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JNCC Reference: OIA-11065
JNCC Registration ID Number: [redacted]
PINS Reference: EN020026
Date: 18 November 2025

To whom it may concern,

Sea Link Project Development Consent Order Application – Environmental Statement and Management Plans – EN020026 – Written Representation

Thank you for consulting JNCC on the Sea Link Project Development Consent Order (DCO) Application including the Environmental Statement (ES) and Management Plans. Notification of acceptance for examination by the Secretary of State for Energy Security and Net Zero was received on 23 April 2025.

The Sea Link Interconnector project is proposed by National Grid Electricity Transmission plc to reinforce the transmission network in the South East and East Anglia. The new HVDC offshore cable will be 130km in length and is completely within the UK inshore region (within 12nm of the coast). This means that the cable falls within the jurisdiction of Natural England. However, the cable passes through two jointly managed sites (between JNCC and Natural England) described below:

- The Southern North Sea (SNS) Special Area of Conservation (SAC), designated for the protection of harbour porpoise. The conservation objectives for the site are to maintain site integrity by ensuring:
  1. Harbour porpoise are a viable component of the site
  2. There is no significant disturbance of the species
  3. The condition of supporting habitats and processes, and the availability of prey is maintained
- The Outer Thames Estuary Special Protection Area (SPA), designated for the protection of red-throated diver, common tern and little tern. The conservation objectives of the site are to maintain or enhance favourable condition of the features.

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation, on behalf of the Council for Nature Conservation and the Countryside, Natural Resources Wales, Natural England and NatureScot. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

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JNCC have therefore concentrated our comments on the features of these two designated sites.

The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit). We have subsequently concentrated our comments on aspects of the documents that we believe relate to offshore waters and defer to comments provided by Natural England (NE) for aspects relating to inshore waters (within 12nm).

The advice below relates to marine ornithology and marine mammals and is captured under the following headings:

- Marine ornithology comments
- Marine mammal comments

The following documents were reviewed in providing this response:

- EN020026-000168-Volume 3 Document 3.1 Draft Development Consent Order (AS-087)
- EN020026-000409-Volume 6 Document 6.14 Environmental Scoping Report 2022 (APP-299)
- EN020026-000231-Volume 6 Document 6.2.1.5 Part 1 Introduction Chapter 5 EIA Approach (APP-046)
- EN020026-000259-Volume 6 Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals (AS-095 & AS-096)
- EN020026-000266-Volume 6 Document 6.2.4.11 Part 4 Marine Chapter 11 Inter-Project Cumulative Effects (APP-084)
- EN020026-000783-Volume 6 Document 6.2.4.5 Part 4 Marine Chapter 5 Marine Ornithology (AS-115 & AS-116)
- EN020026-000273-Volume 6 Document 6.3.1.5.A ES Appendix 1.5.A Cumulative Effects Assessment Methodologies (APP-091)
- EN020026-000402-Volume 6 Document 6.6 Habitats Regulations Assessment Report (AS-007)
- EN020026-000509 Volume 6 Document 6.6 Report to Inform Habitats Regulations Assessment (AS-007)
- EN020026-000187-Volume 7 Document 7.5.2 Outline Offshore Construction Environmental Management Plan (APP-339)
- EN020026-000197-Volume 7 Document 7.5.11 Outline Marine Mammal Mitigation Plan (APP-356)
- EN020026-000202 Volume 7 Document 7.8 Red-throated Diver Protocol (APP-361)

1 Marine ornithology comments

JNCC reiterate that we welcome the full seasonal restriction on offshore cable burial activities within the Outer Thames Estuary SPA, as well as the reduced seasonal restriction

between January and March for landfall cable installation activities. We also welcome the additional mitigation measures proposed in the Red-throated Diver Protocol to further reduce disturbance to red-throated diver.

1.1 Comments on construction phase

Despite the seasonal restriction, JNCC are concerned by the potential for vessel movements associated with the activities excluded from the seasonal restriction to have adverse impacts on the Outer Thames Estuary SPA, particularly in-combination with other Plans and Projects.

The Red-throated Diver Protocol paragraph 1.5.3 states a full seasonal restriction from 1st November to 31st March will be committed to "for offshore cable burial activities (excluding pre-lay grapnel run activities)", but it is not clear whether other pre-laying activities such as the geophysical surveys and UXO survey and clearance are also excluded. We do not consider that this aspect of the project has been fully considered, and in our view an Adverse Effect on Site Integrity cannot currently be ruled out. Adverse Effect on Site Integrity would be ruled out by avoiding works during the most sensitive period (1 November – 31 March) and suggest that the draft DCO is amended accordingly.

JNCC also note that it is mentioned that "the offshore scheme does not pass through areas recorded as having the highest concentrations of red-throated diver…..majority of the route passing through areas with limited or no recorded occurrence" (Chapter 4 Marine Ornithology, paragraph 5.9.13), however, we would argue that the majority of the route does pass through areas of medium red-throated diver density (Figure 7, Irwin et al 2019).

1.2 Comments on operations and maintenance

It is stated in Document 6.2.1.4, that regular monitoring surveys are required during operations, and that these surveys may identify faults that require maintenance. However, the potential vessel disturbance from this is not discussed in the Report to Inform HRA. The Environmental Statement gives more detail regarding the expected vessel requirements should maintenance works be needed, but there is also no mention of the potential disturbance from the regular monitoring surveys. Clarity on the expected vessel movements from the regular monitoring surveys should be provided in the Environmental Statement and the Report to Inform HRA.

1.3 Comments on decommissioning

In the Environmental Statement, decommissioning activities are assumed to be less than during the construction phase, and therefore to result in non-significant effects (Chapter 4 Marine ornithology, paragraph 5.9.98). However, as per our comments above, the impact from the construction phase may not be non-significant and it would be helpful if the applicant were able to set out a worse-case scenario for decommissioning to provide sufficient information for the Competent Authority to assess the impacts from this phase.

1.4 Cumulative Effects Assessment and In-Combination Assessment

In Chapter 4 Inter-project cumulative effects document, paragraph 11.2.12, it is stated that "whether the combination of effects from two developments could result in a significant effect overall" has been determined. This also seems like the approach taken in the Report to Inform HRA. It should be noted that the assessment should consider the effects of all plans or projects in-combination and assess whether together there is the potential to significantly impact on a site.

In Chapter 4 Inter-project cumulative effects document Table 11.21, the cumulative effects assessment considers the impacts "from cable installation". We emphasise that vessel movements from all aspects of construction, including preparation activities for all projects, as well as from operation and maintenance, and decommissioning, should be considered within the cumulative effects assessment.

1.5 Vessel disturbance assessment

For an assessment of the Outer Thames Estuary SPA, we advise that the distribution maps within Irwin *et al*. (2019) are used. The data contained within Irwin *et al*. (2019) consists of two distribution maps per species from two survey days (both in February 2018). Therefore, a vessel disturbance assessment should be made using data from each of the two surveys days, and a mean and range of number of birds potentially displaced presented.

In terms of carrying out a vessel disturbance assessment, we recommend that the following steps are taken. In light of evidence of vessel displacement, we advise that a 2km buffer around each vessel is used for the assessment of 100% displacement of red-throated diver (Burt *et al*., 2022, Burger *et al*., 2019). In light of evidence of vessel displacement, we advise that a 2.5km buffer around each vessel is used for the assessment of 100% displacement of common scoter (Fliessbach *et al*., 2019). We advise that the area of impact should be calculated and put into context of the SPA area by calculating the proportion of the SPA area impacted. We also advise that the number of birds impacted are calculated. Crucially, this should be done by using distribution maps of the relevant features in the relevant SPA. The distribution maps per species should be overlain with the area of impact per species to calculate the number of birds potentially impacted. This can then be put into context of the SPA population by calculating the proportion of the SPA population impacted. This should be done for each vessel present, and the dates that a vessel will be present should also be provided.

2 Marine mammal comments

The following Written Representations (WR) expands on our Relevant Representations regarding marine mammals (RRs) submitted 20 June 2025.

In line with JNCCs offshore remit, we defer to Natural England regarding impacts to SACs in territorial waters e.g. for seals and bottlenose dolphins.

Two of the application documents have been updated since we submitted our RRs to the examining authority. There are:

- EN020026-000259-6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals (AS-095)

- EN020026-000402-6.6 Habitats Regulations Assessment Report (AS-007)

JNCC disagree with several approaches being taken by the Applicant within the Environmental Statement and the HRA, and although none are a major consenting risk, we recommend that these are rectified prior to determination.

Within our Written Representations, we provide comments on the following areas of concern:

1) The use of SCANS IV being the only data source for abundance estimates
2) The lack of consideration for noisy activities in the winter area of the Southern North Sea SAC
3) Insufficient information for the Appropriate Assessment to be carried out
4) Assessment of the use of seismic sound sources
5) Outline Marine Mammal Mitigation Plan

Additional, minor comments are provided at the end.

2.1 Abundance estimation sources

Section 4.7 of the Marine Mammal chapter (AS-095) assesses the baseline of the marine mammal species that may be found within the Study Area.

JNCC have concerns with the use of a single data source for estimating the abundance and density of marine mammal species. In this instance, the SCANS IV data has been used. The SCANS IV (and SCANS I-III before it) methodology involves collecting the data from each block on a single day using aerial transect surveys (Gilles et al. 2023). As a result, the resulting data represents one day in one summer, for example 2022. This is of particular relevance here as the cable passes through the winter area of the Southern North Sea SAC, and the abundances and densities presented for harbour porpoise are therefore not representative of those that would be expected in the area at their peak.

JNCC therefore recommend that several data sources are assessed (for example, the Marine Mammal Management Units (MMMUs) and any field surveys that have been undertaken in the area in recent years), with the most conservative data being taken forward to assessment for each species. In addition, in the winter of 2024 (Jan-March), SCANS conducted its first large-scale winter survey, focussing on the southern North Sea. The final report provides winter density estimates in this area for harbour porpoise and white-beaked dolphins.

Paragraph 4.7.36 states that the abundance and densities for the four key cetacean species are provided in Table 4.14. However, Table 4.14 states that these are taken from SCANS III, contrary to references referred to in the text. Clarification on the table contents is required.

2.2 Noisy activities in the winter area of the Southern North Sea SAC

Section 4.8 of the Marine Mammal chapter (AS-095) summarises mitigation measures that have been considered as part of the proposed project, and provides details of measures

embedded into the project plan, and those that are secondary to it. The embedded measure is “sensitive routeing and siting of infrastructure and temporary works”, i.e. considering important marine mammal areas when routeing the cable route with additional measures to adhere to the JNCC marine mammal mitigation guidelines, as well as for vessels to adhere to regulations and to develop an offshore Construction Environmental Management Plan (CEMP), amongst others.

In terms of underwater noise, the most significant measure is adherence to the JNCC marine mammal mitigation guidelines for injury, and we welcome their inclusion.

Table 4.20 presents estimated distances at which marine mammal injury thresholds will be exceeded. JNCC agree that a dual metric approach is applied when assessing potential injury ranges and subsequent mitigation based on the most precautionary output (i.e. the greatest range). The maximum estimated distances at which Permanent Threshold Shift (PTS) may occur for the different noise sources show that when using the peak Sound Pressure Level (SPL_{peak}) metric, injury can be mitigated using standard measures described in the JNCC guidelines (JNCC 2017). However, the assessment suggests there is a significant risk associated with sub-bottom profilers (SBP) when considering the cumulative Sound Exposure Level (SEL_{cum}) metric. Most of the predicated injury ranges are greater than the standard 500m mitigation zone, with one of the SBPs assessed potentially causing injury up to 10,000m from the source for very high frequency cetaceans (e.g. harbour porpoises).

We note the modelling provided results in an unrealistic worst-case scenario being assessed, as a stationary animal has been assumed and a soft start has not been factored in. It is also unlikely that a marine mammal would be exposed for 24 hours as the vessel shall not be operating repeatedly in the same location. Furthermore, the modelling will not have considered the directionality of these types of noise sources, which result in reduced sound propagation horizontally. Given the level of precaution built into the assessment, and our experience with this type of equipment, we are content that standard mitigation measures would sufficiently reduce the risk of injury from the equipment assessed.

For the continuous sound sources, e.g. support vessels and cable lay operations, JNCC agree that injury is highly unlikely and will not require any mitigation measures.

We note reference is made to vessels complying with the International Regulations for Preventing Collisions at Sea 1972 (International Maritime Organisation, 1972), Regulation 10 of which provides guidance relating to vessel speed to reduce the risk of collision with other vessels. However, there is no explanation as to how this will be beneficial to marine mammals, as implied by its inclusion in this list. The only benefit listed (in Table 4.6) is that of reducing accidental spills/leaks but does not mention marine mammal collisions. A vessel management plan to support compliance with this Regulation could also include measures which would reduce the risk of vessel collision with marine mammals, but this is not considered. For example, neither the CEMP or Outline Marine Mammal Mitigation Plan (oMMMP) discuss reduced or defined vessel speeds to reduce the risk of collision with marine mammals. We do note that vessel speeds are stated within the Red-throated Diver Protocol (EN020026-000202-7.8 Red-throated Diver Protocol) but this protocol is specific to this species and the Outer Thames Estuary SPA.

Also not considered is avoidance of noisy activities in the Southern North Sea (SNS) SAC during the winter season, although general reference to guidance for managing disturbance within the SAC (JNCC 2020) is referred to. The proposed cable passes through the part of the site identified as having higher abundance in the winter season (defined as October to March inclusive). We note that for red-throated divers, a commitment to a full seasonal restriction for offshore cable burial activities has been made within the Outer Thames Estuary SPA during the relevant season, and we question why a similar commitment has not been made for harbour porpoises. Avoiding noisy activities in this season would provide the benefit of negating the need to consider management measures for disturbance in the HRA (see below for further comment).

2.3 Insufficient information within the Habitat Regulations Assessment (AS-007)

In line with JNCCs offshore remit, our review has focussed on the Southern North Sea (SNS) SAC, designated for harbour porpoise. The conservation objectives for this site are to maintain site integrity by ensuring:

1. Harbour porpoise are a viable component of the site
2. There is no significant disturbance of the species
3. The condition of supporting habitats and processes, and the availability of prey is maintained

The proposed project passes through the part of the Southern North Sea (SNS) SAC designated as having higher abundance in the winter months (October to March inclusive).

We agree with the conclusion of Likely Significant Effect (LSE) for this site with regard to underwater sound (paragraph 4.3.23) and vessel collision risk (paragraph 4.3.28). However, as the approach to screen for LSE has focussed on impact pathways rather than the conservation objectives for each site, it is unclear how Conservation Objective 3 (The condition of supporting habitats and processes, and the availability of prey is maintained) for the SNS SAC has been considered.

We advise that in its current state, insufficient information has been provided to enable the Licensing Authority to undertake an Appropriate Assessment for this site. Again, the information provided focusses on the impact pathway, with limited discussions as to how this information applies to different sites. This is particularly pertinent when considering underwater noise as the SNS SAC has management measures not applicable to other sites. There is also no clear distinction between construction and operational activities where the impact pathway is relevant to both. We note that potential for indirect effects through impacts to prey species have been considered in Section 7 (page 113-114), but not in relation to the SNS SAC.

Further comment on the impact pathways screened into Stage 2 for the SNS SAC are provided below:

Underwater noise:

JNCC advise insufficient information has been provided to support the conclusion of no adverse effect on the SNS SAC from this impact pathway. In addition, the assessment has been combined for harbour porpoise and seal sites. How noise is assessed and managed within these sites is different so this is inappropriate.

Paragraph 7.3.15 states that several activities will be undertaken through the lifetime of the project that will generate sound, however no distinction is made in the subsequent paragraphs of how impacts from sound will be mitigated as the different stages, with only sub-bottom profiler activity addressed in Paragraph 7.3.23.

The applicant has only referred to injury ranges for sub-bottom profilers using the SPL metric; the injury ranges presented in Chapter 4 Marine Mammals (Table 4.20) using the cumulative SEL metric are far greater than the 63m quoted in Paragraph 7.3.18 of the HRA. JNCC advise both metrics are assessed, and mitigation based on the most precautionary output. For harbour porpoise, this suggests injury could occur up to 10km from the source. While we agree that standard mitigation measures would be appropriate in this instance, the assessment should be transparent and not select only results which support the chosen conclusion.

We note the reference to published Effective Deterrent Ranges (EDRs) which support the management of disturbance within this site (Paragraph 7.3.20). We advise that updated EDRs were published in September 2025 (JNCC, 2025), and that an EDR of 3km is now recommended for SBP activities. We further advise that, provided no sub-bottom profilers are used within the site in winter months, the spatial temporal thresholds (JNCC et al 2020) do not need to be considered in an appropriate assessment. However, no such commitment is being proposed and the thresholds have not been considered in this assessment. Winter for this site is defined as October to March inclusive, and we would expect such a restriction to be secured in the project consent. We note seasonal restrictions are proposed for the Outer Thames Estuary SPA but these would not be sufficient for the SNS SAC as they only extend between 1 November to 31 March (Paragraph 7.3.20). In addition, as these restrictions are specific to this SPA, they will not cover all of the cable installation within the SNS SAC. Subsequently, it is inappropriate to assume the restrictions secured in the CEMP, Red-throated Diver Protocol and draft DCO referred to in Paragraph 7.3.21, that are specifically designed to mitigate impacts on red-throated divers, support a conclusion of no adverse effect on the SNS SAC.

Vessel collision risk:

This section (Paragraphs 4.3.25 – 4.3.28) has considered risks to cetaceans separately from seals and provided a standalone conclusion for the SNS SAC. However, we disagree with the assumption that harbour porpoise densities will be low when offshore construction activities occur. Harbour porpoise will be present within the winter part of the site all year round, albeit in lower numbers than in the summer season. We also note that slow vessel speeds are anticipated but are not being committed to. Neither is there any reference to managing vessel speed in the oMMMP other than a single reference stating that vessels must comply with the *International Regulations for Preventing Collisions at Sea 1972* (International Maritime Organisation, 1972), which specifies only that vessels proceed at a “safe speed”, the listed factors to be considered when determining the speed do not include

the presence of marine megafauna. We recommend vessel speeds are defined and secured as conditions of consent to support any conclusion of no adverse effect.

In-combination effects:

Section 8 of this document provides a holistic review of potential impacts from the identified projects and overarching conclusions which refer to all European sites. Subsequently we are unable to provide advice regarding in-combination effects to the SNS SAC in relation to the proposed project.

2.4 Assessment of the use of seismic sound sources

JNCC note the commitment to follow the JNCC marine mammal mitigation guidelines for geophysical surveys (JNCC, 2017). JNCC agree this is sufficient to mitigate the predicted risk of auditory injury from the SBP equipment assessed in the ES, noting our comments above relating to predicted injury ranges. However, paragraph 1.10.2 of the outline Marine Mammal Mitigation Plan (APP-356) refers to the potential need to use seismic sound sources. Whilst we acknowledge that it is stated that these are not likely to be required, such sources are not assessed in the ES. If there is a chance that seismic sound sources are to be used, we advise new noise modelling is undertaken to estimate potential injury ranges to ensure the described mitigation measures will mitigate the predicted risk.

We highlight that JNCC are currently updating our mitigation guidelines for geophysical surveys, which should be released in the near future. The final MMMP will need to reflect the guidance available at the time.

2.5 Outline Marine Mammal Mitigation Plan (oMMMP)

The outline Marine Mammal Mitigation Plan has not been updated therefore our previous comments still stand. We provide them again here for convenience, supplemented with additional detail. We request conditions are applied ensuring JNCC are consulted when finalising this plan, should consent be awarded.

Section 1.2: JNCC note this document will be updated post-consent (Paragraph 1.2.2); please refer to our previous comments on the conditions in the DCO/dML relating to this plan.

Section 1.4: We question why only legislation relating to territorial waters has been included here given the plan covers activities that will occur in offshore waters? Specifically, The Conservation of Offshore Marine Habitats and Species Regulations 2017. It should be clear this document covers activities in territorial and offshore waters.

Section 1.5: This section is to provide a summary of marine mammal receptors likely to be encountered during the proposed project however includes reference to the EU Habitats Directive and protection afforded to European Protected Species. This information should be included in the previous section (1.4 Relevant Legislation) and reference the relevant UK legislation not European Directives.

JNCC agree the identified species are those most likely to be present in the study area however highlight that all cetaceans are protected under UK law as European Protected Species.

Table 1.2: This lists construction activities that will generate underwater sound. JNCC notes the inclusion of UXO clearance here, however it could be clearer in this table that a separate licence will be obtained should this activity be required (as stated in Section 1.11).

Section 7: Paragraph 1.7.2 highlights guidance for managing disturbance within the SNS SAC (JNCC, 2020) as a measure included in Application Document 7.5.3.1 CEMP Appendix A, Outline Code of Construction Practice. However, it is not clear how this guidance has been considered within this mitigation plan (or the CEMP other than saying it will be adhered to). Please see previous comments regarding this guidance and proposed measures for red throated divers.

Table 1.3: This table details the roles and responsibilities of personnel relevant to this mitigation plan. However, there is no reference to marine mammal observers or passive acoustic monitoring operators. It is possible these are meant to be included under the term 'general operatives' however, this is confusing as it does not use terminology referred to elsewhere in the document (e.g. paragraph 1.8.1) or by industry generally. This table should be amended to be clearer.

Section 1.10: JNCC note the commitment to follow the JNCC marine mammal mitigation guidelines for geophysical surveys (JNCC, 2017). JNCC agree this is sufficient to mitigate the predicted risk of auditory injury from the SBP equipment assessed in the ES, noting our comments above relating to predicted injury ranges. However, paragraph 1.10.2 refers to the potential need to use seismic sound sources. Such sources were not assessed in the ES and if equipment not assessed is to be used, we advise new noise modelling is undertaken to estimate potential injury ranges to ensure the described mitigation measures will mitigate the predicted risk.

We highlight that JNCC are currently updating their mitigation guidelines for geophysical surveys and the final MMMP will need to reflect the guidance available at the time.

Section 11: We note the inclusion of UXO clearance in this plan, and that it clearly states a separate marine licence will be obtained should it be required. The section will be updated accordingly at that time however, the information currently provided is not clear. Paragraph 1.11.3 states '*Some areas are considered more important for marine mammals than others and require additional or different mitigation measures. Should detonation be required within the SNS SAC, designated for harbour porpoise, additional measures detailed below shall be considered*'. It is not clear what these additional measures are, as those listed in the subsequent paragraph (1.11.4) will need to be applied regardless of where the UXO is. We also highlight the list provided in paragraph 1.11.4 do not form a process, as indicated by the preceding text.

2.6 Additional comments

Part 1, Chapter 5 EIA Approach (EN020026-000227-6.2.1.1 Part 1)

JNCC recognises the mitigation hierarchy (Section 5.4), which places a preference to avoidance measures, followed by minimisation, rehabilitation/restoration, and offsetting. JNCC agree with this approach as it prioritises the measures with zero impact to the environment i.e. measures that would avoid significant impacts to begin with. It would be

assumed that examples of avoidance would be to, as far as possible, route the cable so that sensitive areas (such as breeding or feeding areas) are avoided.

Part 4 Chapter 4 – Marine Mammals (EN020026-000259-6.2.4.4)

Section 4.3, Table 4.6: This table details the comments raised in the scoping opinion in relation to marine mammals. With regard to Comment ID 5.4.4, the decision was made to take a regional approach to screen marine protected sites into the assessment instead of using a prescribed distance (50km). JNCC note the change in approach but are of the opinion that while using a regional approach can be acceptable to create a long list of sites, these should be narrowed down based on potential impact pathways / routes to impact. For marine mammal sites, this could be based upon noise propagation ranges. However, given that the Sea Link project occurs within the Southern North Sea SAC, with no other offshore marine mammal sites on the east coast of England, JNCC are content that all relevant sites within our remit have been scoped in.

Table 4.15: This lists the designated marine mammal sites within the study area. Of these, the only one in offshore waters is the SNS SAC, which the cable route runs through. We confirm all relevant offshore marine mammal sites have been listed and defer to Natural England in relation to inshore (territorial waters) sites.

Table 4.16: This table provides a summary of the impact pathways and the maximum design scenario for each potential impact pathway. We note that underwater sound excludes that produced by UXO clearance owing to the fact that UXO clearance is not to be included within this application. If required, this shall be considered in a separate marine licence application. JNCC agree with this approach given the lack of information available at this stage of the development. The underwater sound activities that have been included are pre-installation geophysical survey activities, pre-installation clearance, cable installation via a range of different methods including trenching, placement of cable protection and vessel movements. Given that UXO clearance is not to be included in this application, we recommend the applicant clarify what is being referred to with “pre-installation clearance” as it is currently ambiguous.

Habitat Regulations Assessment Report (EN020026-000402-6.6)

Electromagnetic fields (EMF): We agree the risk to harbour porpoise from EMF is low. We also note the conclusions of Chapter 3 of the ES, Fish and Shellfish Ecology, which concluded no significant impact from EMF to the fish species assessed. We agree with the conclusion of no adverse effect from this impact pathway.

Draft Development Consent Order (DCO) (EN020026-000168-3.1)

The outline Marine Mammal Mitigation Plan is secured in both the DCO (Schedule 3, Requirement 6) and the deemed Marine Licence (Part 2, Condition 3). Both these requirements state licensed activities must not commence until plans have been submitted to and approved in writing by the MMO in conjunction with JNCC and others. We note both also specify approval must be provided within 16 weeks of submission rather than the applicant committing to submitting the required documents to the MMO a specified time ahead of works commencing. We question whether a commitment relating to when the documents will

be submitted would be beneficial and recommend the applicant engage with JNCC (and Natural England) ahead of submitting the plans to discuss the proposed amendments.

Please contact me with any questions regarding the above comments.

Yours sincerely,

[redacted]

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The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation, on behalf of the Council for Nature Conservation and the Countryside, Natural Resources Wales, Natural England and NatureScot. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

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