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JNCC Registration ID Number: [redacted]
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To whom it may concern,

Sea Link Project Development Consent Order Application – Environmental Statement and Management Plans – EN020026 – Response to Examiners Questions 1

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

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

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

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

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

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

- Marine ornithology
- Marine mammal

The following documents were reviewed in providing this response:

- EN020026-001927-Sealink ExQ1

We have listed the question being answered in bold above our response.

1 Marine ornithology

HRA - operation and maintenance effects The applicant makes it clear in its comments on WR [REP2-034] that, although unlikely, works of between 2-6 months duration might be required to maintain the installed cable and these works might be during the overwintering period for RTD. Explain how it is possible to rule out an adverse effect on integrity on the RTD qualifying feature of the Outer Thames Estuary SPA for such works. JNCC is also requested to comment on this and to explain whether there are any potential measures available to address the impact of such works.

In our view, the response provided by the Applicant to the concerns raised at written representations [REP2-034] do not provide the clarity and certainty to allow conclusions on Adverse Effect on Integrity (AEOI):

> *Monitoring surveys may be carried out using a range of autonomous surface vehicles (ASVs) and / or autonomous underwater vehicles (AUVs) which reduce the size of any support vessel and allow frequent surveys to be undertaken over the continuous route, or sections of interest. Developments are underway to have remotely operated vehicles (ROVs) deployed from ASVs which would allow monitoring activities to be carried out with a smaller support vessel and manning levels, as well as less environmental impact.*

The suggestion here is that use of autonomous vessels would reduce the impact of surveys on RTD. However, there is currently no certainty that these would be used (Monitoring surveys **may** be carried out), or details of, for example, where support vessels would be

located during survey. No information is provided on whether these would be within or outside the SPA for example, and what the resultant reduction in disturbance might be?

> *However, at this stage the frequency of surveys cannot be stated as they will be variable depending on what survey analysis finds. With regard to timescales for completing cable maintenance or repairs, the urgency of maintenance or repair requirements will be based on survey results at the time, and in some instances could become time critical to the operational integrity of the asset.*
>
> *Emergency repairs are expected to be a rare event. However, if required it would not be possible to work within an imposed seasonal restriction as the repairs may required at any time and would require immediate attention.*

What is 'rare'? Is the Applicant able provide the frequency that maintenance has been needed for similar transmission assets that might inform the potential frequency in this case? And is there any seasonal pattern?

> *The Applicant has committed to the seasonal restriction (1 November – 31 March) for offshore cable installation activities (excluding PLGR), which substantially reduces the risk of cumulative disturbance during the most sensitive period for Red-throated Diver. For other activities that may occur outside this restriction, the Applicant has confirmed that vessel movements are of limited scale and duration, and therefore the potential for significant cumulative effects is low.*

However, 5.9.74 of Environmental Statement Part 4 Chapter 5 Marine Ornithology. Document 6.2.4.5 Sept 2025 [AS-115] explicitly states that maintenance and surveying activities during the operation phase are not proposed to be subject to the same seasonal restrictions as during construction. The paragraph states that '*work between January and March will be avoided, where practicable*', but it is difficult to see how this is a commitment that could be adhered to given the statement in REP2-034 that maintenance '*in some instances could become time critical to the operational integrity of the asset'.* We also do not consider 2-6 months to be consistent with the statement '*will only be operating in localised areas for short periods of time*'. Should maintenance occur during the sensitive period, it could occur for two thirds of the most sensitive period identified by the Applicant if two months (January-March), or for two thirds of an entire non-breeding season if for six months (October-May).

This paragraph goes on to make a relative assessment of the impact of maintenance compared to construction and the number of vessels operating within the SPA, but notably does not take account of the Conservation Objectives of the SPA (including the Restore/Reduce objectives) and does not provide the qualitative assessment of both area and numbers affected as previously advised.

> *The ES and HRA provide a robust cumulative assessment that considers vessel disturbance across all phases of the project and in-combination with other developments.*

We welcome the commitment to on-going engagement with JNCC and Natural England to ensure that cumulative impacts are fully understood and appropriately mitigated (REP2-034).

However, we reiterate the comments made in [REP1-210] where we do not consider the HRA (REP2-009) to currently perform a robust in-combination assessment. Notably it considers each relevant project individually (as laid out in REP2-009, Section 8.3) and, in our view, does not consider the sum total of potential impacts and the implications of this for conclusions of Adverse Effect on Integrity.

As an example, in REP2-009, paragraph 8.3.7, it is proposed that the distance of Sizewell C Offshore Works from the proposed project rules out any cumulative effects of disturbance. However, the potential for projects to act in combination is not dependent on the proximity of other projects to the proposed project but rather on the proximity to protected sites that the projects may cumulatively impact upon. Furthermore, consideration of the impact of vessel disturbance from the NeuConnect Interconnector project has not been included within the assessment (REP2-009, paragraph 8.3.8).

In our view, mitigation measures could be implemented that would reduce impact, and we welcome the commitment to the measures within the Red-throated Diver Protocol (APP-361). We recommend that all the key principles of the Wildlife Safe (WiSe) Scheme (https://www.wisescheme.org/) are adopted. However, it should be noted that the extent to which this would avoid an AEOI on the SPA is not currently clear, given our comments on the lack of a quantified displacement assessment and insufficient in-combination assessment.

2 Marine mammal

HRA – Southern North Sea Special Area of Conservation (SNS SAC) Noting paragraphs 4.3.36 to 4.3.37 of the HRA Report [REP2-009], can JNCC expand upon its concerns regarding how conservation objective 3 of the SNS SAC was considered in the applicant's LSE conclusion?

According to the marine mammal chapter of the Environmental Statement (page 21, paragraph 4.7.5 , Document REP1-055), 70km of the offshore part of the proposed scheme shall pass through the Southern North Sea SAC. Conservation Objective (CO) 3 of this site states, "The condition of supporting habitats and processes, and the availability of prey is maintained".

As stated in paragraph 4.9.34 of the ES chapter, cable construction activities which disturb the seabed, e.g. sand wave levelling, route clearance, cable lay and protection may result in disturbance to important habitats for porpoise and their prey, which could impede achievement of CO3. However, only a single sentence is provided to assess this potential impact (paragraph 4.9.35) with no evidence provided to support the assumptions made. This same information has been presented in the Report to Inform HRA (REP2-009) to conclude no LSE for potential impacts to prey species (page 68, paragraphs 4.3.33 – 37).

Both assessments could have drawn on the assessment undertaken for fish and shellfish and the evidence used to support conclusions in that assessment. For the HRA, this information could have been presented in the context of this SAC and harbour porpoise behaviour by considering the area or percentage of the site's habitat that shall be affected by the proposed works (including the buffer around the cable that will be altered by construction

activities) but this information is not provided. We would not usually consider works such as these as likely to have a significant effect on the SNS SAC when considered alone due to the relatively narrow footprint created by the activities proposed but no information or evidence has been provided to support this.

Neither has the Report to Inform HRA (REP2-009) considered this conservation objective in the context of other activities occurring within this site. In-combination impacts are a concern given the scale and number of activities planned to occur within the SNS in the forthcoming years and how cumulative effects could potentially result in an adverse effect on site integrity. For example, eight of the fourteen projects identified in the in-combination assessment (Chapter 8, REP2-009) involve activities which will occur within the boundary of the SNS SAC. In addition to the lack of evidence provided, the format of the in-combination assessment does not allow consideration of potential impacts at a site level or a conservation objective level.

As a result, JNCC cannot advise whether CO3 would be maintained during the proposed construction activities and recommend additional information is sought to support the Examination Authority's HRA process.

HRA – Southern North Sea Special Area of Conservation (SNS SAC) The applicant in [REP2-016] tables 3.8 and 3.9 and [REP2-009] has stated that less than 2% of the total SNS SAC area could be affected by noise disturbance (applying a 5 kilometre (km) effective deterrent range, which exceeds JNCC's recent guidance of 3km). It states that 581 harbour porpoise could potentially be disturbed, representing a maximum of 3% of the SNS harbour porpoise population. Can JNCC confirm if this information alleviates its concerns regarding noise disturbance to harbour porpoise of the SNS SAC and the need for a seasonal restriction. If not, can JNCC provide further justification as to why it considers a seasonal restriction necessary?

JNCC do not require a seasonal closure for the Southern North Sea (SNS) SAC. JNCC's previous comments (RR-2635) related to the applicants assertion that the seasonal closure of the Outer Thames Estuary would be sufficient to also protect the SNS SAC (paragraph 7.3.20 of REP2-009). While this would restrict offshore cable burial activities between 01 November to 31 March inclusive, we rejected the assertion because the closure is designed for the protection of red-throated divers, and the extent of the overlap between the two sites has not been stated. It cannot be assumed that all proposed works will occur within this area of overlap. A comparison of the proposed cable route within the SNS SAC (REP1-011) and the Outer Thames Estuary (REP2-007) suggests the area of the Outer Thames Estuary does not provide total coverage of the area of the SNS SAC that would be affected. In addition, the proposed works pass through the part of the SNS SAC identified as having higher abundance in the winter season, defined as 01 October to 31 March, The proposed closure period for red throated diver does not cover the full winter season of the SNS, leaving a full month (October) which would be unaffected by this closure. Consequently, it cannot be assumed that the seasonal closure of the Outer Thames Estuary would be adequate for the SNS.

The applicant has committed to applying the JNCC marine mammal mitigation guidelines in their Outline Marine Mammal Mitigation Plan (Section 1.9, REP1-025), which will reduce the risk of injury to marine mammals. We also note a condition is included in the deemed Marine licence stating offshore works cannot commence without an approved cable and installation plan document, which is to include a marine mammal mitigation plan. This plan is to be submitted to the MMO and approved in consultation with (amongst others) JNCC and Natural England. This will be sufficient to reduce any risks of injury from the proposed works.

The same document (REP1-025) commits to adhering to published guidance to assess noise disturbance within the SNS SAC, however we note the wrong document is referenced. This should refer to the guidance on noise management in harbour porpoise SACs (JNCC 2020 and 2025) not the site advice on operations (JNCC, 2019). This guidance has already been applied (and is referred to in the Examiners question) however it will need updating in the final mitigation plan to reflect the most up to date information on other activities occurring in the site at the same time. Developers are expected to liaise with others operating within the site in the same season (via the MMO coordination groups), and if it is predicted that the disturbance thresholds may be breached, coordinate activities to prevent this. Ensuring the thresholds are not breached will ensure no adverse effect on the SNS SAC.

HRA – Conclusions regarding prey availability NE has deferred to CEFAS on impacts associated with prey availability impacting marine mammal species. Can CEFAS confirm it agrees with the applicant's conclusion of no LSE to Annex II marine mammal European sites from indirect effects due to availability of prey species. If not, explain why.

JNCC defers to CEFAS for this question however our point above representing the evidence to support this in the marine mammal impact assessment and Report to inform HRA remains valid.

Please contact me with any questions regarding the above comments.

Yours sincerely,

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3 References

JNCC (2017). JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys (seismic survey guidelines). Available at: https://jncc.gov.uk/resources/e2a46de5-43d4-43f0-b296-c62134397ce4