



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Sea Link Energy Cable

Appendix B6 to the Natural England Deadline 6 Submission

Natural England's Additional Comments on the Kent Onshore Aspects

For:

The construction and operation of the Sea Link Energy Cable.

Planning Inspectorate Reference EN020026

13th April 2025

Appendix B6 – Natural England’s Advice on documentation relating to Kent Onshore Ecology.

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

- [REP5-116] 9.84 (C) Register of Environmental Actions and Commitments (REAC) (Tracked Changes)
- [REP5-131] 9.119 Applicant's Comments on Late Responses to ExA First Written Questions
- [REP5-133] 9.121.1 Applicant's Comments on Other Submissions Received at Deadline 4 - Appendix A

Natural England has reviewed but have no comments to make on the following documents:

- [REP5-003] 2.3 (F) Land Plans Part 2 of 2
- [REP5-004] 2.9.2 (B) Habitats of Protected Species and Important Habitats - Kent
- [REP5-018] 6.2.3.2 (F) Part 3 Kent Chapter 2 Ecology and Biodiversity (Tracked Changes)
- [REP5-028] 6.3.2.2.1 (B) ES Appendix Nighttime Bat Walkover and Static Detector Survey Report (Tracked)
- [REP5-037] 6.6 (G) Habitats Regulations Assessment Report (Tracked Changes)
- [REP5-069] 7.5.3 (C) Outline Onshore Construction Environmental Management Plan (Tracked Changes)
- [REP5-077] 7.5.6.2 (C) Air Quality Management Plan - Kent (Tracked Changes)
- [REP5-086] 9.17.2 (B) Kent Drainage Strategy (Tracked Changes)
- [REP5-124] 9.102 Operational Noise Contour Plan for Minister Converter Station
- [REP5-132] 9.121 Applicant's Comments on Other Submissions Received at Deadline 4
- [REP5-135] 9.123 Applicant's Responses to Second Written Questions
- [REP5-136] 9.123.1 Applicant's Responses to Second Written Questions – Appendices
- [REP5-143] 9.130 Groundwater Heat Pollution - Technical Note (Clean)

1. Summary

Natural England advises that an Ecological Clerk of Works is appointed to undertake a thorough check of all vegetation for any signs of breeding activity before potentially disturbing work proceeds, and that works stop if necessary to avoid disturbance to breeding birds. We ask that the Register of Environmental Actions and Commitments (REAC) is updated to include reference to this measure under commitments B45, B50 and B65.

2. Detailed Comments

Table 1. Natural England’s Advice On: [REP5-116] 9.84 (C) Register of Environmental Actions and Commitments (REAC) (Tracked Changes)

Document reviewed: [REP5-116] 9.84 (C) Register of Environmental Actions and Commitments (REAC) (Tracked Changes)			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	B45, B50, B65	<p>Natural England notes that for <u>B45</u>, regarding “<i>Any works causing noise levels above 60dB L_{max} at the boundary of the SSSI</i>”, the bird breeding season has been stated as March to August, excluding September.</p> <p>We note that for <u>B50</u>, regarding “<i>Any activities relating to construction of the Minster Converter Station and Substation, that are calculated, following detailed design, to be above 60dB L_{Amax} at the boundary of the SSSI</i>”, the bird breeding season has been stated as March to June, excluding July, August and September.</p> <p>We note that for <u>B65</u>, regarding “<i>tree height reduction required in Sandwich Bay to Hackling Marshes SSSI</i>”, the bird breeding season has been stated as March to August, excluding September. We acknowledge that this appears to be an improvement on the previous version, which stated March to June, excluding July, August and September.</p>	<p>It remains Natural England’s advice that the bird breeding season should be <u>March to September inclusive</u>, and that any works which are likely to disturb breeding birds should be timed to avoid these months wherever practicable.</p> <p>However, where this is not practicable, Natural England advise that an Ecological Clerk of Works (ECoW) is appointed to undertake a thorough check of all vegetation for any signs of breeding activity before works proceed, and that works stop if necessary to avoid disturbance to breeding birds.</p> <p>We ask that the Register of Environmental Actions and Commitments (REAC) is updated to include reference to these measures under <u>B45, B50 and B65</u> (similarly to how commitment B02 has been worded, for example).</p> <p>Provided that works are timed to avoid the breeding bird season wherever practicable, and an ECoW is appointed to oversee all relevant works, Natural England will be satisfied that there will be no significant impact upon Sandwich Bay to Hacklinge Marshes SSSI due to construction disturbance or routine tree height reduction.</p> <p>Following further correspondence with the Applicant at the end of March it is Natural England’s understanding that some proposed</p>

			and agreed wording will be included to cover these concerns at Deadline 6 within the Applicant's Submission. Assuming this commitment with agreed wording is included Natural England will consider this issue resolved in due course.
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Table 2. Natural England's advice on [REP5-131] 9.119 Applicant's Comments on Late Responses to ExA First Written Questions

Document reviewed: [REP5-131] 9.119 Applicant's Comments on Late Responses to ExA First Written Questions			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	1ECOL23	REAC provision B45 – impacts on breeding birds from OHL and pylon installation: We note that this comment explains why the bird breeding season has been stated as March to August under this REAC commitment.	We refer to our advice provided in Table 1 regarding avoiding construction during the breeding bird season where practicable, securing an ECoW to oversee all relevant works and recommend that the Applicant updates the REAC measures to reflect this.
2	1ECOL25	REAC provision B50 – disturbance to breeding birds: We note that this comment explains why the bird breeding season has been stated as March to June under this REAC commitment.	We refer to our advice provided in Table 1 regarding avoiding construction during the breeding bird season where practicable, securing an ECoW to oversee all relevant works and recommend that the Applicant updates the REAC measures to reflect this.

Table 3. Natural England's advice on [REP5-133] 9.121.1 Applicant's Comments on Other Submissions Received at Deadline 4 - Appendix A

Document reviewed: [REP5-133] 9.121.1 Applicant's Comments on Other Submissions Received at Deadline 4 - Appendix A			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	R&I Log Point 7	<p>Natural England previously advised that percussive and disturbing works (e.g. piling) should be undertaken outside of the breeding bird season to avoid a significant impact upon Sandwich Bay to Hacklinge Marshes SSSI.</p> <p>The Applicant has commented that an absolute prohibition through the entire nesting season is considered disproportionate.</p>	<p>Natural England has suggested a way forward for this in Table 1 and in Appendix B5 [REP5-216]. Provided this suggested addition is accepted by the Applicant, and an ECoW is secured for all relevant REAC commitments, we would consider this issue resolved</p>
2	R&I Point 14	<p>Natural England has previously requested that confirmation be provided that the written scheme of decommissioning will consider impacts to ecological receptors (including designated sites) in consultation with relevant stakeholders and statutory bodies.</p> <p>The Applicant has requested that Natural England be explicit over what is missing from the responses already submitted.</p>	<p>Natural England has accepted the changes made for REAC commitment GG31 in our latest Deadline 5 response and consider this issue resolved</p>
3	R&I Point 15	<p>Natural England has previously advised that nationally designated sites should be considered a highly sensitive receptor to dust impacts, given their national importance.</p> <p>The Applicant has requested that Natural England be explicit over what is missing from the responses already submitted.</p>	<p>Natural England note that the required information was addressed in REP2-014, REF A9. This was potentially missed by the Kent Onshore team due to the documents appearing to relate to Suffolk.</p> <p>Provided the same reasoning is applied to the Kent sites, Natural England consider this issue resolved.</p>

4	R&I Point 22	<p>Natural England previously advised that the in-combination assessment for the Kent Onshore Scheme is checked by the Applicant to ensure that all appreciable effects that are not significant alone have been taken into consideration. The Applicant seeks clarification from Natural England on which aspects of the assessment are still considered outstanding.</p>	<p>Natural England note that this appears to be a technicality point, and that the Applicant intends to retain the text. We advise that this can be considered as an informative advisory note only as it does not materially change Natural England's advice and can progress to a yellow RAG rating.</p>
5	R&I Point 25	<p>Natural England previously advised that we were currently unable to agree with the Applicant that there is unlikely to be a significant impact upon Sandwich Bay & Hacklinge Marshes SSSI, due to the concerns regarding timing tree height maintenance works during breeding bird season.</p> <p>The Applicant has commented that an absolute prohibition through the entire nesting season is considered disproportionate.</p>	<p>Natural England has suggested a resolution in Table 1 and in Appendix B5 [REP5-216]. Provided this suggested addition is accepted, with an ECoW secured for all relevant REAC commitments, we would consider this issue resolved.</p>
6	R&I Point 26	<p>Natural England previously advised that we had been made aware by the Applicant's ecologist that no Letters of No Impediment will be required. We recommend that should this change, the Applicant make available draft protected species licences for our wildlife licencing team to review.</p> <p>The Applicant note that this appears to be purely advisory.</p>	<p>Natural England acknowledges that this is an advisory comment with no further actions required at this time.</p>
7	R&I Point 27	<p>Natural England previously advised that the final BNG assessment should incorporate separate accounting lines to ensure a 10% net gain is being achieved.</p> <p>The Applicant seeks clarification from Natural England on which aspects of the assessment are still considered outstanding.</p>	<p>Natural England notes that this matter is resolved, following review of document [REP2-014] and further signposting provided by Applicant.</p>