



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Sea Link Energy Cable

**Appendix G7 for Natural England's combined response to the Deadline 7 documents
and to the All Interested Parties – Invitation to Comment
Natural England's Advice on Offshore Ornithology**

For:

The construction and operation of the Sea Link Energy Cable.

Planning Inspectorate Reference EN020026

21 October 2026

Appendix G8 - Natural England's advice on Sea Link Deadline 7 documents and to the All Interested Parties – Invitation to comment.

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:

Sea Link Deadline 7 Submission Documents:

- [REP7-257] 9.149 (B) Applicant's Comments on Other Submissions Received at Deadline 6
- [REP7-104] 6.2.4.5 (E) Part 4 Marine Chapter 5 Marine Ornithology (Tracked)
- [REP-143] 7.8 (D) Red-Throated Diver Protocol (Tracked Changes)
- [REP7-192] 9.145 Closing Submission
- [REP7-259] 9.150 Applicant's Comments on Responses to Third Written Questions
- [REP7-360] 9.84 (F) Register of Environmental Actions and Commitments (REAC) (Tracked)

Natural England has also reviewed the following documents, and has no further comments:

- [REP7-166] 9.109 Applicant's Response to Remaining Hearing Action Points
- [REP7-168] 9.140 Outline In-Principle Monitoring Plan (Tracked)
- [REP7-128] 7.5.2 (E) Outline Offshore Construction Environmental Management Plan (Tracked)

Sea Link All Interested Parties – Invitation to comment Documents:

Natural England has also reviewed the following documents:

- EN020026-003923-C1-207 - 7.8 (E) Red-Throated Diver Protocol (Tracked Changes)
- EN020026-003911-C1-195 - 7.5.2 (F) Outline Offshore Construction Environmental Management Plan (Tracked Changes)

Summary

Natural England welcomes the updated documents at Deadline 7 of the Examination (27 Apr 2026) and the documents submitted for the Request for Further Information (18 Sept 2026). We welcome the latest updates to the REAC which states the 2km buffer is included in the DCO/dML as Condition 4(1)(b) of the DMLDCO Schedule 3, Requirement 6 Offshore Construction Environmental Management Plan Condition 4(1) of the DML Red-throated

Diver Protocol. This suggests the commitment to include the Pre-Lay Grapnel Run (PLGR) within the seasonally restricted period and apply this condition to the SPA and its 2km buffer has been secured and the matter is resolved.

However, we still have outstanding concerns regarding the definition and inclusion of emergency works. Please see the detailed comments below in Table 1 - 6 and our updated Risks and Issues Log (tab G) for further information.

Detailed Comments

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

Document reviewed: [REP7-257] Applicant's Comments on Other Submissions Received at Deadline 6			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Table 75.7, Ref. 1 pg. 533	In regard to the Natural England Deadline 6 submission [REP6-247] the Applicant finds no ground to prepare a process for compensation in the event of Adverse Effect on Site Integrity (AEoSI) following emergency works for the following reasons: 1. Submarine power cables are highly reliable and the risk of emergency works being required is remote due to existing mitigation and design (based on current failure rates a single fault might be expected over the 40-year operational life). 2. Impacts from the emergency work will be very difficult to assess as cable failure is unpredictable in scope, time, and location. The scope, scale, time, and location of the works required cannot be defined and so neither can the likely impacts be predicted or appropriate compensation identified in a meaningful way. 3. The Applicant does not regard the 'emergency works' part of the 'Sealink' project and therefore fall outside the HRA regulations. Such works are not an inherent part of the project. As set out above, they:	Natural England acknowledges emergency operational works are highly unlikely due to the project's planned mitigation and design but also the cables inherent reliability as evidenced in the track record of historical repairs required so far. Natural England also acknowledges impacts to Red-throated Diver (RTD) are unlikely to cause AEoSI due to the likely temporary nature of emergency works and the limited overlap of the cable route with the SPA and its 2km buffer. However, it should be recognised that subsea cables are exposed to risks such as anchor strikes, fishing gear snagging, or shifting seabeds. Therefore, it is Natural England's view that whilst the extent of emergency works remains uncertain (as the Applicant agreed in their comments on the deadline 6 submissions, [REP7 257]) there remains an impact pathway. Reactive or emergency repairs should be considered a foreseeable component of the operational lifecycle and so comprise part of the proposed project and consenting process. The emergency works should not be exempt unless they are addressed under a separate marine licence. An exemption from a marine license under the Marine and Coastal Access Act 2009 does not remove the legal obligation under the Conservation of Habitats and Species Regulations to

		a) would only be required due to external factors wholly outside of the control of National Grid Energy Transmission (NGET); b) are extremely unlikely; c) are entirely unpredictable in scope, time or location; d) are incapable of meaningful assessment. The Applicant also notes that the 'emergency works' are being licensed under the DCO and are not licensable activities in the dML in schedule 16 of the DCO. Emergency cable repair works are exempt from needing a licence by reason of art. 34 ("Cables and pipelines – authorised emergency inspection and repair") of the Marine Licensing (Exempted Activities) Order 2011. The Habitats Regulations are not intended to operate in a wholly impractical way. Treating emergency works of this sort as part of the project would be wholly impractical due to the inability to meaningfully assess them or identify any compensation (if required) at this stage. 4. NGET is the competent authority for the purposes of the HRA, and as such the Applicant would be responsible.	assess potential impacts on SPAs and SACs. If an emergency repair is so extensive or fundamentally disruptive that it cannot avoid an AEoSI through pre-planned mitigation protocols, the project cannot simply bypass the Regulations. Therefore, as previously advised, should the Applicant remove the commitment to discuss compensation requirements post-emergency with the Marine Management Organisation (MMO) from the DCO/dML, a Method Statement (or similar) will need to be agreed with Natural England and the MMO before emergency works can commence within the sensitive winter period.
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Table 2: Natural England's detailed comments on Offshore Ornithology

Document reviewed: [REP7-104] 6.2.4.5 (E) Part 4 Marine Chapter 5 Marine Ornithology (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Section 5.9.	In this section the paragraphs beyond 5.9.71 until section 5.10 have been numbered incorrectly, do not follow in sequence and are duplicated on preceding pages. For clarity, any comments on these will refer to the paragraph number and page number to prevent confusion.	Amend paragraph numbering so it falls in sequence.
2	Para 5.9.1, pg. 90	This section omits any mention of the commitment to follow best practice for vessel movements cited in the RTD protocol.	In this part of the marine chapter, it would be useful to state that impacts on RTD will also be mitigated by a commitment to follow best practice on vessels movements throughout all phases of the project (c.f. RTD protocol, paras 1.5.4 and 1.5.8) and that this will provide further mitigation to impacts on RTD, notably during April and October. As previously noted, further mitigation in the shoulder months either side of the core winter period when the seasonality restriction does not apply but the birds may still be present in meaningful numbers, could further reduce impacts. This would provide reassurance that some mitigation for potential impacts on the RTD population will be applied throughout the period during which they are present and over the lifetime of the project.
3	Para 5.9.2, pg. 90	The Applicant states that unplanned and time-critical emergency repair work does not form part of the proposed project. They also state that in the event of the	See Natural England Ref. 1 of Table 1, advice to [REP7-257] above.

		need for emergency works, consultation will be undertaken with the MMO and Natural England to minimise disturbance to RTD but do not acknowledge the potential for AEoSI or make provision for a process towards compensation should it occur.	
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Table 3: Natural England's detailed comments on Offshore Ornithology

Document reviewed: [REP7-143] 7.8 (D) Red Throated Diver Protocol (Tracked Changes)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Para 1.5.15	This section does not include a requirement to consult MMO on possible compensation should the MMO deem AEoSI was likely following emergency works.	See Natural England Ref. 1, Table 1 above, advice to [REP7-257] above.

Table 4: Natural England's detailed comments on Offshore Ornithology

Document reviewed: [REP7-192] 9.1.4.5 Closing Submission			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Paras 4.7.3-9	Natural England acknowledges that the likelihood of an emergency cable repair being required is low. However, there remains a potential impact pathway associated with	In line with our advice previously provided to the Request for Further Information (RFI) on the 18 Sept 2026 in response to Question 34, Natural England advises that should the Applicant

		such works that should be considered through the consenting process unless it is addressed under a separate marine licence.	remove the commitment to discuss compensation requirements post-emergency with the MMO from the DCO/dML, a Method Statement (or similar) needs to be agreed with Natural England and MMO before emergency works can commence within the sensitive winter period. The REAC and/or RTD protocol should also indicate that in the event of an emergency repair the Applicant will undertake an Appropriate Assessment should that be deemed necessary at the time of the event (in consultation with Natural England and MMO) - as they state in Section 4.7.9.
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Table 5: Natural England's detailed comments on Offshore Ornithology

Document reviewed: [REP7-259] Applicant's Comments on Responses to Third Written Questions			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Table 19.1, Ref. 3MO2	Regarding compensation if longer term operation and maintenance activities (unforeseen emergency works) are required in the designated site during the winter period and may cause AEoSI in the OTE SPA.	See Natural England Ref. 1, Table 1, advice to [REP7-257] above.

Table 6: Natural England's detailed comments on Offshore Ornithology

Document reviewed: [REP7-360] 9.84 (F) Register of Environmental Actions and Commitments (REAC) (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Table 3.4 ID O04 and O05	Column 6 in the table indicates that these two commitments apply only during the construction phase. RTD protocol para 1.5.8 indicates they also apply during the operations and maintenance and decommissioning phases. Natural England also recommends these mitigations, i.e. i) vessel operators will be made aware of the importance and sensitivity of the species to disturbance and keep to the existing shipping lanes used for transiting routes and ii) vessels will also avoid rafting birds and areas with high densities of birds, are applied where practicable across all phases of the project.	In Table 3.4 replace 'construction' in column 6 (under Project Phase) with 'all phases' for these measures.