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JNCC Reference: OIA-11458

JNCC Registration ID Number: [REDACTED]

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Date: 13 April 2026

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To whom it may concern,

## **Sea Link Project Development Consent Order Application – Environmental Statement and Management Plans – EN020026 – Comments Report on the Implications for European Sites**

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

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

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

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

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

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

- Ornithology
- Marine mammals

The following documents were reviewed in providing this response:

- EN020026-002997 - Report on the Implications for European Sites Sealink;
- EN020026-002853-7.8 (B) Red Throated Diver Protocol;
- EN020026-002914-6.6 (G) Habitats Regulations Assessment;
- EN020026-002857-6.2.4.4 (H) Part 4 Marine Chapter 4 Marine Mammals;
- EN020026-002465-7.5.11 (C) Outline Marine Mammal Mitigation Plan.

We have highlighted questions from the ExA in bold and JNCC's responses are below.

## 1 Ornithology

### 1.1 EN020026-002997 - Report on the Implications for European Sites

**RIESQ31 (page 84) – The applicant has extended the seasonal restriction to include non-emergency operation and maintenance activities and secured this in the Red-Throated Diver Protocol. Subject to discussion on extending the restriction to the 2km buffer, does this address your concerns on this matter. If not, explain what further measures you consider are needed.**

Yes. JNCC are content with the inclusion of non-emergency operation and maintenance activities within the seasonal restriction.

**RIESQ34 (Page 91) - Comment on the applicant's responses regarding its in-combination assessment for red throated diver. Does the JNCC consider an adverse effect on integrity (AEol) can be excluded from in-combination effects?**

JNCC are content that AEol can be ruled out, alone and in-combination with other plans and projects. This is considering the full seasonal restriction on the cable burial activities and non-emergency operation and maintenance activities. This conclusion is also on the basis

that the pre-lay grapnel activities comprise of slow-moving vessels and largely overlaps with high traffic shipping routes, and therefore will limit disturbance to red-throated diver to a minimum (Burger et al, 2019).

## **1.2 EN020026-002853-7.8 (B) Red Throated Diver Protocol**

JNCC welcome the additional proposed seasonal restrictions on the non-emergency operation and maintenance works proposed in the Red-throated Diver Protocol to reduce disturbance to red-throated diver.

## **1.3 EN020026-002914-6.6 (G) Habitats Regulations Assessment**

JNCC reiterate that we do not consider that the Habitats Regulations Assessment (HRA) currently performs a robust in-combination assessment, and that our previous comments [REP3-090] on the assessment have not been incorporated. In our view, the sum total of potential impacts and the implications of this for conclusions of Adverse Effect on Integrity have not been sufficiently considered. However, given the commitments made by the project, we do not consider this to make a material difference to the conclusions of the assessment.

## **2 Marine mammals**

### **2.1 EN020026-002997 - Report on the Implications for European Sites**

**RIESQ13: Comment on the applicant's updates to the in-combination assessment. Are you satisfied that AEol of the Southern North Sea SAC can be excluded from in-combination effects of underwater noise to harbour porpoise.**

After review of the HRA, JNCC have no issues with the project alone assessment – using the Effective Deterrence Range (EDR) method, the project will not exceed the noise thresholds for the Southern North Sea SAC.

For the in-combination assessment, each project has been assessed individually against the proposed development, but the impact of all projects that might occur on any one day has not been assessed. Given that the proposed project shall add a minimal amount of noise to the daily footprint, JNCC are content with this approach in this instance, although we recommend the developer join the Developers Coordination Forum to ensure that the daily threshold is not breached.

However, we advise the seasonal threshold should be assessed in-combination with other projects using the appropriate EDR for each project. For most projects involving impulsive noise, this has been stated in the Report to Inform HRA (RIHRA), with the exception of Five Estuaries Offshore Windfarm. Based on the information provided, the EDR that could be applied for this project is 11km on the basis that noise abatement is to be used (JNCC, 2025).

In addition, several of the windfarm projects discussed have made no mention of piling, even if said project was in the construction phase. Given the prevalence of piling in windfarm construction, this should be clarified, and if it is not required for a project, this should be clearly stated.

**RIESQ35: The applicant, NE and the JNCC are requested to confirm whether the ExA's understanding of their positions is correct and to provide clarifications where requested with a question mark ('?')**

**For the Southern North Sea SAC, clarification is required regarding JNCCs agreement with the conclusion of no adverse effect from underwater noise.**

As stated in our response to RIESQ13, we recommend that a seasonal threshold assessment is carried out for the Southern North Sea SAC using the EDRs from the other developments with overlapping timescales of the proposed project. At present JNCC are unable to agree that there would be no adverse effect on the Southern North Sea SAC in combination with other plans or projects.

## **2.2 EN020026-002857-6.2.4.4 (H) Part 4 Marine Chapter 4 Marine Mammals**

Section 4.4 Approach and Methodology: Paragraph 4.4.4: JNCC note that the baseline data sources now include a number of additional sources to the SCAN IV data, including the Marine Mammal Management Units, Sea Watch Foundation, and relevant survey reports and journals. JNCC agree with these additional sources being used and note that our comments from the Relevant Representations (dated June 2025) have been acted upon.

Section 4.8 Proposed project design and embedded mitigation: Reference is made to vessels complying with the International Regulations for Preventing Collisions at Sea 1972 (International Maritime Organisation, 1972), Regulation 10 of which provides guidance relating to vessel speed to reduce the risk of collision with other vessels. We note the explanation as to how this will be beneficial to marine mammals and welcome the inclusion of this.

Section 4.9 Paragraph 4.9.49: JNCC agree that cetaceans do not need to be considered further for the airborne sound and visual disturbance impact as their primary sense is hearing. We defer to Natural England for impacts relating to pinnipeds.

Section 4.11 Transboundary effects: we agree that owing to the nearest international border being 25km away (which is greater than any EDR), transboundary impacts for marine mammal species are unlikely.

## **2.3 EN020026-002465-7.5.11 (C) Outline Marine Mammal Mitigation Plan.**

Volume 7 – Marine Mammal Mitigation Plan: Paragraph 1.5.2 highlights guidance for managing disturbance within the Southern North Sea SAC (JNCC, 2020) as a measure included in Application Document 7.5.3.1 Construction Environmental Management Plan

(CEMP) Appendix A, Outline Code of Construction Practice. However, it is not clear how this guidance has been considered within this mitigation plan (or the CEMP other than saying it will be adhered to). Please see previous comments regarding this guidance and proposed measures for red throated divers.

Please contact me with any questions regarding the above comments.

Yours sincerely,

██████████

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### 3 References

Burger, C., Schubert, A., Heinänen, S., Dorsch, M., Kleinschmidt, B., Žydelis, R., Morkūnas, J., Quillfeldt, P. & Nehls, G. (2019). A novel approach for assessing effects of ship traffic on distributions and movements of seabirds. *Journal of Environmental Management*, Vol. 251, Article 109511 <https://doi.org/10.1016/j.jenvman.2019.109511>

JNCC (2020). Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs (England, Wales & Northern Ireland). JNCC Report No. 654, JNCC, Peterborough, ISSN 0963-8091.

JNCC (2025) Updated Effective Deterrent Ranges (EDRs) for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise Special Areas of Conservation (SACs). (England, Wales & Northern Ireland) *JNCC Report 803*. JNCC, Peterborough, ISSN 0963-8091. <https://hub.jncc.gov.uk/assets/5376c9a1-5d88-4291-aab4-028d5b4a1acd>