



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Sea Link Energy Cable

**Appendix K5 to the Natural England Deadline 5 Submission.
Natural England's comments on the Examining Authority's Written Questions 2 [PD-
021]**

For:

The construction and operation of Sea Link Energy Cable, located between the Suffolk and Kent Coasts in the Southern North Sea.

Planning Inspectorate Reference EN020026

11th March 2026

Table 1: Natural England’s response to the Examining Authorities Questions 2 [PD-021]

ExQ2 Ref No	Question to:	Question	Answer
General			
2GEN2	All Parties	<p>Need: The need for the project was explored at ISH1. Several parties have made submissions requesting that the topic of need be discussed again at a future ISH. The ExA reminds all parties that the examination is a predominately written process. Due to the highly technical nature of need as a topic and the necessity for considered responses to questions, the ExA's current view is that it will be most assisted by examining the evidence in writing. To date the ExA has received extensive evidence on the topic of need, both orally and in writing, and is carefully considering the cases of the parties. If any party has any new or additional evidence, they believe is important and relevant to the examination of need, we ask that it is submitted for DL5 in order to allow a fair opportunity for all parties to comment on each other's submissions</p>	Natural England has no comment to make on this topic.
2GEN3	Natural England (NE)	<p>Kent landfall Clarify your concerns about the applicant's screening out of Likely Significant Effects (LSE) pathways to European sites at the Kent landfall, as summarised in Ex1.4.5 of the HRA Report [REP4-057]. The pathways described are temporary physical disturbance, underwater sound impacts, permanent loss of benthic habitat and species, and disturbance due to thermal emissions. Confirm which sites, qualifying features and LSE pathways are of concern, and what further detail you consider is needed to address your concerns (if these have not been dealt with by the applicant's responses in [REP4-241])</p>	Please see our response to Q2MO5 and Q2PE4.

Draft Development Consent Order			
2GEN26	All Parties	<p>New requirements and conditions</p> <p>Notwithstanding any questions below, highlight and provide specific wording for any commitments currently included in the REAC [REP4-235] that you believe should be secured as requirements or conditions on the face of the order.</p>	<p>B59, B66 - B70 cover works and mitigations for the saltmarsh and intertidal works. However, we query if an intertidal works plan should be secured through condition in the Deemed Marine Licence (DML) as the final works plans may need further adjustment of mitigation based on the latest information on the site and the final work methodologies. We suggest addition to DML Part 2 Condition 4 (1) (a) an intertidal works methodology and mitigation plan.</p> <p>Natural England also highlights that the REAC doesn't recognise NE's regulatory role at the landfall locations and the statutory requirement for competent authorities to have regard to our advice when discharging conditions. Therefore, we have advised in several of our Deadline 5 Appendices the need to consult with NE prior to construction.</p>
Landscape and Visual			
2LVIA1	NE	<p>Suffolk & Essex Coast and Heaths Area of Outstanding Natural Beauty (AONB) Provide updated comments in response to the applicant's additional information received at DL4, including the Applicant's responses to ISH2 Action Points [REP4-087], The Planning Statement Addendum [REP4-092] and applicant's comments on responses to ExQ1 [REP4-083].</p>	<p>Natural England notes the additional information highlighted by the ExA. We advise that the information does not alter our advice regarding outstanding issues with respect to Landscape and Visual Impacts which we have highlighted Rep4-194 Appendix H.</p> <p>We note and welcome that the ExA has included a number of questions which relate to Natural England's outstanding issues within ExQ2.</p>
2LVIA5	NE	<p>Acid grassland on land west of Leiston Road Applicant: Clarify the areas of existing acid grassland that would be affected by the proposed development and reinstated. Provide further assessment of the complexity of the habitats that</p>	<p>Natural England advises that if the habitat is under managed or inappropriately managed this will affect the quality of Priority habitats, but they remain priority habitats.</p>

		<p>would be affected, including the risks of reinstatement and the time taken to reach functionality. Include in this clarification whether works that have already been carried out to the golf course within the order limits have affected its quality as acid grassland and its reinstatement potential. For example, it is stated that the land has been affected by the golf course extension which has resulted in disturbance and reprofiling. Provide further detail, including a plan, as to the extent to which land within the order limits has been directly affected by the golf course extension. Clarify whether the 4.05ha of land within the extended golf course will be able to be reinstated as acid grassland if it is to be used as a golf course. Clarify how the land within the extended golf club will be restored to a higher quality than its current position. As the area of temporarily affected acid grassland is estimated by the applicant to be 7.06ha in [REP1-120], explain why only 6ha is provided as mitigation/compensation/ enhancement.</p> <p>NE: Paragraph 5.3.1 of the Suffolk outline Landscape and Ecological Management Plan (oLEMP) [REP4-065] suggests that good quality acid grassland is a priority habitat under the Natural Environment and Rural Communities (NERC) Act 2006. Clarify whether the quality of acid grassland affects whether it should be considered a UK Biodiversity Action Plan Priority Habitat, as suggested by the applicant.</p>	
2LVIA10	Applicant, ESC, SCC, SEAS and other relevant stakeholders	<p>Cumulative effects on the AONB</p> <p>Applicant: The updated assessment of effects on the sub-factors of the special qualities and natural beauty indicators set out in the Planning Statement Addendum [REP4-092] is welcomed. The cumulative assessment provided in table 4.1 of the National Landscape Section 85 Duty Technical Note [REP1-</p>	<p>It is not clear where compensation for significant cumulative impacts has been addressed.</p> <p>The <i>National Landscape Section 85 Duty Technical Note [REP1-120]</i> relates to compensation for acid grassland loss during</p>

		<p>120] is only in relation to the indicators rather than the sub-factors. Provide a more detailed cumulative assessment in relation to the sub-factors for the natural beauty indicators and special qualities indicators with a greater level of detail as to the factors that have led to the conclusions for each indicator and the magnitude of the effect. Where a temporary significant adverse effect is identified, specify the likely duration of the temporary effect and whether any avoidance, mitigation or compensation measures could be identified that would reduce the magnitude of the effects.</p> <p>ESC, SCC, SEAS and other relevant stakeholders: Suggest potential mitigation or compensation measures for the likely significant cumulative effects on the special qualities and natural beauty of the AONB, as identified in table 4.1 of [REP1-120].</p>	<p>construction and is limited to 10 years. We continue to raise concerns regarding the lack of clarity on the multifunctional use of this area of land.</p> <p>Natural England continues 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. And where impacts can't be avoided every effort should be made to reduced impacts as much as possible.</p> <p>The mitigation hierarchy is considered at all stages of the Levelling-up and Regeneration Act 2023 duty in order to first avoid impacts to Protected Landscapes.</p>
Ecology and Biodiversity			
2ECOL5	NE, RSPB, Local authorities	<p>Unexploded Ordnance (UXO) Explain whether the proposed approach to UXO outlined in the applicant's response to ISH2 AP16 [REP4-086] is sufficient to ensure that potential effects on the designated sites could be appropriately mitigated.</p>	<p>Natural England welcomes the Applicant's commitment to avoid UXO by choosing a drill depth which avoids interacting with any UXO. However, we are aware that where UXO are found in the terrestrial environment that as a matter of public safety the MOD's policy is to detonate in situ. Therefore, should this be the case we welcome any opportunities where this can be avoided and/or the effects minimised. Where this is not possible then we would welcome commitments by the Applicant to include Natural England in the real time discussions to reduce impacts and make good and enhance the habitats going forwards.</p>

2ECOL6	Applicant, NE	<p>Ground Investigations</p> <p>Applicant: NE appendix J4 [REP4-195] notes that ground investigation works can have significant impacts or adverse effect on integrity (AEol) and suggests that works would be subject to separate permissions. As the dDCO [REP4-217] schedule 1, part 1, section 2 includes reference to surveys, confirm whether a separate permission would still be required from NE?</p> <p>NE: The ExA notes your advice that ground investigations can result in AEol [REP4-195] but that the applicant confirmed any further ground investigation at Kent landfall would be subject to a separate marine licence from the Marine Management Organisation (MMO), on which NE would be consulted. Are you satisfied that this activity would fall outside of the DCO and therefore that there would be no AEol of the Sandwich Bay Special Area of Conservation (SAC) from this pathway? The ExA is also unclear as to NE's outstanding concerns about drilling activity for the SAC, as [REP3A-028] does not appear to include advice on this matter. Please clarify NE's outstanding concerns.</p>	<p>Based on the information included within the application, Natural England is unable to advise on the scale and significance of potential ground investigations. However, Natural England is satisfied that the ground investigation works would be subject to separate licensing which, where required, would include a Habitats Regulations Assessment (HRA) and/or Marine Conservation Zone (MCZ) assessment. These assessments would consider impacts both in their own right and in combination with this plan or project, and Natural England would be consulted by the competent authority as part of that process. However, Natural England continues to highlight that if the ground investigations indicate that modifications to installation techniques are required, and adverse effects on integrity (AEol) and/or significant impacts cannot be ruled out at that stage, then a material change to the Development Consent Order (DCO) may be required.</p>
2ECOL11	NE	<p>Sandlings SPA – acid grassland The applicant responded to NE's concerns regarding Sandlings SPA in ([REP2-034], table 2.8]). It updated the HRA Report to clarify the impacts to acid grassland within Sandlings SPA and to adjacent functionally linked land. It also confirmed that the acid grassland enhancement was not being proposed as mitigation for loss of functionally linked land for Sandlings SPA</p>	<p>Natural England recognises that the Applicant is not relying on acid grassland enhancement for loss of functionally linked land. However, acid grassland enhancement is used in the report as justification for the conclusion of no AEol. We advise that the need for clearer information regarding the indirect impacts of noise and lighting on the FLL and clear audit trail of the temporary</p>

		and that the assessment did not rely on its provision to conclude no AEoI. NE's Risk and Issues log ([REP4-197], point 20, tab A) shows this matter to still be outstanding. Does NE consider there to be an AEoI to the Sandlings SPA as a result of impacts on acid grassland. If so, provide reasoning.	nature of the impact in order to substantiate conclusions, and that impacts to nightjar are more clearly incorporated. Please see Appendix H3 to our Deadline 3 submission [REP3-120]
2ECOL12	RSPB, Local authorities, NE	Updated wintering bird survey Comment on the applicant's statement in [REP4-241] that "since the North Warren RSPB Reserve is being treated as a sensitive receptor, the Applicant does not consider that updated information regarding the number and distribution of wintering birds within the Reserve is required, particularly since RSPB have good data for their Reserve."	Natural England agrees with the statement made by the Applicant.
2ECOL13	NE, RSPB, Local authorities	Suffolk Wintering Bird Survey Report Provide any further comments on the assessment of effects on wintering birds, based on the updated Suffolk Wintering Bird Survey Report appendix 2.2.b [REP4-037]	Natural England does not have any further comments or concerns based on the updated Suffolk Wintering Bird Survey Report appendix 2.2.b [REP4-037] .
2ECOL21	Applicant, Local authorities, NE	Impact of pylon base installation Table 9.23 of Kent chapter 9 noise and vibration [AS-111] identifies use of pad foundations for pylon construction as an example means of achieving 10 to 20dB reduction in noise levels. Should this measure be secured to reduce noise and vibration effects on bird species in Kent?	Table 9.24 of Application Document AS-111 provides 'Examples of Construction Noise Mitigation Measures' but does not detail how the 'likely attenuation' levels will be achieved. Whilst Natural England welcomes the possible noise attenuation that can be achieved with mitigation measures, we would recommend that greater clarity and certainty is provided on what level of noise attenuation will be achieved and the measures that will be secured to deliver these.
2ECOL26	Applicant, NE	Effects on European sites from release of contaminants and debris	Natural England advises it is for the Applicant to assess the level of risk. However, even with

		<p>Applicant: Respond to NE’s concerns about release of contaminants and debris arising from use of the hoverport for access to the intertidal area, including the potential to affect designated sites and their qualifying features. In doing so, present analysis of publicly available evidence from Vattenfall and Thanet Extension projects. Confirm how you propose to mitigate any risks identified from this pathway and update assessment work (ES and HRA) as relevant.</p> <p>NE: Regarding the new issue [REP4-191] of release of contaminants and debris arising from use of the hoverport to access the intertidal area, confirm which European sites and qualifying features you consider could be subject to likely significant effects. Advise on any potential mitigation the applicant could implement to address this matter, and whether you consider it is possible to avoid an AEol of the European sites.</p>	<p>‘protective matting and/or structure’ to contain debris and avoid cracking the concrete, it is not clear how the structural integrity of the hover pad will be affected by intensive vehicular traffic.</p> <p>Coal-contamination is known to increase water acidity and levels. There is also a risk of releasing toxic heavy metal i.e., arsenic, mercury, and lead into groundwater and fluvial systems. Which could, depending on the concentrations, significantly affect ecosystems and features of the Sandwich Bay to Hacklinge Marshes SSSI, Thanet Coast SSSI, Sandwich Bay SAC, and Thanet Coast and Sandwich Bay SPA and Ramsar. But until further information is provided by the Applicant, we are unable to advise further.</p>
2ECOL27	NE	<p>Lighting of cofferdams</p> <p>NE: Does NE agree with the applicant’s response table 3.1 [REP4-241] that lighting of the cofferdam in the intertidal area would not result in AEol, as it would be focused only on the intertidal area. If not, explain what further assessment NE considers is necessary to assess such disturbance effects as suggested in appendix J3a [REP3A-028]</p>	<p>Natural England advises that bats forage in the intertidal areas off Kent. Species include the Daubenton's bat, which hunts for insects over water, and the Nathusius' pipistrelle, which migrates through the area. These and other bat species frequently inhabit coastal wetlands, marshes, and areas with available, sheltered water for foraging. Therefore, Natural England advises that mitigation measures to reduce light disturbance within the intertidal are required between April and October.</p>

2ECOL29	KWT, Local authorities, NE	<p>Hoverport access – reptiles</p> <p>In light of the acknowledged presence of reptiles within the hoverport, should two stage clearance of any vegetation, or other measure, be secured as a REAC or oLEMP provision and if not, why not?</p>	<p>Natural England would direct the Examining Authority to our Protected Species Standing Adviceⁱ in relation to the mitigation required. Where mitigation measures are needed, these should be secured through the appropriate control documents.</p> <p>We also refer the Applicant to the KWT response [REP3-092] regarding reptiles for 1ECOL6</p>
2ECOL48	Local authorities, NE	<p>REAC provision B55</p> <p>Are the local authorities and NE satisfied with the commitment in REAC [REP4-235] provision B55 to “making the lines visible in adverse weather or low light conditions” or should specific reference be made to night time? The ExA has considered the applicant’s response to ISH2 AP24 [REP4-086] but considers that based on plain English, ‘low light’ may not be inclusive of the night period.</p>	<p>Natural England notes and supports the ExA's consideration of the wording of the REAC, that provision B55 should explicitly state that the bird diverters will be effective at night- time and low lighting conditions.</p> <p>In addition, Natural England would be supportive of further consideration being made to install bird diverters to existing overhead cables to reduce the risk of collision</p>
2ECOL50	NE	<p>Bird diverters</p> <p>Appendix K4 [REP4-196] states that NE does not consider there to be any need for additional diverters to be fitted to other lines in the area. Can NE expand on its reasoning for this?</p>	<p>Natural England’s previous advice was based upon the Habitats Regulations Assessment and not impacts to wider bird species, including the breeding birds associated with the Sandwich Bay to Hacklinge Marshes SSSI.</p> <p>Natural England would be supportive of further consideration being made to install bird diverters to existing overhead cables to reduce the risk of collision.</p>

			We apologise for any confusion that our previous advice may have caused.
2ECOL51	Applicant, NE, KWT RSPB	<p>REAC provision B59</p> <p>Applicant: The applicant's Comments on Other Submissions Received at DL3 and DL3A [REP4-241] suggests that contractor(s) would prepare a HDD landfall Method Statement and Drilling Fluid Management Plan in consultation with NE, KWT and the RSPB "as appropriate". Can the applicant explain what is meant by "as appropriate" in this context.</p> <p>Other parties: Comment on this caveat.</p>	<p>Natural England advises that a final Landfall Method Statement and Drilling Fluid Management Plan are requirement of the DCO/dML which will require regulatory sign of prior to construction.</p> <p>Natural England advises that as the regulator for SSSIs and a statutory nature conservation body responsible for the designated sites impacted, we would consider ourselves to be an appropriate body to consult. We advise this should be appropriately secured within the draft DCO/DML and worded to ensure no ambiguity on the need for consultation of the relevant SNCB and that the final approval of the plan would rest with an appropriate regulatory regulator.</p> <p>Please see further advice provided in Appendix E5 of our Deadline 5 submission.</p>
2ECOL52	NE	<p>REAC provision B67 - use of low pressure vehicles</p> <p>The applicant has committed to use of low pressure vehicles across the intertidal area in REAC provision B67 [REP4-235] and further consultation with NE and others regarding routes. Does this alleviate your concerns that further measures should be considered to reduce</p>	<p>Natural England notes that the REAC is secured through requirement. However, consultation on the final installation methodology and mitigation should be further secured through condition in the DML, see response to 2GEN26. Please also see Appendix E5 to our Deadline 5 Submission where further detail can be found.</p>

		impacts to intertidal habitats and sediment compaction?	<p>We also note that the Applicant has suggested in their response to the ExA during ISH2 as summarised in REP4-085, Table 2.1. <i>The risk of increasing contamination from leaching of coal beneath the concrete apron would only exist if the Applicant further damaged that concrete apron, exposing more coal. Precondition surveys will be undertaken for all work areas, including the hoverport, and protective measures such as track matting and structures will be used to protect both vehicles and the surface, as it is not the intention of the Applicant to track over broken and fragmented concrete which would be a health & safety issue as well as an environmental issue. Condition surveys will be undertaken for all work areas, including the hoverport, and protective measures such as track matting and structures will be used to protect both vehicles and the surface condition.</i>" Please see our advice on this included in Appendix L of our Deadline 4 submission, Point 4.</p>
2ECOL53	NE, KWT, RSPB	<p>Frac out effects - Kent</p> <p>All parties: Are the applicant's measures in the REAC [REP4-235] sufficient to manage frac out and exclude AEol for the Sandwich Bay SAC, Thanet Coast SAC and Thanet Coast and Sandwich Bay SPA & Ramsar site from changes in marine water quality or pollution by drilling fluid. If not, confirm what further commitments you</p>	<p>Natural England acknowledges that Martlesham creek is not subject to wave action, the reference to EA ONE frac-out was to demonstrate potential temporal significance, of bentonite remains in areas of supporting habitats for foraging birds. Natural England highlights the difference between being able to easily remove something and being able to remove without</p>

		<p>consider are needed.</p> <p>NE: With regards to the impacts of frac out, the applicant (table 3.6 [REP4-241]) considers that the HDD location for East Anglia One was a constrained environment with little coastal wave action, which is not comparable with Pegwell Bay. It noted that the saltmarsh in Pegwell Bay is dry 50% of the time and frac-out could be easily removed. Does this alleviate NE's concerns regarding the impacts of frac out on the supporting habitats of the Thanet Coast and Sandwich Bay SPA?</p>	<p>damage to supporting habitats. Please see advice provided in Appendix E5 to our Deadline 5 submission where we highlight the need to secure requirements/commitments to sign off final CSIP, Landfall Method Statement and Drill Fluid Management Plan prior to construction is essential to ally our concerns.</p>
Marine Physical Environment			
2PE3	Applicant, NE	<p>Appendix D4 – comments on baseline characterisation</p> <p>NE's Appendix D4 [REP4-191] makes a number of comments regarding the need for robust characterisation of the baseline. The applicant should meet with NE to confirm the exact requirements for any outstanding assessment and either provide the updated assessment information or a technical note justifying why this is not necessary.</p>	<p>Natural England would welcome the opportunity to discuss the baseline characterisation and impact assessment for the hoverport change request area in Pegwell Bay with the Applicant. Please also note that we have provided further comments on the hoverport-intertidal access route in Appendix D5 to our Deadline 5 submission. And have set out in our R&I log at Deadline 5 how we believe that outstanding issues could be resolved.</p>
2PE4	NE	<p>Maximum design scenarios</p> <p>The ExA notes NE's concerns [REP4-191] about the MDS for construction phase coastal and marine processes impacts as considered in the Marine Chapter 1 Physical Environment [REP4-027] and its advice that these impacts need to be</p>	<p>Natural England welcomes the Applicant's updates to [REP4-027], [REP4-058] and other relevant documents at Deadline 4. We have reviewed these updates and signpost the ExA to our advice in Appendix D5 of our Deadline 5 submission.</p>

		<p>quantified to inform assessment in the HRA [REP4-057]. Confirm if the applicant's updates to [REP4-027] address your concerns about the MDS. If not, advise what further detail is needed. Also confirm whether NE agrees with the applicant's conclusions of no AEoI of Sandwich Bay SAC, Thanet Coast SAC and Thanet Coast and Sandwich Bay SPA & Ramsar site in the HRA Report [REP4-057] for pathways arising from coastal and marine process impacts following the applicant's updates</p>	<p>Natural England's concerns regarding marine physical processes relate primarily to impacts on intertidal/shallow subtidal mudflats and saltmarsh features which provide supporting habitat to Thanet Coast and Sandwich Bay SPA & Ramsar. We have outstanding concerns regarding the following:</p> <ul style="list-style-type: none"> • Migration of the River Stour channel and Shell Ness towards the cable route • Potential risk of cable exposure and need for remedial works through lifetime of the Project • Potential blockage effects due to the presence of cofferdams in the intertidal • Disturbance of intertidal mud/sand flats due to movement of heavy construction plant/vehicles using hoverport access route • Potential release of contaminants from the hoverport site into coastal sediments/waters. • Lack of empirical evidence from previous cable installations to demonstrate recovery and associated timescale. • Potential cumulative impacts.
Benthic Ecology			
2BE3	NE	<p>Thanet Coast SAC</p> <p>The applicant has responded to NE's remarks in relation to the sensitivity of Thanet Coast SAC reef biotopes on page 58 of the updated Part 4</p>	<p>Natural England draws your attention to Appendix E5 to our Deadline 5 submission where we confirm that the sensitivity of reef features of Thanet SAC has been updated, but we note there has been no update to the</p>

		Marine Chapter 2 Benthic Ecology [REP4-029]. Is NE satisfied with this re-assessment with use of a medium sensitivity? If so, is NE content that the proposed development would not have any likely significant effects on the benthic aspects of Thanet Coast SAC?	assessment therefore this remains unresolved on our Risks and Issues log.
2BE4	NE	<p>Seabed disturbance – Thanet Coast SAC</p> <p>The ExA notes that you have raised concerns [REP3-118] about how the applicant has calculated the total area of intertidal seabed disturbance during construction and the potential for this to be underreported, in the context of potential LSE from temporary disturbance to Thanet Coast SAC. Noting that the applicant confirmed that the footprint of seabed disturbance does not intersect with the SAC qualifying features, the ExA requests clarification of your concerns and if these relate to suspended sediment concentration and sediment deposition, which have been separately assessed in the applicant’s HRA?</p>	Natural England is unclear where the reference to Thanet Coast SAC has come from. At point 2 of [REP3-118] we have advised that the total footprint of impact on the intertidal supporting habitats is unknown and that will have implications for the HRA for Thanet Coast and Sandwich Bay SPA/Ramsar. This advice remains unchanged.
2BE5	NE	<p>Potential effects from temporary disturbance on Thanet Coast SAC</p> <p>The ExA notes that you have raised concerns [REP3-118] about how the applicant has calculated the total area of intertidal seabed disturbance during construction and the potential for this to be underreported, in the context of potential LSE from temporary disturbance to Thanet Coast SAC. Noting that the applicant</p>	Natural England refer the ExA to the response above at 2BE4

		confirmed that the footprint of seabed disturbance does not intersect with the SAC qualifying features [REP4-057], the ExA requests clarification of your concerns and if these relate to suspended sediment concentration and sediment deposition, which have been separately assessed in the applicant's HRA?	
2BE8	NE, MMO	<p>In principle monitoring plan for benthic</p> <p>The applicant states [REP4-241] that given that no likely significant effects had been identified for benthic ecology, and there are no requirements for additional mitigation or any areas of uncertainty/data gaps, no specific offshore receptors have been identified at this stage that would require further monitoring. The applicant therefore considered that an outline in principle monitoring plan (IPMP) is not required for benthic ecology. Do you agree with these points made by the applicant? If not please explain why.</p>	Natural England doesn't agree with Applicant in relation to the need for an Outline IPMP please see Point 3 of Appendix D5 and Point 31 of our Appendix E5 to our Deadline 5 submissions. In addition, monitoring requirements are highlighted throughout these Appendices.
2BE9	Applicant, NE, MMO	<p>Benthic mitigation</p> <p>Under BE05 and BE06 of the REAC [REP4-235] it is understood that where benthic habitats of principal importance are identified during pre-construction surveys and there is potential for an impact on these habitats, the applicant would prepare a Benthic Mitigation Plan and an IPMP.</p> <p>For NE and MMO:</p> <p>These commitments state that these plans would be prepared in consultation with the MMO and Statutory Nature Conservation Body (SNCB) but</p>	Natural England advises that a final monitoring plan will need to be agreed with the MMO in consultation with relevant SNCB. And that pre-construction monitoring of potential areas of Section 41 NERC habitats will be required to inform the final cable route for the project, noting that mitigation measures are to avoid this priority habitats where possible and where this is not possible then every effort should be made to reduce the impacts. A pre-construction monitoring report detailing the findings and how that

		<p>does not require any agreement from MMO and/or a SNCB. Is such agreement on these plans necessary or would a consultation suffice?</p> <p>If an IPMP records impacts worse than anticipated with the ES assessment, should there be a requirement for adaptive management, and how should this be secured?</p> <p>For the applicant: Would further post-installation survey work be necessary as part of monitoring if an IPMP were considered necessary?</p>	<p>been taken into consideration in the Cable Specification and Installation Plan will need to be provided to the MMO 6 months prior to construction. This should be suitably secured through conditions within the DML.</p> <p>Furthermore, if Section 41 Habitats and Species are found then post installation surveys will be required to demonstrate either avoidance or that habitats have recovery where impacts were unavoidable. If impacts are found to be not as predicted in the ES, then there would be a requirement on the Applicant to undertake further monitoring and/or remediation.</p> <p>Similarly, it is also considered true for demonstrating that impacts from sandwave levelling and placement of cable protection i.e. that mitigation measures have been successful in avoiding impacts and ensuring sandwave recovery.</p>
2BE10	Applicant, NE, MMO	<p>Final cable route Is it necessary for MMO and NE to agree on the final proposed cable route prior to installation, including areas of micro-routing where necessary? If so, how would this be secured?</p>	<p>As per our response to Question 2BE9, the MMO should agree the final cable route included within the final CSIP in consultation with Natural England. The cable route and CSIP should be informed by the pre-construction surveys and include mitigation in the form of micro-siting around sensitive NERC habitats including Sabellaria spinulosa reef, littoral rock, coastal saltmarsh, peat and clay exposures, and subtidal chalk. The CSIP</p>

			should be provided to the MMO no later than 6 months prior to construction.
2BE11	NE, MMO	<p>Baseline Benthic Surveys Do the submitted subtidal and intertidal surveys submitted (including, for example, [APP-196] [APP-198], [AS-006], [APP-197]) by the applicant provide sufficient coverage at this stage for the assessment of impacts on benthic ecology?</p>	Natural England advises that the baseline surveys are sufficient to characterise the potential biotopes present. However, uncertainty remains on the scale and significance of the impacts due to limited extent of data and no final project design parameters. Therefore, commitments to adopt appropriate mitigation measures to manage down environmental risk and commitments to undertake pre-construction monitoring is required at this stage.
2BE12	NE	<p>Kent landfall exit pits – Sandwich Bay SAC Confirm if the applicant's clarifications about concrete mattresses or rock bags at the Kent landfall HDD exit pits have addressed your concerns about potential effects to the SAC from placement of cable protection. If not, explain what further evidence you consider is needed. Also, if the applicant commits to use of concrete mattresses or rock bags in the SAC, does this address NE's concerns as related to HRA?</p>	Natural England has advised that our concerns in relation to Sandwich Bay SAC related to potential impacts to humid dune slacks, which were resolved at Deadline 3. Issue with the placement of cable protection on supporting habitats of the Thanet Coast and Sandwich Bay SPA and Ramsar and Sandwich Bay to Hacklinge Marshes SSSI remain. Please see Appendices D5 and E5 to our Deadline 5 submissions.
2BE13	NE, Applicant	<p>Cable protection restriction in the Sandwich Bay SAC MMO [REP4-126] have requested amendments to the wording of schedule 16, DML condition 13 in the dDCO [REP4-217] to prevent placement of cable protection in the SAC after the end of the construction period.</p> <p>NE: What is your opinion on this request from</p>	Natural England and MMO agree, that further placement of scour prevention and cable protection within all benthic Marine (including coastal) Protected Areas (MPAs) beyond the construction phase would require a separate marine licence.

		<p>MMO? Do you advise that there could be LSE of the SAC in the absence of such a commitment?</p> <p>Applicant: What is your response to MMO's request for amendments? If your position is that such a restriction is not required, explain why with reference to relevant precedent</p>	
2BE15	NE	<p>Margate and Long Sands SAC</p> <p>Confirm if you agree with the applicant's conclusion [REP4-057] of no AEol of Margate and Long Sands SAC from the LSE pathway of suspended sediment concentrations and subsequent sediment deposition during construction. If not, explain your outstanding concerns.</p>	<p>Natural England can confirm that there is no impact pathway to Margate and Long Sands SAC.</p>
2BE18	NE	<p>Outline Cable Specification and Installation Plan [REP4-090]</p> <p>The oCSIP [REP4-090] sets out the applicant's proposals for handling boulder clearance along the offshore cable route if needed. Advise if the proposed methods would be suitable for boulders cleared adjacent to the MCZ. If not, confirm what measures would be required and why.</p>	<p>Natural England draws the ExA attention to advice provided on the CSIP [REP4-090] in our Appendix E5 to our Deadline 5 submission.</p>
2BE19	NE	<p>Implications for MCZ conservation objectives</p> <p>The Risk and Issues Log ([REP4-197], E52 and E55) raises concerns about hindrance of the conservation objectives for various MCZ. The ExA understands that this is primarily about Goodwin Sands MCZ but notes that NE also refers to Thanet Coast and Kentish Knock East MCZs. Confirm if the applicant's response in [REP4-241] about the absence of direct effects</p>	<p>Natural England draws the ExA to our response provided in Appendix E5 to our Deadline 5 submission where we have highlighted that there is insufficient evidence to support the conclusions drawn in the MCZ assessment. In addition, we have provided further comment in this appendix and Appendix D5 in relation to indirect impacts to the MCZ and further information being required.</p>

		<p>dues to distance between the sites/ protected features and offshore cable addresses NE's concerns about Thanet Coast and Kentish Knock East MCZs. If not, confirm which protected features and impact pathways NE remain concerned about. Provide any advice on mitigation that could be used to address these matters.</p>	<p>Having had due regard to the comments made by the Applicant in REP4-241 we do not believe that the information included in this document is sufficient to address the concerns we have raised during examination and in our latest submissions.</p>
Marine Mammals			
2MM3	Ne, JNCC	<p>Peak abundance and density estimates NE's risk and issues log [REP4-197] requests further information from the applicant regarding the seasonality of the peak abundance and density estimates. The applicant provided further narrative on the implications of the use of the Winter SCANS 2025 harbour porpoise abundance data in Revision D of the HRA Report [REP4-057]. It concluded in response to 1MM7 [REP3-069] that the revised baseline did not change the overall outcomes of the assessment as the numbers estimated to be disturbed were still significantly lower than the threshold criteria for impacts to harbour porpoise SACs. Do the JNCC and NE agree with this conclusion?</p>	<p>Natural England is in agreement, and issue F8 is marked as resolved within the R&I log at Deadline 5. The impact alone assessment uses the correct worst case winter density figure and an outdated EDR for SBP as Worst Case Scenario (WCS). The outdated EDR is greater than the revised 2025 figure, so is therefore an overestimate.</p> <p>A disturbance impact area of 700km² is predicted from underwater noise, equating to less than 2% of the Southern North Sea SAC, but it is not specified if this is for 1 day or across a season and 1146 harbour porpoise predicted to be impacted which represents less than 1% of the relevant MU population. We note there is nothing included for cable laying activities themselves.</p>
2MM4	NE	<p>Underwater noise modelling NE's concern regarding the underwater noise modelling [RR-3920] is unresolved in the DL4 risk and issues log [REP4-197]. The</p>	<p>Natural England notes that there is a table with noise modelling results presented (4.20), however no details of the model or input parameters used for the modelling are</p>

		<p>applicant in [REP2-014] confirmed that modelling used the standard NMFS/NOAA acoustic tools, as detailed in [REP4-031].</p> <p>Can NE confirm whether this resolves its concerns, and if not do the concerns regarding modelling have implications for the HRA?</p>	<p>included. We also note that there is mention of the NMFS User Spreadsheet Tool having been used. This tool is an Excel based spreadsheet and not an empirical model and Natural England do not consider it a robust substitute for empirical underwater noise modelling.</p> <p>We consider the EDR approach used in the HRA to be the most appropriate method of assessment with respect to designated sites, however it is not clear which activities have been assessed and as per our advice in Appendix F5, the in-combination assessment is not currently fit for purpose.</p>
2MM9	NE	<p>Updates to risks and issues log</p> <p>The applicant has provided updates at previous deadlines including to ES Part 4 Chapter 4 Marine Mammals [REP4-031] in response to NE's comments. Provide an update to the risks and issues log for marine mammals indicating whether the issues have been resolved and if so, reference the document that has resolved them.</p>	<p>Please see Natural England's Updated Risk and Issue Log submitted at Deadline 5.</p>
Marine Ornithology			
2MO1	Applicant, NE	<p>Red-throated diver (RTD) displacement</p> <p>Applicant: The applicant confirmed in table 3.1 [REP4-085] that a quantification exercise is underway to assess the implications of vessel movements on RTD of the Outer Thames Estuary SPA. Submit the quantification exercise at DL5. The exercise should interpret findings against</p>	<p>Natural England will address this question once further assessment of vessel impacts on Red Throated Divers are submitted into examination.</p>

		<p>conservation objectives, as requested by NE (table 1, [REP4-193]).</p> <p>NE: Comment on any progress with assessments.</p>	
2MO2	Applicant, NE, MMO	<p>Red-Throated Diver Protocol</p> <p>Applicant: Should the RTD protocol be updated to:</p> <ol style="list-style-type: none"> 1. Reflect the need to restrict non-emergency operational and maintenance activities to NE and the MMO for the full duration of the seasonal restriction? 2. Confirm mitigation for the decommissioning phase? <p>Other parties: Comment.</p>	<p>Natural England notes that Section 1.5.8 of the RTD protocol [APP-361] states that <i>'during operation and maintenance, and decommissioning, vessels will be required to follow the same mitigation and best practice measures as during construction'</i>. Therefore, it is assumed that non-emergency O&M activities and decommissioning will be subject to the full seasonal restriction unless otherwise agreed with the MMO in consultation with the relevant SNCB. However, we advise that the text in section 1.5.8 is updated to confirm this and to clarify that the restricted period covers the full sensitive period i.e. 1st Nov to 31st March (not 1st Jan -31st March) and if essential/emergency work is required in this period consultation with MMO and NE is required as set out in in REP2-010, Table 2.38, G2.</p> <p>We also refer the ExA to our Appendix G4 provide at our Deadline 4 submission [REP4-193].</p>
2MO3	NE, Applicant	<p>2km buffer from Outer Thames Estuary SPA</p> <p>NE: Noting that RTD numbers are likely to decrease substantially towards the boundary of the SPA, provide further justification for applying</p>	<p>We refer the ExA to our Appendix G4 provided at our Deadline 4 submission [REP4-193] where further justification for the inclusion of a buffer is given, including</p>

		<p>a 2km buffer for vessels outside the SPA as requested in [REP4-193].</p> <p>Applicant: To comment</p>	<p>relevant references to scientific papers. In summary, the 2km vessel transit buffer is to account for the range over which red-throated divers flush from vessels, noting that RTD numbers will not necessarily decrease towards the boundaries of the SPA. The 2km buffer is included to ensure the integrity of the SPA is protected in its entirety.</p> <p>Please see Annex 1 for a summary of the evidence to support the use of a 2km buffer.</p>
2MO5	Applicant, NE, KWT	<p>Disturbance to bird species foraging within Pegwell Bay</p> <p>Applicant: Explain whether the estimates of the areas disturbed by construction activities within Pegwell Bay in the Maximum Design Scenario take into account disturbance due to noise and lighting effects in table 5.16 of Marine Chapter 5 [REP2-003]. Confirm whether table 5.16 accounts for use of bog matting within the intertidal area? Provide a comparison of the total area and percentage of foraging habitat that would be temporarily lost in Pegwell Bay during construction activities compared with the extent available. The ExA notes that the HRA still refers to 0.02km² disturbance when assessing effects on Thanet Coast and Sandwich Bay SPA and Ramsar, in contrast to [REP2-003] and [REP4-029] which use 0.072km². Taking into account any adjustments required by this question, provide an updated HRA [REP4-057] that reports consistent areas.</p>	<p>Natural England is not content that indirect effects on Thanet Coast and Sandwich Bay SPA and Ramsar features has been fully considered against the conservation objectives of the designated sites.</p> <p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • the extent and distribution of the habitats of the qualifying features • the structure and function of the habitats of the qualifying features • the supporting processes on which the habitats of the qualifying features rely • the populations of each of the qualifying features

		<p>Other parties: The MDS for temporary disturbance at Kent landfall, appears consistent with details in the Pegwell Bay Construction Method Technical Note [REP4-229], and concludes a minor and not significant effect. Are you satisfied that the correct area of intertidal seabed disturbance has been used as the basis for assessment of indirect effects to prey in the HRA? Also explain whether any additional mitigation is required to offset this effect.</p>	<p>• the distribution of qualifying features within the site</p> <p>In addition, waders and wildfowl which use the area in winter and during the Spring and Autumn migrations are notified features of the Sandwich Bay to Hacklinge Marshes SSSI We draw the ExA to our Appendix J3A of our Deadline 3A submission where we raised concerns in relation to effective loss of supporting habitat (mudflat and saltmarsh) from the presence of infrastructure associated with landfall activities and disturbance from the presence of humans and movement of vehicles. Some of this will be temporary whilst present, but this doesn't mean this it is not significant. Some of these effects are likely to be medium to long term impacts from the compaction of sediment reducing infauna, and changes to extent and distribution of saltmarsh post installation.</p> <p>Mitigation measures to minimise the footprint and also the significance of the impacts on supporting habitats are required. Please see our response to Q2PE4 above which is also relevant here.</p>
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Annex 1 – Summary of supporting evidence for 2km buffer

Various studies have suggested different displacement distances for red-throated divers in response to vessels at sea. Several suggest displacement can occur at different rates within 2 km (Percival 2009; Schwemmer et al. 2011; Fleissbach et al. 2019; Burt et al. 2022), one suggests displacement effects can extend out to 3 km (Burger et al. 2019), and one suggests they may extend to 5 km (Mendel et al. 2019).

As it is not possible to determine different rates of displacement at different distances from vessel sources of disturbance, the Statutory Nature Conservation Bodies have agreed that a 100% displacement at 2 km represents a pragmatic approach to uncertainty aligned with the approach taken to displacement gradients for offshore wind farms.

References

[Microsoft Word - Kentish Flats diver report FINAL FINAL.doc](#)

[Effects of ship traffic on seabirds in offshore waters: implications for marine conservation and spatial planning - Schwemmer - 2011 - Ecological Applications - Wiley Online Library](#)

[Frontiers | A Ship Traffic Disturbance Vulnerability Index for Northwest European Seabirds as a Tool for Marine Spatial Planning](#)

[Investigating effects of shipping on common scoter and red-throated diver distributions in Liverpool Bay Special Protection Area \(SPA\) - NECR425](#)

[A novel approach for assessing effects of ship traffic on distributions and movements of seabirds - ScienceDirect](#)

[Operational offshore wind farms and associated ship traffic cause profound changes in distribution patterns of Loons \(Gavia spp.\) - ScienceDirect](#)

¹ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>