

**The Great Grid Upgrade**

Sea Link

# Sea Link

**Volume 9: Examination Submissions**

Document 9.121: Applicant's Comments on Other Submissions Received at Deadline 4

Planning Inspectorate Reference: EN020026

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**nationalgrid**

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# 1. About this Document

## 1.1 Purpose of this Document

- 1.1.1 This document provides National Grid Electricity Transmission plc's (the Applicant's) comments on select submissions made by Interested Parties at Deadline 4 on 10 February 2026, in response to the application for development consent for the Sea Link Project (the Project).
- 1.1.2 Interested Parties responses received at Deadline 4 have been reviewed and considered in full. The purpose of this document is to provide the Applicant's comments on new matters or matters which have been expanded upon within Interested Parties submissions at Deadline 4.
- 1.1.3 Responses received at Deadline 4 regarding the Examiners' First Written Questions are provided in **Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions** submitted at Deadline 5.
- 1.1.4 Some submissions are not responded to at all because it is the Applicant's view that all matters raised have been responded to previously or no further comments are necessary.

## 1.2 Structure of the Report

- 1.2.1 Table 1.1 Structure of the document below outlines the structure of this document. The Applicant's comments are provided in response to paragraph numbers used in the original submissions, with paragraphs grouped where appropriate for clarity. Where paragraph numbers are missing, this indicates that the point is considered to have been responded to previously.

**Table 1.1 Structure of the document**

| Chapter | Chapter Heading   | Content               |
|---------|---|-----------------------|
| 2       | Aldringham-cum-Thorpe Energy Action   | REP4-105              |
| 3       | East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited | REP4-112 to REP4-114  |
| 4       | Historic England  | REP4-122 and REP4-187 |
| 5       | Kent Wildlife Trust   | REP4-124              |
| 6       | London Gateway Port Limited   | REP4-188              |
| 7       | Marine Management Organisation  | REP4-126              |

| <b>Chapter</b> | <b>Chapter Heading</b>                           | <b>Content</b>        |
|----------------|--|-----------------------|
| 8              | Port of London Authority                         | REP4-141 and REP4-198 |
| 9              | Royal Society for the Protection of Birds (RSPB) | REP4-142              |
| 10             | Maritime and Coastguard Agency                   | REP4-164 and REP4-165 |
| 11             | David Rix  | REP4-171              |
| 12             | The Rix Family                                   | REP4-172              |
| 13             | T-J Haworth                                      | REP4-178              |
| 14             | East Anglia Three Limited                        | REP4-181              |
| 15             | Natural England                                  | REP4-190 to REP4-197  |
| 16             | Corporation of Trinity House of Deptford Strond  | REP4-204 and REP4-205 |

## 2. Applicant's Comments on the Submission from Aldringham-cum-Thorpe Energy Action

### 2.1 Introduction

2.1.1 Table 2.1 summarises the Applicant's comments on Aldringham-cum-Thorpe Energy Action Deadline 4 Response [REP4-105].

**Table 2.1 Applicant's Comments on the Aldringham-cum-Thorpe Energy Action Deadline 4 Submission [REP4-105]**

| Reference | Matter | Point Raised  | Applicant's Comments   |
|-----------|--------|---|--|
| N/A       | N/A    | <p>The Applicant's 'Thematic' response to concerns over the use of B1353 for construction traffic, as set out in Table 7.10.8 'Applicant's Response to the Relevant Representations that raise Traffic and Transport' on page 24, states that 'No construction vehicles are expected to travel along the B1353 as a result of the Proposed Project'. That response would seem to be contrary to what the Applicant has stated in:</p> <p>APP-234 Application Document Traffic and Transport – Figures, 6.4.2.7.3 Abnormal Load Routing Plan - Suffolk Onshore Scheme - indicates that the Applicant intends to route Cable Drum Abnormal Loads via B1353 Aldringham Lane between junctions B1069 junction with B1353 (S-RJ13) at Knodishall and B1122 junction (S-RJ12) at Aldringham; and</p> <p>AS-008 and CR1-041 National Grid Electricity Transmission 7.5.1.1 (B) Construction Traffic Management and Travel Plan Suffolk – '6.1.8 Cable drum AIL access routes: Routes marked as Cable Drum AIL Access Only indicate those routes to be used by the cable drum delivery vehicle and that 'smaller' construction vehicles would also be expected to use the Cable Drum AIL access routes.</p> | <p>The Applicant can confirm that the B1353 will not be used as a construction access 'HGV Access Route' as shown on Figure 6.4.2.7.2 within <b>Application Document 6.4.2.7 ES Figures Suffolk Traffic and Transport [APP-234]</b>, rather it will be limited to Cable Drum AILs and smaller construction vehicles.</p>   |
| N/A       | N/A    | <p>Relevant Representations submitted by Aldringham-cum-Thorpe Parish Council and a Written Representation submitted by ACTEA at Deadline 1 suggested that the Applicant had not provided sufficient evidence to support the feasibility of and design for its planned routing along B1353 Aldringham Lane of Cable Drum carrier AIL vehicles and a number of 'Smaller construction vehicles' that would also be expected to use Cable Drum AIL access routes.'</p>   | <p>The Applicant has assessed the B1353 as being suitable for cable drum movements and confirms that a more detailed assessment will be undertaken by the Contractor prior to deliveries, as outlined within <b>Application Document 7.5.1.1 (C) Construction Traffic Management and Travel Plan Suffolk [REP4-061]</b>. The detailed assessment cannot be undertaken at this stage as the vehicle load and type needs to be confirmed prior to that assessment being undertaken but the Applicant is confident that the B1353 is suitable for cable drum movements.</p> |
| N/A       | N/A    | <p>The Applicant states that it had relied upon National Highways' website portal ESDAC software tool (Electronic Service Delivery for Abnormal Loads) to identify constraints to access for AILs. According to ESDAC, Junction AC11 Aldringham Lane/Aldeburgh Road movements would be constrained by tight geometry that may necessitate junction widening, and removal of traffic islands, street furniture, including street lighting and signposts.</p> <p>The Parish Council and ACTEA also mentioned that Scottish Power Renewables (SPR) had previously carried out its own survey of Aldringham</p>   | <p>ESDAC does not identify geometric constraints at '<i>at grade junctions</i>'. The requirement for street furniture clashes is a standard constraint for AIL movements and will be accommodated if required as part of the planned movement. Should street furniture need to be relocated it will be reinstated following the completion of the AIL movements, in agreement with the Local Highways Authority.</p>   |

| Reference | Matter | Point Raised  | Applicant's Comments  |
|-----------|--------|---|---|
|           |        | Lane in 2018 and had concluded that 'The B1353 (Aldringham Lane) between Aldringham and Coldfair Green is not wide enough for two HGVs to pass one another and that widening at this location would not be possible due to the proximity of residential properties to the edge of the road'. Consequently, SPR decided that HGVs would not travel between Aldringham and Coldfair Green.  | The Applicant agrees with the SPR findings, which is why the B1353 is not proposed for two-way HGV movements and has not been identified as an HGV Access Route.  |
| N/A       | N/A    | The Applicant states that 'it is expected that the contractor will review all access constraints in more detail at a later stage, carry out any additional assessments where necessary and that alternative routes will also be used if necessary'. Given the possibility that there may not be a workable alternative route for the Cable Carriers needed for cable laying at Aldeburgh, we respectfully suggest that even at this stage of the Examination ExA makes sure that the Applicant has presented an acceptable design for this section of the Cable Drum Carrier ALO route, including swept path turning designs and all temporary and/or permanent modifications and alterations that would be needed along Aldringham Lane and at its junctions with B1069 and B1122. | The Applicant has assessed the B1353 as being suitable for cable drum movements and confirms that a more detailed assessment will be undertaken by the Contractor, as outlined within <b>Application Document 7.5.1.1 (C) Construction Traffic Management and Travel Plan Suffolk [REP4-061]</b> . The detailed assessment cannot be undertaken at this stage as the vehicle load and type needs to be confirmed prior to that assessment being undertaken. |
| N/A       | N/A    | Please note: The document 'Outline Construction Traffic Management and Travel Plan – Suffolk' is yet listed as a certified document in Sea Link Volume 3: Development Consent Order Document: 3.1 Draft Development Consent Order Sea Link SCHEDULE 19 Article 60 'CERTIFIED DOCUMENTS'. That omission must be corrected.   | Schedule 3 Requirements within <b>Application Document 3.1 (G) draft Development Consent Order [REP4-217]</b> commits the Applicant to the production of a Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk).  |
| N/A       | N/A    | It should be stipulated in Outline Construction Traffic Management and Travel Plan – Suffolk that B1353 Aldringham Lane may be used by Cable Drum Carriers only if a design for this section of the proposed ALO route is acceptable to the relevant Local Authority and, in view of its narrow width, that other construction vehicles should not be permitted to use it.  | The Applicant can confirm that the B1353 is not to be used as an HGV Access Route and that the movement of AILs will be subject to the relevant Local Authorities approval through the AIL movement consent process.  |

### 3. Applicant’s Comments on the Submission from East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited

#### 3.1 Introduction

- 3.1.1 Table 3.1 summarises the Applicant’s comments on East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Response [REP4-112].
- 3.1.2 Table 3.2 summarises the Applicant’s comments on East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Response [REP4-113].
- 3.1.3 Table 3.3 summarises the Applicant’s comments on East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Response [REP4-114].
- 3.1.4 The Applicant has responded to East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited’s Schedule 1 – Comments on Responses to ExQ1 from REP4-112 Deadline 4 Response in **Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions**.

**Table 3.1 Applicant’s Comments on the East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Submission [REP4-112]**

| Reference  | Matter   | Point Raised   | Applicant’s Comments   |
|--|--|--|--|
| <b>Schedule 1 – Comments on Responses to ExQ1</b>  |  |  |  |
| The Applicant has responded to East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited’s Schedule 1 – Comments on Responses to ExQ1 from REP4-112 Deadline 4 Response in <b>Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions</b> . |  |  |  |
| <b>Schedule 2 – Response to Action Points Arising from ISH2</b>  |  |  |  |
| AP069  | Provide a form of requirement wording, co-ordinated with SPR, that would enable the previous East Anglia 1 North Requirement 27 noise limit requirements for Friston/Kiln Lane substation to be satisfied. | The Applicant has advised the SPR parties that they do not propose to include requirement wording regarding operational noise. The SPR parties are considering the Applicant’s position and will respond further at Deadline 5.  | The Applicant has further reflected on comments from Interested Parties and incorporated a commitment on operational noise at Friston Substation into the Register of Environmental Actions and Commitments submitted at Deadline 5 (NV12). This new commitment states:<br><i>During normal operation of the proposed substation, the rating level of noise emitted from the development, as determined in accordance with BS 4142:2014+A1:2019, shall be at least 5dB below background noise levels at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (freefield equivalent).</i><br><i>The rating level shall include all applicable acoustic corrections, including (but not limited to) those for tonality, impulsivity, intermittency and any other characteristics identified by BS 4142.</i><br>It is considered that this commitment will enable the SPR commitments on noise to be satisfied with respect of Friston Substation. |
| AP082  | Applicant to update the drainage plan for Friston substation in coordination with SPR  | SPR confirm the Applicant has liaised with them regarding updating their drainage plan for the National Grid Kiln Lane substation. The Applicant has had sight of the EA2 Operational Drainage Management Plan submitted for discharge and was involved in discussions prior to its submission. SPR understand | The Applicant can confirm SPR’s position on the Drainage.  |

| Reference | Matter   | Point Raised   | Applicant's Comments   |
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|           |  | from the Applicant that the Project will not result in an increase of water to be discharged during the operational phase and as such the Applicant's drainage plan will replicate the EA2 Operational Drainage Management Plan once approved.   |  |
| AP114     | Consider and provide a response to the position that SPR do not have an equivalent to article 10 in their DCOs                               | This Article has been included in response to the Supreme Court's ruling in Hillside Parks Ltd v Snowdonia National Park Authority (2022) ("Hillside"), despite it not being clear whether Hillside would apply to development consent orders. The EA1N and EA2 Development Consent Orders were granted before Hillside and as such do not include equivalent wording. SPR do not see this as an issue. Furthermore, the fact that the EA1N and EA2 development consent orders do not have wording equivalent to the Project's Article 10 is not a concern for the Project, nor this Examination | The Applicant acknowledges SPR's Position on this action point |
| AP116     | All parties (including NGV, SPR and Manston airport) from onshore of offshore existing or potential future consent to comment on article 10. | SPR do not have any concerns regarding Article 10 as drafted in the Project's draft Development Consent Order.   | The Applicant acknowledges SPR's Position on this action point |

**Table 3.2 Applicant's Comments on the East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Submission [REP4-113]**

| Reference | Matter   | Point Raised  | Applicant's Comments   |
|-----------|--|---|--|
| 2.1       | Sections 122 and 123 of the Planning Act 2008 ("PA2008") | As mentioned in our previous submissions [RR-1415, RR-1416, RR-4903 and REP1A-055], the SPR parties have been exercising options to acquire land in and around the National Grid Kiln Lane substation via voluntary agreements. The current Land Plans [REP3-002] do not reflect the extent of ownership currently. We have been sharing information with the Applicant who in turn has recently shared an updated shapefile plan which shows the current extent of the SPR parties' ownership which we expect will be used to update the Land Plans at Deadline 4. | The latest shapefiles provided to the Applicant was on 22 <sup>nd</sup> January 2026. These have been incorporated into the D5 submissions. The Applicant has also enquired with SPR if there is any intention to exercise any more of their Option agreements so it can plan for any further Land Plan and Book of Reference updates accordingly. |
| 2.2       |  | Both EA1NL and EA2L have confirmed that they are the freehold owners of part or all of numerous plots within the Land Plans. Confirmation was sent to the Applicant on 16 October 2025, and SPR has supplied the Applicant with information identifying completed land purchases, including the provision of electronic shapefiles to enable accurate updates to the Land Plans and correct recording of interests within the Book of Reference ("BoR").  | The Applicant thanks EA1NL and EA2L for the information received to date.  |
| 2.3       |  | It appears the Applicant has been awaiting updates to the Land Registry before making changes to the Land Plans and BoR. Following sight of the Applicant's Deadline 3 submissions, EA1NL and EA2L have provided additional evidence in the form of signed transfer documents as proof of ownership, which were issued to the Applicant on 22 January 2026.   |  |

| Reference | Matter | Point Raised   | Applicant's Comments   |
|-----------|--------|--|--|
| 2.4       |        | It should also be noted that generally ownership rests with EA1NL and EA2L, not SPR, except for plots 2/78 and 2/79a, where SPR is the owner.  | The Book of Reference has been updated accordingly for Deadline 5.   |
| 2.5       |        | Further to EA1NL and EA2L's Relevant Representations, none of the SPR parties hold an interest as occupier in plot 3/17, despite what is recorded in the BoR.  | The Book of Reference has been updated accordingly for D5.   |
| 2.6       |        | There are likely to be further purchases in and around the Kiln Lane substations over the coming weeks which are necessary for the construction of the substations and ancillary development and the Applicant will continue to be kept up to date of these.   | Noted, thank you. The Applicant looks forward to receiving copy Transfer documents and Option plans as soon as available.  |
| 2.7       |        | The Applicant intends to compulsorily acquire large areas of the land which the SPR parties have recently purchased, which is an issue for these two consented Critical National Priority infrastructure projects (as discussed in the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3)). As mentioned in our previous submissions [REP1A-055 and REP2-046], EA2L will be entering into a Transfer of Benefit Agreement ("ToBA") with the Applicant to transfer the powers in the EA2 Development Consent Order to construct the National Grid Kiln Lane substation along with the land rights. Drafting of the key ToBA document has begun and the transfer is anticipated to complete in Spring 2026. Once the ToBA completes, be it before the close of the Examination or after, it is our view that there should be a requirement in the Development Consent Order that the compulsory acquisition powers no longer required for these works should fall out of the Project's Development Consent Order. This could be drafted on a scenario basis similar to what was granted in the Norfolk Boreas Offshore Wind Farm Order 2021. | At present the ToBA as drafted does not include any provision for land rights therefore the Compulsory Acquisition of land needs to remain until the Applicant is satisfied it has the ability to properly own and operate the Kiln Lane substation in perpetuity. |
| 2.8       |        | Additionally, the Applicant's onshore cable will cross EA2 and EA1N grid connection cables to the southeast of the Kiln Lane substations at plots 3/20, 3/21 and 3/22. SPR has the benefit of an option agreement to acquire interests in these plots (including interests required for overhead lines works), which can be drawn down to EA1NL and EA2L. These rights are not currently reflected in the Book of Reference [REP3-018]. We will continue to liaise with the Applicant to ensure the Book of Reference is updated to accurately reflect the SPR parties' land interests.  | The latest shapefiles provided to the applicant were provided on 22 <sup>nd</sup> January 2026. The applicant is working on these being incorporated into the D5 submissions.  |
| 2.9       |        | In relation to the abovementioned cable crossing, this will also require a separate type of resolution either through bespoke protective provisions or by entering into a crossing agreement. We are in discussions with the Applicant regarding this.   | The Applicant has received bespoke protective provisions from SPR and is currently reviewing them.   |
| 2.10      |        | Under agenda item 2, Mr Innes also briefly addressed a matter relating to plot 2/20. Following discussion by parties regarding the extent of land acquisition proposed surrounding Kiln Lane substations, Mr Innes confirmed that the proposed landscape framework includes the northern section of plot 2/20 and an area  | Noted  |

| Reference | Matter  | Point Raised  | Applicant's Comments  |
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|           |   | slightly further north, beyond the Order limits for the Project (but within the Order limits for EA1N and EA2).   |   |
| 3.1       | Sections 127 and 138 of the PA2008 and Schedule 15 of the draft Development Consent Order | As explained in Section 2 above, EA2L and the Applicant are in the process of entering into a ToBA to transfer the powers in the EA2 Development Consent Order to construct the National Grid Kiln Lane substation along with the land rights and as such, it is our position that the compulsory acquisition powers no longer required for these works should fall out of the Project's Development Consent Order.   | At present the ToBA as drafted does not include any provision for land rights therefore the Compulsory Acquisition of land needs to remain until the Applicant is satisfied it has the ability to properly own and operate the Kiln Lane substation in perpetuity.  |
| 3.2       |   | Once EA1N and EA2 have constructed their onshore cables, they have a legal obligation to transfer these to an Offshore Electricity Transmission ("OFTO") which is a process overseen by Ofgem. OFTOs connect offshore windfarms to the onshore transmission network. This transfer takes place by way of a ToBA. It is wholly inappropriate to expect this transfer to proceed in circumstances where a third party has residual compulsory acquisition rights over the assets in question. For example, as shown in the land plans [REP3-002], the Applicant's current proposal is that it would have powers to compulsorily acquire plot 2/72. This plot is below the National Grid Kiln Lane substation and would be over land in Page 3 S6152.28 1021826023 1 CBW which the onshore cables for EA1N and EA2 will be located. This is a point we have raised since our relevant representation [RR-4903, RR-1415 and RR-1416]. | As previously set out, the Applicant requires Compulsory Purchase powers to ensure the delivery of the project, but has stated that where we have a suitably binding voluntary agreement and/or agreed protective provisions, an undertaking not to exercise the CA powers in relation to SPR's interest can be given. At this stage none of the documents including the ToBA, voluntary agreements or protective provisions are in an agreed format. |
| 3.3       |   | If this fall away is not built into the Project's Development Consent Order, then fairly robust protective provisions will be required.   | The Applicant has received bespoke protective provisions from SPR and is currently reviewing them.  |

**Table 3.3 Applicant's Comments on the East Anglia ONE North Limited, East Anglia TWO Limited, ScottishPower Renewables (UK) Limited Deadline 4 Submission [REP4-114]**

| Reference | Matter  | Point Raised  | Applicant's Comments  |
|-----------|---|---|---|
| 2.1       | Written summary of oral submissions – Landscape effects | Mr Innes made oral submissions in respect of agenda item 9.5, regarding landscape effects at the National Grid Kiln Lane substation.  | The applicant is aware of the Oral submission provided by Mr Innes on behalf of SPR |
| 2.2       |   | Mr Innes explained the landscape mitigation process secured in respect of the Kiln Lane substations under EA1N and EA2. That is, that EA1NL and EA2L committed to a holistic approach to design of the Kiln Lane substations, including in respect of landscape mitigation.   | The applicant welcomes this comment.  |
| 2.3       |   | As explained by Mr Innes, this approach is set out in the outline landscape and ecological management strategy ("OLEMS"), <sup>1</sup> and substation design principles statement ("SDPS") <sup>2</sup> for EA1N and EA2. Compliance with these documents is secured through requirements 12 (detailed design parameters onshore), 14 | Noted   |

| Reference | Matter | Point Raised  | Applicant's Comments  |
|-----------|--------|---|---|
|           |        | (provision of landscaping) and 21 (ecological management plan) of EA1N and EA2.   |   |
| 2.4       |        | Those documents, together with the requirements in EA1N and EA2 established a framework through which final landscape mitigation must be developed at the Kiln Lane substations. A core element of this framework is that extensive consultation with communities, local authorities and other stakeholders is required in the development of a 'landscape masterplan' (see, in particular, design principles 4, 5, 6, 7 and 16 in table 5.1 of the SDPS and the detailed engagement strategy in Appendix A of the SDPS). We note the landscape masterplan is also required to respond to technical constraints onsite. The nature of the approach secured through these documents was such that stakeholders always anticipated that the mitigation proposed in the landscape masterplan would evolve through the iterative design process.  | The Applicant is aware of this process and NGET participated in some of the engagement process. |
| 2.5       |        | As discussed during ISH2, the final Landscape Management Plan ("LMP") for the Kiln Lane substations has now been submitted to the local authority in accordance with requirement 14 of EA1N and EA2. The LMP was developed in accordance with the framework outlined above and, as is to be anticipated, the landscape framework proposed has evolved from that illustrated in plans during the examinations for those projects. The OLEMS specifically acknowledged that landscape mitigation was likely to be refined as a result of consultation under the SDPS.   | The Applicant is continuing to discuss this with SPR.   |
| 2.6       |        | The SPR parties committed under EA1N and EA2 to a collaborative process to develop appropriate landscape mitigation, and this process has been implemented. This approach is consistent with the principles of good design (which, it is noted, is an important factor in the Secretary of State's decision making under NPS-EN1).  | Noted   |
| 2.7       |        | <p>During ISH2, Mr Innes also addressed the final bullet point of paragraph 40 of the OLEMS, which the Applicant highlighted in its deadline 3 submissions [REP3-070] 4 and which states: "<i>The measures covered by this OLMP include (...)</i>"</p> <ul style="list-style-type: none"> <li><i>This OLMP provides a strategic core of landscape planting proposals for development which accommodates either AIS (Air Insulated Switchgear) or GIS (Gas Insulated Switchgear) National Grid substation designs (refer to <b>Chapter 6 Project Description</b> for associated parameters for AIS or GIS NGET substation designs). The outline design of the strategic planting proposals of the landscape scheme (i.e. that planting which provides the most effective landscape framework and visual mitigation) is such that it does not sterilise land for potential future development associated with the National Grid substation, although future consultation with stakeholders and local communities (under the <b>Substations Design Principles Statement (AS-133)</b>)</i></li> </ul> | Noted   |

| Reference | Matter                          | Point Raised   | Applicant's Comments   |
|-----------|---------------------------------|--|--|
| 2.8       |                                 | <p><i>may result in the refinement of the landscaping proposals. Any landscaping or surface water infrastructure established for the East Anglia ONE North project which subsequently requires modification due to any future extension of the National Grid substation must be considered as part of any future consent application for an extension, and must ensure no detriment to the East Anglia ONE North project."</i></p>   | Noted  |
| 2.9       | Further submission on landscape | <p>The SPR parties would also like to highlight that, contrary to assertions in the Applicant's deadline 3 submissions, the consultation process for the development of the landscape mitigation now proposed was not 'confidential' or closed. Representatives for the Applicant were present at three of the four engagement events held by EA1NL and EA2L on the development of the LMP for the Kiln Lane substations. The SPR parties have consulted closely with the Applicant throughout the design process for the LMP under requirement 14 of EA1N and EA2, including on the final draft plans. The proposed design was refined to reflect comments by the Applicant and specific text addressing the Project was added to the LMP at the Applicant's request.</p> | <p>The Applicant considers this response from SPR to be somewhat misleading. The engagement events held on the landscape mitigation plans for the SPR requirements were carried out in accordance with the process dictated in the application documents for EA2, which specified the select audience for the events. SPR did not issue an open invitation to these events to members of the community as this was not the intended process. It is not standard process to carry out community engagement on information submitted to discharge requirements so there is no suggestion from National Grid that the attendee list was inadequate; indeed the process followed by SPR on engagement on requirements was unusual in terms of the high level of engagement undertaken. However, National Grid's explanation of these events is considered accurate.</p> <p>SPR instructed National Grid that documents provided for this engagement were confidential and that National Grid could not use these documents in submissions for Sea Link until they had been submitted to discharge requirements for EA2; or discuss information with any other parties. National Grid complied with SPR's request on this under significant pressure from Interested Parties and the ExA to demonstrate alignment in a way that was not possible with the instruction given to National Grid by SPR. Again, National Grid's characterisation of this information as being provided to National Grid as confidential is considered accurate.</p> <p>SPR requested that National Grid send members of the Sea Link team to the engagement events on the discharge of SPR's requirements because questions were being raised about Sea Link and SPR wanted National Grid to be present to answer these questions. National Grid was not invited to attend as an attendee or to provide comments on the documents at the events (or indeed on draft documents until a long time after the events). Instead, discussions on documents between the parties happened outside</p> |

| Reference | Matter                                   | Point Raised   | Applicant's Comments  |
|-----------|--|--|---|
|           |  |  | the engagement events in meetings between the parties. National Grid consistently expressed the need for a coordinated landscaping masterplan, from the first moment plans were shared with National Grid in July 2025 and in all meetings and the meetings between the parties around the events. National Grid agrees that the majority of comments provided by National Grid have been addressed in documents submitted to discharge requirements.   |
| 2.10      |  | Notwithstanding the above, the SPR parties understand changes may be required to the landscape mitigation proposed under the LMP, in order to accommodate the Project. Any changes required must be approved through a separate process, however, the SPR parties have been working closely with the Applicant to understand how this can be managed. A plan showing the ultimate landscape mitigation which would accommodate the Project and EA1N/EA2 is close to finalisation and the SPR parties are working with the Applicant regarding how implementation of the landscape mitigation can be managed. | The Applicant is continuing the ongoing dialogue with SPR to produce a coordinated landscape masterplan that accommodates the Sea Link, EA1N and EA2 and LionLink projects. A plan was submitted at Deadline 4 detailing the National Grid version of the Landscape Masterplan produced by SPR accommodating Sea Link and LionLink, refer to Appendix D within <b>Application Document 9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b> . National Grid shares SPR's view that the final plan is close to finalisation and hopes it will be agreed in the coming weeks. |
| 3.1       | Post hearing submission on other matters | The SPR parties have interests in other matters addressed at ISH2, which they did not address orally. The SPR parties' submissions on those points are set out briefly below and in the accompanying response to the examining authority's action points [EV6-033].  | Noted.  |
| 3.2       | Noise                                    | During ISH2, under agenda item 10, the need for an operational noise limit at the National Grid Kiln Lane substation within the Applicant's development consent order was discussed. As part of this discussion, the Applicant outlined that the substation would not house any significant noise making equipment.  | Noted   |
| 3.3       |  | The SPR parties can confirm that, under EA1N and EA2, the major contributor to new noise was from the two project substations. The National Grid Kiln Lane substation was not predicted to make a material contribution to operational noise from the developments in normal conditions. The only circumstances in which it was assessed that the National Grid Kiln Lane substation was likely to make a contribution to noise was during occasional testing of switch gear. It is noted that requirement 27 of EA1N and EA2 applies to noise in standard operating conditions.                             | The Applicant welcomes this response.   |
| 3.4       |  | This is consistent with the position put forward by the Applicant during the examination. The SPR parties note an action point (AP69) on this matter has been directed towards themselves and the Applicant. The SPR parties' response to that is provided in the cover letter which accompanies this submission.  | The Applicant welcomes this response.   |

## 4. Applicant's Comments on the Submission from Historic England

### 4.1 Introduction

4.1.1 Table 4.1 summarises the Applicant's comments on Historic England Deadline 4 Response [REP4-122].

4.1.2 Table 4.2 summarises the Applicant's comments on Historic England Deadline 4 Response [REP4-187].

**Table 4.1 Applicant's Comments on the Historic England Deadline 4 Submission [REP4-122]**

| Reference  | Matter  | Point Raised   | Applicant's Comments  |
|--|---|--|---|
| <b>Action Points arising from Issue Specific Hearing 2 (ISH2) on environmental issues, held on Wednesday 28 January to Friday 30 January 2026.</b> |   |  |   |
| 52   | <p>Heritage assets listed by the applicant [REP3- 070] which are scoped out of the ES include those which are described as experiencing an adverse impact, though less than substantial at the lower end of this scale. For example, asset ID 1215749 - Buxlow Manor in Suffolk. For this example and the others like it, provide additional information as to the potential impact to the significance of each asset and further justification as to why it was scoped out.</p> <p>For all relevant Councils and Historic England, is it appropriate to scope out from the ES assessment heritage assets which are considered to have (lower end of) less than substantial impact on their significance?</p> | <p>In line with requirements of the Overarching National Policy Statement for energy (EN-1) the significance of all heritage assets which will be impacted by the proposed development should be identified and described in an Environmental Statement. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance (EN-1 paragraph 5.9.12). The identified level of harm, which cannot be avoided by design and other mitigation measures, should then be taken into account in a decision making.</p> <p>Historic England can confirm that as part of pre-examination engagement, we agreed the scope of the assessment of the designated heritage assets with the applicant. We understand that the applicant has undertaken the initial assessment of all heritage assets that will be impacted by the scheme. The results were presented in the Cultural Heritage Baseline Report (APP-109). The heritage assets which would experience no adverse impact or where level of identified harm would be negligible have not been scoped in for further assessments. The list of these assets has been provided by the applicant in the document (REP3-070). This is a proportionate approach, and we consider that it is in line with the policy requirements. The identified level of less than substantial harm to significance of heritage assets should still be considered as part of the decision making process and should be weighed against the public benefits of the proposal (EN1 paragraph 5.9.33).</p> <p>Historic England understands that at the request of Examining Authority the applicant is preparing additional information to clarify the level of assessment of the scoped-out heritage assets experiencing negligible effects. This will be submitted by Deadline 4. We agree that clarification of the level of assessment is desirable in this case.</p> <p>We note that during the Issue Specific Hearing 2 an issue of lack of assessment of 'Slaughden Martello tower', scheduled monument (List Entry Number 1006041), and Church of St</p> | <p>The Applicant acknowledges the comments made by Historic England.</p> <p>The Examining Authority requested that the Applicant prepare additional information to clarify the level of assessment of the scoped-out heritage assets experiencing negligible effects. This was submitted in response to IHS Action Point 52 at Deadline 4 (<b>Application Document 9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b>).</p> <p>The Applicant was requested by the Examining Authority to provide an assessment of potential impacts on Slaughden Martello tower', scheduled monument (List Entry Number 1006041), and Church of St Botolph, grade II listed building (LEN 1198033) and this has been submitted at Deadline 5 (see <b>Application Document 9.128 Applicants Response to Nicholas Bridges Representations RR-3933 and REP3-132 and SEAS REP4-240</b> submitted at Deadline 5). The assessment concluded that there would be no impacts on these assets.</p> |

|     |  |  |  |
|-----|--|--|--|
|     |  | <p>Botolph, grade II listed building (LEN 1198033) have been raised. These assets are located outside agreed study area.</p> <p>We can confirm that Historic England have not requested that these designated heritage assets are included in the heritage assessment. We consider that in these two cases any potential change to the setting of heritage assets will not result in harm to their significance.</p> |  |
| 128 | Provide updated wording for requirement 3 to reflect the applicant's commitment made to allow relevant planning authorities control over Kent substation layout, design and scale. | Historic England notes that Action 128 requires the applicant to provide updated wording for requirement 3. We consider that the revised wording should retain provision for engagement with Historic England regarding detailed design of the Minster converter station. This is necessary to ensure that visual impact on the scheduled monument - Richborough Roman Fort is minimised.                            | The updated DCO wording was provided in <b>Application Document - 3.1 (G) draft Development Consent Order [REP4-217]</b> submitted at Deadline 4A. |

**Table 4.2 Applicant's Comments on the Historic England Deadline 4 Submission [REP4-187]**

| Reference   | Matter    | Point Raised  | Applicant's Comments   |
|---|-----------|---|--|
| <b>Comment of the Historic Buildings and Monuments Commission for England (Historic England) on further information/ submissions received by deadline 3</b> |           |   |  |
| 1   | Draft DCO | We are satisfied that the Draft DCO (REP3-006) wording now adequately secures Historic England's engagement in approving appropriate Historic Environment Management Plans and site-specific written schemes of investigation (Schedule 3; Requirement 14 - Archaeology).   | This is noted by the Applicant.  |
| 2   |           | We are also broadly satisfied that the Draft DCO (REP3-006) wording now secures Historic England's engagement in securing an appropriate final design for the Kent converter station (Schedule 3 Requirements; Section 3 - Converter Station Design). We do however suggest there needs to be an extra provision to say that in the event that amendments are required, these amendments are in general accordance with the design principles. This would then ensure the development will be carried out in accordance with those amended details. | The wording of the draft DCO currently already requires the authorised development to be carried out in accordance with any amended details. Paragraph (1)(3) of Schedule 3 states that 'where any Requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.<br>Requirement 6(2) also confirms that each stage of the authorised development must be carried out in accordance with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned. |
| 3   |           | Please note, as per the Applicant's Comments on Other Submissions Received at Deadline 2 (REP3-064), we agree that the changes to Requirement 3 of the Draft DCO is the most effective way to secure Historic England's engagement and that further REAC commitment regarding this particular issue is not necessary.   | The Applicant acknowledges the comment from Historic England, with updated DCO wording provided in <b>Application Document - 3.1 (G) draft Development Consent Order [REP4-217]</b> .  |
| 4   |           | We note that the Schedule 19 (article 60) of the Draft DCO (REP3-006) which list the certified documents have been amended to include: Outline Offshore Overarching Written Scheme of Investigation, Outline Onshore Overarching Written Scheme of  | This is noted by the Applicant.  |

| Reference | Matter   | Point Raised  | Applicant's Comments  |
|-----------|--|---|---|
|           |  | Investigation – Kent, and Outline Onshore Overarching Written Scheme of Investigation – Suffolk. We welcome this change, as it addresses our previous comments.   |   |
| 5         | REAC document  | We are satisfied that the amended wording for commitment H06 in REAC document (REP3-076) now adequately secures Historic England's engagement in case of the unexpected discovery of archaeological remains of national significance (equivalent significance to designated heritage assets). We expect that the process for dealing with such eventuality will be detailed in the relevant Outline Onshore Overarching Written Scheme of Investigation documents.  | This is noted by the Applicant. <b>Application Document 7.5.4.1 (B) Outline Onshore Overarching Written Scheme of Investigation (OWSI) - Suffolk</b> has been updated and is submitted at Deadline 5  |
| 6         | Outline Onshore Overarching Written Scheme of Investigation (OWSI) | The revised Outline Onshore Overarching Written Scheme of Investigation (OWSI) - Kent (REP3- 051) (Version C) does not yet incorporate the comments previously provided by Historic England's Regional Science Advisor. We understand that the OWSI is to be updated after completing the ongoing geoarchaeological monitoring works. We therefore have no further comments at this time.   | An updated version of the Kent OWSI has been submitted at Deadline 5 (see <b>Application Document 7.5.4.2 (D) Outline Onshore Overarching Written Scheme of Investigation (OWSI) – Kent</b> submitted at Deadline 5). This incorporates comments from both Kent County Council and Historic England.          |
| 7         |  | We note that only the original version of the Outline Onshore Overarching Written Scheme of Investigation (OWSI) – Suffolk (APP-343) has so far been submitted. In our Written Representations we provided recommendations for amendments and highlighted that the document needs to be amended. Historic England understands that the revised document will be revised when the report on additional archaeological evaluation is finalised and that amended OWSI will be submitted for deadline 5. We will be happy to provide further comments when this document is available.  | An updated version of the Suffolk OWSI has been submitted at Deadline 5 (see <b>Application Document 7.5.4.1 (B) Outline Onshore Overarching Written Scheme of Investigation (OWSI) – Suffolk</b> submitted at Deadline 5). This incorporates comments from both Suffolk County Council and Historic England. |
|           | Summary  | Historic England welcomes changes to the wording of draft DCO and REAC documents. The current versions of these documents address our concerns raised in previous representations. We understand that the wording of the Requirement 3 (REP3-006) is going to be revised. We have suggested that additional provision is included in the revised text. We will continue to engage with the applicant over required changes to the Outline Onshore Overarching Written Schemes of Investigation for Kent and Suffolk. Historic England understands that revised versions of these documents will be submitted by Deadline 5. We will be happy to provide further comments at that point. If you require clarity or further information on any matters, we have raised in the letter above or have other comments, please do not hesitate to contact us directly. | See previous responses to specific point above.   |

# 5. Applicant’s Comments on the Submission from Kent Wildlife Trust

## 5.1 Introduction

5.1.1 Table 5.1 summarises the Applicant’s comments on Kent Wildlife Trust Deadline 4 Response [REP4-124].

**Table 5.1 Applicant’s Comments on the Kent Wildlife Trust Deadline 4 Submission [REP4-124]**

| Reference                       | Matter        | Point Raised   | Applicant’s Comments   |
|---------------------------------|---------------|--|--|
| <b>Ecology and Biodiversity</b> |               |  |  |
| 3.1                             | Kent Landfall | <p><u>Implications of previous cable works for impact assessment and mitigation</u></p> <p>During ISH2, the Examining Authority (“ExA”) asked the Applicant whether they were aware of any studies that had been undertaken to assess impacts on the intertidal area arising from the installation of the previous Nemo Link cable. In response, the Applicant stated:</p> <p><i>“We’re not aware of any specific monitoring studies that have been completed or any monitoring data that has been completed specifically relating to the intertidal mudflats.”</i></p> <p>KWT considers this response to be highly concerning.</p> <p>Despite the Applicant’s response, the Nemo Link Marine Licence required a programme of postconstruction monitoring of intertidal habitats and its invertebrate community over at least three years, secured by conditions imposed by the Marine Management Organisation (“MMO”). These reports are publicly available on the MMO register. Given that Nemo Link and Sea Link are both National Grid projects, with National Grid Electricity Transmission (“NGET”) and National Grid Ventures (“NGV”) both part of the National Grid Plc group, it is deeply concerning that the Applicant has made no effort to understand the causes and extent of the damage caused by their sister company, to review monitoring data, learn from the documented impacts of Nemo Link, or to take lessons into account in preparing the Sea Link application and its Environmental Impact Assessment (“EIA”). This calls into serious question the adequacy and credibility of Sea Link’s EIA and is inconsistent with the requirements of the EIA Regulations 2017, which require a robust, evidence-based assessment informed by all relevant available information. The Applicant’s complacency is further evidenced by their failure to act on a clear action point from the ExA at Issue Specific Hearing 1 on 11 November 2025, which required the Applicant to engage with NGV to understand why Horizontal Directional Drilling (“HDD”) was ultimately abandoned for Nemo, raising serious doubts about their commitment to avoiding repeat environmental harm.</p> | <p>Following on from ISH2, the Applicant has reviewed the Nemo Link Interconnector Year 3 Post-Construction Intertidal Technical Report (CEAPEG0820).</p> <p>The results from this report agree with the conclusions of the Proposed Project’s assessment with regards to impacts to the intertidal mudflats. The report states that <i>‘following an initial decrease in abundance and diversity in 2018, intertidal communities have been resilient to the physical disturbance resulting from the burial of the cable in 2017. Natural tolerance coupled with fast natural recruitment has resulted in a rapid recovery of faunal communities in 2020’</i>. Furthermore, the monitoring report also states <i>‘Data collected during the year-one and year-three post-construction surveys showed that the loss of intertidal fauna was localised and temporary, and by 2020 faunal communities and habitats present along the cable route reflect those seen during the baseline survey’</i>.</p> <p>These conclusions agree with the Proposed Project’s Benthic Ecology assessment Application Document 6.2.4.2 [AS-020] which states <i>‘due to the temporary and limited footprint compared to wider available area of habitat, and the understood ability for infaunal species associated with intertidal mudflat to exhibit rapid recovery to disturbance (McQuillan, et al., 2024; Tillin, et al., 2024), the physical disturbance and/or temporary loss of this habitat is predicted to be of small magnitude..... has been assessed as having a small magnitude which results in a minor effect, which is not significant’</i>.</p> <p>Nemo Link Limited responded directly to the issue raised in Action Point 16 in REP4-127, stating that the selection of route and installation approach for Nemo Link landfall works was based on risk analysis of site constraints, feasibility of installation techniques, and based upon the best industry practice at the time. The proposed installation method was discussed with consultees when the environmental impact assessment was completed and the project was consented. It is not correct to state that Nemo Link decided to “switch from a trenchless landfall to an open cut solution at the detailed design stage” as the Nemo Link Environmental Statement of February 2013 and related documents make clear,</p> |

| Reference | Matter | Point Raised   | Applicant's Comments   |
|-----------|--------|--|--|
|           |        |  | <p>Nemo Link consistently preferred an open cut trench landfall at Pegwell Bay, in the "Service Station South" area, broadly replicating the Thanet Offshore Wind Farm approach.</p>   |
|           |        | <p>KWT also disagrees with the Applicant's assertion that any residual impacts from Nemo Link have no bearing on the conclusions of the Sealink impact assessment. This position is not credible where site specific post-construction monitoring demonstrates that intertidal habitats, particularly saltmarsh, have not recovered to pre-construction condition. In these circumstances, it is unreasonable for the Applicant to conclude that there are no relevant residual impacts. Omitting Nemo Link's monitoring reports also calls into question the reliability of Sea Link's Cumulative Impact Assessment ("CIA"), mitigation measures and recovery assumptions. This goes against the precautionary principle, which is embedded in UK environmental law and planning policy (e.g. R (Mott) v Environment Agency [2016] UKSC 10; and National Policy Statement EN-5).</p>  | <p>The Applicant would like to clarify again that the methods used to cross the saltmarsh for Nemo Link are very different to that proposed for the Proposed Project. The Applicant is <u>not</u> proposing open cut trenching methods to cross the saltmarsh. The open cut trenching of this habitat does not form part of the Proposed Project's Maximum Design Scenario and therefore would not be a consented activity under the Development Consent Order for the Proposed Project.</p> <p>With regards to impacts to the mudflats, the conclusions of the Nemo Link monitoring is outlined within 3.1 above which agrees with the conclusions of the Proposed Project's assessment of impacts that the mudflat communities recover rapidly from any disturbance.</p>   |
|           |        | <p>Of particular relevance is Nemo Link's Marine Licence Condition 5.2.22, which required 5-years of postconstruction saltmarsh monitoring. This condition remains Open and has not been discharged. The Year 5 monitoring report concluded that there has been "no recovery" of the saltmarsh ridgeline and "tidal incursion into the saline lagoon remains more frequent than before the cable installation works were undertaken." 1 The monitoring report also concludes that topographic monitoring has "indicated significant variation in the extent of standing water and largely unvegetated ground from survey to survey", and even criticises the baseline assessment methodology, stating "the analysis of vegetation change through quadrat monitoring has been severely constrained by the relatively small number and locations of quadrats established before and immediately following the cable installation works, and in particular by the lack of systematic pre- and post-works data sets". Concluding the 5-years of monitoring, the MMO recommended the continued monitoring of the saltmarsh, including the request for National Grid Nemo Link Ltd to consider "next steps which take into account the long-term recoverability of the saltmarsh habitat. The MMO note that it has not been possible to agree a suitable restoration programme (MLA/2021/00474 withdrawn). The MMO advise that post-construction monitoring continues as vegetation is still visibly recovering and there remains to be tidal inundation of the lagoon as the seaward ridge is slowly developing. The MMO require high confidence in the continued recoverability of the saltmarsh from the impacts of the cable landfall [...] The MMO advise discussion with Natural England through their Discretionary Advice Service on this point. The MMO is available to attend a meeting to discuss extended monitoring requirements." 2 National Grid Nemo Link Ltd. disagreed with this position, stating: "Further monitoring, beyond that already undertaken, is not proportionate to the outstanding issue around the topography of the original high marsh ridge and the emerging</p> | <p>The Applicant would like to clarify again that the methods used to cross the saltmarsh for Nemo Link are very different to that proposed for the Proposed Project. The Applicant is <u>not</u> proposing open cut trenching methods to cross the saltmarsh. The open cut trenching of this habitat does not form part of the Proposed Project's Maximum Design Scenario, and the Proposed Project has actively sought to mitigate impacts to the saltmarsh habitat by avoiding it using trenchless installation techniques.</p> <p>The impact pathways with regards to the Saltmarsh are therefore very different for the Proposed Project in comparison with Nemo Link.</p> <p>An update to the Register of Environmental Actions and Commitments has also been updated and submitted at Deadline 4A which outlines all proposed mitigation at Pegwell Bay and includes:</p> <ul style="list-style-type: none"> <li>- B67 – No vehicular or pedestrian access across the mudflats; access routes across the mudflats from former hoverport to be defined post consent in consultation with NE and KWT and informed by a pre-construction saltmarsh survey</li> <li>- B69 – commitment that the trenchless crossing exit pits will be minimum of 105 m from the seaward edge of the saltmarsh and the working area will be 50 m from the seaward edge of the saltmarsh.</li> </ul> <p>Specific measures have also been included to mitigate the potential for any indirect impacts on the saltmarsh (and other habitats within Pegwell Bay) as a result of frac-out during HDD drilling. This includes:</p> <ul style="list-style-type: none"> <li>- B59 – commitment to prepare an HDD Landfall Method Statement and Drilling Fluid Management Plan in consultation with NE, KWT, RSPB.</li> </ul> |

| Reference | Matter   | Point Raised  | Applicant's Comments  |
|-----------|--|---|---|
|           |  | <p>establishment of a new high marsh ridge.” 3 The unresolved status of this condition demonstrates that habitat recovery following cable installation at this landfall has not been straightforward, and that agreed mitigation has not delivered full recovery in practice.</p>   | <ul style="list-style-type: none"> <li>- B61 – commitment to only operate pumps at low pressure if they are used to flush drilling fluid from saltmarsh.</li> </ul>   |
|           |  | <p>Whilst failure to discharge this condition does not on its own prohibit the grant of consent for Sea Link, it is clearly material to the lawfulness and robustness of decision-making. The outstanding condition evidences that mitigation for previous cable works at this landfall has not delivered habitat recovery as anticipated, which directly bears upon the accuracy of the environmental baseline, the assessment of cumulative effects, and the credibility of any mitigation relied upon for Sea Link. Proceeding with further intertidal works in circumstances where existing impacts remain unresolved raises serious concerns under the EIA Regulations 2017 and the precautionary principle embedded in the Habitats Regulations and undermines confidence that future conditions will be effective or enforceable in practice. Accurate consideration of the Nemo Link monitoring reports would likely have resulted in a more comprehensive assessment of impacts and stronger mitigation and remediation commitments for Sea Link.</p>  | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT at Deadline 4.</p> <p>The Applicant maintains the position that it cannot be held responsible for the discharging of conditions for other projects.</p> |
|           | <p>Taking all of this into consideration, KWT poses the following question to the MMO:</p> | <p>Given that Marine Licence condition 5.2.22 for the Nemo Link project remains Open due to the conclusion that saltmarsh has not recovered, how does the MMO take this unresolved legacy impact into account when assessing the acceptability of further cable works within the same intertidal habitats under the Sea Link project, and would the MMO require resolution of the Nemo condition, or additional safeguards, before permitting Sea Link's intertidal works to commence? Additionally, we believe that it would be pertinent to ask the MMO and Natural England whether the meeting mentioned within the MMO's letter to National Grid Nemo Link Ltd took place, and what were the outcomes of that meeting? Given that NGV and NGET are sister companies within the National Grid Group, there is both an opportunity and a responsibility to address outstanding issues from Nemo Link and ensure they are not repeated. The current situation suggests either a lack of company learning, or a troubling complacency toward environmental harm, undermining confidence in the Applicant's approach to environmental protection at this sensitive landfall.</p> | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT at Deadline 4.</p> <p>The Applicant maintains the position that it cannot be held responsible for the discharging of conditions for other projects.</p> |
|           |  | <p>KWT also has concerns regarding the transparency and robustness of the discharge of Nemo Link Marine Licence conditions. Some condition returns appear missing, incomplete, or unclear without access to underlying correspondence. KWT has therefore submitted Freedom of Information (“FOI”) requests to the MMO for all associated documentation and to Dover District Council (“DDC”) for the complete planning condition record and discharge documentation. We expect responses by 3rd March 2026 and respectfully request the ExA permit a supplementary</p>  | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT At Deadline 4.</p> <p>The Applicant maintains the position that it cannot be held responsible for the discharging of conditions for other projects.</p> |

| Reference | Matter                         | Point Raised   | Applicant's Comments   |
|-----------|--------------------------------|--|--|
|           |                                | <p>submission from KWT if new, relevant information arises which is applicable to Sea Link's Examination process.</p>  |  |
|           |                                | <p>Overall, the Nemo Link experience has significant implications for confidence in the effectiveness and enforceability of conditions associated with Sea Link. If monitoring shows that habitats have not recovered as expected, yet conditions are nevertheless discharged or allowed to lapse, this undermines trust that conditions will deliver real environmental protection in practice.</p>   | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT at Deadline 4.</p>   |
|           | Impacts on the intertidal area | <p>A central issue for this agenda item is whether the Applicant can realistically and reliably deliver HDD at the Kent landfall location, and what the implications are if they cannot. KWT has serious concerns that the current approach, treating HDD as a preferred but ultimately unproven technique, fails to provide the level of certainty required for a project of this scale in such a highly sensitive intertidal environment.</p> <p>Given the lack of engagement with their sister company NGV and that further ground investigation surveys are still required to determine HDD feasibility, KWT has little to no confidence that HDD can be delivered as proposed. It is unacceptable for the feasibility of a technique that fundamentally determines the scale and nature of environmental impacts to remain unresolved at this stage of the Examination.</p> <p>Experience from other major infrastructure projects demonstrates that HDD is frequently proposed at the consenting stage but later abandoned due to ground conditions, technical failure, or programme constraints, often resulting in far more damaging open-cut methods being used instead. This is not a hypothetical risk but a well-documented pattern. For example:</p> <ul style="list-style-type: none"> <li>• <b>Lincs Offshore Wind Farm:</b> The project was consented with the condition that HDD was to be used across the saltmarsh. However, during the construction phase, multiple HDD attempts failed due to unstable soils; after six unsuccessful attempts, HDD was abandoned and the applicant obtained alternative consent to use more intrusive trenching techniques such as chain trenching and cable laying with rollers for nearshore burial. This is one of the clearest documented UK examples where HDD was proposed, consented but effectively abandoned due to site conditions and replaced with more traditional open-cut trenching methods.</li> <li>• <b>Seagreen 1A, export cable (Cockenzie, Scotland):</b> HDD was originally consented for the intertidal landfall method, but post-consent ground investigations led to a revised application for open-cut trenching due to technical difficulties. The post-consent investigations found that HDD could “pose significant technical challenges due to ground conditions”, therefore the applicant applied for an alternative landfall method,</li> </ul> | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT at Deadline 4 with regards to their decision to open cut trench.</p> <p>The use of trenchless techniques such as HDD is not unproven and is a very common landfall installation method for subsea cables. Example UK landfall projects drilled by HDD include Burbo Bank 2015, Dudgeon 2015, Western Link 2015, Walney Extension 2016, East Anglia 1&amp;3 2018, IFA2 2018, Triton Knoll 2019, Dogger Bank A&amp;B 2020, Viking Link 2022, Sofia Offshore Windfarm 2023, Dogger Bank C 2023, NeuConnect 2023, and Eastern Links 1 and 2.</p> <p>As per submissions from Nemo Link Limited at Deadline 4[<b>REP4-137</b>], they state ‘<i>The selection of route and installation approach for Nemo Link landfall works was based on risk analysis of site constraints, feasibility of installation techniques, and based upon the best industry practice at the time. The proposed installation method was discussed with consultees when the environmental impact assessment was completed and the project was consented. It is not correct to state that Nemo Link decided to “switch from a trenchless landfall to an open cut solution at the detailed design stage” as the Nemo Link Environmental Statement of February 2013 and related documents make clear, Nemo Link consistently preferred an open cut trench landfall at Pegwell Bay, in the “Service Station South” area, broadly replicating the Thanet Offshore Wind Farm approach</i>’.</p> <p>A feasibility study was completed in 2023 for the Proposed Project which confirms the suitability of using a trenchless crossing solution at Pegwell Bay. Findings from this feasibility study can be found in <b>Appendix A Landfall HDD Feasibility Technical Note</b>, part of <b>Application Document 7.3 Design Development Report [APP-321]</b>. Based on the findings from this feasibility study, no alternative non-trenchless techniques, such as open cut trenching, have been considered in the assessment documents or the Development Consent Order and therefore would not be permitted as part of this application. Therefore the worst case scenario has been appropriately assessed for the Proposed Project.</p> |

| Reference | Matter | Point Raised  | Applicant's Comments   |
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|           |        | <p>which was approved, using ploughing and open-cut method across the intertidal zone.</p> <ul style="list-style-type: none"> <li>• <b>Seagreen (Carnoustie, Scotland):</b> Similarly to Seagreen 1A Cockenzie, HDD was consented, yet the project ultimately proceeded with open-cut trenching at the landfall location.</li> <li>• <b>Hornsea Project Four and North Falls:</b> Within the planning documents it's noted that onshore export cables will be installed in mechanically excavated trenches (open-cut), with HDD used only where feasible. This highlights our concern that open-cut trenching appears to be the default when HDD fails.</li> <li>• <b>HyNet CO2 Pipeline and River Colne crossing:</b> These two projects demonstrate cases where HDD was ruled out at specific crossings due to engineering difficulties, leading to open-cut methods being adopted instead.</li> </ul>  |  |
|           |        | <p>These examples collectively show that HDD is far from a guaranteed technique, particularly in complex coastal and intertidal geology. The implication for Sea Link is clear: if HDD cannot be delivered, the likely fallback would involve open-cut trenching or other more invasive methods. KWT therefore urges that HDD feasibility must be resolved pre-consent, not secured through a post-consent commitment. Deferring this issue is inconsistent with the EIA Regulations 2017, which require that the worst-case scenario is properly assessed at the time of decision-making, not left to be managed later. Similarly, reliance on a post-consent "Rochdale Envelope" approach (see R (Rochdale MBC) v Secretary of State for Transport [2005] EWHC 1469) is inappropriate here, because the choice between HDD and open-cut methods represents a fundamental change in the likely significant effects, not a minor construction detail.</p> |  |
|           |        | <p>Given the presence of internationally designated sites (SPA, Ramsar, SAC), the Applicant must comply with the Habitats Regulations and the precautionary principle (as affirmed in R (Mott) v Environment Agency [2016] UKSC 10). Proceeding without firm evidence that HDD is feasible risks a consent being granted on an overly optimistic impact scenario, which would undermine the integrity of the Appropriate Assessment process. In light of the clear track record from other projects, KWT considers that:</p> <p>NGV must respond to the ExA's questions around why HDD was abandoned for Nemo Link;</p> <ul style="list-style-type: none"> <li>• The Applicant must demonstrate during the Examination process, and based on robust site specific geotechnical evidence, that HDD is assertively feasible at Pegwell Bay;</li> </ul>  | <p>The Applicant confirms that Nemo Link Limited (for the Nemo Link project) have submitted a detailed response to the ExA's questions around HDD for review by KWT at Deadline 4.</p> <p>The Applicant would again like to clarify that the open cut trenching of the saltmarsh habitat does <u>not</u> form part of the Proposed Project's Maximum Design Scenario and therefore would not be a consented activity under the Development Consent Order for the Proposed Project. The Applicant has also committed to trenches crossings of the saltmarsh in the REAC and also the dML.</p> |

| Reference | Matter  | Point Raised   | Applicant's Comments   |
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|           |   | <ul style="list-style-type: none"> <li>• The Examination must consider, and the Applicant must assess, a realistic worst-case scenario in which HDD cannot be delivered; and</li> <li>• Clear, enforceable limits must be set on what construction methods could be used if HDD fails, rather than allowing an open-ended fallback to more damaging techniques.</li> </ul>   |  |
|           | KWT also poses the following question to the Applicant: | <p>If during construction, HDD were to fail at Pegwell Bay in a manner similar to Lincs Offshore Wind Farm, would the Applicant seek to revert to open-cut trenching or other more intrusive methods, or would they instead be required to reconsider alternative landfill options?</p> <p>Until the Applicant provides this certainty, KWT remains fundamentally unconvinced that HDD is a reliable or deliverable measure for Sea Link.</p>  | <p>The Applicant would again like to clarify that the open cut trenching of the saltmarsh habitat does <u>not</u> form part of the Proposed Project's Maximum Design Scenario and therefore would not be a consented activity under the Development Consent Order for the Proposed Project. The contingency options in Pegwell Bay in the unlikely event HDD fails at Pegwell Bay is to use Direct Pipe or Microtunnelling – both of which are still trenchless installation methods which have been assessed within the Maximum Design Scenario in the Environmental Statement.</p>   |
|           | Access via the hoverport                                | <p>At ISH2, KWT sought to question the Applicant regarding how it had determined that the proposed access route across the hoverport is "unvegetated," but was unable to complete this line of questioning within the hearing. The Applicant has previously stated that it has been unable to undertake detailed ecological surveys across the hoverport due to access restrictions. It is therefore unclear on what basis they have concluded that the preferred access route lacks vegetation, specifically, whether this assumption is based primarily on aerial imagery rather than on-ground survey data. This is concerning because, as KWT has previously highlighted, food plant species for fully protected invertebrates are known to grow within cracks and fissures in the tarmac across the hoverport. The Applicant's assumption that the route is devoid of ecological value may therefore be incorrect. The use of heavy machinery and repeated tracking across such ruderal habitats would constitute habitat loss and could adversely affect protected species. Likewise, the use of ground protection mats has the potential to smother food plant species, destroying habitats and killing protected invertebrate species in their larvae stage. KWT considers that targeted invertebrate surveys and vegetation habitat surveys across the hoverport are required before the access route is finalised, so that any sensitive areas can be identified and avoided or appropriately mitigated. KWT are pleased the Applicant has agreed for KWT to review the proposed access route prior to its approval, however we remain concerned that the Applicant continues to push for no ecological baseline surveys. We strongly urge that ecological surveys (botanical, invertebrate and reptile) are undertaken to identify a suitable access route, for KWT and Natural England to then review.</p> | <p>While no formal ecological surveys were possible (as these require a licence from the landowner who declined to issue one), permission was granted for a walkover on foot. This is how the openness of the route was determined and was how the photographs showing the open route through vegetation were obtained. As is clear from the ground-level photographs that have been submitted into the Examination, there would be no requirement for tracking over ruderal habitats. The Applicant has already committed in the REAC (measure B66) to a pre-construction botanical survey. This will identify areas of habitat suitable for larval foodplants or other ecological receptors to be avoided.</p> |

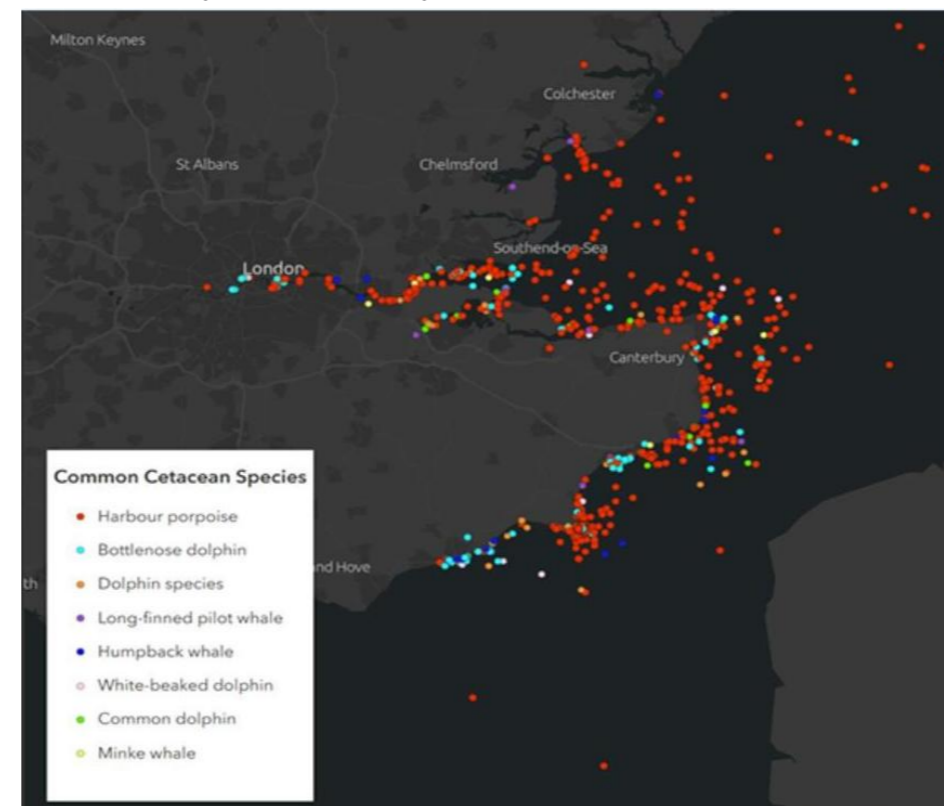
| Reference | Matter | Point Raised  | Applicant's Comments  |
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|           |        | <p>Taking this into account, KWT poses the following question to Natural England: Given your statutory role in enforcing environmental legislation and in licensing activities that may affect protected species, what is Natural England's position on whether baseline ecological surveys of the hoverport should be undertaken before the access route is finalised? In particular, if licences were required for any aspect of the proposed works, would Natural England expect such surveys to be carried out to inform and support any licensing decisions?</p>   |   |
|           |        | <p>In addition, KWT is concerned that the Applicant's preliminary access route appears to utilise the southern fringe of the hoverport as the point of entry and exit onto the intertidal mudflat. This area lies immediately adjacent to the saltmarsh. It is unclear whether the Applicant has properly considered using the northern fringe of the hoverport instead, which may present fewer risks to saltmarsh and associated habitats. Greater justification is therefore required as to why the route must pass so close to the saltmarsh, rather than utilising an alternative alignment that would minimise encroachment onto this habitat.</p>  | <p>The extension to the Order Limits included in the Change Request (<b>Application Document 9.76.5 Change Request: Addendum to Volume 6 Environmental Statement [CR1-055]</b>) is to provide more flexibility for construction access to specifically avoid potential impacts on the saltmarsh.</p> <p>In addition to this the Applicant has committed to several measures to avoid impacts in the saltmarsh. These measures are included in, and secured by, <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> and <b>Application Document 9.84 (C) Register of Environmental Commitments (REAC)</b> both submitted at Deadline 5.</p> <p>Regarding the construction access via the hoverport these include:</p> <ul style="list-style-type: none"> <li>• <b>B67:</b> Commitment to ensuring that there is no pedestrian or vehicular access across the saltmarsh, completing a pre-construction saltmarsh survey to inform construction access routes from the hoverport in consultation with NE and other stakeholders and includes a commitment to the use of low pressure bearing vehicles across intertidal mudflats.</li> <li>• <b>B68:</b> Commitment to prepare a Pegwell Bay Landfall Construction Method Statement for all landfall and cable installation works in Pegwell Bay.</li> </ul> |
|           |        | <p>The need for access by 40-tonne vehicles raises additional concerns. Such traffic has the potential to erode or fracture the existing sealed surface, with a risk that broken sections could collapse into the sea, causing debris or contamination to enter the intertidal environment. KWT notes that the Applicant pushed back on proposals to repair the sections most at risk of failure, although they indicated that temporary matting could be used along the access route. It is unclear whether such measures would be sufficient to prevent environmental harm.</p> <p>Overall, KWT considers that the current understanding of ecological conditions on the hoverport is insufficient to justify the proposed access route, and that further surveys and clearer commitments to surface integrity and habitat protection are required.</p> | <p>This was discussed in ISH2. The Applicant is committed to undertaking a Structural Integrity Assessment of the hardstanding at the hoverport to ensure it is suitable for the limited construction and maintenance access proposed. This has already been committed to at Deadline 4 and will be included within the highway condition surveys outlined in section 7.4.7 of <b>Application Document 7.5.1.2 Outline Construction Traffic Management and Travel Plan – Kent [APP-338]</b>. In addition, the Applicant will prepare a hoverport condition monitoring plan post consent to monitor the condition of the hoverport during construction. This is included as measure W37 within <b>Application Document 9.84 (C) Register of Environmental Actions and Commitments (REAC)</b> submitted at Deadline 5. Environmental considerations aside, this would be a health and safety concern for National Grid regarding drivers of construction vehicles. If there is a risk of collapse, then either structures will be put in place to protect the surface, or the route will be micro-adjusted within the Order Limits.</p>   |

| Reference          | Matter                        | Point Raised   | Applicant's Comments  |
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| <b>Ornithology</b> |                               |  |   |
| 4.1                | Construction Impacts          | <p>In ISH2, concerns were raised regarding the Applicant's approach to breeding birds and disturbance. The Applicant confirmed that it intends to define the breeding bird season as March – June, stating that this would only be extended to March – September if required by Natural England (“NE”). KWT considers March – June to narrow, given that many relevant species, including Schedule 1 and redlisted birds, routinely breed beyond June. This is particularly concerning since the substation and converter station are to be built adjacent to an area of woodland designated as part of Sandwich Bay to Hacklinge Marshes SSSI. Reasons for its designation include its breeding bird assemblage. Reliance on a restricted breeding season risks underestimating potential disturbance and habitat impacts unless NE explicitly intervenes.</p> <p>With respect to noise and visual disturbance, the Applicant was asked whether its assessment would remain valid if construction activities deviated within the revised Order Limits. National Grid was unable to confirm what the implications would be for ornithological receptors in that scenario, highlighting uncertainty in the robustness of the assessment.</p> <p>Within the hearing, it was also queried how Operation Turtle Dove had been taken into account. The Applicant stated that this initiative had not been specifically considered but suggested that proposed woodland edge habitat around the converter station would provide suitable habitat for the species. KWT notes that this response failed to acknowledge that, while some habitat creation is proposed, existing suitable habitat will also be lost. This is a material concern, as turtle dove fledglings have been recorded (and photographed) by a Save Minster Marshes (“SMM”) birder along a hedgerow that is proposed to be removed as part of the scheme, confirming that breeding turtle doves are currently using onsite habitats. This evidence indicates that impacts on this species may be greater than the Applicant has recognised and requires more careful assessment and mitigation.</p> | <p>The Applicant's justification for a March to June restriction has been set out in the Applicant's Deadline 4 response document [REP4-083], response to Kent Wildlife Trust's comments. However, the Applicant is continuing to discuss this matter with Natural England.</p> <p>The Applicant clarified its position on the Limits of Deviation for activities within Pegwell Bay in its response to <b>January Hearing Action Points (Action Point No. AP21) [REP4-086]</b> at Deadline 4, confirming that the assessment of noise and visual disturbance on waterbirds has considered the maximum Limits of Deviation shown on Figure 6.4.4.5.8 in <b>Application Document 6.4.4.5 (D) Environmental Statement Figures Marine Ornithology</b>. While suitable habitat for turtle dove will be lost there will be a substantial net increase in habitat available for turtle dove due to the planting around the converter station and substation.</p>                    |
| 4.3                | Collision risk and mitigation | <p>At ISH2, the Applicant's position was that collision risk with the proposed overhead lines (“OHL”) would be limited because birds are already habituated to existing lines in the area, with most species flying over the cables and some smaller species flying underneath. The Applicant stated that this conclusion was informed by vantage point surveys of flight paths. However, KWT considers that this reliance on existing habituation is insufficient, particularly given that the introduction of new lines into an already complex “wirescape” could alter existing flight behaviour and collision risk, a matter which remains untested and unresolved.</p> <p>KWT disagrees with the Applicant's statement that bird diverters are not needed on the existing lines because birds are already taking avoidance action. The introduction of additional overhead lines has the potential to change established flight patterns and avoidance behaviour, with birds displaced from the new cables potentially being funnelled into, or diverted towards, existing lines,</p>   | <p>As previously set out by the Applicant, the focus of bird flights are movements up and down the River Stour. Birds making these flights are already having to navigate existing OHL crossing the River Stour both east and west of the proposed new section of OHL, plus the wider ‘wirescape’ already present outside the river corridor. The Applicant's surveys have shown that they are successfully doing this, i.e., the birds can detect the wires and continue along the flight path they are wanting to use, and that the presence of OHLs is not preventing flight activity along the River Stour or funnelling birds elsewhere. There is no reason to suggest that the placement of a short section of new OHL (with diverters where the OHL crosses the River Stour) would suddenly cause birds to divert from their flight path and into conflict with other OHLs, i.e., the birds can see the existing OHLs and will be able to see the new OHL as well.</p> |

| Reference             | Matter | Point Raised   | Applicant's Comments   |
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|                       |        | <p>thereby increasing rather than reducing collision risk across the wider wirescape.</p>  |  |
|                       |        | <p>Since ISH2 and listening to the Applicant's response about how the proposed bird diverters for new OHL work (absorbing light during the day and emit it at night), KWT have undertaken preliminary research into the proposed diverters. Research indicates that such devices require sustained sunlight with a UV Index of at least 3 to function effectively. During periods of heavy cloud cover, or when the UV Index drops to 1 or below, their effectiveness is significantly reduced or nullified. Notably, the UV Index at Pegwell Bay during the three days of ISH2 peaked at only 0.7, well below the minimum threshold, raising serious doubts about their efficacy during winter or overcast conditions, when collision risk may remain high. KWT shared these findings and concerns with Kent Ornithological Society ("KOS"), who raised further concerns that there is little scientific evidence demonstrating the effectiveness of these specific fluorescent deterrents. <b>Therefore, we pose the following question to the Applicant:</b></p> <p>Can the Applicant confirm whether the proposed fluorescent bird deterrents have been used elsewhere on comparable overhead line projects, including whether they have been used for other National Grid projects, and if so, provide details of their history of use, relevant case studies, and any monitoring or evidence demonstrating their effectiveness in reducing bird collision risk.</p> <p>Until this information is provided, KWT considers that the Applicant has not demonstrated that the proposed mitigation is robust, evidence-led or effective. Clearer justification supported by independent studies or case evidence is required before reliance can be placed on these deterrents as a meaningful collision risk mitigation measure.</p> | <p>Importantly, the Applicant would re-iterate that the deployment of diverters is not to mitigate an otherwise significant effect. The assessment of collision risk concluded that there were no significant effects to birds from the proposed new section of OHL. This is a position agreed by Natural England. As such, the commitment to deploy diverters is only an additional precautionary measure. The Applicant has identified that hanging deflectors are likely to be more effective than passive spiral ring diverters. Making the deflectors reflective can only further aid their effectiveness. However, the deflectors being reflective are not fundamental to reaching a conclusion of no significant effect. The REAC makes this clear, stating that '<i>... hanging deflectors, especially those with fluorescent markings, offer the best solution</i>'. There is therefore no minimum duration of reflectivity that would be required to be effective; any period of reflectivity will aid effectiveness.</p> <p>With regard to the specific question posed, the Applicant can confirm that fluorescent diverters are currently being tested by National Grid but have not yet been deployed on the network. However, the Applicant is aware that UKPN have installed more than 4,000 diverters in the form of small spinning fluorescent discs on 22km of live overhead lines in the eastern region, with the majority across the Cambridgeshire fenlands, and also some around Mildenhall in Suffolk and Wissington and Hilgay in Norfolk. They have also installed similar diverters at the Wildfowl and Wetland Trusts Welney Wetland Centre nature reserve and along the overhead wires in Great Fen near Peterborough.</p> |
| <b>Marine Mammals</b> |        |  |  |
| 7                     |        | <p>In response to the ExA's action point seeking clarification on evidence for increasing cetacean presence near the Kent landfall, KWT draws attention to the findings of the Kent Dolphin Project ("KDP") 2025 report, which provides the most comprehensive amalgamation to date of cetacean records for Kent's coastal waters. As concluded within the report, cetacean populations are in decline due to pressures including bycatch, vessel strikes, and anthropogenic noise. Kent specifically, encompassing the Greater Thames Estuary, sits within a busy seascape of anthropogenic marine activity such as vessel traffic, aggregate dredging and marine development which may pose threats to local cetacean populations. As such, it is important to focus research efforts on cetaceans to better understand potential effects of anthropogenic activity in today's seascape. The KDP, a collaborative effort between the Sussex Dolphin Project and Adonis Blue Environmental Consultants ("ABEC"), part of the KWT Group, was</p>   | <p>The Applicant has been unable to find an online version of this report to review and so is unable to comment on its contents directly.</p> <p>However, the Applicant has reviewed information available on the Kent Dolphin Project (KDP) website (<a href="https://kentdolphinproject.org/">https://kentdolphinproject.org/</a>) and other relevant sites (<a href="https://www.kentwildlifetrust.org.uk/volunteering-opportunities/kent-dolphin-landwatch">https://www.kentwildlifetrust.org.uk/volunteering-opportunities/kent-dolphin-landwatch</a> and <a href="https://www.kentos.org.uk/index.php/610-kent-dolphin-project">https://www.kentos.org.uk/index.php/610-kent-dolphin-project</a>). These sites report that the KDP project uses a collaborative citizen science approach to collecting sightings of marine mammals in the waters around Kent. The ultimate objective of the KDP is to identify individual dolphins/pods, in order to better understand their behaviour, movement, prey species and breeding sites. The project has identified a number of cetacean species that use the waters around Kent, as shown in Figure 2 copied into the KWT comment opposite. All these species have been described, as</p>   |

established in 2024 to improve our understanding of cetacean abundance and health in Kent's waters, using a collaborative model of citizen science through marine mammal landwatch monitoring sessions, recording of opportunistic sightings ('ad-hoc' sightings of cetaceans from the public) and raising awareness of cetacean conservation importance. This report forms part of KDP's work, mapping cetacean sightings data from a range of available sources to provide a baseline of understanding, informing current knowledge of species occurrence and distribution in Kent. Historical data was also collated from the Sea Watch Foundation, the National Biodiversity Network Atlas, the National History Museum's Historical Strandings database and Joint Cetacean Data Programme, totalling 2,378 records and 12,769 individual marine mammals.

The below figures are sourced from the KDP report, with Sea Watch Foundation having kindly provided permission for their use in this Examination. They illustrate the growing body of evidence that cetaceans regularly occur in waters around Thanet and the wider Kent coastline. Figure 2 – Common Cetacean Species, shows the collated species records from MDE, NBN Atlas, Sea Watch Foundation, JCDP, KEIFCA and the Natural History Museum, and Figure 6 shows the composite heatmap of cetacean sightings, which together highlight consistent use of the wider area rather than sporadic or exceptional occurrences.



**Figure 2.** Recordings of most common cetacean species within the dataset. Data collected from the following sources: Marine Data Exchange, National Biodiversity Network Atlas, Sea Watch Foundation, Joint Cetacean Data Programme, Kent & Essex IFCA, National History Museum strandings.

likely to be present, in the original baseline of **Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals [APP-077]** submitted as part of the DCO application.

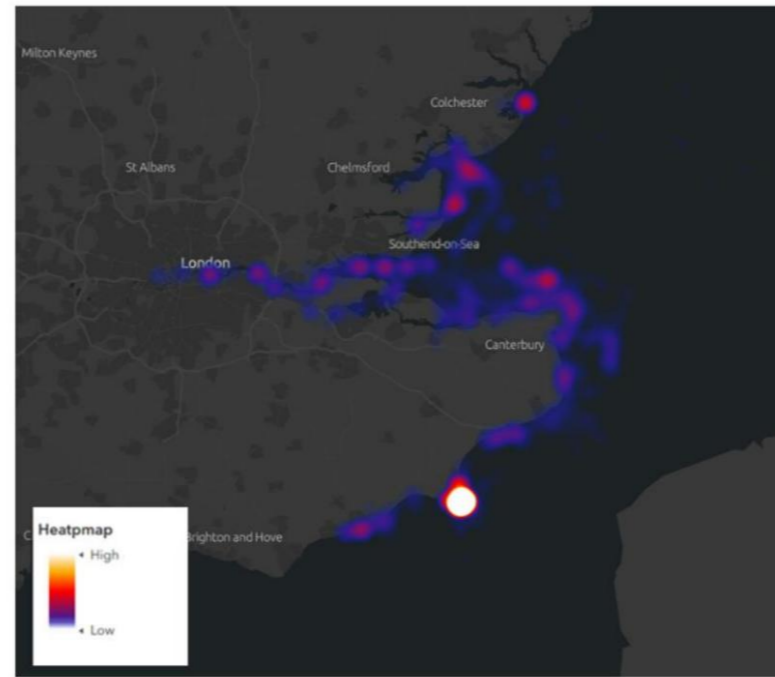
The approach used by the KDP is an excellent way to collect data on the presence, local distribution and behaviour of cetaceans in a local area. However, the data from such sightings' programmes cannot determine the species density data that are required for a quantitative impact assessment, such as the number of animals in a potential zone of influence in relation to underwater sound effects for example.

For example, Figure 2 from the KDP report plots cetacean sightings but in the absence of any description of the time period, or level of sightings effort, over which the KDP data were collected, it is not possible to understand their relevance other than some individuals of these species have been observed in the waters around Kent, which has already been presented in the baseline characterisation. Thus, the information presented in Figure 2 is consistent with the baseline already presented but does not provide data that would be suitable for a quantitative assessment.

Similarly, Figure 6 from the KDP report, of a cetacean sightings 'heatmap' has no scalebar, instead giving a relative range of observations from low to high with no indication of the actual numbers of sightings involved. Thus, it is not possible to determine from this figure what numbers of sightings the hotspots are reflecting. The hotspot map covers a relatively small region of UK waters and so it is also not possible to determine if the mapped 'hotspots' identified are of local, regional, national or international importance. For both figures, with no indication of the time scale, or units of effort, over which the sightings were collected, the resulting information does not present useable data for assessment purposes. In addition, where sightings data are collected over different time periods it is not possible to determine how many records of the same cetacean, or pod of cetaceans, are included in the observations. The baseline data, as presented at DCO application, uses density data collected from regular, scientifically based systematic surveys as discussed below.

Marine mammal density estimate data can only be reliably determined from repeated standardised cetacean surveys and density surface modelling (DSM) techniques are employed to estimate numbers. Such approaches have been used by the SCANS (Small Cetaceans in European Atlantic waters and the North Sea) programme (e.g. see Ramirez-Martinez et al., 2025; Gilles et al., 2023) and others (e.g. Waggitt et al., 2019) and density estimates reviewed to determine the most precautionary values for the assessments.

As reported in **Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals [APP-077]** there are many cetacean species that could occur within the project area, with some species present in important densities and others as occasional visitors. The key species likely to be found in the Sea Link project area, including around the waters of Kent, are the harbour porpoise, bottlenose



**Figure 6.** Heatmap of all cetacean sightings within the dataset. Data collected from the following sources: MDE, NBN Atlas, SeaWatch Foundation, JCDP, KEIFCA, NHM strandings database.

dolphin, minke whale and white-beaked dolphin and the baseline also recognises the possible presence of another six named species for which abundance estimates cannot be established due to their occasional presence. All cetaceans included in the KDP heat maps have been discussed in the baseline considered in the environmental impact assessment. Similarly, there are Figures of each of the key five species known to be present in the southern North Sea and in the waters around Kent. These have been fully recognised by the use of the highest estimate of density determined from scientifically robust surveys. No marine mammal species has been omitted from the chapter.

For this reason, the impact assessment uses datasets that can be used to estimate actual numbers of animals that could be present within a particular zone of influence. The Proposed Project's marine mammal chapter references all the species identified in Figure 2, which clearly indicates that most sightings are of harbour porpoise, the species identified in the chapter as the cetacean with the highest density in the region. This is consistent with the presence of the Southern North Sea SAC, designated for harbour porpoise, in the southern North Sea. This simple sightings Figure in the KDP report does not provide actual data that could replace the datasets already deployed.

However, to reflect the importance of local sightings programmes and citizen science projects, if KWT are able to provide the Applicant with a copy of the KDP report, the baseline of the latest version of **Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals** can be updated to make reference to the KDP report and the specific 'qualitative' data on observations within the local area but the data from these sightings are completely consistent with the baseline of scientifically robust density estimates, already presented.

The KDP analysis demonstrates that Kent's waters support a diverse and regularly used cetacean assemblage, including harbour porpoise, bottlenose dolphin, common dolphin, long-finned pilot whale and white-beaked dolphin, with additional occasional records of rarer species. Spatial mapping identified clear "hotspots" along the North and East Kent coast, including the Thanet coastline and areas adjacent to the wider Thames Estuary, indicating that cetaceans are not merely transient but make repeated use of this region. The findings within the KDP report directly contradict the Applicant's marine mammal assessment and the maps included in REP1-011: Marine Mammals – Figures, which appear to suggest that species such as bottlenose dolphin, minke whale and harbour porpoise are absent from, or only rarely present within or near the Order Limits. The KDP datasets, by contrast, demonstrate regular and widespread cetacean occurrence in the wider Thanet and Kent coastal waters. It is therefore concerning that the Applicant's assessment is so evidently out of step with this locally relevant evidence base, raising questions about the reliability of its baseline and the

As per the Applicant's response above, the full range of marine mammal species that could be present in the Sea Link project area, including in the waters around Kent, have been reported in the baseline. All possible species of cetacean have been considered in the impact assessment with a particular focus on those animals known to be present where density estimates are available, and for which quantitative assessments have been undertaken. Density maps have also been provided for all species where robust density estimates are available. For all other species, presence is discussed within the baseline and included within the assessments on a more qualitative basis.

The findings within the KDP report cannot be used to determine density and the Applicant again refers the respondent to the systematic survey data collected that is widely recognised to provide robust scientific estimates of the density of animals present. If KWT are able to provide the Applicant with a copy of the KDP report the baseline of the latest version of **Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals** can be updated to make reference to the KDP report and the specific 'qualitative'

| Reference                          | Matter          | Point Raised  | Applicant's Comments   |
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|                                    |                 | <p>conclusions drawn from it. Species of marine mammal recorded specifically at the Kent landfall location include:</p> <ul style="list-style-type: none"> <li>• Harbour porpoise</li> <li>• Bottlenose dolphin</li> <li>• Minke whale</li> <li>• Common seal</li> <li>• Grey seal</li> </ul> <p>Absence of species records does not indicate absence of species.</p>   | <p>data on observations within the local area but these sightings are completely consistent with the baseline of scientifically robust density estimates, already presented.</p>   |
|                                    |                 | <p>Regarding bottlenose dolphin specifically, the KDP report concludes that sightings were broadly distributed along Kent's coastline, with notable hotspots at Dungeness and Folkestone, and the coastline around Margate and Ramsgate emerging as the third most frequently recorded area for the species in Kent. The species has also been specifically recorded at Sandwich and Pegwell Bay. Overall, the evidence within the KDP report fundamentally undermines the Applicant's assertion in their Marine Mammal report, which states: "given the paucity of records for the region and predicted distribution modelling, this species [bottlenose dolphin] is unlikely to occur within the Study Area." Taken together, the research, data and evidence outlined within the KDP report indicates that:</p> <ul style="list-style-type: none"> <li>• Kent's coastal waters form part of an important and ecologically connected cetacean range within the Greater Thames and Eastern English Channel;</li> <li>• The increase in records is likely a combination of genuinely high use and improved detection through structured monitoring; and</li> <li>• There is no sound basis to treat waters near the Kent landfall as low-value or low-use for cetaceans.</li> </ul> <p>KWT therefore considers that the Applicant's Marine Mammal assessment, which relies heavily on broad-scale datasets and does not engage with this more localised and up-to-date evidence, risks underestimating baseline cetacean use and sensitivity in the vicinity of the landfall and offshore cable route. This has implications for the assessment of underwater noise, vessel disturbance, and construction risk, and supports the need for more precautionary mitigation, including robust marine mammal monitoring and clear construction noise thresholds.</p> | <p>If KWT are able to provide the Applicant with a copy of the KDP report the baseline of the latest version of <b>Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals</b> can be updated to make reference to the KDP report and the specific 'qualitative' data on animal sightings within the local area but these observations are completely consistent with the baseline of scientifically robust density estimates, already presented, and do not warrant any updates to the assessment of impacts.</p> |
| <b>Marine physical environment</b> |                 |   |  |
| 8.1                                | Coastal Erosion | <p>Following on from discussions around cable depth, KWT remains concerned about the interaction between proposed cable depth, coastal dynamics and the feasibility of HDD. The Applicant is currently proposing a cable burial depth of 1.5m within the intertidal habitats, whereas the Environment Agency ("EA")</p>   | <p>The Applicant confirms it has responded in detail to this question within AP74 <b>9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b>.</p>   |

| Reference                  | Matter | Point Raised   | Applicant's Comments   |
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|                            |        | <p>indicated that a depth of approximately 4.5m (an additional 3m) may be required to account for long-term coastal change and estuary migration. The EA further noted that if only 1.5m of cover were provided, a retaining structure might be required to prevent cable exposure or movement as the river mouth evolves over the project's lifetime. Following a worst-case scenario basis, we request the Applicant to include the use of a retaining structure within their EIA, as this potentially raises series concerns around additional impacts to marine and benthic ecology.</p> <p><b>KWT would also like further clarification on:</b></p> <ul style="list-style-type: none"> <li>• Would increasing the required burial depth to 4.5m necessitate a deeper or longer HDD bore, thereby increasing technical risk and discrediting the current feasibility of using HDD?</li> <li>• Would additional ground investigation be required to confirm HDD viability at this greater depth?</li> <li>• Would a deeper trench across the mudflats exacerbate habitat disturbance or recovery times?</li> <li>• Would a deeper trench result in increased feasibility of using HDD beneath the mudflats, reducing impacts to designated sites?</li> </ul>  |  |
| <b>Noise and Vibration</b> |        |  |  |
| 14.                        |        | <p>KWT do not wish to repeat what we have already stated within our Written Representations; however, we wish to emphasise that our concerns and requests for a more comprehensive assessment of noise and vibration impacts on seals remain unchanged. We therefore reiterate our request for further information on:</p> <ul style="list-style-type: none"> <li>• Likely feeding areas and impacts on prey species and prey habitat;</li> <li>• Known birthing areas used for breeding and pupping; and</li> <li>• Migration routes.</li> </ul> <p>KWT welcomed the ExA's detailed questioning regarding potential impacts on foraging seals, particularly when the Applicant was asked whether they had scientific evidence to support their assertion that foraging seals would not be disturbed because they are underwater. KWT reiterates this request and asks that the Applicant provide robust, peer-reviewed scientific evidence to substantiate their claim that seals can tolerate higher levels of disturbance while foraging. This should explicitly address impacts from underwater noise and vibration, not solely visual disturbance.</p> <p>Additionally, KWT is extremely concerned that when questioned about impacts on prey availability and the potential for noise and vibration to displace fish, the Applicant appeared to suggest that this would not be problematic because "seals have very wide</p> | <p>The Applicant would like to refer to the MMO's Deadline 4 submission with regard to impact on prey availability:</p> <p><i>Underwater noise from activities like sub-bottom profiling (SBP), trenching/cable burial vessel operation could cause temporary displacement, while potential Unexploded Ordnance (UXO) detonation could also result in injury, or mortality to fish within close range, potentially reducing local prey availability. However, given the mobile foraging behaviour of marine mammals, short-term and localised activities are in general unlikely to result in significant population-level effects.</i></p> <p><i>The MMO agrees with the Applicant's assertion that the works associated with the cable installation are not likely to have far-reaching impacts on fish receptors beyond the project location. Areas of seabed affected by the works will be largely confined to a margin either side of the cable installation route and impact to fish receptors for cable installation works are likely to be temporary. It is expected that during immediate cable installation works, fish receptors might move away from the work area to escape cable laying machinery, but this response would likely be temporary, and it would be expected that fish receptors might move away from the works to escape cable laying machinery, but this response would likely be temporary and fish receptors would return to the disturbed area once the disturbance has passed.</i></p> |

| Reference                 | Matter | Point Raised  | Applicant's Comments   |
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|                           |        | <p>foraging ranges, so in terms of the actual extent of the impact it is minor or negligible.” KWT fundamentally disagrees with this reasoning. The availability of prey within a reasonable distance of haul-out and breeding sites is critical to seal ecology, and assuming that seals can simply relocate to alternative foraging areas fails to account for the energetic costs and ecological realities of displacement. Forcing seals to travel further to find food would increase energy expenditure, which is particularly significant during sensitive life stages such as the moulting and breeding seasons when seals are already under physiological stress. Increased foraging effort during these periods could reduce body condition, compromise pup provisioning, and in worst cases affect survival rates of both adults and pups. Treating prey displacement as negligible because “seals have very wide foraging ranges” risks underestimating both individual and population-level impacts, contrary to a precautionary approach.</p> <p>Overall, KWT considers that the Applicant’s current noise and vibration assessment materially underestimates the potential for significant adverse effects on seals and cannot be relied upon as a sound basis for decision-making without further evidence and more robust impact assessments.</p>  | <p><i>With respect to marine mammals associated with the Wash and North Norfolk Coast SAC, the MMO, in consultation with Cefas, is content with the Applicant’s conclusion of no LSE. This site is designated for common (harbour) seals which generally feed on a mixture of gadoids (cod, whiting, bib), clupeids (herring, sprats etc.), flatfish (sole, plaice, dab, flounder) and sandeel. Although the Wash and North Norfolk Coast SAC is closer to the project site, many of the fish species which harbour seals feed on are widely distributed and have widespread spawning and nursery grounds in the central and southern North Sea. It is therefore unlikely that the area of the project works represents an exclusive high value feeding ground for harbour seals associated with the Wash and North Norfolk Coast SAC, given the fairly wide range of fish species these seals prey on and the widespread distribution of harbour seal prey fish.</i></p> <p>This agrees with the Applicants assessment of impacts from the Proposed Project and the Applicant therefore does not believe further assessments are required.</p>  |
| <b>Cumulative Effects</b> |        |   |  |
| 20                        |        | <p>In our Written Representations (Deadline 1) we noted that the EIA Regulations, the Habitats Regulations, the Planning Act 2008, NPS EN-1, NPS EN-5 all impose a clear and mandatory duty to assess cumulative impacts comprehensively. This duty to fully consider cumulative impacts is further supported by European caselaw. Those comments made at Deadline 1 still apply and are further reiterated and supported below.</p> <p>To summarise, under relevant legislation and policy, applicants must consider existing projects, approved projects and reasonably foreseeable projects within their assessment of cumulative impacts. Applicants are required to assess cumulative impacts with other plans or projects, regardless of who is responsible for them. Projects do not need to be under the same developer, applicant or authority. Past projects, ongoing projects and proposed developments in the same area must be considered if their effects could overlap spatially or temporally.</p> <p>The need to include reasonably foreseeable plans and projects is further supported by the Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment<sup>4</sup> which states that “In this advice, ‘other existing and, or approved development’ is taken to include existing developments and existing plans and projects that are ‘reasonably foreseeable’.”</p> <p>On the basis of the above, we re-iterate our verbal representation at ISH2, that the applicant has failed to consider all reasonably foreseeable projects and has therefore failed to fully assess the cumulative impacts of the Sea Link project. We wish to draw your attention to the National Energy System Operator’s Holistic</p> | <p>The Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment <a href="#">2024</a> states the following:</p> <p><b>Assigning certainty to other existing and, or approved development</b></p> <p><b>Tier 1</b><br/>Other existing and, or approved development</p> <ul style="list-style-type: none"> <li>• under construction</li> <li>• permitted applications under the Planning Act or other regimes but not yet implemented</li> <li>• submitted applications under the Planning Act or other regimes but not yet determined</li> <li>• all refusals subject to appeal procedures not yet determined</li> </ul> <p><b>Tier 2</b><br/>Other existing and, or approved development</p> <ul style="list-style-type: none"> <li>• Projects on the Planning Inspectorate’s programme of projects</li> </ul> <p><b>Tier 3</b><br/>Other existing and, or approved development</p> <ul style="list-style-type: none"> <li>• projects on the Planning Inspectorate’s programme of projects where a scoping report has not been submitted</li> <li>• identified in the relevant Development Plan and emerging Development Plans, with appropriate weight given as they</li> </ul> |

| Reference | Matter | Point Raised   | Applicant's Comments  |
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|           |        | <p>Network Design (“HND”). The HND is a government-commissioned assessment that identifies the offshore and onshore transmission network required by 2030. For context, Sea Link itself was identified within the HND, and has since progressed through the consenting process to this DCO application. Following consultation with Ofgem and Transmission Owners (“TO”), the Holistic Network Design Follow-Up Exercise (“HND FUE”) identified a number of projects omitted from the original HND. This included a new proposed offshore cable between Aberdeenshire and Richborough, using Pegwell Bay as the landfall location. This would represent the third interconnector cable to make landfall at Pegwell Bay, following Nemo Link and the proposed Sea Link project. This Aberdeenshire to Richborough cable was recommended for inclusion by Ofgem, accepted by NESO, and is now included within the HND Implementation Plan. As such, it cannot reasonably be described as speculative.</p> <p>The HND, HND FUE and the HND Implementation Plan are not aspirational strategies. They have been repeatedly relied upon by the Applicant within Sea Link project documents and written submissions to justify the need for the project. For example, in Document 7.2 Strategic Options Back Check Report (APP-320), the Applicant states that “The HND sets out a single integrated transmission network design that supports the large-scale delivery of electricity generated from offshore wind”. The Applicant later goes on to describe HND projects as “critical”, and referencing Ofgem’s Accelerated Strategic Transmission Investment (“ASTI”), which “aims to facilitate the achievement of Government targets by streamlining the regulatory approval of the HND critical projects.” Within the ‘Summary of need case’ section, the Applicant refers to the HND as “essential to meet the UK Government’s 2030 offshore wind targets.”</p> <p>It is apparent that projects outlined within the HND are intended to be delivered in line with national strategy. This is to such an extent that the HND Implementation Plan consultation states that “Deviations from the recommendations may have wider implications for the transmission network and other industry processes. It is important that we understand the full impact of any design changes, as there may be consequences that are not immediately obvious, and we are best placed to conduct this holistic assessment.” In short, it is clear that the entirety of the projects mapped in the HND Implementation Plan is expected to be delivered, with no expectation that new/additional projects would be proposed, or that projects would not be delivered.</p> <p>The importance of the HND is also reflected in NPS EN-5, which states that the HND “helps reduce the overall impact of infrastructure by identifying opportunities for co-ordination”. That objective can only be achieved if all reasonably foreseeable projects within the HND are properly considered in environmental assessments.</p> <p>Against this backdrop, it is concerning that the proposed Aberdeenshire to Richborough cable has not been included within</p> | <p><i>near adoption, recognising that there will be limited information available on the relevant proposals</i></p> <ul style="list-style-type: none"> <li>• <i>identified in other plans and programmes, as appropriate, which set the framework for future development consents or approvals, where such development is reasonably likely to come forward</i></li> <li>• <i>A decreasing level of detail is likely to be available from Tier 1 to Tier 3.</i></li> </ul> <p>As stated in the Applicants response at ISH2 the ‘Aberdeenshire to Richborough cable’ is not currently a project that has been passed from the NESO to the applicant for development and the applicant is not aware of this happening as part of the future projects, therefore the applicant has no information pertaining to the project, this includes details of any connection points, program or need, as such no reasonable cumulative assessment can be undertaken on this project and it is not considered to represent “<i>other existing and, or approved development</i>” under Schedule 4 paragraph 5(e) of the EIA Regulations 2017 .</p> |

| Reference | Matter | Point Raised  | Applicant's Comments |
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|           |        | <p>Sea Link's Cumulative Impact Assessment, despite the significant and well evidenced ecological sensitivity of Pegwell Bay and the long-term impacts already associated with repeated cable landfalls at this location. In response to KWT's query in ISH2 regarding the HND and awareness of the Aberdeenshire to Richborough cable, the Applicant stated:</p> <p><i>"We are aware of the project, which is in the NESO report, but they have not passed anything over at this time to develop."</i></p> <p>The argument that the Aberdeenshire to Richborough cable has not "been passed over [to National Grid Electricity Transmission (NGET)] at this time to develop" is not a valid reason for omitting this project from the cumulative assessment. The Habitats Regulations do not limit "other plans or projects" by the same applicant, promoter or decision-maker. To do so would introduce a precedent for taking a narrow interpretation of "reasonably foreseeable" which would be contrary to established regulations and guidance. Further, it should be noted that NGET were involved in the HND process as a TO and therefore should be fully aware of its outcomes and intentions. Attempts to put up "solid walls" between the various subsidiaries of National Grid Plc speaks to the failure of these organisations to coordinate and attempts to distance themselves when it suits. This seriously risks undermining successful delivery of a coordinated energy infrastructure network.</p> <p>We therefore conclude that projects set out in the HND Implementation Plan, including the Aberdeenshire to Richborough connection, clearly meets the test of being reasonably foreseeable and should be included within Sea Link's Cumulative Impact Assessment.</p> <p>KWT recognises the critical importance of decarbonising the energy sector in order to mitigate the effects of climate change. However, it is both counterproductive and illogical to undermine that objective by causing potentially irreversible harm to the very ecosystems that help regulate climate, store carbon, and protect communities from flooding and coastal change. It is our view that throughout the process of bringing forward the DCO application for Sea Link, from site selection to ongoing project design, that economic sustainability has been valued much higher than environmental/ecological sustainability. Saltmarsh and intertidal habitats are among the most effective natural carbon sinks in the UK, providing long-term carbon storage, coastal resilience, and biodiversity value. Damaging or degrading these habitats in the name of renewable energy delivery risks achieving supposed "decarbonisation" at the expense of releasing stored carbon, damaging vital natural climate defences and ecological integrity.</p> <p>In this context, KWT notes that the UK Government's own national security assessment has concluded that ecosystem degradation and collapse pose a direct risk to UK national security and prosperity<sup>5</sup>. The assessment warns that global ecosystem degradation is already driving increased flooding, food insecurity, and wider geopolitical instability, and that every critical ecosystem is on a pathway to collapse without urgent intervention. It further</p> |                      |

| Reference | Matter | Point Raised  | Applicant's Comments |
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|           |        | <p>recognises that protecting and restoring ecosystems is not only environmentally necessary but also a more reliable and cost-effective means of safeguarding societal resilience than attempting to manage the consequences of ecological failure.</p> <p>Overall, from reviewing the matters raised and examined at ISH2, it's clear significant uncertainties and deficiencies remain in the Applicant's approach to environmental assessment, mitigation, and cumulative effects. The evidence and exchanges at ISH2 have reinforced KWT's view that the Applicant has failed to properly engage with the lessons from Nemo Link, has not provided adequate certainty on the deliverability of HDD, and has unjustifiably excluded a clearly foreseeable HND project from its Cumulative Impact Assessment. KWT therefore considers that the Sea Link application in its current form does not provide a robust, precautionary, or lawful basis for decision-making. Unless these fundamental concerns are addressed through further evidence, assessment, and commitments, there remains a real risk of significant and irreversible harm to internationally important habitats and species at Pegwell Bay.</p> |                      |

## 6. Applicant’s Comments on the Submission from London Gateway Port Limited

### 6.1 Introduction

6.1.1 Table 6.1 summarises the Applicant’s comments on London Gateway Port Limited Deadline 4 Response [REP4-188].

**Table 6.1 Applicant’s Comments on the London Gateway Port Limited Deadline 4 Submission [REP4-188]**

| Reference | Matter  | Point Raised   | Applicant’s Comments  |
|-----------|---|--|---|
| AP13      | Consideration as to whether there are adequate controls in the draft Development Consent Order/Deemed Marine Licence with regard to under keel clearance during construction and future requirements. | <p>Whilst LGPL is grateful that the Applicant agrees in principle with the need to safeguard depths within the PLA’s Areas of Interest, we note that the Applicant’s position on this is subject to the completion of its assessment and that there will be an update on the outcome at D4. We are not clear whether that means that the outcome itself will be known by D4. LGPL therefore presently does not know whether the Applicant agrees to protect the dredge depths, to the depths specified, in the Areas of Interest or not, or quite when the Applicant will have a position on these matters. Separately, the Applicant continues to consider that Protective Provisions could serve as an appropriate safeguarding mechanism. However, LGPL considers that reliance on Protective Provisions alone would be inappropriate and risks making the DCO unnecessarily complex.</p> <p>LGPL has consistently stated throughout its submissions both in writing and at hearings that a Requirement is necessary to secure the depths. This is because the requirement not to preclude the specified dredge depth is a fundamental parameter to, or restriction on, the carrying out of the authorised development – it is in a sense akin to an upwards limit of deviation. It is for the Order itself to specify such a restriction – this is in accordance with the Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project [Paragraph 003, Reference ID 04-003-20240430 and Paragraph 008, Reference ID 04008-20240430] and would follow accepted practice across other development consent orders and harbour orders under the Harbours Act 1964. It is also consistent with the Five Estuaries Offshore Wind Farm Order 2025 (Requirement 2(3) of Schedule 2 to that Order). A Requirement is the simplest approach.</p> <p>LGPL looks forward to sight of a revised draft of the dDCO as soon as possible so that this matter can be progressed and agreement reached with the Applicant. We look forward to receiving the updated Navigation Under Keel Clearance Marine Engineering Technical Note, the Outline Navigation and Installation Plan, and the oCSIP at Deadline 4 (including the oSDMP). In addition to the oSDMP, LGPL would be grateful if the Applicant could confirm which documents will comprise the CSIP, and provide copies of all</p> | <p>Following recent discussions with the Port Authorities, the Applicant has now included a bespoke DCO Requirement in its updated submission of Application Document 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p> <p>The Applicant confirms that all requested documents have been submitted at Deadline 4 namely:</p> <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan [REP4-075].</li> <li>- Outline Cable Specification and Installation Plan [REP4-090] including the proposed approach to sediment and waste management.</li> </ul> <p><b>REP4-090</b> has also been reviewed and updated for Deadline 5 following recent engagement.</p> |

| Reference  | Matter  | Point Raised   | Applicant's Comments   |
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|  |   | <p>documents and plans that will form part of the CSIP as soon as possible during the Examination, allowing sufficient time for stakeholders to review and exchange comments with the Applicant. The Applicant has not yet confirmed that LGPL will be granted adequate approval rights - either through Protective Provisions or by inclusion in the DML - over the plans and documents governing cable laying works and future maintenance (including the CSIP), insofar as they relate to the PLA's Areas of Interest. LGPL considers that such approval rights are essential. The plans and documents should be secured by way of a condition in the DML. LGPL also requests that the draft cable protection plan be provided as soon as possible, and again with sufficient time remaining in the Examination to enable all parties to consider and exchange submissions.</p> |  |
| <p>2.3.8 – 2.3.13 (PLA's Sunk Pilot Boarding Area)</p> | <p>Analysis of the seabed morphology within the PLA's "Sunk Pilot Boarding area" indicates that the seabed is in the main greater than 22 m CD, however in the northwest of the area there are linear seabed features trending SSW to NNE. The seabed features comprise of London Clay ridges with local accumulations of sands and granular material. The baseline depth along the corridor which passes through the low point in the ridge, is shallower than the PLA's requested 22 m below CD. The Applicant's main protection strategy for Sea Link is cable lowering, with the intention to lower the cable bundle between 2 m to 2.5 m deep within identified "High Risk Areas", of which the Sunk region is one (Application Document 9.21 Sea Link Cable Burial Risk Assessment [PDA039]). The trench containing the lowered cable bundle will be backfilled with up to 2 m of protective rock, to 80% (maximum 2 m backfill) of the lowered depth, to provide additional protection against anchor strike or drag interactions. The Applicant is currently assessing the engineering implications of the additional cable Depth of Lowering (DoL) that may be required in areas of the "Sunk Pilot Boarding area" that are already shallower than the 22 m CD safeguard level. In the</p> | <p>We refer to LGPL's further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1-124], in relation to AP13.</p> <p>LGPL notes the Applicant's confirmation that there "no existing or known planned crossing locations within the Area of Safeguarded Depth "Sunk Pilot Boarding Area". As per LGPL's original comment, this should be secured.</p> <p>LGPL accepts a condition to the DML may be a more appropriate provision that a Requirement, as was previously stated. The condition should ensure there will be no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below Chart Datum plus 0.5m over dredge tolerance.</p>  | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke DML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage.</p> |

| Reference                            | Matter  | Point Raised   | Applicant's Comments  |
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|                                      | <p>worst case, the cable DoL required may increase from 2.5 m to approximately 4.5m in the shallowest sections of the route. These changes require further investigation in terms of cable burial methodology and cable system design. The Applicant is undertaking the necessary technical assessments in order to reach agreement on wording of Protective Provisions on this matter. To note, the PLA and HHA have informed the Applicant that the current Sunk Pilot Boarding Station charted diamond is located to the west of the previously described shallow seabed feature within the Sunk region and therefore is not an area where large ships can receive pilots. Pilot boarding does not take place at the Sunk Pilot Boarding Station charted diamond but currently takes place up to approximately 1.5 km to the east of the charted diamond i.e. in the vicinity of the large ridge where water depths are considerably shallower than 22 m CD. In discussions with PLA and HHA, they currently have been no detailed applications or provision of confirmed development plans for dredging of the natural features in question within the Sunk area.</p> |  |   |
| 2.3.14 – 2.3.16 (PLA's NE Spit Area) | <p>The Applicant has been engaging with the Port of London Authority in respect of under-keel clearance within the PLA's "NE Spit area". Of particular consideration is the GridLink planned cable crossing, which is expected to be located within this area at approximately KP 101. The Applicant has engaged with GridLink to understand the development's plans for installation in this area, and with the goal of co-engineering and collaborating as required in order to ensure that the PLA's requirement for 12.5 m depth below CD can be met within the "NE</p>   | <p>We refer to LGPL's further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1-124], specifically in relation to AP13. The Applicant's comments do not deal with the specific matter of the interaction with the GridLink planned cable in the NE Spit area and the need to ensure the Requirement to safeguard dredge depths to 12.5m in that Area of Interest applies.</p> <p>As noted above, the condition on the DML should ensure there are no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below Chart Datum plus 0.5m over dredge tolerance</p> | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage. The Applicant has considered the GridLink project and drafted the requirement to account for future installation of the planned cable. The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions.</p> |

| Reference  | Matter  | Point Raised   | Applicant's Comments   |
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|  | <p>Spit area”, which is an area with shallow sections. The Applicant is satisfied that it has a solution to ensure that the 12.5 m depth is preserved even at the GridLink crossing location, by moving the planned Sea Link cable route at this point into deeper waters to the east (while still within the Order Limits) ensuring sufficient water depth above the expected crossing location. The Applicant had kept the Order Limits wide here to enable such solutions to be possible. The Applicant is undertaking the necessary technical assessments in order to reach agreement on wording of Protective Provisions on this matter.</p>   |  |  |
| <p>5.2.1 – 5.2.2 (Cable Specification and Installation Plan)</p> | <p>The Applicant has submitted a draft DML which describes the provision of pre-construction plans and documentation including the CSIP. The CSIP will be submitted preconstruction in accordance with the DML and will be informed by the Contractor's final assessment of the site data, burial assessment study and detailed design and methodologies. The Contractor's detailed design is still to be undertaken and therefore the final design and methodologies to inform the final CSIP is not currently known. The Applicant is in discussions with the relevant stakeholders on the scope of the CSIP to be submitted preconstruction. Discussions are ongoing to understand whether any further additional documents are required or whether the scope of information required can be captured in the documents proposed in the draft DML. The Applicant currently intends to submit an outline version of the CSIP once these discussions have progressed further.</p> | <p>LGPL looks forward to receiving the oCSIP at Deadline 4 together with the oSDMP. We reiterate that LGPL's right to approve the final CSIP must be secured by way of protective provisions or pursuant to the deemed marine licence.</p> | <p>The Applicant confirms that the Outline CSIP was submitted at Deadline 4 (Application Document 9.92). An update to this document is being submitted at Deadline 5 acknowledging comments discussed in a call on the 19<sup>th</sup> February 2026. The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions.</p> |

| Reference | Matter   | Point Raised   | Applicant's Comments  |
|-----------|--|--|---|
| ISH1.02   | <p>Paragraph 9.9.2 of the other sea users chapter 9 part 4 [APP-082] states that where burial of the cable cannot be achieved, rock backfill or external protection will be required where soil or rock conditions are too hard to achieve effective burial, or third-party assets cross the route. Expected areas of rock backfill are located between KP38 to KP58 and KP81.5 to KP96.5. On this basis, the first area roughly coincides with the Sunk. The second area coincides with the North East Spit. These areas include anchorages and pilot boarding stations as well as having a high vessel track density, as shown for example on Figure 6.4.4.7.A 10 [APP-283]. Has this information been carried across to chapter 9 as it shows that cables may not be buried in these areas. If not, why not?</p>  | <p>LGPL would prefer no cable crossings in any of the Areas of Interest. Where such a crossing is unavoidable in NE Spit Area of Interest, it must not preclude dredge depths of 12.5m (with the 0.5m tolerance for over dredging). As noted above, a condition on the DML should be included to ensure there are no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below Chart Datum plus 0.5m over dredge tolerance.</p> | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage. The Applicant has considered the GridLink project and other crossings in the North East Spit Area drafted the requirement to account for future installation of the planned cable(s).</p> |
| ISH1.04   | <p>Chapter 7 [APP-080] states in paragraph 7.9.80 that reductions greater than 5% will be discussed with the harbour authorities and the Maritime and Coastguard Agency (MCA), but the MCA has said that less than 5% reduction in underkeel clearance could still be a problem for the larger vessels. If there is a reduction in under-keel clearance that would affect the ability of large vessels to access the ports have you considered what the implications are for those ports? Provide more precise assessment of the effects of a reduction in under-keel clearance on shipping through important routes such as the Sunk. What is the basis for concluding that this would not result in a likely significant effect for shipping and navigation, particularly in terms of access to ports by the largest vessels, when considered cumulatively with other planned cable crossings?</p> | <p>We refer to the further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1124] in relation to AP13. The Applicant's comments do not respond to the points made in the LGPL Comment / Response.</p>  | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p>   |

| Reference  | Matter  | Point Raised  | Applicant's Comments   |
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| ISH1.05    | If there are likely significant effects in relation to the reduction in underkeel clearance, both as an individual project and cumulatively, how could this be mitigated? | We refer to the further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1124] in relation to AP13. LGPL would be grateful if the Applicant could confirm which documents will comprise the oCSIP, and provide copies of all documents and plans that will form part of the oCSIP as soon as possible during the Examination, allowing sufficient time for stakeholders to review and exchange comments with the Applicant. LGPL received a draft Protective Provision from the Applicant on 29 January 2026 and will provide its comments to the Applicant shortly.  | The Applicant confirms that all requested documents have been submitted at Deadline 4 namely: <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan [REP4-075].</li> <li>- Outline Cable Specification and Installation Plan [REP4-090].</li> </ul> In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these documents to ensure feedback could be incorporated by the Applicant to an update (if required) at Deadline 5.  |
| Table 7.11 | N/A   | LGPL looks forward to considering the updated chapter of the ES which is to be provided at Deadline 4 including any updates to the conclusions on significance of impacts. LGPL considers the ES should be updated to properly assess the socioeconomic impact should any vessels be precluded, now or in the future, from using navigation channels into the ports if adequate dredge depths are not secured.  | An update to the ES Shipping and Navigation Chapter has been submitted at Deadline 4 [REP1-059].<br>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. The conclusions of this chapter have therefore not changed following the Project commitments to protecting the Areas of Safeguarded Water Depth.                                  |
| 9.9.1      | N/A   | To clarify, LGPL is not concerned about the methodology to lay the cables, provided the necessary depths are secured, including after any maintenance activities, within the Areas of Interest. LGPL does of course remain concerned regarding methodologies in so far as they relate to the presence of vessels in the navigational channels for the purposes of construction or maintenance and accordingly seeks the rights of approval over the final CSIP under the Protective Provisions or by way of a condition in the DML.<br><br>In any event, we consider the DML condition we refer to above to be necessary to ensure there are no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below Chart Datum plus 0.5m over dredge tolerance. | Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage. The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. |
| N/A        | N/A   | The Applicant's comments do not address the LGPL Comment / Response which were on the basis that the REAC as revised does not adequately secure the necessary protections. However, if the various matters sought by LGPL by way of a Requirement and in the Protective Provisions / DML are secured (see LGPL's further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1-124], in relation to AP13), then LGPL is content that matters will be adequately secured.<br><br>In this regard we also refer to our comments below at 1SN14 of LGPL'S Comments on the Applicant's Responses to First Written Questions [REP3-069] concerning Recommended Restricted Zones during the construction phase of the offshore phase of the construction scheme.  | Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage. The REAC [REP4-235] has also been updated and submitted at Deadline 4A with regards to exclusion zones.   |

| Reference | Matter  | Point Raised  | Applicant's Comments   |
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| 8.1       | Marine Chapter 9 – Other Sea Users [REP1-062]   | <p>We note the Applicant agrees in principle that rock emplacement should not overtop trenches where it is used as backfill and this will be confirmed after the CBRA has been completed. However, the CBRA is ongoing and will be consulted on with the PLA post submission.</p> <p>LGPL is clear in its position that the dredge depths to be secured in the Areas of Interest apply equally in respect of any backfill – that is to say that any over-topping should not penetrate above the secured dredge depths. The Order must be clear that the CBRA process does not provide for an exemption to this.</p>   | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p>  |
| 1GEN7.    | <p>Errata within the REAC</p> <p>The measures listed under the heading of shipping and navigation in the REAC [CR1-043] in several cases are identified incorrectly in terms of the potential changes and effects in column (3). For example, SN21 and SN22 do not relate to the Sunk. Review column (3) and provided an updated version of the REAC.</p> | <p>We note an updated REAC [REP3-078] has been provided by the Applicant which continues to refer to cabling commitments in the offshore Construction Environment Management Plan (CEMP). However, the CEMP commitments are inadequate (see our comments in LGPL's Responses to ExQ1 [REP3-093]) – we do not see that there has been any update to the offshore CEMP [APP-339].</p> <p>In view of the above, the REAC should be updated to explain which of those plans will secure the relevant provisions. We note the changes to Schedule 3, paragraph 6 of the draft Development Consent Order (dDCO) [REP3-006] where the REAC is now listed as a construction management plan to be approved by the local planning authority. However, now certain of the measures of the REAC are circular. For example, SN11 and SN12, in relation to The Sunk and of interest to LGPL, are now apparently secured in the REAC as document (column 7) by the REAC as mechanism (column 8). Therefore, the full extent and description of those measures is simply the wording set out in column 4 of the REAC. For SN11, there is no detail of or expansion on the “coordination” that is to occur. Further, this approach means that there is no clear definition of what is meant here by “The Sunk”.</p> <p>Additionally, it is problematic that the REAC is approved under Requirement 6 to the DCO by the local planning authority who will have no marine expertise or jurisdiction. Rather than this sparse detail in the REAC alone, these measures should be further detailed in a revised offshore CEMP or perhaps more fittingly in the Outline Cable Specification and Installation Plan, or the Navigation and Installation Plan as appropriate.</p> <p>LGPL will want rights of approval of the relevant parts of those plans under the protective provisions (or via the DML). LGPL presently has no role in relation to the REAC. In view of the above, the REAC should be updated to explain which of those plans will secure the relevant provisions.</p> | <p>The Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A [REP4-223] which outlines all mitigation relevant to the Offshore Scheme.</p> <p>Additionally updates to the REAC [REP4-235] and dDCO [REP4-217] were also updated and submitted at Deadline 4A prior to the additional submission of the DCO and dML at Deadline 5 to clarify how the REAC is secured.</p> <p>The Applicant also confirms that all requested documents have been submitted at Deadline 4 namely:</p> <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan [REP4-075].</li> <li>- Outline Cable Specification and Installation Plan [REP4-090].</li> </ul> <p>In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these documents to ensure feedback could be incorporated by the Applicant to an update (if required) at Deadline 5.</p> <p>The Applicant confirms that references to the relevant securing plans have now been included within the REAC. Furthermore, the Applicant confirms that all mitigation relevant to the Offshore Scheme currently listed within the REAC has been included within the updated Offshore Construction Environmental Management Plan [REP4-223].</p> <p>Within the Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A [REP4-223], references to the securing mechanisms for each commitment have now been included. Following stakeholder comments, a further update of [REP4-223] will be submitted at Deadline 5.</p> |
| 1SN3.     | <p>Depth of lowering</p> <p>Provide an update on reaching an agreement with the relevant stakeholders on safeguarding current and future navigable water</p>  | <p>LGPL looks forward to the Applicant's update on the outcome of its engineering assessment which is to be provided at Deadline 4. We note the Applicant has provided example draft wording from a Protective Provision provided to the PLA.</p>   | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p>  |

| Reference | Matter   | Point Raised  | Applicant's Comments   |
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|           | depths. In responding, explain how DoL commitments can most effectively be secured in order to secure existing and reasonable future under keel clearance requirements. If this is to be through protective provisions, provide suggested wording for how this can be appropriately secured. Also explain any alterations or additions to the REAC, for example MPE02. | <p>LGPL has consistently stated throughout its submissions both in writing and at hearings a Requirement is necessary to secure the depths. This is because the requirement not to preclude the specified dredge depth is a fundamental parameter to, or restriction on, the carrying out of the authorised development – it is in a sense akin to an upwards limit of deviation. It is for the Order itself to specify such a restriction – this is in accordance with the Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project [Paragraph 003, Reference ID 04-003-20240430 and Paragraph 008, Reference ID 04-008-20240430] and would follow accepted practice across other development consent orders and harbour orders under the Harbours Act 1964. It is also consistent with the Five Estuaries Offshore Wind Farm Order 2025 (Requirement 2(3) of Schedule 2 to that Order).</p> <p>A Requirement is also practically simpler as it needs only be set out once in the DCO for all parties to rely on, rather than across different Protective Provisions for the benefit of different parties. LGPL would be very happy to discuss with the Applicant, the PLA and HHA specific wording for the Requirement.</p>  |  |
| 1SN5      | <p>East Inshore and East Offshore Marine Plan</p> <p>Respond to LGP's assessment [REP1-142] that the proposed development is in conflict with policies PS1, PS3, DD1 of the East Inshore and East Offshore Marine Plan. Provide an explanation of how the conflict, if any, can be overcome</p>  | <p>We note the Applicant agrees with LGPL's assessment of the East Inshore and East Offshore Marine Plan. LGPL believes that the Applicant will be able to satisfactorily update its Marine Plan Policy Assessment [APP-298] to demonstrate compliance if the measures requested by LGPL are secured, particularly that:</p> <ul style="list-style-type: none"> <li>(i) the depths required by LGPL will be secured by way of a Requirement in the DCO;</li> <li>(ii) granting LGPL (and other port stakeholders) approval rights over the final CSIP and other plans governing cable laying works and future maintenance insofar as they relate to the Areas of Interest, with that right of approval secured by way of a condition in the DML (or under Protective Provisions);</li> <li>(iii) including adequate measures in the outline CSIP to provide for liaison with LGPL as to the timings of Restricted Zone (see further in relation to 1SN14 below);</li> <li>(iv) (including a condition that there will be no cable joints or wet storage areas in the Areas of Interest in the DML; and</li> <li>(v) including a condition in the DML that there will be no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below chart datum plus 0.5m over dredge tolerance.</li> </ul> | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage.</p> <p>The conclusions of the Marine Policy Plan assessment have therefore not changed.</p> <p>The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions.</p> <p>The Applicant also confirms that all requested documents have been submitted at Deadline 4 namely:</p> <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan <b>[REP4-075]</b>.</li> <li>- Outline Cable Specification and Installation Plan <b>[REP4-090]</b>.</li> </ul> <p>In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these documents to ensure feedback could be incorporated by the Applicant to an update (if required) at Deadline 5.</p> |
| 1SN8.     | <p>Pre and post construction surveys and activities</p> <p>Provide a detailed response to PLA's suggested restrictions in</p>  | <p>The Applicant has stated that, should re-routing around boulders prove impracticable, those features will be repositioned within the Order Limits, following consultation with the PLA and with</p>  | <p>The Applicant also confirms that all requested documents have been submitted at Deadline 4 namely:</p> <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan <b>[REP4-075]</b>.</li> </ul>  |

| Reference | Matter  | Point Raised   | Applicant's Comments  |
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|           | relation to pre and post construction surveys and activities in paragraph 7.1 of [REP1-155].  | <p>“consideration” given to the PLA’s Areas of Interest. However, consideration of the Areas of Interest is plainly inadequate.</p> <p>While LGPL has full confidence in the PLA, consultation with a third party does not provide LGPL with sufficient protection. LGPL’s position is that the depths across the Areas of Interest must not be reduced under any circumstances, including as a consequence of relocating boulders. Accordingly, boulders must be moved only to locations where the required depths within the Areas of Interest would not be compromised.</p> <p>To ensure this, LGPL requires approval rights over the CSIP insofar as it relates to those areas. LGPL welcomes the Applicant’s confirmation wet storage areas will not occur within the Areas of Interest, however, notes the Applicant’s response does not confirm how this restriction will be secured. LGPL considers the exclusion of wet storage areas must be secured by way of a condition in the DML.</p> | <p>- Outline Cable Specification and Installation Plan <b>[REP4-090]</b>. <b>REP4-090</b> outlines the Applicant’s approach to boulder clearance. In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these documents to ensure feedback could be incorporated by the Applicant to an update (if required) at Deadline 5.</p> <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Updates to the dML have also been submitted at Deadline 5 with regards to wet storage areas. The Applicants commitment to wet storage is also outlined within the CSIP <b>[REP4-090]</b>.</p> <p>The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions.</p> |
| 1SN10.    | <p>Sediment disposal management plan (SDMP)</p> <p>There is reference in the draft Statement of Common Ground between National Grid Electricity Transmission (NGET) and the PLA [REP1-082] to the submission of a sediment disposal management plan. Provide confirmation that relevant stakeholders will be engaged, including the PLA. Provide an explanation as to whether it should be secured by the dDCO as a certified document.</p> | <p>As explained above, LGPL will require approval rights over the final CSIP (and other documents relating to cable burial and maintenance) insofar as it relates to the Areas of Interest and we look forward to reviewing the outline version to be provided at Deadline 4.</p> <p>LGPL notes the Applicant is unable to confirm at this stage whether the oSDMP will comprise one of the plans that makes up the CSIP. LGPL would be grateful if the Applicant could confirm which documents will form the CSIP and provide copies of all plans which will make up the CSIP as soon as possible in the Examination and with sufficient time to allow the parties to exchange comments. We note the Applicant has committed in its response to 1SN8 to provide the oSDMP by Deadline 4 whereas here it advises the oSDMP is “expected”.</p>  | <p>The Applicant confirms that all requested documents have been submitted at Deadline 4 namely:</p> <ul style="list-style-type: none"> <li>- Updated Outline Navigation and Installation Plan <b>[REP4-075]</b>.</li> <li>- Outline Cable Specification and Installation Plan <b>[REP4-090]</b>. This document includes the Applicants approach to Sediment Disposal.</li> </ul> <p>In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these documents to ensure feedback could be incorporated to an update at Deadline 5.</p> <p>The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions and approval rights.</p>   |
| 1SN11.    | <p>Cable joints in the areas of interest: REAC commitments SN19 and SN20 indicate that cable joints in the Sunk would be avoided where possible and where practicable. Provide a response to the request from the PLA that there would be no planned cable joints within the Areas of Interest due to the disruption to heavily trafficked routes.</p>  | <p>As explained above, there should be no cable joints in the Areas of Interest and this should be secured by way of a condition in the DML.</p> <p>Unforeseen repairs should be affected with the cable joints outside those Areas. LGPL is happy to discuss the question of cable joints further with the Applicant.</p>   | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke dML Condition in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to cable joints within the three Areas of Safeguarded Water Depth.</p>   |
| 1SN14.    | <p>Exclusion zones: The applicant has stated in section 7.3 of ES Part 4, Chapter 7 Shipping and Navigation [REP1059] that exclusion zones will</p>   | <p>We note the Applicant has confirmed no exclusion zones will be required and therefore there is no need to secure this. LGPL considers the exclusions zones must be secured by way of condition in the DML relating to the NIP (or another document to</p>   | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke dML Condition in its updated submission of 3.1 draft Development Consent Order at Deadline 5</p>   |

| Reference | Matter  | Point Raised   | Applicant's Comments   |
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|           | not be required. Does this need to be added to the REAC to be secured?  | <p>be approved under the DML). These commitments should be secured in the NIP. LGPL would be happy to discuss the specific detail of these proposals with the Applicant.</p> <p>1SN15 The proposed rolling 500 metre radius Recommended Restricted Zones is consistent with Rule 2 of the COLREGs. However, in terms of the purported commitment actually set out in SN29 of the REAC [REP3-079] in relation to the practical implementation of that Zone, the degree of commitment is currently insufficient. LGPL requests that the commitment is bolstered to provide for far better liaison with the Applicant on the following basis:</p> <p>(a) two weeks prior to works starting in LGPL's Areas of Interest (being the Sunk, North East Spit and Long Sand Head), the Applicant will notify LGPL of that fact and LGPL will in turn provide the Applicant with its schedule of vessel calls. The Applicant will have regard to the schedule in relation to the timings of the presence of its vessels so as to avoid and minimise disruption to vessels navigating to and from London Gateway Port;</p> <p>(b) pre-commencement meetings between LGPL and the Applicant / the Applicant's relevant contractors will take place either one or two days before works begin in each of LGPL's Areas of Interest. Again, the Applicant will have regard to LGPL's representations at those meetings when carrying out activities in the Areas of Interest; and</p> <p>(c) the Applicant will provide LGPL with daily updates whilst activities in the Areas of Interest are carried out to inform LGPL's scheduling. These commitments should be secured in the NIP. LGPL would be happy to discuss the specific detail of these proposals with the Applicant.</p> | <p>with regards to exclusion zones within the three Areas of Safeguarded Water Depth.</p> <p>The REAC [REP4-235] has also been updated and submitted at Deadline 4A with regards to exclusion zones.</p> <p>The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions which is the most appropriate securing mechanism for these requests.</p>   |
| 1SN16.    | Consultation with MCA: Provide confirmation that there would be provision for the MCA to be consulted on the discharge of relevant shipping and navigation related conditions in the DML. | As noted above, LGPL requires approval rights over the plans and documents governing cable laying works and future maintenance insofar as they relate to the PLA's Areas of Interest, with those plans secured by way of a condition in the DML.   | <p>The Applicant has now included a bespoke DCO Requirement in its updated submission of the draft Development Consent Order (dDCO) at Deadline 5 in relation to the three Areas of Safeguarded Water Depth.</p> <p>The Applicant is also submitting draft London Gateway Port Limited (LGPL) Protective Provisions at Deadline 5. In relation to the 'Consultation and Notice' provisions within the LGPL Protective Provisions, the Applicant will consult LGPL on the Construction Stage Information Plan (CSIP), Navigation Information Plan (NIP) and Offshore Construction Environmental Management Plan (OCEMP) prior to the submission of any application to the Marine Management Organisation (MMO) for approval. The MMO should likewise consult LGPL as part of its approval process.</p> <p>The Applicant has offered enhanced consultation and notice provisions within the LGPL Protective Provisions, which align with the agreed position in the draft Port of London Authority (PLA) Protective Provisions also submitted at Deadline 5.</p> <p>The relevant pre-construction plans and documentation are secured through condition 4 of the draft DML. In addition, the Applicant has</p> |

| Reference | Matter                     | Point Raised  | Applicant's Comments  |
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| 10SU1.    | Cable Crossings            | <p>LGPL welcomes the Applicant's indication there are no planned cable crossings at the Sunk and Long Sand Head. This should be noted in the outline CSIP. Whilst the Applicant's record regarding the meeting which took place on 19 December 2025 is accurate, LGPL would prefer for there to be no cable crossing at North East Spit due to consequential increased construction and maintenance activities, if possible.</p> <p>A condition should therefore be included on the DML ensuring that there will be no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5m below chart datum plus 0.5m over dredge tolerance.</p> <p>As noted above (LGPL's further comments above on Table 2.1 of the Applicant's Response to ISH1 (11 November 2025) [REP1-124] in relation to AP13), LGPL considers depths in the PLA's Areas of Interest must be secured pursuant to a Requirement of the DCO rather than by way of condition of the DML or pursuant to Protective Provisions.</p>   | <p>updated the draft DML to provide that the licensed activities must be carried out in substantial accordance, rather than general accordance, with the principles set out in the respective approved plans and documentation.</p> <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its updated submission of 3.1 draft Development Consent Order at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage.</p> |
| ISH2.02.  | National Policy Statements | <p>Section 3 of LGPL's Written Representations [REP1-142] (WRs) reviewed the applicable NPS from LGPL's perspective.</p> <p>Reference was made to paragraph 4.2.15 of the former EN-1 which made clear impacts which present an unacceptable risk to, or unacceptable interference with offshore navigation are excluded from the presumption that residual impacts are unlikely to outweigh the need for energy infrastructure. We note the same position has been carried across in paragraph 4.2.28 of the new EN-1 designated on 6 January 2026. Similarly, the provisions we referred to in relation to taking account of relevant marine plans remain (paras. 4.5.8 and 4.5.10 of the new EN-1).</p> <p>Further, the provisions on which we rely in relation to the former EN-3 at paras 3.13 and 3.14 of LGPL's WRs also remain in the newly designated EN-3, although in renumbered paragraphs – see, in respect of para 3.13 of the WRs, paras 2.8.153, 2.8.154, 2.8.156 and 2.8.159 of the new EN-3 and, in respect of para 3.14 of the WRs, paras 2.8.295, 2.8.296, 2.8.298 and 2.8.302 of the new EN-3 accordingly.</p> <p>The points previously made by LGPL in respect of policy would therefore retain their full force and validity in the context of the new NPSs.</p> | This is noted by the Applicant.   |

| Reference | Matter  | Point Raised   | Applicant's Comments   |
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| ISH2.037. | Schedule 16 DML Part 2 Condition 4 Pre-construction plans and documentation paragraph 4.(1) | <p>A requirement that a final document be in general accordance with the principles of an outline version is not very strong or exacting – what the principles of a document are could be quite nebulous and then there needs only be a general accordance with that – in places therefore the final form could depart materially.</p> <p>For LGPL's purposes, in so far as it has a right of approval over the content of the final form of the relevant plans, i.e. the final CSIP (and to the extent separate to the CSIP, the NIP) and to the extent relevant to navigational matters the offshore CEMP, the loose wording is not a concern. However, should LGPL not secure such a right of approval, LGPL will wish to see more tightly drafted wording that ensure that the final form of the plans will be "substantially in the form of" the outline versions and also that the outline versions have sufficient content for LGPL to be able to gauge the likely impacts / benefits of the final version.</p> | <p>The Applicant is currently reviewing comments received from LGPL on its draft Protective Provisions including approval rights.</p> <p>The Applicant can however confirm that wording within the DML has now been updated to ensure that pre-construction plans should be 'substantially in accordance' and submitted at Deadline 5.</p> |

# 7. Applicant's Comments on the Submission from Marine Management Organisation

## 7.1 Introduction

7.1.1 Table 7.1 summarises the Applicant's comments on Marine Management Organisation Deadline 4 Response [REP4-126].

7.1.2 The Applicant has responded to Marine Management Organisation's 1. Outstanding Responses to ExQ1 issued 17 December 2025 from REP4-126 Deadline 4 Response in **Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions.**

**Table 7.1 Applicant's Comments on the Marine Management Organisation Deadline 4 Submission [REP4-126]**

| Reference  | Matter                        | Point Raised  | Applicant's Comments  |
|--|-------------------------------|---|---|
| <b>1. Outstanding Responses to ExQ1 issued 17 December 2025</b>  |                               |   |   |
| The Applicant has responded to Marine Management Organisation's 1. Outstanding Responses to ExQ1 issued 17 December 2025 from REP4-126 Deadline 4 Response in <b>Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions.</b> |                               |   |   |
| <b>2. Comments on any further information/ submissions received by Deadline 3</b>  |                               |   |   |
| 2.2  | Cable Burial Risk Assessment. | The MMO has discussed the CBRA with the MCA and is satisfied that if the Applicant is able to comply with the details set out in Table 24 of the CBRA (see Annex 1, Figure 3) then the MMO is content. However, the MMO requests that the Applicant considers deeper burial in relation to KP 96.343 to 113.83. | <p>The Applicant confirms that it is able to comply with the burial depths presented within the CBRA. The Applicant also confirms it is able to meet the additional lowering requirements needed to fulfil the Ports request within the three Areas of Safeguarded Water Depth [REP4-098]. Furthermore, the Applicant has amended Condition 4-(1)(a) of the DML to state that the CSIP must be informed by a cable burial risk assessment (Application Document 3.1).</p> <p>With regards to KP 96.343 to 113.83, this area has been identified for pre-sweeping prior to cable lay and burial to ensure that the burial depths at this location range can be achieved. Further internal reviews have identified further trenching techniques at the North East Spit Port Area of Interest to ensure a deeper burial is achieved to safeguard future water depths. A detailed assessment has been submitted at Deadline 5.</p> <p>The Applicant confirms it will update <b>Application Document 9.21 Sea Link Cable Burial Risk Assessment [PDA-039]</b> (CBRA) post consent based on the additional requirements for deeper burial identified by stakeholders during Examination, such as the need for additional lowering in the Areas of Safeguarded Water Depth (<b>Application Document 9.96 (A) Water Depth Baseline Study – Shipping and Navigation Technical Note [REP4-093]</b>), and the consideration of deeper cable burial in the interval proposed by the MMO in their written post January hearing submissions (see [REP4-126]).</p> <p>Additional geophysical data shall have been acquired during the UXO survey, which will further inform the updates to the CBRA, specific to the planned installation corridor, especially with regard to seabed morphology, in the areas of mobile sediment, for example.</p> |

| Reference  | Matter  | Point Raised   | Applicant's Comments  |
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|  |   |  | This data will not be available until after closure of the examination period.  |
| 2.3  | Cable Burial Risk Assessment.   | The MMO understands that the Applicant is preparing an Outline Cable Installation Plan and this will need to be compared to the information set out in the CBRA.   | The Applicant confirms that <b>9.92 Outline Cable Installation Plan</b> was submitted at Deadline 4 [REP4-090]. An update to this document is also being submitted at Deadline 5.   |
| 2.4 to 2.6   | Marine Chapter 4 – Marine Mammals   | Various  | No further response required.   |
| 2.7 to 2.8   | Outline Marine Mammal Mitigation Plan (MMMP)  | Various  | No further response required.   |
| <b>3. Action Points arising from Issue Specific Hearing 2 (ISH2)</b> |   |  |   |
| 8  | Comment on Natural England's [REP3A-028] suggestion that a second marine licence would be required for vehicle activity in the intertidal environment.  | Rather than referring to "vehicle activity" the MMO understands that this comment from NE relates to the potential construction of trackway in the intertidal area which was not agreed or assessed as part of this consenting process. Therefore, intertidal plans/proposals (e.g. construction of trackway) for Kent that are not covered by Environmental Impact Assessment in relation to this project will require assessment and a separate marine licence. The MMO advises that any activities as detailed in Section 66 of the Marine and Coastal Access Act taking place below Mean High Water Springs (MHWS) that have not been considered within the DCO documents will require a separate marine licence.  | <p>The Applicant confirms that the relevant chapters of the Environmental Statement have been reviewed and amended following Natural England feedback to ensure that the impacts of vehicle activity in the intertidal have been assessed appropriately.</p> <p>The Applicant acknowledges that any deviation from what has been assessed within the Environmental Statement would require a separate Marine Licence.</p> |
| 34.  | The MMO notes in its RR [RR-3476] that if a seasonal restriction from 01 November – 31 March inclusive would be implemented for all offshore cable installation activities and a restriction of 01 January to 31 March inclusive, for landfall works to protect red-throated diver in the Outer Thames Estuary SPA, then this may limit adverse impacts during these sensitive periods on herring and sandeel. For clarification, does this mean that as long as the proposed seasonal restrictions related to redthroated diver remain in place, then there would be no significant impact to either herring or sandeel, and no need for further mitigation? | With respect to the seasonal restriction on all offshore cable installation activities from 01 November to 31 March inclusive, to protect red throated diver, no targeted mitigation is required for herring and sandeel specifically, as herring and sandeel will nonetheless benefit from this. The restriction from 01 November – 31 March inclusive, coincides with the spawning season for Downs herring (November – January) and spawning and hibernation period for sandeel (November – February) during which the sensitivity of these species to disturbance is higher. This means that the red throated diver seasonal restriction on offshore works will indeed benefit herring and sandeel in the vicinity of the project works by removing potential impact pathways associated with offshore cable works during this period completely. The MMO therefore considers that there is no requirement for further mitigation. | This is noted by the Applicant. No further response required.   |
| <b>4. Comments on ISH2 Supplementary Agenda Additional Questions</b> |   |  |   |
| ISH2.037   | In response to ExA question 1GEN16 the applicant amended the wording in schedule 16 DML Part 2 Condition 4 Pre Construction Plans   | The exact condition being referred to here is Pre-construction plans and documentation:  | The Applicant can confirm that wording within the DML which has been submitted at Deadline 5 has now been updated to require the plans to be 'substantially in accordance' with the outline version of the plan.  |

| Reference | Matter   | Point Raised   | Applicant's Comments   |
|-----------|--|--|--|
|           | <p>and Documentation paragraph 4(1) to include the words “in general accordance with” [REP3-006]. Provide comments as to whether the wording is satisfactory or suggest alternative wording.</p> | <p><i>4. —(1) The licensed activities or any part of those activities under Works No. 6 must not commence until the following plans have been submitted to and approved in writing by the MMO, such approval to be within sixteen weeks of submission (in consultation with Natural England, the JNCC, MCA, the Environment Agency and Cefas): (a) a Cable Specification and Installation Plan document in respect of those licensed activities, which is in general accordance with the principles set out in the outline Cable Specification and Installation Plan which shall include details of—</i></p> <p>The MMO’s position is that “in general accordance” allows for there to be a margin of difference and we therefore request that the wording of this condition be changed to “in accordance with”. The MMO notes that the words “in general accordance” now appear throughout the DML (for example in relation to pre-construction plans and documents, offshore construction management plan, Marine Mammal Mitigation Protocol, Marine Non-Native Species Plan, and the Fisheries Liaison Plan). The MMO considers that these be changed to “in accordance with” in all instances.</p> |  |
| ISH2.038  | <p>In response to the ExA question 1GEN58 the MMO has stated it does not agree with the wording of this condition [REP3-094]. Please submit suggested alternative drafting.</p>                  | <p>Part 4(4) currently reads –</p> <p><i>4) Save in respect of any plan which secures mitigation to avoid adversely affecting the integrity of a European Site, where the MMO fails to determine that application for approval under condition 4 within the period referred to in sub-paragraph (1), the programme, statement, plan, protocol or scheme is deemed to be approved by the MMO.</i></p> <p>The MMO has previously raised concerns regarding the use of timeframes and considers that it is inappropriate to put timeframes on complex technical documents. Please refer to the MMO’s position on this in Section 1 of our Deadline 3 Response (REP3-094).</p> <p>The MMO will liaise with the Applicant regarding this and provide updates at Deadline 5 where required.</p>  | <p>The Applicant confirms that following internal discussions and a call with the MMO on 13 February 2026, the Applicant has reviewed its position on this condition.</p> <p>The Applicant will amend this condition to refer to the 6-month timescale as referenced in the email received from the MMO on the 22 January 2026 in line with other recently consented DCO projects.</p> <p>This condition will be updated for Deadline 5 in the dML in line with the MMO’s proposals.</p> |

## 8. Applicant’s Comments on the Submission from Port of London Authority

### 8.1 Introduction

8.1.1 Table 8.1 summarises the Applicant’s comments on Port of London Authority Deadline 4 Response [REP4-141].

8.1.2 Table 8.2 summarises the Applicant’s comments on Port of London Authority Deadline 4 Response [REP4-198].

**Table 8.1 Applicant’s Comments on the Port of London Authority Deadline 4 Submission [REP4-141]**

| Reference | Matter  | Point Raised   | Applicant’s Comments   |
|-----------|---|--|--|
| ISH2.02.  | National Policy Statements  | <p>Section 4 of the PLA’s Written Representation [REP1 – 156] deals with the National Policy Statement for Energy (EN-1) (January 2024) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) (January 2024). Within that section the PLA refers to various paragraphs within those NPSs that reference navigation and shipping.</p> <p>The PLA note that those paragraphs referenced and reproduced in the PLA’s Written Representation remain in the versions designated on 6 January 2026. The paragraph numbers have just changed as per the below:</p> <p><u>EN1</u><br/>Paragraph 4.1.7 remains the same<br/>Paragraph 4.2.15 now appears in 4.2.28 EN3</p> <p><u>EN3</u><br/>Paragraph 2.8.328 now appears in 2.8.295<br/>Paragraph 2.8.329 now appears in 2.8.296<br/>Paragraph 2.8.331 now appears in 2.8.298<br/>Paragraph 2.8.335 now appears in 2.8.302</p> <p>The updated Energy NPSs do not alter, therefore, the national policy considerations relevant to shipping and navigation.</p> | The Applicant has no comments on this matter.  |
| ISH2.030. | Concurrent restricted ability to manoeuvre (RAM) operations in the Sunk | <p>SN11 refers to “coordination of planned operations within the Sunk region, to avoid concurrent Restricted Ability to Manoeuvre (RAM) operations (such as cable lay and burial) with other projects in the Sunk area where possible, in particular regarding the North Falls and Five Estuaries Wind Farm projects” (emphasis added).</p> <p>SN12 states that "Restricted Ability to Manoeuvre operations in the Sunk area will be avoided where practicable in visibilities of below 2 nautical miles." (emphasis added)</p>  | <p>The Applicant agrees with the PLA that the Navigation Installation Plan (“NIP”) would be the appropriate securing mechanism for commitments relating to RAM operations.</p> <p>The Applicant has reviewed and updated <b>Application Document 9.12 Outline Navigation and Installation Plan</b> and submitted at Deadline 4 [REP4-076] in consideration of the Port Authorities and MCA’s feedback. This Plan has been updated to extend its remit to other Areas of Interest identified by the Consultee. This plan is</p> |

| Reference | Matter   | Point Raised   | Applicant's Comments  |
|-----------|--|--|---|
|           |  | <p>The purpose of the REAC is to record commitments made by the Applicant including embedded measures, good practice measures and additional mitigation measures. It does not in fact secure any commitments but will assist the applicant and their contractor in achieving compliance. The PLA considers, therefore, that the Navigation Installation Plan ("NIP") would be the appropriate securing mechanism for commitments relating to RAM operations and that the REAC should identify the NIP as the securing mechanism. The current wording in SN11 and SN12 also needs to be updated to provide a clear commitment (secured through the NIP) and apply to all three Areas of Interest and state as follows:</p> <p>SN11 Coordination of planned operations within the Areas of Interest, so that there are at no time concurrent Restricted Ability to Manoeuvre (RAM) operations (such as cable lay and burial) with other projects in the Areas of Interest, including the North Falls and Five Estuaries Wind Farm projects".</p> <p>SN12 Restricted Ability to Manoeuvre operations in the Areas of Interest will be avoided in visibilities of below 2 nautical miles."</p> | <p>secured within the Deemed Marine Licence (dML) under Condition 4.</p> <p>In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on the outline plans to ensure feedback could be incorporated by the Applicant to an update (if required) at Deadline 5.</p> <p>The Applicant also confirms that the Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A [REP4-223] which now also includes all relevant commitments and actions in relation to the Offshore Scheme. A further update to this document has also been submitted at Deadline 5</p> <p>Additionally updates to the REAC [REP4-235] and dDCO [REP4-217] were also updated and submitted at Deadline 4A and updated for Deadline 5.</p> |
| ISH2.031. | SH2.037. Schedule 16 DML Part 2 Condition 4 Pre-construction plans and documentation paragraph 4.(1) | <p>In relation to Schedule 16 DML Part 2 Condition 4 the PLA would want to see the drafting updated for the Cable Specification and Installation Plan ("CSIP") and the NIP so that these plans must be in accordance with the principles in the relevant outline plans. The PLA note the Applicant's response to the Examining Authority's Written Question 1GEN61 where they state they will amend the wording of Schedule 16 Part 2 Condition 4 to expressly require that the pre-construction plans and documents to be substantially in accordance with the principles set out in the outline version (emphasis added).</p> <p>In the PLA's opinion substantial accordance provides too much scope for the Applicant to depart from the principles that have been consulted upon during the examination process and result in a final plan that materially differs from that submitted in outline form during the examination.</p>   | <p>The Applicant can confirm that wording within the DML which has been submitted at Deadline 5 has now been updated to require the plans to be 'substantially in accordance' with the outline version of the plan.</p>   |
| ISH2.038  | Schedule 16 DML – Part 2 condition 4   | <p>Whilst this question is directed at the MMO the PLA would note that it has also sought revisions to this condition and as set out in its Deadline 4 submissions which includes a mark-up of the DML:</p> <ul style="list-style-type: none"> <li>- Part 2 Condition 4 sub-paragraph (1) naming the PLA as a consultee on the pre-construction plans and documentation.</li> <li>- Part 2 Condition 4 sub-paragraph (1) (a) (b) and (g) requires the CSIP, offshore CEMP and NIP to be "in general accordance with the principles" of their respective outline plans. The PLA has concerns about this wording which is very weak and could result in final plans being substantially</li> </ul>   | <p>The Applicant can confirm that wording within the DML submitted at Deadline 5 has now been updated to require plans to be substantially in accordance with the outline versions of the plans . PLA have also been included as a consultee on pre-construction plans and documentation.</p> <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement within Schedule 3 of the DCO in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p>   |

| Reference | Matter | Point Raised  | Applicant's Comments  |
|-----------|--------|---|---|
|           |        | <p>different from the outline plans. The PLA considers that the final plans need to be in accordance with the principle of the outline plans.</p> <ul style="list-style-type: none"> <li>- Part 2 Condition 4 sub-paragraph (5) needs to be amended to require the MMO to consult where a licensed activity is permitted to be carried out without complying with an approved plan.</li> <li>- Part 2 Condition 4 sub-paragraph (6) now includes reference to not reducing water depth by more than 5% unless agreed with the MMO in writing however there will be areas where there can be no reduction in water depth so the Areas of Interest must be carved out of Condition 4(6) and Condition 12(3).</li> <li>- A remediation clause that clearly sets out the approach to be taken if the cable is installed or not maintained in accordance with the Design Requirement.</li> </ul> <p>This above list of revisions is provided on the basis that the drafting in the PLA's protective provisions that has been agreed remains and that a Design Requirement is included within the Articles of the DCO alongside a certified plan which shows the Areas of Interest.</p> | <p>The Applicant confirms that a Certified Plan (<b>Application Document 9.104</b>) for Areas of Safeguarded Water Depth has been submitted at Deadline 4 <b>[REP4-098]</b>.</p> <p>The Applicant is currently reviewing the remediation clause received from the PLA for inclusion within Protective Provisions.</p> |

**Table 8.2 Applicant's Comments on the Port of London Authority Deadline 4 Submission [REP4-198]**

| Reference | Matter   | Point Raised  | Applicant's Comments   |
|-----------|--|---|--|
| 2.1       | Draft Development Consent Order("dDCO") [REP3-007] | <p>Various updates have been made to the dDCO at deadline 3, of relevance to the PLA are:</p> <p>Article 2 – Interpretation - Further amendments to the definition of commence. Whilst the PLA has no objection to these changes, which seek to streamline the wording in the definition to avoid duplication, attention is drawn to the PLA's deadline 2 response [REP2-060] where the PLA set out its concerns about the definition of commence and highlighted that it had suggested an alternative definition of commence for its protective provisions which would satisfactorily address its concerns and would allow the Applicant's amendment to remain as set out in Article 2.</p> <p>Article 2 – Interpretation – The PLA welcomes the amendments to the definition of maintain to make it clear that the definition of maintain does not permit the whole of the authorised development to be reconstructed or replaced using maintenance powers.</p> <p>Schedule 1, Part 1 – The list of associated development has been expanded to include at (k) reference to surveys. The PLA has no objection to this, but surveys must be included within the scope of the PLA's protective provisions. Survey activities could be disruptive if a</p> | <p>Following recent discussions with the Port Authorities, the Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth. Bespoke dML Conditions have also been included at Deadline 5 with regards to cable joints, exclusion zones and wet storage.</p> <p>The Applicant also confirms that the Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A <b>[REP4-223]</b> which now includes all relevant commitments and actions in relation to the Offshore Scheme.</p> <p>Additionally updates to the REAC <b>[REP4-235]</b> and dDCO <b>[REP4-217]</b> were also updated and submitted at Deadline 4A which clarify how the REAC is secured within the DCO.</p> <p>The Applicant confirms that a Certified Plan (<b>Application Document 9.104</b>) for Areas of Safeguarded Water Depth has been submitted at Deadline 4 <b>[REP4-098]</b>.</p> <p>The Applicant can confirm that wording within the DML has now been updated and submitted at Deadline 5. PLA have also been included as a consultee on pre-construction plans and documentation.</p> |

| Reference | Matter | Point Raised   | Applicant's Comments  |
|-----------|--------|--|---|
|           |        | <p>survey vessel is passing slowly or needs to stop within the Areas of Interest and impact larger vessels trying to enter or exit the Port (as highlighted by the Applicant in their response to ExAWQ 1ECOL55).</p> <p>Schedule 3, Requirement 6 – Now includes a requirement for the Register of Environmental Actions and Commitments (“REAC”) to be submitted to and approved by the relevant planning authority or other discharging authority.</p> <ul style="list-style-type: none"> <li>- As highlighted during Issue Specific Hearing 2, the REAC does not secure any mitigations it is merely a register of commitments. It will be documents such as the Navigation and Installation Plan (“NIP”) and Cable Specification and Installation Plan (“CSIP”) that will secure the mitigations.</li> <li>- The REAC contains both onshore and offshore commitments and it is unclear who would approve the REAC. The PLA raised this issue in its deadline 1 response [REP1-156] (see paragraph 10.8) highlighting that it is unclear whether any Ports would be consulted and provided with the opportunity to provide comments, particularly given that they are not a named body in the Requirement. It would also not be appropriate for example for the local planning authority to approve the offshore commitments as their jurisdiction extends to Mean Low Water Springs and many of the offshore commitments relate to activities taking place outside of their jurisdiction.</li> <li>- As raised in ISH2 on 30 January 2026 the reference to the REAC in Schedule 3, Requirement 6 does not reference the version of the REAC that has been submitted during the examination nor provide a requirement for the final version of the REAC to be in accordance with the current version. If the commitments in the REAC are to be relied upon in the decision making process, it is imperative that the document that is produced post consent does not remove or alter those commitments, with only new commitments being added.</li> <li>- The REAC suggests that the Shipping and Navigation commitments are secured through Requirement 6 and the Offshore Construction and Environment Management Plan (“offshore CEMP”) which is not listed.</li> </ul> <p>Schedule 16 – Deemed Marine Licence (“DML”) various amendments have been made to the DML including a definition of the outline cable specification and installation plan (“oCSIP”); outline offshore construction and environmental management plan (“outline offshore CEMP”) and a definition and contact details for the PLA. All of these amendments are welcomed.</p> <p>Some of the amendments that the PLA requested in its deadline 1 response [REP1-156] have been included by the Applicant but not all of them. The PLA has reviewed its deadline 1 response in the light of the</p> | <p>The Applicant is re-visiting the Protective Provisions in light of the new DCO/dML inclusions at Deadline 5.</p> |

| Reference | Matter  | Point Raised  | Applicant's Comments   |
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|           |   | <p data-bbox="1012 170 1982 478">Five Estuaries decision and would highlight the following omissions. NB This list is provided in the absence of, and on the understanding that, a Design Requirement will be agreed by the Applicant and included in Schedule 3 of the dDCO with an accompanying Certified Plan. The PLA will require further amendments to the DML if the absence of these matters being agreed and set out during ISH2 why protective provisions are not the appropriate place for these matters to be addressed. This list is also provided on the basis that the drafting in the PLA's protective provisions that has been agreed remains:</p> <ul data-bbox="1056 533 1982 1247" style="list-style-type: none"> <li>- 2.2 Part 2 Condition 4 sub-paragraph (1) naming the PLA as a consultee on the pre-construction plans and documentation.</li> <li>- Part 2 Condition 4 sub-paragraph (1) (a) (b) and (g) requires the CSIP, offshore CEMP and NIP to be "in general accordance with the principles" of their respective outline plans. The PLA has concerns about this wording which is very weak and could result in final plans being substantially different from the outline plans. The PLA considers that the final plans need to be in accordance with the principle of the outline plans.</li> <li>- Part 2 Condition 4 sub-paragraph (5) needs to be amended to require the MMO to consult where a licensed activity is permitted to be carried out without complying with an approved plan.</li> <li>- Part 2 Condition 4 sub-paragraph (6) now includes reference to not reducing water depth by more than 5% unless agreed with the MMO in writing however there will be areas where there can be no reduction in water depth so the Areas of Interest must be carved out of Condition 4(6) and Condition 12(3).</li> <li>- A remediation clause that clearly sets out the approach to be taken if the cable is installed or not maintained in accordance with the Design Requirement.</li> </ul> |  |
|           |   | <p data-bbox="1012 1297 1982 1535">The PLA would also emphasise that whilst good progress has been made with the protective provisions they have not yet been agreed and there is still no Requirement within the dDCO or plan to be certified showing the Areas of Interest and the depths that must be safeguarded. These matters must be addressed at deadline 4 to enable interested parties to have sufficient time to review the requirement and plan and make any comments.</p>  |  |
| 3.0       | Part 4 Marine Chapter 1 – Physical Environment [REP3-021] | <p data-bbox="1012 1562 1982 1871">Table 1.18 (page 81) advises that "At present, no expected boulder removal is anticipated to be required along the route. However, should boulders be identified that are considered an impediment to the construction during the pre-installation survey, these would be removed by either a subsea grab or a displacement plough." The PLA set out in its deadline 2 response [REP2-060] that it was disappointing that the Applicant had not taken the opportunity to commit to no relocation of boulder to or within the Areas of Interest. The PLA expects this matter to be addressed in the oCSIP which is due to be submitted at deadline 4.</p>   | <p data-bbox="2000 1562 2911 1661">The Applicant confirms that the Outline Cable Specification and Installation Plan [REP4-090] submitted at Deadline 4 secures this commitment.</p> <p data-bbox="2000 1671 2911 1770">The Applicant's approach to sediment management is presented within the Outline Cable Specification and Installation Plan [REP4-090] submitted at Deadline 4.</p> <p data-bbox="2000 1780 2911 1885">In a call on the 19 February 2026, the Applicant requested feedback to be sent via email on these oCSIP and oNIP to ensure feedback could be incorporated to an update at Deadline 5.</p> |

| Reference | Matter  | Point Raised   | Applicant's Comments  |
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| 4.0       | Applicant's Comments on Other Submissions Received at Deadline 2 [REP3-064] | <p>Table 1.18 (page 82) provides information on the volume of pre-sweeping and advises that "there is no designated disposal area, the sand will be deposited within the Order Limits for the area of pre-sweeping." The PLA set out in its deadline 1 response the need for a outline sediment disposal management plan ("oSDMP") which sets out the key constraints and measures proposed in relation to the management and disposal of dredged material that may be produced during the construction of the offshore elements of Sea Link to ensure that the Areas of Interest are not detrimentally impacted. It is understood that an oSDMP is to be submitted at deadline 4 as part of the oCSIP.</p> <p>The Applicant's comments on the PLA's Deadline 2 submission are set out on pages 66-75. The Applicant largely notes the PLA's comments and where the Applicant provides a more substantive response this is to:</p> <ul style="list-style-type: none"> <li>- reiterate that the Applicant agrees in principle with the need to safeguard water depths and that the Applicant's commitments need to be secured through an appropriate mechanism</li> <li>- signpost to the Shipping and Navigation Under-Keel Clearance Marine Engineering Technical Note [REP1A-038]</li> <li>- advise that a further update will be provided at deadline 4 (and that further work may be required beyond this)</li> <li>- advise that the oNIP, Marine Chapter 7 - Shipping and Navigation and the Navigational Risk Assessment will all be updated at deadline 4 and the oCSIP will be submitted at deadline 4 that will include the oSDMP</li> </ul> <p>In relation to wet storage, the Applicant has confirmed that there are in fact plans for wet storage but that this will not occur within the Areas of Interest – this needs to be secured. In relation to planned cable joints the Applicant has confirmed that there are no planned cable joints within the Areas of Interest – this needs to be secured. In relation to rock emplacement, the Applicant agrees "in principle that rock emplacement should not overtop the top of trenches where used as backfill" and advises that this will be confirmed after the full CBRA has been completed. This does not provide the PLA with the certainty that it requires. Rock emplacement is proposed at the most sensitive navigational areas: the Areas of Interest and therefore should the full CBRA conclude that rock emplacement should overtop the trenches then this could impact on the water depths that must be safeguarded.</p> | <p>The Applicant confirms that the Outline Cable Specification and Installation Plan [REP4-090] submitted at Deadline 4 includes commitments to wet storage and cable joints.</p> <p>Following recent discussions with the Port Authorities, the Applicant has also now included bespoke dML Conditions in its submission at Deadline 5 with regards to cable joints, exclusion zones and wet storage within the three Areas of Safeguarded Water Depth.</p> <p>The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p> |
| 5.0       | Applicant's Responses to First Written Questions [REP3-069]                 | <p>In response to 1GEN61 and the Examining Authority asking whether documents should be substantially in accordance with the outline version of a document the Applicant states that they will amend the wording of Schedule 16 Part 2 Condition 4 to expressly require that the preconstruction plans and documents should be substantially in accordance with the principles set out in the outline version. The PLA has set out in its Response to Supplemental Agenda Questions Raised at ISH2 how the final plans should be in accordance with the principles in the relevant outline plans.</p>  | <p>The Applicant can confirm that wording within the DML has now been updated to substantially in accordance and submitted at Deadline 5. PLA have also been included as a consultee on pre-construction plans and documentation.</p> <p>Following recent discussions with the Port Authorities, the Applicant has also now included bespoke dML Conditions in its submission at Deadline 5 with regards to cable joints, exclusion zones and wet storage within the three Areas of Safeguarded Water Depth.</p>  |

| Reference | Matter   | Point Raised  | Applicant's Comments   |
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|           |  | <p>Table 20.1 sets out the Applicant's response to the Examining Authority's shipping and navigation questions. At this stage the PLA does not respond to each of the Applicant's responses, but notes that the Applicant is to provide new and amended documents and further information at deadline 4 and that many of the responses (for example ISN3) reiterate the work that has already been done and the discussions that are being had. The PLA will therefore wait and comment on the new or amended documents that are being produced and anticipate being submitted at deadline 4. The PLA considers it helpful to provide a response at this time to the following questions:</p> <ul style="list-style-type: none"> <li>- ISN3 - The PLA and the Applicant are discussing protective provisions and these discussions are progressing well however, in relation to the wording that the Applicant has set out in response to ISN3, this wording would not address the issue of Gridlink and Sea Link crossing. As drafted, Sea Link would simply need to install the cable to ensure that they safeguarded the required depth and take no account of Gridlink crossing them at a later date with the resultant reduction in water depth that would occur from this cable crossing. The effect of which could be to stop the GridLink project from going ahead. The PLA has emphasised the need for projects to work together to enable all projects to proceed and set out in its deadline 3 response suggested wording that would ensure that whichever scheme was constructed first it would not prejudice the ability of the other scheme to come forward whilst safeguarding water depths.</li> <li>- ISN8 – Whilst the PLA notes that re-routing around boulders and archaeological finds is the Applicant's primary solution, it cannot rule out re-positioning these features within the Order Limits. It is stated that this will be undertaken in consultation with the PLA and considering Areas of Safeguarded Water Depth. Whilst the PLA welcomes the consultation, it should be confirmed how this is going to be secured and would emphasise the need to ensure that these items are not relocated within the Areas of Interest. The PLA would expect the Applicant to make a commitment similar to that provided for wet storage (see the Applicant's response to ISN9) and for the commitments relating to boulders, archaeological finds and wet storage to be secured.</li> </ul> | <p>The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p> <p>The Applicants approach to boulder clearance and archaeological finds is presented within the Outline Cable Specification and Installation Plan [REP4-090] submitted at Deadline 4.</p> <p>Coordination with Gridlink is ongoing, and both parties are committed to ensure that the Areas of Safeguarded Water Depths are preserved. Both parties will enter into a Crossing Agreement.</p>  |
| 6.0       | Outline Code of Construction Practice [REP3-077] | <p>The outline Code of Construction Practice ("oCoCP") outlines the environmental control and management measures to be implemented through the construction period of the delivery of the proposed development. It includes at table 1.2 offshore control and management measures. The list of control and management measures needs to be checked for consistency. For example:</p> <ul style="list-style-type: none"> <li>- GM02 states that as-built locations of cable and external protection will be supplied to UKHO, The Crown Estate and Kingfisher. The Applicant had also agreed to provide them to the PLA.</li> <li>- SN01 sets out minimum and target depth of lowering – this may require an update once the Applicant has completed assessing the</li> </ul>   | <p>The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p> <p>The Applicant confirms it will update <b>Application Document 9.21 Sea Link Cable Burial Risk Assessment [PDA-039]</b> (CBRA) post consent based on the additional requirements to deeper burial which have emerged from Stakeholders during the DCO process, which were not communicated prior to DCO, such as the need for additional lowering in the Areas of Safeguarded Water Depth, such as in the <b>SUNK (Application Document 9.96 (A) Water Depth Baseline Study – Shipping and Navigation Technical Note [REP4-093])</b>,</p> |

| Reference | Matter   | Point Raised   | Applicant's Comments   |
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| 7.0       | Register of Environmental Actions and Commitments [REP3-079] | <p data-bbox="1101 174 1976 306">engineering implications of the additional cable depth of lowering that may be required in areas of the Sunk Pilot Boarding areas (which may result in the depth of lowering increasing from 2.5m to approximately 4.5m in the shallowest sections of the route).</p> <p data-bbox="1012 331 1976 569">The REAC was updated at deadline 3 and it became a free standing document rather than being an appendix to the onshore CEMP. This change is welcomed. The purpose of the REAC is to record commitments made by the Applicant including embedded measures, good practice measures and additional mitigation measures. Importantly it does not secure any commitments but will assist the applicant and their contractor in achieving compliance.</p> <p data-bbox="1012 625 1976 758">The PLA has set out elsewhere in this document (see section 2 above) its concerns about who approves the document so does not repeat them here. Table 1.4 sets out the offshore actions and commitments. The table needs a general update to reflect progress during the examination.</p> <p data-bbox="1012 814 1976 1220">For example, GM02 states that “As-built locations of cable and external protection will be supplied to UKHO (Admiralty), The Crown Estate and Kingfisher (KIS-ORCA).” The Applicant has also agreed to provide them to the PLA. It is also surprising that the CSIP and NIP are not the securing mechanism for many of the actions and commitments – instead the Code of Construction Practice is repeatedly referenced. Entries also need to be checked to make sure that they apply over the correct periods of the project. For example as currently drafted MPE02 (which relates to the depth of lowering of the cable) only relates to construction but it should apply over the lifetime of the project. Other comments based on the documents submitted to date and noting that a number of documents are due to be updated or submitted at deadline 4 include:</p> <ul data-bbox="1056 1276 1976 1938" style="list-style-type: none"> <li>- Entry GM04 proposes sensitive routeing and siting of infrastructure and temporary works. It is stated that this is secured through DCO Schedule 1 and 16. How do these schedules result in sensitive routing and siting of infrastructure? The PLA would have expected much more specific commitments for example signposting to a Requirement which provides specific commitments on seabed levels where these need to be safeguarded over the lifetime of the project. Instead the Applicant signposts to Schedule 1 the Authorised Development i.e. the whole route, not even just the offshore element of Schedule 1 and to the whole of the DML at Schedule 16.</li> <li>- GM05 refers to early and continued stakeholder engagement. It is stated that this is secured through the outline offshore construction environmental management plan. The outline plan refers to external notifications, but notification is very different from the level of engagement that would be required with the Port of London Authority and others on this project.</li> <li>- SN01 – See 6.1 bullet 2 above. In addition, SN01 needs so be clear what happens when cable burial is unsuccessful (either to full</li> </ul> | <p data-bbox="2000 331 2896 604">The securing of the REAC with regard to the Offshore Scheme has been updated at Deadline 4A. GM04 refers to the mirositing for all key marine receptors not just Port interests. The Applicant confirms that the Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A <b>[REP4-223]</b> which outlines all commitments and actions in relation to the Offshore Scheme. The securing of the REAC with regard to the Offshore Scheme has been updated at Deadline 4A.</p> <p data-bbox="2000 625 2896 779">Within the Offshore Construction Environmental Management Plan has been updated and submitted in Deadline 4A <b>[REP4-223]</b>, references to the securing mechanisms for each commitment have now been included. Following stakeholder comments, a further update of <b>[REP4-223]</b> will be submitted at Deadline 5.</p> <p data-bbox="2000 800 2896 932">Following recent discussions with the Port Authorities, the Applicant has also now included bespoke dML Conditions in its submission at Deadline 5 with regards to cable joints, exclusion zones and wet storage within the three Areas of Safeguarded Water Depth.</p> <p data-bbox="2000 953 2896 1043">The Applicant has also now included a bespoke DCO Requirement in its submission at Deadline 5 with regards to the three Areas of Safeguarded Water Depth.</p> <p data-bbox="2000 1064 2896 1155">The Applicants commitments to communication are secured within the updated Outline Navigation and Installation Plan <b>[REP4-075]</b> submitted at Deadline 4.</p> <p data-bbox="2000 1176 2896 1295">The Applicants commitments to installation specific requirements, including cable burial, are secured within the Outline Cable Specification and Installation Plan <b>[REP4-090]</b> submitted at Deadline 4 and updated at Deadline 5.</p> <p data-bbox="2000 1316 2896 1409">The Applicant has responded to the matter of freespan clearance in the Second Round of Written Questions (2SN2 in <b>Application Document 9.123</b>) submitted at Deadline 5.</p> |

| Reference | Matter | Point Raised  | Applicant's Comments |
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|           |        | <p>depth or to minimum depth of lowering) in the Areas of Interest and link back to the remediation clause in the PLA's draft protective provisions. It is surprising that the CoCP is the securing mechanism – the PLA would have also expected the CSIP (and the associated CBRA) to be the securing mechanism.</p> <ul style="list-style-type: none"> <li>- SN08 refers to special attention being given to the routing through the Sunk TSS and when in proximity to the Sunk Deep Water anchorage area and Sunk pilot station, as well as when routeing in proximity to the Tongue anchorages and pilot station. The PLA has set out the Areas of Interest all of which it requires special attention to be given to. It is also noted that Harwich and Sandwich Port and Haven authorities are referenced but not the PLA. It is questioned why the NIP is not the securing mechanism.</li> <li>- SN11 - the need to co-ordinate planned operations within the Sunk region are highlighted but the NIP is not identified as the mechanism to do this. The PLA would also recommend that SN11 is amended so that there is a clear commitment and applies to all three Areas of Interest rather than the current wording which gives no certainty and only applies to the Sunk. "SN11 Coordination of planned operations within the Areas of Interest, so that there are at no time concurrent Restricted Ability to Manoeuvre (RAM) operations (such as cable lay and burial) with other projects in the Areas of Interest, including the North Falls and Five Estuaries Wind Farm projects".</li> <li>- SN12 – Again there is no reference to the NIP as the securing mechanism and the use of the wording “where practicable” means that RAM operations could occur when visibility is below 2 nautical miles. SN12 also needs to apply to all three Areas of Interest. The PLA recommends the following wording for SN12: “Restricted Ability to Manoeuvre operations in the Areas of Interest will be avoided in visibilities of below 2 nautical miles.”</li> <li>- SN19 – does not provide a clear commitment to no planned cable joints in the Sunk – a clear commitment must be provided and apply to all 3 Areas of Interest.</li> <li>- SN20 – requires a re-write to reflect the commitments made by the Applicant in terms of safeguarded depths and must apply to all three Areas of Interest. The reference to the location of cable joints must also be explicit that there will be no planned cable joints in the Areas of Interest.</li> <li>- SN22 worryingly refers to anticipated reductions in water depth greater than 5%. A specific requirement is needed which sets out the riverbed depths that must be maintained and where there can be no reductions in water depth.</li> <li>- SN32 will need to reflect any clear commitments in relation to no concurrent RAM vessels</li> <li>- SN33 – will need to be linked back to a requirement and plan to safeguarded water depths in all three Areas of Interest.</li> <li>- SN34 simultaneous operations, the NIP will be the mechanism to manage these.</li> </ul> |                      |

| Reference | Matter | Point Raised   | Applicant's Comments |
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|           |        | <ul style="list-style-type: none"> <li>- The usual suite of mitigations for cable schemes are not identified in relation to archaeological finds wet storage, freespan clearance, planned cable joints etc. The approach to cable protection and cable crossings (and in particular areas to avoid) are not set out. As highlighted above, these should all be set out in an oCSIP and included in the REAC.</li> <li>- The PLA has also set out in its deadline 3 response [REP3-096] that the applicant's confirmation that no exclusions zones would be sought should be captured in the REAC.</li> </ul> |                      |

# 9. Applicant's Comments on the Submission from Royal Society for the Protection of Birds (RSPB)

## 9.1 Introduction

9.1.1 Table 9.1 summarises the Applicant's comments on RSPB Deadline 4 Response [REP4-142].

**Table 9.1 Applicant's Comments on the RSPB Deadline 4 Submission [REP4-142]**

| Reference | Matter   | Point Raised   | Applicant's Comments   |
|-----------|--|--|--|
|           | The applicant's proposed revision of the Register of Environmental Actions and Commitments (REAC) [REP3-078] wording to commit to a minimum 3 metre (m) high acoustic fence at the proposed HDD compound.  | The RSPB welcome the proposed commitment to install a close-board acoustic fence around the HDD compound of a minimum of 3m high. We agree that this (along with other best practice measures) should have a beneficial effect in reducing noise and light spill and in reducing visual disturbance more generally, although we note that some work/equipment will still be visible over the top of this fence, as outlined in the Applicant's response to 1ECOL57 in their Responses to ExQ1 (REP3-069). We therefore also welcome the Applicant's commitment at ISH2 to further update measure B23 in the REAC (REP3-078) to specify that the noise monitoring will be used to identify any need for further adaptive noise mitigation required for designated sites during the construction period. | Noted  |
|           | The amendment of Suffolk Ecology and Biodiversity chapter [REP1-047] paragraph 2.9.14 to reflect that generators would operate for 6 months rather than 3 years and would therefore not give rise to acid deposition or related air quality effects. | Whilst we agree that the reduced operating period for generators at the HDD compound should reduce the level of concern around acid deposition or air quality impacts on the Sandlings SPA and Leiston-Aldeburgh SSSI, we defer to Natural England's view on whether such impacts can now be ruled out. We agree however that the ES should be updated in any case to ensure that the assessment remains accurate.   | Noted  |
|           | The applicant's statement that stage 5 plant is not required to be used at the HDD compound in Suffolk, given the lack of identified air quality impact.   | Further to the points above, we again defer to Natural England on this point   | Noted  |
|           | The necessary control measures in respect of UXO, if UXO were to be identified at the HDD compound.  | Requirement for EIA to identify impacts and mitigation in respect of UXO<br>In our view, the necessary control measures, and in particular, the mitigation measures likely to be required to minimise impacts on designated sites, should be identified through the Environmental Impact Assessment and specifically included within the DCO list of required measures. As we raised previously in section 2.2.9 of our Written Representations (REP1-158), we are concerned that there appears to be no mention of UXO in ES Part 2 Suffolk Chapter 2   | This is being discussed with RSPB as part of Statement of Common Ground discussions.<br>The Applicant has undertaken a detailed UXO risk assessment for the Proposed Project including at the RSPB North Warren reserve. The risk assessment notes that a maximum penetration depth of between 10-12 m can be taken for WWII bombs at the site. With the trenchless crossing anticipated to be approximately 16-18 m below the RSPB reserve it is considered very unlikely that a UXO will be encountered by the drill. Consequently, the risk of encountering a |

| Reference | Matter | Point Raised   | Applicant's Comments   |
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|           |        | <p>Ecology and Biodiversity (REP1-047) and no mention with regard onshore sites in the Habitats Regulations Assessment Report (REP3-038).</p> <p>The Applicant's response to 1GH1 in their Responses to ExQ1 (REP3-069) suggests that the UXO process is planned to sit outside the DCO or any other planning process, and therefore that environmental impacts will not be assessed until after the Examination:</p> <p><i>"In respect of any terrestrial consenting required for such activities, the Applicant's experience is that, unlike in the marine environment, on land, consent such as planning permission is not typically required given the nature of the activity to deal with UXO. As referred to above, the Proposed Project's construction design, including deep trenchless crossings at landfalls, has looked to limit the potential impacts of UXOs disrupting construction activities, and therefore on ecology and designated sites, as far as practicable. Options for disposal discussed above will be risk assessed at the time of identifying the UXO and any mitigation, including for ecology and designated sites, will be considered and included as part of the UXO detailed risk assessment, produced at the time. Any consents/permits (e.g. Site of Special Scientific Interest Assent / Habitat Regulations Assessment) and associated impact assessments will also be sought/produced at that time."</i></p> <p>This apparent deferral of any environmental assessment until after the consenting process is complete is of serious concern to us as it means that the full environmental impacts of the project or the proposed mitigation cannot be properly subject to scrutiny as part of decision making.</p> | <p>UXO in the RSPB reserve may be considered reduced to As Low as Reasonably Practicable (ALARP), and therefore no excavations within the RSPB reserve/SSSI are anticipated.</p> <p>The Applicant is planning to reduce the UXO risk for working areas and the complete length of the landfall route to ALARP by the appointment of a UXO Consultant and additional pre-construction UXO survey works. This approach was undertaken during the intrusive ground investigation works completed previously by the Applicant and will be used for future surveys and construction works.</p> <p>A non-invasive UXO survey of the RSPB Reserve (using either drone or hand-held plant) at a time of year to be agreed with Natural England through SSSI Assent is needed to inform a calculation of whether kinetic energy from the HDD would be sufficient to initiate buried UXO. To do that, and avoid it, we need to know the burial depth of any UXO present. This would then inform any proactive UXO risk mitigation measures that might be needed, such as taking the drill deeper or changing the alignment within the limits of deviation.</p> <p>Where required, pre-construction surveys, such as UXO surveys (including relocation / removal where required) and additional landfall ground investigations, will be consented separately and are therefore not covered or assessed in the ES and/or the HRA. This is standard practice for some pre-construction preparatory surveys. If UXO clearance is necessary, the activity would be undertaken in accordance with approved industry practices for removal and disposal/waste management of ordnance, particularly the use of low deflagration methods during clearance. If any UXO is encountered there is also the possibility to amend the alignment within the limits of deviation. These considerations will also be included in any consents/permits (e.g. SSSI Assent / HRA) and associated impact assessments.</p> <p>The Applicant notes RSPBs concern about any location for any UXO controlled disposal being appropriate and not located to cause disturbance to the SSSI. The Applicant is willing to commit to consulting Natural England over disposal locations if that disposal is undertaken by the Applicant and there is sufficient time for that consultation. However, disposal is often undertaken by military Explosive Ordnance Disposal teams, over which the Applicant may have no influence, with locations determined primarily with safety in mind. Further, in reality the nature of the activity may not allow time for consultation prior to disposal.</p> |
|           |        | <p>We are also concerned that this approach does not appear to accord with the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Infrastructure EIA Regulations are clear on those requirements, especially regulation 5 around the consideration of all potential effects through the EIA process and regulation 14 on requirements for the contents of the ES, with Schedule 4 being clear on what must be considered and included as follows:</p>   | <p>See above</p>   |

| Reference | Matter  | Point Raised  | Applicant's Comments  |
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|           |   | <p>Paragraph 1 - A description of the development, including in particular—</p> <p>(a) a description of the location of the development;</p> <p>(b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;</p> <p>Paragraph 4 - A description of the factors specified in regulation 5(2) likely to be significantly affected by the development:</p> <p>Paragraph 5 - A description of the likely significant effects of the development on the environment resulting from, inter alia—</p> <p>(a) the construction and existence of the development, including, where relevant, demolition works.</p> <p>Therefore, consideration should be given to both the need for the initial survey as well as the processes which may be necessary should UXO be located and the mitigation measures available to for potential impacts on habitats or species.</p> <p>We consider that this approach to enable full assessment of impacts during the Examination would be consistent with the approach the Applicant has taken for other construction risks, such as drilling fluid frac out, for which potential impacts have been assessed and mitigation measures secured in the REAC.</p> |   |
|           | Clarity required regarding area to be subject to UXO survey/removal | <p>We assume that UXO investigations will be required in the vicinity of the HDD compound at the Suffolk landfall, however, we also request clarity regarding any other areas which may require such works. The Applicant's response to 1GH1 in their Responses to ExQ1 (REP3-069) indicates that the maximum penetration of UXO is around 8-12m below ground level, depending on ground conditions. Reviewing the Aldeburgh Indicative Landfall HDD Profile on epage 99 of the Design Development Report (APP-321), this suggests that the HDD drill head will not reach these depths until it is East of the railway line and beneath the Leiston-Aldeburgh SSSI and the RSPB's landholding and therefore that areas between this point and the compound may also require investigation. Given the potential impacts of UXO survey and excavation (discussed further below), we request that a plan of the areas around the HDD compound and any parts of the HDD drill route that would need to be subject to UXO survey (and potentially, excavation) is provided.</p>  | <p>A plan has been provided to RSPB as part of Statement of Common Ground discussions. A non-invasive UXO survey of the RSPB Reserve (using either drone or hand-held plant) at a time of year to be agreed with Natural England through SSSI Assent is needed to inform a calculation of whether kinetic energy from the HDD would be sufficient to initiate buried UXO. To do that, and avoid it, the Applicant will need to know the burial depth of any UXO present. This would then inform any proactive UXO risk mitigation measures that might be needed, such as taking the drill deeper or changing the alignment within the limits of deviation.</p>                    |
|           | UXO survey and excavation methods                                   | <p>With regard to the identification of UXO at specific locations, we note that the survey methods that will be required to identify presence have not been specified. At ISH2 the Applicant suggested that surveys would employ non-intrusive techniques, however, the technical requirements for non-intrusive surveys in the UXO risk assessment report from Safelane (epage 535 of the Appendices to EXQ1 REP3-070) suggest that this may not be possible in any risk areas that form part of the HDD crossing at the Suffolk landfall:</p>   | <p>This is being discussed with RSPB within the context of the Statement of Common Ground. The Applicant can confirm that there will be no vegetation clearance to facilitate UXO investigations within the RSPB reserve. A non-invasive UXO survey of the RSPB Reserve (using either drone or hand-held plant) at a time of year to be agreed with Natural England through SSSI Assent is needed to inform a calculation of whether kinetic energy from the HDD would be sufficient to initiate buried UXO. To do that, and avoid it, the Applicant will need to know the burial depth of any UXO present. This would then inform any proactive UXO risk mitigation measures</p> |

| Reference | Matter | Point Raised   | Applicant's Comments   |
|-----------|--------|--|--|
|           |        | <p>“Ground must be level, free of obstacles / obstructions and clear of undergrowth.”</p> <p>We note that, for Sizewell C, UXO surveys were carried out after vegetation clearance had taken place. If any vegetation clearance were proposed within the LeistonAldeburgh SSSI, the impacts of this on habitats and on bird disturbance would require assessment and would be likely to require mitigation, although, we also note that ground conditions and presence of ditches etc may make such surveys difficult in any case.</p> <p>Assuming that surveys may be required in the shallower HDD sections, the Safelane report (epage 534) also suggests that ground-based non-intrusive surveys may not be sufficient due to the depth required:</p> <p><i>“The [non-intrusive survey] system can detect the magnetic field from a 50kg WWII air-dropped bomb at a depth of 4m and smaller items such as Land Service Ammunition to depths of up to 1.5m in ground with a low ambient magnetic field. In the case of soft geology, it should be noted that a 50kg high explosive bomb may be buried greater than 4 metres below ground level and therefore may not be detected by the survey. In this instance intrusive surveys may be required.”</i></p> <p>At ISH2 the Applicant also suggested that a drone may be used for non-intrusive UXO surveys. We request that details of the technical capabilities of this method are provided (in particular regarding the depth to which such surveys are effective) in order to demonstrate that non-intrusive surveys are possible in this area.</p> <p>Should intrusive surveys and excavation be required (or excavation subsequent to a non-intrusive survey), this could result in damage to habitats within the SSSI and disturbance of birds within the SSSI and nearby Sandlings SPA. At present, no details of excavation techniques have been proposed and therefore it is not possible to clarify impacts on habitats or suggest potential mitigation measures. However, we are extremely concerned that, if investigations are required in the shallower part of the HDD crossing, given the maximum UXO penetration depth of 8-12m, that intrusive surveys involving excavation to this depth might be required (due to the limitations of non- intrusive surveys) which could be significantly damaging to the SSSI and to the RSPB reserve.</p> <p>With regard disposal of any ordnance found, the Applicant's response to 1GH1 in their Responses to ExQ1 (REP3-069) states that:</p> <p><i>“Options for disposal may include controlled detonation, treatment on site to remove/neutralise the explosive material safely or removal from site to a controlled location for detonation or treatment.”</i></p> <p>Whilst we accept that health and safety requirements will largely dictate the decisions around these options, we recommend that consideration should be given to the choice of potential locations to which UXO may be removed for controlled detonation. Our</p> | <p>that might be needed, such as taking the drill deeper or changing the alignment within the limits of deviation.</p> |

| Reference | Matter          | Point Raised  | Applicant's Comments |
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|           |                 | <p>experience with Sizewell C has shown that these detonations can result in repeated disturbance to birds and given the proximity of potential risk areas to the LeistonAldeburgh SSSI and Sandlings SPA, the choice of location could significantly affect the disturbance levels experienced by birds (and other wildlife and grazing animals) on these sites. The timing of the UXO investigation works is also likely to affect the significance of such disturbance and the species likely to be affected and we recommend that this is also clarified as part of an assessment.</p> <p>With regard both survey and excavation/disposal methods, we request that Natural England and RSPB are consulted with regard potential mitigation measures.</p>  |                      |
|           | Recommendations | <p>In summary, the Applicant's approach to the assessment and mitigation of UXO-related impacts remains of significant concern to us. We consider that a proper assessment of impacts and potential mitigation for designated sites is required and therefore should be provided within the Examination period as part of the project EIA so that the decision process can take this issue into account.</p> <p>As part of this, we also need clarity regarding the proposed UXO survey, excavation and disposal methods and their locations and timings, particularly with regard any need for works within the Leiston-Aldeburgh SSSI and RSPB reserve. We also request that a commitment is provided for Natural England and RSPB to be consulted regarding mitigation of impacts of UXO survey, excavation and disposal</p> | See above            |

# 10. Applicant’s Comments on the Submission from Maritime and Coastguard Agency

## 10.1 Introduction

10.1.1 Table 10.1 summarises the Applicant’s comments on Maritime and Coastguard Agency Deadline 4 Response [REP4-164].

10.1.2 Table 10.2 summarises the Applicant’s comments on Maritime and Coastguard Agency Deadline 4 Response [REP4-165].

**Table 10.1 Applicant’s Comments on the Maritime and Coastguard Agency Deadline 4 Submission [REP4-164]**

| Reference | Matter  | Point Raised   | Applicant’s Comments   |
|-----------|---|--|--|
| ISH2.029  | Concurrent restricted ability to manoeuvre (RAM) operations in the Sunk | <p>It is the MCA’s position that SN12 of REAC [REP3078] is not sufficiently effective as a commitment to avoid concurrent RAM operations with other projects in the Sunk area. As the National Competent Authority for the SUNK Vessel Traffic Services (VTS), the MCA requests that our defined area of interest (figure 1 below) for Sea Link to commit to no concurrent activities with other projects and for Sea Link to cease operations in visibility of less than 2nm, is secured in the DCO DML as this is a key risk mitigation measure to preserve the safety of navigation in the SUNK area. The REAC is a list of commitments, although secured in the DCO, and SN12 states “Restricted Ability to Manoeuvre operations in the Sunk area will be avoided where practicable in visibilities of below 2 nautical miles”. ‘Where practicable’ is very vague and this commitment only refers to RAM activities during reduced visibility. For the MCA’s defined area of interest in figure 1, we would like to ensure:</p> <ol style="list-style-type: none"> <li>1) No Sea Link project activities involving vessels Restricted in Ability to Manoeuvre (RAM) to operate concurrently with activities involving RAM vessels planned by the Five Estuaries and North Falls offshore windfarm project in the SUNK area (or other future projects), within the MCA defined area bound by the following coordinates: ID Latitude Longitude A 51° 53.0032' N 001° 38.2325' E B 51° 53.0032' N 001° 47.2371' E C 51° 48.0528' N 001° 47.2371' E D 51° 48.0528' N 001° 38.2325' E<br/>And</li> <li>2) No Sea Link project vessels with Restricted Ability to Manoeuvre (RAM) (cable laying, UXO clearance, survey) are to operate when visibility is below 2 nautical miles within the MCA’s defined area in figure 1.</li> </ol> <p>S12 of the REAC does not currently secure both aspects sufficiently. The MCA’s justification for our defined area of interest is as follows:</p> | <p>The Applicant is in agreement with the Port Authorities that the Navigational Installation Plan (NIP) is the most appropriate place to secure concurrent RAM operations. This also aligns with the approach taken in the Five Estuaries and North Falls DCO applications. The Applicant confirms that an update to the outline NIP was submitted at Deadline 4 [REP4-075] in consideration of the MCA’s feedback at ISH2 and Deadline 3.</p> <p>The Proposed Project’s outline NIP contains a figure which shows the Sea Link “Concurrent RAM Activity Area” which has been agreed with Port of London Authority (PLA) Harwich Haven (HHA) and the Sunk VTS / Maritime Coastguard Agency (MCA), Trinity House, Five Estuaries and North Falls during a face to face workshop led by Five Estuaries on 14 June 2024.</p> <p>This agreed area also aligns with the Concurrent RAM Activity Areas defined within the Five Estuaries and North Falls NIPs. The Applicant has identified these two developments as the two developments which have the possibility of their construction programmes overlapping temporally with the Sea Link construction programme.</p> <p>The Applicant understands the concerns about RAM operations in the Sunk area. The Applicant is however concerned that this increased area proposed by the MCA means that the Proposed Project could be held to a different area for RAM SIMOPS which the other relevant developers, namely Five Estuaries and North Falls are not held to in their DCOs. In its current form, this poses substantial legal risks to the Proposed Project given the temporal overlap of the above named projects (one of the key reasons as to why a concurrent RAM activity area needed to be identified and agreed between developers in the first place) where by Sealink could be liable for breaking its DML Conditions due to actions outside of our control if other parties mobilise and work within our extended area as they would not be held to the same restriction. Additionally, the Applicant is not aware of any future developments</p> |

| Reference | Matter | Point Raised  | Applicant's Comments  |
|-----------|--------|---|---|
|           |        | <ol style="list-style-type: none"> <li>1) The defined area of interest in figure 1 is a relatively small area of navigable sea room considering the size and draft of the vessels involved. Pilot boarding/dis-embarking is an 'area' and not a specific point. Vessels are usually requested to come to a position 1NM to the east of the pilot boarding area or 1.5 northeast for the ultra-large vessels. The vessels are then given a heading to board which could be any heading based on the weather / sea conditions. As such, vessels are boarded anywhere to the east of a line drawn North-South through the pilot diamond, including in the anchorages. The same applies to vessels disembarking a pilot which could be anywhere in (or close) to one of the Deep-Water Routes in the Sunk Inner.</li> <li>2) Additionally, the MCA is requesting a larger defined area of interest figure 1 than was previously permitted for the North Falls and Five Estuaries projects. When those projects were approved, both were located to the south of the area, which still left a small section of navigable sea room to the north for other activities. However, the Sea Link project now occupies the northern part of the area significantly reducing the remaining safe sea room and further limiting the ability to conduct marine operations or transits to and from PLA and HHA.</li> <li>3) This is further compounded as almost all vessels exit the Sunk Inner to the Southeast to follow the IMO routing measure in the Strait of Dover which is considered as one of the busiest and most complex shipping lanes in the world. If all three project operations were taking place at the same time, the southeast corridor would be reduced to less than 1NM wide.</li> <li>4) Also, a recent trend is that, due to the northward migration of the Long Sand bank (within the SUNK area), the larger vessels using the Long Sand Head two-way route increasingly tend to divert into the Sunk Inner (north of the magenta line marking the northern limit of the LSH route), to maintain safe navigable depth. This behaviour further reduces available sea room particularly when vessels are simultaneously outbound from the PLA or HHA and can therefore create additional navigational constraints. This can be seen in Figure 2 attached below, sourced from applicants' submission APP- 284- Fig. 6.4.4.7.4.14.</li> </ol> | <p>outside of North Falls and Five Estuaries which would have a possibility of their construction phase coinciding with the Proposed Project, therefore the Applicant is unsure of which additional projects this new MCA area could apply to.</p> <p>Previous to this new discussion with the MCA, the Applicant had established in discussion with Harwich Haven Authority and Port of London Authority (<b>Application Document 7.4.9 Draft Statement of Common Ground Harwich Haven Authority [REP1-080]</b> and <b>Application Document 7.4.11 (B) Draft Statement of Common Ground Port of London Authority [REP1-082]</b>) that the Proposed Project should align with the Five Estuaries and North Falls projects' "Concurrent RAM Activity Area" which is shown in each of their NIP respective documents.</p> <p>This would ensure agreement amongst the three developments, and clarity amongst all stakeholders (ports and developers), of a common agreed area where simultaneous RAM operations between any of the three developments should be avoided.</p> <p>The Applicant is keen to find a way forwards on this element and held an initial discussion with the MCA on the 2 March 2026 to discuss this issue further. Several actions have been taken away from this call both for the MCA and the Applicant to review Five Estuaries and North Falls NIP and outline the current securing mechanisms in place between parties.</p> |

| Reference | Matter | Point Raised   | Applicant's Comments |
|-----------|--------|--|----------------------|
|           |        | <p>5) A further complication is that, during the summer months, numerous sailing vessels often cut directly across the area on a straight southeast course from Harwich. This reduces available sea room and is made more challenging by the fact that many of these pleasure craft have low-power radios and only carry Category B AIS transponders, making it difficult or sometimes impossible for VTS to detect or communicate with them. Similar issues arise with fishing vessels, which often switch off their AIS to avoid revealing their location to other fishermen. These factors further constrain the already limited safe sea room, both before and after a vessel has a pilot on board. This risk should not be underestimated, as the operators of such vessels are frequently unaware of, or do not fully adhere to, the Collision Regulations, including the requirement not to impede deep draft vessels in designated deepwater routes.</p> <p>In summary, the MCA is seeking this defined area of interest in figure 1 to account for a credible worst case scenario, namely, multiple RAM operations taking place within an already constrained sea room, potentially in restricted visibility, and in proximity to some of the largest vessels operating worldwide. An incident involving an ultra-large vessel, such as one comparable to the Ever Given, would have significant safety implications, attract global media attention, and could adversely affect the UK economy. The proposed restriction is therefore both proportionate and essential to ensuring the Safety of Navigation.</p> |                      |

**Table 10.2 Applicant's Comments on the Maritime and Coastguard Agency Deadline 4 Submission [REP4-165]**

| Reference | Matter  | Point Raised   | Applicant's Comments   |
|-----------|---|--|--|
| 91.       | MCA to clarify the additional area of interest that it stated it is seeking and provide the reasoning for seeking its inclusion in the NIP. | The SUNK region is highly constrained with dense maritime traffic, challenging environmental conditions, specialist pilot boarding arrangements, and the presence of deep-draught vessels potentially up to 20m in the future. The risks of collision or running aground here could have catastrophic consequences. As the National Competent Authority for the SUNK Vessel Traffic Services (VTS) and the Coastal State responsible for implementing the UK's maritime safety policy, the MCA is seeking to secure the safety of navigation at four significant areas of interest listed below (numbered 1 – 4) and maintain the safety of navigation during operations at several areas along the cable route which are not currently included in the NIP and would expect to see addressed in either a VMP and/or NIP. None of these areas are new and have been raised in the various MCA submissions. The defined area of interest figure 1 below for concurrent RAM and Reduced Visibility is, however, slightly larger than agreed for Five | <p>The Applicant's response to Concurrent restricted ability to manoeuvre (RAM) operations in the Sunk is presented in detail in response to ISH2.029 above.</p> <p>With regards to the MCA's new area of interest between KP33 and KP38, the Applicant confirms that the current 5% depth reduction dML condition 4(6) is applicable across the entire Offshore Scheme route and not just the KP range identified by the MCA. However, it will review the Condition text in Condition 4 of the dML accordingly for KP33 and KP38.</p> <p>Furthermore, the Applicant has amended Condition 4-(1)(a) of the DML to state the CSIP must be informed by a cable burial risk assessment which has indeed confirmed cable burial between KP33 and KP38.</p> <p>The Applicant is aiming to avoid the doubling up of securing relevant shipping and navigation requirements across the DCO as a</p> |

| Reference | Matter | Point Raised  | Applicant's Comments   |
|-----------|--------|---|--|
|           |        | <p>Estuaries and North Falls Offshore Windfarm projects, the justification for which is included in the MCA response to question 98 below.</p> <p>The four significant areas of interest for MCA are as follows:</p> <ol style="list-style-type: none"> <li>1) Safeguarding navigable depth and preventing anchor strikes by deep draught vessels in the vicinity the SUNK DW anchorage. See figure 2 below. This area is between KP 33 and KP 38, we are aiming for no depth reduction, adequate burial as per recommended Depth of Lowering in the Cable Burial Risk Assessment, including any potential anchor interaction with associated protection measures. Where this is not achievable, further discussion is required on the application of the 5% depth reduction as per current DCO DML condition.</li> <li>2) Securing the 22m safe guarded depth for future dredging as agreed with the ports. See figure 2 below. This area is between KP 38 and KP 44, we fully support the Port's requirement for the cable (and any covering material e.g. rock armour) to be at least 22 metres below Chart Datum in the vicinity of the Deep-Water (DW) Route and DW Anchorage to allow future vessels with a draught of 20 metres. The MCA would expect a post-lay cable burial survey to be carried out to confirm where the target depths have or have not been met and secured in the DCO.</li> </ol> <p>It is the MCA's view that the requirement for a post-lay cable burial survey (to confirm the target has been met) is suitably secured in the DCO DML part 2 Schedule 16 Conditions 14, which states:</p> <p><i>14. (1) The undertaker must submit to the MMO within three months of completion of licensed activities, an 'as built' plan which will display (a) the location of the cable as laid with specific details of the achieved burial depths, (b) locations of buried and surface-laid cables, (c) the placed location and quantity of rock placement or concrete mattresses used in these licensed activities; and (d) final clearance depths over the protected cables and clumped disused cables.</i></p> <p>REAC GM02 states <i>"As-built locations of cable and external protection will be supplied to UKHO (Admiralty), The Crown Estate and Kingfisher (KIS-ORCA)"</i>.</p> <ol style="list-style-type: none"> <li>3) Concurrent RAM and Visibility – see the defined areas of interest figure 1 below for concurrent RAM and Reduced Visibility. Securing an area for Sealink to commit to no concurrent activities with other projects and for Sealink to cease operations in visibility of less than 2nm. The justification for this can be seen in the MCA response to question 98.</li> </ol> | <p>Requirement and also the dML as a Condition as this becomes complex to discharge appropriately post-consent. The three Areas of Safeguarded Water Depth identified by the Ports are currently secured as a DCO Requirement at Deadline 5.</p> <p>The Applicant confirms that an update to the outline NIP was submitted at Deadline 4 [REP4-075] in consideration of the MCA's feedback at ISH2 and Deadline 3, including adding an additional two new NIP Areas of Interest, to a total of five NIP Areas of Interest.</p> <p>The MCA includes in this submission at Deadline 4 additional Areas of Interest which it wishes to add into the NIP:</p> <ol style="list-style-type: none"> <li>1) The area east of the North Shipwash buoy,</li> <li>2) Extend the already identified Northern Offshore AoI, from KP33 to KP70, and</li> <li>3) Extend either the landfall section or the NE Spit area and consider the area between KP105-KP115.</li> </ol> <p>The Applicant can confirm that it updated the NIP for submission at Deadline 4 and incorporated the previous MCA comments from ISH2 and Deadline 3 and therefore has already added further AOI to the NIP to cover the area to the east of North Shipwash buoy at Deadline 4. This aligns with the NIP AOI labelled "North of East Shipwash AOI" (<b>Application Document 9.12 (B) Outline Navigation and Installation Plan [REP4-075]</b>).</p> <p>The two additional requests received at Deadline 4 (AOI updates 2) and 3) listed above), will be considered by the Applicant and if agreed will be implemented in a further update to the NIP AOI submitted at Deadline 6.</p> |

| Reference | Matter | Point Raised   | Applicant's Comments |
|-----------|--------|--|----------------------|
|           |        | <p>4) Long Sand Head and NE Spit. Sea Link is committed to 12.5m depth below chart datum to be maintained within the Long Sand Head (LSH) twoway route and at the Northeast Spit which has been agreed with the ports for their purposes, and the MCA fully supports. We would like to ensure burial in the LSH route (between KP 60 and KP 66) is as per CBRA and apply the 5% maximum depth reduction which is achievable with the water depth at this location. NE Spit (between KP 85 and KP104) where the water depth is less than 12.5m, the 5% reduction may not be appropriate across this area. The following condition has been agreed with the PLA and the MCA would like to propose for inclusion in the DCO DML –</p> |                      |
|           |        | <p><i>‘For the defined Areas on Interest at the Long Sand Head and North Sea Spit, the works must not exceed a maximum 5% reduction in surrounding depth referenced to chart datum, unless otherwise agreed with the MMO in consultation with the MCA and relevant ports. Any changes to surrounding water depth must not reduce water depth to less than 12.5m’.</i></p>  |                      |
|           |        | <p>In addition, we believe that the current NIP only provides details for the operational aspects of how the installation will be carried out within three main areas detailed in applicant submission (AS-104): (i) Northern offshore Aol (approximately from KP35-55) (ii) NE Spit Area (approximately between KP 85105); and (iii) Kent Landfall</p>  |                      |
|           |        | <p>For the purposes of vessel coordination, the MCA is seeking all key areas along the cable route to be included, which would be consistent with other projects, in order to secure our safety of navigation interests. The current NIP does cover some key areas of concern. However, there are other areas which fall outside the NIP and are concerning from the safety of navigation perspective and should be addressed in the NIP. These areas would benefit from being included in the coordination and safe operation of all vessels involved in the project.</p>   |                      |
|           |        | <p>It is the MCA’s view that a NIP solely focussing on the above three areas cannot be considered as a substitute to a Vessel Management Plan (VMP). We would prefer the applicant to consider adding the following areas to the NIP if the applicant would like to treat NIP as a substitute to VMP.</p>  |                      |
|           |        | <p><u>The area east of the North Shipwash buoy (area between KP 15-20)</u> is used by smaller vessels approaching Harwich Haven from the north. The access to the Shipway, which leads to the Haven Pilot Boarding Ground (PBG) runs through a narrow passage between shoals, creating a natural chokepoint for</p>  |                      |

| Reference | Matter   | Point Raised  | Applicant's Comments   |
|-----------|--|---|--|
|           |  | <p>these vessels. The proposed Sea Link cable route passes less than a mile from this chokepoint meaning that cable laying, servicing, surveying and related activities will directly interact with the vessels operating in this area. An agreed plan will therefore be required to manage installation and maintenance activities safely and effectively.</p> <p><u>Extend the already identified Northern Offshore AoI, from KP33 to KP70.</u> This is to factor in the vessel using the SUNK DW anchorage (KP 33-35). Vessels navigating through the complex SUNK outer precautionary area (KP 55-60) and Long Sand Heads two-way route (KP 60-70) where there are large commercial vessels, recreational crafts and dredgers regularly operate.</p> <p><u>Extend either the landfall section or the NE Spit area and consider the area between KP105-KP115.</u> In particular, the area near East Goodwin Sands where there are numerous vessels including leisure crafts and the navigation is complex owing to shallow water and obstructions.</p>   |  |
| 92.       | Provide update on securing future dredging depths through the dDCO requirements and DML condition(s) in consultation with the relevant stakeholders.                         | The MCA will shortly send a table of comments on the current DCO DML conditions to the applicant for further discussion in the near future. The MCA will report back at the next deadline on the outcome of these discussions.  | The Applicant confirms it has received this table via email from the MCA and has subsequently had a follow up discussion with the MCA on the 2 March 2026.<br>Following this call, the Applicant has reviewed and updated the dML submitted at Deadline 5. |
| 93.       | Provide an update on whether REAC SN22 provision should be secured in the dDCO/DML Applicant, MCA DL4  | It is MCA's view that SN22 'Anticipated reductions in water depth greater than 5% will be discussed with the MCA and other relevant stakeholders such as Statutory Harbour Authorities (SHA) and Competent Harbour Authorities (CHA)' must be secured in the DCO DML as this is fundamentally important to the safety of navigation. However, this must only apply outside of those areas where safe guarded depths are agreed / being agreed between the Ports, MCA and the applicant. The DCO DML currently states: (6) In undertaking the licensed activities, the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing. During maintenance and cable protection replenishment - (3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing. The MCA is therefore satisfied that this is suitably secured in the DCO DML and that the MMO will consult with the MCA and relevant ports in order to confirm discharge of this condition. Again, however, this must only apply outside of those areas where safe guarded depths are being agreed between the Ports, MCA and the applicant. | This is noted by the Applicant and it confirms that the Port Areas of Safeguarded Water Depth are currently secured as a DCO Requirement submitted at Deadline 5.  |
| 94.       | Provide an update on safeguarding location for crossing with Gridlink. Provide an update on discussions with Gridlink including as to whether this should be through a cable | The Grid Link planned in service crossing is located within the North East Spit agreed area for the 12.5m safe guarded depth. The MCA will discuss this further with the applicant in order to confirm how this depth is going to be maintained at the cable crossing. For cable crossings, the cable protection measures   | This is noted by the Applicant and confirm that the Port Areas of Safeguarded Water Depth are currently secured as a DCO Requirement submitted at Deadline 5. This also applies to the Gridlink crossing location.   |

| Reference | Matter   | Point Raised   | Applicant's Comments   |
|-----------|--|--|--|
|           | crossing agreement or whether an area needs to be safeguarded as an area of interest to provide adequate certainty.  | installed in cable crossing areas should not reduce the depth of water by more than 5% of chart datum or the secured depth of 12.5 m whichever provided greater depth for safe navigation. If the applicant is unable to meet this, they should consult with the MCA and other relevant stakeholders to ensure that the risk to navigation is reduced to ALARP. We would recommend the applicant ensures maximum burial in areas where planned cable crossings are expected so there is minimal reduction in depth.  |  |
| 98.       | MCA to provide the applicant with an updated defined area for the avoidance of concurrent restricted ability to manoeuvre activities and restriction on activities when visibility is poor in relation to Sea Link activities. | <p>As the National Competent Authority for the SUNK Vessel Traffic Services (VTS), the MCA requests that our defined area of interest (figure 1 below) for Sea Link to commit to no concurrent activities with other projects and for Sea Link to cease operations in visibility of less than 2nm, is secured in the DCO DML as this is a key risk mitigation measure to preserve the safety of navigation in the SUNK area. Specifically:</p> <p>1) No Sea Link project activities involving vessels Restricted in Ability to Manoeuvre (RAM) to operate concurrently with activities involving RAM vessels planned by the Five Estuaries and North Falls offshore windfarm project in the SUNK area (or other future projects), within the MCA defined area bound by the following coordinates:</p> <p>And</p> <p>2) No Sea Link project vessels with Restricted Ability to Manoeuvre (RAM) (cable laying, UXO clearance, survey) are to operate when visibility is below 2 nautical miles within the MCA's defined area in figure 1.</p> <p>The MCA's justification for our defined area of interest is as follows:</p> <p>1) The defined area of interest in figure 1 is a relatively small area of navigable sea room considering the size and draft of the vessels involved. Pilot boarding/dis-embarking is an 'area' and not a specific point. Vessels are usually requested to come to a position 1NM to the east of the pilot boarding area or 1.5 northeast for the ultra-large vessels. The vessels are then given a heading to board which could be any heading based on the weather / sea conditions. As such, vessels are boarded anywhere to the east of a line drawn North-South through the pilot diamond, including in the anchorages. The same applies to vessels disembarking a pilot which could be anywhere in (or close) to one of the DeepWater Routes in the Sunk Inner.</p> <p>2) Additionally, the MCA is requesting a larger defined area of interest figure 1 than was previously permitted for the North Falls &amp; Five Estuaries projects. When those projects were approved, both were located to the south of the area, which still left a small section of navigable sea room to the north for other activities. However, the Sea Link project now occupies the northern part of the area significantly reducing the remaining safe sea room and further limiting the ability</p> | <p>The Applicant's response to Concurrent restricted ability to manoeuvre (RAM) operations in the Sunk is presented in detail in response to ISH2.029 in response to <b>[REP4-164]</b> above.</p> <p>The Applicant confirms that an update to the oNIP was submitted at Deadline 4 <b>[REP4-075]</b> in consideration of the MCA's feedback at ISH2 and Deadline 3. The Applicant will review any additional feedback received from the MCA on this document and provide an updated version of the oNIP at Deadline 6.</p> |

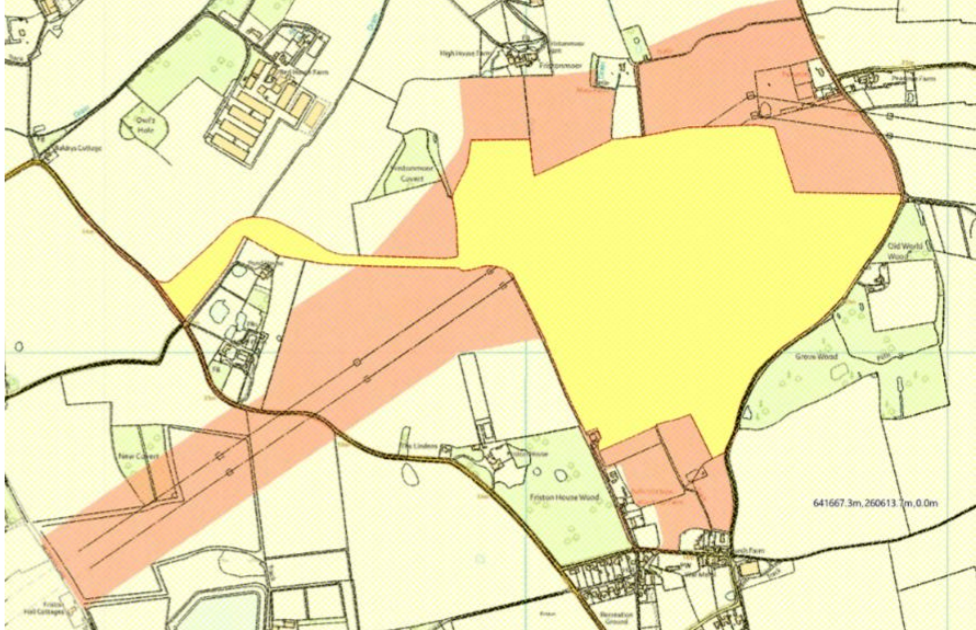
| Reference | Matter | Point Raised   | Applicant's Comments |
|-----------|--------|--|----------------------|
|           |        | <p>to conduct marine operations or transits to and from PLA and HHA.</p> <p>3) This is further compounded as almost all vessels exit the Sunk Inner to the Southeast to follow the IMO routing measure in the Strait of Dover which is considered as one of the busiest and most complex shipping lanes in the world. If all three project operations were taking place at the same time, the southeast corridor would be reduced to less than 1NM wide.</p> <p>4) Also, a recent trend is that, due to the northward migration of the Long Sand bank (within the SUNK area), the larger vessels using the Long Sand Head two-way route increasingly tend to divert into the Sunk Inner (north of the magenta line marking the northern limit of the LSH route), to maintain safe navigable depth. This behaviour further reduces available sea room particularly when vessels are simultaneously outbound from the PLA or HHA and can therefore create additional navigational constraints. This can be seen in Figure 3 attached below, sourced from applicants' submission APP- 284- Fig. 6.4.4.7.4.14.</p>   |                      |
|           |        | <p>A further complication is that, during the summer months, numerous sailing vessels often cut directly across the area on a straight southeast course from Harwich. This reduces available sea room and is made more challenging by the fact that many of these pleasure craft have low-power radios and only carry Category B AIS transponders, making it difficult or sometimes impossible for VTS to detect or communicate with them. Similar issues arise with fishing vessels, which often switch off their AIS to avoid revealing their location to other fishermen. These factors further constrain the already limited safe sea room, both before and after a vessel has a pilot on board. This risk should not be underestimated, as the operators of such vessels are frequently unaware of, or do not fully adhere to, the Collision Regulations, including the requirement not to impede deep draft vessels in designated deepwater routes. In summary, the MCA is seeking this defined area of interest in figure 1 to account for a credible worst-case scenario, namely, multiple RAM operations taking place within an already constrained sea room, potentially in restricted visibility, and in proximity to some of the largest vessels operating worldwide. An incident involving an ultra-large vessel, such as one comparable to the Ever Given, would have significant safety implications, attract global media attention, and could adversely affect the UK economy. The proposed restriction is therefore both proportionate and essential to ensuring the Safety of Navigation.</p> |                      |

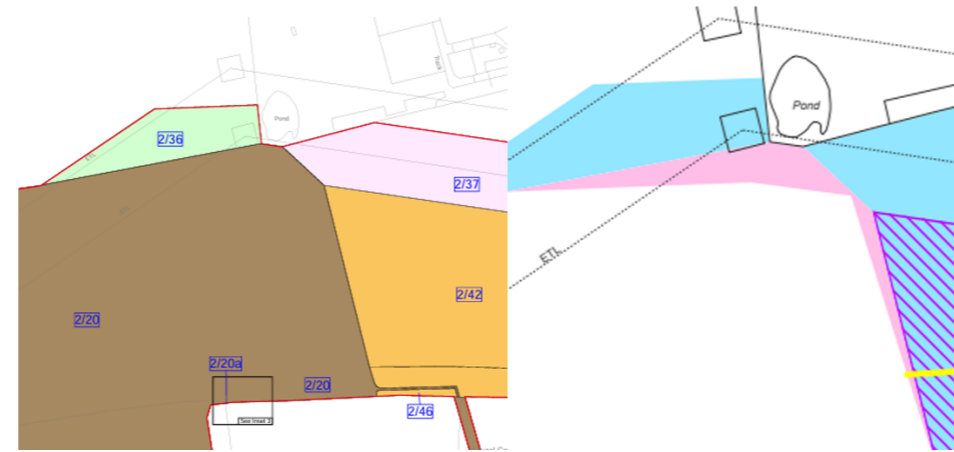
# 11. Applicant's Comments on the Submission from David Rix

## 11.1 Introduction

11.1.1 Table 11.1 summarises the Applicant's comments on David Rix Deadline 4 Response [REP4-171].

**Table 11.1 Applicant's Comments on the David Rix Deadline 4 Submission [REP4-171]**

| Reference | Matter        | Point Raised   | Applicant's Comments  |
|-----------|---------------|--|---|
|           | CAH follow up | <p>I write following the 'Compulsory Acquisition Hearing' on 27th January 2026 and, as requested by you, set out below my fathers' objections to and questions arising from the application for a Development Consent Order submitted by National Grid in connection with the Sea Link Project. In August 2025, Scottish Power Renewables' acquired 38.25 hectares of land in connection with the development of the EA1 (North) and EA2 Wind Farm Projects. A further 17 hectares of land remain under Option if required by the Project.</p> <p>With no likelihood of being able to replace the land acquired locally within the foreseeable future, a greater reliance has therefore been placed upon the diversified farming business that my father has through substantial capital investment developed.</p> | <p>The Applicant confirms it was informed by SPR that they had acquired land in the vicinity and provided a shapefile to confirm the extend of land either acquired or under Option to acquire. This will be reflected in the D5 submission documents. The yellow area has been acquired, and the orange remains under Option to be acquired by SPR.</p>    |
|           |               | <p><b>Plot 2/20 - point A</b></p> <p>National Grid have not provided any rational for the purchase of the land shown coloured pink on the plan extract below, forming part of Land Parcel 2.20. This area of land has specifically been excluded from the sale to Scottish Power Renewables to facilitate access between the retained land to the west and south of the residential property known as Fareacres. National Grid have failed to provide any justification for their need to acquire this land and we do not believe that its' inclusion is necessary for the delivery of the Project.</p>  | <p>The Applicant plot 2/20, including the pink area referred to by Mr Rix is under Option to SPR, as shown in the plan above provided by SPR and as set out in the Deadline 5 Book of Reference. It does not appear to have been excluded from the SPR Option agreement.</p> <p>It would be helpful if Mr Rix could provide details of the access agreement between them and SPR. The Applicant needs plot 2/20 for various elements including landscaping and permanent access, but needs to ensure any access agreement it offers Mr Rix does not contradict anything previously agreed or any landscaping proposals being prepared to mitigate the impact of the scheme.</p> |

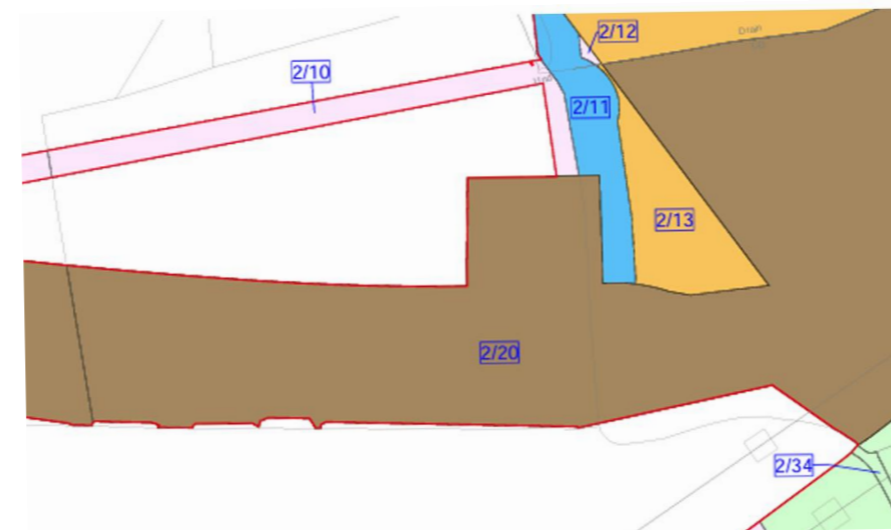


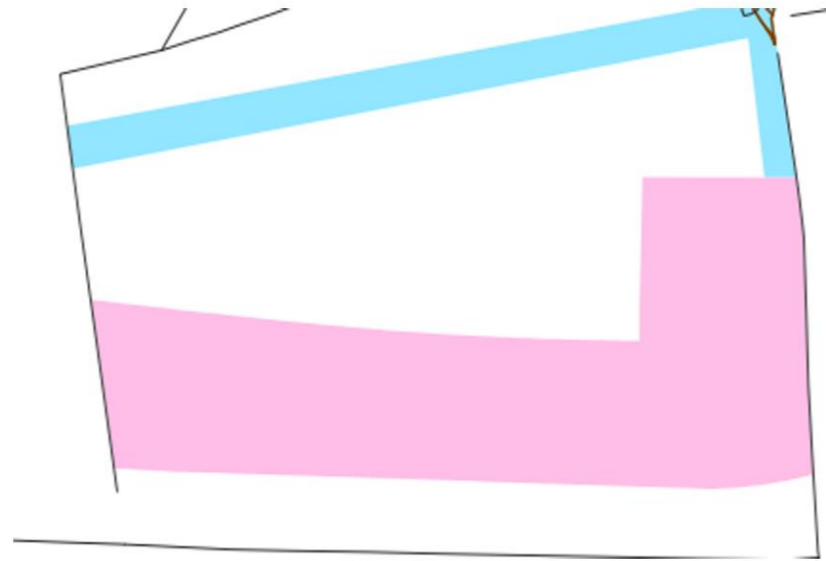
#### Plot 2/20 - point B

National Grid have not provided any rationale for the purchase of the land shown coloured pink on the plan extract below, forming part of Land Parcel 2/20. Scottish Power Renewables have already acquired the land to the 'south' of that shown coloured pink to facilitate their development of a permanent access to serve the Transformer and Sub-Station sites. National Grid have failed to provide any justification for their need to acquire this land and we do not believe that its' inclusion is necessary for the delivery of the Project, as Scottish Power Renewables have already been granted planning permission for the development of an access to the site.

The Applicant confirms the pink area on the below Heads of Terms plan, part plot 2/20, referred to by Mr Rix is under Option to SPR as shown in the plan provided by SPR and has not been excluded from the SPR Option agreement.

The **Project Description in Part 1, Chapter 4 [REP1A-003]** sets out the rationale for inclusion of the SPR order limits within the Sea Link Order Limits, which is why this has been included in the Sea Link Order and related Heads of Terms.



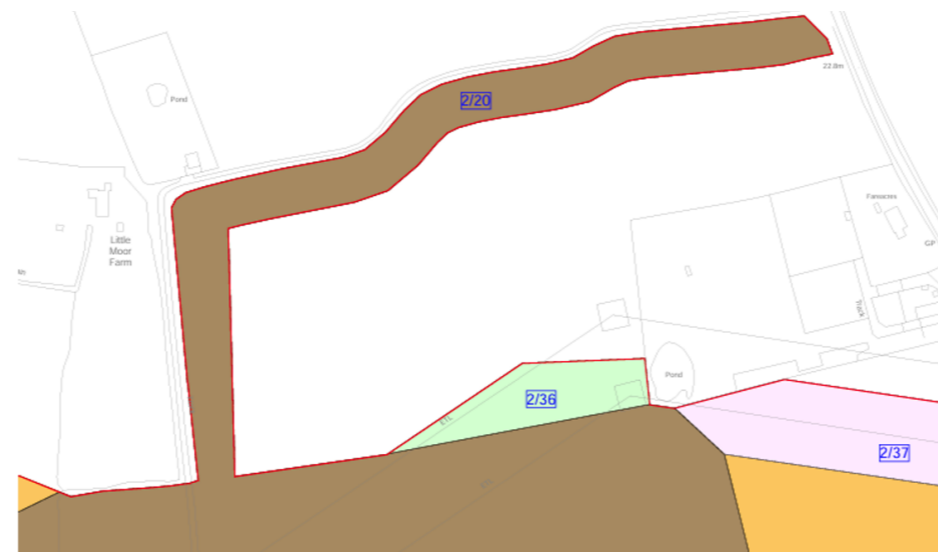


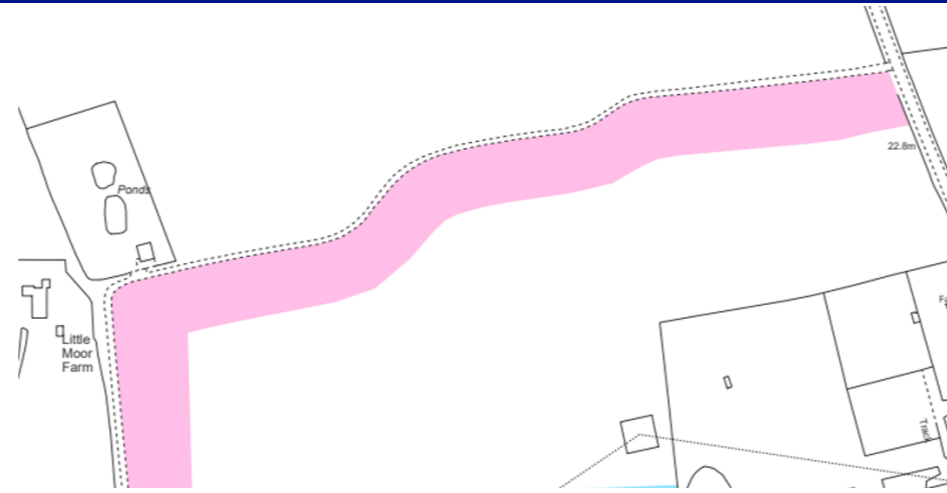
#### Plot 2/20 - point C

National Grid have not provided any rationale for the purchase of the land shown coloured pink on the plan extract below, forming part of Land Parcel 2.20 which 'replicates' the landscape mitigation already proposed to be implemented by Scottish Power Renewables, which is not proposed to be planted predominantly to the north side of the track, to account for the existing buried services serving the property known as 'Little Moor'. National Grid have failed to provide any justification for their need to acquire this land and we do not believe that its' inclusion is necessary for the delivery of the Project.

The Applicant confirms the pink area on the below Heads of Terms plan, part plot 2/20, referred to by Mr Rix is under Option to SPR as shown in the plan above provided by SPR and does not appear to have been excluded from the SPR Option agreement.

The **Project Description in Part 1, Chapter 4 [REP1A-003]** sets out the rationale for inclusion of the SPR order limits within the Sea Link Order Limits, which is why this has been included in the Sea Link Order and related Heads of Terms.

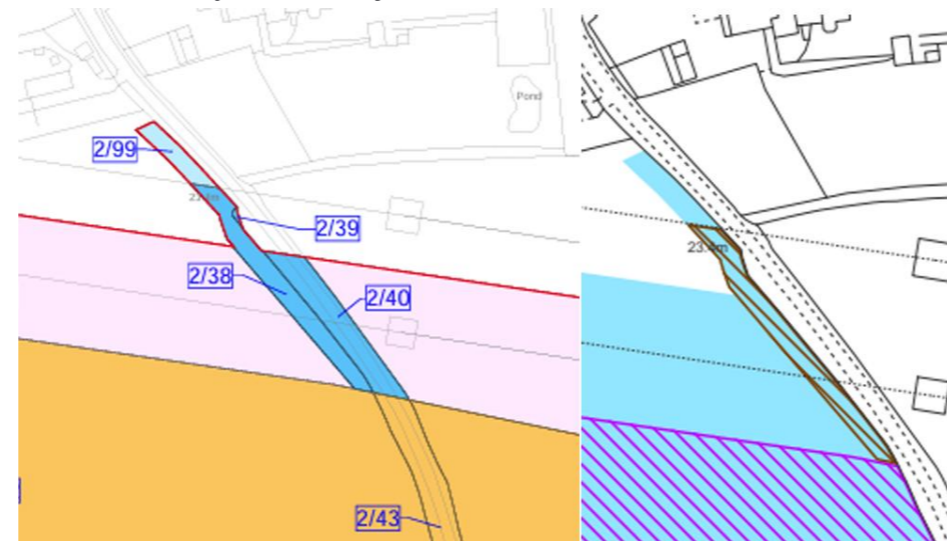




#### Plots 2/38, 2/39 and 2/99

It is unclear 'why' there is a need for the compulsory acquisition of the rights shown on drawings below. We understand that there may be a proposal to plant hedging along the roadside boundary but this has not been discussed to date and such planting will simply sterilise the field boundary. There is an existing hedge on the roadside boundary, planting a further hedge on the field side, will create maintenance issues for both the hedge and ditch and achieve little by way of additional landscaping. National Grid have failed to provide any justification for their need to acquire rights over this land and we do not believe that its' inclusion is necessary for the delivery of the Project.

Plots 2/38, 2/39 and 2/99 again are under Option to SPR for acquisition.

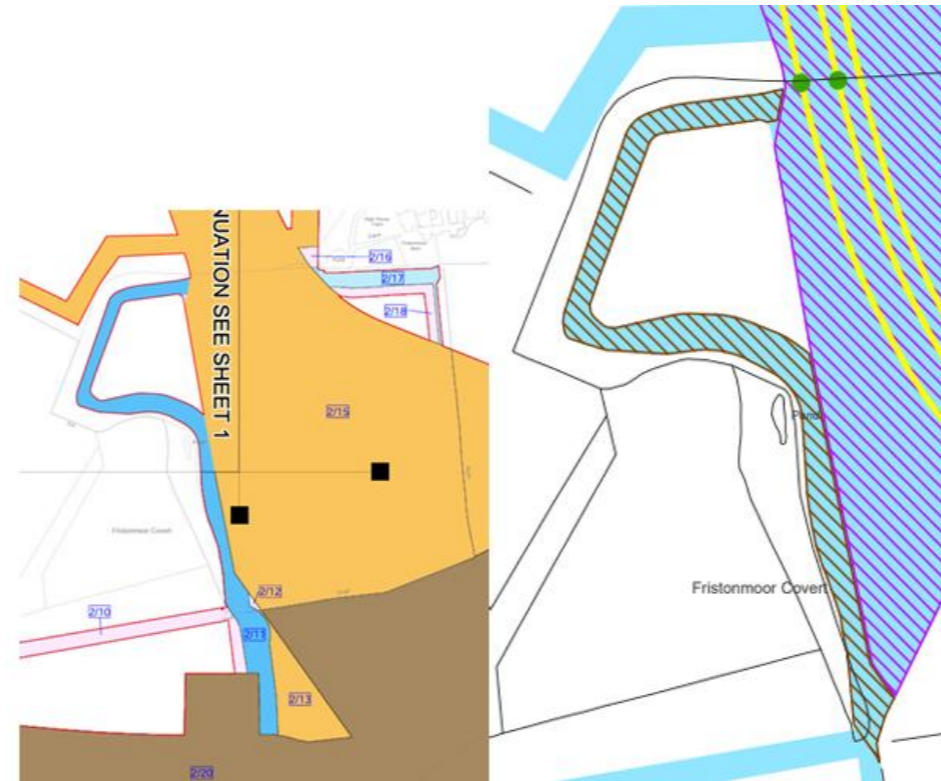


#### Plot 2/11

National Grid propose to acquire permanent rights of access over the land shown hatched brown below to facilitate access to their proposed junction boxes, marked in green. At previous meeting, in early 2025, with National Grid representatives it was suggested to them that an alternative access, over the existing drive leading Fristonmoor Barn and High House Farm, would have provided them with access to within a much shorter distance of the same location. We do not understand why this alternative option was not explored, rather than impact a productive arable field. In the event

Plot 2/11 is owned by Mr Rix and not subject to SPR Option. It is included in the Application as Class 5 compulsory rights of access. This is to enable the Applicant to access the cables and junction boxes post construction. It is necessary for the applicant to be able to access the junction boxes for inspection and maintenance. The Applicant will liaise with Mr Rix to establish if there is a suitable alternative but until an alternative is agreed and documented it must retain this route.

that this alternative was deemed 'unacceptable', then given the location of the permanent PROW (a footpath) being installed by National Grid which effectively already divides the field, could the required rights of access not run in parallel with the PROW to minimise the long term sterilisation of the land? Surveys have already been completed over both alternative routes and adoption of such, would not delay delivery of the Project. National Grid have failed to provide any justification for their need to acquire rights over this land and we do not believe that its' inclusion is necessary for the delivery of the Project, given the less disruptive alternative options available.



**Land Parcels 2/17 and 2/18**

National Grid have not provided any rational for the purchase of the land shown coloured pink on the plan extract below, forming part of Land Parcel 2/17 which 'replicates' the landscape mitigation already proposed to be implemented by Scottish Power Renewables for this purpose. National Grid have failed to provide any justification for their need to acquire rights over this land and we do not believe that its' inclusion is necessary for the delivery of the Project.

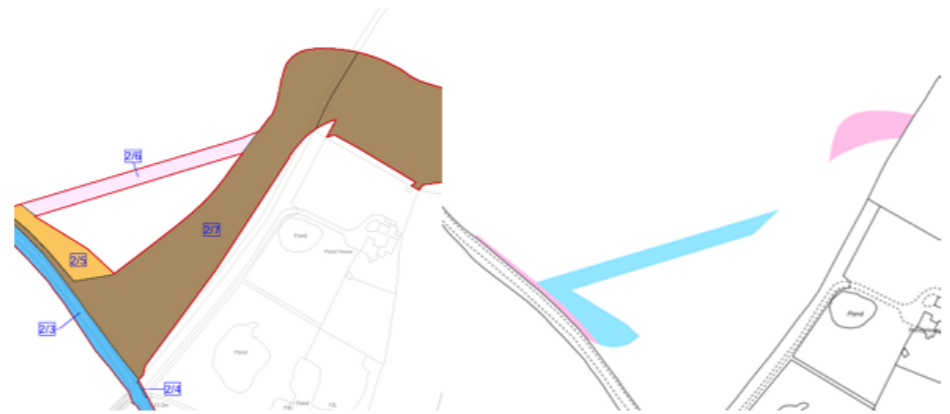
Plot 2/17 and Plot 2/18 are under Option to SPR for acquisition.



#### Land Parcels 2/5 and 2/7

National Grid have not provided any rationale for the purchase of the land shown coloured pink on the plan extract below, forming part of Land Parcels 2/5 and 2/7. Scottish Power Renewables have already acquired the land to the 'south' of that shown coloured pink to facilitate their development of a permanent access to serve the Transformer and Sub-Station sites. National Grid have failed to provide any justification for their need to acquire this land and we do not believe that its' inclusion is necessary for the delivery of the Project, as Scottish Power Renewables have already been granted planning permission for the development of an access to the site.

Plot 2/5 is owned by Mr Rix. Plot 2/7 is under option to SPR. Plot 2/5 is required for temporary purposes to facilitate utility services. It will be returned to its former use and to Mr Rix's control post construction.



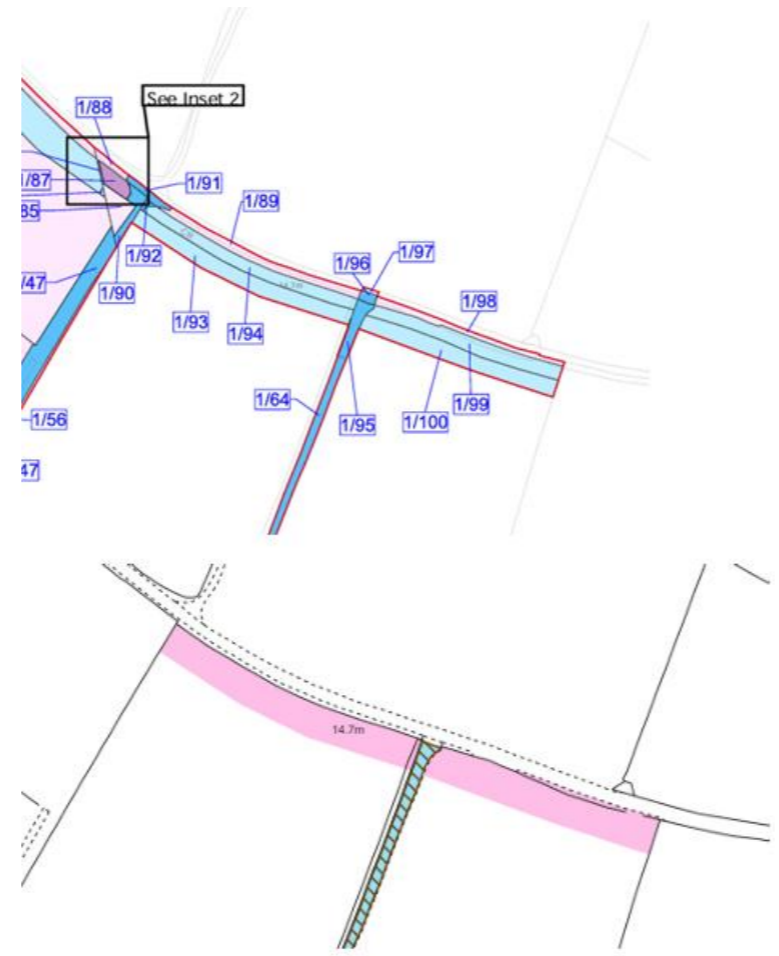
#### Land Parcels 1/93, 1/94, 1/99 and 1/100

We have repeatedly been advised that the acquisition of this land is required for 'mitigation' purposes. At meetings on site with representatives from National Grid, they also couldn't see the need for the hedge and no further substantive justification for its inclusion has been provided. The plot sits in a low with hedges in the distance that will remain in the current plans. See photo. National Grid have failed to provide any justification for their need to acquire rights over this land other than mitigation purposes or to show with diagrams etc or other means of what this mitigation is.

The Applicant confirms these plots are owned by Mr Rix. The requirement for the hedge as essential mitigation for landscape and visual effects has been set out in previous responses made by the Applicant including **Application Document 9.34.3 (B) Applicant's Response to Relevant Representation from Affected Landowners [REP2-018]**. The proposed hedgerow and tree planting form part of the wider landscape and visual mitigation measures presented in **Application Document 7.5.7.1 (C) Outline Landscape and Ecological Management Plan - Suffolk [REP4-065]**. Section 5 refers specifically to the proposals put forward to mitigate the overall Impact of the project including the proposed

| Reference | Matter | Point Raised | Applicant's Comments |
|-----------|--------|--------------|----------------------|
|-----------|--------|--------------|----------------------|

We do not believe that its' inclusion is necessary for the delivery of the Project.



hedge along the B1119. These are an essential part of the mitigation hierarchy to reduce effects on landscape character and visual amenity. These measures seek to integrate the Project into the existing landscape pattern, replacing landscape features and habitat which are going to be lost and strengthen the existing landscape framework of the site. A feature of the wider landscape is the layered network of vegetation which comprises hedgerows, trees and woodland blocks.

To assimilate the converter station into the landscape and to partially screen it within views, a combination of landscape mitigation measures are proposed. Firstly, providing woodland planting immediately around the converter station compound and secondly providing additional hedgerow and tree planting along the B1119 to assist in creating an additional vegetated layer within the immediate landscape and views.

The native hedgerow and tree planting along the B1119 which partly lies within Plots 1/63 and 1/66 will have the following function:

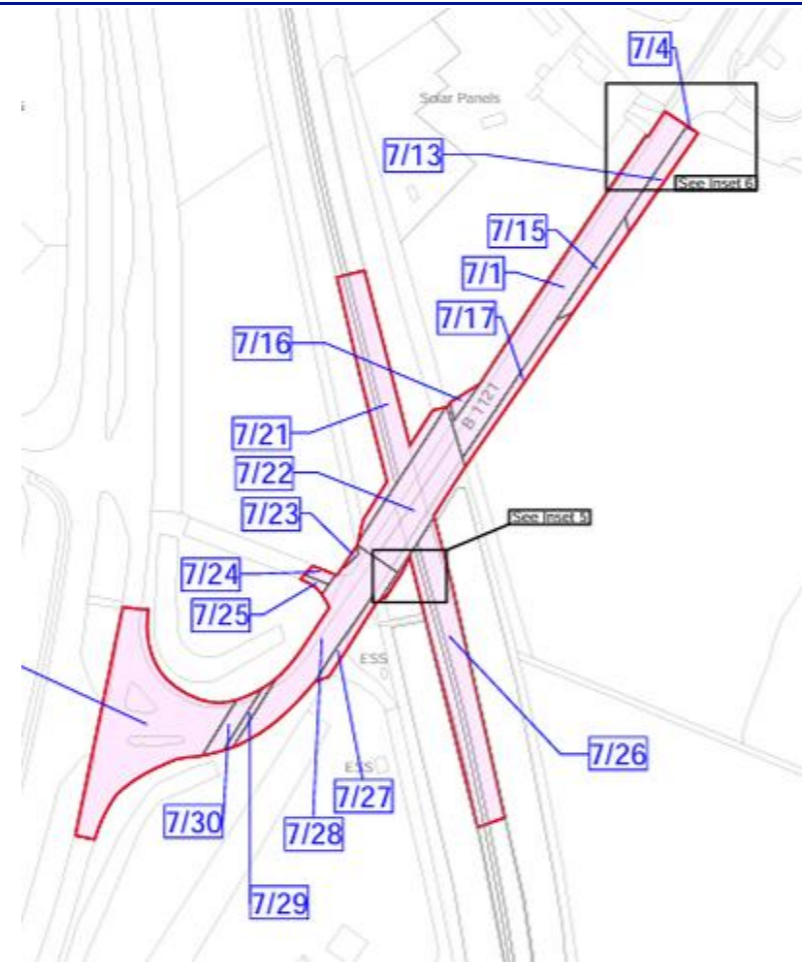
- Create a vegetated layer within the landscape and partially screen views of the converter station from receptors (properties, recreational routes and users of the road network) to the north and north-west;
- Provide a degree of screening for road users on the B1119 in particular those travelling towards Saxmundham;
- Reinstate some of the historic hedgerow planting Provide ecological connectivity by linking areas of existing woodland and hedgerows; and
- Provide areas of advanced planting to provide early establishment of vegetation.

The hedgerow and tree planting along the B1119 have been developed through the pre-application stage with Suffolk County Council and East Suffolk Council where the planting is considered to be an essential component to the landscape mitigation.

The Statement of Reasons, REP4-013, Section 2.6.55 onwards provides details of the proposed changes to works Number 15 and 17 – broadening the strip required for the hedge to permit for maintenance of the drains at the landowner's request.

Land Parcels 7/4, 7/5, 7/13 and 7/17  
 Planning permission for the residential development of the adjacent land to the south east of the Land Parcels was granted on 28th October 2025 and we are concerned that, due to the extent of the land parcels identified, this may impact on the sale of the property. We do not understand the rationale for the DCO limits shown, given that any works will be contained tightly around the rail bridge. National Grid have failed to provide justification for their need to acquire the temporary rights over this land and we do not believe that its' inclusion is necessary for the delivery of the Project.

The Applicant confirms plot 7/4 is owned by Benhall Developments Limited.  
 Plots 7/13 and 7/17 are owned by Mr Rix but are Adopted Highway. All of these plots are included in the application as temporary possession to facilitate the works to Benhall Bridge and will be returned to their former use as Highway, post works.  
 The applicant has carefully considered the land required to facilitate these works and to avoid any impact on the adjacent residential development land.



As a small family farming business, we wish to be able to continue with the practices that we undertook previously before the 3 energy infrastructure projects began with minimal damage or loss of land. We believe the land areas highlighted in the plots above to not be necessary for the delivery of this project and cause unnecessary damage to us as a family and our business run by my father, brother, sister and myself.

The majority of the land referenced by Mr Rix is under Option to Scottish Power Renewables for acquisition.  
The **Project Description in Part 1, Chapter 4 [REP1A-003]** sets out the rationale for inclusion of the SPR order limits within the Sea Link Order Limits, which is why this has been included in the Sea Link Order and related Heads of Terms.

# 12. Applicant's Comments on the Submission from the Rix Family

## 12.1 Introduction

12.1.1 Table 12.1 summarises the Applicant's comments on the Rix Family Deadline 4 Response [REP4-172].

**Table 12.1 Applicant's Comments on the Rix Family Deadline 4 Submission [REP4-172]**

| Reference | Matter         | Point Raised   | Applicant's Comments   |
|-----------|----------------|--|--|
|           | Proposed Hedge | <p>We are the owners of on which the Sea link project put together by National Grid Electricity Transmissions will seek place cable routes and associated landscaping areas on our land I wish to strongly oppose the acquisition and 'change application consultation document' of the said land in my ownership along the B1119 is affected and would be grateful if you could accept this letter as an objection. The land added in the 'change application consultation document' is still pursued to despite the assurances of Sea link representatives that this would not happen. Due to the fact that it will have little effect on screening. Other than screening the trees that already exist. The need for 18m width of land for the purpose of screening by way of creating a hedgerow is in our opinion is excessive. The land is currently utilized for the cropping of Christmas trees which is an integral part of our farm business. The project is already consuming areas critical to this operation and rendering it sterile for this practice.</p> | <p>The requirement for the hedge as essential mitigation for landscape and visual effects has been set out in previous responses made by the Applicant including <b>Application Document 9.34.3 (B) Applicant's Response to Relevant Representation from Affected Landowners [REP2-018]</b>. The proposed hedgerow and tree planting form part of the wider landscape and visual mitigation measures presented in <b>Application Document 7.5.7.1 (C ) Outline Landscape and Ecological Management Plan - Suffolk [REP4-065]</b>. Section 5 refers specifically to the proposals put forward to mitigate the overall Impact of the project including the proposed hedge along the B1119. These are an essential part of the mitigation hierarchy to reduce effects on landscape character and visual amenity. These measures seek to integrate the Project into the existing landscape pattern, replacing landscape features and habitat which are going to be lost and strengthen the existing landscape framework of the site. A feature of the wider landscape is the layered network of vegetation which comprises hedgerows, trees and woodland blocks.</p> <p>To assimilate the converter station into the landscape and to partially screen it within views, a combination of landscape mitigation measures are proposed. Firstly, providing woodland planting immediately around the converter station compound and secondly providing additional hedgerow and tree planting along the B1119 to assist in creating an additional vegetated layer within the immediate landscape and views.</p> <p>The native hedgerow and tree planting along the B1119 which partly lies within Plots 1/63 and 1/66 will have the following function:</p> <ul style="list-style-type: none"> <li>• Create a vegetated layer within the landscape and partially screen views of the converter station from receptors (properties, recreational routes and users of the road network) to the north and north-west;</li> <li>• Provide a degree of screening for road users on the B1119 in particular those travelling towards Saxmundham;</li> </ul> |

| Reference | Matter | Point Raised | Applicant's Comments  |
|-----------|--------|--------------|---|
|           |        |              | <ul style="list-style-type: none"> <li>• Reinststate some of the historic hedgerow planting<br/>Provide ecological connectivity by linking areas of existing woodland and hedgerows; and</li> <li>• Provide areas of advanced planting to provide early establishment of vegetation.</li> </ul> <p>The hedgerow and tree planting along the B1119 have been developed through the pre-application stage with Suffolk County Council and East Suffolk Council where the planting is considered to be an essential component to the landscape mitigation.</p> <p>The Statement of Reasons, <b>[REP4-013]</b>, Section 2.6.55 onwards provides details of the proposed changes to works Number 15 and 17 – broadening the strip required for the hedge to permit for maintenance of the drains at the landowner's request.</p> <p>It should be noted that the Applicant has had numerous meetings with the Rix Family on the requirement for the environmental mitigation on their land, with the above position explained in emails and meetings on several occasions. Indeed, it was in some of these meetings that the issue was raised about maintenance of the ditch in this area, which was then addressed in the Change Request. At the Rix Family's request, meetings have been attended by the Applicant's lead engineer, consents specialists and landscaping specialists. It is unfortunately therefore considered unlikely that further discussion will enable the parties to reach agreement on this point.</p> |

# 13. Applicant’s Comments on the Submission from T-J Haworth

## 13.1 Introduction

13.1.1 Table 14.1 summarises the Applicant’s comments on T-J Haworth Deadline 4 Response [REP4-178].

**Table 13.1 Applicant’s Comments on the T-J Haworth Deadline 4 Submission [REP4-178]**

| Reference | Matter | Point Raised  | Applicant’s Comments  |
|-----------|--------|---|---|
| N/A       | N/A    | While I acknowledge the national importance of energy infrastructure, I remain deeply concerned that the cumulative and long-term impacts on individual landowners and Aldeburgh as a major tourism magnet have not been adequately understood, mitigated, or fairly addressed – yet!   | <p>The Applicant has provided an assessment of cumulative effects on socio-economic receptors, including the potential for impacts on tourism, in various documents submitted with the application and subsequently into examination, including in response to the second round of ExA written questions. The Applicant’s response to these is provided in <b>9.123 Applicant’s Responses to Second Written Questions</b>.</p> <p>The Applicant recognises the concerns expressed over the impact on tourist accommodation and has provided a commitment in the Register of Environmental Actions and Commitments submitted at Deadline 5 committing to monitoring of worker use of tourist accommodation in and around Aldeburgh, with a view to limiting its use. Further detail is provided in the Applicant’s Response to written question 2SERT4 in <b>Application Document 9.123 Applicant’s Responses to Second Written Questions</b>.</p> |
| N/A       | N/A    | <p>The proposals as currently presented would result in permanent disruption to land that has special designations placed upon it, this project has significant consequences, its use, value, and character, yet the assessment of these impacts appears disproportionately limited when compared to the scale of harm likely to be experienced on the ground.</p> <p>I am also troubled by the apparent imbalance between the benefits of the project and the burden placed on a small number of landowners. Engagement to date has not provided the reassurance or certainty required where private land is to be fundamentally altered for the lifetime of a nationally significant project. In my view, the protections currently proposed do not reflect the reality of the impacts that will be borne by those living and working with the consequences long after construction has ended.</p> <p>I respectfully ask the Examining Authority to give due weight to the lived experience of any affected landowners and to scrutinise carefully whether the proposed mitigation, compensation, and land rights are genuinely sufficient, enforceable, and proportionate. Without robust safeguards, this project risks imposing irreversible harm on individual properties in pursuit of wider objectives.</p> | The Applicant confirms the cable route will be reinstated and land returned to its current use post installation of the cables.   |

| Reference | Matter | Point Raised   | Applicant's Comments   |
|-----------|--------|--|--|
| N/A       | N/A    | This is compounded as the Applicant has failed to properly recognise or acknowledge the impacts of our holiday lodges and their owners. These individuals invested in their holiday homes specifically because of the area's long-term natural beauty, sense of tranquillity, and connection to nature. The character of this environment is fundamental to why these homes were purchased and enjoyed. The proposed development, both during construction and in its long-term presence, directly undermines those qualities and is already affecting the lives and wellbeing of those owners, alongside the impacts experienced by my own family and the 4 generations that live here. The route is meters away from the site and runs alongside the entrance track. | The Applicant can confirm the Holiday lodges on Chapel Barn Farm area is not included in the Order Land but that the owners of the lodges within the vicinity of the project have been included as Category 3 land interests. The Applicant confirms the cable route which will pass some distance from the lodges will be fully reinstated and returned to its current use post installation of the cables. The cable works proposed are transient in nature and the Applicant will only be working in the area for a limited period of time. |
| N/A       | N/A    | I would respectfully ask the applicant to ensure that if this project is consented that other ways of achieving their outcomes become a reality, SPR updated to say that even though they went back to the drawing board they completely listened to local views, even though it was slightly more expensive, the positives of HDD clearly outweighed any negatives for the environment, livelihoods, wildlife and mental health.  | Noted  |
| N/A       | N/A    | It is also paramount that access tracks remain open, for emergency services, RNLI call outs and continued access to the A1094 etc.   | The Applicant does not intend to close any access tracks. There will be no obstruction of the RNLI or access for members of the RNLI crew to get to the RNLI Station in the event of a call out.   |

# 14. Applicant’s Comments on the Submission from East Anglia Three Limited

## 14.1 Introduction

14.1.1 Table 14.1 summarises the Applicant’s comments on East Anglia Three Limited Deadline 4 Response [REP4-181].

**Table 14.1 Applicant’s Comments on the East Anglia Three Limited Deadline 4 Submission [REP4-181]**

| Reference | Matter                | Point Raised  | Applicant’s Comments   |
|-----------|-----------------------|---|--|
| REP4-181  | Interactions with EA3 | EA3L confirms it is continuing to engage with the Applicant in respect of the interactions between the two developments. EA3L maintains its position as outlined in its written representation, that, in the absence of an agreement between the parties, protective provisions are required for the benefit of EA3 within any DCO granted in respect of the Project. EA3L is preparing a set of draft protective provisions which are required to protect its interests and these will be submitted into the examination soon. | The Applicant confirms it has received draft protective provisions from EA3L and will be reviewing and reverting back to EA3L in due course. |

# 15. Applicant's Comments on the Submission from Natural England

## 15.1 Introduction

- 15.1.1 Table 15.1 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix A4 [REP4-190] – Suffolk Onshore Ecology.
- 15.1.2 Table 15.2 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix D4 [REP4-191] – Physical Environment.
- 15.1.3 Table 15.3 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix F4 [REP4-192] – Marine Mammals.
- 15.1.4 Table 15.4 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix G4 [REP4-193] – Marine Ontihology.
- 15.1.5 Table 15.5 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix H4 [REP4-194] – LVIA.
- 15.1.6 Table 15.6 summarises the Applicant's comments on Natural England Deadline 4 Response – Appendix J4 [REP4-195] – Kent Landfall.
- 15.1.7 Table 15.7 summarises the Applicant's comments on Natural England Deadline 4 Response [REP4-197] – Risk and Issue Log.
- 15.1.8 The Applicant's has responded to Natural England Deadline 4 Response Appendix K [REP4-196] in **Application Document 9.119 Applicant's Comments on Late Responses to ExA First Written Questions.**

**Table 15.1 Applicant's Comments on the Natural England Deadline 4 Response – Appendix A4 [REP4-190] – Suffolk Onshore Ecology**

| Reference  | Matter   | Point Raised  | Applicant's Comments   |
|--|--|---|--|
| <b>Document reviewed: 6.6 (D) Habitats Regulations Assessment Report (Tracked)</b> |  |   |  |
| 1 (Section 8.2.5)  | Natural England note that the timescale for maintenance of the acid grassland creation/enhancement area has been updated from 30 years to 10 years.<br><br>We welcome the clarification as it is now consistent with other application documents which state a 10- year maintenance timescale. | This clarifies one of the queries we raised within Point 20 of our Risks and Issues log, but please note that other queries within that point are still yet to be resolved.<br><br>Please see our advice in Appendix A1 Submitted at Deadline 1, NE Ref 5 for further information | The Applicant addressed these matters in documents <b>REP2-014</b> (section 2.3), <b>REP3-064</b> (Table 15.1, points 9–15), with additional information provided in <b>REP4-241</b> (Table 3.1, point 6), and accordingly seeks clarification from Natural England on which aspects of the assessment are still considered outstanding. |

**Table 15.2 Applicant's Comments on the Natural England Deadline 4 Response – Appendix D4 [REP4-191] – Physical Environment**

| Reference   | Matter   | Point Raised   | Applicant's Comments  |
|---|--|--|---|
| <b>Document(s) reviewed: [REP1-054] Late Deadline 1 Submission – 6.2.4.2 (C) Part 4 Marine Chapter 2 Benthic Ecology (Tracked) &amp; [REP1-068] Late Deadline 1 Submission - 6.4.4.2 (B) Environmental Statement Figures Marine Benthic Ecology (Tracked)</b> |  |  |   |
| 1   | We note that [REP1-054] provides updated Maximum Design Scenarios (MDSs) for seabed disturbance due to construction- | Natural England advises that the MDS for each construction related activity at the Kent landfall, as presented in Table 2.17 [REP1-054] should be carried over to the Marine Physical Environment Chapter, and the impact assessment updated | For clarity, please see below the breakdown of the total areas of seabed disturbance within Pegwell Bay as set out in <b>Application Document 9.13 (C) Pegwell Bay Construction Method Technical Note [REP4-229]:</b> |

| Reference | Matter  | Point Raised   | Applicant's Comments   |
|-----------|---|--|--|
|           | <p>related activities at the Kent landfall, and an updated total area of seabed disturbance. We also note that the total area of seabed disturbance at the Kent landfall is 0.0721km<sup>2</sup> which is 72,100m<sup>2</sup> (equivalent to 10 Wembley football pitches), which is considerable. This information is largely missing from the Marine Physical Environment [REP3-021] Chapter summary of impacts and MDSs in Table 1.18 and, thus, not included for consideration in the impact assessment.</p> <p>We also note that the suspended sediment modelling did not include a release location in or particle size data from, Pegwell Bay – this would be useful for construction activities below the waterline and/or mobilisation of spoil sediment.</p> | <p>accordingly. Furthermore, considering the large volume of sediment disturbance predicted during construction in Pegwell Bay, we would advise further consideration and assessment of the fate of the dispersed sediments and subsequent deposition is required.</p> | <p><u>Phases 1A, 1B and 2 (access routes, cofferdam installation and HDD drilling and duct installation)</u></p> <ul style="list-style-type: none"> <li>• Working area 120 m by 180 m (21,600 m<sup>2</sup>) containing: <ul style="list-style-type: none"> <li>• Cofferdams (30 m x 5 m per cofferdam = 150 m<sup>2</sup> (600 m<sup>2</sup> for four cofferdams)</li> <li>• HDD exit pits (located within the cofferdams)</li> <li>• 360 m<sup>2</sup> (0.00036 km<sup>2</sup>) temporary placement of rock bags/concrete mattresses at the HDD exit points (0.45 m x 3 m x 6 m)</li> </ul> </li> <li>• 200 m<sup>2</sup> (0.0002 km<sup>2</sup>) disturbance from jack-up barge (JUB) or back-hoe dredger (50 m<sup>2</sup> at each HDD exit location)</li> <li>• 256 m<sup>2</sup> (0.0003 km<sup>2</sup>) disturbance from cable lay barge and anchors (8 x 32 m<sup>2</sup> footprint per anchor)</li> <li>• Seabed excavation will only occur in the cofferdams (600 m<sup>2</sup>)</li> <li>• Footprint of access routes is to be determined but will not involve any seabed excavation.</li> <li>• Maximum duration of working area = 120 days</li> <li>• Estimated programme (Q1-Q3 2027)</li> </ul> <p><u>Phases 3, 4 and 5 (marine cable pull-in, cable burial between mean low water spring (MLWS) and HDD exit pits and removal of access)</u></p> <ul style="list-style-type: none"> <li>• Marine cable pull-in and cable burial: <ul style="list-style-type: none"> <li>• Maximum working corridor swathe of 40 m (assuming cables are unbundled at MLWS and installed in two trenches)</li> <li>• Distance from MLWS to HDD exits = 1,250 m</li> <li>• Total area of temporary disturbance (working corridor) = 50,000 m<sup>2</sup></li> </ul> </li> <li>• Cable trench (within the working corridor) will be up to 1.2 m per trench (3,000 m<sup>2</sup> maximum area of seabed excavation for two trenches)</li> <li>• Maximum duration of marine cable pull-in (no trench excavations) = 16 days per cable</li> <li>• Maximum duration of cable burial = 7 days per trench including reburial of cable protection at the HDD exits.</li> <li>• Q2 to Q3 2029</li> </ul> <p><u>Construction Access (all Phases)</u></p> <ul style="list-style-type: none"> <li>• Maximum Design Scenario for MDS is up to 20 construction plant/vehicles at any one time (based on cable pull in) and 40 movements per day, at peak times. All vehicles removed from the intertidal daily. There will be placement of temporary ground protection mats between the hoverport and the HDD work area</li> </ul> <p>No works in the intertidal area are planned for 2028.</p> |

| Reference | Matter | Point Raised | Applicant's Comments  |
|-----------|--------|--------------|---|
|           |        |              | <p><u>Operation</u></p> <ul style="list-style-type: none"> <li>0.00072 km<sup>2</sup> buried cable protection (concrete mattresses/rock bags) at the HDD exits (buried to minimum of 0.5 m below seabed level)</li> </ul> <p>Reference to a total area of disturbance equivalent to 10 Wembley football pitches is slightly misleading as it is not reflective of the nature of the works that are planned or the duration over which works will take place, noting there will be at least 12 months between works at the HDD exits and marine cable pull in and burial. The key area of disturbance will be related to the works at the HDD exit pits (maximum area of disturbance of 21,600 m<sup>2</sup>). This equates to 1.3% of the total extent of the intertidal area that is included in the order limits (1,649,400 m<sup>2</sup> as per the change request <b>Application Document Supporting document to the change request notification – Change Application Consultation Figures [CR1a-006]</b>). This area (21,600 m<sup>2</sup>) has been the key focus of the assessments that have been completed.</p> <p>The area of disturbance related to marine cable pull in and burial (50,000 m<sup>2</sup>) equates to 3% of the total extent of the intertidal area that is included in the Order Limits. However, works in this area are very short term and temporary (approx. 3 weeks per cable if the cables are unbundled at MLWS). As noted above, the area of disturbance from seabed excavations within the wider 50,000 m<sup>2</sup> area of disturbance is 1,500 m<sup>2</sup>.</p> <p><b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, has been updated to provide additional clarity of the areas of seabed disturbance as set out above.</p> <p>The Applicant requested clarification from NE during a call on 26/2/26 if a similar modelling approach as applied for offshore locations along cable route would be acceptable for the landfalls (Kent and Suffolk). NE agreed to check with relevant specialist and provide a response.</p> <p>However, acknowledging the limited time remaining for the examination the Applicant has also committed to progressing this modelling in advance of ISH3. Results from this modelling will be presented in an update to <b>Application Document 6.3.4.1.A (B) ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.</p> |

**Document reviewed: [REP1A-004] 6.2.1.4 (D) Part 1 Introduction Chapter 4 Description of the Proposed Project (Tracked)**

|                    |  |   |   |
|--------------------|--|---|---|
| Table 4.11/Page 61 | We note that no cofferdams will be required for cable installation at the Suffolk landfall. However, it is | We advise that the Applicant should confirm if/where this commitment has been secured as a condition. | The Suffolk landfall HDD exit pits are within the subtidal environment and all works will be undertaken in-water and thus a cofferdam is not required, and is not part of the project description for cable, installation at the Suffolk. The Applicant confirms that the |
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| Reference  | Matter   | Point Raised  | Applicant's Comments   |
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|  | unclear where this has been secured.   |   | Outline Cable Specification and Installation Plan ( <b>Application Document 9.92</b> ) has been updated to reflect this for Deadline 5 which is secured within Condition 4 of the dML.   |
| Table 4.17 & 4.6.242   | We note that the total area of rock backfill in High- Risk trench areas has been increased from 17,100m <sup>2</sup> to 45,600m <sup>2</sup> . It is stated that in these high-risk areas Target Depth of Lowering cannot be achieved and hence rock backfill may be required. It is also stated that an overview of the expected areas of rock backfill is presented in Application Document 6.4.1.4.3 Areas of Rock Backfill. However, this document does not seem to be included.           | We advise that this document should be provided and/or a map that identifies the high-risk trench areas where rock backfill may be required. Sensitive areas of seabed and designated sites should be overlain on the map to inform the EIA/HRA.MCZA.   | As discussed in Issue Specific Hearing 2, the area of rock back fill has not increased. As per the response provided in <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Clean) [REP4-241]</b> the change from 17,100 m <sup>2</sup> to 45,600 m <sup>2</sup> was due to a simple calculation error was identified in the calculated area of rock back-fill presented in Table 4.17 of <b>Application Document 6.2.1.4 (D) Part 1 Introduction Chapter 4 Description of the Proposed Project [REP1A-003]</b> . To confirm rock back-fill is required along 38 km of the total offshore route. The total maximum width of the cable trench is 1.2 m which results in a total area of 45,600 m <sup>2</sup> (i.e. 1.2 m x 38 km) which is the maximum design parameter for the area of rock back-fill. The calculated total volume of rock back-fill has not changed. The correct maximum area of rock back-fill was updated and a reassessment considered in <b>Application Document 6.2.4.2 (D) Part 4 Marine Chapter 2 Benthic Ecology [REP4-029]</b> . This concluded that the increase as a result of the error was small in relation to the overall assessment and did not change the conclusions of an impact rating of not significant in the assessment. The areas of rock backfill are included in <b>Application Document - 6.4.4.2 (B) Environmental Statement Figures Marine Benthic Ecology (Tracked) [REP1-068]</b> Figure 6.4.4.2.7 Marine Habitats and Relevant Protected Sites and Areas of Rock Backfill within the Offshore Scheme Boundary. |
| <b>Document reviewed: [REP1A-012] 6.2.4.11 (B) Part 4 Marine Chapter 11 Inter-Project Cumulative Effects (Tracked Changes)</b> |  |   |  |
| Table 11.2   | North Falls will comprise only array with an area of 95km <sup>2</sup> . Five Estuaries was granted development consent on 17 December 2025.   | To note.  | This is noted by the Applicant.  |
| Tables 11.14 & 11.15/Row 1   | Physical Environment – Nemo Link & Thanet OWF. We are concerned that there is a potential risk of cumulative/in-combination impacts on the intertidal and shallow subtidal at the Kent landfall due to the Proposed Project and other nearby plans/projects, coupled with uncertainty regarding future coastal morphological change. For example, there may be cumulative/in-combination effects on nearshore hydrodynamics, sediments, sediment transport, morphology due to the placement of | We advise that cumulative/in-combination effects on the intertidal and shallow subtidal seabed/qualifying features at the Kent landfall should be taken forward in the Cumulative Effects Assessment (CEA). The Nemo Link Project, for example, has had a long-lasting impact on designated habitats which have not yet recovered or been reinstated. | <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, includes results from the analysis of fine sand and silt sediment particles disturbed in intertidal areas at the Kent landfall. This indicates that the Zone of Influence (in terms of elevate suspended sediment concentrations and increased deposition) is in the order of 100 m from the location of disturbance in the direction of flow (i.e. approx. 100 m either side of the cable route). In terms of cumulative effects from the presence of the Proposed Project in combination with existing projects in the area, both the Thanet and Nemo link cables are currently buried and no evidence has been provided to indicate that either project is currently impacting nearshore hydrodynamics, sediment transport or morphology such that this would give rise to any cumulative or in-combination effects with the Proposed Project. The Applicant also   |

| Reference | Matter  | Point Raised   | Applicant's Comments   |
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|           | HDD exit or other cable protection measures in the nearshore.   |  | <p>notes that there have been no long-lasting impacts on the intertidal mudflats at Pegwell Bay from the Nemo Link project.</p> <p>In terms of potential for future cumulative/in-combination effects, all three projects (Thanet, Nemo or the Proposed Project) will have been/are specifically designed and buried to target depths of burial to minimise the potential for any of the projects to become exposed in the future due to future coastal morphological change. A scenario in which all three cables would become exposed at the same time is highly unlikely to occur and an improbable event. Furthermore, given the distances between the three projects and the different locations of the cables within Pegwell Bay, should such a scenario occur, any potential effects from the cables such as scour or changes to sediment transport / hydrodynamics, will be highly localised and temporary (prior to reburial) and highly unlikely to give rise to any cumulative effects.</p> <p>A scenario in which all three projects (or two of the projects) would require the installation of additional protection (such as rock bags, concrete mattresses or rock protection) due to exposure or a repair is also highly unlikely to occur. If such an event did occur, and additional cable protection was required in the Sandwich Bay SAC (where all three projects are in closest proximity to each other), a marine licence would be required for each project before any cable protection could be installed. Potential cumulative effects would be considered at that time, taking into account relevant data and evidence available at the time.</p> |
| 11.4      | <p>Natural England notes that, the CEA does not consider potential changes to the Goodwin Sands MCZ and Cross Ledge Sandbanks/sandbanks at the entrance to Pegwell Bay due to adjacent or overlapping cable protection acting cumulatively with other nearby plans or projects (e.g. Nemo Link, aggregates etc.).</p> | <p>We advise that the CEA should consider the potential risk for cumulative impacts on sediment transport pathways and the morphology of Goodwin Sands MCZ and Cross Ledge Sandbanks/sandbanks at the entrance to Pegwell Bay.</p> | <p>The Applicant has applied the mitigation hierarchy at the Goodwin Sands MCZ and has avoided routing into this site in its entirety. Goodwin Sands is a large, dynamic and constantly changing area of sand and coarse sediments. It is recognised as a "closed sediment system," meaning the sandbanks are a largely self-contained, finite, and a dynamic entity where little sand enters or leaves. Despite historical dredging, the total volume of sediment in the system has historically remained relatively stable. While considered "closed" regarding the input and output of sediments, the system is not static; it is characterised by active, shifting sandbanks and ongoing sediment migration. The placement of any low-lying external cable protection adjacent to this site will therefore have a minimal impact on the sediment processes within the Goodwin Sands system (<a href="#">MMO Stage 3 Site Assessment: Goodwin Sands MPA</a>).</p> <p><b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, makes reference to previous hydrodynamic modelling undertaken to assess potential effects of dredging 2 million m<sup>3</sup> of sand from Goodwin Sands involving lowering of up to 2-4 m in places. It was concluded that there would be no significant adverse effects on the physical and ecological functioning of the Goodwin Sands which is understood to be the case (Case No: CO/4319/2018 between Thompson and Marine Management Organisation and Dover Harbour Board 2010).</p>  |

| Reference | Matter   | Point Raised   | Applicant's Comments   |
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|           |  |  | <p>The assessment presented in <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> has assessed potential effects on Goodwin Sands and Cross Ledge Sandbanks from both cable protection and crossings of the Nemo cable and the Thanet Export Cables. This assessment concluded that for both cable protection (which as set out in <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Clean) [REP4-241]</b> use of which is not planned and will only be required where target depth of burial is not achieved) and cable crossings, given the regional scale of the sediment transport and hydrodynamic processes in operation in and around the Goodwin Sands MCZ, the introduction of relatively small-scale, low-profile cable crossings/protection on the seabed adjacent to the Goodwin Sands MCZ will have negligible impact on sediment transport processes. Given the small scale, low profile nature of cable protection and cable protection and that any potential effects on Goodwin Sands MCZ and Cross Ledge sandbanks will be localised and not significant, there is limited potential for any cumulative effects with other Projects in the area as impacts associated with Nemo and Thanet cables will be equally localised and small-scale such that there is no potential for each project to cause scour or influence sediment transport and hydrodynamic processes to an extent that would interact with another project in the area. Based on this further updates to the CEA are not required.</p>                    |
| 2.2.3     | <p>We note the Applicant's proposed change to extend the Order Limits to include the Hoverport and eastern ramp which will provide the flexibility for the access route to the intertidal area at Pegwell Bay. This new access route aims to avoid saltmarsh habitat, which is welcomed. The Applicant has also made a commitment to undertake a pre-construction saltmarsh survey, which are both welcomed.</p> <p>However, until full consideration is given to the baseline conditions of the new Order Limits area and impact assessment carried out, we are unable to agree that there will be no change to the reported environmental effects.</p> | <p>Whilst we welcome the Applicant's efforts to avoid impacts on saltmarsh habitat at the Kent landfall, and to undertake a pre-construction saltmarsh survey, we advise that sufficient evidence and supporting information is needed to inform the impact assessment. This should be a full assessment of the realistic worst-case scenario (WCS) in relation to potential environmental impacts of the Project on the marine physical processes and environment. Cumulative and in-combination effects (inter-project and intra-project) should also be fully considered and assessed. Please also see our earlier comments on [REP1-108] and [REP2-012] below.</p> | <p>The Applicant can confirm that other than an extension to the Order Limits to include the hoverport and eastern ramp, there have been no changes to any of the worst case scenarios that have been assessed for physical processes (or any other receptors) in relation to any of the proposed works in Pegwell Bay that relate to the change to the order limits. There have also been no changes to the limits of deviation within the intertidal area which defines the area within which all infrastructure and associated construction works will be located.</p> <p>The extension to the Order Limit is to provide more flexibility for construction access to avoid potential impacts on the saltmarsh only. No other works will occur within the extended order limit area. The extension the order limits includes an additional 9,200 m<sup>2</sup> in the boundary which is an increase of 0.6% on the total area included in the order limits between Mean High Water Spring (MHWS) and Mean Low Water Spring (MLWS) – intertidal area.</p> <p>Given the very limited scale of change in the order limit boundary and that there have been no changes to any of the assessed WCSs can Natural England clarify what additional information is being sought in relation to the order limit change.</p> <p>It is noted that Natural England have raised a separate point on the WCS assessed in the application for the cofferdams. This comment is being addressed specifically through an update to <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 5.</p> |

| Reference | Matter   | Point Raised  | Applicant's Comments  |
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| 2.2.8     | We are concerned that the inclusion of the hoverport area within the Order Limits, whilst not removing the saltmarsh area which the Applicant is seeking to avoid, has increased the landfall area that may be impacted and thus the Project's Zone of Influence (Zol) on the marine physical environment. | Following on from our advice above, whilst we welcome the Applicant's efforts to avoid direct impacts to saltmarsh habitat, they should make all efforts to reduce impacts to the marine physical environment as much as possible and adhere to the Mitigation Hierarchy. For example, consider removing the saltmarsh habitat, which they aim to avoid, from the Order Limits. | <p>This will consider the changes to the Order limits in terms of the extent of any potential effects on sediment transport and hydrodynamic processes.</p> <p>The Applicant has committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.</p> <p>Furthermore, as acknowledged and welcomed by Natural England, the applicant has already committed to completing a pre-construction saltmarsh survey to inform routeing of the construction access routes from the hoverport across the mudflats. This will ensure that the access routes are informed by the most up to date information available in terms of the seaward extent of the saltmarsh.</p> <p>Therefore, the Applicant confirms that it does not consider any further WCS assessment or cumulative assessment is necessary at this time due to the small amendment to the Order limits.</p> <p>The Applicant can confirm that it has followed the mitigation hierarchy by avoiding the saltmarsh. By adhering to the commitments listed below, which are secured within <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> and <b>Application Document 9.84 (C) Register of Environmental Commitments (REAC)</b> submitted at Deadline 5, there is no requirement to remove the saltmarsh from the Order Limits as no works as the Applicant is not seeking consent for any works in the saltmarsh habitat under the DCO. Commitments relating to avoidance of the saltmarsh habitat, and impacts on saltmarsh habitat include:</p> <ul style="list-style-type: none"> <li>• <b>B42:</b> Commitment to using trenchless techniques at the landfall to avoid direct impacts on the saltmarsh in Pegwell Bay.</li> <li>• <b>GH10:</b> Provision of a drilling fluid management plan</li> <li>• <b>B59:</b> Preparation of an HDD Landfall Method Statement and Drilling Fluid Management Plan</li> <li>• <b>B61:</b> Commitment to use of low pressure handheld pumps to flush saltmarsh vegetation in the event of a frac out.</li> <li>• <b>B67:</b> Commitment to ensuring that there is no pedestrian or vehicular access across the saltmarsh, completing a pre-construction saltmarsh survey to inform construction access routes from the hoverport in consultation with NE and other stakeholders and includes a commitment to the use of low pressure bearing vehicles across intertidal mudflats.</li> </ul> |

| Reference | Matter | Point Raised | Applicant's Comments  |
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|           |        |              | <ul style="list-style-type: none"> <li>• <b>B68:</b> Commitment to prepare a Pegwell Bay Landfall Construction Method Statement for all landfall and cable installation works in Pegwell Bay.</li> <li>• <b>B69:</b> Commitment to maintaining minimum distance of 105 m between the trenchless crossing exits and the seaward edge of the saltmarsh and maintaining 50 m between the working area and the seaward edge of the saltmarsh.</li> <li>• <b>LVS05</b> - Drilling fluids required for trenchless operations will be carefully managed to minimise the risk of breakouts into the marine environment. Specific avoidance measures would include: <ul style="list-style-type: none"> <li>– the use of biodegradable drilling fluids (pose little or no risk (PLONOR) substances) where practicable;</li> <li>– drilling fluids will be tested for contamination to determine possible reuse or disposal; and</li> </ul> </li> <li>• If disposal is required drilling fluids would be transported by a licensed courier to a licensed waste disposal site.</li> </ul> |

**Document reviewed: [CR1-055] 9.76.5 Change Request: Addendum to Volume 6 Environmental Statement (Version A)**

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| Table 3.1/Page 19/Row 4 | <p>Natural England notes that it is stated that no update is required to the assessment [for Marine Physical Environment] and there are no new or different likely significant effects as a result of the proposed change to the Order Limits at the Kent landfall. However, for the reasons stated in our comments on [CR1-052] above, we do not agree with this conclusion.</p> | <p>We advise that a full assessment is required of the realistic WCS in relation to potential environmental impacts of the Project on the marine physical processes and environment. In-combination issues with other impacts and activities should also be considered and assessed.</p> | <p>The Applicant can confirm that other than an extension to the Order Limits to include the hoverport and eastern ramp, there have been no changes to any of the worst case scenarios that have been assessed for physical processes (or any other receptors) in relation to any of the proposed works in Pegwell Bay that relate to the change to the order limits. There have also been no changes to the limits of deviation within the intertidal area which defines the area within which all infrastructure and associated construction works will be located.</p> <p>The extension to the Order Limits is to provide more flexibility for construction access to avoid potential impacts on the saltmarsh only. No other works will occur within the extended order limits area. The change includes 9,200 m<sup>2</sup> which is an increase of 0.6% on the total area included in the order limits between Mean High Water Spring (MHWS) and Mean Low Water Spring (MLWS) – intertidal area.</p> <p>Given the very limited scale of change in the order limits boundary and that there have been no changes to any of the assessed WCSs it is unclear what additional information Natural England requires to inform the impact assessment.</p> <p>It is noted that Natural England have raised a separate point on the WCS assessed in the application for the cofferdams (please refer to Reference Table 2.1 under <b>Document reviewed: [REP2-012] 9.13 (B) Pegwell Bay Construction Method Technical Note (Version B) (Tracked)</b> below. This comment is being addressed specifically through an update <b>Application Document 6.2.4.1 (F)</b></p> |
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| Reference | Matter | Point Raised | Applicant's Comments  |
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|           |        |              | <p><b>Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 5. This will consider the change to the order limit in terms of the extent of any potential effects on sediment transport and hydrodynamic processes but it not applicable to the requirement for the amendment to the order limit.</p> <p>The Applicant has also committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.</p> <p>Furthermore, as acknowledged and welcomed by Natural England, the applicant has already committed to completing a pre-construction saltmarsh survey to inform routeing of the construction access routes from the hoverport across the mudflats. This will ensure that the access routes are informed by the most up to date information available in terms of the seaward extent of the saltmarsh.</p> |

**Document reviewed: [CR1-056] 9.76.5.1 Change Request: Appendix A Saltmarsh Technical Note (Version A)**

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| Section 4 | <p>We welcome the Applicant's assessment of saltmarsh development in Pegwell Bay, which focuses on the Change Request area at/around the former Hoverport. The report highlights the instability of the sediment surface immediately seaward of the hoverport ramp and considers that this is maintained by wave action and migration of low amplitude sandwaves. There is also evidence that development of low elevation sandbars/banks has occurred in the past, and it is considered possible that changes in the topography of the upper intertidal flats could induce changes in local wave energy conditions and saltmarsh extent.</p> <p>Consequently, this raises concerns regarding the potential for project infrastructure and construction, operation, decommissioning associated activities to interact with a mobile intertidal seabed. In addition, as advised in our previous comments [REP3-118], we are also concerned about the vulnerability of</p> | <p>We advise that the Applicant should consider the implications of a mobile intertidal seabed interacting with project infrastructure and associated construction, operation, decommissioning activities. The vulnerability of Pegwell Bay and the Proposed Project to coastal change, taking account of climate change, also needs further consideration. This will help inform the impact assessment and buried asset risk assessment.</p> | <p>It is assessed that there will be no significant impact on coastal geomorphological change and associated changes to sediment transport regimes. However, further information has been added to <b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, to make specific reference to climate change and future baseline conditions, including the mitigation and monitoring due to the inherent uncertainty of the future morphological development of the landfall sites.</p> |
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|  | Pegwell Bay and the Proposed Project to coastal change, taking account of climate change.   |   |  |
| <b>Document reviewed: [REP2-012] 9.13 (B) Pegwell Bay Construction Method Technical Note (Version B) (Tracked)</b> |   |   |  |
| Table 2.1  | <p>Natural England notes that the updated MDS cofferdam dimensions presented in the Pegwell Bay Method Technical Note [REP2-012] are considerably greater than those assessed in the ES Marine Physical Environment Chapter [REP1-052]. For example, in [REP2-012], the moonpool barge cofferdam option would be 35m length x 7.5m width x 3m height above seabed x 2m depth below seabed. However, the MDS cofferdam dimensions (in ES Marine Physical Environment chapter [REP1-052]), would be: 10-15 m length x 3-5 m width x 2 m depth. We are concerned, therefore, that the increased MDS cofferdam size represents an increase in intertidal sediment disturbance and blockage potential, which could have an indirect effect on SPA/Ramsar features.</p> | <p>We advise that the worst-case scenario (WCS) seabed disturbance area and volume, should be provided for the updated dimensions. The greater potential for blockage and, thus, changes to the hydrodynamic and sediment transport regime at Pegwell Bay should also be considered and assessed. We draw the ExA's attention to the fact that impacts to coastal processes are also highlighted in Appendix J3A of our Deadline 3A submission in relation to implications for intertidal habitats.</p> | <p>Cofferdam dimensions have been previously updated in <b>Application Document 6.2.4.1 (E &amp; F) Part 4 Marine Chapter 1 Physical Environment</b> and the potential impact of the larger dimensions have been considered as part of the assessment. <b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, has been updated with calculations associated with critical thresholds for sediment transport in Pegwell Bay and used to further assess the potential for localised scouring to occur due to the presence of cofferdams.</p>   |
|  | <p>Natural England draws the ExA attention to the potential risk of groundwater contamination discharging into coastal waters from the former hoverport site (Vattenfall Wind Power Ltd., 2018a). We also note that the proposed Thanet Extension development boundary was specifically kept south of the disused hoverport to prevent any interactions with this known source of contamination (Vattenfall Wind Power Ltd., 2018b). Furthermore, in the Geotechnical Risk Register, the risk level for potential contaminated ground at the former hoverport was rated 'substantial' (Vattenfall Wind Power Ltd, 2017). We are, therefore, concerned that the use of the disused hoverport site for</p>  | <p>Natural England advises that the risk of ground contamination at the former hoverport (and wider Pegwell Bay intertidal zone) discharging into coastal waters needs to be fully considered and assessed in the relevant documents/plans.</p>   | <p>Information on potential risk of ground contamination at the former hoverport (and wider Pegwell Bay intertidal zone) was provided in <b>Application Document 9.91 (A) Applicant's Comments on Change Request (CR1) Relevant and Written Representations [REP4-089]</b> - Table 2.3 <b>Applicant's Response to Relevant Representation and Written Representation of Thanet District Council [REP3A-034]</b> and Table 3.1 Applicant's Response to Relevant Representations and Written Representations that raise Change 1 - Change to access at the former Hoverport, Pegwell Bay, Kent.</p> <p>As previously noted, the Applicant will prepare a hoverport condition monitoring plan post consent to monitor the condition of the hoverport during construction. This is included as measure W37 within <b>Application Document 9.84 (C) Register of Environmental Actions and Commitments (REAC)</b> submitted at Deadline 5.</p> |

| Reference | Matter   | Point Raised  | Applicant's Comments   |
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|           | access during the Project lifetime could lead to groundwater contamination discharging into the coastal waters, affecting the marine environment, and qualifying features of the designated sites.   |   |  |
| 1.2.6     | We note that, based on the findings of the 2023 feasibility study [Appendix A, APP-321], the Applicant has not considered an alternative to the proposed non-trenchless techniques in the assessment documents or Development Consent Order (DCO) (for the cable route between the mudflats in Pegwell Bay and onshore Transition Joint Bay). Whilst we welcome avoidance of direct impacts to the saltmarsh through use of trenchless methods, based on the HDD difficulties experienced by Nemo Link, we are concerned that omitting alternative methods poses an environmental risk which will need further consideration and assessment to ensure that impact parameters are not exceeded. | We advise that it would be prudent for the Applicant to include contingency assessment for failure of the proposed non-trenchless methods in Pegwell Bay and potential construction delays. | A feasibility study was completed in 2023 for the Proposed Sea Link Project which confirms the suitability of using a trenchless crossing solution at Pegwell Bay. Findings from this feasibility study can be found in Appendix A Landfall HDD Feasibility Technical Note, part of <b>Application Document 7.3 Design Development Report [APP-321]</b> . Based on the findings from this feasibility study, no alternative non-trenchless techniques, such as open cut trenching, have been considered in the assessment documents or the Development Consent Order and therefore would not be permitted as part of this application.<br><br>The Applicant has considered contingency options in the event of the failure of the proposed trenchless method. However, these are alternative trenchless techniques such as direct pipe and micro-tunnelling. There is no consideration of an alternative non-trenchless method such as open cut trench even as a fall-back option. |

**Document reviewed: [REP3-029] 6.6 Habitats Regulations Assessment Report (Tracked)**

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| 7.3.1- 7.3.14 | We note that the temporary increases in Suspended Sediment Concentration (SSC) and sediment deposition impact have only been considered for Thanet Coast SAC and Margate and Long Sands SAC. It has not been considered for Thanet Coast & Sandwich Bay SPA/Ramsar Site. The intertidal reef, mudflats and sandflats provide valuable feeding grounds and roosting areas at low water for wintering waders, and we are concerned that changes to supporting processes could, in turn, hinder the conservation objectives to maintain or restore supporting habitats in which the features rely. | We advise that increases in SSC and sediment deposition should also be considered for the Thanet Coast & Sandwich Bay SPA/Ramsar site. | The Applicant has committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6. |
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**Document reviewed: [REP3-021] 6.2.4.1 (D) Part 4 Marine Chapter 1 Physical Environment (Tracked) & [REP3-025] 6.4.4.1 (C) ES Figures Marine Physical Environment (Tracked)**

| Reference                     | Matter   | Point Raised  | Applicant's Comments   |
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| 1.7.1-1.7.6 & 1.7.19 & 1.7.41 | We understand [REP3-001] that updates have been made to Marine Physical Environment Chapter to align with response to East Suffolk Council's (ESC's) submission at Deadline 2 [REP2-048]. Whilst we welcome the updates made to the ES chapter, we note that the implications of these updates to the impact assessment for the proposed project are not discussed. We also note and agree with the concerns raised by ESC in [REP2-048] regarding the adequacy of the coastal geomorphology baseline for the Suffolk landfall, and a reliance on out-of-date data/information.                                  | We advise that the ES updates on the Suffolk landfall need to be considered in the context of the impact assessment.<br>We also advise that it is vital that the baseline coastal geomorphology at the Suffolk landfall is adequately characterised ahead of cable installation and operation, using data/information representative of the present-day conditions as possible, to establish trends in morphological change, inform the impact assessment and siting of landfall infrastructure and cable burial. This is necessary to ensure that appropriate mitigation measures can be secured and implemented to adequately address significant impacts on the wider nature conservation interests.   | <b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, includes the most recent NCERM 2 coastal erosion data to characterise the potential future erosion risks faced at the Suffolk landfall. It also notes the shortcomings in the NCERM dataset and therefore also acknowledges the current erosion threat faced by ESC and the adaptive approach to the management of the coastline due to the effects of climate change-driven sea level rise and increased storminess.<br><b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, details the embedded mitigation measures and commitments that have been made to account for the potential effects of climate change and the inherent level of uncertainty in the future development and management of the landfall sites.                             |
| 1.8.4                         | We welcome control and management measure MPE08 which commits to undertake further analysis to consider the potential for coastal erosion over the lifetime of the Proposed Project. It is stated that this information will be used to inform detailed design, to ensure that the risk of future exposure of the offshore burial cables is as reduced as far as practicable. However, it is not stated what further analysis will be undertaken.  | We advise that the Applicant should use the most up-to-date information available at the time of consent on coastal morphological change, vulnerability of the landfall, taking account of climate change during the lifetime of the cable. In addition to our comments above, we also refer to our advice at Deadline 3 [REP3-118] on uncertainties and risks for Kent landfall infrastructure/buried cable and coastal morphology/sensitive benthic habitats. Furthermore, given the risk posed to nature conservation we advised that this is revisited prior to construction to ensure it remains fit for purpose.  | The Applicant has committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.   |
| 1.9 & 11.7.62                 | We note that the Applicant has identified the nature conservation sites associated with the Pegwell Bay and Sandwich Bay mudflats and marshes, which we welcome. However, coastal and marine processes impacts on these designated sites have not been fully identified or quantified. Although the assessment of impacts on these designated sites may be provided in the HRA, it is first necessary to clearly set out the impacts of the proposed project on marine physical processes and the marine physical environment (including taking account of climate change effects). This will in turn inform the | We advise that all potential construction impacts and MDSs relevant to the Kent landfall should be clearly laid out. For example: <ul style="list-style-type: none"> <li>Seabed disturbance due to (all activities associated with) cable installation</li> <li>Dispersion and settling of disturbed sediment due to cable installation (including estimates of disturbed material volumes, SSCs, and deposited sediment thickness and extent, taken from site specific plume dispersion modelling)</li> <li>Changes to sediment type (spatial extent and persistence)</li> <li>Changes to hydrodynamics, sediment transport and morphology (e.g. due to HDD exit pits, cofferdams, spoil berms, cable protection, nearshore vessels, construction vehicles/plant etc).</li> </ul> (For comparison, we draw the Applicant's attention to the identification and quantification of impacts presented in Table 2.17 of the benthic ecology chapter [REP1-054]). | The Applicant can confirm that <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, has been updated to provide additional clarity, where information is available, on areas of seabed disturbance, MDS parameters for SSC and sediment deposition, changes to sediment type and changes to hydrodynamics, sediment transport and morphology.<br>The Applicant also confirms that additional sediment dispersion modelling for the Kent Landfall will be completed in preparation for ISH3. Results from this modelling will be presented in an update to <b>Application Document 6.3.4.1.A (B) ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6. |

| Reference                | Matter   | Point Raised  | Applicant's Comments   |
|--------------------------|--|---|--|
|                          | assessment of impacts to ecological receptors, and the HRA/MCZA.   |   |  |
| Table 1.18, Pages 80- 82 | We note that Table 1.18 lists impacts to designated coastal feature receptors (due to construction activities). However, MDS for impacts to designated coastal features from changes to coastal and/marine processes have not been identified separately/specifically.   | We advise that the Applicant should clarify the MDS for construction impacts to designated coastal features in Table 1.18. We also advise that impacts to designated coastal features due to changes in marine physical processes or the marine physical environment should be quantified in this chapter, even if their implications are considered in the relevant topic chapters.  | <p><b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, includes the most recent NCERM 2 coastal erosion data to characterise the potential future erosion risks faced at the Suffolk landfall. It also notes the shortcomings in the NCERM dataset and therefore also acknowledges the current erosion threat faced by ESC and the adaptive approach to the management of the coastline due to the effects of climate change-driven sea level rise and increased storminess.</p> <p><b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, details the embedded mitigation measures and commitments that have been made to account for the potential effects of climate change and the inherent level of uncertainty in the future development and management of the landfall sites.</p>  |
| Table 1.18, Page 80      | We note that not all construction impacts relevant to inshore seabed morphology and designated coastal feature receptors have been identified in Table 1.18. For example, it includes nearshore vessels/equipment, HDD exit pit excavation, cofferdams, but not activities such as seabed preparation activities, trenching, etc. It is also unclear whether there may be a requirement for sandwave lowering within or adjacent to Pegwell Bay. | <p>We advise that not all construction-related impacts on inshore seabed morphology and designated coastal feature receptors have been identified in Table 1.18. As a comparison, we signpost to the updated benthic ES chapter [REP1-054] which provides the MDS for each construction activity. These construction-related disturbance footprints should be included in the Marine Physical Environment Chapter. We also seek clarification on sandwave lowering requirement within/adjacent to Pegwell Bay.</p> <p>Please see further advice in Appendix J3A of Natural England's Deadline 3A response [REP3A-028] and Point 11 of Appendix J4 of Natural England's Deadline 4 response.</p> | Table 1.18 in <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment - summary of impact pathways and maximum design scenario</b> has been updated which excludes sandwave lowering within or adjacent to Pegwell Bay since this is not required as part of the Proposed Project.  |
| Table 1.18, Pages 80- 81 | We note that for the construction impact 'Increases in SSC, water column turbidity, and deposition of disturbed sediments to the seabed due to dredging for seabed preparation' only seems to consider drilling fluid discharged within the intertidal area during HDD excavation (although this MDS has not been quantified).   | We advise that MDS for increases in SSCs, water column turbidity, and associated deposition of disturbed sediments should include not only MDS width, length, area, but also volume and duration of activity. Landfall MDS values and offshore MDS values should be presented separately. The MDS option for trenching should be identified for landfall and offshore, for example, representing the largest disturbed volume and highest trenching rate. Furthermore, MDS drilling fluid discharged within the intertidal area during HDD excavation process needs to be quantified.   | <p>The Applicant has committed to undertaking further sediment dispersal modelling at both landfalls, the results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.</p> <p>The MDS table in <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> has been updated for Deadline 5 to provide further clarity on the parameters that have been assessed with regards to the physical environment in Pegwell Bay and impacts including SSC and sediment deposition. With regards to drilling fluid, the volumes of drilling fluid that will be discharged at both landfalls is quantified in <b>Application Document 6.2.1.4 (D) Part 1 Introduction Chapter 4 Description of the Proposed Project [REP1A-003]</b> – Table</p> |

| Reference           | Matter   | Point Raised  | Applicant's Comments  |
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| Table 1.18, Page 83 | We welcome the Applicant's commitment to evaluate decommissioning options to minimise environmental short- and long-term effects on the environment. However, the baseline is likely to evolve through the lifetime of the project, the value of receptors may also change and consequently, the EIA will need to be updated at the time of decommissioning.   | We advise that the Applicant need to consider how the baseline and the value of receptors at decommissioning, and consequently the EIA will be re-evaluated and updated where required.   | 4.11. Impacts from drilling fluid have been assessed in <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> .<br><br><b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, has been updated to include consideration of up-dated baseline conditions that will be integrated into the environmental, technical, and economic assessments that will inform the options for decommissioning.   |
| 1.9.24              | We note that sensitivity of the Kent landfall nearshore seabed to the presence of cofferdams has been upgraded from low to high (due to its designated status), which we welcome. It is, however, stated that "the bed is expected to naturally recover via natural sediment transport processes driven by the wave and current action in shallow waters after one or two tidal cycles, which gives it a lower sensitivity from a physical processes point of view." The evidence to support this predicted rate of recovery has not been included. Furthermore, it is stated that the impacts to the seabed due to the presence of cofferdams will be localised and temporary, and any scour will be limited in extent. Again, we note a lack of evidence to support these predictions. | We advise that the Applicant should provide evidence to support conclusions regarding seabed impacts due to the presence of cofferdams in the intertidal at Pegwell Bay. Evidence may be available from the installation of the Thanet OWF and Nemo Link cables.<br><br>We draw the ExA's attention to the fact that impacts to coastal processes are also highlighted in Appendix J3A of our Deadline 3A submission in relation to implications for intertidal habitats. | <b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, has been updated with calculations associated with critical thresholds for sediment transport in Pegwell Bay and used to further assess the impact of scour due to the presence of cofferdams.<br><br>The chapter has been updated with regards to seabed recovery: <i>Though currents in Pegwell Bay are too weak to erode sediment on their own, the combined effects of episodic wave stirring tidal currents ensures that the seabed naturally re-levels and recovers from temporary construction-related impacts without intervention, which gives it a lower sensitivity from a physical processes point of view.</i><br><br>The Applicant has reviewed the Nemo Link Interconnector Year 3 Post-Construction Intertidal Technical Report (CEAPEG0820).<br><br>The results from this report state that <i>'following an initial decrease in abundance and diversity in 2018, intertidal communities have been resilient to the physical disturbance resulting from the burial of the cable in 2017. Natural tolerance coupled with fast natural recruitment has resulted in a rapid recovery of faunal communities in 2020'</i> . Furthermore, the monitoring report also states <i>'Data collected during the year-one and year-three post-construction surveys showed that the loss of intertidal fauna was localised and temporary, and by 2020 faunal communities and habitats present along the cable route reflect those seen during the baseline survey'</i> .<br><br>These conclusions are consistent with the Proposed Project's Benthic Ecology assessment <b>Application Document 6.2.4.2 (D) Environmental Statement Part 4 Marine Chapter 2 Benthic Ecology [REP4-029]</b> which states <i>'due to the temporary and limited footprint compared to wider available area of habitat, and the understood ability for infaunal species associated with intertidal mudflat to exhibit rapid recovery to disturbance (McQuillan, et al., 2024; Tillin, et al., 2024), the physical disturbance and/or temporary loss of this habitat is predicted to be of small magnitude..... has</i> |

| Reference                  | Matter   | Point Raised   | Applicant's Comments  |
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| 1.9.34 & Figure 6.4.4.1.15 | <p>The Applicant has confirmed that “due to the sensitivity of the Coralline Crag, the HDD exit point will be located to the east of a continual section of outcrop...Cable protection will not therefore be required on the surface of the Coralline Crag outcrop; as such, there will be no operational impact of putting cable protection material on the Coralline Crag.” We welcome this confirmation and commitment. However, it is unclear if there remains the potential for other operational impacts (e.g. repairs) and/or installation related impacts on the Coralline Crag.</p> | <p>Natural England seeks clarification on other potential impacts to sub-surface or non-continual sections of Coralline Crag through the lifetime of the proposed project and where appropriate assessments updated.</p>   | <p><i>been assessed as having a small magnitude which results in a minor effect, which is not significant’.</i></p> <p>The integrity of the Coralline Crag outcrops will not be compromised by sub-seabed HDD cable installation. As described in Appendix A of <b>Application Document 7.3 Design Development Report [APP-321]</b>, the coralline crag is a weakly cemented, slightly gravelly very silty sand with frequent shell fragments, that is expected to form a stable borehole. The HDD will be designed at sufficient depth to ensure that it is within competent ground beneath the crag outcrops to ensure that the surface outcrops are unaffected by the HDDs.</p>  |
| 1.10.1, Page 104           | <p>We note the addition of mitigation measure MPE03 which states that “Cable protection features...will be installed only where considered necessary for the safe operation of the Proposed Project. This includes repairs of cables due to accidental damage.” While we welcome the Applicant’s commitment to only install cable protection where necessary for the safety of their cable, this mitigation measure does not specify if it relates to construction and operational phases.</p>   | <p>Natural England considers that any new/additional cable protection to be laid during the operational lifetime of the windfarm is not permitted within designated sites under the DML and requires a separate marine licence. But we also flag that the same is also true where there is potential for cable protection outside of designated sites to have an indirect impact on site features.</p> | <p>The Applicant considers it is important to draw the ExA’s attention to the reference to ‘windfarm’ in this response from Natural England. The Proposed Project is not a windfarm, and the magnitude of impacts between the Proposed Project and a windfarm are very different.</p> <p>The Proposed Project comprises two bundled cables in one cable trench. The scale of the infrastructure required for the project and the associated construction and cable installation activities are not comparable to an offshore windfarm, or export cables for offshore windfarms which generally comprise a number of single cables in separate cable trenches resulting in a substantially larger seabed footprint and involving a substantially longer installation period.</p> <p>Reference to a windfarm in this context would suggest that there is potential that comments provided on the Proposed Project are either derived from NE consultation on offshore windfarm projects or have been influenced by consultations on offshore windfarm projects and therefore may not be completely proportionate for this type of development.</p> <p>Regarding the point made, the Applicant confirms that there is a condition (no.13) within Part 2 of the DML which prevents the Applicant from installing any additional cable protection in a designated site post construction. Where any additional cable protection is required this would be subject to a separate marine licence and associated necessary assessments.</p> |
| 1.7.113-1.7.114            | <p>We note that the Applicant has now included Thanet Coast &amp; Sandwich Bay SPA/Ramsar Site in the list of designated sites within this Marine Physical Environment, which is</p>   | <p>Natural England notes that this issue is progressed. However, we advise that impacts (and MDSs) on designated coastal sites/features due to changes in marine physical processes need to be clarified and quantified (regardless of them being assessed in other ecological chapters).</p>  | <p>As set out above, the environmental assessment adopts more qualitative or semi-quantitative descriptions of effects on coastal features and the physical environment (incorporating those which are designated), supported by evidence on sediment thresholds, hydrodynamic conditions, and assessed sensitivity; rather than</p>  |

| Reference          | Matter  | Point Raised   | Applicant's Comments   |
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|                    | welcomed. However, as per our comment NE Ref 5 (in Table 9) and NE Ref 1 (in Tables 7 and 8), the MDSs for impacts to these, and other coastal designated sites/features at landfall are unclear.   |  | attempting to present numerical definition of the maximum impact scenario in terms of area effected, which would not be supported by scientific certainty.<br><br>The Applicant has also committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.  |
| Table 1.18/Page 82 | We note in Table 1.18 that sandwave lowering parameters are quoted per cable trench whereas in Table 4.13 of [REP1A-004] sandwave lowering parameters are not quoted per trench.  | Natural England advises that the MDS sandwave lowering parameters needs to be clarified within the Marine Processes Chapter of the ES.   | <b>Application Document 6.2.4.1 (F) Part 4 Marine Chapter 1 Physical Environment</b> , submitted at Deadline 5, has been updated to match the parameters in Document: 6.2.1.4 Chapter 4 Description of the Proposed Project.   |
| 1.9.6 & 1.9.36     | We note that the Applicant has provided a potential sandwave recovery rate of < 1 year for water depths < 30m which is considered applicable to the majority of the offshore scheme. Whilst this is welcomed; we remain concerned that cable installation activities (including pre-sweeping) of sandwaves in/adjacent to designated sites or sensitive areas may change the water flow regimes, wave climate and sediment supply to nearby sensitive areas if the morphological changes are significant and/or persistent. | <p>We advise that where construction-related activities may affect bedforms that are in/adjacent to designated or sensitive areas (e.g. Goodwin Sands MCZ, approaches to Pegwell Bay, Aldeburgh Napes, Suffolk coastline etc), then the Applicant should apply the mitigation hierarchy as best practice to ensure cable burial success and reduce environmental impacts and update application documents accordingly. Noting that this should be repeated prior to construction to ensure nothing has changed. This should also be secured as a commitment</p> <p>For example, making all possible efforts to avoid areas of sandwaves/minimise the need for clearance by micro-routing the cable, considering the angle at which sandwaves are crossed, installing cables as soon as possible after levelling, returned cleared material to the same system etc.</p> <p>It is also important that during survey campaigns, in areas with mobile bedforms, the survey corridor should be wide enough to enable identification of areas with deeper troughs that have the potential to migrate across the asset over its lifetime. This will allow definition of the Vertical Reference Level (VRL), which is the level that the seabed is likely to drop to during the lifetime of the project due to the movement of mobile sediments. This VRL should be established prior to installation by estimating sandwave migration rates. We advise that requirements of survey campaigns should be secured in the Offshore IPMP.</p> <p>We note in [PDA-039] 9.21 CBRA, that ABPmer is undertaking a detailed sediment movement study. We advise that, if available, this study should be submitted into Examination to increase understanding of seabed mobility and potential impacts on important bedforms. Finally, we advise that sandwave recovery should be assessed through monitoring post construction to verify ES predictions and to check there are no unanticipated changes to seabed morphology.</p> | <p>With regards to Goodwin Sands MCZ - <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b>, submitted at Deadline 5, has been updated to provide evidence of the resilience of the sandbank system. Furthermore, the mitigation hierarchy has been applied to the Proposed Project with regards to the <u>avoidance</u> of sites designated for benthic habitats and species, with the closest site, Margate and Long Sands SAC, located 2 km to the west of the Offshore Scheme protecting Annex I sandbanks. The Applicant has also applied the same mitigation hierarchy at the Goodwin Sands MCZ and has <u>avoided</u> routing into this site in its entirety. Goodwin Sands is a large, dynamic and constantly changing area of sand and coarse sediments. It is recognised as a "closed sediment system," meaning the sandbanks are a largely self-contained, finite, and a dynamic entity where little sand enters or leaves. Despite historical dredging, the total volume of sediment in the system has historically remained relatively stable. While considered "closed" regarding the input and output of sediments, the system is not static; it is characterised by active, shifting sandbanks and ongoing sediment migration. The placement of any low-lying external cable protection adjacent to this site will therefore have a minimal impact on the sediment processes within the Goodwin Sands system (<a href="#">MMO Stage 3 Site Assessment: Goodwin Sands MPA</a>).</p> <p>The Applicant confirms that surveys and post-installation monitoring are already secured within the Offshore Construction Environmental Management Plan (<b>Application Document 7.5.2</b>) and Outline Cable Specification and Installation Plan (<b>Application Document 9.92</b>) under Condition 4 of the DML, which have been updated and submitted at Deadline 5. In the dML Natural England are listed consultee of these final Plans.</p> <p>No likely significant effects on sandwaves have been identified in our Environmental Statement <b>Application Document 6.2.4.1 (F) Environmental Statement Part 4 Marine Chapter 1 Physical</b></p> |

| Reference  | Matter   | Point Raised  | Applicant's Comments  |
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|  |  |   | <b>Environment.</b> The Applicant therefore doesn't not consider that monitoring of this feature is required.   |
| General comment  | We note, and are concerned, that the ES chapter still does not consider cumulative or in-combination effects.  | Natural England advises that there are several potential overlapping activities due to nearby plans/projects which need to be considered in a cumulative effects assessment (e.g. North Falls, Five Estuaries, Nemo Link, Thanet OWF etc).  | Cumulative effects are assessed in Application Document 6.2.4.11 (B) Part 4 Marine Chapter 11 Inter Project Cumulative Effects (Clean) [REP1A-011].<br>This assessment considered the projects identified by Natural England.   |
| <b>Document reviewed: [REP3-079] 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked)</b> |  |   |   |
| Table 1.4/MPE08  | We note, and welcome, the addition of commitment MPE08 to the REAC, to undertake further analysis of coastal erosion at both landfalls over the lifetime of the project. Currently, this commitment lacks detail.<br><br>We consider that, given the limitations of the current evidence base for understanding coastal change at both landfalls, more specific details should be provided on the proposed methodology (see also our comment above, NE Ref 2, in table 9 above). | We advise that it is of vital importance that the Applicant establishes a more robust baseline characterisation of the coastal geomorphology at both landfalls and the likely evolution of that baseline prior to implementation of the proposed project - as far as natural changes from the baseline scenario can be assessed on the basis of the availability of environmental information and scientific knowledge.<br><br>This is necessary to ensure that appropriate mitigation measures can be secured and implemented to adequately address significant impacts on the wider nature conservation interest. | The Applicant has committed to undertaking further sediment dispersal modelling at both landfalls results of which will be presented in an update to <b>Application Document 6.3.4.1.A ES Appendix 4.1.A Suspended Sediment Modelling [APP-195]</b> and included in a further update to <b>Application Document 6.2.4.1 (G) Environmental Statement Part 4 Marine Chapter 1 Physical Environment</b> for submission at Deadline 6.  |
| Table 2.2/GH14   | Natural England notes the commitment which has been added to the REAC, whereby HDDs at the Suffolk landfall will exit east of the continual Coralline Crag outcrop. This is welcome. However, our concerns remain regarding other construction and operational impacts on the Coralline Crag.  | Please see our advice in NE Ref 9 in Table 9 above regarding concerns related to construction related impacts on the Coralline Crag.  | As above, the integrity of the Coralline Crag outcrops will not be compromised by sub-seabed HDD cable installation. As described in Appendix A of <b>Application Document 7.3 Design Development Report [APP-321]</b> , the coralline crag is a weakly cemented, slightly gravelly very silty sand with frequent shell fragments, that is expected to form a stable borehole. The HDD will be designed at sufficient depth to ensure that it is within competent ground beneath the crag outcrops to ensure that the surface outcrops are unaffected by the HDDs (GH14 of the REAC). |

**Table 15.3 Applicant's Comments on the Natural England Deadline 4 Response – Appendix F4 [REP4-192] – Marine Mammals**

| Reference   | Matter  | Point Raised   | Applicant's Comments  |
|---|---|--|---|
| <b>Documents reviewed:</b>  |   |  |   |
| <ul style="list-style-type: none"> <li><b>[REP2-012] 9.13 (B) Pegwell Bay Construction Method Technical Note (Tracked)</b></li> <li><b>[REP1-122] EN020026-001440-9.49 Seals and Airborne Sound Disturbance Technical Note (Clean).pdf</b></li> </ul> |   |  |   |
| Whole Document  | UPDATE MADE: These documents progress R&I log comment F17, with M-weighted sound levels modelling undertaken and presented in document 9.49 and | The HRA update planned for Deadline 5 should resolve this issue. | As detailed in the R&I log, the issue regarding the airborne sound modelling in relation to seals (R&I log comment F17) was updated from using A-weightings to M-weightings, as well as providing more detailed modelling for air-borne sound, and provided, as stated in |

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updated noise information provided in 9.13.

#### **Application Document 9.49 Seals and Airborne Sound Disturbance Technical Note (Clean) [REP1-122].**

Thus, the Applicant understands that only the matter still outstanding is regarding underwater sound modelling (R&I log comment F15). This comment is addressed below:

The determination of underwater sound zones of influence can take one of three modelling approaches, from simple calculations using simple geometric spreading approximations used to describe how sound level decreases as a sound wave propagates away from a source) at one end, through to very detailed modelling using computer-based tools and software such as dBSea at the other. These much more sophisticated computer software-based methods predict the sound field around an acoustic source, taking account of the actual sound speed field in the ocean and the reflections from the sea surface and sea floor as the sound travels away from a source. The approach that sits between these two extremes is the use of the modelling tools provided by NOAA/NMFS, the body that has determined the international threshold criteria for the impact of underwater sound to marine mammals. The NOAA/NMFS 'User Spreadsheet' tool (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>) provides a means to estimate distances (isopleths) associated with the Technical Guidance's onset thresholds.

The approach to underwater sound modelling that is selected will be that which is considered to be proportionate to the nature of the project and its likely underwater effects. This is determined on the basis of the nature of the activities that will be undertaken for the project and the intensity of the underwater sound generated. Thus, for the construction of an offshore wind farm (OWF) for example, that requires very noisy impact piling for the installation of the turbines, full modelling using programmes like dBSea is the most appropriate and proportionate approach and is the method expected by both regulators and developers for OWFs.

However, for the construction of an HVDC interconnector cable such as the Sea Link Offshore Scheme, the activities involved do generate underwater sound but they are significantly less intense than those associated with a wind farm project (excluding UXO clearance which will be the subject of a separate marine licence application and assessment).

Sound generating activities for Sea Link include geophysical survey acoustic sources, which when undertaken with standard JNCC measures in place (JNCC, 2025) can be assessed as not requiring a Marine Licence and instead require a voluntary notification to the MMO). This is indicative of the lower intensity of these sound sources. The other activities occurring during the Sea Link project are those dominated by vessel-based activities such as trenching, ploughing etc. and the placement of cable protection on the seabed. These activities generate sounds that are not impulsive in nature and do not have the high intensity sound source levels like impact piling that would cause auditory injury in marine mammals.

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Thus, the most proportionate approach for modelling underwater sound propagation for all the activities for the Sea Link offshore scheme was considered to be the use of the NMFS/NOAA acoustic tools referenced above. Details of this approach to the underwater sound propagation modelling undertaken for the Proposed Project, including the sound source levels and the operating frequencies used, together with the relevant thresholds, were provided in the original submitted Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals [APP-077] and can be found under heading 'Sound Propagation' covering Paragraphs 4.9.14 to 4.9.19 of Application Document Application Document 6.2.4.4 (C) Part 4 Marine Chapter 4 Marine Mammals [AS-049 and AS-050]. The outputs from the modelling were provided in the chapter and there was, therefore, no requirement for the production of a separate modelling report as all the information was provided in the chapter. This is a common approach for an interconnector cable project and is consistent with the approach adopted for other, recently permitted, interconnector projects. For example, Eastern Green Link 1 (see: <https://www.easterngreenlink1.co.uk/document-library>), Eastern Green Link 2 ([https://marine.gov.scot/sites/default/files/d8.2\\_environmental\\_appraisal\\_report\\_-\\_appendix\\_8.2\\_habitats\\_regulations\\_assessment\\_report\\_redacted\\_0.pdf](https://marine.gov.scot/sites/default/files/d8.2_environmental_appraisal_report_-_appendix_8.2_habitats_regulations_assessment_report_redacted_0.pdf)).

The Applicant would also like to draw attention to the MMOs Deadline 4 submission [REP4-126]:

*“The MMO has reviewed Part 4 Marine, Chapter 4, Marine Mammals and broadly agrees with the conclusions that underwater noise impacts during construction (excluding UXO) are minor adverse and not significant, based on the assessed maximum design scenario.”*

The Applicant also refers NE to an error in ID No. 5.4.7 of *Table 4.6 Comments raised in the Scoping Opinion* in **Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals [APP-077]** which stated “...simple geometric spreading calculations have been used to determine likely injury effect (PTS) zones.” This was incorrect and has been now updated to “the NMFS Acoustic tools” in Application Document 6.2.4.4(H) Part 4 Marine Chapter 4 Marine Mammals submitted at Deadline 5.

The Applicant would also like to draw NE’s attention to updates in both Application Document 6.2.4.4(H) Part 4 Marine Chapter 4 Marine Mammals and Application Document 6.6 (G): Report to Inform Habitats Regulations Assessment, both submitted at Deadline 5, to reflect the updated NMFS thresholds for acoustic effects (NMFS, 2024) and the JNCC’s updated guidance on effective deterrent ranges for harbour porpoise, with a reduction in the EDR for SBP from 5 km to 3 km (JNCC, 2025).

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**Table 15.4 Applicant’s Comments on the Natural England Deadline 4 Response – Appendix G4 [REP4-193] – Marine Ornithology**

| Reference   | Matter  | Point Raised  | Applicant’s Comments   |
|---|---|---|--|
| <b>Document reviewed: [REP2-014 Applicant’s Detailed Responses to the Relevant Representations identified by the ExA]</b> |   |   |  |
| 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 (1st November - 31st 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 1st January - 31st 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 applicants 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 al (2013)), 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 AEol.</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</p> | <p>The Applicant has noted Natural England’s request to calculate the proportion of ‘bird days’ lost based on the method Reach et al (2013). The Applicant is seeking a copy of this method from the original authors in the absence of Natural England being able to provide a copy and the Applicant has not been successful in obtaining this literature from other parties. This document is not publicly available and has not been routinely used on existing DCO projects. Assuming access to this document is made available, the Applicant will review and provide a response as required for Deadline 6.</p> <p>The Applicant notes that Natural England acknowledge the essential need for a rapid response time for emergency repairs precludes the possibility of applying a seasonal restriction to operations and maintenance survey activities. The measures which might be covered by an Outline Operations and Maintenance Plan (OOMP) for an Offshore Windfarm are provided in the Outline Cable Specification and Installation Plan <b>[REP4-090]</b> which has also been updated for Deadline 5. A specific OOMP is not required as the installed cable is designed to not require regular maintenance, unlike an offshore windfarm where regular operational and maintenance activities are required.</p> <p>The Applicant notes that Natural England welcome the commitment to adhere to Natural England’s best practice protocol as a minimum during decommissioning. Equally, it is noted that 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> |

| Reference       | Matter   | Point Raised   | Applicant's Comments  |
|-----------------|--|--|---|
|                 |  | <p>also (if relevant) limit vessel speeds below 20 knots within the OTE SPA during any work undertaken in the seasonally restricted period (1st November - 31st March).</p> <p>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> |   |
| 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> <p>Regarding potential impacts on marine ornithology, we look forward to dealing with this issue upon submission of the separate marine licence application.</p>  | <p>The Applicant notes Natural England's response on dealing with UXO activities via separate marine licences.</p>  |
| Table 2.38, G11 | <p>Natural England welcome the inclusion of London Array OWF, Thanet OWF, Nemo Link 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>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. 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 AEol 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 (1st November -31st March).</p>   | <p>There is currently very limited publicly available information on the programme and scope of the Tarchon Interconnector, and no scoping report has been submitted. Undertaking a meaningful cumulative assessment of this project is therefore very difficult. This is in line with the <a href="#">Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment</a>.</p> <p>Regarding impacts from PLGR, the Applicant maintains its position that potential impacts from this activity will not make a meaningful contribution to any in-combination effects.</p> <p>As set out in the Applicant's response to AP22 in Application Document 9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086] PLGR activities are of a very short duration and involve a limited number of vessels. Pre-lay grapnel run (PLGR) is likely to take approximately 14 days to survey the entire route on a single transit. Approximately 50% of the cable route (56 km) passes through the OTE SPA. Therefore, the total duration of PLGR transit within the OTE SPA will be approximately 7 days with the vessel continuously moving. PLGR involves one vessel towing a 'grapnel' and potentially a support vessel/guard vessel (working as a single cluster) moving at very slow speeds of approximately 1 to 1.5 knots.</p> |

| Reference  | Matter  | Point Raised   | Applicant's Comments   |
|--|---|--|--|
|  | <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>   |  |  |
| <b>Document reviewed: [Document 7.8 Red-throated Diver Protocol]</b> |   |  |  |
| Sec 1.5.3  | <p>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.</p> | <p>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.</p>                                       | <p>The Applicant notes this comment from Natural England and will continue to engage with them on the 2 km buffer. It is also noted that a similar question for the justification of a 2 km buffer was posed to Natural England by the ExA in their second written questions and the Applicant will review and comment on that upon receipt.</p> |
| Sec. 1.5.8   | <p>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 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</i></p>   | <p>Natural England advise that the sensitive period outlined in this section should be expanded to cover the full sensitive period i.e. 1st November to 31st March (not 1st Jan -31st March) and if essential works within the SPA and 2km buffer are required in this period, consultation with MMO and Natural England should go ahead as they describe in REP2-010, Table 2.38, G2.</p> | <p>The Applicant has amended the Red-throated Diver Protocol at Deadline 5 to reflect the requirement to report on all essential emergency works between the 1<sup>st</sup> November – 31<sup>st</sup> March, to Natural England.</p>  |

| Reference | Matter  | Point Raised | Applicant's Comments |
|-----------|---|--------------|----------------------|
|           | <i>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> |              |                      |

**Table 15.5 Applicant's Comments on the Natural England Deadline 4 Response – Appendix H4 [REP4-194] - LVIA**

| Reference | Matter                     | Point Raised  | Applicant's Comments  |
|-----------|----------------------------|---|---|
| 2         | 6 Hectare Restoration Area | <p>The following is included as a key issue as the project is relying on the success of restored acid grassland for direct impacts to acid grassland habitats within the Protected Landscape.</p> <p>Natural England continue to advise that additional evidence is required regarding the baseline habitat type of this area (a portion of which appears to be deciduous woodland priority habitat). Information regarding soil pH and influencing factors such as the adjacent agricultural land use have not been evidenced.</p> <p>It is not clear how the 10-year management plan would be sufficient to provide the stated gains, either on ecological grounds or Landscape and Visual. This is a clear risk to the efficacy of compensation. Furthermore, the pre-commencement management of this area does not appear to be substantiated in the LEMP or Plate 3.2 within Document 9.47 [REP1120].</p> <p>Clarification is required of the term “multifunctional enhancements” for this area. This should be evidenced by a clear audit trail of impact, mitigation and as a last resort compensation with quantum provided for each impact. This is a requirement of the mitigation hierarchy. Enhancement is provided in addition to mitigation and compensation. Natural England consider open trenching to be a direct impact requiring compensation and we reiterate that this area would not be able to be considered for BNG as this must be secured for 30 years.</p> | <p>Evidence regarding the baseline habitat type, soil pH, the adjacent agricultural land use and reasoning for the 10-year commitment should be referred to within Table 15.1 contained in <b>Application Document 9.36 Applicant's Comments on Other Submissions Received at Deadline 2 [REP3-064]</b>. Further information on the adjacent agricultural land use is also referred to within AP44 contained in <b>Application Document 9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b>.</p> <p>As set out within <b>Application Document 9.87 (A) Applicant's Comments on Responses to First Written Questions [REP4-083]</b>, The Applicant reaffirms their position that the acid grassland enhancement proposals are appropriate and proportionate to demonstrate compliance with the Section 85 duty. The mitigation hierarchy has been complied with (avoidance of siting permanent infrastructure within or in the setting of the Suffolk &amp; Essex Coast &amp; Heaths National Landscape (SECHNL), reduction of effects by use of trenchless construction techniques and limiting the temporary compound and working areas within the NL, followed by their restoration including monitoring), resulting in no significant adverse effects on the SECHNL at any project stage for the Proposed Project alone or at operation cumulatively. A temporary significant adverse cumulative effect is reported and all mitigation options have been explored. The acid grassland enhancement measures are considered to compensate for the short term and temporary cumulative effects and provide further enhancement for the SECHNLP within the operational phase of the Proposed Project (as set out in Plate 3.1 within <b>Application Document 9.47 National Landscape Section 85 Duty Technical Note [REP1-120]</b>).</p> <p>Notwithstanding the Applicant's position regarding the above, the Applicant is continuing dialogue with the National Landscape Partnership with regard to potential projects within the National Landscape which the Applicant could consider supporting in order to meet the s85 duty and the associated level of financial contribution required.</p> |

| Reference | Matter                                 | Point Raised   | Applicant's Comments  |
|-----------|--|--|---|
| 3         | Landscape and Visual Impact Assessment | <p>Natural England continues to advise that further evidence is required to support the assessment conclusions regarding significance of effect during construction. We have provided the following comments which should be clarified as part of the provision of further/updated evidence.</p> <ul style="list-style-type: none"> <li>A clear Assessment of impact on each Special Quality remains outstanding. Table A.1 (Appendix A Document 9.73.1) does not address each defining feature of the National Landscape and instead provides an overall assessment of impact. Narrative is not substantiated with audit/evidence for each feature. For example, the presence of the barge, landing operations, lighting, do not appear to have been considered within the assessment.</li> </ul> | <p>Regarding the timing of the acid grassland management, this is referred to within section 5.3.2 of the oLEMP (<b>Application Document 7.5.7.1 (C) Outline Landscape and Ecological Management Plan – Suffolk [REP4-065]</b>). The oLEMP is secured by Requirement 6 within <b>Application Document 3.1 (G) draft Development Consent Order [REP4-217]</b>.</p> <p>Regarding the pre-commencement management of the area, the oLEMP (<b>Application Document 7.5.7.1 (C) Outline Landscape and Ecological Management Plan - Suffolk</b>) states within section 5.3 that the acid grassland enhancement land management would commence delivery prior to the loss of acid grassland east of Leiston Road. The Landscape and Ecological Management Plan (LEMP) must be substantially in accordance with the Outline LEMP – Suffolk, which is secured by Requirement 6 within <b>Application Document 3.1 (G) draft Development Consent Order [REP4-217]</b>.</p> <p>The response to the query around the multifunctional enhancements is provided in <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A [REP4-241]</b>. As is also evidenced in <b>Application Document 9.47 National Landscape Section 85 Duty Technical Note - Accepted at the discretion of the Examining Authority [REP1-120]</b>, the Applicant during a meeting with Natural England on 22 January 2026 requested further clarity on what additional information was required regarding the multifunctional enhancement. This remains an outstanding action point for Natural England to address.</p> <p>Regarding open trenching, as noted in <b>REP3-064</b>, to HDD the small area of priority habitat acid grassland would involve extending the duration of works close to Sandlings SPA and Leiston-Aldeburgh SSSI. This was considered less desirable than the much shorter timescale of open trenching through the acid grassland.</p> <p>As also noted within <b>REP4-082</b>, whilst biodiversity is noted as part of the multifunctional enhancement within <b>Application Document 9.47 National Landscape Section 85 Duty Technical Note [REP1-120]</b>, this is considered separate to calculations of Biodiversity Net Gain which require 30 years.</p> |
|           |  |  | <p><b>Application Document 9.94 (A) Planning Statement Addendum [REP4-092]</b> provides the Special Qualities Indicators baseline and further detail relating to the assessment of the sub-factors. This demonstrates that the non-significant effects reported at construction and operation within the Environmental Statement for the SECHNL remains justified.</p> <p>Appendix A within <b>Application Document 9.73.1 Applicant's Responses to First Written Questions – Appendices [REP3-070]</b> provides robust detail on how the sub-factors of the Natural Beauty Indicators have the potential to be affected by the Proposed Project. This demonstrates that the non-significant effects reported at construction and operation within the Environmental Statement</p>  |

| Reference | Matter | Point Raised  | Applicant's Comments   |
|-----------|--------|---|--|
|           |        | <ul style="list-style-type: none"> <li>• It is not clear how impacts to the Heritage Coast have been considered.</li> <li>• Impacts on the setting of the National Landscape via open trenching have not been included.</li> <li>• The assessment cites the impact as small scale which is not appropriate. The impact must be considered on the special qualities of the National Landscape.</li> <li>• The assessment conclusions rely on the temporary nature of impact. The impact of open trenching may extend into the longer term. The conclusion requires justification and in addition how avoidance of impact has been considered.</li> <li>• It is not clear where compensation for significant cumulative impacts has been provided.</li> </ul> <p>Natural England continue to advise that given the nature and location of the project within a National Landscape, it is not clear how alternatives to open trenching methods through the receiving landscape have been fully considered in line with the mitigation hierarchy. The mitigation hierarchy is considered at all stages of the s85 duty in order to first avoid impacts to Protected Landscapes.</p> | <p>for the SECHNL remains justified. It directly refers to the landfall works, lighting and cable laying barge.</p> <p>Regarding the effects on the Suffolk Heritage Coast, the response to 1LVIA11 within <b>Application Document 9.73 Applicant's Responses to First Written Question [REP3-069]</b> should be referred to. AP46 and AP47 within <b>Application Document 9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b> should also be referred to. In addition, reference should be made to <b>Application Document 9.123 Applicant's Responses to Second Written Questions</b> submitted at Deadline 5.</p> <p>Further information of the effects on the setting of the SECHNL (in response to Natural England's comments in Appendix H3 [REP3-120]) has been provided within <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A [REP4-241]</b>. This response identifies that the effects on the setting of the SECHNL are limited, especially at operation. During construction, effects on the setting would be restricted to intervisibility with the cable laying vessels at sea within the seaward setting to the east of the SECHNL and to the northwest of the SECHNL, where the open trench construction of the HVDC cable corridor would take place through the agricultural landscape. Effects on the natural beauty indicators which influence the setting include:</p> <ul style="list-style-type: none"> <li>• A temporary effect on the scenic quality of the SECHNL related to offshore views from the coastline;</li> <li>• A temporary effect on the relative wildness of the SECHNL relating to the introduction of elements of uncharacteristic machinery and noise; and</li> <li>• A temporary effect on the relative tranquillity of the SECHNL relating to additional human activity, increased traffic along local roads and machinery.</li> </ul> <p>Regarding the use of 'small-scale', The Applicant notes that the sections of acid grassland that would be temporarily impacted to facilitate the construction activity of the Proposed Project within the SECHNL are described as being 'small-scale' within <b>Application Document 6.3.2.1.C ES Appendix 2.1.C Landscape Designation and Landscape Character Assessment [APP-097]</b>. The description of 'small' relates to the proportion of acid grassland when considering the acid grassland cover within the SECHNL as a whole. The coverage of acid grassland within the SECHNL has been estimated to be 442.91 ha using a combination of project survey data (acid grassland on the Phase 1 Mapping) and 'Priority Habitat Inventory – Lowland Dry Acid Grassland (England)' layer on MAGIC.gov.uk. Whilst 7.61 hectares (ha) of acid grassland would be affected (equating to 1.72 % of the total area within the SECHAONB), only 0.3 ha of this is priority habitat acid grassland.</p> |

| Reference | Matter | Point Raised | Applicant's Comments  |
|-----------|--------|--------------|---|
|           |        |              | <p>Regarding the timing considered in the assessment, the reinstatement of acid grassland is noted as taking comparatively longer to re-establish in the operational assessment (<b>Application Document 6.3.2.1.C ES Appendix 2.1.C Landscape Designation and Landscape Character Assessment [APP-097]</b>).</p> <p>The acid grassland enhancement measures are considered to compensate for the short term and temporary cumulative effects and provide further enhancement for the SECHNLP within the operational phase of the Proposed Project (as set out in Plate 3.1 within <b>Application Document 9.47 National Landscape Section 85 Duty Technical Note [REP1-120]</b>).</p> <p>Regarding open trenching, as noted in <b>REP3-064</b>, to HDD the small area of priority habitat acid grassland would involve extending the duration of works close to Sandlings SPA and Leiston-Aldeburgh SSSI. This was considered less desirable than the much shorter timescale of open trenching through the acid grassland.</p> |

**Table 15.6 Applicant's Comments on the Natural England Deadline 4 Response – Appendix J4 [REP4-195] – Kent Landfall**

| Reference   | Matter   | Point Raised  | Applicant's Comments   |
|---|--|---|--|
| <b>Kent Landfall – Benthic and Intertidal Ecology</b>                                     |  |   |  |
| <b>Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked)</b> |  |   |  |
| Commitment B59  | Natural England advises that the final Horizontal Directional Drill (HDD) Landfall Method Statement (LMS) and Drilling Fluid Management Plan (DFMP), should be agreed and signed off by the regulators in consultation with the relevant Statutory Nature Conservation Bodies (SNCBs). | This commitment should be included on the face of the Development Consent Order (DCO)/deemed Marine Licence (dML) if it isn't already. Furthermore, these documents should include the final HDD depth and landfall exit pit locations to ensure that potential impacts remain within the parameters assessed at the time of consent. | <p>Commitment B59 was updated in <b>Application Document 7.5.2 (B) Outline Offshore Construction Environmental Management Plan [REP4-223]</b> and <b>Application Document 9.84 (B) Register of Environmental Commitments (REAC) (Tracked) [REP4-234]</b> as follows:</p> <p>In relation to trenchless landfall works at both Suffolk and Kent, the contractor(s) will:</p> <ul style="list-style-type: none"> <li>• Notify Natural England (NE) of changes to landfall HDD depth or any changes to the location of landfall exit pit</li> <li>• The Undertaker shall prepare a HDD Landfall Method Statement and Drilling Fluid Management Plan, in consultation with NE, Kent Wildlife Trust (KWT), Royal Society for the Protection of Birds (RSPB), National Trust, and Thanet District Council, and submit the same for approval by the Marine Management Organisation (MMO) in accordance with the Cable Specification and Installation Plan prior to the commencement of any HDD activities.</li> <li>• Undertake HDD landfall hydrofracture modelling which is to be shared for information only with NE, KWT and RSPB when completed.</li> </ul> <p>References to the securing mechanisms for this commitment are included in <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> and <b>Application</b></p> |

| Reference   | Matter  | Point Raised   | Applicant's Comments  |
|---|---|--|---|
| <b>Kent Landfall – Benthic and Intertidal Ecology</b>                                     |   |  |   |
| <b>Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked)</b> |   |  |   |
|   |   |  | <b>Document 9.84 (C) Register of Environmental Commitments (REAC)</b> both submitted at Deadline 5.   |
| Commitment B60  | Natural England notes the proposed use of spotters for frac-outs.   | We refer the Applicant to advice provided in Appendix J3A of Natural England's Deadline 3A response and as above at B59 as the use of spotters for frac-outs should be also included within the HDD LMS and DFMP.  | The Applicant can confirm that the use of spotters for frac-out is included in Commitment B09. This commitment is included in <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> and <b>Application Document 9.84 (C) Register of Environmental Commitments (REAC)</b> both submitted at Deadline 5. It is also included in <b>Application Document 7.5.3 (B) Outline Onshore Construction Environmental Management Plan</b> also submitted at Deadline 5. The measures set out in B09 will be captured in the HDD LMS and DFMP as they all secured through the same mechanism.  |
| Commitment B61  | Natural England notes the proposed use of low-pressure pumps.   | Natural England highlights that this commitment should be updated to ensure that the low-pressure pumps will be handheld only.   | As stated in <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Clean) [REP4-241]</b> the Applicant has updated commitment B61 to include reference to handheld pumps. The updated commitment is included in <b>Application Document - 9.84 (C) Register of Environmental Commitments (REAC)</b> and <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> submitted at Deadline 5.   |
| Commitment B62  | Natural England note the proposal of surveys to inform the final HDD landfall documents.                        | Natural England welcomes surveys, but we advise that these should be used to inform the final HDD landfall docs (B59) and that the surveys specifications should be agreed and signed off by regulators beforehand, in consultation with the relevant SNCB.  | The Applicant notes the comments and confirms that Natural England are included as a consultee on all Outline Marine Plans within Condition 4 of the DML. This includes the final Offshore Construction Environmental Management Plan which outlines the Proposed Projects approach to any pre-installation surveys.  |
| Commitment B63  | Natural England notes the mention of ground investigation works.  | Natural England highlights that ground investigation works can have significant impacts/Adverse Effect on Integrity (AEoI) in their own right and this would be subject to a separate planning permission and/or Marine Licence application.   | The Applicant notes the comments. No further response required.   |
| Commitment B64  | Natural England has concerns that impacts to saltmarsh will not be avoided or mitigated with current proposals. | Natural England refers the Applicant to Appendix J3A of Natural England's Deadline 3A response [REP3A-028] and highlight that we do not believe that what has been proposed is sufficient to avoid impacts to saltmarsh habitats. We also highlight that in all other docs the commitments to avoid impacts to vegetation has been included. | The Applicant would like to highlight that Commitment B64 <b>Application Document - 9.84 (C) Register of Environmental Commitments (REAC)</b> and <b>Application Document 7.5.3 (B) Outline Onshore Construction Environmental Management Plan</b> submitted at Deadline 5 relates to impacts on ponds. This is an onshore commitment and is not relevant to saltmarsh habitat.<br>The Applicant has committed to several specific measures to avoid direct impacts on the saltmarsh habitat and minimise the potential for any indirect impacts. These measures are set out in (and will be secured through) <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan</b> , <b>Application Document - 9.84 (C) Register of Environmental Commitments (REAC)</b> and <b>Application Document 7.5.3 (B) Outline Onshore Construction Environmental Management Plan</b> submitted at Deadline 5 and <b>Application Document 9.92 (A)</b> |

| Reference                                      | Matter   | Point Raised | Applicant's Comments   |
|--|--|--------------|--|
| Kent Landfall – Benthic and Intertidal Ecology | Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked) |              | <p><b>Outline Cable Specification and Installation Plan (Outline CSIP) [REP4-090]</b></p> <ul style="list-style-type: none"> <li>• <b>B42</b> - Where HVDC cables cross saltmarsh habitat associated with the Thanet Coast &amp; Sandwich Bay SPA / Ramsar and Sandwich Bay SAC, they would be installed using a trenchless technique at the landfall to avoid direct impacts on the saltmarsh habitat.</li> <li>• <b>B59</b> - In relation to trenchless landfall works at both Suffolk and Kent, the contractor(s) will: <ul style="list-style-type: none"> <li>– Notify Natural England (NE) of changes to landfall HDD depth or any changes to the location of landfall exit pit</li> <li>– The Undertaker shall prepare a HDD Landfall Method Statement and Drilling Fluid Management Plan, in consultation with NE, Kent Wildlife Trust (KWT), Royal Society for the Protection of Birds (RSPB), National Trust, and Thanet District Council, and submit the same for approval by the Marine Management Organisation (MMO) in accordance with the Cable Specification and Installation Plan prior to the commencement of any HDD activities.</li> <li>– Undertake HDD landfall hydrofracture modelling which is to be shared for information only with NE, KWT and RSPB when completed</li> </ul> </li> <li>• <b>B61</b> - If pumps are used to flush saltmarsh vegetation in the event of a frac-out they will be hand held only and operated at low pressure.</li> <li>• <b>B62</b> - Prior to Horizontal Directional Drilling (HDD) works commencing, the undertaker will carry out phase 2 botanical surveys within the area of the proposed HDD route to support monitoring and mitigation of any impact of the HDD.</li> <li>• <b>B67</b> - To ensure there will be no vehicular or pedestrian access across the saltmarsh, access and egress of vehicles to the mudflats will be via the former hoverport with a buffer between the defined access route and the seaward (distal) limit of the saltmarsh. The locations and widths of access routes across the mudflats will be defined post consent in consultation with Natural England and Kent Wildlife Trust as appropriate and will be informed by a pre-construction saltmarsh habitat survey. All vehicles accessing the intertidal mudflats will be low pressure bearing.</li> <li>• <b>B68</b> - The Undertaker will prepare a Pegwell Bay Landfall Construction Method Statement prior to commencement of the landfall works in Kent, in consultation with Natural England and Kent Wildlife Trust as appropriate, covering marine cable pull-in and cable burial (including excavations)</li> </ul> |

| Reference   | Matter  | Point Raised   | Applicant's Comments  |
|---|---|--|---|
| <b>Kent Landfall – Benthic and Intertidal Ecology</b>                                     |   |  | <p>between Mean Low Water Springs (MLWS) and the Trenchless crossing exit pits.</p>   |
| <b>Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked)</b> |   |  | <ul style="list-style-type: none"> <li>• <b>B69</b> - Trenchless crossing exit pits in Pegwell Bay will be at least 105 m seaward from the edge of the saltmarsh. The temporary working area will be located at a minimum distance of 50 m from the edge of the saltmarsh.</li> <li>• <b>GH10</b> -The provision of a drilling fluid management plan, that includes drilling fluid breakout mitigation measures, where horizontal directional drilling is proposed. This plan will include consideration of potential impacts on nearby archaeological remains (both direct and indirect) as a result of drilling fluid breakout. The plan will be developed by the contractor and included within the Offshore and Onshore CEMPs. All relevant permits will be obtained or exemption/exclusions registered by the Main Works Contractor(s) for the use of drilling fluids / additives, as applicable.</li> <li>• <b>LVS05</b> - Drilling fluids required for trenchless operations will be carefully managed to minimise the risk of breakouts into the marine environment. Specific avoidance measures would include: <ul style="list-style-type: none"> <li>– the use of biodegradable drilling fluids (pose little or no risk (PLONOR) substances) where practicable;</li> <li>– drilling fluids will be tested for contamination to determine possible reuse or disposal; and</li> </ul> </li> </ul> |
|   |   |  | <p>If disposal is required drilling fluids would be transported by a licensed courier to a licensed waste disposal site.</p>  |
| Commitment B67  | <p>Natural England does not believe this commitment will be sufficient to protect vegetation.</p> | <p>Please see Appendix J3A of Natural England's Deadline 3A response [REP3A-028] for further rationale.</p>  | <p>As set out in the response above, Commitment B67 forms part of a wider suite of measures that have been identified to protect the saltmarsh habitat. These measures are secured in <b>Application Document 7.5.2 (C) Outline Offshore Construction Environmental Management Plan, Application Document - 9.84 (C) Register of Environmental Commitments (REAC)</b> and <b>Application Document 7.5.3 (B) Outline Onshore Construction Environmental Management Plan</b> and <b>Application Document 9.92 (B) Outline Cable Specification and Installation Plan (Outline CSIP)</b> all submitted at Deadline 5. The Applicant maintains that with the implementation of the suite of measures listed above, impacts on the saltmarsh habitat will be avoided.</p>   |
| Commitment B68  | <p>Inclusion of the final LMS within the DCO/DML.</p>   | <p>Whilst early engagement through our Discretionary Advice Service on Pegwell landfall is welcome; we advise that the final LMS should be a named plan on the DCO/dML and that this should be agreed and signed off by the regulator in consultation with the relevant SNCBs prior to construction.</p> | <p>The Applicant confirms that the current Outline Offshore Construction Environmental Management Plan (Application Document 7.5.2) which is currently being update for Deadline 5 includes all the relevant information for landfall activities. A separate Landfall Management Plan is therefore not required. This follows the same approach as recent DCOs in the wider area including Five Estuaries and North Falls.</p>  |

| Reference   | Matter  | Point Raised   | Applicant's Comments  |
|---|---|--|---|
| <b>Kent Landfall – Benthic and Intertidal Ecology</b>                                     |   |  |   |
| <b>Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked)</b> |   |  |   |
| Commitment B69  | Natural England is concerned that 50m separation between landfall works and saltmarsh is insufficient.  | Please see further advice in Appendix J3A of Natural England's Deadline 3A response [REP3A-028].   | The Applicant has responded to this issue previously within <b>Application Document 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Clean) [REP4-241]</b> .  |
| Commitment MPE02  | Natural England has concerns in relation to the evidence base to support seabed level lowering predictions of 1.5m.   | Please see further advice in Appendix J3A of Natural England's Deadline 3A response [REP3A-028].   | The Applicant confirms it has responded in detail to this question within AP74 <b>9.90 (A) Applicant's Response to Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) [REP4-086]</b> .  |
| Commitment BE05   | Natural England notes that mitigation for Natural Environment and Rural Communities (NERC) Habitats is included as part of the unexploded ordnance (UXO) and/or engineering monitoring. | Natural England advises that any mitigation should commit to avoiding NERC Habitats as part of specific benthic monitoring and not as part of the UXO and/or engineering monitoring. In addition, a final mitigation plan should be agreed and signed off by the MMO in consultation with the relevant SNCB. | <p>The Applicant confirms that the following surveys will be undertaken prior to installation as already secured within the Offshore Construction Environmental Management Plan (<b>Application Document 7.5.2</b>) and Outline Cable Specification and Installation Plan (<b>Application Document 9.92</b>) under Condition 4 of the DML, which have been updated and submitted at Deadline 5:</p> <ul style="list-style-type: none"> <li>• Bathymetry: Multi-Beam and Single Beam Echo Sounders (MBES and SBES) to record water depth, prepare a three dimensional (3D) digital terrain model of the seabed, and to identify relevant bedforms/confirm areas of mobile sediments.</li> <li>• Side Scan Sonar (SSS): Mapping of the seabed surface and identification of sediment types. Obstacles lying on the seabed, such as wrecks, debris, pUXO, and surface-laid or exposed pipelines and cables that might impede cable installation can be identified from the SSS outputs.</li> <li>• Sub-Bottom Profiling (SBP): Directing a pulse of acoustic energy into the seabed and using reflections from the sub-surface geology to assess the thickness, stratification, and nature of the seabed sediments.</li> <li>• Magnetometer/Gradiometer: Passively detect magnetic anomalies compared to the earth's magnetic field. Such anomalies can be caused by geological faults and buried metallic objects such as pUXO, pipelines, cables and archaeological features.</li> <li>• Benthic Ecology: Drop Down Video or Remotely Operated Vehicle (ROV) mounted cameras may be used to confirm the locations and extents of sensitive benthic habitats or features. This would inform micro-routeing of submarine cable systems to avoid or minimise interactions with these features in so far as practicable.</li> <li>• Geotechnical: Vibrocore and Cone Penetration Test (CPT) samples may be obtained to inform engineering method decisions, micro-routeing and installation tool selection at specific locations. This would verify whether</li> </ul> |

| Reference   | Matter                            | Point Raised   | Applicant's Comments   |
|---|-----------------------------------|--|--|
| <b>Kent Landfall – Benthic and Intertidal Ecology</b><br>Document reviewed: [REP3-077] 9.83 Outline Code of Construction Practice (Tracked) |                                   |  |  |
|   |                                   |  | ground conditions are suitable for cable trenching as well as to assess the existing Ground Model from the seabed sediments with regard to engineering of crossing structures and trenching equipment intended to be used. <ul style="list-style-type: none"> <li>Visual inspection by ROV might be required of submarine assets to be crossed.</li> </ul>   |
| Commitment BE06   | Marine and intertidal monitoring. | Natural England advises that all marine and intertidal monitoring should be agreed and signed off by the MMO in consultation with the relevant SNCB prior to construction. And as part of the consenting process an Offshore In Principle Monitoring Plan should be submitted which includes hypothesis to be tested by the monitoring, including understanding whether residual concerns for NERC habitats are significant. | Pre-commencement surveys will be undertaken to inform the final routing with the Order Limits for the marine cable burial. As detailed in commitments BE05 and BE05 of the REAC [ <b>Application Document 9.84 (B) Register of Environmental Commitments (REAC) (Tracked) [REP4-234]</b> ] where benthic habitats of principal importance are identified during these pre-construction surveys, and there is potential for an impact on these habitats, the Applicant will prepare a Benthic Mitigation Plan and an In-Principle Monitoring Plan (IPMP) in consultation with the MMO and SNCBs to verify the accuracy of predicted residual impacts on these habitats. |

**Table 15.7 Applicant's Comments on the Natural England Deadline 4 Response [REP4-197] – Risk and Issue Log**

| Reference   | Matter | Point Raised | Applicant's Comments |
|---|--------|--------------|----------------------|
| Responses to Natural England's Risk & Issues Log submitted at Deadline 4 are provided within Application Document 9.121.1 Applicant's Comments on Other Submissions Received at Deadline 4 - Appendix A |        |              |                      |

# 16. Applicant's Comments on the Submission from Corporation of Trinity House of Deptford Strond

## 16.1 Introduction

16.1.1 Table 16.1 summarises the Applicant's comments on Corporation of Trinity House of Deptford Strond Deadline 4 Response [REP4-204].

16.1.2 Table 16.2 summarises the Applicant's comments on Corporation of Trinity House of Deptford Strond Deadline 4 Response [REP4-205].

**Table 16.1 Applicant's Comments on the Corporation of Trinity House of Deptford Strond Deadline 4 Submission [REP4-204]**

| Reference  | Matter | Point Raised | Applicant's Comments |
|--|--------|--------------|----------------------|
| <b>Comments on Statement of Common Ground Version C</b>  |        |              |                      |
| The Applicant confirms that it has reviewed and updated its position within <b>Application Document 7.4.12</b> and re-submitted at Deadline 5 in line with feedback received from Trinity House. |        |              |                      |

**Table 16.2 Applicant's Comments on the Corporation of Trinity House of Deptford Strond Deadline 4 Submission [REP4-205]**

| Reference  | Matter                                   | Point Raised   | Applicant's Comments   |
|--|--|--|--|
| <b>draft Development Consent Order (Version F) responses</b> |  |  |  |
| N/A  | Arbitration                              | With regard to 'Arbitration', as provided for in Part 6, s.62 of the draft DCO, Trinity House requests that the wording be amended to reflect the 'Savings Provisions for Trinity House' clause as follows:<br><br><p><i>“(1) Subject to article 55 (procedure regarding certain approvals, etc.) <b>article 42 (savings provisions for Trinity House)</b> and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.</i></p> <p><i>(2) For the avoidance of doubt, any matter for which the consent or approval of the Secretary of State or the MMO or <b>Trinity House</b> is required under any provision of this Order is not subject to arbitration.”</i></p> | The Applicant confirms that the DCO/dML submitted at Deadline 5 has included these requested amendments. |
| N/A  | Pre-Construction Plans and Documentation | With regard to 'Pre-Construction Plans and Documentation', as provided for in Schedule 16, Part 2, s.4 of the draft DCO, Trinity House requests that they be added as a consultee under subsection (1), so that it may read: “.....(in consultation with   | The Applicant confirms that the DCO/dML submitted at Deadline 5 has included these requested amendments. |

| Reference | Matter             | Point Raised   | Applicant's Comments   |
|-----------|--------------------|--|--|
|           |                    | <p>Natural England, the JNCC, MCA, <b>Trinity House</b>, the Environment Agency and Cefas)".</p> <p>We further request that subsection (1)(h) be amended to read: "...is provided by the MMO, <b>in consultation with Trinity House</b>".</p> <p>We additionally request subsection (6) be amended to read: "...unless agreed with the MMO in writing, <b>in consultation with Trinity House</b>". We would further respectfully suggest that the MCA ought to be a consultee in this regard, but would suggest this question be directed to them for a comprehensive and authoritative answer.</p>  |  |
| N/A       | Aids to Navigation | <p>With regard to 'Aids to Navigation', as provided for in Schedule 16, Part 2, s.7 of the draft DCO, Trinity House requests that the pre-agreed time limits be applied to bring the clause in line with the standard navigation conditions, such that subsection (3)(a)-(c) may read: "</p> <p>(a) Notice of commencement of construction of the authorised development, within <b>24 hours of commencement having occurred</b>;</p> <p>(b) Notice, <b>within 24 hours</b>, of any aids to navigation being established or replaced by the undertaker; and</p> <p>(c) Notice, <b>within 5 days</b>, of completion of construction of the authorised development."</p>   | The Applicant confirms that the DCO/dML submitted at Deadline 5 has included these requested amendments. |
| N/A       | Force Majeure      | <p>With regard to 'Aids to Navigation', as provided for in Schedule 16, Part 2, s.9 of the draft DCO, Trinity House requests that the clause be amended to include <b>Trinity House</b>, such that it shall read: "(1) If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO and <b>Trinity House</b>".</p> <p>We would further politely suggest that the MCA and UKHO perhaps ought to be within scope of this clause. However, again, we would suggest this question be directed to them for a comprehensive and authoritative answer.</p> | The Applicant confirms that the DCO/dML submitted at Deadline 5 has included these requested amendments. |
| N/A       | Post Construction  | <p>With regard to 'Post Construction', as provided for in Schedule 16, Part 2, s.14 of the draft DCO, Trinity House requests that the clause be amended to include Trinity House, such that subsection (1) shall include Trinity House: "The undertaker must submit to the MMO <b>and Trinity House</b> within three months of completion of licensed activities, an 'as built' plan which will display".</p> <p>We would also request subsection (3) be amended such that it shall read: "...in consultation with the MCA and <b>Trinity House</b>".</p> <p>We would further request subsection (7) be amended to read: "...and details of new or changed aids to navigation where applicable and agreed with <b>Trinity House</b>".</p>  | The Applicant confirms that the DCO/dML submitted at Deadline 5 has included these requested amendments. |

## References

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