



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Sea Link Energy Cable

**Appendix G7 to the Natural England Deadline 7 Submission**

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

For:

The construction and operation of the Sea Link Energy Cable.

Planning Inspectorate Reference EN020026

29<sup>th</sup> April 2026

## **Appendix G7 - 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:

- [REP6-033] 6.2.4.5 (D) Part 4 Chapter 5 Marine Ornithology (Tracked Changes)
- [REP6-051] 6.6 (H) Habitats Regulations Assessment Report (Tracked Changes)
- [REP6-073] 7.5.2 (D) Outline Offshore Construction Environmental Management Plan (Tracked Changes)
- [REP6-091] 7.8 (C) Red Throated Diver Protocol (Tracked Changes)
- [REP6-135] 9.84 (D) Register of Environmental Actions and Commitments (REAC) (Tracked Changes)

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

- [REP6-116] 9.140 Outline In-Principle Monitoring Plan

### **Summary of advice**

Natural England welcomes the steps the Applicant has taken to mitigate impacts by including commitments to:

- apply the RTD protocol during emergency works to be secured in the CSIP / CSEMP to minimise the impacts as much as possible and submit a log to the MMO no more than 4 weeks post conclusion of the emergency works highlighting activity, location and duration etc.
- acknowledge and include a process to be followed within a named plan that depending on the spatial and temporal scale of emergency works within the SPA ensures that any requirement for compensation for impacts is considered and where MMO consider necessary implemented.
- include Pre Lay Grapnel Run (PLGR) works within the seasonal restriction.

However, we note that these commitments are not included across all relevant documents. For example; the commitment to include a process to consider impacts from emergency works is not included in the updated HRA [REP6-051] Para.7.3.88. This should be rectified as key risk management. In addition, Natural England notes that the 2km buffer is only secured within the CEMP as mitigation and therefore advise that it is also secured within the DCO/dML.

Natural England notes that in a meeting with the developer to discuss ornithological matters (01 April 2026) the definition of emergency works was discussed and the following agreed:

- The Applicant is 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.

Following a meeting with the MMO on the 24 April 2026 it is unclear whether this definition has been adequately updated and agreed. Natural England continues to advise that this definition as set out at Para. 1.10.12 of the CEMP [REP6-073] is therefore not agreed. But once it is all relevant named plans/documents should be updated.

Natural England welcomes the Applicant's mitigation on vessel movements. We highlight that RTD can be present within the OTE SPA and surrounding waters between October and April and not just the seasonally restricted period (1<sup>st</sup> Nov – 31<sup>st</sup> March). For example, recent digital aerial surveys (DAS) of the Greater Wash SPA indicated RTD can be present in high numbers during these shoulder months.

To ensure disturbance to RTD during these 'shoulder' months can be more fully minimised we advise that the Applicant consider at the construction planning and scheduling phase an additional commitment listed in the Construction Environmental Management Plan (CEMP) and RTD protocol, to keep the speed of all vessels no higher than 20-knots. This need only apply when operating in the OTE SPA and its 2km buffer but should encompass the full period divers are present and include the shoulder months of the seasonally restricted period (i.e. October and April). When feasible it should also apply to emergency work that may be required in these months and the seasonally restricted period.

## 1. Detailed Comments

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

Document reviewed: [REP6-033] 6.2.4.5 (D) Part 4 Chapter 5 Marine Ornithology (Tracked Changes)			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	5.9.9-14 and 5.9.71-73	<p>Natural England welcomes the mitigation proposed for Red Throated Diver (RTD) and the application of the full seasonal restriction to all offshore cable laying activities within the Outer Thames Estuary (OTE) Special Area of Protection (SPA) and its 2km buffer, including the Pre-Lay Grapnel Run (PLGR) and non-emergency related operations and maintenance work. We also welcome the commitment to follow our best practice guidance on vessel movements throughout. These commitments should ensure that Adverse Effects on Site Integrity (AEoSI) can be ruled out for RTD in-combination with other projects.</p> <p>We highlight that RTD can be present within the OTE SPA and surrounding waters between October and April and not just the seasonally restricted period (1<sup>st</sup> Nov – 31<sup>st</sup> March). For example, recent digital aerial surveys (DAS) of the Greater Wash SPA indicated RTD can be present in high numbers during these shoulder months.</p>	<p>Natural England welcomes the Applicants mitigation on vessel movements and agrees that the mitigation secured will avoid the risk of AEoI to the OTE SPA.</p> <p>Natural England notes that the 2km buffer is only secured within the CEMP and therefore, advise that it is also secured within the DCO/dML. <b>Once this is adequately secured, we will consider this issue resolved.</b></p> <p>However, we highlight that more can be done to minimise impacts to RTD. Therefore, we advise that the Applicant considers at the construction planning and scheduling phase an additional commitment listed in the Construction Environmental Management Plan (CEMP) and RTD protocol - I a 20-knot speed limit and apply this to all vessels in operation between October and end of April in order to more fully minimise impacts on RTD.</p> <p>Note, considering environmental variables present in October and April e.g. warmer air/sea temperatures, longer daylight hours and potentially less depleted prey resources are likely to ameliorate displacement effects any action to fully minimise them would not require avoidance and an extension of the seasonal restriction. Instead, it’s likely that further mitigation could reduce impacts in the shoulder months either side of the seasonally</p>

			restricted period (01Nov – 31 March) by following our best practice for vessel movements (with a 20-knot speed limit).
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**Table 2: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP6-051] 6.6 (H) Habitats Regulations Assessment Report (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	8.3.77-80	London Array Offshore Wind Farm (OWF) became fully operational in 2018 after the OTE SPA designation. The displacement it causes on the distribution and extent of RTD in the SPA as well as any associated mortality must therefore be considered in-combination assessments. Impacts from the Lonon Array OWF must not only include the boat-based activity associated with its routine operations and maintenance but also the displacement caused by the turbine array too.	Natural England recognises that with the implementation of the seasonal restriction an in-combination assessment is not required. And that for emergency works an assessment will be undertaken at that time. Should a situation arise where works were to occur in the sensitive period for RTD then our standard advice is for London Array vessel disturbance and displacement be included in the in-combination assessment.

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

<b>Document reviewed: [REP6-091] 7.8 (C) Red Throated Diver Protocol (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	1.5.4	Natural England welcomes the commitments laid out in section 1.5.4. We note that elements of the list include the recommendations laid out in our best practice guidelines for vessel movements. However, to ensure disturbance to RTD can be	Natural England recommends that the CEMP and RTD protocol refer to the our NE best practice guidelines for vessel movements and commit to following this advice in full, including a 20-knot speed limit, during all phases of construction and operations within the OTE SPA and its 2km buffer during the sensitive period for RTD. Noting our

	fully minimised we advise an additional commitment should be added to keep the speed of all vessels no higher than 20-knots.	comments in Table 1 on sections 5.9.9-14 and 5.9.71-73 of the Marine Ornithology chapter of the Environmental Statement (ES), we highlight that more can be done to minimise impacts to RTD. Therefore, we advise that the Applicant considers at the construction planning and scheduling phase an additional commitment listed in the Construction Environmental Management Plan (CEMP) and RTD protocol to the existing commitments a 20-knot speed limit to all vessels in operation between October and end of April in order to more fully minimise impacts on RTD.
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**Table 4: Natural England’s detailed comments on Offshore Ornithology**

<b>Document reviewed: [REP6-135] 9.84 (D) Register of Environmental Actions and Commitments (REAC) (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	001-007	There is no register of a commitment to limit vessel speed to no higher than 20-knots if any work may be required within the OTE SPA and its 2km buffer during the period when red-throated diver maybe present i.e. from October to end of April.	Natural England recommends that the Register of Environmental Actions and Commitments (REAC) includes a commitment to follow our best practice guidelines for vessel movements that includes a 20-knot speed limit during any phase of construction and operations (including emergency work where feasible) within the OTE SPA and its 2km buffer when RTD during the sensitive period. Noting our comments on sections 5.9.9-14 and 5.9.71-73 in the Marine Ornithology chapter of the ES above.
2	GG45	The late addition of the Commitment GG45 in the REAC with regards to the use of Hovercraft during emergencies in Pegwell Bay brings the additional risk of disturbance to the	Natural England advises that there is a risk of an AEoI occurring from visual and noise disturbance from the use of a hover craft. Therefore, further information on the use

		interest features of the SPA. There is insufficient information provided on the timings, extent and duration of works as well as the phase of works it is intended to be used (i.e., construction, operation or maintenance).	of the proposed hovercraft is required before we can advise further on the impact to designated sites.
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