling data (where available and suitable). Any proposed crossings should be designed such that they do not increase flood risk elsewhere.
Additional narrative/ explanation (if necessary) Please note we would recommend against culverts for any crossings and would prefer the use of open-span structures such as bridges. Any proposed crossings should be designed so that the soffit level of any bridges sits above the design flood level. Proposed crossings should not increase flood risk elsewhere. The design flood level for permanent crossings in fluvial scenarios would be the 1% (1 in 100) annual exceedance probability (AEP) plus higher central climate change scenario. For any permanent crossings, the 2080's epoch for climate change should be used. Further details on climate change uplifts for watercourse (fluvial) flows can be found online at: Flood risk assessments: climate change allowances - GOV.UK	

G7 – Possible impacts to third parties

Document Reference(s): *MHPGC Project EIA Scoping Report* Chapter 8.2, Table 8.28	
Issue	The National Planning Policy Framework (NPPF) states that new development should not increase flood risk to third parties. Table 8.28 suggests that examples of negligible impact include increased frequency of flood flows, but which do not pose an increased risk to property or infrastructure. This statement is contrary to the NPPF.
Impact	There is not enough information at this stage. This is a generalised statement and impacts to third parties could be underestimated.
Solution	Please ensure that any impacts to third parties are quantified within the Flood Risk Assessment. In line with National Planning Policy the development should not result in any off site increased in flood risk.

G8 – Landfall locations and tidal flood risk

Document Reference(s): *MHPGC Project EIA Scoping Report*

Chapter 8.2 Water Resources and Flood Risk (onshore). General comment on landfall locations and tidal flood risk	
Issue	Tidal flood risk could be a key consideration for the landfall site depending on the final location which is chosen.
Impact	There is currently not enough information to make an informed assessment of tidal flood risk to the landfall location as this has not yet been finalised. Tidal flood risk could be underestimated if a detailed assessment is not undertaken.
Solution	The FRA should provide details of the exact location of the landfall sites.

Additional narrative/ explanation (if necessary)

In terms of assessing tidal flood risk to the landfall locations, the Coastal Flood Boundary (CFB) 2018 dataset provides information on extreme still water sea levels. This information can be downloaded from the Defra Data Services Platform at Defra data services platform. It will also be important to consider the effects of climate change on sea level rise, particularly during the operating period if there is any above ground infrastructure associated with the landfall locations. Further details on climate change allowances can be found at Flood risk assessments: climate change allowances - GOV.UK.

In addition, the following information and guidance may also be of use:

Coastal Standards Technical Report LIT 56561 (2022). Available on request from the EA. This may be of use, particularly with regards to future wave conditions and climate change allowances

The NCERM (National Coastal Erosion Risk Mapping) may be of interest. This is currently out for consultation for NCERM2, however, the original NCERM data can be found here: National Coastal Erosion Risk Mapping (NCERM) - National (2018 - 2021) - data.gov.uk

End of Appendix G

Appendix H – Advice to Applicant

Consents Strategy

A number of permits and licenses may be required to facilitate this scheme. Should you wish to disapply any element of these proposals and bring within the scope of the Development Consent Order (DCO) details of this should be provided to the EA a minimum of 6 months prior to DCO submission.

We will require a consenting strategy document to be submitted in support of the proposals which outlines a programme of managing the various consents and permits, and confirmation of whether this will be subsumed within the DCO process or as standalone permits.

We recommend early engagement with our National Permitting Service (NPS) and full use of their enhanced pre-application advice service to ensure the permitting requirements and implications are fully understood and addressed in good time to inform the Planning Inspectorate (PINS) decision making process. Twin tracking is recommended for those applications considered fundamental to the DCO.

Watercourse crossings

As the onshore cable route is not yet defined, it is not clear whether any river crossings will be required. If crossings are required, then the preference would be for trenchless techniques to be used and appropriate consideration given to the potential for disturbance or barriers to be caused by localised heating of riverbeds, and the presence of electromagnetic fields (EMF).

The following are general guiding principles to consider when designing watercourse crossings to avoid negatively affecting geomorphology and natural processes:

- Avoid unnecessary interference with natural processes. For instance, encourage use of trenchless techniques such as HDD to minimise the likelihood of cables entering the water environment.
- Ensure watercourse crossing design is informed by assessment of fluvial processes and geomorphology. For example, depth of HDD crossing should consider the likelihood of vertical channel change.
- Avoid designs which present legacy risks to natural processes and geomorphology beyond the project lifespan. For example, infrastructure such as access tunnels which are left in-situ after decommissioning could be exposed by future river movement, becoming an impediment to natural processes.

- Consider opportunities to deliver WFD mitigation measures as part of the design. Avoid preventing delivery of mitigation measures, e.g. avoid bringing cables to surface level in floodplains earmarked for future river restoration.

Flood Risk Activity Permits (FRAPs)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549.

The Applicant should not assume that a permit will automatically be forthcoming once a DCO has been granted, and we advise them to consult us at the earliest opportunity.

If any of the works are likely to require a FRAP under the Environmental Permitting Regulations 2016, we recommend that the applicant informs the EA whether they are seeking disapplication at the earliest opportunity.

Cables left in-situ

Section 3.9.1.2 states that landfall cable infrastructure to be left in-situ following decommissioning of the scheme. As part of the Decommissioning Environmental Management Plan (DEMP), provisions should be made for "clean-up" activities should cable infrastructure be left exposed on the foreshore or on the cliffs due to future coastal erosion. The responsibility of this lies with the Applicant.

Mining Remediation Authority

As of 28 November 2024, the Coal Authority has been renamed as the Mining Remediation Authority. The Applicant should refer to the correct public body in forthcoming documentation to prevent inaccurate citation of data sources.

Source Protection Zones (SPZs)

The EA has recently updated Groundwater SPZs, which the Applicant acknowledges in Section 8.2.5.29 and anticipates will be resolved in time for incorporation into the EIA. The Applicant should note that the updated dataset is not yet reflected in MAGiC online mapping, a situation which the EA are working to resolve.

The SPZs indicated within the study area are almost all correct, however the two SPZ1 areas for Dalton and North Dalton, both south-west of Seaham, are not correctly merged. This is largely not significant in the context of the development, as the SPZ1 areas primarily lie outside the Project boundary near the settlements of Dalton le Dale and Murton. The Applicant should ensure that the updated SPZ areas are considered in context of the Project when these become accessible.

Dewatering

If dewatering is required, it will require an abstraction licence if it doesn't meet the criteria for exemption in *The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works*. It may also require a discharge permit if it falls outside of our *regulatory position statement for de-watering discharges*.

Consumptive abstraction from Groundwater may not be available, more details can be found in the Abstraction Licensing Strategy for the catchment.

We recommend pre application advice be sought early on any proposed GW abstraction. If the dewatering activity can be demonstrated to be discharged to the same source of supply without intervening use (i.e. non-consumptive), this will increase the likelihood of a licence being granted.

We recommend an outline plan for abstraction and discharge volumes and locations and subsequent licensing requirements be considered with the CEMP.

Unexpected Contamination Protocol – Chapter 8, Table 8.5 MM-70

Item MM070 states that an unexpected contamination protocol will be produced in line with UK statutory guidance (LCRM/CLR11). Although LCRM is current guidance, the applicant should note that LCRM supersedes CLR11, which was withdrawn in 2020.

Consultation with Northumbrian Water

We recommend that Northumbrian Water Limited are contacted regarding any assets or abstractions within the Scoping Area which could be impacted by the Project.

[redacted]

From: FPL - Conx Request <ConnectionRequest@fulcrum.co.uk>
Sent: 17 February 2025 10:50
To: Morven Transmission Assets
Subject: RE: EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification
Attachments: Morven Hawthorn Pit Grid Connection Project - Statutory Consultation Notification.pdf

Hi,

We can confirm Fulcrum Pipelines Limited do not have any existing pipes or equipment on or around the above site address.

Please note that other gas transporters may have plant in the area which could be affected by your proposed works.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 03330 146 455.

In case of an emergency please phone 0800 111 999.

Kind regards,

FULCRUM

FPL - Conx Request
e: ConnectionRequest@fulcrum.co.uk | w: www.fulcrum.co.uk
a: Fulcrum, 2 Europa View, Sheffield Business Park, Sheffield, S9 1XH, T: 03330 146 46

Tell us how we're doing:
We'd really appreciate feedback on your experience with us today. So, please tell us how we're doing by emailing feedback@

Gateshead Council

Date: 11 March 2025
Our ref: EIA/25/001
Your ref: EN0210005

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

For the attention of : [redacted]

By email to : morventransmissionassets@planninginspectorate.gov.uk

Dear [redacted]

RE: APPLICATION BY MORVEN OFFSHORE WIND LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MORVEN HAWTHORN PIT GRID CONNECTION PROJECT (THE PROPOSED DEVELOPMENT).

(EIA) SCOPING CONSULTATION AND NOTIFICATION OF ENVIRONMENTAL IMPACT ASESSMENT.

Thank you for your letter dated 13 February 2025.

I understand that the applicant has asked the Planning Inspectorate on behalf of the Secretary of State for its opinion (a scoping opinion) as to the information to be provided in the Environmental Statement (ES) to the proposed development, which is a Nationally Significant Infrastructure Project (NSIP). It is noted that the proposed development is currently in the pre application stage.

I have reviewed the information accompanying the request for a scoping opinion via your website and can confirm that Gateshead Council has ***no comments*** to make on the information to be provided in the Environmental Statement in this instance, given that the site/proposed development is a significant distance from the administrative boundary of Gateshead Council.

Should you wish to discuss this response further then please contact me on [redacted]

Yours sincerely

[redacted]
Senior Planner
Development Management
Climate Change, Compliance, Planning and Transport
Economy Innovation and Growth
Gateshead Council

Development, Neighbourhoods & Regulatory Services

Email: developmentcontrol@hartlepool.gov.uk

Civic Centre Level 1
Hartlepool TS24 8AY

Tel: 01429 266522
DX60669 Hartlepool-1

Our Ref: H/2025/0049

Your Ref:

Contact Officer: [redacted]

07th March 2025

PLANNING INSPECTORATE

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PROPOSAL: Adjoining Authority Consultation for a scoping opinion for the Morven Hawthorn Pit Grid Connection Project
LOCATION: COASTAL AREAS WITHIN DURHAM AND SUNDERLAND

I refer to the above noted application.

I can confirm that Hartlepool Borough Council have no objections to the application.

I have set out responses from in-house colleagues below for your attention:

HBC Countryside Access
As this application originates from two neighbouring planning authorities, namely Durham County Council and Sunderland City Council and the application relates to an area within these authorities boundaries; I cannot comment on any rights of way and any other access issues, relating to this application, as it will be dealt with by those authorities' own rights of way officers, in the proper manner.

HBC Ecology
No Comments

No comments have been received at the time of writing from the following consultees:

HBC Engineering Consultancy
HBC Landscape Architect
HBC Traffic and Transport

In the case where no comments have been received at the time of writing from in-house technical colleagues, you should not take this as no objection from these colleagues. If you would like the comments from a particular consultee, I would encourage you to contact them directly regarding the proposals, or contact myself in order to seek any additional responses.

If you would like any further information about the Council's decision please contact your case officer Ami Capper quoting the reference number given above.

Hartlepool Borough Council will collect and process personal information in line with our legal obligations, details of which can be found on our web site www.hartlepool.gov.uk/GDPR or by telephoning 01429 266522. Personal Information will be handled in accordance with the General Data Protection Regulation.

Yours faithfully

[redacted]
Senior Policy Officer

Health and Safety Executive

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

Email: morventransmissionassets@planninginspectorate.gov.uk

Dear Ms [redacted]

Date: 3 March 2025

PROPOSED MORVEN HAWTHORN PIT GRID CONNECTION PROJECT (the project)
PROPOSAL BY MORVEN OFFSHORE WIND LIMITED (the applicant)
INFRASTRUCTURE PLANNING (ENVIROMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11

Thank you for your letter of 13 February 2025 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed Morven Hawthorn Pit Grid Connection Project components as specified in the ***Environmental Impact Assessment Scoping Request*** document February 2025, ***Figure 6.1,*** drawing title ***''Morven Hawthorn Pit Grid Connection Project''***, drawing number ***'' RPSE- MISC-019-00''*** does appear to cross the Consultation Zone of the Major Accident Hazard (MAH) pipelines, which are associated with the following operators:

- HSE Ref #7851, Transco Ref 2108, Operator Northern Gas Networks, Pipeline Edmondsley / Hendon (WS01).
- HSE Ref #12548, Transco Ref 2741, Operator Northern Gas Networks, Pipeline Cowpen Bewley to Warden Law.

The Applicant should make the necessary approaches to the relevant pipeline operator. There are three particular reasons for this:

i) the pipeline operator may have a legal interest in developments in the vicinity of the pipeline. This may restrict developments within a certain proximity of the pipeline.

ii) the standards to which the pipeline is designed and operated may restrict major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline or its operation, if the development proceeds.

iii) to establish the necessary measures required to alter/upgrade the pipeline to appropriate standards.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Would Hazardous Substances Consent be needed?

It is not clear whether the Applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. Hazard classification is relevant to the potential for accidents. For example, hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an addition rule in the Schedule for below-threshold substances. If hazardous substances planning consent is required, please consult HSE on the application.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - Annex G – The Health and Safety Executive. This document includes consideration of risk assessments on page 3.

Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

[redacted]

[redacted]
CEMHD4 NSIP Consultation Team

Hetton Town Council

The Hetton Centre
Welfare Road
HETTON-LE-HOLE
County Durham
DH5 9NE

Tel: 0191 561 6600
[redacted]
email: townclerk@hettontowncouncil.gov.uk

12 March 2025

Your Ref: EN0210005

[redacted]
Senior EIA Advisor
Environmental Services
Operations Group
3 Temple Quay House
2 The Square
BRISTOL
Somerset
BS1 6PN

Via email: morventransmissionassets@planninginspectorate.gov.uk

Dear Madam

Morven Hawthorn Pit Grid Connection Project

Thank you for your letter dated 13 February 25.

Your correspondence was considered at the meeting of the Town Council's Planning & Development Committee held on 6 March 25.

I write to confirm that the Town Council has no comments.

Your faithfully

[redacted]

[redacted]
Town Clerk

Historic England

Your ref: EN210005

Telephone: [redacted]

13 March 2025

Dear [redacted],

Marine and Coastal Access Act (MCAA) 2009

Request for advice on the PINS Scoping Request for Morven Hawthorne Connection

Thank you for contacting us on the 13th February 2025 requesting our further advice on the Scoping Report for Morven Hawthorne Connection. Based on this information, we offer the following advice to assist you.

- Morven Hawthorn Pit Grid Connection Project Environmental Impact Assessment Scoping Report (February 2025), ref. MVCNS-J4028-RPS-10003_B03

Historic England Advice

We understand from the Scoping Report, as referenced above, this project is for one of two grid connection options for the Morven Offshore Wind Farm. The connection extends from the array area, which is located wholly in Scottish waters and consented separately, to the landfall and grid connection in County Durham. The parts of the project that are located within English waters are seeking a Development Consent Order for both the onshore and offshore elements.

The proposed scheme comprises the following elements:

- Offshore cable
- Onshore cable
- Onshore Substation

Onshore Project Elements:

To assist in the implementation of national planning policy Historic England has produced guidance on managing change within the settings of heritage assets. The guidance offers a framework for the consideration of setting, applicable to designated and non-designated heritage assets, and for assessing the implications of development affecting the setting of a heritage asset. It provides the principal Historic England advice on the issue of setting and should be used in conjunction with other relevant guidance. The Setting of Heritage Assets is available at www.english-heritage.org.uk/publications/setting-heritage-assets/.

Our initial review indicates that the proposed development could, potentially, have an impact upon several designated heritage assets and their settings in the area. In line with the National Planning Policy Framework (NPPF, paragraph 128), we would expect the Environmental Statement to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

We would draw your attention to the following designated heritage assets:

- Daldon Tower (Scheduled Monument 1020292) – The site is picked up in the initial information, but only its II* listing, rather than its scheduling, which takes precedence
- Enclosed settlement on Pighill, 600m south west of High Fallowfield (Scheduled Monument 1019919) – located just beyond the development boundary at its southwestern end
- Dalton Water Pumping Station (Listed Building II*)
- Church of St Andrew, Dalton le Dale (Listed Building II*)

We recommend you contact the local authority Historic Environment Record for further information particularly on non-designated heritage assets. We would also advise a need to consult with the relevant local authority(s) for advice on potential impacts on archaeology, built heritage, and conservation areas, much of which lies outside of Historic England's statutory remit. We need to be clear that the above is not an exhaustive list and other heritage assets may also be identified as part of the assessment process which would require appropriate consideration.

Offshore Project Elements:

Proposed offshore project design:

For the project design set out in Section 3, we understand from the above referenced report that the marine component of the scheme is for up to 6 cables buried to a target depth of 0.5-2.5m. Burial techniques may include jet trenching, mechanical trenching, dredging, ploughing, controlled flow excavation, rock cutting, and backfilling. The installation through the intertidal zone is likely to be Horizontal Directional Drilling. Cable protection may also be required, including burial, concrete mattresses, rock placement, rock bags, grout bags, cement bags,

sandbags, articulated pipes, cast iron shells, bend restrictors/stiffeners, cable protection systems, and frond mats.

Additionally, seabed preparation may be required prior to cable installation. This may include seabed levelling, removing surface and subsurface debris such as boulders, fishing nets or lost anchors. If debris is present below the seabed surface, then excavation may be required for access and removal. Methods such as plough, jetting, scar plough, remotely operated vehicle (ROV) grab, boulder grab, and grapnel run may be used. UXO investigation and clearance will also be required prior to construction.

Potential for impacts to the historic environment:

As such, we note that various aspects of the construction, operations and maintenance, and decommissioning phases of the project are set out in the report. The Development Consent Order (DCO) application must be clear which activities associated with these phases are being applied for, and which will require separate applications.

From the description of works presented in the report, we can summarise there are potential impacts to archaeological receptors from the proposed cable installation works, and associated seabed preparation, cable protection, and vessel anchoring and jack-ups.

Marine Archaeological Assessment:

We note from Section 7.10 'Marine Archaeology' the marine study area is the scoping boundary plus a 2km buffer. We are content this is appropriate to characterise the archaeological baseline. In general, we are pleased with the summary of the baseline environment presented for archaeological receptors, including maritime, aviation, and prehistoric receptors. Particularly, we note that there is one Protection of Military Remains Act 1986 wreck within the scoping boundary.

The data sources set out in Table 7.58 are appropriate and recently accessed, and it is acknowledged there was no HER data available within the study area. We further recommend that additional desk based sources are consulted, such as the CITiZAN coastal map (https://citizan.org.uk/interactive-coastal-map/#zoom=6&lat=7365018.29044&lon=-145688.99122&layers=B00000TF) and any available grey literature. It should also be noted that the NRHE is becoming the NMHR so this reference should be updated within the PEIR.

We also understand from paragraph 7.10.4.1 that geophysical surveys have been undertaken, and the results will be presented within the PEIR. It would be useful for the details of these surveys to be discussed within the next marine Expert Working Group meeting. We also recommend that geoarchaeological assessments are undertaken on geotechnical samples collected from the project area.

Additionally, for the PEIR it is advised that an archaeological desk based assessment is commissioned from an appropriate and experienced marine archaeological contractor working to recognised professional standards, such as those defined by the Chartered Institute for Archaeologists. This is essential to qualify any material or features of historic environment interest revealed by geophysical or geotechnical surveys and create a comprehensive baseline.

Furthermore, with regards to the collection of geoarchaeological data, it is important there is a method statement for retention, storage and stage 1 and 2 assessments in place, which contains clear objectives in line with relevant research frameworks. The Environmental Impact Assessment (EIA) should therefore set out further guidance documents it will follow on the assessments of survey data, such as the Historic England Deposit Modelling and Archaeology Guidance for Mapping Buried Deposits (2020).

The proposed impact assessment methodology, as presented in Section 7.10.8, should also consider appropriate guidance relevant to determining the value of maritime, aviation and seabed prehistory. This would be beneficial to the assessment of sensitivity.

Impacts Scoped into the Marine Archaeology Assessment:

We note that all direct and indirect impacts have been scoping into the EIA for marine archaeology as set out in Table 7.61. However, this table doesn't include consideration of impacts to presently unknown archaeological receptors. This should be addressed within the PEIR.

Proposed Mitigation Measures:

We note from Section 7.10.7 'Designed In Measures and Mitigation', Table 7.62, and Appendix A, Table A.1 the proposed mitigation measures. These include adherence to a Written Scheme of Investigation (WSI) and a Protocol of Archaeological Discoveries, the use of Archaeological Exclusion Zones, and further investigation of receptors to be impacted. We recommend that further consideration for the micro-siting of infrastructure on the seabed to avoid potential impacts is also included within this section and tables.

We are pleased to see the range of mitigation measures proposed within the table and are largely supportive of their content. We recommend these are further developed as the desk-based assessment and site specific geophysical and geoarchaeological assessments are completed and that a draft Outline WSI is submitted with the PEIR. Furthermore, we are pleased to see the detail included in MM-47 regarding ongoing monitoring - it would also be beneficial to set out in more detail what archaeological monitoring of sites may consist of within the PEIR.

However, we note that mitigation measure MM-43 includes the provision for safeguarding comparable sites elsewhere. Considering the rarity and uniqueness of most archaeological finds, we do not consider that this measure is achievable and suggest that revision to MM-43 is required.

We note that paragraph 7.10.8.2 regarding historic seascape character assessment appears to be incomplete. We therefore cannot assess the validity of this section. Further detail will be required on this in terms of how it informs characterisation of the proposed scoping boundary.

Section 7.10.9 'Potential Cumulative Impacts' appears to discuss ground condition and contamination issues and not marine archaeology. We therefore cannot assess the validity of this section. Further detail will be required on this.

Lastly, we request the need for any archaeological reports produced as a part of this development to be recorded via OASIS V (Online AccesS to the Index of archaeological InvestigationS).

Conclusions:

In general, we are pleased with the content of the Scoping Report as sufficient characterisation for the purposes of EIA Scoping for the historic environment and the inclusion of appropriate impacts against archaeological receptors, with the caveats stated above. It is moving in the right direction to produce an appropriate PEIR, subject to the consideration of the matters we have outlined above.

Please get in touch if you have any questions.

Yours sincerely,

[redacted]

Marine Planning Archaeological Officer

[redacted]

Cc: [redacted] (Head of Marine Planning – Historic England)

[redacted] (North East and Yorkshire Team Leader – Historic England)

[redacted]

From: Richard Shelmerdine [redacted]
Sent: 20 February 2025 11:59
To: Morven Transmission Assets
Cc: JNCC Offshore Industries Advice
Subject: RE: EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification

Dear [redacted],

Thank you for the below request for feedback to the proposed Morven Hawthorn Pit Grid Connection Project in English waters. As these proposed operations relate to an offshore wind development, JNCC's response is delegated to Natural England who will assess the information accordingly.

Kind regards,
[redacted]

[redacted] | **Offshore Industries Adviser | JNCC**
Inverdee House, Baxter Street, Aberdeen, AB11 9QA [redacted]
[redacted]
Website **X/Twitter** **Facebook** **LinkedIn**

Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon
Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Morven Offshore Windfarm Transmission
Assets Case Team
Planning Inspectorate
morventransmissionassets@planninginspectorate.gov.uk.
(by Email only)

Planning Inspectorate Reference: EN0210005

13 March 2025

Dear Sir/ Madam,

Formal scoping request under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 for the proposed Morven Offshore Windfarm Transmission Assets Project by Morven Offshore Wind Limited

Thank you for your scoping opinion request of 13 February 2025 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on the Morgan Offshore Wind Farm Environmental Impact Assessment (EIA) scoping request.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the 2009 Act) to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence[1]. Inshore waters include any area which is submerged at mean high water spring (MHWS) tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects (NSIPs), the 2008 Act enables Development Consent Order's (DCO) for projects which affect the marine environment to include provisions which deem marine licences[2].

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery

[1] Under Part 4 of the 2009 Act
[2] Section 149A of the 2008 Act

body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (DML) enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO's website[3]. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note[4].

General Comments

The MMO has contacted the Applicant a number of times prior to the EIA scoping request to ensure the Applicant engaged in the initial contact and engagement requirements to enable the MMO to provide a full and detailed response. This includes setting up the required cost for the advice as per the updated legislation[5].

The MMO notes the Applicant has not responded and did not submit an enquiry regarding EIA Scoping, and as a result, no estimate is in place to enable the MMO to move forward with a detailed response.

The MMO kindly requests the Applicant submits an enquiry to ensure this process can be started. This will also avoid delays in the MMO processing and reviewing documents and any required inclusion of the Evidence Plan Process.

Additionally, the MMO notes that the delay has prevented us from consulting with our scientific advisors, the Centre for Environment, Fisheries and Aquaculture Science (Cefas). The MMO notes that further data sources to support assessments following consultation with our technical experts will likely be required.

If the Applicant wishes for us to consult our scientific advisors to provide scoping advice then this can be arranged outside of the statutory timescales (once the Enquiry is set up). The MMO recommends this route to ensure the Applicant has as much information as possible moving to the next stage in the process.

It is noted if the Applicant does not engage with us as early as possible this will delay the next stages of the processes.

The MMO notes the next time the Applicant has a statutory consultation requirement will be during the Section 42 stage including review of Preliminary Environmental Information Report (PEIR) review. Without an accepted estimate the MMO will be in the same position and therefore any decisions the Applicant makes to refine the project may be contradictory to the advice we provide as the regulator for the marine environment in English waters.

The MMO also encourages the Applicant to engage with other key stakeholders, such as Natural England, Environmental Agency, Trinity House, Maritime and Coastguard Agency and Historic England during the pre-application process.

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[3] https://www.gov.uk/planning-development/marine-licences
[4] https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-eleven-working-with-public-bodies-in-the-infrastructure-planning-process
[5] Planning Act 2008: Infrastructure Planning (Fees) Regulations 2010 - cost recovery by the Planning Inspectorate and public authorities - GOV.UK

Please find attached the limited scoping opinion of the MMO.

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours sincerely

[redacted]
Marine Licensing Case Officer

[redacted]

EIA Limited Scoping Opinion

Marine Licensing, Wildlife Licences and other permissions

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the Applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Should a deemed marine licence be included within the NSIP then this should be clearly set out and assessed.

Environmental Impact Assessment

The topics the MMO can provide advice on are:

- Coastal/Marine Processes
- Dredge, disposals, sediment survey requirements and chemical use
- Benthic ecology
- Fisheries ecology
- Shellfish ecology
- Underwater Noise

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons.

The Secretary of State will have to take this into account as part of the process and if the project is within a Marine Plan area this should be fully assessed in a standalone table as part of the policy and legislation section. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

Fees

The MMO has powers under the Infrastructure Planning (Fees) Regulations 2010 (as amended) to charge for its services in relation to any advice, information or other assistance (including a response to a consultation) provided in connection with:

- an application or proposed application, for an order granting development consent, and
- an application/proposed application to make a change to, or revoke, such an order, and
- any other prescribed matter relating to NSIPs, including both statutory and non-statutory work.

For any statutory work undertaken by the MMO throughout the NSIP process, staff time will be charged at the current rate of £122 per hour.

From 1 May 2024 the MMO will begin charging for all statutory work done in the NSIP process, including responding to post application documents, Section 56 consultations, attendance at examinations and providing written representations in examinations.

For non-statutory or discretionary work undertaken by the MMO during the NSIP process staff time will be charged at the current rate of £122 per hour plus VAT.

The MMO will also charge for any work done by any third-party scientific advisors in relation to NSIP work. This is most often work done by Cefas at the current rate of £108.32 per hour.

Post consent monitoring, discharging of requirements under Deemed marine licences (DML) or variations to DMLs are chargeable by virtue of powers the MMO has under The Public Bodies (Marine Management Organisation) (Fees) Order 2014 and this work is currently charged at the rate of £94 per hour.

You will receive an estimate of the number of hours required for MMO and Cefas hours for all work needed on your NSIP project. Fee estimates may be broken down depending on the stage your project is at in the NSIP process. The estimated hours are multiplied by the appropriate hourly rate to give an estimated fee. You must accept the terms quoted before we can progress.

Final charges invoiced by the MMO and Cefas are based upon actual hours worked, not the original estimate.

The staff time spent on your NSIP project is recorded in units of 15 minutes with a minimum of 15 minutes for each item of work.

The MMO case managers monitor your NSIP project weekly to assess how many more case hours are needed. If the estimated final cost is likely to be significantly different from the actual final cost, you will be notified in good time. You will also receive an explanation of the circumstances and an updated estimate. You will also be informed when more than 90% of the estimated total number of hours has been used.

Please refer to our published guidance for a detailed summary of fees for marine licensing and associated work here:
https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees

Please also refer to additional government guidance regarding cost recovery by certain prescribed public authorities such as the MMO in relation to NSIPs here:
Planning Act 2008: Infrastructure Planning (Fees) Regulations 2010 - cost recovery by the Planning Inspectorate and public authorities - GOV.UK

If you require further guidance on the Marine Licencing process, please follow the link
https://www.gov.uk/topic/planning-development/marine-licences

Yours sincerely

[redacted]

[redacted]
Marine Licensing Case Officer

[redacted]

[redacted]
Maritime and Coastguard Agency
UK Technical Services - Navigation
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

[redacted]
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

www.gov.uk/mca

Your Ref: EN0210005

Date: 26th February 2025

Via email: morventransmissionassets@planninginspectorate.gov.uk

Dear [redacted]

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11.

Application by Morven Offshore Wind Limited (the applicant) for an Order granting Development Consent for the Morven Hawthorn Pit Grid Connection Project (the proposed development), Scoping Consultation.

The MCA has reviewed the scoping report provided by Morven Offshore Wind Limited for the Morven Offshore Wind Farm Hawthorn Pit Grid Connection Project as detailed in your correspondence of 13th February 2025. We acknowledge that this consultation relates to the offshore elements of the proposed works in English waters only (as illustrated in figure 3.1) and not the array elements of the proposed works or the offshore elements of the proposed works in Scottish waters. We would like to comment as follows:

The Environmental Impact Report should supply detail on the possible impact on navigational issues for both commercial and recreational craft, specifically:

- Collision Risk.
- Navigational Safety.
- Visual intrusion and noise.
- Risk Management and Emergency response.
- Marking and lighting of site and information to mariners.
- Effect on small craft navigational and communication equipment.
- The risk to drifting recreational craft in adverse weather or tidal conditions.
- The likely squeeze of small craft into the routes of larger commercial vessels.

The development area carries a significant amount of traffic with several important commercial shipping routes to/from UK ports and the North Sea. Attention needs to be paid to routing, particularly in heavy weather so that vessels can continue to make safe passage without large-scale deviations. The likely cumulative and in combination effects on shipping routes should be considered for this project. It should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room.

A Navigational Risk Assessment will need to be submitted in accordance with MGN 654.This NRA should be accompanied by a detailed MGN 654 Checklist which can be found at https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping.
Paragraph 7.9.4 and table 7.53 state that appropriate traffic data has been collected in accordance with MGN 654, which includes two 14-day marine vessel traffic surveys in winter 2023 (1st February – 14th February) and summer 2023 (1st July – 14th July). As the scope of this report concerns mainly cable laying areas and no fixed structures are planned, then AIS only data is acceptable on this occasion.

We note in Chapters 4 and 11, that a Cumulative Effects Assessment will be carried out. The applicant acknowledges that the proximity to other projects and activities will need to be fully considered, with an appropriate assessment of the distances between OREI boundaries and shipping routes as per MGN 654. Attention must be paid to the traffic for ensuring the established shipping routes within the North Sea can continue safely without unacceptable deviations. The proximity to the Ossian windfarm transmission project should be of particular focus and continued dialogue with the developers of these sights is to be encouraged.

As previously acknowledged, this consultation relates to the offshore elements of the proposed works in English waters only and primarily concerns cable installation and landfall connection. Therefore, where applicable, the following should be considered: Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection measures are required e.g., rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the Horizontal Directional Drilling (HDD) location. The development of a Cable Specification and Installation Plan and planned monitoring of cable protection (Table 7.5, Mitigations MM-10 and MM-11 respectively) are welcomed by the MCA.

As stated in 3.3.1.2 although Morven offshore wind farm does include construction of Offshore Substation Platforms (OSPs) they are outside scope of this report and will be assessed within the Morven Offshore Wind Array Project EIA to be submitted to Marine Directorate. Therefore, as no fixed structures are planned for this part of the project a SAR checklist and full Emergency Response Co-operation Plan (ERCoP) are not required. A Marine Emergency Action Card (MEAC) is considered appropriate for this part of the project when considered in isolation.

MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Failure to report the survey or conduct it to Order 1a might invalidate the Navigational Risk Assessment if it was deemed not fit for purpose.

It is noted in Chapter 3, table 3.1 that HVDC transmission infrastructure will be installed. We would like to remind the applicant that in the case of any HVDC installation, consideration must be given to the effect of electromagnetic deviation on ships' compasses. The MCA would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five degrees will be attained. If a HVDC cable is being used, we would expect the applicant to do a desk based compass deviation study based on the specifications of the cable lay proposed and assess the effect of EMF on ship's compasses. MCA may request for a deviation survey post the cable being laid; this will confirm conformity with the consent condition. The developer should then provide this data to UKHO via a hydrographic note (H102), as they may want a precautionary notation on the appropriate Admiralty Charts (actions at a later stage depending upon the desk-based study and post installation deviation survey).

On the understanding that the Shipping and Navigation aspects are undertaken in accordance with MGN 654 and its annexes, along with a completed (where applicable) MGN checklist, MCA is likely to be content with the approach.

Yours faithfully,

[redacted]

[redacted]
Offshore Renewables Project Lead
UK Technical Services Navigation

Defence Infrastructure Organisation

[redacted]
Ministry of Defence
Safeguarding Department
DIO Head Office
St George's House
DMS Whittington
Lichfield
Staffordshire WS14 9PY

E-mail: DIO-safeguarding-offshore@mod.gov.uk

www.mod.uk/DIO

Your reference: EN0210005

Our reference: DIO 10066338

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

13 March 2025

By email only

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11

Application by Morven Offshore Wind Limited (the applicant) for an Order granting Development Consent for the Morven Hawthorn Pit Grid Connection Project (the proposed development)

Thank you for consulting the Ministry of Defence (MOD) on the request for a scoping opinion with respect to the above proposed development.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, technical sites or maritime defence assets and interests.

The Morven Hawthorn Pit Grid Connection Project proposals comprise an offshore cable corridor up to 341km, and an onshore high voltage direct current connection from transition joint bays to a land sub-station up to 16.8km in length. A request for a Scoping Opinion has been prepared and submitted. This representation has been prepared in response to the 'Morven Hawthorn Pit Grid Connection Project; Environmental Impact Assessment Scoping Report', dated February 2025.

Offshore Development

The project will entail the installation of subsea cables and associated infrastructure to link the Morven Wind Farm with onshore electricity grid infrastructure.

Should the construction or decommissioning phases of the proposed development entail the deployment of tall or narrow profile structures, this may have implications to military low flying training activities that may be conducted in this area.

Proposals entailing the deployment of structures (whether temporary or permanent) that will have a total height of 50 metres or greater above the surface should be evaluated to confirm the need for aviation warning lighting or notifications to airspace users.

The applicant has identified through Section 9.3 Aviation (Military and Civil) and Radar some potential effects of the offshore elements of the proposed development.

Section 9.3.5.6 Military Low Flying identifies potential impacts on military low flying training. The project will pass through and beneath various military Danger Areas, Practice and Exercise Areas (PEXA). PEXA. Danger Area D613G operates between 10,000 feet and 66,000 feet; D323A operates between 5000 feet and 66,000 feet; D613F operates between 15,000 feet and 66,000 feet. Danger Area D513- Druridge Bay operates between surface level and 23,000 feet.

Section 9.3.5.8, Military Practice and Exercise Areas incorrectly states there are no Military Practice and Exercise Areas (PEXA) within the study area. As mentioned above, D513, Druridge Bay falls within the scoping area and is referenced on Figure 7.34 as a firing practice area and also in Section 7.9.5.10. This area should be taken account of as the project moves forward to ensure no adverse effects are caused to military training conducted there. The potential need for sub-sea cable installations routed through this Danger Area to be fitted with protection from projectiles or other objects that may be dropped into the sea as a consequence of military training should be taken into account.

Table 9.17 notes the impacts to be scoped into the project for aviation. The ‘Creation of a physical obstacle to low flying aircraft’ scopes in the potential impact during the construction phase but not during the decommissioning phase. MOD considers potential impacts during the decommissioning phase should also be scoped in.

Table 9.18 lists the impacts to be scoped out of the assessment for aviation. The impact listing for ‘Potential disruption to military PEXA’ should be scoped into the assessment ongoing due to PEXA D513, Druridge Bay and the potential to impact on military training.

Table 9.19 lists the ‘Designed in Measures, Relevant to Aviation and Radar’. The designed in measure, keeping stakeholders informed due to potential for physical obstruction is noted.

Please note, there are other defence interests in the locality relating to maritime navigational interests and installations that are not defined in the public domain. The MOD will be able to provide specific advice, as may be necessary, on the proposed cable installation when more detailed information becomes available.

The potential for unexploded ordnance (UXO) to be present within the development area is acknowledged within Section 3.4.3.19 and measures to identify and address this are identified It would be appropriate to give particular consideration to the potential presence of UXO in the area covered by Danger Area D513.

Onshore Development

The scoping submission states that there will be a high voltage direct current connection from transition joint bays where the offshore development makes landfall, to a land sub-station up to 16.8km in length. The cable will be buried in up to two separate trenches.

The onshore extent of the scoping boundary area identified in the submission does not occupy any statutory MOD safeguarding zones. However, it does occupy an area in which military low flying training may be conducted. The scoping boundary area is located within Low Flying Area 12 (LFA 12) in which fixed military aircraft engaged in low flying training may fly as low as 76.2 metres above terrain features. Table 3.5 states the height of the Land Sub-Station main building will be approximately 30m. The introduction of any permanent of temporary structures 50 metres or greater in height will need to be reviewed by the MOD to identify if they will have any implications to low flying training activities and identify any mitigation measures that may be necessary.

It is acknowledged that, at this stage, detailed designs for the various proposed structures and their locations may not have been finalised, as such these representations are limited to the principle of the development only.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents published on the project website as of the date of this letter. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. If any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

[redacted]

[redacted] | Assistant Safeguarding Manager
Defence Infrastructure Organisation

Murton Parish Council

The Glebe Centre,
Durham Place,
Murton, Seaham,
Co Durham. SR7 9BX

Telephone Office 0191 5208651
[redacted]
E-mail clerk@murtonparish.gov.uk
Website www.murtonparish.co.uk

Clerk of the Council
[redacted]

06/03/2025

Dear [redacted]

I am writing on behalf of Murton Parish Council

As a consultee in this matter, we have received the email and associated documents relating to the Morven Hawthorn Grid Connection project.

In your letter you have requested that any comments regarding the scoping report be made by 13th March. We have reviewed the report the best we can due to the complex detail and capacity, and do not feel there are any comments we need to include for consideration.

However, as representatives of the community most affected by this project, we would like to ensure that the public and residents in Murton are fully informed of all stages relating to this project, and additionally what benefits will it bring to the local community to offset the environmental impact of these project works

Yours Sincerely

[redacted]

Clerk of the council

[redacted]

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 18 February 2025 10:59
To: Morven Transmission Assets
Subject: RE: EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification [SG38670]

Our Ref: SG38670

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

[redacted]

From: box.assetprotection <box.assetprotection@nationalgas.com>
Sent: 14 February 2025 09:49
To: Morven Transmission Assets
Subject: FW: EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification
Attachments: Morven Hawthorn Pit Grid Connection Project - Statutory Consultation Notification.pdf

Good morning,

Thank you for your email.

Regarding EIA Scoping and Consultation and Regulation 11 Notification EN0210005 - Morven Hawthorn Pit Grid Connection Project there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Gas Transmission assets only.

Kind regards

[redacted]
Asset Protection Assistant

[redacted]
box.assetprotection@nationalgas.com

national gas transmission

National Gas Transmission, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA
nationalgas.com I **Twitter** I **LinkedIn**

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

[redacted]
Development Liaison Officer
Land, Planning and External Affairs
[redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
morventransmissionassets@planninginspectorate.gov.uk

13 March 2025

Dear Sir/Madam

APPLICATION BY MORVEN OFFSHORE WIND LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MORVEN HAWTHORN PIT GRID CONNECTION PROJECT (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 13th February 2025 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines and substation forms an essential part of the electricity transmission network in England and Wales.

Existing Infrastructure

Substation

- HAWTHORN PIT 400 kV Substation
- HAWTHORN PIT 275 kV Substation
- HAWTHORN PIT 66 kV Substation
- Associated overhead and underground apparatus including cables

Overhead Lines

4TF ROUTE 400 kV OHL	HAWTHORN PIT - NORTON 275 kV
	HAWTHORN PIT - NORTON 400 kV
ZZA ROUTE 400 kV OHL	HARTLEPOOL - WEST BOLDON
	HAWTHORN PIT - OFFERTON
	HARTMOOR - HAWTHORN PIT

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

I enclose a plan showing the location of NGET's apparatus in the scoping area.

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd'

Onshore Infrastructure

Eastern Green Link 1 (EGL1)
EGL1 is a two-gigawatt high voltage direct current electrical connection to be built between Torness in East Lothian, Scotland and Hawthorn Pit in County Durham. The project is being developed through a joint venture between SP Energy Networks and National Grid Electricity Transmission. Works to construct EGL1 will start in March 2025, and we aim to be fully operational by 2029. Connection works started in England in 2024.
Underground onshore cables will be installed from the landfall point just north of Seaham, to a new converter station and substation at Hawthorn Pit, County Durham, between the villages of Murton and South Hetton. Several existing overhead line connections into the substation at Hawthorn Pit will also be reconfigured, resulting in fewer pylons than there are today. To find out more about EGL1 visit the project website: www.easterngreenlink1.co.uk

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset

- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 5 (2019)".

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.

- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

To download a copy of the HSE Guidance HS(G)47, please use the following link: http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing and future assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: **box.landandacquisitions@nationalgrid.com**

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

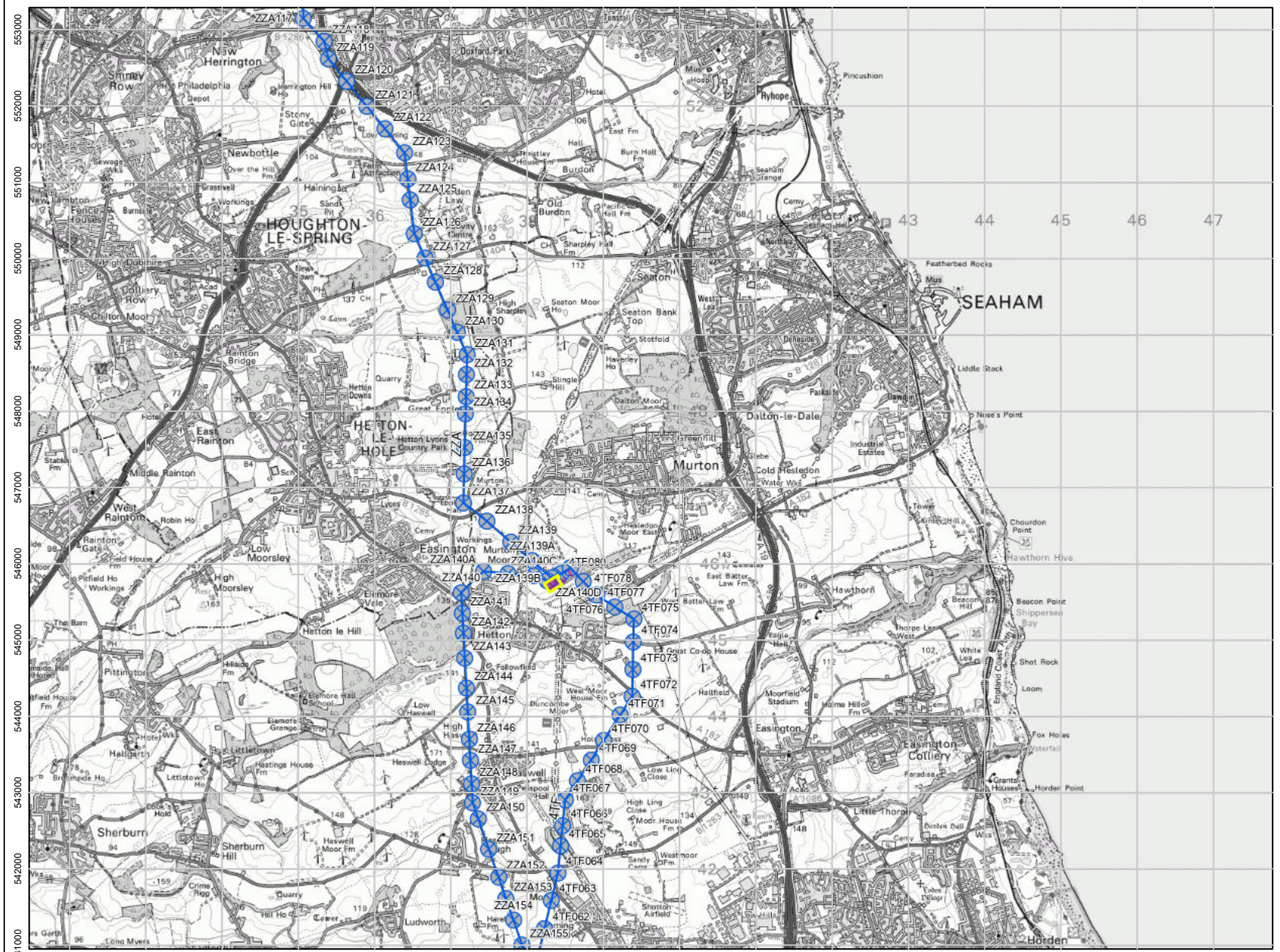
Yours faithfully

[redacted]

[redacted]

Development Liaison Officer
Commercial and Customer Connections
Land, Planning and External Affairs

nationalgrid | National Grid Web Map



Legend

- Fibre Cable
  - Fibre Cable Commissioned
- Buried Cable
  - Buried Cable Commissioned
- Towers
  - Towers Commissioned
- OHL 400Kv
  - OHL 400Kv Commissioned
- Substations
  - Substations Commissioned

Notes

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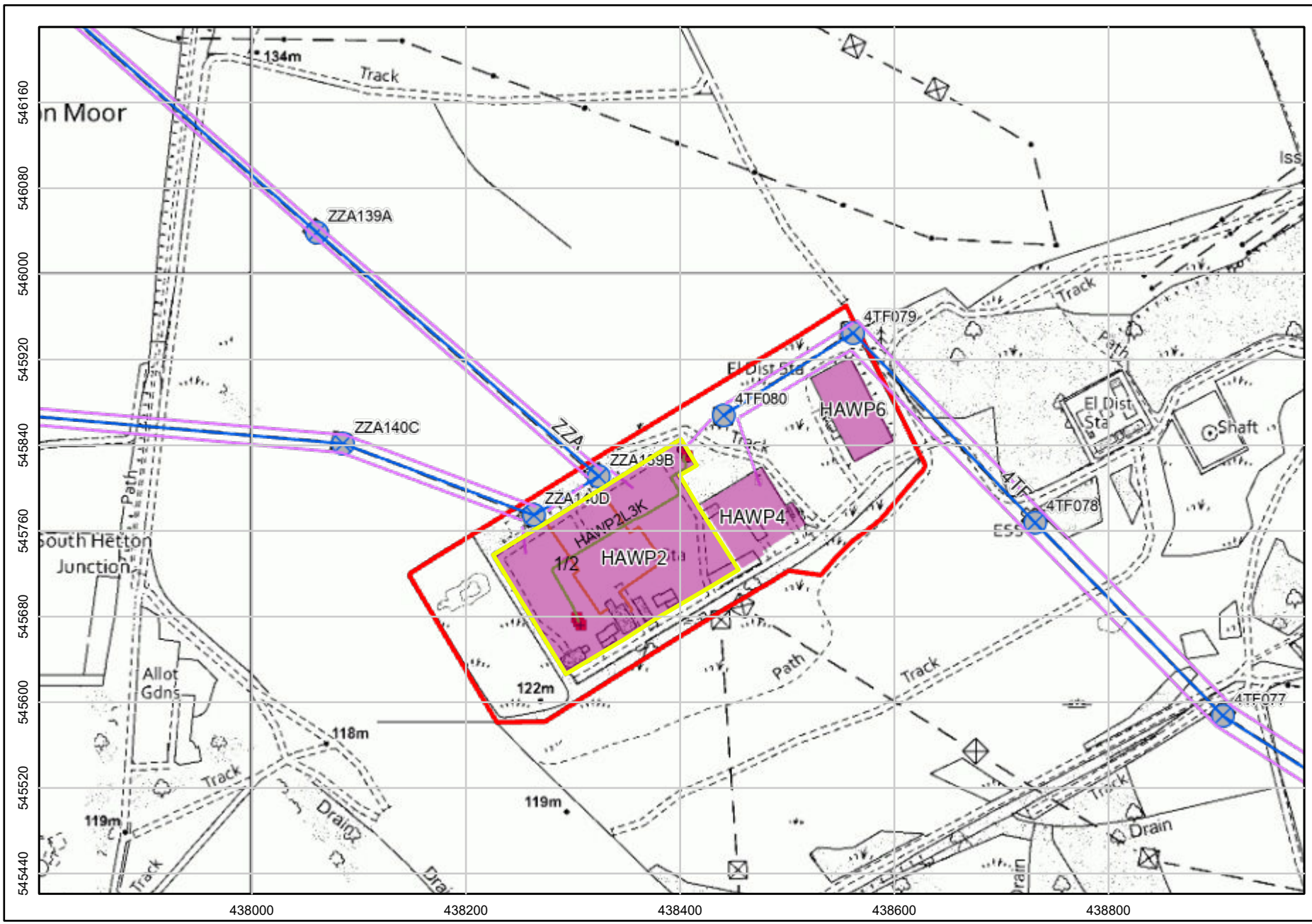
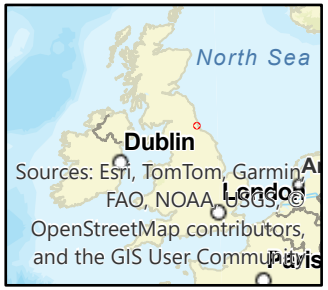
Note: Any sketches on the map are approximate and not captured to any particular level of precision.

nationalgrid | National Grid Web Map





Legend

- Electric Land Ownership
  - Electric Land Ownership - Freehold
- Telecoms
  - RAMM
- Cable Accessories
  - Joint Bay
  - Gauge
  - Link Box
  - Oil Tank
- Fibre Cable
  - Fibre Cable Commissioned
- Buried Cable
  - Buried Cable Commissioned
- Towers
  - Towers Commissioned
- OHL 400Kv
  - OHL 400Kv Commissioned
- OHL Circuits
  - Commissioned
  - Decommission Group
- Substations
  - Substations Commissioned

Notes

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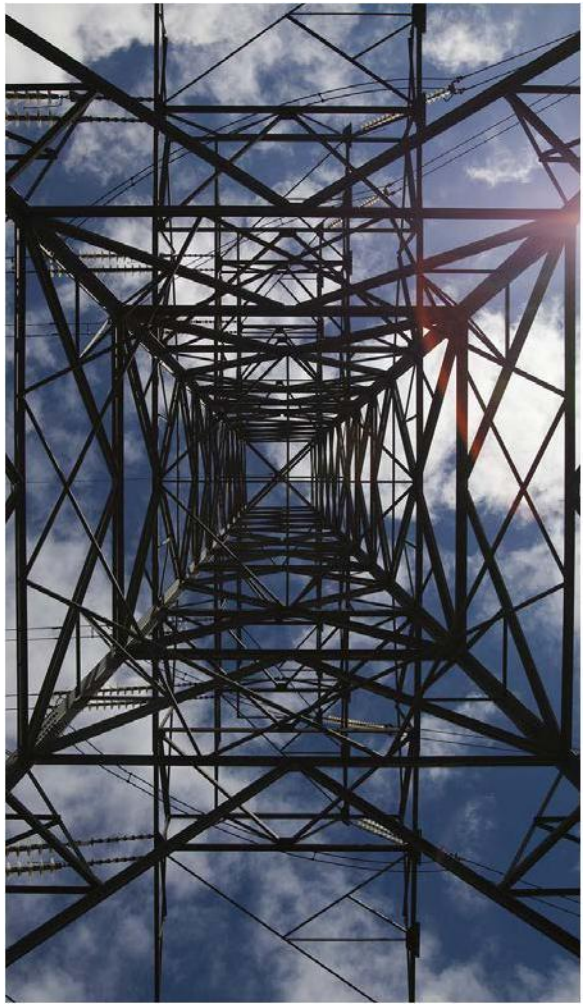
Technical Guidance Note 287

Third-party guidance for working near National Grid Electricity Transmission equipment



Purpose and scope

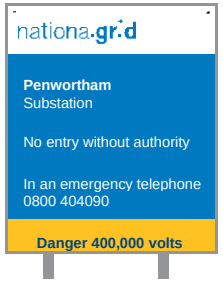
The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

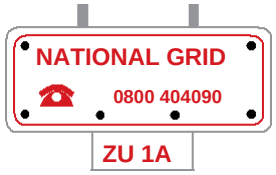
In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations
The name of the Substation and emergency contact number will be on the site sign.



Overhead Lines
The reference number of the tower and the emergency contact number will be on this type of sign.



Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

Email: assetprotection@nationalgrid.com

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment

Part 1

Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.

« Section continued from previous page

Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could ‘flashover’ and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, ‘avoiding danger from overhead power lines’, and any legislation which is relevant to the work you are completing.

.

What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals

Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.

400kV

The maximum nominal voltage of the underground cables in National Grid's network

Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com
Phone: 0800 001 4282

Electrical clearance from overhead lines

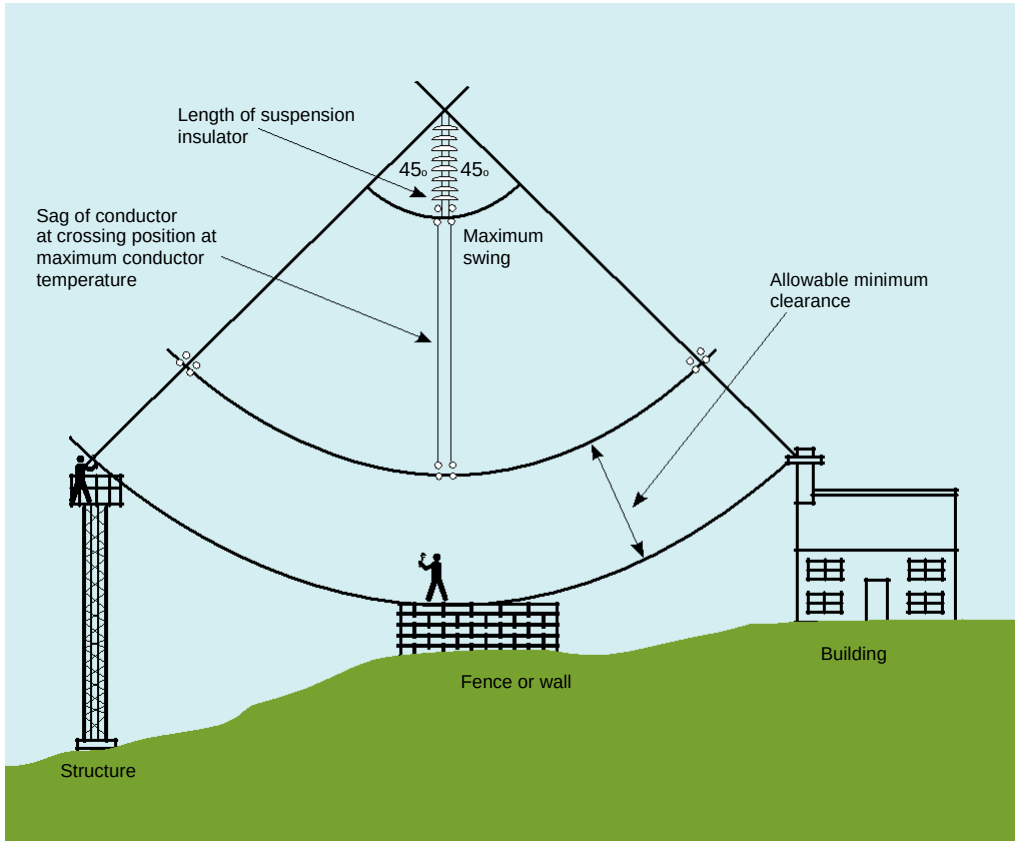
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground

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The undergrounding of electricity cables at Ross-on-Wye

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Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum seperation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed.
In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information

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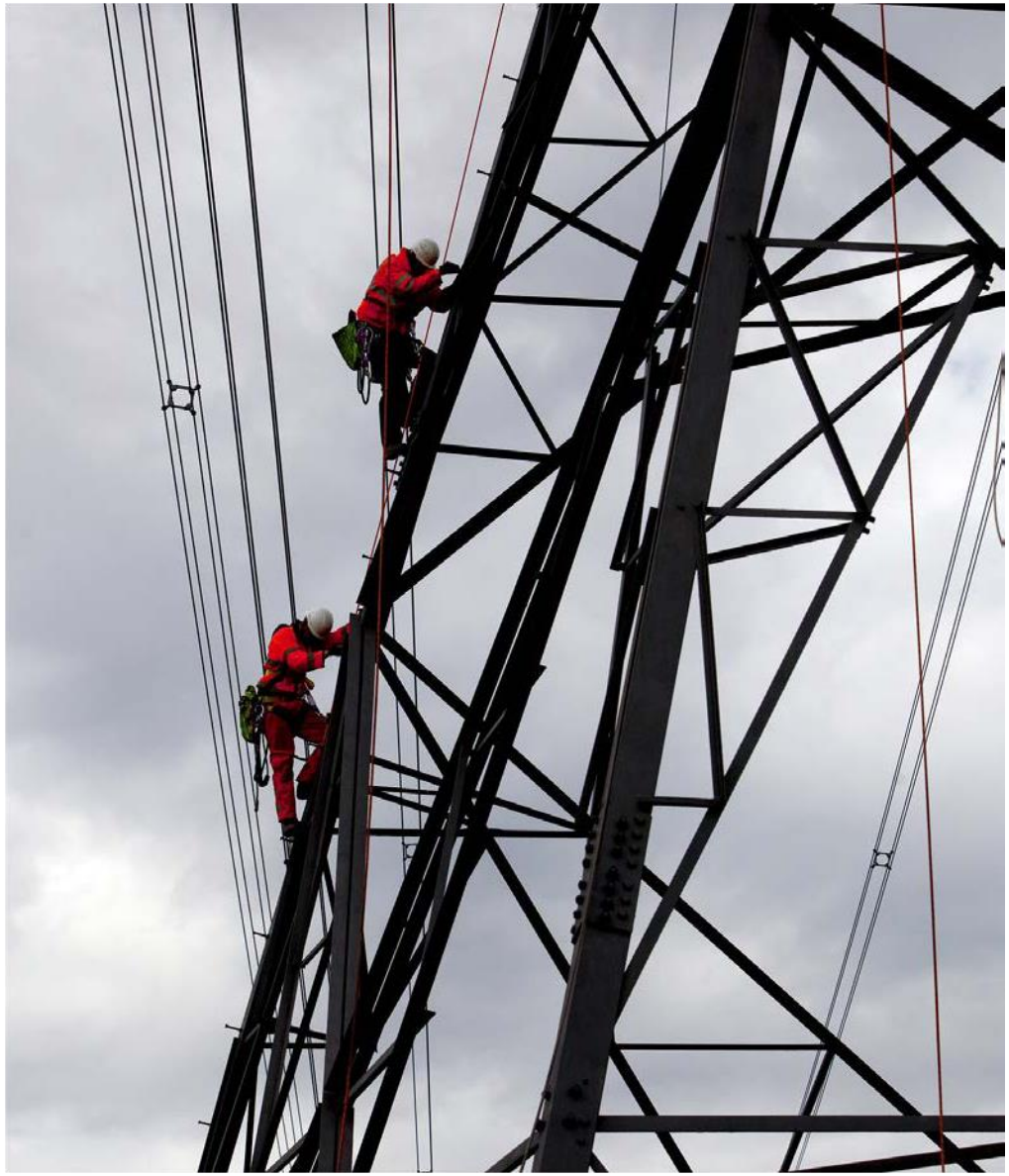

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Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire *(as outlined in ENA TS 43-8)*.

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit **www.emfs.info.**

200m

The minimum distance that should be maintained from National Grid assets when quarry blasting

Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice.* The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

(i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line

(ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

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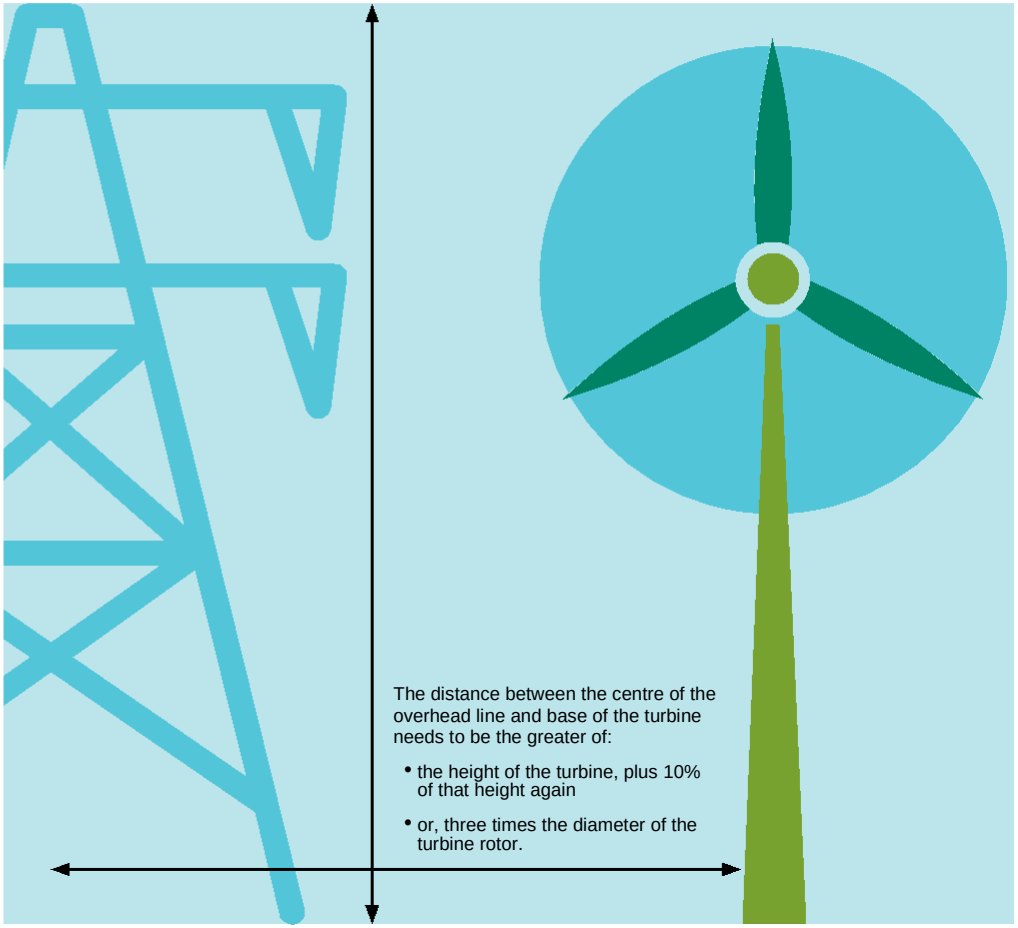
Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line

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The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

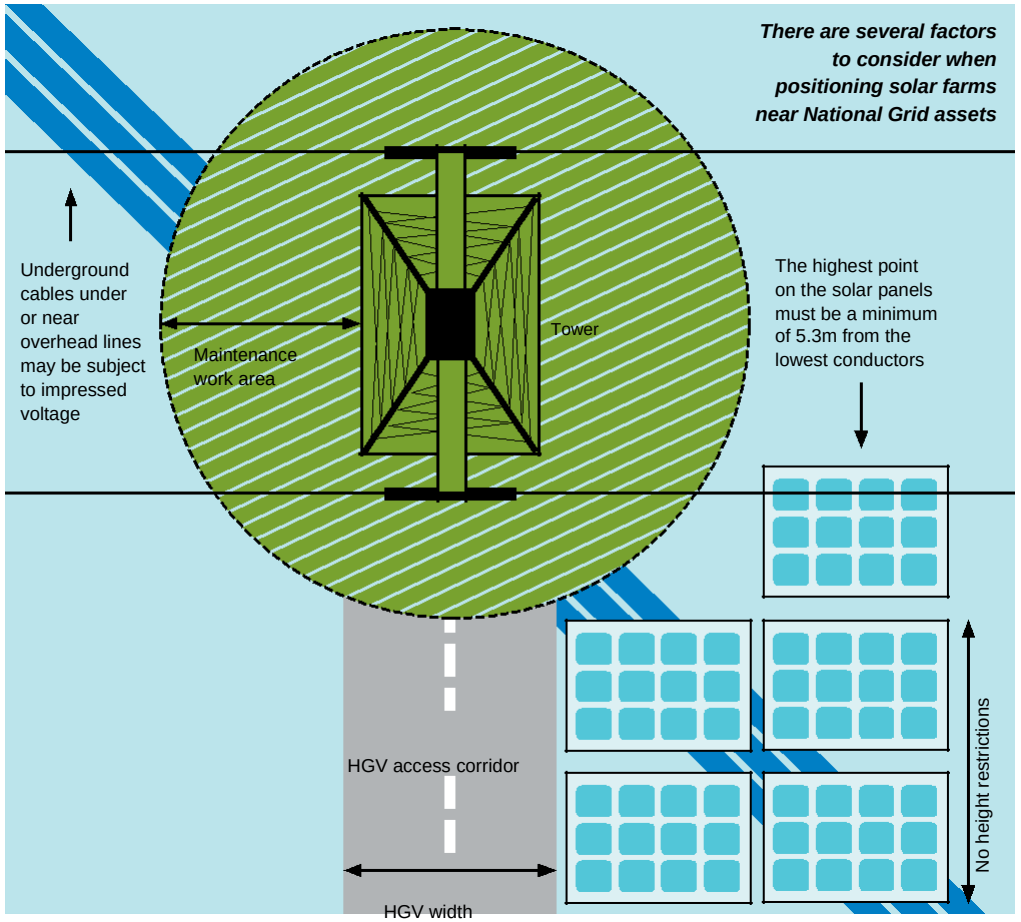
Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles, including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.

Diagram not to scale



Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)[1]
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

[1] It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

Routine enquiries

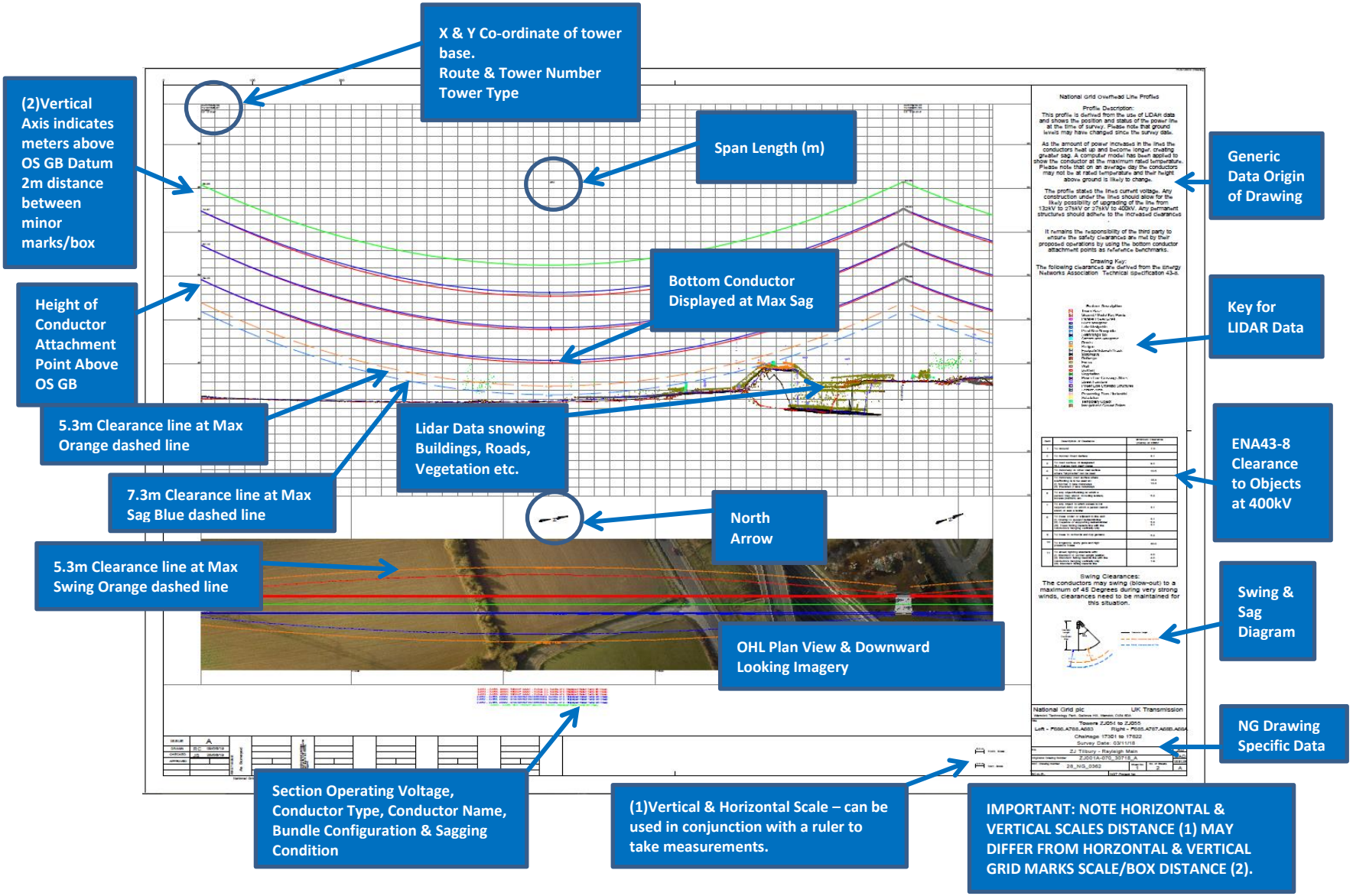
Email:
assetprotection@nationalgrid.com

Call Asset Protection on:
0800 0014282

Opening hours:
Monday to Friday 08:00-16:00

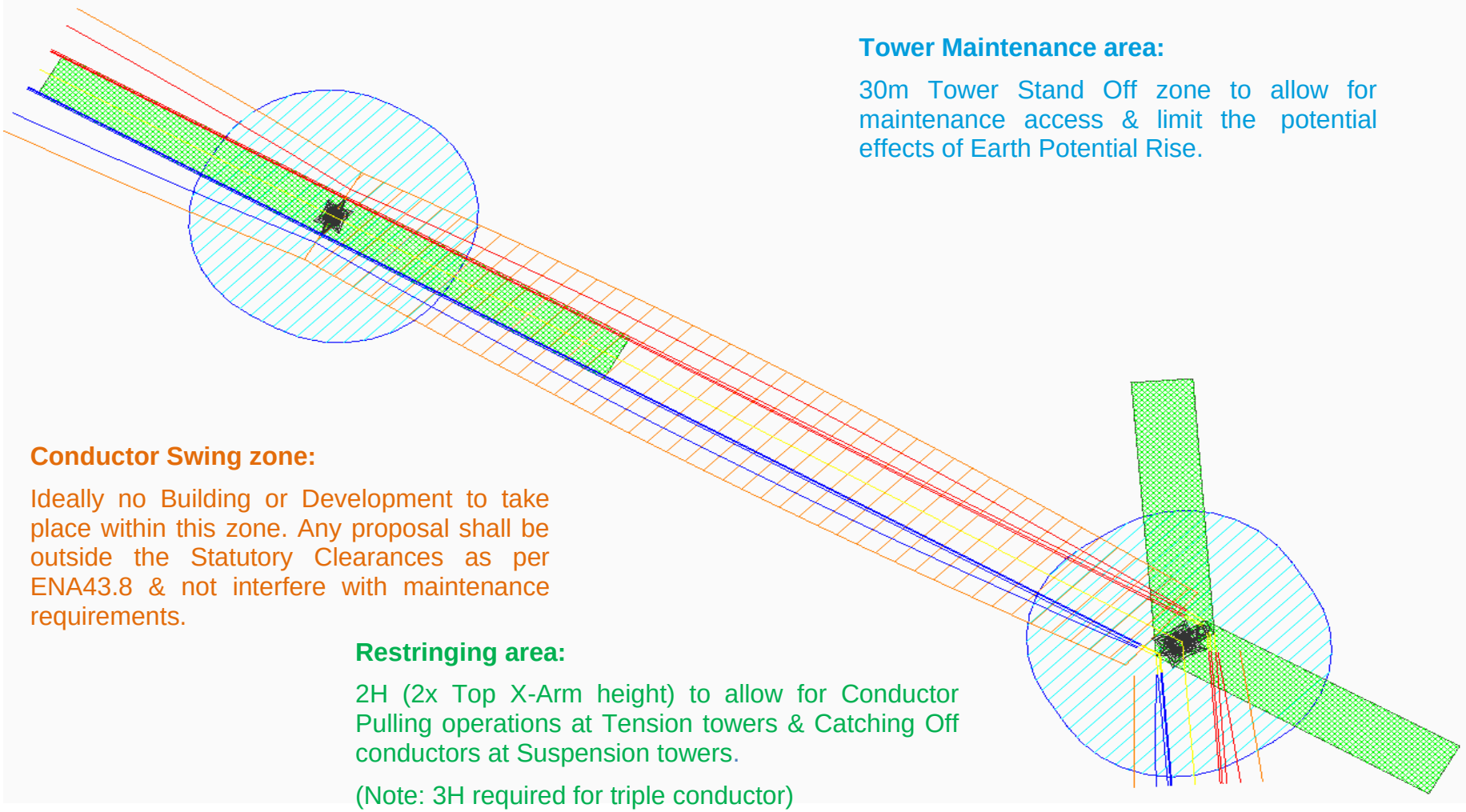
14 APPENDIX A

OHL Profile Drawing Guide



15 APPENDIX B

OHL Tower Stand Off & Reconductoring Area



Tower Maintenance area:

30m Tower Stand Off zone to allow for maintenance access & limit the potential effects of Earth Potential Rise.

Conductor Swing zone:

Ideally no Building or Development to take place within this zone. Any proposal shall be outside the Statutory Clearances as per ENA43.8 & not interfere with maintenance requirements.

Restringing area:

2H (2x Top X-Arm height) to allow for Conductor Pulling operations at Tension towers & Catching Off conductors at Suspension towers.

(Note: 3H required for triple conductor)

[redacted]

From: Emma Stevenson [redacted] >
Sent: 17 February 2025 09:55
To: Morven Transmission Assets
Subject: Morven Transmission Consultation

Good morning

I am responding following receipt of the consultation letter regarding the Morven Transmission EIA.

We have no comments in relation to the EIA, but I would like to flag that it does appear that the proposed cable route will cross our North Sea Link interconnectors, offshore. We will require a crossing agreement to be put in place prior to this crossing taking place.

Kind regards

Emma

Emma Stevenson
Senior Land & Consents Officer (Operational Assets)
National Grid Ventures

Date: 13 March 2025
Our ref: 502919
Your ref: EN0210005

Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH

T 0300 060 900

Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

BY EMAIL ONLY

Dear [redacted]

Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Application by Morven Offshore Wind Limited (the applicant) for an Order granting Development Consent for the Morven Hawthorn Pit Grid Connection Project (the proposed development)

Thank you for seeking our advice on the scope of the Environmental Statement in the consultation dated 13 February 2025, received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The advice contained within this letter is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). As the application is located partially outside English territorial waters, it should be noted that pursuant to an authorisation made on the 9th of December 2013 by the JNCC under paragraph 17(c) of Schedule 4 to the Natural Environment and Rural Communities Act 2006, Natural England is authorised to exercise the Joint Nature Conservation Committee's (JNCC) functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200 nm) adjacent to England. This application was included in that authorisation and therefore Natural England will be providing statutory advice in respect of that delegated authority. Natural England has consulted with JNCC on the project with respect to offshore sites and have incorporated their advice in Annex B.

Case law[1] and guidance[2] has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Summary of Main Points

1. Approach to scoping

t is noted that due to the timing of the scoping report, the information contained within it is extremely high level and based on a large area of search. The rationale for the inclusion of these large boundaries is due to substantial components of the projects remaining undetermined at the point of scoping, but also other aspects including incomplete data collection.

This makes it difficult to provide targeted advice on the scope of the assessments at this stage. Given the EIA scoping opinion from PINS is binding as regards the scope of the Environmental Statement, this creates consenting risks further down the line with identifying and resolving environmental impacts/concerns.

Additionally, we highlight that because we are unable to confirm with a high level of confidence that the data collection proposed will be sufficient to inform the assessments, we are also unable to advise on the potential scale and level of risk this project may pose to nature conservation receptors. Without having this understanding, it is unclear to Natural England how this project will now progress towards submission and ensure that there is sufficient time in the pre-application phase to identify and address all of the potential environmental concerns.

There is a risk with premature scoping, and submission of the Preliminary Environmental Information Report (PEIR) prior to the completion of the data collection and analysis, that consenting issues are identified late in the day and are not resolved in advance through pre-application discussions or data collection, and that Examinations are then unable to resolve these issues. This runs counter to the increased emphasis on 'front-loading' issues in the NSIP process, and the ambition of the British Energy Security Strategy as regards speeding up the consenting process.

We note that not all survey methods have been established within the EIA Scoping Report, this presents a risk that full data and analysis will not be presented in the ES. NE highlights the risk that data analysis could have potential to change the conclusions of the ES from those set out in the PEIR, which could cause delays to the project.

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[1] Harrison, J in R. v. Cornwall County Council ex parte Hardy (2001)

[2] Note on Environmental Impact Assessment Directive for Local Planning Authorities Office of the Deputy Prime Minister (April 2004) available from http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/

2. Focus of the Scoping Report

When scoping a project, developers, or their consultants, should satisfy themselves that they have addressed all the potential impacts and the concerns of all organisations and individuals with an interest in the project. Due to the capacious scoping envelope it is challenging to scope impacts out at this stage and therefore difficult for Natural England to comment meaningfully. Further consideration is likely needed in relation to the cable corridor and need for further scoping or ongoing discussions. However, due the timing of 'the scoping' we have focused our advice the known issues of greatest importance/risk taking into account the likelihood of significant effects on the environment.

In these scenarios we also advise that the focus of the EIA consultation to be on the characterisation survey methodology and approach to the assessment as there is insufficient evidence presented to enable us to agree impacts being scoped out.

3. Transmission assets

Natural England notes that the Applicant acknowledges that the scoping report only considers the transmission infrastructure required for the Project's grid connection, and not any interconnectivity that may be required as a result of the recommended coordinated approach for the East Coast Region outlined in the National Grid Electricity System Operator (ESO)'s Holistic Network Design (HND). However, if circumstances should change and a more coordinated/joined up approach for energy transmission for multiple NSIP projects is taken forward; we advise that thorough consideration will need to be given to consenting implications from infrastructure and interdependency and assessing in-combination and cumulative impacts. All of which may have implications for project timelines.

4. Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards

Natural England has been leading the 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' project, funded by Defra's Offshore Wind Enabling Actions Programme (OWEAP).

The project is providing up-front best practice advice on the way data and evidence is used to support offshore wind farm development and consenting in English waters, focussing on the key ecological receptors which pose a consenting risk for projects, namely seabirds, marine mammals, seafloor habitats and species and fish.

The project aims to facilitate the sustainable development of low impact offshore wind by increasing clarity for industry, regulators and other stakeholders over data and evidence requirements at each stage of offshore wind development, from pre-application through to post-consent. However, we advise that this best practice guidance is also applicable to other marine major casework.

The advice documents are currently stored on a SharePoint Online site, access to the SharePoint site needs to be requested from

neoffshorewindstrategicsolutions@naturalengland.org.uk. Please allow up to three working days for requests to access the site to be granted. Natural England is currently reviewing ways of making the advice more accessible and open access.

The application should be fully informed by the recommendations in the Best Practice Advice, and we will increasingly be appraising applications with respect to the extent to which the guidance has been followed.

In addition, we refer the applicant to our Nature Conservation Considerations and Environmental Best Practice for Subsea Cables, available on the SharePoint site indicated above.

5. Impacts to designated sites

The scoping boundary currently overlaps with, and is in the vicinity of, several designated sites as listed in Annex A of this letter The direct and indirect effects of the development on these sites should be fully assessed in the EIA and associated Habitats Regulations Assessment and Marine Conservation Zone assessment. If adverse effects on site integrity or hinderance of Conservation Objectives are expected, then without prejudice compensation is likely to be required. Please see Annex A (Section 3.3) for more information on the Habitats Regulations[3]

The Applicant should ensure to check that features and references made to the inshore designated sites are identified and listed correctly within the ES. Information on the designated sites can be accessed from Natural England's designated sites system: Site Search, conservation advice for each of the sites is linked from this site which must be used. Information about offshore designated sites can be found at JNCCs Site Information Centres

Natural England's overarching advice when selecting a cable route, is to use the avoid, reduce, mitigate hierarchy, in order to reduce environmental impacts. The proposed cable route scoping boundary currently passes through several terrestrial Sites of Scientific Interest and our preference would be, in the first option, to avoid these protected areas entirely when siting the cable, temporary works and the Land Sub-Station.

6. Cross border effects

Natural England recognise that the Scottish-English border isn't a "boundary" in the sense of "EIA transboundary effects". In the Environmental Statement, Natural England advise that quantification of impacts must be presented showing the impacts of the Scottish portion of the cable on English receptors. For example, sediment suspension from the Scottish cable laying and the potential for mobilized sediment to be deposited in English waters. This is so that we can provide appropriate advice to different regulators on this project.

7. Use of other windfarm data

Natural England notes that the applicant will source data from other offshore windfarm projects (e.g. Berwick Bank and Seagreen) and advise that care should be taken when interpreting data from other projects as they are in different locations to the scoping boundary for the proposed cable. Natural England will have higher confidence in assessments based on locally sourced data.

Please see **Annex A** for guidance on EIA requirements. In **Annex B** we provide detailed comments on the project-specific aspects of the scoping report.

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

[3] The Conservation of Habitats and Species Regulations 2017 (as amended)

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again if the proposal is amended in any way which significantly affects its impact on the natural environment.

Please note that Natural England must be consulted on Environmental Statements / Application documents. We advise that sufficient time should be given to thoroughly assess the survey data, have Expert Technical Group consultation and implement actions where necessary prior to submission.

Should the Applicant wish to consult with Natural England during the Pre-Application period, we would be happy to engage via our Discretionary Advice Service (DAS). The DAS provides additional non-statutory advice related to development proposals, in order to support sustainable development and achieve better environmental outcomes through the planning system. Further information including charges and how to proceed with an application can be found at: https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals

For any further advice on this consultation please contact the case officer Caroline Jewell and copy to consultations@naturalengland.org.uk.

Yours sincerely

[redacted]
Northumbria Area Team

Annex A – Natural England's Advice on EIA Scoping

1 General principles

Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 sets out the necessary information to assess impacts on the natural environment to be included in an Environmental Statement (ES). We would expect the following principles to be applied in this case including:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development.
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity, land, soil, water, air, climate, cultural heritage and landscape.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects.
- Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information

Based on the EIA Scoping Report provided, it appears that these principles are likely to be met.

Natural England's advice on the scope and content of the Environmental Statement is given in accordance with the National Infrastructure Planning Advice Notes: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

2 Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles. Further detailed information on Sites of Special Scientific Interest (SSSIs) are publicly available at https://designatedsites.naturalengland.org.uk/SiteSearch.aspx.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be

obtained from the appropriate local bodies. This may include the local environmental records centre, the local Wildlife Trust, local geo-conservation group or other recording society.

3 Biodiversity and geodiversity

3.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework (NPPF) sets out guidance on how to take account of biodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers. Further guidance is set out in Planning Practice Guidance on the natural environment.

3.2 Use of EIA Matrices

Natural England notes that the approach to the assessment is proposed to align with EIA approaches used on other projects. This matrix approach has been used throughout ESs to date to support the assessment of the magnitude and significance of impacts. Natural England notes numerous instances where significance has been presented as a range (i.e., slight, or moderate, or large) and it is nearly always the lower value that has been taken forward. Indeed, to date no offshore windfarm has identified ecological impacts that are assessed as significant in EIA terms, either cumulatively or in-combination which is surprising. In the absence of evidence to support the use of the lower value in a range, Natural England's view is that the higher value should always be assessed in order to ensure that impacts on features are not incorrectly screened out of further assessment. This is in line with the principles of the Rochdale envelope approach.

3.3 International and European designated sites

The development site is within or may impact on the following European/ internationally designated nature conservation sites:

- Durham Coast Special Area of Conservation (SAC)
- Northumbria Coast Special Protection Area (SPA)
- Northumbria Coast Ramsar Site
- Castle Eden SAC
- Teesmouth and Cleveland Coast SPA
- Teesmouth and Cleveland Coast Ramsar Site
- Thrislington SAC
- Northumberland Marine SPA
- Coquet Island SPA
- Farne Islands SPA
- Lindisfarne SPA
- Lindisfarne Ramsar

Further information on site special interest features, their conservation objectives, and any relevant conservation advice packages for designated sites is available at http://publications.naturalengland.org.uk/category/6490068894089216 and https://designatedsites.naturalengland.org.uk.

Habitats Regulations Assessment

The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. European sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In addition paragraph 187 of the National Planning Policy Framework (NPPF) requires that potential SPAs, possible SAC, listed or proposed Ramsar sites, and any site identified or required as compensatory measures for adverse effects on habitat (European) sites, potential SPAs, possible SACs and listed or proposed Ramsar sites have the same protection as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF).

Under Regulation 63 of the Habitats Regulations, an appropriate assessment must be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds, mammals and fish. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically.

Should a likely significant effect on a European/Internationally designated site be identified (either alone or in-combination) or be uncertain, the competent authority (in this case the Secretary of State) may need to prepare an appropriate assessment in addition to the consideration of impacts through the EIA process. Further guidance is set out in Planning Practice Guidance on appropriate assessment https://www.gov.uk/guidance/appropriate-assessment.

This should also take into account any agreed strategic mitigation solution that may be being developed or implemented in the area to address recreational disturbance, nutrients, or other impacts.

3.4 Marine Conservation Zones and Highly Protected Marine Areas

Marine Conservation Zones are areas that protect a range of nationally important, rare, or threatened habitats and species. You can see where MCZs are located and their special interest features on www.magic.gov.uk. Factsheets that establish the purpose of designation and conservation objectives for each of the MCZ's are available at https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england.

Highly Protected Marine Areas (HPMA) are areas of the sea designated for the protection and recovery of marine ecosystems. They prohibit extractive, destructive, and depositional uses, allowing only non-damaging levels of other activities to the extent permitted by international law. The key purpose of HPMAs is marine nature recovery. Designating areas

of sea with high levels of protection, will allow nature to recover to a more natural state, allowing ecosystems to thrive.

HPMAs have the highest level of protection in English waters and it is Defra policy that there should be no extractive, destructive or depositional activities in them.

The development site is within or may impact on the following MCZs and HMPAs:

- Farnes East MCZ
- North East of Farnes Deep MCZ / Highly Protected Marine Area (HPMA)
- Coquet to St. Mary's MCZ
- Swallow Sands MCZ
- Runswick Bay MCZ
- Aln Estuary MCZ

The ES should consider including information on the impacts of this development on MCZ and HMPA interest features, to inform the assessment of impacts on habitats and of principle importance for this location as part of an MCZ Assessment. Further information on inshore MCZs is available via the following link:
http://publications.naturalengland.org.uk/category/1723382

Further information on the special interest features, the conservation objectives, and relevant conservation advice packages for inshore designated sites is available on our website https://designatedsites.naturalengland.org.uk/

Information about offshore designated sites can be found at JNCCs Site Information Centres

Please note: As there is only an area of search for the cable corridor at this stage, we are unable to provide a definitive list of sites relevant to the project, but these should be identified and fully considered within an ES/Application documents.

3.5 Sites of Special Scientific Interest

Sites of Special Scientific Interest (SSSI) are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The development site is within or may impact on the following SSSIs:

- Hesledon Moor West SSSI
- Hesledon Moor East SSSI
- Hawthorn Dene SSSI
- Durham Coast SSSI
- Eppleton Grassland SSSI
- Pig Hill SSSI
- Stony Cut Cold Hesledon SSSI
- Tuthill Quarry SSSI
- Dabble Bank SSSI
- Tunstall Hills and Ryhope Cutting SSSI

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

3.6 Protected species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System.

Applicants should check to see if a mitigation licence is required using Natural England guidance on licensing Natural England wildlife licences. Applicants can also make use of Natural England's charged service Pre Submission Screening Service for a review of a draft wildlife licence application. Natural England then reviews a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning for details of the LONI process.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted standing advice for land based protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

Information on marine protected species can be found in the 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards'. Details of how to obtain this guidance are provided in the covering letter.

District Level Licensing for great crested newts

Table 8.47 of the Scoping report states that the developer plans to consult with Natural England about applying to use the District Level Licensing (DLL) scheme for great crested newts (GCN).

Where strategic approaches such as DLL for GCN are used, a Letter of No Impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation

Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.

The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).

If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.

The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.

By demonstrating that the DLL scheme for GCN will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

3.7 Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The ES should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement
- Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also

consider opportunities for enhancement. There are areas of ancient woodland within the Scoping Boundary (refer to Annex B for detailed comments)

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the National Planning Policy Framework (NPPF) sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.

The ancient tree inventory provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.

3.8 Biodiversity net gain

The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat.

It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone (i.e. below mean low water). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only.

Some organisations have made public BNG commitments, and some projects are already delivering BNG on a voluntary basis.

3.9 Marine net gain

There is currently no mandatory requirement on developers to deliver net gain below Mean Low Water, but Natural England would welcome working with developers on any voluntary measures that they would like to deliver in terms of ecological benefits to the marine environment, notwithstanding any existing licensing permissions. Natural England may have evidence resources available that might be able to help with this.

Natural England have worked with bodies including the MMO, Crown Estate and Defra to look at restoration opportunities across our English waters. The updates to the MaRePo restoration potential maps and reports have been published. Available here Marine Restoration Potential (MaRePo). Further reports of restoration potential of species and habitat restoration guides will also be available by summer 2025. In addition, the ReMeMaRe work programme has provided restoration handbooks for habitats such as native Oyster, Seagrass and saltmarsh.

A report has been published on Marine Irreplaceable Habitats, and maps will likely be available later in the spring. The report can be accessed here: Defining Irreplaceable Marine Habitats - NECR474.

There is not currently any agreed method for measuring and comparing losses and gains in a way comparable to Biodiversity Net Gain on land, although Natural England has been

leading some work on investigating some initial concepts around this which we hope to publish in Spring 2025.

4 Designated Landscape and Landscape/Seascape character

4.1 Nationally Designated Landscapes

Consideration should be given to any potential direct or indirect impacts to designated landscapes. The development site is within the Durham Heritage Coast.

Paragraph 189 of the NPPF requires that within areas defined as Heritage Coast, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.

The ES should set out the impacts on the Heritage Coast and opportunities for enhancement.

4.2 Landscape / Seascape Character

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site, as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The environmental assessment should include a full assessment of the potential impacts of the development on local landscape character using landscape/seascape assessment methodologies. We encourage the use of Landscape and Seascape Character Assessment (LCA/SCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA/SCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) produced by LI and IEMA. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

In order to foster high quality development that respects, maintains, or enhances, local landscape / seascape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the build design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Model Design Code. The ES should set out the measures to be

taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced Design Principles for National Infrastructure - NIC endorsed by Government in the National Infrastructure Strategy.

5 Terrestrial Access and Recreation

The ES should consider potential impacts on access land, common land, public rights of way and, the King Charles III England Coast Path and coastal access routes and coastal margin in the vicinity of the development.

The proposal affects the King Charles III England Coast Path, which should be protected and enhanced in line with paragraphs 105, 185(d) and 187 (c) of the National Planning Policy Framework.

Natural England has a duty to prepare a Variation Report for the Secretary of State where the alignment (but not the margin) of the King Charles III England Coast Path changes. Natural England must be notified of any development or other change that impedes or obstructs people's ability to undertake a continuous journey on foot on the National Trail.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk)

6 Soils and agricultural land quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed.

Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk).

The following issues should be considered and, where appropriate, included as part of the ES:

- The degree to which soils would be disturbed or damaged as part of the development.
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any BMV agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and

appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).

The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.

The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

7 Water quality

Increases in suspended sediment concentrations (SSC) during construction and operation (e.g., future maintenance and decommissioning works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of contaminated sediments. The EIA should also consider whether increased suspended sediment concentrations resulting are likely to impact upon the interest features and supporting habitats of the designated sites as listed above.

The ES/application should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.

NSIPs can occur in areas where strategic solutions are being determined for water pollution issues and they may not have been factored into the local planning system as they are delivered through National Policy Statements.

8 Air quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical

level of 1µg)[1]. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - http://www.scail.ceh.ac.uk/
- Ammonia assessment for agricultural development https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit
- Environment Agency Screening Tool for industrial emissions https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England http://www.airqualityengland.co.uk/laqm

9 Climate change

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES/Application should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES/Application.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP),

[1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK

the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

10 Contribution to local environmental initiatives and priorities

Due to the lack of detail available at this stage, Natural England is unable to provide any information on how this development fits with local initiatives and priorities such as the delivery of green/blue infrastructure, biodiversity opportunity areas or biodiversity enhancements.

11 Cumulative and in-combination effects

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. A full consideration of the implications of the whole scheme should be included in the Application. All supporting infrastructure and activities should be included within the assessment.

An impact assessment should identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, subject to available information:

- existing completed projects;
- approved but uncompleted projects;
- ongoing activities;
- plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- plans and projects which are reasonably foreseeable, i.e., projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

More broadly, Natural England strongly recommends an overall coordinated and holistic approach is adopted for the projects to minimise environmental impacts in this region, and we would welcome strategic discussions with the Applicant on this.

12 Use of the Rochdale Envelope

Natural England recognises the need to use a Rochdale Envelope approach to allow flexibility in project design to ensure that changes in available technologies and project economics can be considered post consent. However, Natural England has concerns over the extent to which uncertainty in ground conditions is driving the extent of the project envelope, and that the Rochdale Envelope approach is resulting in the provision of insufficient baseline information to inform both project design and assessment of impacts. The lack of understanding of the ground conditions results in the use of Maximum Design Scenarios (MDSs) that are conservative enough to make up for that lack of understanding and allow for all eventualities. This in turn translates into a vast number of variables, causing difficulties in assessment, as it is difficult to identify and assess a realistic worst-case scenario for each of the relevant receptors with any certainty, which in turn necessitates precautionary assessments given this uncertainty. That presents challenges when it comes to identifying appropriate mitigation measures.

13 Ecological join up between marine receptor assessments

Natural England advises that changes to marine processes and benthic ecology could cause an indirect impact on mobile interest features from designated sites through changes to supporting habitats and prey availability. Ecosystem impacts should be thoroughly considered within the relevant receptor chapters throughout the ES/Application documents.

14 Landfall

Coastal environments are subject to considerable historic and future change. Therefore, should trenchless techniques be considered then a feasibility study informed by geotechnical investigations will be required at the time of consent, particularly within the boundary of a designated site. We would also advise that the Applicant should consider how the coast may alter throughout the lifetime of the project, both in terms of vertical change in beach profile and coastal retreat. In other words, how cable burial and siting of infrastructure will be managed throughout the lifespan of the project.

We advise that the landfall assessment needs to consider the effects on the hydrodynamic regime due to the presence of cable protection, equipment such as jack-up rigs, cable-laying vessels, and cofferdams etc. Plus, potential impact of intertidal access and/or vehicle traffic on foreshore profile change or cliff erosion over all phases of the project.

15 Cable protection – including secondary scour

In addition, Natural England's position provided for Hornsea Project Three, Norfolk Vanguard and Norfolk Boreas in relation to Adverse Effects on Integrity from the placement of cable protection remains unchanged and therefore cable protection within marine protected areas should be avoided and where that is possible every effort should be made to mitigate the impacts. In order to achieve this, we advise that a cable burial risk assessment is undertaken as part of the application process informed by comprehensive geotechnical and geophysical surveys. If cable protection is required options that have the greatest success of removal with least impact to interest features should be taken forward. A site integrity plan could then be used to determine the risk to the conservation objectives for the site and determine the requirements for any compensation measures.

A detailed Cable Burial Risk Assessment and Sand Wavel Levelling Plan will be necessary outside MPAs to be able to fully assess the impacts of seabed preparation and cable protection on the environment

Please note that impacts from secondary scouring around cable protection should also be factored into both marine processes and benthic assessment.

16 Marine Mammal impact assessments

If not already considered, we advise Applicants to include reference to the following guidance:

- IAMMWG. 2022. Updated abundance estimates for cetacean Management Units in UK waters (Revised 2022) https://hub.jncc.gov.uk/assets/3a401204-aa46-43c8-85b8-5ae42cdd7ff3
- Scientific Advice on Matters Related to the Management of Seal Populations: 2021 http://www.smru.st-andrews.ac.uk/files/2022/08/SCOS-2021.pdf
    - Carter et al. (2022) https://www.frontiersin.org/articles/10.3389/fmars.2022.875869/full

Natural England also advise that the following report is obtained from Natural England and is used as part of the desk-based study for grey seals:

- Thompson, D, Russell, D.J and Morris, C. 2017. Berwickshire and North Northumberland Coast Special Area of Conservation: grey seal population status. Sea Mammal Research Unit, Aberdeen

17 Red throated divers

Natural England highlights our increasing concerns in relation to disturbance and/or displacement of red-throated divers features from the more persistent presence of offshore wind farm and oil and gas related vessel activity which could make a meaningful contribution to in-combination effects to the red-throated divers using the cable route area and any transit routes. As such, we advise appropriate consideration of both seasonal timing of construction and O&M works and vessel transit route is included within the application.

Natural England advises as minimum use of best practice measures between 1st November and 31st March to mitigate and therefore minimise disturbance to red-throated diver namely:

- Selecting routes (when transiting to site) that avoid aggregations of red-throated diver and common scoter, where practicable.
- Restricting (to the extent possible) vessel movements when transiting to the site to existing navigation routes (where the densities of divers are typically relatively low).
- Avoidance of over-revving of engines (to minimise noise disturbance); and
- Briefing of vessel crew on the purpose and implications of these vessel management practices (through, for example, tool-box talks).

18 Outline Plans

Natural England advises that outline documents and/or assessment will need to be included in the Application to ensure that all impacts have been considered and appropriately managed. These should include, but not be limited to, the following:

- Sand Wave Levelling Plan
- Cable Burial Risk Assessment
- Cable Burial Protection Plan
- Cable Specification and Installation Plan (CSIP)
- HDD / trenchless techniques frac-out contingency plan
- Construction Environmental Management Plan (CEMP)
- Marine Mammal Mitigation Protocol (MMMP)
- Marine Pollution Contingency Plan (MPCP)
- Landscape and Ecological Management Plan (LEMP)
- Public Rights of Way Management Plan (Prow MP)
- Operations and Maintenance Plan (OMP)
- Vessel Management Plan (VMP)
- Decommissioning Plan
- Soil Management Plan
- Construction Traffic Management Plan (CTMP)
- Construction Noise Management Plan (CNMP)

Annex B: Detailed Comments

Structure/Framework for Natural England advice in relation to risk and potential to resolve -

- **Red**: Natural England considers these issues to be showstoppers i.e., unless baseline data; significant design changes; and/or significant mitigation is provided, then we advise that a lasting and significant adverse effect on protected sites, species, landscape/seascape, or the wider environment cannot be ruled out meaning the EIA will have significant unresolved challenges.
- **Amber**: Natural England considers that if these are not addressed/resolved then they would have the potential to become a RED risk as set out above. Likely to relate to fundamental issues with assessment methodology which could be rectified, preferably before examination.
- **Yellow**: These are issues/comments where NE doesn't agree with the Applicant's position and/approach. Unless otherwise stated, we are satisfied for this project that it will not make a material difference to our advice or the outcome of the decision-making process. However, it should be noted that this may not be the case for other projects.
- **Green**: Natural England support something the Applicant has done, and we would possibly encourage others to do similar.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
1.	3.4	3.4.2.18	Offshore infrastructure	No information has been provided regarding the anticipated locations or total area of impact (both direct and indirect) for seabed preparation	We advise that the total area of impact (both direct and indirect) should be provided for cable route clearance activities. For boulder clearance in protected sites, this should also include where the boulders are placed and where they have been removed from. Specific locations should also be provided for these activities and any sensitive habitats identified. Sensitive habitats include, but are not restricted to, Annex 1 habitats outside protected sites and Section 41 priority habitats. We also advise that the avoid, reduce, mitigate hierarchy should be used to reduce environmental impacts. These potential impacts should be considered scoped in and assessed.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
2.	3.5	3.5.2.1	Cable landfall	Horizontal Directional Drilling (HDD)	HDD is a strongly preferred method for installation of the cable through the intertidal zone, as it eliminates physical disturbance of the intertidal area. Natural England welcomes the proposed use of this approach for this project, and we support the undertaking of feasibility studies and ground investigations to inform the methodology and environmental assessments. However, Natural England is aware that the use of HDD relies heavily on local site and environmental conditions and so cannot be guaranteed. We recommended that an alternative methodology is identified in advance and is suitably assessed for environmental impacts, to minimise disruption and environmental risks should HDD become unfeasible at short notice. Additionally, the risk of potential contamination of notified habitats, from the use of chemicals for lubrication of the HDD, will need to be considered in the ES and HRA
3.	3.5	3.5.2.1	Onshore infrastructure	The high-level methods note that it is *likely* that the pipeline will pass beneath the Durham Cliffs SSSI via HDD.	The ES should assess this method, alongside any others proposed if HDD may be infeasible, with a view to assessing a worst-case scenario to identify if damage could occur to the site's vegetated sea cliffs and geological features due to vibration or direct damage from machinery.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
4.	3.4	3.4.2.2	Design envelope for offshore export cables	Flexibility is required in the location, depth of burial and protection measures for the offshore export cables to ensure physical and technical constraints, changes in available technology and project economics can be accommodated within the final design	We would advise that to reduce environmental impacts, the area of seabed disturbance should be minimised. The total area of impact (both direct and indirect) should also be provided and assessed in the ES for each type of habitat impacted.
5.	3.8	3.8.1.2	Maintenance of the offshore cable	Non-routine major maintenance activities may include cable reburial and cable repair activities.	The full range of cable repair / replacement / remedial burial works, and external cable protection addition and maintenance should be scoped in, considered and their impacts assessed.
6.	3.9	3.9.1.2	Decommissioning	During decommissioning, it is anticipated offshore cables and any offshore cable protection may be left in-situ, to minimise environmental impacts associated with their removal. The possibility of removing the subsea cables and leaving structures above the seabed in-situ with appropriate navigation markers will also be assessed.	We advise that a full assessment of potential impacts to the marine environment of the decommissioning of the proposed project should be provided. Natural England advise is that all offshore infrastructure should be removed in line with UNCLOS and OSPAR and the 2019 guidance (Decommissioning offshore renewable energy installations - GOV.UK). Natural England further advises that returning the seabed to its pre-development status will contribute to achieving Good Environmental Status of the wider marine environment as required by the UK's Marine Strategy and OSPAR requirements. We advise that the Applicants should commit to the removal of all structures above the seabed and consider the potential decommissioning of any proposed external cable protection (including evidence on the likelihood of its success and impacts). Secondly, we advise that the Applicants should consider and assess

Point No.	Section	Paragraph	Topic	Comments	Recommendations
					the long-term impacts to the marine physical environment of any assets left *in situ*. The OWEK Designing for Decommissioning of Offshore Wind OGUK_Guidelines has useful information for designing projects with decommissioning in mind, including consideration for costs of decommissioning. The Waste Hierarchy should be considered early in the design stages of the development to facilitate the decommissioning processes, for example determining the level of cable protection required and exploring the use of removable external cable protection. The baseline conditions at the end of design life may differ significantly from those at pre-construction and the value of receptors may change over the lifetime of the project. The magnitude of decommissioning effects on the marine physical environment may not be comparable to those during the construction phase. Post-decommissioning monitoring may be required to ensure that abandoned assets do not pose a risk to the marine physical environment and processes in the future. As alternative end-of-life options emerge and details become available, a new EIA for the decommissioning process will be required. Decommissioning should also consider permanent habitat loss from any infrastructure that remains at the time of decommissioning (an extension of habitat loss from the operational phase).

Point No.	Section	Paragraph	Topic	Comments	Recommendations
7.	4	4.5.44 8.3.8.14	EIA Methodology	Paragraph 4.5.44 states that moderate effects can be significant, or not significant, based on specific scenarios and professional judgement. Paragraph 8.3.8.14 states that effects classified as Moderate or Major are considered significant for the purpose of the EIA Report/ES as per Chapter 4 which is inconsistent with Paragraph 4.5.44.	Some of the topic chapters have presented specific matrix tables for topics (e.g. Tables 8.8, 8.16, 8.29, 8.65, 8.94) which states whether an effect is considered significant or not. Chapter 8.3 *Terrestrial Ecology and Ornithology* does not present a specific matrix to be able to confirm whether the statement in Paragraph 8.3.8.14 is the method which will be followed i.e. that all moderate effects will be considered significant for this topic. Natural England advises that this is clarified in the methodology presented within the PEIR.
8.	5	5.2.4.4	Evidence Plans	It is proposed that an evidence plan steering group be established for the MHPGC Project, comprising the key regulatory bodies and SNCBs. It is proposed that the steering group will meet at key milestones throughout the EIA process	We encourage the Applicant to use an Evidence Plan to agree what information should be provided to support the Habitats Regulations Assessment (HRA), early in the process and welcome the proposal for a steering group to be set up. To ensure that Natural England can provide support for the meetings proposed, early notification of the proposed dates, agendas and draft documents will be required. Should the Applicant wish to consult with Natural England during the Pre-Application period, we would be happy to engage via our Discretionary Advice Service (DAS). The DAS provides additional non-statutory advice related to development proposals, in order to support sustainable development and achieve better environmental outcomes through the planning system. Further information including charges and how to proceed with an application can be found here.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
9.	5	5.2.4.4	Expert Working Groups (EWGs)	It is proposed that EWGs be established for the following topics with relevant stakeholders: • physical processes, marine archaeology, benthic ecology and fish and shellfish ecology; • marine mammals; • offshore ornithology; • terrestrial ecology.	Natural England welcomes the proposal to set up EWGs for this project. To ensure that Natural England can provide support for the meetings and agendas where Natural England's feedback and advice is sought, early notification of the proposed dates and early sight of draft documents will be required.
10.	6	6.3.2.9	Land Substation (LSS) Siting Study Area	The initial LSS siting area was refined to account for some of the constraints. The constraints are listed in Table 6.1.	Natural England would advise that the land substation area is refined to entirely avoid Sites of Scientific Interest (SSSIs). Currently the search area directly affects Hesledon East SSSI. Any reduction in the notified habitat at the site would result in the site being classed as being in unfavourable condition, leading to significant impacts to a national site.
11.	7.1	7.1.3	Physical processes	We understand the current study area has been defined as the extent of one spring tidal excursion around the scoping boundary and this will be refined for the PEIR.	We advise considering the following for the study area: • underlying geology • seabed mobility • sediment transport rates and pathways • thickness of sediment units • surge water levels and currents

Point No.	Section	Paragraph	Topic	Comments	Recommendations
12.	7.1	7.1.4.2	Physical processes	Data Sources	Natural England welcomes the collection of site-specific data as well as desk top studies and reports. NE best practice advises that, as a general benchmark, care should be taken when considering datasets older than five years (see Natural England's 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' (as referenced in Summary of Main Points section of this consultation response). Furthermore, we advise that sufficient accurate field data are collected to adequately describe both present day conditions within the study area, as well as longer-term historical change, in order to develop the conceptual understanding.
13.	7	Table 7.3	Physical processes	Designated Sites Relevant to Physical Processes	Natural England advise that the Northumbria Coast SPA is also included due to potential impact on its supporting habitats. The Durham Coast SAC citation highlights the vulnerability of communities present on the sea cliffs. It states the communities "are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft Magnesian Limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water". Changes to these processes from the development should be fully explored in the ES.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
14.	7.1	7.1.6	Physical processes	Potential impacts scoped in / out Scoped in impacts are: • Increased suspended sediment concentrations and deposition • Impact to seabed • Impact to sediment transport pathways due to the presence of infrastructure	Natural England welcomes that no potential impacts relating to physical processes are to be scoped out of the assessment. We suggest that a table be included in the ES to outline the various stages of development and the activity which will result in an impact. Natural England offers the following advice for the scoped in impacts: • Changes to suspended sediment concentrations needs to include impacts of UXO clearance • Impacts to the seabed needs to include assessment of scour • Impacts to sediment transport also needs to include impacts at the offshore export landfall Natural England recommends that the following impact is added to the scope of the EIA: • Impacts on waves and currents

Point No.	Section	Paragraph	Topic	Comments	Recommendations
15.	7.1	7.1.8	Physical processes	Proposed assessment methodology	Natural England broadly agrees with the assessment methodology outlined in 7.1.8. Natural England advise that the applicant uses the following resource when assessing impacts from the project: Brooks, AJ., Whitehead, PA., Lambkin, DO. 2018. Guidance on Best Practice for Marine and Coastal Physical Processes Baseline Survey and Monitoring Requirements to inform EIA of Major Development Projects. This resource provides best practice with regards to EIA impact assessment for physical processes and how these align with the more general EIA guidelines We advise the Applicant to consider the vulnerability of the proposed development options to coastal change, taking account of climate change predictions, during the project's operational life and decommissioning period.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
16.	7.1	Table 7.4	Physical processes	Sediment Transport Assessment	Table 7.4 is a useful guide to the assessments that will be undertaken to identify impacts on physical processes and Natural England welcomes the scoping in of all these potential impacts into further assessment stages. Note that in places within the Scoping Report this table is incorrectly referenced and linked as Table 8.60 The sediment transport assessment includes information relating to the: • change of sediment dynamics, for example slowing down of natural erosion and sedimentation processes (at the site and adjacent coastlines). This should also include details of the depth of closure and rates and direction of sediment transport. • reduction in wave energy (shadow effects) from any cable protection/ nearshore infrastructure and how/if this influences sediment inputs and exchanges • coastal change with sea level rise– is the cable burial depth sufficient and does it take into account cliff recession rates over the lifetime of the cable installation to prevent exposure. Natural England would like to emphasize the importance of considering the impact to beach morphology of activities at the landing site and the subsequent impacts within the sediment cell this should be used to inform a Detailed Cable Burial Risk Assessment (CBRA).

Point No.	Section	Paragraph	Topic	Comments	Recommendations
17.	7.1	Table 7.4 Table 7.5	Physical processes	Impacts to sediment transport pathways due to the presence of infrastructure and the development and adherence to a Cable Specification and Installation Plan (CSIP).	We advise detailed commentary is provided in the ES on the introduction of hard substrate as part of the proposed developments to allow further understanding of the potential nature conservation impact and what would need to be included in a CSIP. This would include: • location of deposit sites; • type / size / grade of rock / mattresses / bags to be used; • tonnage / volume to be used; • contingency tonnage / volume to be used; • method of delivery to the seabed; • footprint of hard substrate introduced; • assessment of the impact • decommissioning potential of any introduced substrate We encourage the Project to minimise the amount of hard substrate material used during the construction, operation, maintenance and decommissioning of the cable and that the worst-case quantity be assessed for the lifetime of the project
18.	7.3	Table 7.12	Water quality	Water quality impacts scoped out: sediment transport and sediment transport pathways due to the presence of infrastructure	Natural England advise that this impact is scoped in as cable protection can change water flow, impacting ocean and coastal processes. This would be of particular concern within the depth of closure at the landfall and any part of the cable in less than 10m depth of water at lowest astronomical tide.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
19.	7.3	Table 7.12	Water quality	Water quality impacts scoped out: release of sediment-bound contaminants	The English north-east coast has had a considerable amount of historic industrial use and sections of the coast are known to be contaminated. The northern landfall is adjacent to the Halliwell Banks contaminated land. Natural England advise that all landfall locations are scoped in for water quality impacts from the release of sediment-bound contaminants.
20.	7.4	7.4.9.5	Benthic subtidal and intertidal ecology	Information on the sensitivities of benthic ecology receptors will largely be drawn from the MarESA and the FeAST	Natural England welcomes the use of the Marine Life Information Network's (MarLIN) Marine Evidence based Assessment (MarESA) for receptors within English waters. MarESA, determines sensitivity based on resistance (tolerance) and resilience (recoverability). We advise that MarLIN is used for scoping for the English portion of the cable, rather than FeAST.
21.	7.4	Table 7.16	Benthic Ecology	Benthic features	Ocean quahog (*Artica islandica*) is a feature of the Farnes East MCZ and is missing from this table. Natural England advise this must be scoped in for assessment. Peat and clay exposures are a feature of the Coquet to St Mary's MCZ. Natural England advise this must be scoped in for assessment.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
22.	7.4	7.4.4.2 7.4.4.9 Table 7.18	Benthic Ecology	Further site surveys	Natural England cannot comment on whether the surveys completed in 2023 and 2024, combined with desk study data, are sufficient for the EIA at this stage as there is no detail of the methodology provided in the Scoping Report. It is not clear from Table 7.18 whether further site-specific surveys are proposed for this topic or whether these are the surveys completed in 2024. Natural England would welcome engagement through our DAS on surveys completed to date and what is proposed.
23.		Table 7.19	Benthic Ecology	Impacts scoped out – thermal emissions from subsea cables	Natural England agrees that this impact can be scoped out for future assessment
24.	7.6	7.6.4.2	Marine Mammals	Data sources	Aerial surveys data for Marine Mammals for the array project have not been provided as part of the scoping report so no detailed comments can be offered from Natural England. Natural England would welcome engagement through our DAS on surveys completed to date and what is proposed.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
25.	7.6	7.6.5.29-40 7.6.5.47-53 7.6.5.54-59 7.6.5.63	Bottlenose dolphin, harbour seal and other marine mammal species.	These sections ask for feedback from consultees on approach	Further information is required on noisy activities such as UXO clearance, and marine mammal populations within auditory range of UXO clearance. We direct the applicant to recent Defra policy and SNCB advice on noise: • Reducing marine noise - GOV.UK • Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK Natural England would welcome engagement through our DAS on the assessment approaches set out within these paragraphs.
26.	7.6	7.6.5.59 7.6.5.61-63	Marine Mammals	Species scoped in and out	Various marine mammals have been scoped out of future assessment within the EIA. The rationale behind scoping out these species is based on their low likelihood of occurrence and/ or rarity in the study area which in Natural England's view would make these species more sensitive to the project. Due to an increase in noise in the North Sea, we are becoming more concerned regarding the cumulative impacts of noisy activities. As such we advise that no species present are scoped out of assessment, regardless of abundance, and quantitative assessments are carried out where appropriate.
27.	7.7 and 8.3	All	Ornithology	Splitting impacts on birds into geographical categories	Natural England acknowledges that impacts on birds have been split out for the purpose of setting out a scope of an ES, however, impacts on terrestrial and intertidal birds may occur from both terrestrial and marine activities. Natural England advise that every ornithological receptor will need to be assessed across the land / sea boundary.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
28.	7.7.	7.7.3.2 Table 7.41 Table 7.44 7.7.8.9	Onshore and intertidal ornithology	Use of the Waterbird Disturbance Mitigation Toolkit (Cutts, N., Hemingway, K. and Spencer, J., 2013)	Natural England recognises that this reference has useful disturbance information but does not agree will all the conclusions and thresholds in the toolkit. The assessment of disturbance will need to show evidence of the likely changes from baseline levels so it is important to have data on background levels for the EIA.
29.	7.7	7.7.4 Table 8.47	Offshore and intertidal ornithology	Monthly intertidal surveys were undertaken commencing in April 2023 and concluding in March 2024, excluding June 2023. A 1km buffer was included around the landfall point. No further surveys for birds are proposed.	Natural England typically would expect 24 months of site-specific survey data for an application which affects designated sites with bird features (i.e. Durham Coast SSSI, Northumbria Coast SPA and Ramsar). The surveys are required to provide certainty to draw conclusions from and inform requirements for mitigation measures and are particularly important in this location as there is limited historical data to draw on. Furthermore, Paragraph 3.5.2.1 of the Scoping Report indicates that the exact landfall location of the cable is subject to a process of refinement so additional survey areas may be required as the full Scoping Boundary plus a buffer to that scoping boundary, has not been surveyed. To the north of the scoping area is a rocky reef habitat which is known to be used by foraging waders but has not been included in the survey extent. Natural England advise that offshore bird surveys may be required, particularly as marine SPAs have been scoped into the assessment. Natural England would welcome engagement through our DAS on surveys completed to date and what is proposed for the ecological impact assessment.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
30.		7.7.5.13	Intertidal ornithology	Project-specific intertidal surveys have determined that these habitats are used by a variety of non-breeding (wintering and passage migrant) wader species for feeding and roosting.	Survey data for intertidal bird surveys has not been provided as part of the scoping report so no detailed comments on their validity can be offered from Natural England. Natural England would welcome engagement through our DAS on surveys completed to date and what is proposed.
31.	7.7	Table 7.43	Wetland Bird Survey (WeBs)	Wetland Bird Survey (WeBS) data indicates that the intertidal area within the Offshore and Intertidal Ornithology Study Area is of limited importance to the species of designated sites.	Natural England is aware that the WeBS coverage of the two sectors is limited. Additionally, WeBs is also usually counted at the high tide roosts so can miss foraging habitats.
32.	8.1	Table 8.6	Ground Conditions and Contamination	Geological Conservation Review (GCR) sites not described in the baseline.	The northern part of the Scoping Boundary will not impact the GCR site around Seaham, but to the south the Scoping Boundary encompasses the Shippersea Bay GCR Site. Natural England recommends that this site is avoided when selecting the landfall location. Please note that Table 8.6 uses the acronym GCR however, this is not used in the main text or described in the table of abbreviations.
33.	8.1	8.1.5.11	Ground Conditions and Contamination	Contaminated land at the former Halliwell Banks landfill site	Natural England advise that thorough testing of soils and seabed is required to be able to determine potential impacts of works in the vicinity of Halliwell Banks.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
34.	8.3	8.3.5.7 Table 8.44	Ancient Woodland	The scoping boundary currently includes three areas of Ancient Woodland (Cherry Knowle Dene; Hawthorn Dene and Ryhope Dene).	Table 8.44 notes that the designed in mitigation measure reference number MM-100 will ensure that ancient woodland would be retained with a minimum buffer of 25m from any surface construction works (>6m depth from trenchless installation). Natural England welcomes the commitment to avoid the ancient woodland as it is an irreplaceable habitat. If a trenchless technique is to be used beneath areas of ancient woodland, Natural England would expect to see a full impact assessment of the expected effects on the woodland, including any indirect hydrological changes and detailed mitigation proposed to ensure that no impacts on the habitat result from this project.
35.	8.3	Table 8.38	Designated sites	Impacts to designated sites	Natural England strongly advise that the applicant engages with us through DAS as designated site assessments are of critical importance to the NSIP process.
36.		Table 8.38	Internationally designated sites	Impacts on Durham Coast SAC	This site is partially within the scoping boundary. The site is designated for its vegetated sea cliffs of the Atlantic and Baltic coasts. Further information, including conservation advice is available here: Durham Coast SAC The ES must consider the potential for direct impacts and indirect impacts during construction, operation and decommissioning to qualifying features. Any potential for impacts upon the designated site must be considered, including changes to coastal processes.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
37.		Table 8.38	Internationally designated sites	Impacts to the Northumbria Coast SPA and Ramsar site.	These sites are partially within the scoping boundary. The sites are designated for their breeding and wintering bird populations. Further information, including conservation advice is available here: Northumbria Coast SPA and Northumbria Coast Ramsar site The ES and HRA must consider both direct impacts to SPA and Ramsar species, and supporting habitats within the designated site boundary, and those which are utilising areas outside of the site boundary which are functionally linked to the designated sites.
38.		Table 8.38	Internationally designated sites	Impacts on: • Castle Eden SAC • Teesmouth and Cleveland Coast SPA and Ramsar Site • Thrislington SAC	The ES and HRA must examine the possibility of indirect impacts to these sites resulting from pollution, hydrological and air quality changes.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
39.	8.3	Table 8.39	Terrestrial ecology and ornithology	Impacts on Hesledon Moor West SSSI	This site is within the Scoping Boundary. The site is designated for its lowland dry heath valley fen. Further details on the site and its current condition are available here: Hesledon Moor West SSSI. Natural England advises that this site is avoided when selecting the location of the onshore cable and LSS as any reduction in notified habitat at this site would result in the site being classed as in unfavourable condition. Additionally, the conservation value of the site is largely determined by structural diversity and water quality and therefore indirect effects from the project results from to changes in the water quality and quantity entering the site via hydrological pathways could lead to negative effects. Natural England advises that these impact pathways are assessed in the ES alongside any other impacts which are likely to occur to the designated site from the project during any phase of the development.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
40.		Table 8.39	Terrestrial ecology and ornithology	Impacts on Hesledon Moor East SSSI	The southern most section of the site is within the Scoping Boundary. The site is designated for its lowland basin fen and neutral grassland (MG5) features. Further details on the site and its current condition are available here: Hesledon Moor East SSSI. Natural England advises that this site is avoided when selecting the location of the onshore cable and LSS as any reduction in notified habitat at this site would result in the site being classed as in unfavourable condition. There are connected hydrological pathways between Hesledon Moor West and Hesledon Moor East so any influence on hydrology at Hesledon Moor West may affect Hesledon Moor East and vice versa. Fen communities are sensitive to eutrophication so changes in nutrient inputs from flow pathways or other connected pathways can impact the notified habitat. Natural England advises that these impact pathways are assessed in the ES alongside any other impacts which are likely to occur to the designated site from the project during any phase of the development.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
41.		Table 8.39	Terrestrial ecology and ornithology	Impacts on Hawthorn Dene SSSI	The eastern section of this site is currently within the scoping boundary. The site is designated for its lowland mixed deciduous woodland and neutral grassland (MG5) features. Further details on the site and its current condition are available here: Hawthorn Dene SSSI. Natural England advises that this site is avoided when selecting the location of the onshore cable as a loss of 0.5ha of the woodland would result in the site being considered unfavourable condition. The site is also designated as ancient woodland which have developed over hundreds of years so any loss of this habitat would not be easily restored or mitigated elsewhere. Northumbrian Water Sewage Treatment Works are on the edge of the SSSI and discharge into the dene. Natural England is aware of potential repair work needed to one of their outfall pipes which would impact a small area of the designated woodland. The applicant should engage with Northumbrian Water to assess any cumulative effects from this proposal and any other projects they may have. Increased nutrients transported into the site via connected watercourses could lead to invasive non-native species (INNS) dominating the understorey and potential seed dispersal/spread from disturbance to surrounding ground. The site is currently under pressure from Himalayan balsam so Natural England advises that the applicant must consider potential spread of this species further into the site alongside any other impacts which are likely to occur to the designated site from the project during any phase of the development.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
42.		Table 8.39	Terrestrial ecology and ornithology	Impacts on Durham Coast SSSI	This site is partially within the scoping boundary. The site is designated for its aggregations of breeding and non-breeding birds, geological features and coastal habitats. Further details on the site and its current condition are available Durham Coast SSSI . Natural England advise that this site is avoided when selecting the location of the landfall and onshore cable route. The ES must examine impacts to the SSSI during landfall works if landfall within the boundaries of the designated site cannot be avoided.
43.		Table 8.39	Terrestrial ecology and ornithology	Impacts on designated sites: • Eppleton Grassland SSSI • Pig Hill SSSI • Stony Cut Cold Hesledon SSSI • Tuthill Quarry SSSI • Dabble Bank SSSI • Tunstall Hills and Ryhope Cutting SSSI	The ES must examine the possibility of impacts to these SSSI from the project and identify appropriate mitigation.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
44.	8.7	8.7.5.11	Onshore air quality	A buffer of 50m has been used to identify international and nationally designated site for the assessment of effects on onshore air quality. This is based on IAQM (2024) guidance.	Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001. This guidance notes that for road traffic emissions the distance criteria applied is 200m. Natural England recommends for the sections of the cable route/ landfall site options which will involve construction traffic movements within 200m of all designated sites, the potential air quality impacts due to road traffic during the construction phase will need to be considered. Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads and should be included within the assessment. See Section 8 of this letter for further information on Air Quality.

45.	Appendix E	All	Marine Protected Area Screening	North East of Farnes Deep HPMA / MCZ	North East of Farnes Deep MCZ is designated for: • subtidal coarse sediment • subtidal sand • subtidal mixed sediments • subtidal mud • ocean quahog The same area has been designated as a HPMA and provides protection to “the whole ecosystem”, meaning all marine flora and fauna, all marine habitats and all geological or geomorphological interests, including all abiotic elements and all supporting ecosystem functions and processes, in the seabed, water column and the surface of the sea. The conservation objectives of North East of Farnes Deep is to: • achieve full recovery of the protected feature, including its structure and functions, its qualities and the composition of its characteristic biological communities present within the North East of Farnes Deep Highly Protected Marine Area, to a natural state, and • prevent further degradation and damage to the protected feature, subject to natural change. We advise where impacts on HPMAs are identified in the screening report, that design routes or installation methodologies are be altered to avoid the impact. Appropriate buffer areas would also need to be considered for HPMAs. Defra, JNCC and NE advised in 2021 that exclusion buffers of 4km for aggregate dredging, and 2km for offshore wind, are required during construction, operation and maintenance and decommissioning. Capital and maintenance dredging, coastal defence works and managed realignment also have a 2km buffer.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
					Natural England therefore advise that in line with 2021 advice, a 2km exclusion buffer be applied around HPMA to ensure that there is minimised likelihood of indirect effects. The assessment must consider the activity-pressure-feature interaction including the impact, the location and marine processes occurring. Fish, birds, and marine mammals have not been scoped into the report as protected features of this HPMA and will need to be scoped in to ensure that the potential impacts on the HPMA and its conservation objective can be assessed. Additional information about the HPMA can be found on the JNCC website: https://jncc.gov.uk/our-work/north-east-of-farnes-deep-mpa-and-hpma/, which includes high-level conservation advice, and additional information regarding the site designation. Natural England advise that all habitats and species within the HPMA are assessed within an MCZ assessment.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
46.	Appendix E	All	Marine Protected Area Screening	Farnes East MCZ. Some features have been omitted in some parts of the EIA scoping.	Farnes East MCZ is designated for: • moderate energy circalittoral rock, • ocean quahog • sea-pen and burrowing megafauna communities • subtidal coarse sediments • subtidal mixed sediments • subtidal mud • subtidal sand Natural England advise that all features are assessed within an MCZ assessment. Subtidal mud, sea-pen and burrowing megafauna communities, and ocean quahog currently have 'restore to favourable condition' objectives, and the rest of the features have 'maintain in favourable condition' objectives. It is important to assess all potential operational impact-pathways in combination with the Site Information Centre documents on the JNCC website: https://jncc.gov.uk/our-work/farnes-east-mpa/ Natural England advise that detailed modelling is carried out to estimate predicted impacts of sedimentation and deposition in this site.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
47.	Appendix E	Table E.3	Marine Protected Area Scoping	Coquet to St Mary's MCZ Some features have been omitted in some parts of the EIA scoping.	Coquet to St Mary's MCZ is designated for: • High energy infralittoral rock • High energy intertidal rock • Intertidal coarse sediment • Intertidal mixed sediments • Intertidal mud • Intertidal sand and muddy sand • Intertidal underboulder communities • Low energy intertidal rock • Moderate energy circalittoral rock • Moderate energy infralittoral rock • Moderate energy intertidal rock • Peat and clay exposures • Subtidal coarse sediment • Subtidal mixed sediments • Subtidal mud • Subtidal sand High Energy Intertidal Rock is a feature of the Coquet to St Mary's MCZ which is missing from this table. NE advise this must be scoped in for assessment.

Point No.	Section	Paragraph	Topic	Comments	Recommendations
48.	7.4	Table 7.16	Marine Protected Area Screening	Swallow Sands MCZ	Swallow Sand MCZ is designated for subtidal coarse sediment, subtidal sand, and North Sea glacial tunnel valleys. All three of these features are in favourable condition. As Swallow Sand MCZ is located approximately 20km away from proposed operations, we do not currently anticipate that any associated activity will have an impact on this MPA. However, it remains important to assess all potential operational impact-pathways in combination with the Site Information Centre documents on the JNCC website: https://jncc.gov.uk/our-work/swallow-sand-mpa/
49.	Appendix E	E.2.2.4	Marine Protected Area Screening	A precautionary approach has been adopted for MPA screening and this ZoI has been increased to 15km.	There has been evidence to show that this ZoI could extend to 17km or possibly further dependent on local conditions. The use of spring tidal excursion ellipses is helpful for estimating the potential extent of direct changes to the tidal regime as well as the zone of greatest influence for sediment plumes. 10-15km is within the range of values used for a number of offshore wind farm projects (although larger values e.g. Five Estuaries have been used (14-17km)). Natural England advise the applicant uses site-specific spring tidal excursion ellipses for this development. For some impacts other than sediment disturbance, determining the Zone of Influence will also need to draw upon information on, for example, coastal sediment cells/pathways. For example, longshore drift being interrupted by the presence of cable protection measures in the nearshore, Such changes could also affect receptors further afield than a tidal ellipse.

[redacted]

From: Before You Dig <BeforeYouDig@northerngas.co.uk>
Sent: 17 February 2025 11:16
To: Morven Transmission Assets
Cc: Before You Dig
Subject: :EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification
Attachments: Morven Hawthorn Pit Grid Connection Project - Statutory Consultation Notification.pdf

Good morning

NGN has a number of gas assets in the vicinity of some of the identified “site development” locations. It is a possibility that some of these sites could be recorded as Major Accident Hazard Pipelines(MAHP), whilst other sites could contain High Pressure gas and as such there are Industry recognised restrictions associated to these installations which would effectively preclude close and certain types of development. The regulations now include “Population Density Restrictions” or limits within certain distances of some of our “HP” assets.

The gas assets mentioned above form part of the Northern Gas Networks “bulk supply” High Pressure Gas Transmission” system and are registered with the HSE as Major Accident Hazard Pipelines.
Any damage or disruption to these assets is likely to give rise to grave safety, environmental and security of supply issues.

NGN would expect you or anyone involved with the site (or any future developer) to take these restrictions into account and apply them as necessary in consultation with ourselves. We would be happy to discuss specific sites further or provide more details at your locations as necessary.

If you give specific site locations, we would be happy to provide gas maps of the area which include the locations of our assets.
(In terms of High Pressure gas pipelines, the routes of our MAHP’s have already been lodged with members of the local Council’s Planning Department)

Kind regards,

[redacted]

Northern Gas Networks
1st Floor, 1 Emperor Way
Doxford Park
Sunderland
SR3 3XR

[redacted]

From: Gordon Halliday [redacted]
Sent: 10 March 2025 10:07
To: Morven Transmission Assets
Subject: Morven Hawthorn Pit Grid Connection Project

You don't often get email from [redacted] Learn why this is important

Dear Sirs

Thank you for consulting Northumberland County Council on the request for a Scoping Opinion submitted by Morven Offshore Wind Limited for the development of the Morven Hawthorn Pit Grid Connection Project. It is noted that the offshore part of the project is located in the North Sea in both Scottish and English waters whilst the onshore element is located within the local authority areas of Durham County Council and Sunderland City Council.

It is noted furthermore that no part of the Scoping Boundary is located within Northumberland. The Scoping Boundary is approximately 20 kilometres offshore from the Northumberland coast at its closest point.

Northumberland County Council has declared a Climate Emergency vowing to half its carbon footprint by 2025 and make the county carbon neutral by 2030. The Council considers that the further development of offshore wind is consistent with its wider aims. The Council is therefore generally supportive of the Morven Hawthorn Pit Grid Connection Project.

I would be grateful if you would keep the Council informed of this project as it develops.

[redacted]
Case Officer

[redacted]
Planning Consultant
Planning Services
Place and Regeneration
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

[redacted]

[redacted]

From: Paul Fletcher [redacted]
Sent: 12 March 2025 12:43
To: Morven Transmission Assets
Subject: Seaham Town Council Response to Morven Project Consultation

You don't often get email from [redacted] Learn why this is important

Dear Sir/Madam

Seaham Town Council have previously suggested to the Morven team a less impacting route for the cables to be brought onto land just South of Seaham docks and then following the old redundant mineral line that then goes directly to Hawthorne Pit.

Cllrs here at Seaham Town Council are concerned that the proposed North of Seaham Hall Route at the opposite end of the town has more negative environmental impacts and is where the beach cliffs are rapidly eroding with frequent and recent land slips.

Any feedback with regards to these suggestions and any more info on the EIA and the Morven project would be very much appreciated

Thank you

[redacted]
Acting Town Clerk
Seaham Town Council

South Tyneside Council

Planning Inspectorate
FAO: [redacted]
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 13/03/2025
Our ref: ENQ004825

This matter is being dealt with by:
[redacted]
Email: planningapplications@southtyneside.gov.uk

Dear Sir/Madam

Description: Scoping consultation on NSIP development for Order granting Development Consent for the Morven Hawthorn Pit Grid Connection Project
Location: Morven Hawthorn Pit Grid Connection Project

Thank you for your consultation in connection with the above proposal, which was received on 13/02/2025.

South Tyneside Council have no comments to make at this time. We would be grateful if you could please get in touch with any further consultations as necessary in the future.

Yours faithfully

[redacted]

Senior Manager Planning

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: [redacted] – Senior EIA Advisor
The Planning Inspectorate

[By email: morventransmissionassets@planninginspectorate.gov.uk]

12th March 2025

Dear [redacted]

Re: EN0210005 - Morven Hawthorn Pit Grid Connection - Scoping Opinion

Thank you for your notification of the 13th February 2025 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that within the on shore area identified for the project there are recorded coal mining features present at surface and shallow depth including; mine entries, fissures, mine gas sites and reported surface hazards. These features pose a potential risk to surface stability and public safety. Our records also indicate that monitoring points are present within the area, continuing access to these by the Mining Remediation Authority (trading name of the Coal Authority) may be required.

The Environmental Impact Assessment Scoping Report, dated February 2025 and prepared by RPS includes a section of ground conditions, and although it acknowledges that coal mining features are present does not confirm if risks posed are scoped in or out. It is difficult to assess the risks posed in more detail without a layout for the on shore development being prepared as this would enable the recorded coal mining features and the location of the on shore infrastructure to be assessed.

We would expect the on shore infrastructure layout to be assessed against the recorded coal mining features in the area and an assessment made of the potential risks posed where necessary. If the layout of the infrastructure is still unknown at the submission stage we would expect an assessment to be made of the project area, in broad terms, and the potential risks to likely infrastructure siting identified. This could be included in the ground conditions chapter of the EIA. However, we would also have no objections to land stability being coped out of this report and a Coal Mining Risk Assessment being submitted as a stand-alone document.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

[redacted]

[redacted]

Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

In formulating this response the Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development the Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisors for this development in relation to ground conditions and the acceptability of development.

[redacted]

From: Stephen Vanstone [redacted]
Sent: 13 March 2025 11:18
To: Morven Transmission Assets
Cc: Trevor Harris
Subject: RE: EN0210005 - Morven Hawthorn Pit Grid Connection Project - EIA Scoping and Consultation and Regulation 11 Notification
Attachments: Morven Hawthorn Pit Grid Connection Project - Statutory Consultation Notification.pdf

Good morning [redacted]

I can confirm that Trinity House has no comments to add concerning the Scoping Report.

Kind regards,

[redacted]
Navigation Services Manager | Navigation Directorate | Trinity House
[redacted]
www.trinityhouse.co.uk

TRINITY HOUSE