Written Representations

from the

Royal Society for the Protection of Birds

Submitted for Deadline 1
18th November 2025

Planning Act 2008 (as amended)

In the matter of:

Application by National Grid Electricity Transmission for the

Sea Link Project

Planning Inspectorate Ref: EN20026
The RSPB Registration Identification Ref: F5280E651

Contents

1 INTRODUCTION

1.1 The RSPB

The Royal Society for the Protection of Birds (registered Charity England and Wales number 207076, Scotland number SC037654, 'the RSPB') was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of 1.15 million (RSPB Annual Report 2023-24). The RSPB manages 222 nature reserves in the UK covering an area of over 158,000 hectares.

RSPB Local Groups, such as Thanet RSPB Local Group, are run by volunteers (mostly RSPB members) and make a difference for nature in their local community e.g. inspiring people about birds and wildlife through local walks and talks, carrying out fundraising and getting involved with local conservation projects.

1.2 Summary of Concerns

The RSPB believes that climate change poses the greatest threat to wildlife and people that we face today. Decarbonising the UK's energy sector will be vital in the fight against dangerous climate change and switching to renewable sources of energy is essential to achieving this goal. The RSPB is therefore supportive of renewable energy projects (and associated works required to the network) providing adverse impacts on wildlife and habitats can be avoided through careful siting and design. It is critical that the climate and biodiversity emergencies are tackled together. The proposed Strategic Spatial Energy Planning being developed by the National Energy System Operator will hopefully bring benefits for the development of renewables in terms of time and cost whilst allowing for better consideration of environmental protection through avoidance of the most important sites for nature and minimising disturbance through strategically considering where best to locate schemes. Unfortunately, this thinking appears to be lacking in the Sea Link proposals.

The RSPB is seriously concerned that the Sea Link proposals are a considerable threat to:

- In Suffolk:-
  - the RSPB's North Warren Reserve,
  - Leiston-Aldeburgh Site of Special Scientific Interest (SSSI)
  - the Sandlings Special Protection Area (SPA),
- In Kent:-
  - Thanet Coast and Sandwich Bay Ramsar site,
  - Thanet Coast and Sandwich Bay SPA and
  - Sandwich Bay to Hacklinge Marshes SSSI.

We are extremely disappointed that infrastructure development has been proposed within important protected wildlife sites.

Based on the information provided in the Application, we are concerned that potential impacts could be significant due to the lack of detail and confidence about the current proposals, evidence regarding potential impact significance and design and efficacy of mitigation measures. Therefore, we consider that significant impacts from the Application alone and cumulatively with other projects are likely on the following sites:

- Leiston-Aldeburgh SSSI, Suffolk
- Sandwich Bay to Hacklinge Marshes SSSI, Kent

We also do not agree that adverse effects on integrity can be excluded for the following sites for impacts from the Application alone:

- Sandlings SPA, Suffolk
- Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site (through impacts on functionally-linked land)
- Thanet Coast and Sandwich Bay SPA and Ramsar site and Sandwich Bay SAC, Kent

In relation to the Application in combination with other plans and projects, we do not agree that adverse effects on integrity can be excluded for the following sites:

- Sandlings SPA
- Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site (through impacts on functionally-linked land)
- Thanet Coast and Sandwich Bay SPA and Ramsar site and Sandwich Bay SAC
- Outer Thames Estuary SPA

Whilst we object overall to the proposals in their current form, we acknowledge that the project may proceed to application and be consented despite these concerns. Therefore, we also will seek to engage with National Grid to secure mitigation to avoid and reduce impacts on nature conservation as far as possible should the development go ahead. Our detailed comments thus include both further detail of our objection due to the inadequate approach to avoidance of designated sites as well as discussion of the potential impacts and mitigation relating to the proposals in their current form.

1.3 Designated Sites

1.3.1 Suffolk

The Suffolk landfall at North Warren is within the Leiston-Aldeburgh SSSI and the RSPB's North Warren nature reserve. The nature reserve has been an established and undisturbed

haven for wildlife since 1939 and is a SSSI due to its national conservation importance. The grazing marshes and reedbeds at RSPB North Warren host thousands of ducks, swans and geese in winter including nationally important numbers of wintering White-fronted Geese *Anser albifrons* whilst spring brings breeding Bittern *Botaurus stellaris* and Marsh Harrier *Circus aeruginosus*.

The SSSI citation describes this area as follows:

> *"The marshes, the open water and their margins, in particular, support a diverse range of breeding birds, including water rail, marsh harrier, gadwall and grasshopper warbler. The site is also attractive to wintering waterfowl including Bewick's swan and bittern and regularly supports important populations of white-fronted goose, gadwall and teal."*[1]

Natural England has defined operations requiring Natural England's consent (ORNECs)[2] (previously known as operations likely to damage the special interest of SSSIs) for the Leiston-Aldeburgh SSSI. Of these, the following are particularly relevant to our concerns:

- 2 …alterations to the grazing regime including… intensity or seasonal pattern of grazing.
- 11 Destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb...
- 14 Alterations to water levels and tables and water utilisation... Also the modification of current drainage operations.
- 21 Destruction, construction, removal or rerouting, or regrading of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks… or the laying, maintenance or removal of pipelines and cables, above or below ground.
- 22 Storage of materials.
- 23 Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
- 26 Use of vehicles or craft.
- 27 …other activities likely to damage vegetation or disturb birds.

The Suffolk landfall and subsequent cable route also lies in close proximity to the Sandlings SPA. The Sandlings SPA comprises heathland, acid grassland and commercial forestry and was classified as a SPA in August 2001 on the basis of its populations of breeding Nightjar *Caprimulgus europaeus* and breeding Woodlark *Lullula arborea*. The Conservation Objectives of the SPA are as follows:

[1]Available at https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/2000370.pdf Accessed 29/07/25
[2]Available at https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/2000370.pdf Accessed 29/07/25

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

Natural England have also produced a Site Improvement Plan[3] for the Sandlings SPA, which lists the following priority issues affecting the site:

- Changes in species distributions
- Inappropriate scrub control
- Deer
- Air pollution: impact of atmospheric nitrogen deposition
- Public access/disturbance

1.3.1.1 Functionally Linked Land

Due to its importance for breeding Marsh Harrier and non-breeding White-fronted Goose, potential effects on the supporting habitat RSPB North Warren provides for the following SPAs and Ramsar sites must be also considered.

The Minsmere to Walberswick Special Protection Area (SPA) is designated for its breeding populations of Bittern, Marsh Harrier, Avocet *Recurvirostra avosetta*, Little Tern *Sternula albifrons*, Nightjar, Woodlark, Gadwall *Anas strepera*, Teal *Anas crecca* and Shoveler *Anas clypeata*. It is also designated for its wintering populations of Hen Harrier *Circus cyaneus*, Bittern, Avocet, White-fronted Goose, Gadwall and Shoveler. The Minsmere - Walberswick Heaths and Marshes Ramsar site is designated for its mosaic of marine, freshwater, marshland and associated habitats, complete with transition areas. It supports an important assemblage of rare breeding birds associated with marshland and reedbeds.

The Alde-Ore Estuary is designated as an SPA for its breeding populations of Avocet, Little Tern, Marsh Harrier, Sandwich Tern *Sterna sandvicensis* and Lesser Black-backed Gull *Larus fuscus*. During the winter it also supports populations of European importance of Avocet and Redshank *Tringa totanus*. It is also notified for supporting over 20,000 seabirds during the breeding season and over 20,000 waterfowl during the winter. The Alde-Ore Estuary Ramsar Site is designated for its internationally important populations of Lesser Black-

[3] Available at https://publications.naturalengland.org.uk/file/5509308278112256#:~:text=The%20SIP%20consists%20of%20three,containing%20contextual%20information%20and%20links. Accessed 29/07/25

backed Gull during the breeding season, and of Avocet and Redshank during the winter. It also supports a notable assemblage of breeding and wintering birds.

1.3.2 Kent

In Kent, the proposed cable route would cross the Thanet Coast and Sandwich Bay Ramsar and SPA, Sandwich Bay SAC and Sandwich Bay to Hacklinge Marshes SSSI. These hugely important coastal habitats, in addition to functionally-linked inland areas, support internationally important populations of birds including wintering Golden Plover *Pluvialis apricaria* and Turnstone *Arenaria interpres*, and large concentrations of wintering and migrating wading birds with some species, such as Sanderling *Calidris alba*, present in nationally important numbers.

Thanet Coast and Sandwich Bay SPA is designated such for breeding Little Tern, wintering Turnstone and Golden Plover. According to the SPA designation site details:

> "*Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land all important habitat for golden plover to roost and feed. The intertidal reef, together with the mudflats and sandflats which characterise the remainder of the coastline in North East Kent, provide valuable feeding grounds and roosting areas at low water for wintering waders including turnstone. In summer, shingle provides an important breeding habitat for little terns*."

The SSSI designation includes various habitats, scarce invertebrates and botanical interest. Looking at ornithological interest, the SSSI citation mentions:

> "*…the large numbers of waders and wildfowl which use the area in winter and during the Spring and Autumn migrations. Dunlin Calidris alpina is usually the most common wader present, found particularly on the mudflats where the rich invertebrate fauna also attracts a wide range of other common species such as oystercatcher Haematopus ostralegus, curlew Numenius arquata, and redshank Tringa totanus. Grey plover Pluvialis squatarola and sanderling Calidris alba both overwinter in nationally important numbers, whilst ringed plover Charadrius hiaticula also occurs in nationally important numbers during migration. Many of the birds use more than one habitat, some for example feed on the mudflats at low tide and then move up to roost on the saltmarsh or grazing marsh. Breeding birds include ringed plover, oystercatcher and little tern Sterna albifrons, a species specially protected by law and listed on Schedule 1 of the Wildlife and Countryside Act 1981. Inland areas are also of interest supporting two nationally rare species of breeding birds"*

The Minster Marshes area currently holds a rich assemblage of wetland, farmland, woodland and scrub birds, many of which are Red-listed Birds of Conservation Concern and is functionally linked land for Golden Plover. This area is situated to the west of the main designated area, and immediately alongside a section of Sandwich Bay to Hacklinge Marshes SSSI. The Sea Link plans would see much of this area lost to an electricity converter station, adjacent to the SSSI, with many pylons constructed nearby. The farmers are managing much of the land with biodiversity in mind, with Abbey Farm in Higher Level Stewardship, part of Operation Turtle Dove[4], and utilising cover crops, for example. The farm and surrounds hold established habitats including grazing marsh, ponds, scrapes for wintering waders, scrub, wet woodland and more.

The issues and vulnerabilities affecting designated sites in both Suffolk and Kent are explored in further detail in relation to specific topics below.

1.4 Overarching Comments on the Principle of Development within Designated Sites

The RSPB is extremely concerned about the choice of landfall site and onshore cable routes in both Suffolk and Kent for the Sea Link project due to their potential to negatively impact designated conservation sites, which should be afforded a high level of protection.

1.4.1 Protection afforded to designated sites

1.4.1.1 SPAs, SACs and Ramsar sites

The main protective provisions in respect of SPAs, SACs and Ramsar sites are set out in The Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). These regulations set out the main tests that the competent authority would have to apply to any plan or project likely to have a significant effect on SPAs and/or SACs (National Sites). It is Government policy that the same protection is afforded to Ramsar sites.

Given that the Application is not directly connected with or necessary for the management of a National Site, it is necessary to consider it against the sequence of steps set out in the Habitats Regulations. The steps to be taken by the competent authority when considering authorisation for a project that may have an impact on a National Site are set out in Regulation 63, as follows:

- Step 1: consider whether the project is directly connected with or necessary to the management of the site. If not

[4] https://www.operationturtledove.org/

- Step 2: consider, on a precautionary basis, whether the project is likely to have a significant effect on the site, either alone or in combination with other plans or projects.
- Step 3: make an appropriate assessment of the implications for the site in view of its conservation objectives. Regulation 63(2) empowers the competent authority to require an applicant to provide information for the purposes of the appropriate assessment. There is no requirement or ability at this stage to consider extraneous (non-conservation e.g. economics) matters in the appropriate assessment.
- Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the site, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test).
- Step 5: In light of the conclusions of the assessment the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the site, alone or in combination with other plans or projects.
- Step 6: If, despite not being possible to ascertain that there will not be an adverse effect on the integrity of the site, there are no possible alternative solutions to the proposed development and there are imperative reasons of overriding public interest (IROPI) (which, subject to regulation 64(2), may be of a social or economic nature), for it, consent can still be granted if…
- Step 7: any and all necessary compensation measures must be secured to ensure the overall coherence and protection of the National Sites Network. (consideration of the management objectives for the National Sites Network should be part of these considerations)(regulation 68).

The tests set out in Regulation 63, 64 and 68 are extremely strict as they concern the protection of sites that are of recognised international importance. Relevant effects on a site may be direct (e.g. direct loss of habitat) or indirect (e.g. noise disturbance causing avoidance of otherwise suitable nesting habitat). They may also arise from operations outside the boundary of a site e.g. changes to drainage systems. The extent to which any such effects can be removed or reduced by mitigation measures will vary.

Where it is not possible to conclude there will be no adverse effect on a site nor its features, it is necessary to consider whether there are alternative solutions. This must examine whether there are less environmentally damaging alternative solutions to the plan or project i.e. are there alternatives that are less damaging to the SPAs, SACs or Ramsar sites? Such alternatives could include different designs, locations or even policy approaches that meet the public interest objectives of the plan or project.

If no such alternative solutions exist, it would then be necessary to assess whether there are imperative reasons of overriding public interest (IROPI). The grounds for derogating from the protective provisions of the Habitats Regulations must be exceptional and not every kind of public interest will be sufficient when weighed against the objectives of the Regulations.

If IROPI is demonstrated, compensatory measures must be secured to protect the overall coherence of the National Sites Network, taking account of the Network's management objections as set out in Regulation 16A and that are targeted at the features and supporting ecological functions that may be adversely affected.

We do not believe it is possible to conclude that adverse effects on integrity can be excluded for Sandlings SPA, Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site (through impacts on functionally-linked land), Thanet Coast and Sandwich Bay SPA and Ramsar site and Sandwich Bay SAC or Outer Thames Estuary SPA. Nor that the strict derogation tests have been followed as detailed above, particularly regarding demonstrating lack of alternative solutions and sufficient mitigation or compensation measures is not proposed.

1.4.1.2 SSSIs

Under Section 28G of the Wildlife and Countryside Act, 1981 (as amended), decision makers and statutory undertakers (including the Applicant) have a duty...

> *"...in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest....to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest."*

With regard the principle of energy development on or affecting SSSIs, EN-1 (Overarching National Policy Statement for Energy)[5], paragraph 5.4.8 states:

> *"Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact*

[5] Available at https://www.gov.uk/government/publications/overarching-national-policy-statement-for-energy-en-1 Accessed 29/07/25

on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs."

The tests set out in paragraph 5.4.8 are intended to ensure that SSSIs are only damaged (i) where there is no alternative location for the development and (ii) where the benefits of development at that site clearly outweigh both the impacts on the features of the SSSI itself and any broader impacts on the national network of SSSIs. At present, we do not agree that the Sea Link proposals meet these tests.

1.4.2 Selection of Suffolk landfall

We have previously raised our concerns around the site selection process for the Suffolk landfall, and in particular, the consideration of avoidance in the initial refinement of options and the final justification for the choice of RSPB North Warren as the landfall site.

Whilst APP-044 Part 1 Introduction Chapter 3 Main Alternatives Considered does mention opportunities to avoid and mitigate impacts on designated sites for some parts of the process, there are still some areas where we feel the approach is not clear, particularly around the refinement from the initial routing and siting study area (from Hollesley to Dunwich) towards the identification of the landfall areas of search. We do not agree that the information presented demonstrates that adequate weight has been given to the need to avoid impacts on designated sites throughout the evolution of the site selection process.

There are also a number of references in APP-044 Part 1 Introduction Chapter 3 Main Alternatives Considered, APP-321 Design Development Report and APP-369 Options Selection and Design Evolution Report (October 2023) to the use of trenchless techniques at the Leiston-Aldeburgh SSSI enabling avoidance of direct effects. Whilst the proposal of such techniques as an alternative to open-trenching is welcomed (subject to the caveats discussed below), this assumption does not adequately consider potential impacts such as noise disturbance and risks of technical issues associated with trenchless techniques, therefore we consider that it is far from certain that direct effects on designated sites can be avoided. In our view, avoidance of impacts would require geographic avoidance of designated sites.

Documents issued at pre-application consultations gave great weight to the capacity of RSPB North Warren (within the Leiston-Aldeburgh SSSI) as the only landfall site (of the options considered) capable of supporting project co-location. This point was used to justify the choice of RSPB North Warren as the final landfall location, despite its significant environmental importance. We commented on our concerns around this in our pre-

application consultation responses of 18th December 2023 and 9th August 2024[6]. We are therefore disappointed that, despite the removal of co-location from the proposals, the Applicant has not fully considered options for the Sea Link project alone to avoid the Leiston-Aldeburgh SSSI.

Given our concerns above, we object to the Sea Link project landfall in Suffolk due to the potential impacts on Leiston-Aldeburgh SSSI (and the functionally-linked Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site) and on RSPB North Warren and the insufficient consideration of avoidance as the first stage of the mitigation hierarchy. We consider that the approach taken to site selection could set a damaging precedent with regard to construction within SSSIs.

1.4.3 Selection of Kent landfall

We have previously raised our concerns around the site selection process for the Kent landfall, and in particular, the consideration of avoidance in the initial refinement of options and the final justification for the choice of heavily designated Pegwell Bay as the landfall site.

Whilst APP-044 Part 1 Introduction Chapter 3 Main Alternatives Considered does mention opportunities to avoid and mitigate impacts on internationally designated sites for some parts of the process, there are still some areas where we feel there is uncertainty, particularly the process by which a shortlist of potential routes was obtained, and around the refinement from the initial routing and siting study area towards the identification of the landfall areas of search. We do not agree that the information presented demonstrates that adequate weight has been given to the need under the Habitats Regulations to avoid impacts on designated sites throughout the evolution of the site selection process.

There are also a number of references to the use of trenchless techniques at the Pegwell Bay landfall area as avoidance of direct effects. For example, such techniques would "avoid" damage to the designated sites (APP-044 ES Volume 6, 6.2.1.3 Part 1). Whilst the proposal of trenchless techniques as an alternative to open trenching is welcomed (subject to the caveats discussed below), this assumption does not adequately consider potential impacts such as risks of technical issues associated with trenchless techniques or other impacts such as noise and disturbance. Consequently, therefore we consider that it is far from certain that direct effects on designated sites can be avoided. It is our view that avoidance of impacts would require geographic avoidance of designated sites.

[6] Available for download from our website https://www.rspb.org.uk/helping-nature/what-we-do/influence-government-and-business/casework/sea-link Accessed 29/07/25

We consider that a more robust assessment of less ecologically damaging options should have been undertaken, and that insufficient weight was placed on the environmental impacts when considering options. Less damaging route options appear to have been too easily discarded at the expense of designated wildlife sites. The chosen landfall location at Pegwell Bay, and locating the substation and converter at Minster Marshes, directly impacts designated sites of national and international importance, and nearby functionally-linked land. This area is rich in wildlife, especially wading birds, wildfowl, farmland and scrub species. Such a biodiverse and heavily designated landscape should not be chosen for development or infrastructure projects.

Given our concerns above, we object to the Sea Link project landfall in Kent due to the potential impacts on Thanet Coast and Sandwich Bay Ramsar SPA /Ramsar, Sandwich Bay SAC, and Sandwich Bay to Hacklinge Marshes SSSI, and the insufficient consideration of avoidance and less environmentally damaging alternatives as the first stage of the mitigation hierarchy and considering the Habitats Regulations. We also consider that the approach taken to site selection could set a damaging precedent with regard to construction within SPA/Ramsar sites, SACs and SSSIs.

1.4.4 Conclusion

We are extremely disappointed that infrastructure development has been proposed within important wildlife sites in Suffolk and Kent. National Grid should have considered at early stages of planning how impacts on important wildlife sites could be avoided and mitigated as far as possible, in line with the mitigation hierarchy. This should have included consideration of alternative options to avoid sensitive areas. We do not agree that this approach has been adequately demonstrated thus far and therefore we object to the proposals in their current form.

1.5 Overarching Comments on the Sufficiency of the Application

Throughout these Representations, we make comment on a number of topic areas where the information provided as part of the Application is inadequate or unclear, including project details and impact assessment, and details of mitigation and monitoring proposals. We are very concerned that the information provided is not sufficient to fully and robustly assess all potential impacts of the Application on designated conservation sites and their habitats and species as well as biodiversity in the surrounding area more generally. Given these concerns, we must also raise an objection at this stage based on insufficient information and therefore a lack of confidence in the conclusions of the Applicant's

assessments. However, we remain keen to work further with the Applicant during the Examination process to address these concerns.

2 SUFFOLK

2.1 Suffolk Onshore Scheme - Description of Baseline

2.1.1 Proximity to designated sites

The description of baseline conditions in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity is misleading with regard the description of proximity of the project to designated sites. Para. 2.7.2 (p41, ep45) states:

> "*There are seven ecological SSSIs within 5 km of the proposed Suffolk Onshore Scheme Order Limits, the closest of which is Leiston-Aldeburgh SSSI located adjacent to the proposed Suffolk Onshore Scheme and covering the same area as Sandlings SPA. These are:*
>
> - *Leiston-Aldeburgh SSSI – … It overlaps with Sandlings SPA and is 20 m from the trenchless drive compound (S10) and has a monitoring access using an existing track within it…*"

Para. 2.7.3 (same page) also goes on to state that "*RSPB North Warren Reserve is located adjacent to the landfall…*" The project is not merely adjacent to the RSPB reserve and SSSI but instead includes parts of these sites within the Order Limits, due to the proposed cable beneath the site and access and other works within the site. This should be rectified within the text.

2.1.2 Functional linkage

Para. 1.5.27 (p54, ep58) of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Report states the following:

> *"The North Warren RSPB reserve supports several thousand overwintering waterbirds of the same species for which the nearby designated sites are important (Alde-Ore Estuary SPA, SAC and Ramsar and Minsmere to Walberswick Heaths and Marshes SPA, SAC and Ramsar). Fluctuating bird numbers at these sites confirms that there is considerable movement between sites and that the North Warren RSPB reserve is functionally linked to the nearby designated sites."*

The RSPB supports the statement that the North Warren reserve is functionally linked to the Alde-Ore Estuary SPA and the Minsmere-Walberswick SPA by virtue of shared local populations of breeding birds and wintering waterfowl.

2.1.3 Ecological importance of North Warren

Overall, the ecological importance of the North Warren reserve has been appropriately recognised; we agree with the Applicant's broad conclusions about the significance of the site. However, we note the following points.

Para. 2.7.20 (p45, ep49) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity, examines the significance of the non-breeding bird population east of Leiston Road (which includes the North Warren reserve):

> *"Overall, the area east of Leiston road is considered to be of national importance for non-breeding birds."*

This does not appear to account for the fact that European White-fronted Goose is a non-breeding feature of the Minsmere-Walberswick SPA, and the North Warren reserve is functionally-linked to the SPA and arguably the most important part for European White-fronted Goose. As such, we recommend that the area east of Leiston Road is considered to be of national importance for non-breeding birds, with European White-fronted Goose being of international importance.

In addition, Para. 2.7.20 (p45, ep49) of Suffolk Chapter 2 Ecology and Biodiversity does not recognise the importance of the area for the Amber-listed[7] Water Pipit *Anthus spinoletta*. Recent observations have indicated that 6% of the UK wintering population used RSPB North Warren during the winters from 2021/22 – 2023/24 at least – suggesting the reserve is of national importance for the species (Rowlands, 2025[8]).

In table 1.6 (p43, ep47) of PDA-027 ES Appendix 2.2.C Suffolk Breeding Bird Report, North Warren's breeding Lapwing *Vanellus vanellus* population is categorised as locally significant. We think this could be an underestimate. Breeding bird data shared between managers of nature reserves and farm advisors on the Suffolk Coast suggests that North Warren is amongst the most important sites for breeding Lapwing in the district of East Suffolk (see Confidential Appendix). The 5-year mean recorded by the RSPB on the reserve is 23.8 breeding pairs. Table 1.2 Biodiversity valuation of ornithological features (p11, ep15) suggests that a site might be considered of county significance if it holds populations of species of value at a district level (e.g. East Suffolk), where the loss of this population would adversely affect the conservation status and distribution of the species at this geographic

[7] Birds of Conservation Concern 5. Available at https://www.bto.org/our-work/science/publications/reports/birds-conservation-concern Accessed 03/08/25

[8] Adam Rowlands, pers. comm. and Rowlands, A. (2025) Observations of roosting Water Pipits and comments on the species' British status
British Birds Vol.118: Pages 20–26. Summary available at https://britishbirds.co.uk/journal/article/observations-roosting-water-pipits-and-comments-species-british-status Accessed 06/08/25

scale. We believe this would occur if North Warren's population of breeding Lapwing was lost.

Data from the Applicant's own surveys appears to be the principal means for appraising the significance of North Warren's breeding bird populations, as seen in table 1.6 of the Suffolk Breeding Bird Report, despite the earlier concession in paras. 1.3.38 and 1.3.39 that the Applicant's surveys are not comprehensive in all cases, especially for birds nesting in The Fens and "shorebirds" (which seemingly refers to Lapwing and Redshank breeding on the grazing marshes). The Applicant suggests that comprehensive surveys were not always necessary or desirable because of existing RSPB data, yet multi-year RSPB data is not directly referenced in table 1.6.

2.1.4 Habitat mapping

We would like to raise the following points in relation to the map on p8/ep11 of APP-029 Habitats of Protected Species and Important Habitats, which is focussed on the North Warren reserve.

- The ditches are labelled as standing water. Several of these ditches lie within the order limits. The ditch network serves an important ecological function; it is the means by which water is moved around the wet grassland at various times of the year to achieve appropriate water levels for breeding waders and wintering wildfowl. Although the ditches have been labelled as "standing water", there is flow within them.
- The northwest compartment of South Marsh, which lies within the Order Limits, contains several footdrains. These are not shown on the map. The footdrains are ecologically important wet features.
- The field to the northwest of the HDD compound is labelled as "improved grassland". However, this field is unimproved. We therefore consider "acid grassland" a more appropriate descriptor. The two dry fields to the east of the old railway line are labelled as "semi-improved neutral grassland" and "semi-improved acid grassland". However, both these fields are unimproved. We therefore consider "neutral grassland" and "acid grassland" more appropriate descriptors.
- The maps do not show the scrub that lines the central PROW, and which hosts breeding Cetti's Warbler *Cettia cetti*. This scrub is shown in APP-036 Trees and Important Hedgerows to be Removed or Managed Plans. The breeding bird report also shows the approximate location of the territories and associated scrub.
- The area demarked as coastal grassland also contains a significant amount of gorse and bramble, which makes it suitable breeding habitat for Linnet *Carduelis cannabina* and Stonechat *Saxicola torquata*. The breeding bird report shows several Linnet territories in the locale.

2.1.5 Designated sites – errors

Para. 1.5.28 (p54, ep58) of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Survey Report states the following:

> *"Based on recent counts at the North Warren RSPB reserve, it appears to be the favoured wintering site for Nationally important numbers of European white-fronted geese, with higher numbers than those at the Alde-Ore Estuary (SPA, SAC and Ramsar), which is designated for this species."*

Whilst we agree that the North Warren RSPB reserve is a favoured wintering site for the local population of wintering European White-fronted Goose, we must highlight that they are a feature of the Minsmere-Walberswick SPA and not the Alde-Ore Estuary SPA.

Similarly, para. 1.5.34 (p54, ep58) states the following:

> *"The North Warren RSPB reserve is also known to support woodlark (SNS, 2022) and which is a feature of the Sandlings SAC."*

Woodlark is a feature of the Sandlings SPA, not the SAC.

2.1.6 Bird surveys

Para. 1.3.13 (p7, ep11) of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Survey Report, and paras. 1.3.13 – 1.3.26 (p7-9, ep11-13) of PDA-027 ES Appendix 2.2.C Suffolk Breeding Bird Report describe the survey methodologies used to collect data on the abundance and distribution of avian species.

The methodology used to survey wintering waterbirds (look-see/WeBS style) at North Warren is appropriate in principal, but the temporal extent of the surveys is somewhat lacking. The applicant did not survey wintering birds at North Warren in 2022/23. Given the fact that the 2021/2022 winter surveys did not fully cover what is typically considered the core season for wintering waterbirds (Oct-Mar), we are left with only one season of complete data (2023/2024). North Warren is regularly surveyed by the RSPB through the Wetland Bird Survey (WeBS); counts of wintering waterbirds obtained through this initiative are robust.

The core methodology for the survey of breeding birds (Common Bird Census) is appropriate for the majority of *passerine* species. However, in some cases the execution of this methodology will have been hampered by the need to stay on the PRoWs.

Serious survey limitations are appropriately recognised in paras. 1.3.37 - 1.3.38 (p12, ep16) of Suffolk Wintering Bird Survey Report, and paras. 1.3.38 – 1.3.39 (p13, ep17) of Suffolk

Breeding Bird Report. We have concerns about the accuracy of some data because of these limitations, which go beyond the realm of acceptable extenuating factors (see below).
In the breeding bird report there is acknowledgment that, for some species, the Common Bird Census (CBC) methodology was suboptimal. In these cases, there is general recognition that species-specific surveys would have better safeguarded against the risk of recording inaccurate estimates of abundance. Bespoke surveys *were* carried out for Nightjar and Hobby *Falco subbuteo* but not for reedbed specialists such as Bittern and Marsh Harrier or wading birds using the wet grassland habitats such as Lapwing and Redshank.

For breeding Lapwing and Redshank, the O'Brien and Smith methodology (modified for the lowland environment) is the approved standard for recording an accurate population estimate. The methodology stipulates that surveyors should traverse all fields containing suitable habitat. At North Warren, this equates to the entirety of the wet grassland complex. A CBC methodology with access constraints cannot sufficiently replicate this standard. It is perhaps not surprising then that the 2022 and 2023 estimates for the number of breeding pairs of Lapwing and Redshank shown in table 1.5 of Suffolk Breeding Bird Report (p27 & 29, ep31 & 33) are significantly lower than the typical figures recorded by RSPB surveyors. The 2024 estimates are more reflective of the RSPB's 5-year mean, but it is not clear how these figures were generated without access to the wet grassland. The map on p78/ep80 of APP-218 ES Figures Suffolk Breeding Bird Report 2023 and 2024 shows several territory centres/nest locations for Lapwing and Redshank on North Marsh, but there is nothing recorded within the two favoured areas farther north; these areas consistently attract several pairs of both species. For the 2024 figures, we recommend a description of the methods used to estimate and map Lapwing and Redshank territories over the areas of wet grassland which are not surveyable from the PRoW. The limitations of this method should be discussed. It should be acknowledged that, whilst this method has apparently yielded appropriate results in terms of breeding wader abundance, the territory distribution maps may not accurately reflect the real locations of favoured areas.

The Applicant has not adopted accepted methodologies for estimating the breeding populations of Bittern and Marsh Harrier. A considerable amount of additional survey effort would be required for this purpose. This is conceded in the breeding bird report. As it happens, the figures do not unacceptably underrepresent the abundance of these species when compared with the RSPB's estimates. For example, in 2024, RSPB staff recorded 3 booming male Bitterns using the standard methodology, which corroborates the data shown in Table 1.5 of Suffolk Breeding Bird Report (p27, ep31). The table shows that surveyors estimated 3 breeding pairs of Marsh Harrier in 2024, against the RSPB estimate of 2 pairs obtained through the standard methodology.

As discussed, several limitations of the chosen methodologies and the hampered execution of those methodologies are recognised in the wintering/breeding bird reports. As such, we

support the decision of the Applicant not to rely on primary data for the appraisal of the site's ecological significance; we positively acknowledge the decision to supplement the primary data with third-party data, including data held by the RSPB.

However, with regards the following statement in para. 1.3.38 of Suffolk Breeding Bird Report:

> *"Access for surveys was only available from PRoW for the counts within the North Warren RSPB reserve and these are not considered comprehensive due to physical barriers such as trees and reeds obscuring bird visibility. However, the data provided is believed to be valid, especially* ***when used in conjunction with RSPB website and desk study data*** *(Suffolk 2021 bird report)."*

It is not clear how the referenced RSPB data was obtained by the Applicant. Official breeding bird data collected through our formalised Annual Reserves Monitoring programme is held by our reserve teams and the RSPB data unit. The Suffolk 2021 bird report relates to just one year. Third parties who wish to peruse verified breeding bird data across multiple breeding seasons need to submit a data request to the RSPB.

With regards the following statement from that same paragraph:

> *"The data obtained during the surveys are finer grained than the RSPB overall breeding bird data, as it concentrates on the part of the reserve the cable route will be situated within, rather than the whole of the North Warren RSPB reserve."*

This is misleading. It suggests that the portion of the Applicant's surveys which are considered by the Applicant to be comprehensive are more detailed than the formal in-house RSPB surveys. Surveying less of the reserve's total area and confining effort to a smaller area does not necessarily equate to superior population estimates for the places that are kept in scope, particularly if the method is inappropriate (as it was for wading birds nesting on the grazing marshes). The RSPB surveys are comprehensive and follow accepted methodologies. Maps are used to show the abundance and distribution of wintering birds recorded during 2022/23 in APP-216 ES Figures Suffolk Wintering Bird Report 2022-23 and 2023-24 Part 1 of 2. The maps of the wet grassland at North Warren are somewhat misleading (p5/ep7, p9/ep11, p13/ep15, p17/ep19, p21/ep23, p25/ep27). On these pages, the wet grasslands appear as the focus area, and some species are sporadically mapped within it, despite the fact that no formalised surveys were carried out here in the winter of 2022/23. The immediate impression is that the area *was* surveyed, and very low numbers of waterbirds were recorded; this impression is not contradicted by the main title of the document. Only by inspecting the survey dates on the map legends and cross-checking these against the winter bird transect survey methodology described in para.1.3.21 of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Report, is this false impression rectified. To avoid a misrepresentation of data, the maps should clearly indicate that the wet grasslands were not formally surveyed on the dates shown in the legend.

The sixth bullet point in section 1.5.5 (p39, ep43) of PDA-027 ES Appendix 2.2.C Suffolk Breeding Bird Report states the following:

> *"One to three pairs of Dartford warbler (Schedule 1) are likely to breed in North Warren RSPB reserve just north of the Order Limits (The Suffolk Naturalist' Society, 2021). This species was not recorded during the field surveys however, the surveys only followed PRoW within the North Warren RSPB reserve so it could have been missed. It is presumed this species does breed on the main heathland area of the North Warren RSPB."*

The RSPB can confirm the accuracy of this presumption. Four territories were recorded across the North Warren heathland in 2024.

Annex 2.B.2 (p63, ep67) of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Survey Report is a compendium of WeBS data from Kent and not Suffolk. This is presumably an error.

2.1.7 Other ecological surveys

Para. 2.4.12 of p26, ep30 in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity states the following:

> *"Leiston-Aldeburgh SSSI/North Warren RSPB Reserve is a botanically diverse site. However, as it would be traversed by a trenchless technique (drilling beneath the reserve), it was not deemed necessary to survey the vegetation on the surface in any detail."*

The decision not to survey the vegetation across the SSSI does not reassure us that any impacts on the vegetation, including due to proposed access routes or potential incidents such as frac-out, will be reliably understood.

We also note that in para. 2.7.54 (p49, ep53) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity, Water Vole *Arvicola amphibius* are mentioned in relation to the River Fromus but not the wet grasslands at North Warren, where they are regularly recorded by RSPB surveyors. This should be corrected.

2.2 Suffolk Onshore Scheme – Landfall at North Warren

2.2.1 Use of trenchless or open trenched techniques for landfall

2.2.1.1 Risk of open trenching within the SSSI

We remain concerned that any failure of trenchless techniques could lead to subsequent Change Applications or other applications to facilitate open-trenching (as these options are not assessed within the current documents). We therefore also seek reassurance from the Applicant that open-trenching across the SSSI would not be pursued in any circumstances. For clarity, we also request that the Draft DCO at Schedule 16, Part 2, Para. 10 (3) is updated to include the word 'seaward':

> *"No [seaward] exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI."*

This is to ensure protection of the SSSI, particularly should it be necessary to reverse the drilling process such that the landward HDD compound to the west of RSPB North Warren and the Leiston-Aldeburgh SSSI becomes the exit point (as discussed in para. 2.3.5 (ep84) of APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note).

2.2.1.2 Commitment to use trenchless techniques at landfall

We welcome the statement in para. 4.2.51 (p15, ep19) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project that:

> "*… there is a commitment to make landfall using a trenchless crossing technique beneath designated sites, the location of the transition joint bay would be located outside of the coastal designated sites of Leiston Aldeburgh Site of SSSI and North Warren RSPB Reserve*"

We also note that this commitment has been included in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) as measure B21.

2.2.1.3 Clarity regarding construction swathe

We assume that the list of additional activities and infrastructure required as part of the construction swathe and listed in para. 4.6.138 (p50, ep54) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project does not apply to the trenchless crossing of RSPB North Warren/Leiston-Aldeburgh SSSI, however for clarity and given the concerns above, we request that this is confirmed. Construction of, for example, a haul road and security fencing would have significant additional impacts on the SSSI and we would object

to their installation, therefore it is important that the activities required within this area are clearly set out and assessed.

2.2.2 Risks associated with trenchless techniques

2.2.2.1 HDD feasibility and methodology

We welcome the provision of APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note which includes details of the assessment of HDD feasibility at the Suffolk landfall within RSPB North Warren/Leiston-Aldeburgh SSSI. We acknowledge the conclusion that the area is considered suitable for HDD methods, however, we also note that some elements of the local geology could make HDD more difficult should they be encountered during drilling.

Para. 2.4.1 (ep85) states that gravel poses a risk to the drilling equipment, but that this is expected to affect methodology not feasibility. We query the confidence around the statement that feasibility is not likely to be affected as well as the potential impacts of any changes to drilling methodology.

It is also noted that London Clay poses a risk should this be encountered along the route and could lead to drilling equipment getting stuck. Whilst para. 2.4.3 (ep85) explains that this risk is greatest offshore, we seek reassurance that the available onshore borehole data is sufficient to give confidence in the conclusions that the HDD within the RSPB Reserve and SSSI will remain above the London Clay layer.

We also wish to understand the potential impacts should drill equipment become stuck for any reason. Para. 2.9.8 of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity (p58, ep62) states that:

> "*There is a very low risk of drilling equipment getting stuck and there would thus be no requirement for surface works in the SSSI or RSPB Reserve. If drilling equipment becomes stuck it would be freed by additional tooling and works at the entry or exit. The drill within the SSSI is too deep to consider excavating down to the equipment*."

There is limited information around the implications of stuck drilling equipment although we note that section 2.4 (ep85) of APP-321 Appendix A Landfall HDD Feasibility Technical Note suggests that the additional cleaning required could increase the timescale (and cost) for HDD. We therefore request that additional information is provided to explain the freeing process, any additional impacts on the RSPB reserve and SSSI (including from extending the construction duration and subsequent noise effects) and how these can be mitigated.

We also note that APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) contains a provision (B22) for measures to avoid the trenchless drilling equipment getting stuck, however, this appears as a heading only and no further details are provided. Due to the risks associated with stuck drilling equipment, we request that this is updated to include details of mitigation measures.

Ultimately, we are also concerned about the possibility of any difficulties being encountered during HDD that threaten its feasibility (on the basis of costs and/or practicality), as discussed above in the section around the commitment to use trenchless techniques. Again, we seek reassurance that there would be no ability for the Applicant to revert to open-trenching across RSPB North Warren/Leiston-Aldeburgh SSSI.

2.2.2.2 Drilling fluid frac-out

APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note describes the risk of HDD drilling fluid frac-out and the mitigation that can be applied. We note that para. 2.4.4 (ep86) explains that there is a very low risk of drilling fluid affecting RSPB North Warren (Leiston-Aldeburgh SSSI) due to the type of bedrock in this area, however, para. 4.3.18 (p14, ep16) of APP-117 ES Appendix 2.5.B Qualitative Groundwater Risk Assessment notes that areas near the launch and reception points of the HDD are at higher risk of frac-outs as the bore is at its closest to the ground surface.

Para. 2.3.6 of Appendix A Landfall HDD Feasibility Technical Note explains the importance of carrying out hydrofracture modelling prior to construction:

> *"To ensure that drilling fluid is not lost into the freshwater areas along the HDD route, the profile will be checked by hydrofracture modelling that compares the ground strength against calculated drilling fluid pressures along the HDD route. The modelling is based on parameters obtained during the ground investigations and during drilling the annular fluid pressure in the bore can be measured in real time to ensure that pressures remain within safe limits."*

We support the inclusion of hydrofracture modelling in provision B09 (measures to manage risk of frac out) in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) and consider that a report detailing the outcomes of this modelling should be a required Obligation to be discharged before construction commences.

Given that any potential for benthic smothering from releases of bentonite (or similar) in the aquatic environment could have potentially serious impacts on SSSI watercourses within RSPB North Warren, we also consider that agreed emergency procedures and mitigation will be important in the case of frac-out occurring within designated sites. Provision GH10 in the REAC requires:

"*The provision of a drilling fluid breakout plan, where horizontal directional drilling is proposed, will be developed by the contractor and included within the Offshore and Onshore CEMPs*."

We request that Natural England and ourselves are consulted with regard procedures within RSPB North Warren/Leiston-Aldeburgh SSSI to ensure measures are in place which recognise the sensitivities of the site and difficulties of access and would minimise ecological impacts as far as possible; also that these procedures should include notification of both NE and ourselves of any incidents at the earliest opportunity.

2.2.2.3 Hydrology and water quality

Para. 2.9.7 of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity (p57, ep61) discusses the potential for hydrological impacts on RSPB North Warren/Leiston-Aldeburgh SSSI:

"*The trenchless bore would be approximately 8 m below the RSPB Reserve/ SSSI/CWS at the boundary (the old railway line) and would get deeper from there... There is thus negligible risk to surface habitats and hydrology. No dewatering is required for the trenchless installation and therefore there is no risk of dewatering affecting water levels in the adjacent Leiston-Aldeburgh SSSI wetlands.*"

However, para. 4.3.3 (p11, ep13) of APP-117 ES Appendix 2.5.B Qualitative Groundwater Risk Assessment states that:

"*The trenchless HDVC HDD does not require dewatering itself, however there is the potential for dewatering to be required at the launch pits depending on the groundwater levels. The depth of the launch pits is likely to be around 2.0 m below ground level to allow the installation of the joint bay*"

But then in para. 4.3.5 (p12, ep14) it goes on to explain that:

"…groundwater was not encountered within RedP-BH-4 [borehole] *(drilled to a depth of 30 m bgl) and F22-TP222A (terminated at 4 m bgl). Therefore, groundwater is unlikely to be intercepted in the launch/reception pit and dewatering of the launch/receptor pits is unlikely to be required.*"

Given the lack of clarity regarding the likelihood of dewatering at launch pits being required and the acknowledgement during pre-application consultations that any dewatering could

affect water levels within RSPB North Warren/Leiston-Aldeburgh SSSI[9], we request that further information is provided to address this point and that precautionary mitigation is proposed.

Similarly, given the importance of water quality to the function of the Leiston-Aldeburgh SSSI, we are concerned about the low/moderate risk of the trenchless crossing mobilizing existing contamination in the groundwater (through the creation of new flow pathways) acknowledged in para. 4.3.7 (p12, ep14) of the Qualitative Groundwater Risk Assessment. We note that APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) includes provision GH10:

> "*Where indicated in the ES, a Hydrogeological Risk Assessment will be undertaken during detailed design to assess the specific risks to groundwater and groundwater receptors at those locations and identify any additional mitigation or remediation that may be required. The nature and scope of any mitigation or remediation will be agreed with the Environment Agency or other stakeholders prior to construction, as appropriate.*"

Whilst this is welcomed, given the importance of RSPB North Warren/Leiston-Aldeburgh SSSI, we consider that this information should be available to inform the assessment of impacts on those sites during the Examination.

2.2.2.4 Noise during trenchless drilling

HDD is likely to make a significant contribution to noise disturbance during the construction period, and we are concerned about impacts both from the drilling site at the construction compound adjacent to RSPB North Warren/Leiston-Aldeburgh SSSI and at the seaward exit of the HDD section. Noise disturbance to wildlife, including from HDD-related activities, is discussed more fully in the section on this topic below.

2.2.2.5 Commissioning/Operational cable faults and duct failure

We welcome that para. 2.9.166 (p85, ep88) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity commits to the installation of a spare duct for the Sea Link project to allow replacement cable to be pulled through without further digging/drilling in the event of any cable faults. However, the likelihood of such an occurrence (or multiple occurrences) is not discussed and no assessment of the likely impacts of additional duct installation itself or the impacts of cable fault remedial action (including additional cable pulling) is made. This

[9] Table 2.3.22 of the Preliminary Environmental Information Report Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity states that launch pit dewatering and the use of trenchless techniques could result in changes to water levels within the Leiston-Aldeburgh SSSI and RSPB North Warren. Available at: https://www.nationalgrid.com/document/351151/download [Accessed 30/06/25]

information should be provided in order to understand the full risks and implications of the project.

We are also concerned about the possibility of the additional (empty) duct itself collapsing or becoming unsuitable for use for any other reason. This could lead to additional digging or drilling still being required in the event of a cable fault which would be likely to result in significant impacts on RSPB North Warren/Leiston-Aldeburgh SSSI and we therefore request that further information about these risks and subsequent remedial procedures is provided.

2.2.3 Noise and disturbance – noise modelling

2.2.3.1 Disturbance thresholds

We note that paras. 7.2.10-13 (p99, ep105) of AS-007 Habitats Regulations Assessment Report discusses the rationale for the use of 60dB as a threshold for significant noise disturbance. It is implied in later paragraphs that this threshold refers to impulsive (sudden loud) noise represented by dB LAmax. It is also proposed to consider a change of 3dB from baseline noise levels as likely to have a significant effect – again it is assumed that this applies to impulsive noise (LAmax) although we recommend that this is clarified.

2.2.3.2 Mapping of noise contours

Para. 7.2.15 (p100, ep106) AS-007 Habitats Regulations Assessment Report makes reference to 'Appendix E Figure 3 Map of 60 dB average LAmax contour at Suffolk'. We are not clear on the meaning of the 'average LAmax' contour and request that this is clarified. We are also concerned by the statement in the same paragraph that:

> *"…60 dB LAmax contours were calculated for all phases of the work. The 60 dB contour is shown for the project as whole on Appendix E Figure 3 Map of 60 dB average LAmax contour at Suffolk*"

Given our concern about the meaning of the 'average LAmax' contour, we also seek reassurance that the map 'for the project as a whole' represents the worst-case scenario for impulsive noise and not an average level for the duration of the whole project. It is important that the impact assessment should consider true peak noise levels represented by the LAmax – any averaging of this is likely to obscure potential impacts. Noting that it is stated that contours have been calculated for all phases of the work, we recommend that these are made available to the Examination for clarity and transparency.

It would also be helpful for the mapping to be supplemented by larger scale maps of the noise contours where they overlap designated sites, to aid identification of areas and species which may potentially be impacted. At present, it is difficult to view this in detail.

2.2.3.3 Chronic noise

No reasoning is given in this section for the sole focus on impulsive noise, and whilst we agree that this can have significant impacts, we also recommend that consideration is given to chronic noise levels, represented by dB LAeq, as this has been shown to affect densities and distribution of breeding birds and therefore impacts of chronic noise could have a direct effect on the conservation objectives of designated sites. We also note that impacts of chronic noise on birds have been shown even at low levels, although we acknowledge the limited number of studies available which include figures for chronic noise levels and the lack of evidence regarding species of interest here. Senzaki *et al.* (2016)[10] studied the effects of traffic noise on foraging Short-eared Owls *Asio flammeus* and long-eared owls *Asio otus*. They reported that "Owls' ability to detect prey was affected even at the lowest level of [traffic noise] (40 dB[A]) and was approximately 17% lower than that of ambient conditions". McClure *et al.* (2013)[11] used speakers to create a 'phantom road' to experimentally test the effects of road traffic noise on bird distributions. They found over a one-quarter decline in bird abundance along the 'phantom road' and almost complete avoidance by some species, compared to control conditions. They also found negative relationships between bird abundance and average noise levels (which ranged from approximately 37 to 57 dB(A)) for over half the species studied. Therefore, based on the limited evidence available, we consider that some level of impact may be likely above noise levels of around 45dB LAeq.

2.2.3.4 Modelling of mitigation measures

Para 7.2.15 (p100, ep106) of AS-007 Habitats Regulations Assessment Report explains that:

> "*For the purposes of this modelling and in line with guidance, a 10 dB reduction has been assumed due to best practicable noise reduction means*."

It would be helpful to specify the guidance on which this statement is based and to comment on the safety of this assumption, including any circumstances where this could be difficult to achieve. For example, if there will be any work at height (such as work involving the use of cranes) any noise generated is often difficult to mitigate.

2.2.3.5 Availability of noise modelling report

We also note the references to noise modelling carried out by Atkins in para. 2.4.5 (ep86) of APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note

[10] Senzaki, M., Yamaura, Y., Francis, C.D. & Nakamura, F. (2016) Traffic noise reduces foraging efficiency in wild owls. Scientific Reports 6: 30602.

[11] McClure, C.J.W., Ware, H.E., Carlisle, J., Kaltenecker, G., & Barber, J.R. (2013) An experimental investigation into the effects of traffic noise on distributions of birds: avoiding the phantom road. Proceedings of the Royal Society B 280: 20132290.

and assume this may provide the basis for the maps referenced above. We request that full details of the noise modelling are made available to be considered as part of the Examination documents. At present, it is not possible to assess the robustness of the methodology or assessment of impacts based on this modelling.

2.2.4 Noise and disturbance – impacts during construction

2.2.4.1 Construction programme and working hours

Table 4.10 Indicative construction programme (p27, ep31) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project shows that the enabling works for the Suffolk landfall construction are planned to cross quarter 1 and 2 of 2026, with installation affecting Q2 and Q3. This means that any disturbance has the potential to affect breeding birds. We also note that reinstatement for Suffolk generally is programmed between Q3 2028 and Q1 2032. Given this broad timespan and the potential for reinstatement activities to cause disturbance, we query both when any reinstatement needed in the vicinity of RSPB North Warren/Leiston-Aldeburgh SSSI would be completed and the nature of any such works.

Para. 4.6.6 – 4.6.7 of Chapter 4 Description of the Proposed Project (p28, ep32) explains that core working hours are Monday – Friday: 0700 to 1900 and Saturday, Sundays and Bank Holidays: 0700 to 1700 with start-up and close down activities occurring up to one hour either side. We understand that exceptions to this include trenchless crossings where work would be carried out 24 hours a day, 7 days a week during drilling itself. Even based just on the core hours, works could occur throughout twilight and in hours of darkness during the winter months. Based on the above construction timetable, this could occur during the enabling works for the Suffolk landfall. We therefore welcome provision B27 in the APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) which commits to measures reducing impacts on breeding birds:

> "*Seasonal restriction on compound set-up for the trenchless bore such that it occurs outside the nesting season (February to August). The most potentially disturbing elements of trenchless installation (set up of trenchless compound S10) will take place between September and January, to minimise disturbance of breeding nightjar and woodlark in the adjacent Sandlings SPA*."

However, we remain concerned that continuous noise during the HDD drilling period could cause disturbance during the breeding season - this is discussed further below.

We are also concerned that noise and lighting disturbance at dawn, dusk and during the night could increase disturbance impacts on wintering birds of RSPB North Warren/Leiston-Aldeburgh SSSI (including on species functionally-linked to Minsmere-Walberswick SPA) and

we do not consider that the potential for increased sensitivity of birds to disturbance at these times has been fully considered in the assessment.

2.2.4.2 Ground works including piling

Para. 2.4.5 (ep86) of APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note explains that the ground works required at the construction compound prior to HDD are likely to generate higher levels of noise than the process of HDD itself. Para. 4.6.16 (p29, ep33) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project describes the enabling works required in Suffolk (including for construction compounds) and also notes that piling may be required in some circumstances. It is not made clear whether any piling activities could be required at the compound close to RSPB North Warren/Leiston-Aldeburgh SSSI and whether the current modelling and proposed mitigation take account of this.

AS-007 Habitats Regulations Assessment Report describes the outputs of the noise modelling. Para. 7.2.15 (p100, ep106) explains that the 60 dB contour (with mitigation) would affect the southern-most part of the Sandlings SPA but that this would only be during the 1 month required for compound set up. Based on the maps in Appendix E, we also note that a slightly larger area of the SPA could be affected by a change of over 3dB. These maps also show that part of the eastern area of the Leiston-Aldeburgh SSSI falls within the 60dB contour, again with a slightly larger area affected by a change of over 3dB.

Although we acknowledge that compound set up is programmed to occur outside the bird breeding season (as required by REAC measure B27), whilst this provides mitigation for the Sandlings SPA which is designated for its breeding interest only, potential impacts could remain for features of the Leiston-Aldeburgh SSSI (and the functionally-linked Minsmere-Walberswick and Alde-Ore Estuary SPAs), which include non-breeding birds. Para. 7.2.18 (p100, ep106) of the HRA Report rules out such impacts on the grounds of the small area of the reserve affected and its limited use by SPA/Ramsar birds, however, we are aware that White-fronted Goose do use areas in proximity to the construction compound, and given our concerns about the adequacy of the noise modelling information presented, we remain concerned about the potential for disturbance of this species and other wetland birds.

Para. 7.2.20 (p101, ep107) of the HRA Report notes the presence of wintering Eurasian Curlew *Numenius arquata* in the field north of Aldeburgh Road, but explains that the 60 dB LAmax contour will "only intrude into a small part of this field". Again, given the known usage of the area by Eurasian Curlew, concerns remain in our view until the queries around the adequacy of the noise modelling are resolved.

We also note that para. 2.3.1 (ep82) of Appendix A Landfall HDD Feasibility Technical Note states that:

"*Following site setup, the contractor will probably insert 30m of temporary casing to support the section of bore that is above sea level to ensure it is supported when the HDD exits to the sea. The casing will probably be installed by using the HDD rig to drill and ream the 30m length before running in the casing into the open bore, pushing the casing with the HDD rig for the final section to embed it into the undrilled ground at the end. Casing can also be installed using a pneumatic casing hammer, however the sensitivity to noise at this site might require additional noise suppression methods during hammering*"

We are therefore also concerned about potential impulsive noise generation during preliminary works at the seaward end of the HDD section and again query whether the possible requirement for use of a pneumatic casing hammer has been considered in the noise modelling and assessment of impacts on designated sites.

2.2.4.3 Noise during trenchless installation

We also remain concerned about noise generated during the drilling process due to the continuous working required during this phase of the works and due to the potential for these works to affect breeding birds. Table 4.10 (p27, ep31) in AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project indicates that trenchless installation at the Suffolk landfall is programmed for Q2 and 3 2028, meaning that impacts will cover the bird breeding season. We also have particular concerns around work during hours of low light and darkness, when birds may be more sensitive to noise while they are roosting or through increased vulnerability to predation.

Para. 7.2.15 (p100, ep106) of AS-007 Habitats Regulations Assessment Report explains that the 60dB contour will not extend into the Sandlings SPA during drilling, but again, this does not take account of the potential additional impacts of chronic noise disturbance at sensitive times (and as noted above, we have concerns about the adequacy of the noise modelling). We recommend that average (chronic) noise levels affecting the SPA are quantified to aid this assessment.

The specific effects of noise disturbance from drilling itself on the Leiston-Aldeburgh SSSI are also unclear and we request this is addressed, particularly as the site is considered functionally linked to both the Minsmere-Walberswick SPA/Ramsar and Alde-Ore Estuary SPA/Ramsar (see the Habitats Regulations Assessment, para. 4.2.26, p57, ep63) and therefore impacts on breeding species should be considered within the HRA.

We are particularly concerned about specific effects of noise on foraging Marsh Harriers, noting their known use of North Warren (and the records from the breeding bird surveys carried out for this project). Harriers in general make significant use of their hearing when foraging, to enable them to detect prey. Whilst Marsh Harriers may employ hearing to a

slightly lesser degree than other harriers when hunting (due to differences in foraging flight height), all harrier species have highly developed auditory adaptations (Pecsics, Marx and Csörgő, 2021)[12]. Marsh Harriers (as with other harrier species) have large ear openings relative to their size, and a facial disc similar in structure to those of owl species. It is therefore likely that foraging Harriers may be less efficient if construction noise levels mask the auditory cues which are important for prey detection, and that this may result in avoidance of affected areas and/or reduced efficiency of prey capture. These potential impacts should also be assessed through the HRA.

To aid clarification of the above points, we also request that specific mapping of the noise contours for the drilling phase is provided. Due to the continuous nature of the noise generated and the potentially increased impacts of noise at night, we recommend that these maps should include a range of noise contour levels and include a map based on average sound level (dB LAeq) as well as a separate map showing impulsive noise levels (using dB LAmax).

2.2.4.4 Mitigation measures

APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) includes measure B27 requiring set up of the trenchless compound outside breeding season (discussed above) and measure B23 which requires:

> "*Best practical means such as noise fencing or similar effective noise reduction methods around works areas where required to avoid significant disturbance and also prevent visual disturbance. Noise monitoring would be included adjacent to Sandlings SPA and Leiston-Aldeburgh SSSI to confirm the mitigation measures met the required noise thresholds*."

It is crucial that the mitigation required by measure B23 (such as acoustic fencing) is constructed at the beginning of the construction period, especially as the enabling works could have the highest noise impacts on designated sites. If there is a period where construction is taking place without mitigation in place, the assessment of noise impacts could be under-precautionary as the noise contour modelling reported in the Habitats Regulations Assessment appears to be based on the assumption that mitigation is in place (see for example para. 7.2.15, p100, ep105).

Therefore, whilst we welcome the provisions in B23 of the REAC for noise monitoring adjacent to the Leiston-Aldeburgh SSSI and Sandlings SPA and mitigation measures, we

[12] Pecsics, T., Marx, A. & Csörgő, T. (2021) The possible occurrence of cranial asymmetry in three harrier (Accipitridae: Circus) species. – Ornis Hungarica 29(1): 139–148. DOI: 10.2478/orhu-2021-0011

recommend that more specific measures are proposed, which should include identification of further mitigation should noise modelling indicate that thresholds have been exceeded.

With specific regard to the trenchless installation, whilst para. 2.4.5 of APP-321 Design Development Report Appendix A Landfall HDD Feasibility Technical Note (ep86) explains that groundworks pre- and post-HDD activities are likely to generate higher levels than the HDD activities themselves, the paragraph goes on to state that:

> "*The modelling for the HDD activities suggested a 60dB threshold would extend 42m from key equipment if site screening was used to give a 10dB reduction in site noise assuming one HDD rig was working. If 2 HDD rigs were working concurrently the 60dB threshold would extend to 52m. If the rig and key equipment was enclosed within an acoustic shed the distance would be reduced to 22m.*"

Given the potential reduction of impact afforded by the acoustic shed, we suggest this should measure be included in the proposed mitigation.

We also recommend that bird distribution should be monitored during construction to indicate whether any changes are occurring and again, help to inform any need for further mitigation.

2.2.4.5 Visual disturbance and lighting during construction

As discussed above with regard the construction programme and working hours, even based just on core hours, landfall enabling works could include work in hours of low light and darkness. Para. 4.6.26 (p31, ep35) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project explains that the construction compounds will be lit, although lighting levels (and whether these will vary between working and non-working hours) and locations within the Suffolk landfall compound are not detailed. We do, however, welcome the three provisions in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) relating to impacts of lighting, which include;

> "*…lighting, will be located away from sensitive receptors such as residential properties or ecological sites where practicable*" (GG10)
>
> "*Construction lighting will be of the lowest levels necessary to safely perform each task. It will be designed, positioned and directed to reduce the intrusion into adjacent properties, protected species and habitats, e.g. watercourses*" (GG21)
>
> and;
>
> "*Around construction compounds…, direct illumination of boundary features would be avoided…*" (B38)

We recommend that where GG10 is applied to designated conservation sites, the phrase "where practicable" should be removed to comply with the mitigation hierarchy (in which avoidance is the first and preferred method). We also recommend that GG21 should explicitly include designated conservation sites.

AS-007 Habitats Regulations Assessment Report para. 7.2.17 (p100, ep106) explains that the noise fencing provided around the construction compound will also act as a visual screen protecting birds of the Sandlings SPA from visual disturbance, however, we note that this will not screen any activities taking place at height (such as work involving cranes) and may have limited effects on light spill, depending on the positioning of lights. These points will also apply to potential visual disturbance to birds of the Leiston-Aldeburgh SSSI. Further information regarding lighting and work at height is therefore required to adequately inform this assessment.

Due to these concerns, we recommend that mapping of areas affected by visual disturbance is provided using a suitable threshold based on visibility of lighting, people and mobile infrastructure and the sensitivity of ecological receptors. This would enable potential impacts and the adequacy of mitigation to be clearly understood.

2.2.5 Noise and visual disturbance – impacts during operation

2.2.5.1 Operational noise and visual disturbance during maintenance activities

We recommend that consideration is given to address impacts of maintenance activities during operation, recognising the importance of both the breeding and wintering interest of the Leiston-Aldeburgh SSSI and RSPB North Warren. Pre-application consultations have suggested measures to carry out noisy and/or disturbing maintenance activities in August and September where this is practicable, to avoid disturbing breeding or wintering birds. Such a measure could helpfully be included in the REAC.

2.2.6 Access routes and emergency access

2.2.6.1 Clarity regarding access required

The inclusion of access tracks at the eastern and western areas of RSPB North Warren, along with access within the main cable corridor here, raises a need for further information about the purpose and construction of proposed routes.

We note that Table 5.1 (p22, ep26) of APP-352 Outline Public Rights of Way Management Plan - Suffolk discusses impacted public rights of way (PRoW), and in reference to footpath E-103/006/0 (which runs through RSPB North Warren/Leiston-Aldeburgh SSSI) it states that:

"*access along the HVDC alignment is required by foot/quad bike for monitoring purposes during construction and operation*".

Para. 10.9.41 (p54, ep58) of APP-057 Part 2 Suffolk Chapter 10 Socio-Economics, Recreation and Tourism specifies (with our emphasis) that:

"*permanent access along the HVDC alignment is required by foot and/or quad bike on an annual basis for monitoring purposes during construction and operation*".

Para. 10.9.95 (p66, ep70) of Suffolk Chapter 10 Socio-Economics, Recreation and Tourism is different again in that it says (again with our emphasis):

"*A temporary access route would be required for the installation of the HVDC cable alignment under North Warren RSPB Reserve. During the trenchless cable installation, an existing track across the open space will be used by a quad bike or 4x4 vehicle to follow the progress of the drill, moving in and out of the drilling area approximately four times a day.*"

Given that all of these excerpts appear to refer to the use of an existing footpath to provide access through the centre of the RSPB reserve along the cable alignment (and note this is not currently a 'track'), we remain unclear as to the level and type of access being proposed during both construction and operation. We comment on this further below in relation to our land ownership interests, but it is important to note here that access to this area has potentially important ecological implications due to the potential disturbance caused to wildlife during access, but also because of any surface treatment or vegetation management required to enable such access. The existing footpath in the vicinity of the cable alignment is narrow, constrained by ditches and passes through wetland and scrub habitats, therefore significant impacts could arise from any measures required to make this path accessible to a vehicle. Surfacing of access routes in particular could result in significant damage and loss of SSSI habitat, and we would object to this should it form part of the proposals. The exact nature of this access, along with any works required to facilitate it, should be made clear, and potential impacts will require proper assessment and mitigation.

2.2.6.2 Vegetation management

APP-036 Trees and Important Hedgerows to be Removed or Managed Plans identifies two areas where trees are proposed to be 'managed' within RSPB North Warren/Leiston-Aldeburgh SSSI and we assume this to be in relation to the access route described above. The section on 'Tree Works' (p23, ep29) in AS-059 Outline Landscape and Ecological Management Plan- Suffolk suggests that:

"*Some removal and pruning of mature trees will be required to facilitate vehicle access, attenuation features, and for cabling works*".

However, para. 2.9.165 (p85, ep88) of APP-049 Part 2 Suffolk Chapter 2 Ecology and Biodiversity states that:

> *"…the access route would follow an established track, and no habitat would be removed to facilitate it*."

We therefore request clarity on the exact scope of the works proposed within the reserve and SSSI and note that the areas of scrub identified are known to support species of conservation interest including breeding Cetti's warbler (a Schedule 1 species) and therefore suitable mitigation would be required.

2.2.6.3 Habitat loss during construction

Para. 2.9.171 (p86, ep90) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity discusses habitat loss to designated sites during operation and maintenance. It explains that the access route through RSPB North Warren/Leiston-Aldeburgh SSSI;

> "*…would be used by a Land Rover or people on foot only. No heavy machinery would be utilised on this access route.*"

Access is not discussed in the section on habitat loss to designated sites during construction, despite the fact that regular access during construction is proposed, as discussed above. The potential need for emergency access is also not considered. We also query whether reinstatement of any vegetation managed to facilitate access would be possible given the proposal for a permanent access route across the site. We consider that the impacts of any permanent loss of scrub habitat should be properly assessed and it should be clarified that no surfacing of access routes is proposed within RSPB North Warren/Leiston-Aldeburgh SSSI. These omissions should be rectified to ensure the adequacy of the assessment.

2.2.6.4 Emergency access

We also query the potential impacts of any emergency access which may be required, particularly during construction, but also potentially during operation, should any technical failures occur. The access route (along the existing PRoW) proposed does not closely follow the assumed cable alignment, as the PRoW does not follow a straight line to the drilling compound. We therefore query how the Applicant proposes to be able to reach all parts of the cable route in the event of a fault, given this could require crossing wetland habitats, and what effect any such access would have on habitats within RSPB North Warren/Leiston-Aldeburgh SSSI. We also request further clarification of the circumstances which might require emergency access and the methods and equipment required for both remedial

works and access in emergencies, especially noting that the ground can be very wet and is bisected by ditches.

2.2.7 Construction compound

2.2.7.1 Layout

The plan on ep16 of APP-037 Design and Layout Plans shows the layout of the HDD construction compound adjacent to the Leiston-Aldeburgh SSSI and RSPB North Warren. We have previously raised the likely presence of foraging Eurasian Curlew close to the construction compound and that Woodlark are potentially present in the breeding season in the southern part of the Sandlings SPA. We request that more detail is provided of the locations of any noise/visual mitigation screening, so that impacts on the Sandlings SPA and Leiston-Aldeburgh SSSI (including RSPB North Warren) can be more fully understood. Clarity regarding the activities and mitigation proposed within and around the compound is essential for the purposes of assessing impact on the SSSI and the RSPB reserve.

2.2.7.2 Location of transition joint bay (TJB)

Para. 4.2.51 (p15, ep19) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project states that:

> "*The indicative location of the TJB is illustrated on Application Document 2.14.1 General Arrangement Plans – Suffolk. Whilst the location of the TJB is indicative within the LoD, there is a commitment to make landfall using a trenchless crossing technique beneath designated sites, the location of the transition joint bay would be located outside of the coastal designated sites of Leiston Aldeburgh Site of SSSI and North Warren RSPB Reserve.*"

Due to the potential for disturbance impacts during the construction period (particularly from cable drilling), the location of the TJB needs to be confirmed in order to adequately inform the assessment of impacts. Any movement of the TJB closer to the Leiston-Aldeburgh SSSI or the Sandlings SPA could increase the area affected by noise disturbance during such operations.

2.2.7.3 Drainage at construction compounds

Para 4.6.27 (p31, ep35) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project notes the potential for runoff from construction compounds to be contaminated with oils and silts and the need for pollution control measures to be put in place. Para. 2.9.22 (p61, ep65) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity recognises the need to protect wetlands from such contamination:

> "*Therefore, the construction period on every project must have a duty of care to the water environment and produce and implement plans and procedures to prevent discharge from works entering surface, groundwater, wetlands or coastal waters.*"

We wish to emphasise the importance of control measures for this issue at the construction compound adjacent to RSPB North Warren/Leiston-Aldeburgh SSSI to avoid damage to aquatic features at this wetland site. We note that there are various measures in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) around control of contamination from runoff, wash down, storage areas etc (e.g. GG14, GG15, GG16, GH05) which often make specific recommendations around the protection of watercourses (e.g. around minimum distances). We request that these provisions also include explicit requirements to protect wetland habitats, in line with the excerpt from the Ecology and Biodiversity chapter above.

2.2.7.4 Exclusion of deer

Para. 2.9.93 (p74, ep78) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity explains that Red Deer *Cervus elaphus* congregate in the field in which the HDD launch pit would be located and that they would be excluded from this field whilst construction is in progress. This paragraph goes on to conclude that the impact on the deer is of negligible significance, however, the impacts on surrounding habitats resulting from potential displacement of deer have not been considered. The Suffolk Coast holds large populations of deer (of several species) and the resulting grazing pressure and trampling are known to affect a number of designated sites. For example, the Site Improvement Plan for the Sandlings SPA[13] (which is close to the launch pit) notes that deer pressure will affect quality of nesting habitat and that nests could be trampled. Any exclusions of animals or other restrictions on deer movements (e.g. through fencing) therefore could increase pressure on neighbouring habitats. We recommend that potential impacts and any need for mitigation is assessed.

As well as considering the impacts of deer on designated sites, impacts on the reinstatement and enhancement of habitats should be considered. Deer browsing could significantly affect growth or regrowth of hedgerows and saplings and consideration should be given to any necessary protection to increase the likelihood of success.

[13] Available at https://publications.naturalengland.org.uk/file/5509308278112256#:~:text=The%20SIP%20consists%20of%20three,containing%20contextual%20information%20and%20links. Accessed 25/06/25

2.2.7.5 Air quality

Para. 2.9.14 (p59 ep63) of PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity rules out significant air quality impacts from the generators at the construction compound adjacent to RSPB North Warren/Leiston-Aldeburgh SSSI and states that:

> "*Additionally, over the short term, an elevation in acid deposition is unlikely to result in changes in vegetation communities over the temporary period the generators are proposed to be operational (up to three years), considering the considerable variation in background acid deposition that is likely to occur normally over short time periods*."

This statement that an impact lasting up to 3 years should be considered a temporary impact, especially in the context of impacts on a SSSI, does not appear sufficiently robust for the purposes of the assessment and requires further justification and supporting evidence to be provided.

2.2.8 Public access and recreational impacts

Further to the changes in layout around the construction area to the west of RSPB North Warren and the access routes in the vicinity of this compound and the beach area, we query whether any changes to public access or parking will be required during construction. Any such changes could affect patterns of usage at RSPB North Warren/Leiston-Aldeburgh for example through changing preferred access points and could have impacts on ground flora and bird disturbance. Should any changes be required, potential impacts of changes in visitor use, including on designated sites, should be included in the assessment.

2.2.9 Unexploded Ordnance (UXO)

Given the historical use of the area during World War 2, we are concerned that UXO may be present onsite and require removal, with potential impacts on the Leiston-Aldeburgh SSSI and RSPB North Warren. Section 3.5 (p16, ep26) of APP-120 ES Appendix 2.5.E Generic Quantitative Risk Assessment – Suffolk explains that:

> "*Following a Preliminary Unexploded Ordnance (UXO) Risk Assessment a detailed UXO risk assessment was commissioned. …The detailed risk assessment assessed the risk from UXO as Medium Risk to Medium/High Risk for shallow and deep intrusive works*"

We are concerned that the potential presence of UXO could lead to a need for excavations within RSPB North Warren/Leiston-Aldeburgh SSSI which could lead to significant damage to habitats and that any detonations required could lead to significant disturbance to birds within both the SSSI and the nearby Sandlings SPA. This does not appear to be addressed

within the Environmental Impact Assessment or the Habitats Regulations Assessment, and as a foreseeable risk from the project (as evidenced by the statement above), this should be properly assessed. This issue is of major concern to the RSPB due to its lack of coverage in the Application documents, the subsequent level of uncertainty, the potential significance of the impacts and the difficulty of providing adequate mitigation to avoid damage and disturbance to designated sites.

2.2.10 The RSPB's land management

The RSPB's habitat management at North Warren includes a need for grazing animals (which require access to water sources and moving around the site) and tractor operations. We request clarity as to whether any restrictions will be imposed on our land management activities during the construction (e.g. during cable installation) or operational periods which could limit our ability to manage and maintain habitats within RSPB North Warren/Leiston-Aldeburgh SSSI. This issue is also discussed further in relation to our land ownership interests in the section on the RSPB's land ownership issues below.

2.3 Suffolk Onshore Scheme - Cable Corridor Impacts

2.3.1 Loss of habitat for Woodlark

As explained in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity, the proposed construction compound and cable corridor to the west of RSPB North Warren passes through areas of importance for Woodlark and will cause temporary losses of foraging and potential breeding habitat. This species is a feature of the Sandlings SPA and is listed under Schedule 1 of The Wildlife and Countryside Act. We support the statement in para. 2.9.28 (p62, ep66) that this area should be considered functionally-linked to the Sandlings SPA. We also welcome the proposal to provide an area of acid grassland to mitigate for temporary losses of acid grassland and the lag time in restoration of affected habitats, as described in para. 7.2.6 (p98, ep104) of AS-007 Habitats Regulations Assessment Report. We agree that such habitat will also be of benefit to Woodlark.

2.3.2 Acid grassland creation and restoration

Para. 5.33 (p32, ep38) of AS-059 Outline Landscape and Ecological Management Plan – Suffolk discusses the ideal management regime for an area of restored and enhanced acid grassland. The following statement is included:

> *"Bare ground will be very limited."*

This improperly suggests that bare ground is a negative feature of acid grassland habitats. On the contrary, bare ground is an important ecological feature of such habitats and can be of great benefit to species such as Woodlark. We would encourage a mostly short sward with some bare ground retained if possible (around 5-10%). This is more in line with the comments made in para. 2.9.33 of p63, ep67 in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity (our emphasis):

> *"the surveys undertaken for the Proposed Project, and published research indicate that vegetation that is kept suitably short and open, particularly if bare areas are created within the sward, is likely to be used for foraging by both species and may be used by nesting by woodlark."*

Para 6.7.2 (p40, ep46) of AS-059 Outline Landscape and Ecological Management Plan – Suffolk outlines the process for reinstating the acid grassland areas once works are complete. In the first year, the stated preference is for the flora to naturally regenerate, and we are in support of this. In the second year, the proposal is to cut the grass to a height of 10cm and pile the arisings for the benefit of reptiles.

For Woodlark, it would be beneficial for there to be some degree of heterogeneity in the sward height following the mowing in the second year. The provision of some areas with a very short sward of less than 3cm will facilitate optimum foraging. Arisings should not cover much of the habitat and should be placed preferentially on the perimeters, to minimise the nutrient load on the grassland.

We support the option to implement a 2-hectare Woodlark plot within 45m of the woodland area, as discussed in bullet point 12 of para. 6.13.4 (p44, ep50) of OLEMP – Suffolk.

2.3.3 Avoidance of disturbance to breeding Woodlark and other species

Please note that noise disturbance affecting the Sandlings SPA (designated for breeding Woodlark and Nightjar) arising from the construction compound and cable drilling works is discussed above.

We note that provision B24 in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) proposes keeping works areas clear of vegetation until construction starts to deter ground-nesting birds, particularly Woodlark and Skylark *Alauda arvensis*. This measure is not guaranteed to be effective in our view and surveys and mitigation before construction takes place will still be required to avoid damage or disturbance to nests (noting that Woodlark are a Schedule 1 species).

We have similar concerns about provision B35:

> "*To avoid disturbance of nesting woodlark outside the SPA, works close to known nesting areas will be commenced during the winter so there is already activity before the nesting season; the birds will then choose alternative nesting locations*"

Again, this measure may not be successful and monitoring will be necessary to inform the construction programme, particularly as construction noise levels and types may vary. It will also be important to define the period classed as winter given that Woodlarks can establish territories in February and lay their first clutches of eggs in mid-March (Average (range) of first clutch laying dates - 8 Apr (17 Mar-3 Jun)[14]

2.3.4 Potentially conflicting mitigation measures

Biodiversity measure 5 (B05) of para. 2.8.6 in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity suggests that in order to mitigate against harm to reptiles, vegetation in suitable habitat should be cut down to a reduced height between mid-March and mid-October to encourage them to disperse. However, biodiversity measure 2 (B02) of para. 2.8.6 instructs that vegetation should not be cut during the bird breeding season. Under certain conditions, the instructions in these two biodiversity measures may be conflicting; it is very likely that ground nesting birds will occupy habitat that is also suitable for reptiles. The conflict might be resolved by contracting the intentional reptile dispersal window to September-October.

2.3.5 Impacts on Stone-curlew

It should also be noted that Stone-curlew *Burhinus oedicnemus* are present in the area and could be attracted to nest on bare ground created under measure B24 APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) discussed above. Presence of this species should be considered in any areas of suitable acidic grassland or arable farmland, with particular consideration given to the potential for colonisation of any areas of bare ground created as part of the enabling works or during the construction of the cable route. Stone-curlew are Amber listed on Birds of Conservation Concern and listed under Schedule 1 of the Wildlife and Countryside Act. Surveys will be required to check for presence of Stone-curlews and, should nesting occur, suitable measures (which may need to include cessation of works in the area) would need to be put in place to avoid disturbing nesting birds.

[14] BTO Nest Record Scheme available at https://www.bto.org/learn/about-birds/birdfacts/woodlark#seasonality Accessed 25/06/25

2.3.6 Impacts on Turtle Dove

The cable corridor also passes through areas which may support Turtle Doves *Streptopelia turtur*. We are disappointed to see that this has not been addressed in PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity, other than to note their presence in the vicinity of the cable corridor. This species is on the Birds of Conservation Concern Red List due to its dramatic decline and the RSPB has been working with partners and land managers through Operation Turtle Dove to try to halt this decline through improvements to breeding and foraging habitats. Due to the fragile state of the breeding population, impacts on key habitats for these species (including scrub and mature hedgerows) should be avoided and minimised as far as possible, as reinstatement through replanting of young trees after up to 5 years is likely to mean that the habitat would not be sufficiently mature to support breeding Turtle Doves for some time beyond this. Reduction and/or mitigation of this impact is also likely to be beneficial for breeding Nightingale *Luscinia megarhynchos*. We recommend that suitable mitigation should be proposed for this potential impact.

Paras. 6.5.7 (p38, ep44) and 6.6.6 (p39, ep45) of AS-059 Outline Landscape and Ecological Management Plan – Suffolk discuss the management of new woodland and hedges to be planted as part of the mitigation package. The following statements are made:

> *"management of bramble will be carried out to prevent encroachment into adjacent areas"*

and

> *"hedgerows will be managed and maintained at a height of between 2.5 m and 3.5 m (allowing for individual trees within the hedgerow to establish and reach maturity)"*

To benefit Turtle Doves, we recommend that the hedges be maintained at a height of 3m or more and allowed to grow at least 4m wide. Following establishment, the retention of brambles and other thorny climbers may help facilitate the development of a thick, impenetrable scrub which is attractive to both Nightingale and Turtle Dove.

2.4 Suffolk Onshore Scheme - Cumulative/In-combination Effects with other Projects

2.4.1 Co-location

Whilst the current approach does not include provisions for co-ordination with other projects within the Application, APP-363 Coordination Document discusses how this could

be achieved, including through co-location of infrastructure as discussed in para. 6.2.17 (p28, ep32). Whilst the RSPB is supportive of the principle of trying to reduce impacts through project co-ordination, we are extremely concerned that co-location in this instance could have significant additional impacts on the proposed landfall area within the Leiston-Aldeburgh SSSI and RSPB North Warren.

Our main concerns around co-location are around the repeated periods of disturbance associated with the works, the additional infrastructure required for construction (including access routes), impacts of the potentially increased width of cable corridor through the site and the increased level of risk associated with any failure/faults which could require damage to habitats to resolve.

With regard duration of the works, we are concerned that works are likely to be consecutive rather than temporally co-ordinated (as discussed for example in para. 8.2.5 (p125, ep131) of AS-007 Habitats Regulations Assessment Report. Extending the duration of the works required at the landfall could increase the significance of impulsive and chronic noise and visual disturbance impacts to Leiston-Aldeburgh SSSI and RSPB North Warren. We would also be concerned about the sequencing of work and the potential for work to cross into several bird breeding/wintering seasons. Repeated periods of disturbance (and any repeated impacts on habitats) would exacerbate the effects of the proposals on designated sites significantly, with a longer duration of impacts potentially more likely to result in longer term changes to breeding and/or wintering bird populations. The Co-ordination Document and HRA should acknowledge the need to robustly assess such impacts.

2.4.2 White-fronted Geese

Para. 4.2.26 (p57, ep63) of AS-007 Habitats Regulations Assessment Report acknowledges that the wetland part of RSPB North Warren is functionally-linked to the Minsmere-Walberswick SPA/Ramsar. Table 13.37 (p162, ep166) in APP-060 Part 2 Suffolk Chapter 13 Suffolk Onshore Scheme InterProject Cumulative Effects acknowledges the potential for cumulative impacts on White-fronted Geese of the Minsmere-Walberswick SPA with a number of projects, including Sizewell C, but concludes that material disturbance will not arise due to the limited wetland area affected by noise from Sea Link construction. However, we are concerned that impacts could be more significant than assessed. White-fronted Geese associated with the SPA commute from their main feeding areas at North Warren and the roosting sites at Minsmere around 2-3 hours after sunset and a direct flight will take birds over the construction works at Sizewell C main development site. Early sunsets in winter mean that these flights are likely to be exposed to levels of construction noise associated with normal working hours at both sites (and including the highest levels of noise associated with construction compound enabling works at RSPB North Warren). This should be fully considered within the Habitats Regulations Assessment.

2.4.3 Disturbance to Sandlings SPA

Para. 8.2.3 (p124, ep130) of AS-007 Habitats Regulations Assessment Report discusses potential in-combination noise impacts on the Sandlings SPA:

> "*Disturbance of Sandlings SPA would only arise if multiple projects were to cause noise levels exceeding the 60 dB threshold agreed with Natural England and were to do so during the nightjar and woodlark nesting season. In combination effects would not arise due to works being undertaken for multiple projects in the same location at the same time, as space constraints would not allow for works close to the SPA to be undertaken for multiple projects simultaneously, even if the programme for the other schemes were to accelerate. Moreover, the noise zone of influence for East Anglia ONE North and East Anglia TWO is further north than that for Sea Link, and LionLink and therefore would not overlap*."

We disagree with these comments as they do not take account of the impacts of multiple projects disturbing multiple areas of the SPA. An increase in the area affected (by impulsive noise exceeding the 60dB threshold, by an increase of more than 3dB or by an increase in chronic noise levels) could mean that there is a significant reduction in nesting and foraging habitat available for Woodlark and Nightjar across the SPA. This should be recognised in the HRA.

2.4.4 Deer pressure

The potential for increased deer pressure on designated sites arising from exclusions of animals from some areas or other restrictions on deer movements (e.g. through fencing) during construction has been discussed above in relation to the landfall construction compound. Consideration should also be given to this impact in-combination with other projects in the area, particularly the construction of Sizewell C. We recommend that the projects liaise with each other and with site managers around potential impacts on the movement of deer around the landscape and mitigation of potential effects of increased deer pressure on designated sites.

2.5 Suffolk Onshore Scheme - Monitoring and Additional Mitigation

We have commented elsewhere about monitoring required for specific elements of the project but also wish to note the general point such monitoring should form part of a broader programme of monitoring of project impacts on designated sites and important species populations. This is necessary to provide assurance that agreed thresholds are not being exceeded (e.g. in the case of noise) or that inadvertent impacts are not occurring (e.g.

on water quality) and to enable additional mitigation to be put in place should unforeseen impacts occur. The results of the monitoring will be particularly important to inform the assessment of impacts of any similar projects coming forward in this area or elsewhere affecting similar habitats. In relation to this, we recommend that oversight of the outputs of such monitoring and any requirement for additional mitigation should sit with an Ecology Working Group, including stakeholders with relevant expertise.

2.6 Suffolk Onshore Scheme - Habitat Enhancements and Biodiversity Net Gain

2.6.1 Biodiversity Net Gain Parameters Line

We welcome the commitment in para. 1.6.14 (p15, ep20) of AS-055 Biodiversity Net Gain Feasibility Report to deliver net gain by at least 10% for this project. However, the geographical basis for BNG, as described in para. 2.2.2 (p17, ep22) of this document, seems somewhat limited. Whilst we acknowledge that using the full Order Limits as a basis would generate a BNG requirement in excess of the requirement if it were possible at this stage to base the calculation on the area to be actually built out, reducing the geographic basis to the area "*where permanent or temporary impacts to habitats are reasonably expected to occur*" appears to be an unambitious target. We are also concerned that basing the calculation on the area of habitats impacted appears to conflate BNG with mitigation. We consider that the scale of BNG delivery proposed is not commensurate with the scale of the project.

2.6.2 Details of BNG proposals

We are disappointed to note that no firm proposals for habitat creation to fulfil the project's commitment to BNG have been included at this stage. Whilst we welcome the intention to deliver "*…meaningful and targeted provision of BNG… that may work towards any targets within the incoming Local Nature Recovery Strategy…*" (para. 5.2.8, p65, ep70 of AS-055 Biodiversity Net Gain Feasibility Report), we would expect to see significantly greater detail of the plans for delivery as part of the Application. We request that plans for ambitious BNG which contributes to landscape-scale conservation of important habitats and species within Suffolk are submitted as part of the Examination.

2.6.3 Habitat enhancements for farmland birds

This project has potential to contribute to the conservation of important farmland bird species, including Turtle Dove. We recommend that habitat enhancements include planting targeted at providing nesting, foraging and watering habitat for farmland birds, where

appropriate. Further details of the types of measures that could be employed can be found on the Operation Turtle Dove website[15].

We also recommend that the Applicant liaises with local communities about opportunities to improve biodiversity along the cable route, in ways that benefit both wildlife and communities. This could include for example, considering the initiatives developed by Saxmundham Town Council.

2.7 Suffolk Onshore Scheme – The RSPB's Landownership

The RSPB owns the freehold of 400ha of land between Aldeburgh and Thorpeness on the Suffolk Coast, known as the RSPB North Warren Reserve. The proposed Sea Link cable will dissect part of this Reserve and as such this section of the RSPB written representations sets out its concerns raised by the DCO application in relation to its land ownership interests.

2.7.1 Compulsory Purchase Powers (CPO).

If consented, the DCO will grant CPO powers to National Grid. The RSPB are concerned that the range of powers that would be granted are quite wide-ranging and would be damaging to the RSPB Reserve if exercised. (PDA-009 Statement of Reasons, Section 4.5, p25 ep30). Whilst the RSPB are seeking a private arrangement with National Grid to provide for access to the Reserve that ensures the RSPB's landowner rights are protected (should the project be consented), we are concerned that the Applicant can fall back on the CPO powers, as such they must be restricted to only those necessary.

Of specific concern to the RSPB is para. 4.5.8 (p26, ep31) Article 20 Discharge of water, which allows the right to discharge into any drain or ditch system. The hydrology of the RSPB Reserve and Leiston-Aldeburgh SSSI is of such importance that such use could be massively destructive.

Para. 4.5.16 (p27, ep32) Article 51 Felling or lopping allows the right to manage any tree, shrub, shrubbery, hedgerow or important hedgerow. On a protected site a blanket consent is not suitable or feasible.

2.7.2 Horizontal Directional Drilling (HDD).

The REAC is clear that the method of construction on the RSPB Reserve is via HDD, however the documentation does not detail what alternatives are available if there is a change in

[15] https://operationturtledove.org/get-involved/habitat/ Accessed 29/07/25

circumstances. The RSPB are concerned that the Applicant could revert to open trench installation at a later date. The impacts on the designated site, in such a circumstance, would be catastrophic. Whilst we appreciate the draft DCO including a restriction, we would like to suggest the wording is more specific on ensuring that no open trenching is permitted across the RSPB Reserve.

Alternatively, should HDD fail part way through, there is a risk that an emergency plan would have to be put in place. This could feasibly include an access onto the RSPB Reserve to allow a trench to be dug. Whilst the RSPB accepts that failures can happen through no fault, without an adequate contingency plan, our concerns remain as an objection.

2.7.3 The RSPB's Reserve Management

The RSPB operates the Reserve as a quiet visitor haven, a home to thousands of ducks, swans and geese in the winter, whilst spring brings breeding Bitterns, Marsh Harriers, Woodlarks and Nightingales. The Reserve is visited by RSPB members and the wider public, for quiet tranquillity and connection to nature. Below we detail our comments and concerns that directly impact on the RSPB operation including use of the Reserve for the RSPB charitable purpose and business of protecting nature and providing accessibility to the public and the RSPB membership.

2.7.4 Designated Site

The part of the RSPB Reserve within the red line boundary is designated as part of a Site of Special Scientific Interest (SSSI), National Landscape and local nature reserve. PDA-009 Statement of Reasons makes no mention of these designations and therefore the RSPB are concerned that the implications of these designations have not been fully understood and accommodated within the plans.

2.7.5 Grazing

The RSPB's habitat management includes the provision of grazing animals, which are provided through third party graziers, who move the animals across the Reserve through the season to meet the objectives set out in the Management Plan. The DCO application makes no reference to this operation and therefore does not provide any detail on the implications of the construction on this use. We are concerned about impacts on the grazing with the proposed vehicle movements (mentioned below). There is also no provision for the consideration of the impact of an emergency on the operations, such as a potential frac out from the underground drilling.

There is no confirmation as to how third-party graziers will be communicated with and how any impact on their business will be considered. As a minimum there should be no

restriction on the ability of graziers, and their animals, to freely move about the Reserve. There must be no severance of herds or grazing areas and there must always be the ability for grazing animals to access drinking water.

2.7.6 Fencing

There is lack of clarity over whether and where any fencing is proposed on the RSPB Reserve. Therefore, we are concerned that if there becomes a requirement for fencing (see APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) provision GG26), that this is installed with due consideration of the implications. The Reserve is managed as a grazing marsh, and installation of fencing should take account of the designated site and the use as such.

2.7.7 Vegetation Management

The Application details vegetation management along the scheme, some of which might be clearance. The RSPB are concerned that management of vegetation as shown on the RSPB land (APP-036 Trees and Important Hedgerows to be Removed or Managed Plans) is only required to enable access for vehicles (as detailed separately in this response). There is no clearance required nor necessary for the installation as this will be by Horizontal Directional Drilling (HDD). We are concerned that even with vegetation management, the proposed access routes would still not be suitable for vehicles, even quad bikes due to ground conditions. Without the vegetation management the routes are already accessible on foot.

It should be noted that RSPB North Warren is home to Schedule 1 breeding birds and so vegetation management must be carefully controlled and minimised as much as possible. Reinstatement must be agreed with the RSPB as landowner, and it would be preferable to adopt a natural regeneration methodology on this designated site. If new planting is required, it must be with native species agreed with Natural England and the RSPB.

2.7.8 Water Control

The Applicant states that a drainage management plan will be developed for the scheme (APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) provision W14). The RSPB require that such a plan should be developed in consultation with the RSPB as landowner and Natural England. Drainage and water management on the reserve is of paramount importance due to the SSSI habitats present on site.

The RSPB are aware that the Environment Agency are currently replacing a sluice and underground drainage channel, discharging into the Sea. This is situated along the northern boundary of the DCO area. There are concerns that if the DCO works impact on this structure, through vibration or interference, the hydrology of the RSPB Reserve could be

negatively impacted, breaching SSSI management prescriptions and disrupting protected species.

2.7.9 RSPB Visitors

We query whether the parking bay on Thorpe Road near access point S-AP-1 will be closed during construction of the scheme as this could result in increased pressure elsewhere. Should fly-parking subsequently increase elsewhere along the Thorpeness-Aldeburgh road, this could lead to safety concerns for road users. In addition, there could be potential for damage to the SSSI where drivers pull off the road to try to find a safe spot. It is not clear in the documents whether this parking area will remain open and whether any mitigation measures are required to manage this pressure. This is of particular concern to the RSPB as the organisation relies on its 1 million plus members, whose ability to enjoy the site could be directly impacted.

2.7.10 Schedule of Condition

The RSPB welcomes the requirement for a photographic schedule of condition prior to construction starting on site (APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) provision GG06). This must be compiled with the ability to locate individual photographic points.

2.7.11 Construction Compound

The proposed compound is not situated on RSPB land; however, it is located in close proximity. There will be disturbance to the RSPB Reserve, which will include, but is not limited to dust, noise, vibration and lighting. Whilst it is noted that equipment that produce these impacts will be sited away from residential property and ecological sites where practical (APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) provision GG10) we are concerned that this will not be practical or feasible at this location. Despite mitigation measures, there could be an impact on bird species, throughout the year, particularly during the breeding season, from these nuisance activities and this is discussed in full elsewhere in these Representations.

2.7.12 Intrusive Surveys

There is mention in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) provisions GH01 and GH11 of a need for more intrusive surveys prior to construction, however we are concerned that there is no detail as to what these surveys are and the method for completing them. Noting that the RSPB Reserve is designated and is used for a specialist purpose, it is imperative that any required surveys are proposed in consultation with the RSPB and Natural England. Primarily we will be concerned with the

impact on the features for which the site is designated, Schedule 1 breeding birds and any interaction with our grazing operation.

Linked to the intrusive surveys we note that there will be ongoing non-intrusive works. Specifically, we request that ongoing monitoring of the scheme is undertaken including soil testing, ground level monitoring and hydrological impacts as a minimum.

2.7.13 Access Requirements

There are two access tracks included within the limits of the DCO Application, in the vicinity of the RSPB land. There is one track from the compound located to the west of the RSPB Reserve, and a second track located not far from Sluice Cottage on the eastern edge of the RSPB site (APP-018 Location Plan, ep7) and (PDA-005 Land Plans Part 1, ep10 and 11).

The DCO Application does not make clear exactly what the purpose is of these tracks. It is noted that they are detailed as being permanent rights that will exist post construction, but there does not appear to be any justification to support this position. It is not clear what access should be required once the cables are in situ.

In relation to access during construction, these tracks may well be required, however the DCO Application lacks information and clarity on the level of their use during this period. APP-057 Part 2 Suffolk Chapter 10 Socio-Economics, Recreation and Tourism para. 10.9.42 details the track to the west of the RSPB Reserve, which connects onto the RSPB land, as being used by up to 10 HGVs per day. Given that the same paragraph references the crossing of the permissive path to the east of the construction compound, it is unclear whether the discussion of HGV access is only relevant to the west of the compound or whether access for HGVs is also proposed to the east of the compound and crossing onto the RSPB Reserve. Considering that the method of construction, on the RSPB Reserve, is via horizontal directional drilling (HDD) it is not clear why 10 HGVs might require this access. The RSPB would strongly object to access across a designated site by such vehicles and request that the exact nature of the access proposed is clarified.

Para. 10.9.41 (p54, ep58) of Suffolk Chapter 10 Socio-Economics, Recreation and Tourism details that monitoring of the HDD during construction will be conducted using quad bikes, 4x4s or on foot. Access by foot will do far less damage than access by 4x4 or quad bike, furthermore; the distances to be covered and ground conditions of the Reserve mean access by foot is the best option for all parties.

There are no details on what surfacing is proposed for these access tracks, and of the tracks that run through the working width. Without appropriate agreement on this surfacing the RSPB must object to the tracks' use.

There are no details on the crossing points to be constructed to facilitate access across ditches on site. Any crossing points need to be agreed with the RSPB to ensure minimal impact on SSSI management and the hydrology of the site.

There is no consideration that the RSPB Reserve is a wetland site, and not all areas of the property are accessible. The method of access to monitor the progress of the HDD is by quad bike. However, even with surfacing, and vegetation clearance, parts of the route are not accessible. The RSPB are keen to avoid clearance and surfacing operations taking place which will ultimately not lead to the destination required.

It is noted that where the footpath is impacted by the access mentioned above, the footpath will be diverted (APP-089 ES Appendix 1.4 A Crossings Schedules, p14, ep17 Table 1.5 Crossing reference S/FO/0011.2). As the track effectively bisects the footpath, there is no ability for the path to be diverted, it would be more favourable to install a controlled crossing to allow users of the footpath to cross safely over the access track.

We seek confirmation that the PRoW will not be utilised as a route for vehicles. It is unclear why a section of vegetation alongside that footpath, that is currently passable on foot, has been identified for cutting back. We request further detail in order to provide comment.

2.7.14 Incidents and Emergencies

It is recognised that there will be a need for the Incident Response Plan as mentioned in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments GG24. The RSPB require that any plan for works on or adjacent to RSPB land will include provision for the RSPB to be notified immediately should an unplanned event occur (this should include, but not be limited to, site flooding, pollution incidents, drilling fluid breakout, or the drill head becoming stuck).

National Grid should ensure that any Emergency/Incident Response Plan is in accordance with recommendations laid out by and approved by Natural England, as well as the RSPB.

The plan should include details of the RSPB graziers, and the potential impact on their operation should remediation activities need to take place.

There is no definition in the documents as to what constitutes emergency access. There is no provision around ensuring that any emergency access does not cause greater damage or disturbance to the protected site. The RSPB Reserve is a very wet site and access routes are crossed by ditches. Plans need to ensure that consideration is given to soil damage and the physical ability to travel across the landscape.

2.7.15 Unexploded Ordnance (UXO).

During World War II RSPB North Warren was used for military purposes, we are concerned that UXO may be present on site and require removal. This will impact on the Leiston-Aldeburgh SSSI and RSPB North Warren. We can see only limited references in the Application suggesting that any assessment of this risk has been considered, with no measures identified to address this risk. For this reason, the RSPB remain considerably concerned.

2.8 Conclusions Regarding the Suffolk Onshore Scheme

In summary, we object to the project making landfall at RSPB North Warren/Leiston-Aldeburgh SSSI. The reasons for our objection are:

- Insufficient consideration given to avoidance of designated sites during the route selection process.
- Exploration of ecologically less-damaging alternatives too constrained geographically and on the basis of (now removed) need for co-location.

We also have significant concerns about the following:

- Ecological impacts of the proposed landfall including disturbance, damage to habitats and constraints on future management of the Leiston-Aldeburgh SSSI (and functionally-linked SPAs) and RSPB reserve, along with potential impacts on the Sandlings SPA from the associated cable route
- Impacts of the project on the RSPB's landownership interests at RSPB North Warren

However, given that the project may be consented despite these concerns, we have made a number of recommendations in our comments above regarding the adequacy of the assessments and the proposed mitigation which should be addressed through the Examination of the Application. These can be summarised as follows:

2.8.1 Recommendations: Suffolk Onshore Scheme – Description of Baseline

2.8.1.1 Proximity to Designated Sites

- Need to recognise within PDA-017 Part 2 Suffolk Chapter 2 Ecology and Biodiversity that the project is not merely adjacent to RSPB North Warren and Leiston-Aldeburgh SSSI but instead includes parts of these sites within the Order Limits.

2.8.1.2 Ecological importance of North Warren

- We recommend that the area east of Leiston Road is considered to be of national importance for non-breeding birds, with European White-fronted Goose being of international importance
- We recommend that the breeding Lapwing population is considered to be of county significance
- Habitat mapping should recognise importance of ditches, footdrains, acid grassland and scrub/bramble habitats.

2.8.1.3 Designated sites – errors

- PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Report should be corrected to state that wintering European White-fronted Goose is a feature of the Minsmere-Walberswick SPA and not the Alde-Ore Estuary SPA, and Woodlark is a feature of the Sandlings SPA, not the SAC.

2.8.1.4 Bird surveys

- For the 2024 Lapwing and Redshank figures, methods and limitations should be discussed and it should be acknowledged that the territory distribution maps may not accurately reflect the real locations of favoured areas.
- Maps used to show the abundance and distribution of wintering birds recorded during 2022/23 in APP-216 should clearly indicate that the wet grasslands were not formally surveyed on the dates shown in the legend.
- Annex 2.B.2 (p63, ep67) of PDA-025 ES Appendix 2.2.B Suffolk Wintering Bird Report is a compendium of WeBS data from Kent and not Suffolk and requires correction.

2.8.1.5 Other ecological surveys

- Given the decision not to survey the vegetation across the SSSI, any impacts on the vegetation, including due to proposed access routes or potential incidents such as frac-out need to be carefully considered.
- It should be recognised that Water Voles are present at RSPB North Warren

2.8.2 Recommendations: Suffolk Onshore Scheme – Landfall at North Warren

2.8.2.1 Use of trenchless techniques for landfall

- Seek reassurance that open-trenching across the SSSI would not be pursued in any circumstances (including via subsequent Change Applications or other applications to facilitate open-trenching).
- For clarity, we also request that the Draft DCO at Schedule 16, Part 2, Para. 10 (3) is updated to specify the 'seaward' HDD exit.
- Request confirmation that the list of additional activities and infrastructure required as part of the construction swathe and listed in para. 4.6.138 (p50, ep54) of AS-093 Part 1 Introduction Chapter 4 Description of the Proposed Project does not apply to the trenchless crossing of RSPB North Warren/Leiston-Aldeburgh SSSI.

2.8.2.2 Risks associated with trenchless techniques

- Query the confidence around the statement that HDD feasibility is not likely to be affected by the presence of gravel as well as the potential impacts of any changes to drilling methodology.
- Seek reassurance that the available onshore borehole data is sufficient to give confidence in the conclusions that the HDD within the RSPB Reserve and SSSI will remain above the London Clay layer.
- Request for additional information to be provided to explain the freeing process should the drill head become stuck, any additional impacts on the RSPB reserve and SSSI (including from extending the construction duration and subsequent noise effects) and how these can be mitigated.
- Request that provision (B22) in APP-342 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) regarding measures to avoid the trenchless drilling equipment getting stuck is updated to include details of mitigation measures.
- A report detailing the outcomes of hydrofracture modelling should be a required Obligation to be discharged before construction commences.
- Measure GH10 (drilling fluid breakout plan) in APP-342 REAC should include provisions that Natural England and ourselves are consulted with regard appropriate procedures within RSPB North Warren/Leiston-Aldeburgh SSSI; also that these procedures should include notification of both NE and ourselves of any incidents at the earliest opportunity.
- Request clarity regarding the likelihood of dewatering at launch pits being required and mitigation to be proposed to ensure that any dewatering does not affect water levels within RSPB North Warren/Leiston-Aldeburgh SSSI.
- The hydrogeological risk assessment referred to in GH10 of APP-342 REAC should be available to inform the assessment of impacts on the RSPB reserve and SSSI during the Examination.
- Information should be provided in order to understand the likelihood of occurrence (or multiple occurrences) of cable faults along with an assessment of the likely impacts of additional duct installation itself or the impacts of cable fault remedial action (including additional cable pulling).
- Further information about the risks and subsequent remedial procedures in the event of the empty cable duct collapsing or becoming unsuitable for use should be provided.

2.8.2.3 Noise and disturbance – noise modelling

- Recommend that it is clarified that noise thresholds proposed within the HRA refer to impulsive noise, represented by dB LAmax
- Meaning of the mapped 'average LAmax' contour should be clarified. We also seek reassurance that the map 'for the project as a whole' represents the worst-case scenario for impulsive noise and not an average level for the duration of the whole project. As contours have been calculated for all phases of the work, these should be made available to the Examination.
- It would be helpful for mapping to be supplemented by larger scale maps of the noise contours where they overlap designated sites, to aid identification of areas and species which may potentially be impacted

- Recommend that consideration is given to chronic noise levels, represented by dB LAeq, as this has been shown to affect densities and distribution of breeding birds.
- It would be helpful to specify the noise modelling guidance around assumed mitigation and to comment on the safety of the assumption, including any circumstances where this could be difficult to achieve.
- We request that the noise modelling carried out by Atkins is made available to be considered as part of the Examination documents.

2.8.2.4 Noise and disturbance – impacts during construction

- Given the broad timespan for reinstatement activities and the potential for these to cause disturbance, we query both when any reinstatement needed in the vicinity of RSPB North Warren/Leiston-Aldeburgh SSSI would be completed and the nature of any such works.
- Recommend that the potential for increased sensitivity of birds to disturbance at dawn, dusk and during the night during winter should be considered in the assessment of noise impacts.
- It should be made clear whether any piling activities could be required at the compound close to RSPB North Warren/Leiston-Aldeburgh SSSI and whether the current modelling and proposed mitigation take account of this.
- Given our concerns about the adequacy of the noise modelling information presented, we request that further consideration is given to the potential for disturbance of White-fronted Goose, Eurasian Curlew and other wetland birds on the basis of the additional information requested.
- We query whether the possible requirement for use of a pneumatic casing hammer at the seaward end of the HDD drill has been considered in the noise modelling and assessment of impacts on designated sites.
- The assessment of noise from continuous working during the HDD drilling process (which is planned during the bird breeding season) should consider potential impacts of work during hours of low light and darkness, when birds may be more sensitive to noise while they are roosting or through increased vulnerability to predation.
- The HRA should consider potential noise impacts on breeding birds during the drilling process, particularly Marsh Harrier
- We recommend that average (chronic) noise levels affecting the Sandlings SPA, Leiston-Aldeburgh SSSI (and Minsmere-Walberswick SPA/Ramsar and Alde-Ore Estuary SPA/Ramsar through functional linkage) during the HDD drilling process are quantified to aid the assessment of impacts on breeding birds.
- Request that specific mapping of the noise contours for the drilling phase is provided including a range of noise contour levels. Also to include a map based on average sound level (dB LAeq) as well as a separate map showing impulsive noise levels (using dB LAmax).
- It is crucial that the mitigation required by measure B23 (such as acoustic fencing) is constructed at the beginning of the construction period, especially as the enabling works could have the highest noise impacts on designated sites.
- We also recommend that B23 should include identification of further mitigation should noise modelling indicate that thresholds have been exceeded.
- Given the potential reduction of impact afforded by an acoustic shed enclosing the HDD equipment, we suggest this should measure be included in the proposed mitigation.

- Recommend that bird distribution should be monitored during construction to indicate whether any changes are occurring and again, help to inform any need for further mitigation.
- Where GG10 (lighting) is applied to designated conservation sites, the phrase “where practicable” should be removed to comply with the mitigation hierarchy and GG21 (lighting) should explicitly include designated conservation sites.
- Further information regarding lighting and work at height is required to adequately inform this assessment, as fencing will not screen or reduce light spill from any activities taking place at height.
- Recommend that mapping of areas affected by visual disturbance is provided using a suitable threshold based on visibility of lighting, people and mobile infrastructure and the sensitivity of ecological receptors.

2.8.2.5 Noise and visual disturbance – impacts during operation

- Include measures in the REAC to carry out noisy and/or disturbing maintenance activities in August and September where this is practicable, to avoid disturbing breeding or wintering birds.

2.8.2.6 Access routes and emergency access

- The exact nature of access routes at RSPB North Warren, along with any works required to facilitate it, should be made clear, and potential impacts require proper assessment and mitigation.
- Request clarity on the exact scope of vegetation management proposed within the RSPB reserve and SSSI and note that suitable mitigation would be required to protect Schedule 1 species.
- It should be clarified that no surfacing of access routes is proposed within RSPB North Warren/Leiston-Aldeburgh SSSI.
- The section on construction phase habitat loss in Chapter 2 Ecology and Biodiversity should include implications of regular and emergency access and vegetation management.
- Request clarification of the circumstances which might require emergency access and the methods and equipment required, also of how the Applicant proposes to be able to reach all parts of the cable route in the event of a fault, and what effect this could have on habitats within the RSPB reserve and SSSI?

2.8.2.7 Construction compound

- Request that more detail is provided of the locations of any noise/visual mitigation screening at the construction compound is provided, so that impacts on the Sandlings SPA and Leiston-Aldeburgh SSSI (including RSPB North Warren) can be more fully understood.
- Due to the potential for disturbance impacts during the construction period (particularly from cable drilling), the location of the transition joint bay needs to be confirmed in order to adequately inform the assessment of impacts.
- Measures GG14, GG15, GG16, GH05 in APP-342 REAC around control of contamination from runoff, wash down, storage areas etc should include explicit requirements to protect wetland habitats.
- Potential impacts of increased deer pressure arising from exclusions or restrictions to deer movement should be assessed and any required mitigation should be proposed. Impacts on

the reinstatement and enhancement of habitats should be considered along with any necessary protection.

- The statement that air quality impacts from generators on Leiston-Aldeburgh SSSI lasting up to 3 years should be considered a temporary impact requires further justification and supporting evidence to be provided.

2.8.2.8 Public access and recreational impacts

- Should any changes to public access or parking be required, potential impacts of changes in visitor use, including on designated sites, should be included in the assessment.

2.8.2.9 Unexploded Ordnance (UXO)

- Assessment required of potential presence of UXO and any need for excavations within RSPB reserve/SSSI. This should include assessment of potential damage to habitats and disturbance to the SSSI and the nearby Sandlings SPA from any detonations required.

2.8.2.10 RSPB land management

- Request clarity as to whether any restrictions will be imposed on our land management activities during the construction (e.g. during cable installation) or operational periods which could limit our ability to manage and maintain habitats within RSPB North Warren/Leiston-Aldeburgh SSSI

2.8.3 Recommendations: Suffolk Onshore Scheme - Cable Corridor Impacts

- For the restored/enhanced acid grassland, we would encourage a mostly short sward with some bare ground retained if possible (around 5-10%), and provision of some areas with a sward of less than 3cm will optimise foraging for Woodlark. Arisings from mowing should be placed around the perimeter of the site.
- Provision B24 in the REAC (clearance of vegetation to deter nesting birds) is not guaranteed to be effective in our view and surveys and mitigation before construction takes place will still be required to avoid damage or disturbance to nests.
- Measure B35 (commence work during winter to deter nesting birds) also may not be successful and monitoring will be necessary to inform the construction programme, particularly as construction noise levels and types may vary.
- Measures B05 (clearance of vegetation to deter reptiles) and B02 (avoidance of vegetation clearance during the bird breeding season) may conflict in some locations – in this instance the reptile dispersal window could be reduced to September-October to avoid conflict.
- Surveys of bare ground during construction will be required to check for presence of Stone-curlews and, should nesting occur, suitable measures (which may need to include cessation of works in the area) would need to be put in place to avoid disturbing nesting birds.
- Impacts on key habitats for Turtle Dove and Nightingale (including scrub and mature hedgerows) should be avoided and minimised as far as possible and mitigation proposed for loss of habitat during time taken for re-establishment.
- To benefit Turtle Dove and Nightingale, we recommend that newly planted hedges be maintained at a height of 3m or more and allowed to grow at least 4m wide with brambles and other thorny climbers encouraged/retained.

2.8.4 Recommendations: Suffolk Onshore Scheme – Cumulative/in-combination effects with other projects

- The Co-ordination Document and HRA should acknowledge the need to robustly assess impacts of potential co-location on designated sites including repeated disturbance, additional infrastructure, potentially increased width of cable corridor and the increased risk associated with any failure/faults.
- The assessment of cumulative impacts from Sea Link and Sizewell C on White-fronted Geese of the Minsmere-Walberswick SPA should consider combined disturbance to commuting flights in winter.
- The HRA should consider the impacts of multiple projects disturbing multiple areas of the Sandlings SPA as this could result in a significant reduction in nesting and foraging habitat being available for Woodlark and Nightjar.
- The Applicant should liaise with Sizewell C and with site managers around potential impacts on the movement of deer around the landscape and potential effects of increased deer pressure on designated sites during the construction periods for these projects.

2.8.5 Recommendations: Suffolk Onshore Scheme – Monitoring and additional mitigation

- A programme of monitoring of project impacts on designated sites and important species populations is required to provide assurance that agreed thresholds are not being exceeded or that inadvertent impacts are not occurring and to enable additional mitigation to be put in place should unforeseen impacts occur.
- Recommend that oversight of the outputs of such monitoring and any requirement for additional mitigation should sit with an Ecology Working Group.

2.8.6 Recommendations: Suffolk Onshore Scheme – Habitat enhancements and Biodiversity Net Gain

- We request that plans for ambitious BNG which contributes to landscape-scale conservation of important habitats and species within Suffolk are submitted as part of the Examination.
- We recommend that habitat enhancements consider planting targeted at providing nesting, foraging and watering habitat for farmland birds (particularly Turtle Dove), where appropriate.
- Recommend that the Applicant liaises with local communities about opportunities to improve biodiversity along the cable route, in ways that benefit both wildlife and communities.

2.8.7 Recommendations: Suffolk Onshore Scheme – The RSPB's Landownership

2.8.7.1 Compulsory Purchase Powers (CPO).

- CPO powers must be restricted to only those necessary. Article 20 Discharge of water and Article 51 Felling or lopping are not appropriate for a designated site.

2.8.7.2 Horizontal Directional Drilling (HDD).

- Contingency plans must be in place for any potential HDD failures which avoid any future need for open trenching at RSPB North Warren.

2.8.7.3 Designated Site

- PDA-009 Statement of Reasons should recognise that part of the RSPB Reserve within the red line boundary is designated as part of a SSSI, National Landscape and local nature reserve.

2.8.7.4 Grazing

- There should be no restriction on the ability of graziers, and their animals, to freely move about the RSPB Reserve. There must be no severance of herds or grazing areas and there must always be the ability for grazing animals to access drinking water.

2.8.7.5 Fencing

- Any requirement for fencing should be clarified and any installation should take account of the designated site and its management as grazing marsh.

2.8.7.6 Vegetation Management

- The Application should recognise that, even with vegetation management, the proposed access routes would still not be suitable for vehicles, even quad bikes due to ground conditions.
- Vegetation management must be carefully controlled and minimised. Reinstatement must be agreed with the RSPB and preferably adopt a natural regeneration methodology. If new planting is required, it must be with native species agreed with Natural England and the RSPB.

2.8.7.7 Water Control

- The drainage management plan should be developed in consultation with RSPB as landowner and Natural England.
- Works should avoid impacting the sluice and drainage channel along the northern boundary of the DCO area at the landfall.

2.8.7.8 RSPB Visitors

- Clarity is required regarding whether the parking bay on Thorpe Road near access point S-AP-1 will be closed during construction of the scheme. Mitigation of visitor impacts may be required.

2.8.7.9 Schedule of Condition

- The photographic schedule of condition must be compiled with the ability to locate individual photographic points.

2.8.7.10 Intrusive Surveys

- Any further intrusive surveys require consultation with the RSPB and Natural England and assessment of impacts on the designated sites, Schedule 1 breeding birds and any interaction with our grazing operation.
- We request that ongoing monitoring of the scheme is undertaken including soil testing, ground level monitoring and hydrological impacts as a minimum.

2.8.7.11 Access Requirements

- Clarity is required regarding the nature, surfacing, purpose and proposed level of usage of the proposed access tracks in and around the RSPB Reserve.
- Access during HDD drilling operations across the reserve should be on foot rather than vehicle due to access difficulties and potential impacts. The RSPB are keen to avoid clearance and surfacing operations taking place which will ultimately not lead to the destination required.
- Any ditch crossing points need to be agreed with the RSPB to ensure minimal impact on SSSI management and the hydrology of the site.
- With regard crossing reference S/FO/0011.2), it would be more favourable to install a controlled crossing to allow users of the footpath to cross safely over the access track.
- We seek confirmation that the PRoW will not be utilised as a route for vehicles.

2.8.7.12 Incidents and Emergencies

- The Emergency/Incident Response Plan relevant to works on or adjacent to RSPB land should be approved by Natural England and RSPB and should include provision for the RSPB to be notified immediately should an unplanned event occur and consideration of access limitations and impacts and impacts on and contact with graziers.

2.8.7.13 Unexploded Ordnance (UXO).

- A full assessment of the potential presence of UXO is required, with suitable mitigation proposed.

3 KENT

3.1 Kent Onshore Scheme - Designated Sites

3.1.1 Designated Sites under threat and Key Species

The RSPB is seriously concerned about the impacts of the Sea Link proposals on internationally designated sites in Thanet, their species and supporting functionally linked land. These internationally important sites must be avoided unless there is no other option. National Grid's preferred route for landfall and the connection to the substation further inland, threatens Thanet Coast and Sandwich Bay SPA, Sandwich Bay SAC and Sandwich Bay to Hacklinge Marshes SSSI. Thanet Coast and Sandwich Bay SPA is designated such for breeding Little Tern, wintering Turnstone and Golden Plover. Terrestrial grassland and arable habitats in the area are important for roosting and feeding Golden Plover, while the intertidal area with its mudflats and sand provide rich feeding and roosting opportunities supporting Turnstone and other[16] species may use a combination of wetland and terrestrial habitats (both within and outside of designated sites) and move between locations, such as Golden Plover ranging widely across the area to feed and roost. The area is extremely important for waders and wildfowl in winter and during migration times, with the mudflats supporting large numbers of Dunlin *Calidris alpina*, Curlew, Oystercatcher *Haematopus ostralegus*, Redshank, Ringed Plover *Charadrius hiaticula* - occurring in nationally important numbers during passage migration, Sanderling and Grey Plover *Pluvialis squatarola* – during winter, the latter two species present in nationally important numbers. This importance is recognised in the SSSI designation, and this also lists Ringed Plover, Oystercatcher and Little Tern as breeding.

The Kent Onshore Scheme has a landfall point in the highly designated Pegwell Bay, cabling onshore to connect to a 2 GW HVDC converter station near Minister, a new substation, associated infrastructure, two new sections of HVAC overhead lines and modifications to existing overhead lines. Impacts include direct loss of habitat, pollution, noise disturbance to designated features, loss of functionally linked land for Golden Plover and collision risk.

[16] Designated Sites View available at https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK9012071&SiteName=&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea= Accessed 16/07/25

3.2 Kent Onshore Scheme - Baseline Information

3.2.1 Description of baseline

The description of baseline conditions in PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity is misleading with regard the description of proximity of the project to designated sites. Para. 2.7.1 (p43) states:

> "*Application Document 6.6 Habitats Regulations Assessment Report identifies that there are three European sites within 10km of the Kent Onshore Scheme Order Limits: Thanet Coast & Sandwich Bay SPA/Ramsar/Sandwich Bay SAC, 470 m east of the landfall…"*

The proposals cross and directly impact these designations as illustrated in APP-027 Statutory and Non Statutory Sites of Nature Conservation Geological and Landscape Importance – Kent. In addition, AS-007 Habitats Regulations Assessment Report (Ex 1.4.6) screens in direct loss of habitat as a result of the construction for the Kent Onshore Scheme at Thanet Coast & Sandwich Bay SPA/Ramsar site and Sandwich Bay SAC. It is essential that the ES provides clarity of impacts and does not attempt to downplay these. This text should be amended.

The same misleading description issue applies to para. 2.7.2 re description of the Sandwich Bay to Hacklinge Marshes SSSI as "*approximately 20m south of the proposed Minster Converter Station.*" before later identifying that the proposals are within this designation. This text should also be amended to provide clarity.

3.2.2 Description of Impacts

There is a general issue with lack of clarity and misleading statements in the discussion of impacts. For example, APP-290 Habitats Regulations Assessment Report in the summary of the first paragraph under "Loss of functionally-linked land" (4.4.17, p76) states:

> "*Therefore, the SPA/Ramsar is located too far from the Kent Onshore Boundary for functionally-linked land associated with the SPA/Ramsar to be affected and is thus screened out of further assessment*"

This is in relation to Stodmarsh SPA/Ramsar site, which is much further away from the proposed project compared to the functionally linked land which will be lost associated with the Thanet Coast & Sandwich Bay SPA/Ramsar which is later discussed para 4.4.18-4.4.22. The closest and directly impacted functionally linked land should be discussed first and the SPA/Ramsar site needs to be named given there is more than one being discussed.

3.2.3 Stodmarsh SPA

We also query the screening out of Stodmarsh SPA, particularly given the record of Hen Harrier along the River Stour during the wintering bird survey (Para. 1.5.45 of AS-097 ES Volume 6 Environmental Statement Document Appendix 3.2.B Wintering Bird Survey Report 2022-2023) and Table 1.4 documents individual birds on two occasions overflying habitats along the River Stour canal, yet Table 1.5 records only one; again, there is an inconsistency of number of observations. Even using the one observation Table 1.6 identified, this would constitute 11.1% of the SPA Mean Peak. Para. 1.6.46 states that "*The recording of a single harrier may be attributable to birds dispersing from Stodmarsh SPA…*". Yet the following paragraph, 1.6.47, suggests the Hen Harrier is more likely to be associated with Pegwell Bay based on dispersal distance guidance from Natural England, field observations, WeBs data and proximity. Given Annex 2.B.1 Table A.1 shows no records for Hen Harrier for the latest WeBs low-tide count data for Pegwell, it is unclear how WeBs data supports this conclusion.

Furthermore, para. 1.6.51 suggests the record of the Hen Harrier is likely to be a widely roaming bird only occasionally using the Study Area. We remain unconvinced that there is sufficient clarity to exclude the potential of impacts to Hen Harrier as a result of this scheme due to habitat loss particularly given the inconsistencies of interpretation of the Hen Harrier record(s) in the documents. This is particularly disappointing given the rarity of this species. In addition, we are aware that observations are made fairly regularly of Hen Harrier during autumn and winter at Minster Marshes and Abbey Farm, with for example records on eight occasions between 16 October 2024 and 10 April 2025 by farm staff with ornithological knowledge (data are available from iRecord database).

3.3 Kent Onshore Scheme – Landfall

3.3.1 Risks associated with trenchless techniques

3.3.1.1 HDD feasibility and methodology

The proposed route was preferred partly because it was stated that trenchless techniques could be used to "avoid" damage to the designated sites (APP-044 Part 1 Introduction Chapter 3 Main Alternatives Considered). National Grid notes that Horizontal Direct Drilling (HDD), a trenchless technique, may be used to minimise harm to terrestrial habitats. Whilst the proposal of such techniques as an alternative to open-trenching is welcomed (subject to the caveats discussed below), our concerns include that this assumption does not adequately consider potential impacts such as noise disturbance and risks of technical issues associated with trenchless techniques, therefore we consider that it is far from certain that direct effects on designated sites can be avoided. In our view, avoidance of impacts would require geographic avoidance of designated sites and the use of trenchless techniques should be considered as mitigation.

While we welcome HDD to reduce impacts, our concerns include that this is not guaranteed, and this may result in other, far more damaging trenched options being used instead, should HDD fail or ultimately be discounted for any reason. This would result in serious harm to important intertidal and coastal habitats as happened previously with the nearby Nemo Link project, resulting in disturbance to and loss of habitat within the designated area where trenched techniques were used. Impacts of trenched techniques can affect the invertebrates in the substrate, alter the saltmarsh vegetation community, and impact water flows across the area.

We also seek clarification that trenching will not take place within the intertidal zone on the mudflats at Pegwell Bay. The AS-020 6.2.4.2 (B) Part 4 Marine Chapter 2 Benthic Ecology (Clean), para. 2.6.3 states that the trenchless approach will avoid saltmarsh but will be exiting "...*within intertidal mudflats."* It must be remembered that this is a Special Protection Area of enormous importance to wading birds, and that the Applicant has a legal duty under Regulation 63 of the Habitats Regulations to avoid adverse effects on the integrity of a European site. It also appears inconsistent with the approach to the Suffolk landfall, where the entry and exit point is within the subtidal area, thus avoiding damage to the intertidal benthic ecology of that site. Intertidal habitats should be avoided at the Kent end of the route in the same way as with the Suffolk end, to align with the Habitats Regulations principles of equivalence and precaution.

We wish to understand the potential impacts should drill equipment become stuck for any reason. There is limited information around the implications of stuck drilling equipment. We therefore request that additional information is provided to explain the freeing process, any additional impacts on the designated areas (including from extending the construction duration and subsequent noise effects) and how these can be mitigated.

There is justification for caution around the lack of guarantee of trenchless techniques, and the need for a clear contingency plan to avoid habitat damage. In PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity (p42, ep46, Table 2.10, Flexibility Assumptions), there are no considerations included of trenched options, and therefore the assessment of impacts supporting these proposals would no longer be valid should that become an option. Ecology consultants Biocensus found there was still damage years later to habitats at Pegwell Bay due to the Nemo Link infrastructure project using trenching, after commitments had been given that it would be using trenchless techniques[17].

We welcome the confirmation that open-trenching has not been included as a fall-back option within the draft DCO, however, we remain concerned that any failure of trenchless techniques could lead to subsequent Change Applications or other applications to facilitate

[17] Post-construction Saltmarsh Monitoring – NEMO Link Ltd – Pegwell Bay, Kent – November 2018, Version 1.0

open-trenching. We also seek reassurance that trenching would avoid all the designated site area and functionally linked land, including the intertidal zone, rather than only the saltmarsh portion. This would be of major concern because works to install a cable via open-trenching, along with the associated haul route and vehicle movements, could cause long-term damage to coastal and wetland habitats which support SSSI/SPA/Ramsar interest features (and are significantly outside the envelope of the current Environmental Impact Assessment). We therefore seek reassurance from the Applicant that open trenching across the SPA would not be pursued in any circumstances. We also seek more detail on how, if trenchless techniques are used, the installation across the intertidal zone would avoid or mitigate disturbance to the nationally significant waterbird assemblage around the Stour Estuary.

3.3.1.2 Shadow HRA (sHRA)

The intertidal zone is of considerable importance for wading birds and other wetland, shoreline and coastal species and it is essential that this zone is not damaged. Questions around trenchless techniques and the risk to this zone have been raised above. In Ex 1.5.36 (p11, ep17), AS-007 Volume 6 Environmental Information Document, 6.6 Habitats Regulations Assessment Report, the applicant notes that "*...trenchless techniques such as HDD are feasible... Therefore, no AEoSI of the SPA would arise through habitat loss*." The word 'feasible' does not provide a guarantee that trenchless techniques will be used, which would avoid adverse effects on site integrity (AEoSI) to the ecologically important intertidal zone, and we reiterate our serious concern over the mention in AS-020 of the route exiting via open-trenching within the ecologically important intertidal area; we seek clarification that this will not take place. The Applicant also argues there is a small risk of needing to excavate the intertidal area for stuck drilling equipment, with the chance of needing to excavate in the first / last 45 m estimated at 1 in 200 based on previous projects: *"The chance of needing to excavate in the last 45 m is estimated at 1 in 200 (i.e. very low) based on professional judgement and experience from other projects*." (p60, ep64, Paragraph 2.9.8, Table 2.1 PDA-021 Part 3 Kent Chapter 2 Ecology and Biodiversity). We have not seen a 'plan B' for either if trenchless techniques fail or prove unfeasible, or if the 1 in 200 chance of stuck equipment occurs, and in the latter case we have not seen how those estimates were arrived at and whether the "previous projects" are truly comparable. We cannot therefore agree with the sHRA that there will be no AEoSI (Ex1.5.37) AEoSI for the qualifying features of the Thanet Coast and Sandwich Bay SPA/Ramsar.

Given the high stakes involved, and the problems that occurred with Nemo Link, there also needs to be evidence provided regarding what "*professional judgement*" means in this instance, and exactly which previous experiences have been used to reach such a conclusion, including the appropriateness of the comparisons chosen - for example the similarity of the topography and substrates to the present site. In p11, Ex.1.5.35 AS-007 Volume 6 Environmental Information Document, 6.6 Habitats Regulations Assessment

Report, the Applicant considers that that this level of risk is enough to rule out an adverse effect on site integrity (AEoSI) for the qualifying features of the Thanet Coast and Sandwich Bay SPA/Ramsar. While this level of risk may appear relatively low, it is still considerable (1 in 200) given the importance of the SPA habitats involved, and not enough to rule out AEoSI. There need to be clear details provided as to the contingency plans and remediation works that would be enacted should an accident occur.

There must not be any risk to the internationally important intertidal habitat zone, as open-trenching would create serious surface level impacts disturbing birds and damaging habitat. Avoidance of this sensitive nationally and internationally designated site in the first place would reduce the risk to zero. We seek reassurance that there would be no ability for the Applicant to revert to open trenching across the Thanet Coast & Sandwich Bay SPA through any changes requested after any DCO is granted.

3.3.1.3 HVDC Cable – risk of habitat loss

We have similar concerns regarding habitat loss at Thanet Coast & Sandwich Bay SPA/Ramsar and Sandwich Bay SAC. In p90, ep94, Ex 2.9.174, PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity it is stated that the marine HVDC cable would pass through the ecologically important intertidal zone of the SPA, with its significant aggregations of wading birds, but it would be buried. We acknowledge that an extra duct would be installed as a spare to reduce future risk of further digging or drilling in the event of any cable faults.

While the claim is made (Ex 2.9.175) that no habitat loss is expected at the intertidal zone, calculations need to be provided to evidence the reasonable estimated risk of this spare duct collapsing, or becoming damaged or blocked, unsuitable for use for any other reason, or multiple occurrences of this, and a duct needing to be reinstalled. This is needed to fully assess the likely impacts to the SPA of additional duct installation or the impacts of cable fault remedial action (including significant impacts associated with any additional drilling, digging, or cable pulling). This information should be provided in order to understand the full risks and implications to the SPA of the project.

3.3.1.4 Pollution

It is acknowledged that there is a potential risk of frac out whilst undertaking trenchless techniques beneath Pegwell Bay (Habitats Regulations Assessment Report). Thanet Coast & Sandwich Bay SPA/Sandwich Bay SAC is a highly sensitive area and whilst note the mitigation measures set out in AS-007 Habitats Regulations Assessment Report 7.4.11-7.4.13 further detail on how any frac out event is managed e.g. what is defined as “a safe location”, what areas are suitable to create a sump to minimise impacts and how this is recorded, reported and communicated to Natural England, Kent Wildlife Trust etc.

3.4 Kent Onshore Scheme – Cable Route, Converter Station and Substation

3.4.1 Noise and machinery disturbance

Table 2.12, PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity identifies that there will be a moderate adverse significant effect to Sandwich Bay to Hacklinge Marshes SSSI as a result of disturbance, and it is proposed to provide seasonal restrictions to works for the Converter Station, Substation and permanent access road to avoid March to June. Whilst this is welcomed, we would flag that these areas are also important for overwintering interest and timings of works should be restricted to avoid these sensitive times too.

We note the noise modelling and assumptions that have been included to determine anticipated noise impacts with the assumption of a 10dB reduction as a result of standard noise mitigation. However, para. 4.6.1 AS-133 Outline Construction Noise and Vibration Management Plan – Kent states that currently there are no proposals for routine noise and/or vibration monitoring during the construction period. We would urge that some monitoring at the closest sensitive receptors at Minister Marshes and the designations is employed to establish that the modelled noise levels and effectiveness of the mitigation used for this assessment are accurate and there is not residual disturbance to these sites as a result of noise and vibration or inform additional mitigation required.

3.4.2 Mitigation for loss of functionally linked habitat

The 28-metre-high planned converter station and new substation site covers much of Minster Marshes, and this will impact wintering species including Golden Plover, a designated feature of the Thanet Coast and Sandwich Bay SPA, and species such as Curlew, as functionally linked land though habitat loss and disturbance. We fundamentally question the choice of low-lying floodplain wetlands for the converter station, and the associated risk from pollutants to surrounding wetland ecology. Habitats to be lost or impacted include an extensive area of wetland scrapes (at Abbey Farm Wetland), as well as broadleaved woodland, arable, hedgerow, and wet ditches. In PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity, we welcome that the Applicant acknowledges this area to be functionally linked land to the Thanet Coast and Sandwich Bay SPA.

The choice of Minster Marshes for the converter station is of serious concern given the need to fill and considerably raise the land level. In AS-018 Sea Link Volume 6: Environmental Statement Document: 6.2.1.4 Part 1 Introduction Chapter 4 Description of the Proposed Project, para. 4.6.19, the scale of the required works are outlined:

> *"In Kent, the Minster 400 kV substation and Minster Converter Station would require approximately 250,000 m3 of fill and approximately 40,000 m3 of cut, to create a platform on which the structures would be built."*

This will result in loss of wetland habitat, and the potential for pollution of surrounding wetland environments. We question whether this location is appropriate given the drastic measures required to make this site suitable for the converter station structure, and the attendant pollution risks involved. There would need to be in-depth consideration of the pollution mitigation required should this construction be permitted to go ahead.

Wintering Golden Plover associated with the Thanet Coast and Sandwich Bay SPA are particularly known to use fields outside the SPA at high tide. The frequency and scale of use of functionally linked land varies year on year and based on a variety of factors but is known to be particularly important for feeding during cold weather. The assessment of loss of functionally linked land to Golden Plover is only based on two years survey work which provides a limited snapshot of the long term value of this site, and we question whether the network function of this site - when considered as part of the wider landscape of areas important to supporting Golden Plover and providing resilience - is understood.

The Applicant has discussed (2.9.179) methods of addressing loss of functionally linked land around Minster Marshes for Golden Plover and decided that as wet grassland was unlikely to be viable in that area, it would be feasible instead to manage an area of arable land. As the Golden Plover in the surveys were found in flooded fields, we strongly query whether it can be assumed that dry mitigation land – a very different habitat to wet grassland - would be sufficient to deliver similar function for these birds. The flooded fields are also likely to support a different range of other species, for example including waders such as Snipe *Gallinago gallinago*, Woodcock *Scolopax rusticola* and Curlew, compared to dry arable. Wet grassland is likely to be more suitable for feeding, with more worms near the soil surface, whereas direr, more compacted arable land may be more suitable for loafing and roosting.

We also have serious concerns about the calculations around carrying capacity used to inform the area of habitat mitigation to be created. The peak Golden Plover count cited in the calculations in para. 2.9.182 PDA-021 is given as 370 birds, which is significantly less than the peak total of "*more than 700*" birds recorded in 2022-2023 in the fields northeast of the Stour, as reported in the PEIR Volume 1 (Table 3.3.15 preliminary assessment, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity). The calculation given in para. 2.9.182, to confirm the area of habitat mitigation required, used a calculation to determine the carrying capacity of arable land for Golden Plover, based on the winter 2022-23 survey. This concluded a 3.80 ha habitat creation requirement, but (2.9.184):

> *"... to allow for the fact that some areas of a given land parcel may not be suitable (due for example to proximity to field hedgerow and tree boundaries or illumination*

of the field boundaries by artificial lighting), the need to avoid leaving 'orphaned' fragments of land, any existing use by birds, the fact that golden plover prefer large open areas, and the fact that a larger parcel would also offset any temporary habitat losses due to construction, a 10 ha minimum parcel size was identified as being necessary."

However, using the original PEIR peak count of 700 birds gives an annual peak mean of 59.915 individuals over two years of surveys, and - following the calculations used but replacing the 370-bird figure with 700 throughout - leads to a figure of around 7.03 ha of habitat creation requirement. Even following this 'peak mean' approach, given the concerns and safeguards factored in para. 2.9.184, the total provided would need to increase accordingly, to exceed well beyond 10 ha, in order to provide an adequate area of suitable quality mitigation habitat for the higher number of birds potentially using the land. Mitigation must provide suitable habitat for the maximum number of birds that occur, rather than taking a contrived average figure.

Regarding the stipulations for the quality of this land listed in para. 2.9.185, we have concerns over the underestimation of the size of land needed, distance from the original area, and the replacement of wet land for dry arable, as noted above. It is concerning that the chosen location is very close, only 60 metres, to Discovery Business Park (APP-349 Outline Landscape and Ecological Management Plan - Kent) with its attendant light and noise pollution, and the Stour along the western border with its numerous house boats as a potential disturbance source. In PDA-021 para. 2.9.188 it is stated that this will be sufficient as it is a large area of land compared to the calculated area needed for mitigation, therefore allowing a buffer zone from the busy A256 dual carriageway and business park. Road noise from these features are close enough to potentially create edge effects of anthropogenic disturbance impacting, in particular, nocturnal feeding by Golden Plover. As already noted above, however, this "buffer room" may be based on flawed calculations through underestimating the peak number of Golden Plover using the area in winter, and a considerably larger area may need to be factored in to account for this to protect peak counts of this highly mobile designated SPA feature, and to achieve the stated ecological objectives. There are also long-term concerns around the need for guarantees that this land will be managed appropriately by the farmer, with suitable functionally linked habitat available every winter. More organic matter being added would enrich the soil for invertebrates and topping would keep it short, both of which would benefit feeding Golden Plover, but it is unclear if these would happen. Consistently appropriate management does not appear to be possible with the plan as it stands. For example, in p92, ep96, para 2.9.185 it is implied that in some years the site may not provide suitable habitat for Golden Plover. There is reference to ploughing, and this management needs to be carefully assessed regarding where and for how long this occurs - there is a positive relationship between worm density in the surface soil layer that plovers use and the length of time since a field

was last ploughed (Barnard and Thompson 1985[18]). The management of the site and its anticipated suitability as stable habitat therefore need to be factored in to assessing its suitability as mitigation. Accordingly, this needs to be built into the assessment of the size of area required and assessment of other sites that could be used within the local area. This is of particular significance given that nearby fields in the wider area are subject to plans for solar energy generation and, during times when bare ground is unavailable at the mitigation site, the alternative habitat options for Golden Plover may be reduced compared to previous years.

The chosen mitigation site is surrounded by two proposed solar farms: Goshall Valley (84 ha and 400m to the southwest) and the RBL2 (62 ha and directly to the north). Taken in combination with Sea Link itself, a total loss of approximately 160ha of functionally linked land is likely, and this must be adequately accounted for when assessing overall, cumulative, impacts on the SPA. Again the "additional" size of the mitigation area is relied upon to as a "precautionary approach" to avoid any in combination effects as a result of loss due to other plans and projects (p136, ep142, para. 8.4.5 AS-007 Habitats Regulations Assessment Report). We consider there is an overreliance on the "additional" area to address all potential issues from adequacy of the site, disturbance, to in combination issues, when as discussed, we consider the area calculations are flawed and we do not consider that there has been a sufficient assessment of in-combination effects and how the other potential projects could impact the function of the proposed mitigation site.

Further detail as to why this location was chosen and how it would function appropriately and consistently as mitigation is required, particularly given constraints from industry including solar farms in the surrounding landscape, as discussed. There appears to be no indication provided of how many years this area might be usable by Golden Plover, and more certainty is needed before this could be considered as acceptable mitigation. There is also need for greater clarity and evidence from the Applicant around what monitoring would be involved, what qualifies as 'success' for the mitigation site, and what contingency plan is in place should these criteria for 'success' not be met by the mitigation site. The proposed mitigation site must also be monitored to fully understand its current use by Golden Plover, to rule out the possibility it is functionally linked land and to understand if it is appropriate to use it for mitigation.

Given the above concerns, it cannot be concluded from the evidence provided so far that, as claimed in p94, ep98, para. 2.9.191, PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity, that:

[18] Barnard, C.J. and Thompson, D.B.A. 1985. Gulls and Plovers. The Ecology and Behaviour of Mixed-Species Feeding groups. Croom Helm; London and Sydney. Pp74-76

"*loss of functionally-linked habitat for Thanet Coast & Sandwich Bay SPA/Ramsar is a negligible impact on a receptor of international importance, resulting in a negligible effect that is not significant*."

We cannot agree with the Habitats Regulations Assessment (sHRA) (AS-007) that there will be no AEoSI for the qualifying features of the Thanet Coast and Sandwich Bay SPA/Ramsar due to loss of functionally linked land for Golden Plover associated with the SPA/Ramsar. The RSPB remains concerned that the proposed mitigation for SPA designated feature Golden Plover appears based on misleading data and calculations and may not be of suitable size or quality, not like-for-like habitat, nor in a suitable location to offset loss of functionally linked land.

3.4.3 Functionally linked land – Pylons and powerlines in the Minster Marshes area

We remain concerned about the impact of new pylons across the Stour on flying birds moving between designated sites such as Thanet Coast and Sandwich Bay SPA and functionally linked land, through collision and displacement. The application assesses that the new pylons when operational will have little impact on bird assemblage in the area. Given the large numbers of waders and wildfowl using this area, there are serious concerns that the collision and displacement risk may have been underestimated, particularly given the 370 figure is used for Golden Plover and an average count used to assess, rather than the far higher total of 700 birds reported in the PEIR and the peak count used to assess, so the evidence produced for this claim is uncertain (Paragraph 2.9.165, PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity).

In addition, there are potential issues with the thoroughness of the survey methodology as detailed in Table 2.7 Survey summary (type, extent and timing), PDA-021. We query whether one year of vantage point surveys is sufficient to inform such a large project, and whether four months of bird corpse searches, together with the low peak count of Golden Plover provided, are sufficient to adequately inform the collision risk assessment for the new section of overhead line, and request that the evidence to support this as being sufficient is provided. We therefore question the sHRA conclusion (Ex1.5.52, AS-007 Habitats Regulations Assessment Report) that operational period collision risk and associated displacement AEoSI on the qualifying features of either Thanet Coast and Sandwich Bay SPA or Stodmarsh SPA/Ramsar due to collisions with the new section of overhead line would not occur, given the limited surveys conducted.

3.4.4 Habitat creation plans

The Minster Marshes area currently holds a rich assemblage of wetland, farmland, woodland and scrub birds, many of which are declining nationally and many of the Red and

Amber listed Bird species of Conservation Concern recorded in the 2023-2024 breeding bird surveys are found here (73 Red and Amber listed species were recorded in the 2024 survey). For example, Red-listed species Skylark, Mistle Thrush *Turdus viscivorus*, Yellow Wagtail *Motacilla flava*, Nightingale, Linnet and Yellowhammer (*Emberiza citrinella*) were all recorded in or very close to the proposed converter station site according to the survey results maps The Birds of Conservation Concern (BoCC) Red, Amber and Green lists (Stanbury, *et al*., 2021[19] .) assigns UK species to those categories in accordance with criteria based on their population status and stability. Their conservation status should be taken into account in determining the likely impacts of the proposed development.

The farmers are managing much of the Minster Marshes land with biodiversity in mind, with Abbey Farm in Higher Level Stewardship, working with Operation Turtle Dove, and utilising cover crops, for example. In 2018 the farmer created 48,000m2 of scrapes for overwintering birds along the North side of the River Stour. The farm and surrounds hold established habitats including grazing marsh, ponds, wetland scrapes for wintering waders, scrub, dense hedgerow, wet woodland and more, and there is a scrub area nearby owned by Network Rail. It is therefore welcome that ringing data covering Abbey Farm Wetlands have been used to supplement the 2023 and 2024 surveys, helping to inform assessment of the plans for the site, and to ensure the rich and varied birdlife found in the Minster Marshes area is appropriately recognised. Ringing data publicly available[20] lists some impressive totals for Abbey Farm. At Minster Marshes 1120 birds of 37 species were ringed in 2024, for example, including 127 Reed Warblers *Acrocephalus scirpaceus* and 252 Blackcaps *Sylvia atricapilla*, as well as scarcer birds like Grasshopper Warbler *Locustella naevia* (2 were ringed in 2024). These ringing data include several declining farmland and scrub species and Red-listed Birds of Conservation Concern, as stated in para. 2.7.18 PDA-021 ES Volume 6 Ornithology, such as Nightingale, Yellowhammer, Skylark, Woodcock, Grey Partridge *(Perdix perdix)*, and Common Snipe. In particular, the farm rings high numbers for Kent of Jack Snipe (*Lymnocryptes minimus;* 14 ringed in 2024), Woodcock (6 ringed in 2024), and Skylark (29 ringed in 2024); Abbey Farm Bird Ringing Report 2024[21]). This rich assemblage should be thoroughly accounted for when planning mitigation, and some planting and habitat creation tailored towards benefiting the conservation of declining farmland birds, as well as species found in the area but scarce in Kent such as breeding Long-eared Owl (*Asio otus*), where appropriate. The site of the proposed Converter and adjoining designated area provides dense scrub areas which supports both breeding Turtle Dove and Nightingale. The RSPB's Kent Turtle Dove Advisor Nicole Khan reports that in 2024 there were 7 singing male Nightingale in this area, although in 2025 this was down to only 3 singing males, possibly due to disturbance from building works close by.

[19] bocc-5-a5-4pp-single-pages.pdf. Accessed 30.10.25
[20] Available at www.minstermarshes.com Accessed 29/07/25
[21] Available at https://static1.squarespace.com/static/64fc5db11a443d022a88fcde/t/67a9f3e8000fd04ec889d6c0/1739191276211/Abbey+Farm+Bird+Ringing+Report+2024.pdf Accessed 16/07/25

The Applicant claims that new habitat creation would offset short-term losses inland, including to non-breeding birds (Para. 2.9.73, PDA-021 ES Part 3 Kent Chapter 2 Ecology and Biodiversity). As discussed above, the potential under-counting of the peak winter Golden Plover count could mean that this calculation is flawed, and a larger compensation area will need to be calculated using the higher count noted in the PEIR document. In para. 2.9.65, the Applicant claims there will be a long-term overall increase in woody and wetland habitats which would increase the ecological value of what is currently a not very varied arable landscape. However, habitats in the Minster Marshes area are already varied, as noted above.

Secondly, it is not clear where these habitats would be created and whether they would be in an appropriate location close to the losses. In Vol 6 ES, p72, ep76, para. 2.9.66 PDA-021 is stated that there would be *"a longterm moderate beneficial residual effect which is significant*." In para. 2.9.14 it outlines plans for the creation of scrapes and other habitats in order to provide enhancement to the Ash Level and South Richborough Pasture Local Wildlife Site, and to provide other habitat improvement along the River Stour, as well as *Azolla* control. Given the importance of the Minster Marshes area as a well-established rural site holding an impressive range of birds including many Red-listed species, the area should in fact be avoided altogether – especially as there are inevitably risks associated with any replacement of varied and complex habitats becoming successfully established and used by target species as intended.

This species-richness is evidenced by the ringing reports mentioned above, and surveys revealing that inland wet fields are being used by significant numbers of waders including Golden Plover and Red-listed Curlew (PDA-021, paras. 2.7.28 and 2.7.29, for example). While avoidance is preferred, if not then mitigation of the same habitat type should be provided. If even like-for-like mitigation is not to be undertaken, then this must be accounted for in terms of over-provision of mitigatory habitat and confidence that the replacement habitat can deliver the same function as that currently existing. Mitigation land must not be currently functionally linked land, and the chosen area must be monitored to establish this before it is selected for mitigation. It must be appropriately monitored to assess its long-term success or otherwise and must also enhance the area for the rich assemblage of birds of various habitats currently thriving at the Local Wildlife Site, in addition to the species cited as features of the designated areas.

3.4.5 Impacts on Turtle Doves

Turtle Dove is a RSPB priority species due to its significant population decline, both in the UK and across its European breeding range. The Turtle Dove is the UK's fastest declining breeding bird and is threatened with global as well as national extinction (IUCN Red List of Endangered Species and UK Red List of Conservation Concern). Kent is the stronghold for

Turtle Doves in England. The 2021 national Turtle Dove survey for England revealed that Kent supports approximately a third of the total England population with approx. 700 territories recorded in Kent.

The RSPB is a lead partner on the Operation Turtle Dove (OTD) project which seeks to offer practical evidence-based solutions to halt the decline of Turtle Doves across England. The foundation of this work is based on working with landowners and communities in areas that still support breeding populations of Turtle Doves, which are known as Turtle Dove Friendly Zones (TDFZs). There are 29 zones across England, 12 of which are in Kent. The site falls within the Ash TDFZ.

Within this TDFZ the OTD project is working at a landscape scale to restore and protect habitat for this declining species. This includes working with Abbey Farm which borders the proposed development site and Kings End Farm to the South, both of which support breeding Turtle Doves. The area of the proposed converter site is also known to support breeding Turtle Doves (a pair was recorded in 2024). It is noted however that the breeding surveys of the study area failed to identify Turtle Dove as a breeding bird in 2024: APP-151 ES Appendix 3.2.E Breeding Bird Survey Report 2024. For a vulnerable species such as Turtle Dove, habitat connectivity at a landscape level is key. Any loss of crucial habitat could severely impact the recovery of this species.

The hedgerow in the middle of the proposed converter area is a thick and mature hedgerow that currently provides breeding habitat to key Red-listed species such as Nightingale and Turtle Dove, as do thick dense scrub areas on the SSSI. The hedge in the middle of the proposed convertor site is roughly 300m long by about 17m wide. It is the view of the RSPB's Kent Turtle Dove Advisor that this is an important piece of habitat that has taken many years to establish, and it would take at least 25 years to replace by establishing this elsewhere. Due to the significant national declines in both Turtle Dove and Nightingale, it is of high importance that key nesting sites are protected, any loss of such habitat could negatively impact the recovery of these sensitive and declining species. It must be explained how the mitigation will work if the habitats for such species are not able to reach a suitable condition before the existing habitats are lost.

If permission were granted for this application, then we believe known breeding habitat should be retained. Alongside this there is certain mitigation that could be undertaken to improve the site for Turtle Doves. This could include the creation of a network ponds near to known Turtle Dove breeding sites, the creation of new breeding habitat for the future (dense areas of scrub or dense overgrown hedgerows), and the creation of foraging habitat (such as annual cultivated margins).

3.5 Kent Onshore Scheme - Habitat Enhancements and Biodiversity Net Gain

3.5.1 Biodiversity Net Gain Parameters Line

We welcome the commitment in para. 1.6.14 (p15, ep20) of AS-055 Biodiversity Net Gain Feasibility Report to deliver net gain by at least 10% for this project. We do however, consider using the "BNG Parameters Line", as described in para. 2.2.2 (p17, ep22) of this document for the purpose of any calculation has underestimated BNG requirements. We consider that the scale of BNG delivery proposed is not commensurate with the scale of the project.

3.5.2 Biodiversity Net Gain Calculations

Given the scale of the project, we think it is appropriate for BNG requirements to be considered separately for Kent and Suffolk. As detailed in para. 4.1.1 (p61, ep66) of the Biodiversity Net Gain Feasibility Report that there will be a net gain in hedgerow and watercourse units in Suffolk and a net loss in these for Kent, therefore in considering the project as a whole Kent will have received less BNG enhancement that would be anticipated. This is particularly disappointing when we consider there is considerable potential in the local area to deliver habitat enhancement, which would benefit declining species such as Turtle Dove and hedgerow enhancement.

3.5.3 Details of BNG proposals

We are disappointed to note that no firm proposals for habitat creation to fulfil the project's commitment to BNG have been included at this stage.

Whilst we welcome the intention to deliver "…*meaningful and targeted provision of BNG… that may work towards any targets within the incoming Local Nature Recovery Strategy*…" (Para. 5.2.8, p65, ep70 of AS-055 Biodiversity Net Gain Feasibility Report), we would expect to see significantly greater detail of the plans for delivery as part of the Application. We request that plans for ambitious BNG which contributes to landscape-scale conservation of important habitats and species within Kent are submitted as part of the Examination.

3.5.4 Habitat enhancements for farmland birds

This project has potential to contribute to the conservation of important farmland bird species, including Turtle Dove. We recommend that habitat enhancements include planting targeted at providing nesting, foraging and watering habitat for farmland birds, where

appropriate. Further details of the types of measures that could be employed can be found on the Operation Turtle Dove website[22].

We also recommend that the Applicant liaises with local communities and nature conservation groups to consider opportunities to improve biodiversity along the cable route and proposed converter station, in ways that benefit both wildlife and communities. This would need to be carefully thought through to ensure that recreational disturbance does not undermine the value of these habitats but allows people the opportunity to appreciate nature.

3.6 Kent Onshore Scheme - Risks of Further Problems in the Future

3.6.1 Co-location

Concerns remain regarding the cumulative impacts of infrastructure developments in Kent and whether future works will take place to co-locate with the current proposals and previous developments, and to prolong disturbance impacts on the birds of the designated areas. We would like to see effective coordination and long-term planning of such impacts to be able to adequately assess the suitability of individual projects such as Sea Link.

3.7 Conclusions Regarding the Kent Onshore Scheme

In summary, given the likely impacts of the Sea Link proposals on internationally and nationally designated sites in Thanet (Thanet Coast and Sandwich Bay SPA, Sandwich Bay SAC and Sandwich Bay to Hacklinge Marshes SSSI), their species and supporting functionally linked land, we object to this project. The reasons for our objection are:

- There is insufficient evidence to justify excluding other alternative routes in less sensitive locations;
- Less damaging route options appear to have been too easily discarded, at the expense of designated wildlife sites;
- Ecological impacts of the proposed landfall include direct loss of habitat, pollution, noise disturbance to designated features, loss of functionally linked land for Golden Plover and collision risk.

However, given that the project may be consented despite these concerns we have made a number of recommendations which are summarised below:

[22] https://operationturtledove.org/get-involved/habitat/

3.7.1 Recommendations: Kent Onshore Scheme – Description of Baseline

3.7.1.1 Proximity to Designated Sites

- Need to recognise within PDA-021 Part 3 Kent Chapter 2 Ecology and Biodiversity impacts on Thanet Coast & Sandwich Bay SPA/Ramsar, Sandwich Bay SAC and Sandwich Bay Hacklinge Marshes SSSI

3.7.1.2 Description of Impacts

- There is need for clarity and transparency within the AS-007 Habitats Regulations Assessment Report regarding impacts, discussion of designations which are closest and most impacted first and clearly state which designation e.g. SPA, conclusions are referring to.

3.7.1.3 Stodmarsh SPA

- Further assessment required to justify screening out of impacts to Stodmarsh SPA given Hen Harrier record(s) and, if appropriate, consideration of mitigation.

3.7.2 Recommendations: Kent Onshore Scheme - Risks associated with trenchless techniques

3.7.2.1 HDD feasibility and methodology

- We seek reassurance that open-trenching across the Sandwich Bay SPA/Ramsar/SAC/SSSI site area and functionally linked land would not be pursued under any circumstances (including within the intertidal zone, and via subsequent Change Applications or other applications to facilitate open-trenching).
- We request further clarification is required regarding the potential impacts should drill equipment become stuck – freeing process, any additional impacts on the designated area and mitigation requirements.
- We request additional information to be provided to explain the freeing process should the drill head become stuck, any additional impacts on the Sandwich Bay SPA/Ramsar/SAC/SSSI (including from extending the construction duration and subsequent noise effects) and how these can be mitigated.
- Further information about the risks and subsequent remedial procedures in the event of the empty cable duct collapsing or becoming unsuitable for use should be provided.
- Further detail is needed on how any frac out event is to be managed.

3.7.3 Recommendations: Kent Onshore Scheme – Cable Route, Converter Station and Substation

3.7.3.1 Noise and machinery disturbance

- There is need to consider overwintering interest in noise mitigation timings of works to reduce disturbance to Sandwich Bay to Hacklinge Marshes SSSI.
- There must be inclusion of construction noise and vibration monitoring at the closest sensitive receptors at Minister Marshes and the designations, in order to assess accuracy of

the modelling and confirm effectiveness of the mitigation, and/or inform additional mitigation requirements.

- There is need to consider the appropriateness of the converter station site, given the large quantity of fill and cut required to render it suitable, and the attendant risk of pollution. Robust consideration must be given to mitigation for any pollution impacts.

3.7.4 Recommendations: Kent Onshore Scheme – Functionally Linked Habitat Mitigation

- We request additional survey data to support assessment of the value of functionally linked land for Golden Plover or a more precautionary approach.
- Use of the peak count for Golden Plover reference in the PEIR is needed in calculations around carrying capacity. The maximum number of birds that occur must be used rather than an average.
- Further detail is needed as to why this location was chosen and how it would function appropriately. This must include sufficient monitoring of its current use by Golden Plover; if it is currently functionally linked land it cannot be used as mitigation.
- Consideration of a larger area of mitigation land is required to address concerns about indirect impacts and adequacy of the site.
- Clarification is required regarding how success of the mitigation land will be monitored, what success looks like and if not successful what would be the alternative.
- Further consideration is required regarding the long-term suitability of this site and its management, including variations in land use and whether it is appropriate to mitigate wet grassland with dry arable habitat, rather than like-for-like replacement.

3.7.5 Recommendations: Kent Onshore Scheme - Functionally linked land – Pylons and powerlines in the Minster Marshes area

- Caution should be applied to conclusions drawn from only one year's vantage point survey and four months' bird corpse surveys re collision risk and displacement.

3.7.6 Recommendations: Kent Onshore Scheme - Habitat creation plans

- Caution should be applied re conclusions of increase in ecological value of habitats in the long-term as the baseline value may be underestimated.
- We request clarity of where new habitats are proposed to be created to better assess the long-term value.
- Consideration is needed of wider species use of any created habitats to maximise their value.
- Impacts on key habitats for Turtle Dove and Nightingale (including scrub and mature hedgerows) should be avoided and minimised as far as possible and mitigation proposed for loss of habitat during time taken for re-establishment.

- To benefit Turtle Dove and Nightingale, we recommend that newly planted hedges be maintained at a height of 3m or more and allowed to grow at least 4m wide with brambles and other thorny climbers encouraged/retained, creation of new ponds and creation of foraging habitat.
- Liaison is urged with conservation and community groups about habitat creation/enhancement opportunities.

3.7.7 Recommendations: Kent Onshore Scheme – Habitat enhancements and Biodiversity Net Gain

- We request that plans for ambitious BNG which contributes to landscape-scale conservation of important habitats and species within Kent are submitted as part of the Examination.
- We recommend that habitat enhancements consider planting targeted at providing nesting, foraging and watering habitat for farmland birds (particularly Turtle Dove), where appropriate.
- We urge that habitats that take time to establish such as scrub and hedgerows, if being delivered off-site as part of BNG, are created as soon as possible.
- We recommend that the Applicant liaises with local communities about opportunities to improve biodiversity along the cable route, in ways that benefit both wildlife and communities whilst considering any potential recreational disturbance implications on sensitive habitats.

3.7.8 Recommendations: Kent Onshore Scheme – cumulative/ in-combination effects with other projects

- The Co-ordination Document and HRA should acknowledge the need to robustly assess impacts of potential co-location on designated sites including repeated disturbance, additional infrastructure, potentially increased width of cable corridor and the increased risk associated with any failure/faults.

4 MARINE

4.1 Comments on the Marine Scheme

Further to our comments in December 2023[23] in response to the Sea Link Preliminary Environmental Information Report (PEIR), the RSPB is particularly concerned about the disturbance and displacement impacts of construction, installation, maintenance and decommissioning of the subsea high voltage cable (HVDC) on Red-throated Diver *Gavia stellata* in the Outer Thames Estuary SPA.

Our concern is reinforced by the Secretary of State's recognition in the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) Decision Letters of a likely;

> "*adverse effect on integrity … in relation to:… alone and in-combination impacts on red-throated diver from displacement/disturbance, a qualifying feature of the Outer Thames Estuary SPA*[24]".

4.1.1 Sensitivity of Red-throated Diver to disturbance

As PINS also noted in the Sea Link Scoping Report (para. 5.3.3), the Outer Thames Estuary SPA "*qualifying features include species such as red-throated diver which are known to be vulnerable to disturbance and which could be affected by construction and maintenance activities*".

Paras 5.9.3 and 5.9.4 in AS-115 Part 4 Marine Chapter 5 Marine Ornithology explain that;

> "*…with consideration of the absence of permanent infrastructure on the sea surface, as well as the profile of construction activities and associated vessel movements set out above, that for the offshore scheme installation, displacement from any construction activities is highly unlikely to occur beyond 2 km and as presented in statutory consultation documents, represents an appropriate worse case*."

We disagree with those assumptions as Red-throated Divers are known to be particularly sensitive to disturbance, including that specifically from vessel movements. Mendel *et al*. (2019)[25] assessed the effects of offshore windfarms and shipping on the distribution and

[23] Available at https://www.rspb.org.uk/helping-nature/what-we-do/influence-government-and-business/casework/sea-link Accessed 29/07/25

[24] see 17.18 – 17.57, EA1N Decision Letter Available at: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010077-009806-EA1N%20-%20Decision%20Letter%20-%20Signed.pdf Accessed 29/07/25

[25] Mendel, B., Schwemmer, P., Peschko, V., Müller, S., Schwemmer, H., Mercker, M. & Garthe, S. (2019) Operational offshore wind farms and associated ship traffic cause profound changes in distribution patterns of Loons (Gavia spp.),

density of diver species (predominantly Red-throated Diver) in the German North Sea. They found significant reductions in abundance of divers around shipping areas and noted that one in three divers are likely to leave an area as a ship approaches, resulting in a significant reduction in diver densities within 5km of vessel activity. Schwemmer *et al*. (2011)[26] also reported high avoidance of shipping lanes by Red-throated Divers, noting that habituation to vessel disturbance is unlikely to occur and categorised the flush distance of Red-throated Divers in response to vessels as "very high". Irwin *et al*. (2019)[27] also noted strong avoidance of shipping lanes by Red-throated Diver in their aerial surveys of the Outer Thames Estuary SPA. We therefore consider that the assessment should be based on the application of a 5km buffer around the vessel routes and their related activity.

We consider that given the concerns above and the acknowledged "high sensitivity" of non-breeding Red-throated Diver "*to anthropogenic sources of disturbance, including shipping traffic and offshore windfarms*" (Para 5.9.11, AS-115 Part 4 Marine Chapter 5 Marine Ornithology) and that "*if a vessel passes through or close to a group, it has the potential to disturb and displace many individuals at once*" (para. 5.9.12) the conclusion that "*the displacement of red-throated diver during construction of the offshore scheme alone … will only result in a minor adverse effect that is not significant*" (para. 5.9.15) is incorrect, based on scientific references and recent NSIP decisions set out above.

4.1.2 Distribution of Red-throated Diver

Furthermore, the assessment that the displacement of Red-throated Diver during construction and the effect of the Proposed Project on Red-throated Diver is "*minor (not significant)*" (AS-115 6.2.4.5 Part 4 Marine Chapter 5 Marine Ornithology, para. 5.9.15) is also extremely likely to be an underestimate of the actual impacts. We do not agree that sufficient evidence has been provided to substantiate the statement in para. 5.9.13 that;

> "*…the Offshore Scheme does not pass through areas recorded as having the highest concentrations of red-throated diver within the Outer Thames Estuary SPA, with the majority of the route passing through areas with limited or no recorded occurrence*".

This paragraph refers the reader to Figure 6.4.4.5.5 Red-throated diver counts (individuals) and densities (number km^2) in the Outer Thames Estuary SPA (found in APP-280 ES Figures

Journal of Environmental Management. 231: 429-438 available at https://docs.wind-watch.org/mendel2019-loons.pdf Accessed 22/07/25

[26] Schwemmer, P., Mendel, B., Sonntag, N., Dierschke, V., & Garthe, S. (2011) Effects of ship traffic on seabirds in offshore waters: implications for marine conservation and spatial planning. Ecological Applications 21:1851–1860 available at https://www.researchgate.net/publication/51560971_Effects_of_ship_traffic_on_seabirds_in_offshore_waters_Implications_for_marine_conservation_and_spatial_planning Accessed 22/07/25

[27] Irwin, C., Scott, M., S., Humphries, G. & Webb, A. (2019) HiDef report to Natural England - Digital video aerial surveys of red-throated diver in the Outer Thames Estuary Special Protection Area 2018. Natural England Commissioned Reports, Number 260 available at http://publications.naturalengland.org.uk/publication/4813740218515456 Accessed 22/07/25

Marine Ornithology), however, the figure only shows divers recorded in February 2018, which does not give a sound basis for conclusions about longer term distribution patterns.

4.1.3 Embedded mitigation measures

Therefore we do not share the confidence of the Applicant that the cumulative "likely significant effects" on Red-throated Diver from Sea Link along with EA1N, EA2 and others will be reduced to "not significant" by the embedded measures proposed. There are a number of factors that need further consideration and in respect of which more detailed mitigation measures should be proposed.

4.1.3.1 Seasonal restriction

We welcome the provision of APP-361 Red Throated Diver Protocol, however, whilst we acknowledge the commitment in para. 1.5.3 to reduce disturbance to Red-throated Diver by implementing a full seasonal restriction between 1st November – 31st March for offshore cable burial activities (excluding pre-lay grapnel run activities) in the Outer Thames Estuary SPA and a reduced seasonal restriction between 1st January – 31st March for landfall cable installation activities at the Suffolk Landfall in Aldeburgh, this in itself does not go far enough.

Natural England's Advice on Seasonality for the Outer Thames Estuary SPA[28] indicates that "*significant numbers* [of Red-throated Divers] *are most likely to be present at the site during a typical calendar year…*" from October through to May (not just from January to March), so within the SPA it is essential that this longer overwintering period is observed and that construction, installation, maintenance and decommissioning activities, and any project-related vessel movements, avoid this period.

If there is any possibility, which we assume there could be, that such activities and vessel movements may occasionally need to take place in the SPA between October and May, a vessel management plan should set out detailed measures to include exactly what route or routes are to be used, how vessel operators will be made aware of the importance and sensitivity of the birds to disturbance, how vessel operators will recognise and steer clear of rafting birds and areas with high densities of birds, and how all such measures are to be monitored and enforced. This plan would benefit from more updated data on the species distribution for those months within the SPA.

[28] Available at https://designatedsites.naturalengland.org.uk/ConservationAdvice/Seasonality.aspx?SiteCode=UK9020309&SiteName=&SiteNameDisplay=Outer+Thames+Estuary+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=3 Accessed 22/07/25

4.1.3.2 Red-Throated Diver Protocol and Outline Vessel Management Plan

The RSPB would like to see a more detailed Red-Throated Diver Protocol to include comprehensive measures throughout not only the construction phase, but also operation, maintenance and decommissioning of the project, similar to that presented to the Examination for the East Anglia ONE North Offshore Windfarm project[29].

Either additionally or as part of the Red-Throated Diver Protocol, a detailed Outline Vessel Management Plan covering construction, operation, maintenance and decommissioning should be presented to the Examination to enable consideration prior to any grant of a DCO, and in a similar format to the Sizewell C Outline Vessel Management Plan[30]. The addition of an OVMP as a basis for and in advance of the post-consent Vessel Management Plan proposed in para. 1.5.4 (p6, ep9) of APP-361 Red Throated Diver Protocol would enable the mitigation proposed to be considered as part of the Examination process.

Both the Red-Throated Diver Protocol and the Outline Vessel Management Plan should be a specific DCO requirement and include consultation with Natural England and the MMO along with other relevant organisations, such as the RSPB, prior to the grant of a Marine Licence.

4.2 Conclusions regarding the Marine Scheme

The 'adverse effect on integrity' from displacement and disturbance impacts on Red-throated Diver as a qualifying feature of the Outer Thames Estuary SPA, is well known and formally acknowledged in the context of other infrastructure projects. Due to this and the known high sensitivity of this species to vessel movements, the following recommendations are made:

4.2.1 Recommendations: Marine Scheme

- Project-related vessel movements and cable installation, maintenance or decommissioning activities during the Red-throated Diver overwintering period, from October to May, should be avoided.
- In case of any, even occasional, need for project-related vessel movements within that period, they should also be subject to clearly detailed and practical bird avoidance measures to be set out in a detailed Vessel Management Plan.

[29] East Anglia ONE North Offshore Windfarm Best Practice Protocol for Minimising Disturbance to Red-Throated Diver, Version 3 – March 2021 available at https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010077-004560-ExA.AS-12.D7.V3 EA1N Best Practice Protocol for Minimising Disturbance to RTD.pdf Accessed 22/07/25

[30] Sizewell C Project Outline Vessel Management Plan available at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-008110-Carly Vince - Other- Control Document - Outline Vessel Management Plan (clean version).pdf Accessed 22/07/25

- All proposed measures should be more fully detailed in the draft Red-Throated Diver Protocol and Outline Vessel Management Plan.

5 OVERALL CONCLUSIONS

In conclusion, based on the above concerns, we consider that significant impacts from the Application alone and cumulatively with other projects are likely on the following sites:

- Leiston-Aldeburgh SSSI, Suffolk
- Sandwich Bay to Hacklinge Marshes SSSI, Kent

We also do not agree that adverse effects on integrity can be excluded for the following sites for impacts from the Application alone:

- Sandlings SPA, Suffolk
- Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site (through impacts on functionally-linked land)
- Thanet Coast and Sandwich Bay SPA and Ramsar site and Sandwich Bay SAC, Kent

In relation to the Application in combination with other plans and projects, we do not agree that adverse effects on integrity can be excluded for the following sites:

- Sandlings SPA
- Minsmere-Walberswick SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site (through impacts on functionally-linked land)
- Thanet Coast and Sandwich Bay SPA and Ramsar site and Sandwich Bay SAC
- Outer Thames Estuary SPA

We will continue to work with the Applicant on these concerns through the agreement of a Statement of Common Ground and/or a Principal Areas of Disagreement Summary Statement, setting out clearly the initial areas of disagreement and revised near the end of the Examination to show our final position to aid the Examining Authority.

However, for now we have serious concerns about the potential environmental impacts of the project and the adequacy of the information currently available and consider that the Application should not be consented in its current form.