



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Sea Link Energy Cable

**Appendix G4 to the Natural England Deadline 4 Submission**

**Natural England's Additional Comments on Offshore Ornithology**

For:

The construction and operation of the Sea Link Energy Cable.

Planning Inspectorate Reference EN020026

10<sup>th</sup> February 2026

## **Appendix G4- Natural England's advice on documentation related to Offshore Ornithology**

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

The following documents have been considered:

- REP1-016 6.4.4.11 (B) Figures Marine Inter-Project Cumulative Effects
- REP1-018 6.4.4.11.A (B) ES Figures Marine Description of Other Projects
- REP1A-012 6.2.4.11 (B) Part 4 Marine Chapter 11 Inter-Project Cumulative Effects
- CR1-044 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC)
- CR1-009 2.5.3 Work Plans - Offshore
- REP2-004 6.2.4.5 (C) Part 4 Marine Chapter 5 Marine Ornithology
- REP2-008 6.4.4.5 (B) ES Figures Marine Ornithology
- REP2-010 6.6 (D) Habitats Regulations Assessment Report
- REP2-014 9.34.1 (B) Applicant's Detailed Responses to the Relevant Representations identified by the ExA

### **1. Summary**

For marine ornithology Natural England's main concern is potential impacts to red-throated diver (RTD) in the Outer Thames Estuary (OTE) SPA from disturbance caused by vessel activity. Existing pressures on RTD in the SPA are such that significant impacts from the project have the potential to incur an Adverse Effect on Integrity (AEoI) in-combination with other projects. The Applicant has sought to mitigate the risk of an AEoI by proposing a seasonal restriction on works to undertake most of the cable laying activity when most of the divers are absent. However, the proposed seasonal restriction (1<sup>st</sup> November to 31<sup>st</sup> March) has not been applied fully to all activities. Notably the pre-laying grapnel run (PLGR) will be undertaken over a period with a shorter seasonal restriction (1<sup>st</sup> January-31<sup>st</sup> March) and so could occur when birds are present in the first half of winter – thereby causing displacement.

Further Natural England would note that the seasonal restriction at the moment only applies within the SPA itself. Natural England's guidance on recent projects involving cable installation works is to include a 2km buffer from the seaward boundary of the OTE SPA, as vessels may disturb RTD up to 2km away. We would propose that this be included within an updated restriction and see this as an important component of any strategy to avoid AEoI.

## 2. Detailed Comments

**Table 1: Natural England’s detailed comments on Offshore Ornithology**

Document reviewed: [REP2-014 Applicant’s Detailed Responses to the Relevant Representations identified by the ExA]			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	Table 2.38, G2	<p>Pre-sweeping cable installation activities, notably the pre-lay grapnel run (PLGR) as well as work associated with operations and maintenance and decommissioning have been partially excluded from the full seasonal restriction (1<sup>st</sup> November - 31<sup>st</sup> March) that the Applicant has proposed as mitigation for all other relevant cable laying activities during construction.</p> <p>Work associated with these exempt activities will remain seasonally restricted but for a shorter duration over winter (from 1<sup>st</sup> January - 31<sup>st</sup> March). Consequently, some activities associated with the project will remain unmitigated during the first half of winter and their impacts in-combination with other projects have the potential to contribute to an in-combination AEol on the OTE SPA.</p> <p>Although the Applicant asserts that AEol from these activities can be ruled out, insufficient evidence has been presented for Natural England to agree.</p>	<p>We continue to advise that the proposed mitigation may not be a sufficient commitment to avoid disturbance/displacement effects during the sensitive winter period, and as such the project may still make an in-combination contribution. Natural England acknowledge that the PLGR involves only a single slow-moving vessel, but highlight these vessels are not small (range 40-70m length) and may still cause sufficient audio/visual disturbance to displace divers. Natural England also highlight the comparatively high RTD densities in areas along and within 2 km of the cable corridor located inside the OTE SPA based on digital aerial surveys in February 2018 (Irwin et al, 2019, and as provided in 6.4.4.5 ES Figures Marine Ornithology).</p> <p>Therefore, to rule out AEol the Applicant should bring forward evidence that the PLGR will not cause (or materially contribute to) significant levels of disturbance. Natural England welcome the applicant’s willingness to work collaboratively with us on this issue. We would advise in the first instance that detail on the potential duration of the PLGR within the OTE SPA and 2km buffer be provided (number of days). Then, if required, further analysis of diver densities, which should be based on the latest digital aerial surveys (see Irwin et al. 2019) and the proportion of ‘bird days’ lost (as outlined in Reach et all (2013)),</p>

			<p>with the findings interpreted against the conservation objectives of the site.</p> <p>As the Applicant states in REP2-003, they need to provide a scientifically rigorous and transparent assessment of significant effects of the project including changes predicted because of the proposed work. However, we emphasise, if the Applicant chose to add the PLGR to the other cable laying activities mitigated under the full seasonal restriction (including a 2km buffer zone around the SPA) it would preclude the need for further assessment and we could rule out AEoI.</p> <p>Regarding activities associated with operations and maintenance (O&amp;M), Natural England acknowledge the essential need for a rapid response time for emergency repairs precludes the possibility of applying a seasonal restriction to O&amp;M survey activities. We would advise the Applicant provides an Outline Operations and Maintenance Plan (OOMP) to make clear which activities are covered by the grant of the DCO and which would require a new consent. This document has been used on Offshore Wind Farm DCOs as standard and helps remove ambiguity and reduces the risk of delays to post consent decisions regarding permitted O&amp;M activities.</p> <p>Natural England also welcome the applicant's commitment to follow marine licensing/exemption requirements for any unlicensed O&amp;M works, but seek reassurance that this will include a commitment to follow Natural England's best practice protocol but also (if relevant) limit vessel speeds below 20 knots</p>
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			<p>within the OTE SPA during any work undertaken in the seasonally restricted period (1<sup>st</sup> November - 31<sup>st</sup> March). Natural England highlight that the evidence indicates impacts from vessel movements are magnified above 20 knots and can lead to more delayed return times/rates in RTD (Burger et al. 2019).</p> <p>Regarding decommissioning, Natural England welcome the applicant's commitment to adhere to Natural England's best practice protocol as a minimum during this phase of the project. Natural England acknowledge the scale and locations of works under the worst-case scenario (WCS) for decommissioning could be similar to construction (c.f. REP2 010, section 4.3.57).</p> <p>Therefore, to avoid impacts on RTD in the OTE SPA, we request the Applicant should confirm mitigation for these works will match those proposed for construction and update their RTD protocol to state so accordingly.</p>
2	Table 2.38, G8	<p>Natural England note that UXO removal is integrally linked to cable installation. We support the applicant's intention to get a separate marine licence and European Protected Species (EPS) licence for the UXO removal works.</p>	<p>Natural England welcomes the Applicant's commitment to continue engagement with both Natural England and the MMO to ensure that the consenting approach for UXO activities is appropriate and that the assessments supporting the marine licence applications fully capture the potential effects of the Proposed Project either alone or in combination with any other developments.</p>

			Regarding potential impacts on marine ornithology, we look forward to dealing with this issue upon submission of the separate marine license application.
3	Table 2.38, G11	<p>Natural England welcome the inclusion of London Array OWF, Thanet OWF, NemoLink and Hanson Aggregate Marine Ltd Area 528/2 in addition to Sizewell C, NeuConnect, GridLink Interconnector, EA1N OWF, EA2 OWF, EA3 OWF, Nautilus Offshore Interconnector, Five Estuaries OWF, Lion-link Offshore Interconnector in the in-combination assessment of displacement impacts from vessel disturbance during cable laying activities on OTE SPA. However, Natural England note the recently proposed Tarchon Interconnector Cable project has been omitted and should also be considered as far as is reasonably practicable in the assessment, recognising the project has not yet produced an EIA scoping report or Preliminary Environmental Information Report.</p> <p>Furthermore, it's also unclear if the cable laying planned for North Falls OWF, as illustrated in Docs. 6.4.4.11.1 and 6.4.4.11.A4, has been included in the in-combination assessment – see section 8.3.14-15 of revised HRA REP2-010. If not, then Natural England advise its potential impact should be included in line with those impacts from cable laying at Five Estuaries OWF (see section 8.3.36 REP2-010).</p> <p>Natural England are unable to rule out AEOI on the OTE SPA in-combination until the potential impacts from all these projects have been considered in the assessment or the</p>	<p>Natural England recommend the Applicant includes the Tarchon Interconnector cable project and cable laying work for North Falls OWF in its in-combination impact assessment.</p> <p>Natural England also emphasises that the seasonal restriction offered as mitigation will only remove any in-combination effect if impacts from the PLGR can be shown to make no meaningful contribution to those effects.</p> <p>To ensure no AEoI we advise the Applicant follow Natural England advice (see above, Natural England Ref. 1) and include these works with those activities already schedule-limited under the proposed full seasonal restriction (1<sup>st</sup> November -31<sup>st</sup> March).</p>

		Applicant proposes to mitigate its project impacts more completely by applying the full seasonal restriction (1 <sup>st</sup> November - 31 <sup>st</sup> March) to all pre-construction and construction cable laying activities including the PLGR.	
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**Table 2: Natural England’s detailed comments on Ornithology**

Document reviewed: [Document 7.8 Red-throated Diver Protocol]			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	Sec 1.5.3	Natural England welcome the seasonal restriction on cable-laying within the OTE SPA but recommend the area of this mitigation should be extended to include a 2km buffer around the seaward boundary of the SPA. Natural England highlight evidence that vessel activity can displace RTD up to and beyond 2km (Schwemmer et al 2011, Mendel et al 2019, Burt et al. 2022) and that this evidence already underpins Natural England guidance, including the range over which it advises impact assessments should be undertaken for vessels and cable laying in the export cable corridor for OWFs. The addition of the 2km buffer will ensure the proposed mitigation is fully effective and no parts of the OTE SPA can be impacted during the seasonal restriction.	Natural England advise that further clarification is provided that the seasonal restrictions to mitigate impacts on RTD apply to the work inside the OTE SPA and a 2km buffer surrounding its seaward boundary. In the absence of a 2km buffer zone around the SPA we will, in all likelihood not be able to rule out an AEOI in-combination.
2	Sec. 1.5.8	Natural England note the text in the Red-throated Diver Protocol (Doc. 7.8, section 1.5.8) states the following <i>‘During operation and maintenance, and decommissioning, vessels will be required to follow the same mitigation and best practice</i>	Natural England advise that the sensitive period outlined in this section should be expanded to cover the full sensitive period i.e. 1 <sup>st</sup> November to 31 <sup>st</sup> March (not 1 <sup>st</sup> Jan -31 <sup>st</sup> March) and if essential works within the SPA and 2km buffer are required in

	<p><i>measures as during construction. If essential emergency work is required during the sensitive January to March period, disturbance will be of a much smaller scale. Consultation will be undertaken with the MMO and Natural England as appropriate during this period to ensure the timely repair of any infrastructure whilst minimising disturbance to red-throated diver as far as practicable.'</i></p>	<p>this period, consultation with MMO and Natural England should go ahead as they describe in REP2-010, Table 2.38, G2.</p>
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### 3. References

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- Burt M.L., Mackenzie M.L., Bradbury G. and Darke J., (2022). Investigating effects of shipping on common scoter and red-throated diver distributions in Liverpool Bay SPA. NECR425. Natural England.
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- Nelson, A., Porter, L., Owens, B., Warner, I., Lloyd Jones, D. and Berridge, R. (in press). Mapping Risk: Red-throated diver in the Outer Thames Estuary SPA. [NECRXXX]. Natural England.
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*Thames Estuary Special Protection Area* - Version 1.0. A Report produced for British Marine Aggregate Producers Association to inform the Marine Management Organisation.

- Schwemmer P., Mendel B., Sonntag N., Dierschke V. and Garthe S., (2011). Effects of ship traffic on seabirds in offshore waters: Implications for marine conservation and spatial planning. *Ecological Applications*, **21**(5); 1851-1860.