THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Sea Link Energy Cable

Appendix B3 to the Natural England Deadline 3 Submission

Natural England's Comments on Kent Onshore

For:

The construction and operation of Sea Link Energy Cable

Planning Inspectorate Reference EN020026

9th January 2026

Appendix B3 – Natural England's Advice related to Kent Onshore

In formulating these comments, the following documents have been considered in relation to the impacts of the Sea Link Energy Cable on Kent Onshore Ecology:

- REP1-050 6.2.3.2 (D) Part 3 Kent Chapter 2 Ecology and Biodiversity (Tracked)
- REP1-065 6.4.3.2.A (C) Phase 1 Habitat Survey Report Figures (Clean)
- REP1-071 6.6 (C) Habitats Regulations Assessment Report (Clean)
- REP1-028 7.5.12 (B) Outline Offshore Invasive Non-Native Species Management Plan

1. Introduction

Please see below the comments from Natural England in relation to the Kent onshore documents. Natural England will provide advice regarding intertidal and benthic ecology relating to the Kent landfall at the next appropriate deadline.

The onshore issues (landwards of the sea defence) which are remaining are the possibility of restricting tree height reduction works within Sandwich Bay to Hacklinge Marshes SSSI to completely outside of breeding bird season (March-September inclusive) and the inclusion of some additional wording in commitment GG31.

2. Natural England's Minor Comments on: Kent Onshore

Table 1: Natural England's Advice on: Kent Onshore

Document reviewed	Update made	Issue resolved?
REP1-050	Table 2.9 – definition has been amended to distinguish between 'Moderate adverse (negative)' and 'Major adverse (negative)' effects.	Yes
REP1-050	Table 2.12 – this table has not been updated in line with our comments at Relevant Reps and we acknowledge that the Applicant does not intend on doing this. We are satisfied that the table provided in Appendix A of the HRA provides the level of detail required and do not deem it necessary to repeat this.	Yes
REP1-065	A note has been added to the legend of all relevant maps confirming that all standing water is freshwater.	Yes

Document reviewed	Update made	Issue resolved?
REP1-071	3.7.3 – we note that the list of features for Sandwich Bay SAC has been updated to include H2190 Humid dune slacks.	Yes
REP1-071	3.14.2 – we note that the conservation objectives for Thanet Coast SAC have been updated in line with our advice.	Yes
REP1-071	3.13.4 – we note that the threats/pressures for Thanet Coast SAC have been updated in line with our advice.	Yes
REP1-071	4.4.36 – We are pleased to see that further narrative has been added around operational traffic and agree with the conclusion of no likely significant effect.	Yes

3. Detailed comments

Table 2: Comments on document: REP1-050 6.2.3.2 (D) Part 3 Kent Chapter 2 Ecology and Biodiversity

NE Ref	Section/ Para	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG
1	2.9.279	We note commitment GG31 which requires a written scheme of decommissioning to be submitted to the relevant planning authority 6 months prior to any decommissioning works and will follow National Grid's processes at that point in time, for assessing and mitigation environmental impacts.	We recommend that commitment GG31 is strengthened in line with the applicant's response to our Relevant Representations comment B12, to read: *'A written scheme of decommissioning will be submitted for approval to the relevant planning authority at least six months prior to any decommissioning works. This would* ***consider environmental impacts as required at that point in time, including to ecological receptors and designated sites'.***	
2	2.9.30 – 2.9.35	We note that commitments B45 and B50 in the REAC have been updated so that any works deemed to cause a noise level greater than 60dB at the boundary of Sandwich Bay to Hacklinge Marshes SSSI, will take place outside of the breeding bird season (March to September inclusive). In addition, percussive and disturbing works (e.g. piling) associated with the installation of pylons either side of the SSSI will be undertaken outside of breeding bird season.	Natural England is satisfied with the proposed avoidance/mitigation measures. Once the issue below is addressed, we should be able to agree that there will be no significant impact upon Sandwich Bay to Hacklinge Marshes SSSI as a result of the proposal.	
3	2.9.199	We note that a new commitment (B65) has been added to the REAC restricting tree height reduction works during operations to between July and February.	We are pleased to see that a resolution to this issue is progressing, but question why these works cannot be restricted for the entirety of the breeding bird season (March-September inclusive).	

Table 3: Comments on document: REP1-028 7.5.12 (B) Outline Offshore Invasive Non-Native Species Management Plan

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG
1	1.5.16 – 1.6.1	We are pleased to see that this document now includes consideration of Invasive Non-native Species (INNS) at the hoverport site and a new requirement in the REAC (B67) for pre-construction surveys to inform access routes which avoid vegetation stands and utilise existing hardstanding. We note that the former hoverport site is only to be used as an access route, with no earthworks, storage of equipment or materials or compounds located within this area.	We are satisfied that the risk of INNS introduction at the former hoverport has been considered and the appropriate controls put in place to manage this risk.	

Table 4: Comments on document: REP1-071 6.6 (C) Habitats Regulations Assessment Report

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG
1	1.4.6	References to loss of functionally linked land have not been updated to show as a construction phase impact rather than an operational phase impact. We note that the Applicant has questioned whether this change is essential in their response to our Relevant Representations comment B19.	It is our advice that while the change is not essential to the outcome of the assessment, as the impact has still been considered and satisfactorily mitigated, it should be made for completeness.	
2	2.9.50	Matters relating to air quality impacts.	In a letter dated 16 October 2025 we informed local authorities and the Planning Inspectorate (PINS) that Natural England is changing how it responds to consultations that might affect air quality. This advice will be based on our best scientific understanding of how to assess development impacts on air quality. Natural England has previously provided bespoke air quality advice on this project in our Relevant Representations dated 23 June 2025 (EN020026). We have reviewed this case and after careful consideration	

			have concluded that the air quality related aspects arising from this DCO can be addressed using our new standard advice. Therefore, we refer you to the standard advice in the attached Annex 1 and will not be providing any further bespoke advice on this case. Though it would be helpful for the Applicant to demonstrate how they have taken our advice into account.	

Annex 1 – Standard Advice for Air Quality Impacts in Nationally Significant Infrastructure Projects (NSIPs)

Table 1: Sequential approach to air quality assessments

Stage	Step		Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	**1**	Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2 No = no further HRA required	The Air Pollution Information System (APIS) includes an introduction to air pollution. APIS provides site specific information on the interest features of individual protected sites and the sensitivity to air quality impacts of those features. Please see Table 2 for industrial air pollution screening distances. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2	Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/srcl Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature.	The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here. Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View , alongside Conservation Objectives and Supplementary Advice for Habitats Sites. The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.

Stage	Step		Supplemental evidence/ basis for judgment
Detailed AQ modelling	**3**	Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced.	Air Quality modelling should include relevant scenarios that are clearly identified. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, a construction year, and future operational year(s), do nothing (without proposal), do something (with proposal); taking into account background trends for each pollutant). For proposals that will emit pollutants from a point source, it is helpful to provide isopleths of the dispersion modelling results, showing the predicted contours of pollutant concentration and deposition of the development. These may be assessed against the locations of protected sites and sensitive features within those sites. At least 3 years of meteorological data should be included within the AQ modelling for sources other than for road transport modelling The Institute of Air Quality Management (IAQM) has produced the following document to assist its members in the assessment of the air quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	**4a**	Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5	Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the annual averages. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect alone irrespective of the background levels.
	4b	Apply Screening Threshold In-combination. If below threshold in-combination = no	Use information from competent authorities (Planning Portal, PINS NSIP register or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included

Stage	Step		Supplemental evidence/ basis for judgment
		LSE/significant risk of damage etc and no further assessment required. If above = move straight to step 5 Applicants might use the Joint Nature Conservation Committee (JNCC) 'decision-making thresholds' as a reason for not completing an in-combination assessment. If so, you should check they have correctly followed the JNCC guidance on decision-making thresholds. If this guidance shows they do not need to complete an in-combination assessment, continue to step 5. If applicants have not used the decision-making thresholds, or have not followed them correctly, they will need to provide an in-combination assessment.	in the current baseline) that should be considered in-combination If the combined process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect in-combination irrespective of background levels.
Detailed Assessment of ecological impacts	**5**	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary,	The following information is likely to be helpful for the decision maker: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Habitats that have already been subject to high background nitrogen deposition can develop tolerance to further

Stage	Step		Supplemental evidence/ basis for judgment
		including any required mitigation, for the decision maker to determine if there would be an adverse effect on a SSSI. If Habitats Sites are impacted by the proposals, move to Step 6.	deposition. This cannot be used to justify further exceedance as it would undermine conservation objectives to reverse decline. You should consider predicted effects on the species richness of a habitat against the site's conservation objectives.
Appropriate Assessment (AA) for habitats sites	**6**	The competent authority to undertake their AA to conclude whether or not there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed should also be assessed at this point. Should the AA conclude that the proposal would have an AEOI that cannot be excluded with mitigation measures, consider the derogation route of the HRA process. Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals alone and concluded that there will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the project (ie construction, operation and decommissioning where relevant). To be viable, such measures should be **effective, reliable, timely, guaranteed** and of **sufficient duration**. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the NSIP will have an adverse effect on Integrity on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.

Mitigation measures
If you cannot conclude there is no adverse effect, the applicant will need to apply mitigation measures. Measures will only be appropriate if you can quantify their effectiveness in reducing emissions on the protected site. You should check that mitigation measures are in place to avoid adverse effects on site integrity over the lifetime of the project.
Mitigation may include measures that:

- the applicant volunteers
- you impose through formal conditions or restrictions in any permission or authorisation – these may be different or stricter measures than ones proposed by the applicant

Examples could include:

- relocation or redesign of developments to avoid impacts on protected sites
- control of other emissions of the same pollutants with an overlapping effect
- a change in stack height for industrial processes
- Euro 6 standards for construction machinery

- adding wooded shelterbelts, trees, green walls and hedges to limit dispersal of emissions, as long as these measures in themselves would not negatively impact the protected site.

Table 2: Industrial air pollution screening distances

Emission source	Distance for SSSIs	Distance for habitats sites
Industrial developments	2km	5km
General combustion processes (under 20MW energy input)	500m	500m
General combustion processes (20MW to 50MW energy input)	2km	2km
General combustion processes (over 50MW energy input)	2km	10km
Mechanical and biological waste treatment	500m	500m
Landfill waste	2km	2km
Compost (under 500 tonnes maximum annual operational throughput)	500m	500m
Compost (500 to 75,000 tonnes maximum annual operational throughput)	1km	1km
Compost (over 75,000 tonnes maximum annual operational throughput)	2km	2km
Airports, helipads and other aviation proposals	5km	5km
Oil and gas exploration and extraction	500m	500m
Quarries	200m	200m
Other industrial developments causing air pollution	500m	500m

Additional advice
Common Standards Monitoring[1] is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. where the main source of background exceedance is due to agriculture, but the proposal is an industrial project). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks.

The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

You must determine if there is evidence that the increased emissions represent a measurable risk and could compromise the strategic initiatives. You would need to consider information on:

- the extent to which any declining national trends in air pollution, or strategic initiatives to tackle emissions affecting the site more locally, might otherwise lead to improvements
- the rate at which such improvements are anticipated
- the extent of the impacts of a plan or project, and whether those impacts can properly be considered temporary and reversible

If the affected area is small, consider the risk to site integrity proportionally. For example, how important is the area in terms of rarity, location, distribution, vulnerability to change and ecological structure. If it is a supporting habitat, consider its importance to the designated species on the site. Consider any site survey information that may provide evidence of existing impacts.

Emissions from road transport (if applicable):
Emissions from road transport may be an operational impact or be limited to the construction phase of proposals. Roads on the affected road network that lie within 200m of a designated site should be considered. If all affected roads are further than 200m from a protected site, then there is no likely significant effect (habitats sites) or no impact (SSSIs) on protected sites from air pollution

Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and nitrogen oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a "restore" objective, this should be noted as a "retardation" of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

Defra Emissions Factor Toolkit
The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that NSIPs should be using (which we advise should also consider ammonia emissions as well as NOx – using one of three sets of emission factors available). However, the User Guide to the EFT highlights that calculation tools only support assessment years 2018 up to 2030,

reflecting that predictions and assumptions beyond then become less certain. Where EFT calculated emissions are to be used after 2030 to inform air quality assessments, the EFT indicates that appropriate caveats around the limitations of the analysis must be included to accompany the assessment. We therefore advise that emission factors no later than 2030 are used for HRAs– which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create 'ammonia slip' over time. Ammonia slip is the unreacted ammonia (NH_3) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NOx in exhaust gases.

Motorways within the affected road network

There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes account of traffic growth related to strategic factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided.

The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the proposals.

How to Use this Advice in Decision Making

Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with your decision to authorise the project