



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Sea Link Energy Cable

**Appendix G6 to the Natural England Deadline 6 Submission**

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

For:

The construction and operation of the Sea Link Energy Cable.

Planning Inspectorate Reference EN020026

13<sup>th</sup> April 2026

## **Appendix G6- Natural England's advice on documentation related to Offshore Ornithology**

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

- [REP4-224] Late Deadline 4 Submission - Accepted at the discretion of the Examining Authority - 7.5.2 (B) Outline Offshore Construction Environmental Management Plan (Tracked)
- [REP4-242] Late Deadline 4 Submission - Accepted at the discretion of the Examining Authority - 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Tracked Changes)
- [REP5-037] 6.6 (G) Habitats Regulations Assessment Report (Tracked Changes)
- [REP5-081] 7.8 (B) Red Throated Diver Protocol (Tracked Changes)
- [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
- [REP5-132] 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

Natural England has also reviewed the following documents and noted the changes, but has no further comment on them:

- [REP5-033] 6.4.4.5 (E) ES Figures Marine Ornithology (Tracked Changes)
- [REP5-067] 7.5.2 (C) Outline Offshore Construction Environmental Management Plan (Tracked Changes)
- [REP5-133] 9.121.1 Applicant's Comments on Other Submissions Received at Deadline 4 - Appendix A
- [REP5-139] 9.126 Areas of Safeguarded Water Depth - Consideration of Additional Installation Requirements

### **1. Summary**

As previously advised at Deadline 4, Appendix G4 [REP4-193], Natural England's primary concern for marine ornithology is potential vessel-related disturbance impacts to red-

throated diver (RTD) a feature of the Outer Thames Estuary (OTE) Special Protection Area (SPA). Natural England is becoming increasingly concerned in relation to disturbance of red-throated divers from the more persistent presence of OWF-related vessels and Sea Link could make a meaningful contribution to in-combination effects on the OTE SPA. Our advice remains that the RTD Best Practice Protocol for Vessel Movements should be adhered to for all activities.

Following review of the Issue Specific Hearing (ISH) recordings from 26<sup>th</sup> March [EV9-009] and further confirmation from the Applicant during a meeting on the 1<sup>st</sup> April, Natural England acknowledges and welcomes the inclusion of the 2km buffer for the proposed mitigation for RTD in the OTE SPA. Provided that this is confirmed and secured within named plans/documents within the Applicants submission at Deadline 6 Natural England would consider this issue resolved.

In addition, at the meeting with the Applicant on 1<sup>st</sup> April, we discussed a series of conditions and potential mitigation measures and commitments to address the outstanding risks and issues associated with Operations and Maintenance (O&M) activities and emergency works. While we acknowledge that maintaining energy transmission is paramount to British energy security, and that unforeseen emergency works, although extremely rare, must proceed without delay, we also consider that appropriate commitments can and should be made to ensure the continued protection of the natural environment.

Providing/assuming the following conditions/commitments are included within the Applicants' submissions at Deadline 6, we will be content that every effort will be made to mitigate impacts to the SPA and should currently unknown impacts arise then there will be a process to address an AEoI of the OTE SPA RTDs at that time.

As discussed, Natural England feel that the remaining issues are readily resolvable, depending upon commitments being agreed. For transparency the conditions discussed are as follows:

- 1) No planned Construction and /or Operation and Maintenance works will be undertaken during the sensitive overwintering period.
- 2) A commitment to agree with the MMO a definition of Emergency works to be included in the final Construction Method Statement (and/or other relevant named plans) submitted and agreed with the MMO in consultation with the relevant SNCB/s prior to construction.
- 3) A commitment to apply the RTD protocol during emergency works to be secured in the CSIP/CSEMP (and/or other relevant named plans) to minimise the impacts as much as possible. In addition to the RTD protocol for emergency works we advise

that a log should be submitted to the MMO no more than 4 weeks post conclusion of the emergency works highlighting activity, location and duration etc.

- 4) In addition, it would be helpful to have the acknowledgement and a process to be secured within a named plan that, depending on the duration and intensity of emergency works within the SPA any additional requirement to compensated for impacts is appropriately considered and where the MMO consider necessary implemented. Again, this condition needs to be captured within a named plan/document (such as the Commitments Registers or as discussed, the RTD protocol) and adequately signposted to.

Natural England previously welcomed (D4, Appendix G4 [REP4-193]) the Applicant's proposed seasonal restriction (Nov 1–Mar 31) to avoid impacts. However, we raised our concerns that this has not been fully applied, specifically, the pre-laying grapnel run (PLGR) occurring from Jan 1 - Mar 31, overlapping with RTD presence and risking displacement. Following a meeting with the Applicant on the 1<sup>st</sup> April Natural England understands that the Applicant has undertaken further modelling that will be included within their Deadline 6 submission regarding the 'bird days lost' methodology. Natural England welcomes the additional effort National Grid have gone to, to provide meaningful data to inform more robust conclusions and it is useful to have calculations provided rather than just a narrative around the impacts. However, Natural England confirmed at the meeting that even the small contribution to the in-combination impact, as identified by the Applicant, will have an AEOsI to an already pressured site and we would therefore maintain our previous position.

#### Risk and Issues associated with construction.

Subsequent correspondence from the Applicant confirmed on the 2<sup>nd</sup> April that they will be applying the seasonal restrictions to all construction activities, including Pre-Lay Grapnel Run (PLGR). Assuming this position is confirmed by the Applicant at Deadline 6, Natural England would be content that an AEOsI will be avoided during construction by fully adhering to the RTD protocol and we would therefore consider this issue resolved.

## 2. Detailed Comments

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

Document reviewed: [REP4-224] Late Deadline 4 Submission - Accepted at the discretion of the Examining Authority - 7.5.2 (B) Outline Offshore Construction Environmental Management Plan (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	Table 1-12, pg. 36	Regarding the proposed mitigation for Likely Significant Effect (LSE) on RTD of the OTE SPA, the full seasonal restriction in cable laying activities still excludes the pre-lay grapnel run (PLGR). Therefore, it remains unclear if the project will cause Adverse Effect on Site Integrity (AEoSI) in-combination with other projects.	<p>Following a meeting with the Applicant on the 1<sup>st</sup> April Natural England understands that the Applicant has undertaken further modelling that will be included within their Deadline 6 submission regarding the ‘bird days lost’. Natural England welcomes the additional effort National Grid have gone to, to provide meaningful data to inform more robust conclusions and the narrative around the impacts. However, Natural England confirmed at the meeting that even with the small contribution of Sea Link to the existing AEoI in-combination impact, identified by the Applicant, we would maintain our previous position.</p> <p>Subsequent correspondence the Applicant has confirmed that they will be adhering to the seasonal restrictions <u>for all activities, including PLGR</u>. Assuming this position is confirmed by the Applicant at Deadline 6, Natural England would be content that an AEoSI will be avoided through impacts from all construction activities by fully adhering to the RTD protocol and we would therefore consider this issue resolved.</p> <p>For transparency, please refer to Natural England’s submission at Deadline 4 Appendix G4 [REP4-193], Table 1, NE Ref 1 for our continued/current position (until written confirmation from National Grid at Deadline 6).</p>

**Table 2: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP4-242] Late Deadline 4 Submission - Accepted at the discretion of the Examining Authority - 9.86 (B) Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A (Tracked Changes)</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England’s Advice to Resolve Issue</b>
1	Table 3.7, pg. 58	The Applicant is reviewing the definition of ‘offshore preparation works’, to provide clarity on what that entails but re-iterates their position that the PLGR is not included in construction activities time limited by the seasonal restriction for RTD.	As above at Table 1 Point 1 – Natural England would consider this issue resolved providing the above commitment is submitted at Deadline 6 and secured in a named plan/document.

**Table 3: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP5-037] 6.6 (G) Habitats Regulations Assessment Report</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England’s Advice to Resolve Issue</b>
1	8.3.68-71	The Applicant regards London Array Offshore Wind Farm (OWF) as part of the baseline environment and disregards its impact on the RTD population and its distribution within the OTE SPA.	Natural England does not agree, as the London Array OWF was not present when classification distribution and abundance figures for the proposed SPA were set. Therefore, it cannot be regarded as part of the baseline. Only the smaller OWFs, Gunfleet, Thanet and Kentish Flats pre-date the SPA’s classification in 2010. It is also clear that the impacts on RTD numbers and distribution in the SPA from the existing OWF such as London Array, marine aggregates, shipping and other anthropogenic activities including several sub-cable operations remain on-going and limit the birds use of the protected area (Nelson et al in prep). Therefore, it remains our view that any new activity in the OTE SPA prone to displacing RTD risks AEO SI in combination with these OWF projects and other anthropogenic activities.

2	8.3.14-17	<p>In the amended HRA there remains no consideration of potential in-combination impacts on RTD from vessel disturbance related to simultaneous or protracted cable laying for the North falls OWF. These impacts have been considered for the other OWFs in the in-combination assessment e.g. Five Estuaries and the East Anglia 1N, 2 and 3 projects, and so should include North Falls OWF too. It is unclear why North Falls OWF has been omitted, particularly as much of the export cable corridor will follow the same route as Five Estuaries OWF.</p>	<p>Natural England advises that the Applicant should include North Falls OWF cable laying impacts in their in-combination assessment or explain why they think it can be excluded and treated differently than Five Estuaries and the East Anglia OWF projects.</p>
3	8.3.68-71	<p>Natural England note the Tarchon Energy interconnector cable project has not been included in the amended Habitats Regulation Assessment (HRA) but acknowledge the Applicants comments in REP5-132 (Table 2.38, G11) that there is insufficient data available yet to include it in the in-combination or cumulative assessment.</p>	<p>Natural England agrees that in the absence of sufficient data within the public domain, the omission of the Tarchon Energy project from the in-combination assessment is acceptable (see comment below on REP5-132).</p>

**Table 4: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP5-081] 7.8 (B) Red Throated Diver Protocol</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England’s Advice to Resolve Issue</b>
1	1.5.3-11	Natural England welcomes the commitment to mirror the mitigation imposed for the construction phase during normal operations and maintenance and the decommissioning phase. We also welcome the commitment to consult MMO and NE if emergency work is required during the seasonally restricted period and provide appropriate reporting.	Please see summary text to this Appendix

**Table 5: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP5-132] 9.121 Applicant’s Comments on Other Submissions Received at Deadline 4</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England’s Advice to Resolve Issue</b>
1	Table 2.38, G2	The Applicant continues to exclude the PLGR from the cable laying activities bound by a full seasonal restriction to mitigate impacts on RTD.	<p>Natural England welcomes the additional information provided on the likely number of vessels associated with the PLGR, its likely duration through the SPA and the vessels approximate speed of travel. This info goes some way to address our concerns regarding the level of disturbance that may occur to the RTD population.</p> <p>However, we welcome the forth coming assessment of the impacts (using the proposed ‘bird days lost’ approach). We anticipate this will provide evidence to better determine the likely scale of impact and judge this project’s impact in-combination with other projects. Verbal</p>

			<p>communications on 1<sup>st</sup> April with the Applicant identified a small percentage contribution of Sea Link to the in-combination assessment.</p> <p>However, despite the small percentage, Natural England maintains the position that such an impact would add to an area already highly pressured by anthropogenic activities, which will contribute further to hindering Conservation Objectives of the OTE SPA.</p> <p>As above at Table 1 Point 1, subsequent correspondence with the Applicant confirmed on the 2<sup>nd</sup> April that they will be applying the seasonal restrictions to <u>all activities, including PLGR</u>. Assuming this position is confirmed by the Applicant at Deadline 6 and secured in a named plan/document, Natural England would be content that an AEOsI will be avoided through impacts from all activities at the construction by adhering to the RTD protocol and we would therefore consider this issue resolved.</p>
2	Table 2.38, G11	The Applicant indicates there are no data on the Tarchon Energy project that can be usefully applied to the in-combination assessment.	Natural England acknowledges the Applicants comment that there is insufficient data available to include it in the in-combination or cumulative assessment. We accept its omission from the in-combination assessment until relevant data becomes available.

**Table 6: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP5-135] 9.123 Applicant's Responses to Second Written Questions</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England’s Advice to Resolve Issue</b>
1	Table 18.1, ref.	Natural England looks forward to receiving the assessment of impacts on RTD in-combination using the ‘bird days lost’ approach outlined in	Following the meeting with the Applicant on the 1 <sup>st</sup> April Natural England has agreed conditions to cover the O&M activities and emergency works. Providing these conditions are included within the Applicants’ submissions

	2MO1-4 pg. 87-88	Reach et al. 2013. We acknowledge the Applicant's comments on the amended RTD protocol and welcome the changes i.e. confirmation of the need to limit non-emergency operations and maintenance activities by the full seasonal restriction and a commitment to apply appropriate mitigation for decommissioning in line with that used during the construction phase. We also acknowledge the Applicant is still reviewing our request to add the proposed mitigation for RTD in the OTE SPA to its seaward 2km buffer and look forward to their response.	at Deadline 6, we will be content that the emergency works will be adequately secured.  As discussed in the overarching comments, it is our view that the remaining issues are readily resolvable depending upon such commitments being agreed and adequately secured in named plans/documents.
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### 3. References

Nelson, A., Porter, L., Owens, B., Warner, I., Lloyd Jones, D. and Berridge, R. 2024. Mapping Risk: Red-throated diver in the Outer Thames Estuary SPA. [NECRXXX]. Natural England.

Reach, I.S., Henson, K., Golding, T.J., Murphy, K.J., Langman, R.J., Coates, A.S., Warner, I.C., Hatton, L., Wright, S., and Leake, S., (2013). *Marine Aggregate Licence, Renewal and Application Areas: Anglian and Outer Thames Estuary Region: A Report to Inform an Appropriate Assessment (in combination), with regard to disturbance, and any displacement effects, on the classified Red-throated Diver Gavia stellata population of the Outer Thames Estuary Special Protection Area - Version 1.0.* A Report produced for British Marine Aggregate Producers Association to inform the Marine Management Organisation.