National Grid Electricity Transmission
By email only

15th December 2022

Dear Sir/Madam

Re: Sea Link project public consultation

Thank you for informing us of your public consultation regarding the Sea Link proposals. Please find below our comments on the consultation materials covering both the Suffolk and Kent areas of search and the marine corridor.

Comments relating to the Suffolk area of search

Please note that we support the comments of Suffolk Wildlife Trust with regard to the overarching and site-specific issues they have raised in response to this consultation.

Overarching comments on need for the project and application of mitigation hierarchy

The RSPB believes that climate change poses the greatest threat to wildlife and people that we face today. Decarbonising the UK's energy sector will be vital in the fight against dangerous climate change and switching to renewable sources of energy is essential to achieving this goal. The RSPB is therefore supportive of renewable energy projects (and associated works required to the network) providing adverse impacts on wildlife and habitats can be avoided through careful siting and design. Currently, however, protected wildlife sites are threatened by damage from a range of energy projects in Suffolk, including Sizewell C and several National Grid infrastructure projects. We need Government, National Grid and OFGEM to work together to develop a more strategic approach to the planning of onshore energy projects to enable a response to the energy and climate crisis that helps us to achieve a 'nature friendly net zero'.

We therefore request that National Grid Electricity Transmission look again at the current grid reinforcement and interconnector projects and consider how

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impacts on important wildlife sites can be avoided as far as possible, in line with the mitigation hierarchy. At present, no justification has been provided as to why such impacts have not been avoided, and no detail is provided of any mitigation that might be possible. This has resulted in us having significant ecological concerns, which are discussed in detail below.

Lack of detail within consultation

We are disappointed that limited environmental information has been made available as part of the consultation to provide context for responses or reassurance that the options presented have taken account of any environmental assessments during their development. We are also not reassured at this stage by the general statement in paragraph 2.2.32 of the Corridor and Preliminary Routing and Siting Study (CPRSS) which acknowledges likely interaction with designated sites but states (without further justification) that "*through appropriate routeing and mitigation a likely significant effect is likely to be avoidable*". We welcome the proposal in paragraph 5.2.8 to favour trenchless techniques where designated sites are affected by landfall locations but note that this cannot be confirmed at this stage. As acknowledged in paragraph 3.1.3, no information been provided about methods of construction, temporary land take during construction or potential mitigation measures. This makes it very difficult for us and other respondents to understand and comment on the likely environmental impacts of the proposals.

Principle of development within a SSSI: landfall emerging preference

The RSPB is extremely concerned about the emerging preference for North Warren as the landfall site for the onshore cable route for the Sea Link project. This site is within the Leiston-Aldeburgh SSSI and the RSPB's North Warren nature reserve and supports many species of conservation importance. The SSSI citation describes this area as follows:

> *"The marshes, the open water and their margins, in particular, support a diverse range of breeding birds, including water rail, marsh harrier, gadwall and grasshopper warbler. The site is also attractive to wintering*

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waterfowl including Bewick's swan and bittern and regularly supports important populations of white-fronted goose, gadwall and teal.[1]"

With regard the principle of energy development on or affecting SSSIs, EN-1 (Overarching National Policy Statement for Energy), paragraph 5.3.11 states:

> *"Where a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. The IPC should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest."*

The tests set out in paragraph 5.3.11 are intended to ensure that SSSIs are only damaged (i) where there is no alternative location for the development and (ii) where the benefits of development at that site clearly outweigh both the impacts on the features of the SSSI itself and any broader impacts on the national network of SSSIs. This is also consistent with paragraph 175(b) of the National Planning Policy Framework.

Paragraph 5.3.7 of EN-1 clearly states that where "significant harm cannot be avoided, then appropriate compensation measures should be sought". The NPPF sets out a similar approach and makes clear that compensation is a last resort.

We also note the Wildlife and Countryside Act 1981 places a general duty on statutory undertakers and public bodies to "take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest." This duty should be

[1] https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/2000370.pdf

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acknowledged in the discussion of overarching principles reflecting National Grid's statutory duties in paragraph 5.1.9 of the CPRSS.

The evidence available at present is not sufficient to give confidence that the project could be progressed without significant harm to the Leiston-Aldeburgh SSSI and we therefore object to the current proposals. Our concerns around the potential for damage to the SSSI are explained in the next section.

Ecological concerns: landfall emerging preference

We have the following ecological concerns about the proposals as they stand at present. These focus on the potential impacts of the project on the Leiston-Aldeburgh SSSI and in our view, require avoidance and/or mitigation measures to be proposed. Note that this list is not exhaustive and additional concerns may arise as further details of the proposals are made available.

1. Disturbance: We are concerned about the potential for construction-related disturbance to birds which use the marshes identified within the preferred route corridor. Wintering white-fronted geese prefer the area north of the footpath which crosses RSPB North Warren roughly east-west (within the darkest area of the graduated swathe), whilst breeding waders are found either side of the footpath and wildfowl are likely to be present across the whole marsh.

2. Damage to habitats: The works to install a cable and the associated vehicle movements could cause long-term damage to coastal and wetland habitats (including ditches) which support features of SSSI interest. Given the width of the construction swathe (20-40m), these impacts could be significant.

3. Current management: The construction of the cable route has the potential to restrict the ability to move cattle and machinery and vehicles necessary for site management around the site. Grazing is necessary to achieve our management objectives for the wet grassland habitats and machinery/vehicles are necessary for e.g. access to sluices to control water levels and to carry out topping with tractors. Due to this, any restrictions on access could result in reduced habitat quality across the site during the construction period.

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4. Future management: We are concerned that the presence of a buried cable could compromise the RSPB's ability to manage the site in future, particularly should it be necessary/ecologically desirable to adapt the site due to climate change and sea level rise. During the meeting it was stated that an open-trenched cable would be buried at around 1.5m deep. This would not be sufficient to allow e.g. the creation of new scrapes or footdrains or larger scale remodelling. This could compromise the ability of the site to achieve its ecological objectives in future.

5. Land-take: The amount of both permanent and temporary land-take from the SSSI is unclear at present. If any land-take is considered to be temporary, this would require justification through provision of details of reinstatement measures which would ensure ecological functionality is restored. If full ecological functionality could not be restored, we would consider this a permanent impact on the SSSI. We would object to any permanent land-take within a SSSI.

6. Potential impacts on Sandlings SPA: The proposed route west of North Warren cuts through habitat that supports woodlark (and therefore has a functional linkage with the Sandlings SPA) and also supports breeding turtle dove and nightingale.

Due to the above, we object to this landfall being taken forward given the potential for the project to result in land take from and/or significant impacts on a SSSI.

<u>Ecological concerns: alternative cable corridors</u>

The RSPB is concerned that the alternative route associated with converter station site 1 and the alternative route associated with converter station site 3 (option 2) for the proposed cable route involve passing close to or within the Sandlings SPA and/or Leiston-Aldeburgh SSSI. The Sandlings SPA comprises forest and heathland habitat and is designated for breeding woodlark and nightjar. The Leiston-Aldeburgh SSSI is designated for its mix of habitats, including wet grassland, fen, open water, heathland, woodland and scrub and supports a range of breeding bird species. We are also concerned that the alternative route associated with converter station site 3 (option 1) includes part

of Sizewell Marshes SSSI, which is a wetland site of national importance designated for its fen, reedbed, ditch and wet meadow habitats, which support scarce invertebrates and plants and assemblages of breeding birds. Part of this route also passes through Aldhurst Farm, an area of habitat creation, parts of which has been proposed as SSSI compensation habitat and parts as mitigation for the Sizewell C development. This site supports both wetland and dry habitats and associated species of conservation importance.

Ecological concerns: discounted corridors and converter site options

The CPRSS identifies two further corridors which have been discounted from further consideration. The orange corridor makes landfall at and crosses the Minsmere South Levels. These wetland habitats are part of the Minsmere-Walberswick SPA, SAC, Ramsar site and SSSI and RSPB Minsmere. We also note the interaction between this corridor and ecological mitigation and compensation sites for the Sizewell C project. The green corridor makes landfall at Slaughden and the cable route crosses the Alde-Ore Estuary SPA, Alde, Ore and Butley Estuaries SAC and Alde-Ore Estuary SSSI in two locations. We welcome the proposal not to consider these options further. We also welcome the discounting of converter site option A, which may have required additional cable routing through Sizewell Marshes SSSI.

Potential for co-location of onshore infrastructure with other National Grid projects

We note that the Project Background document explains the potential to co-locate infrastructure with two National Grid Ventures projects and that views are sought on this option. We are supportive of the aim to co-ordinate works where possible but are concerned that no evaluation has been provided of the potential impacts of choosing separate sites versus those of co-locating cables. In particular, details should be provided on the effects on the cable swath if they are co-located, given the assumed offsetting required between individual cables. We are also concerned about issues in relation to timing of works – co-location could require repeated damage and disturbance to habitats over a period of several years and this could increase impacts on sensitive sites and species significantly. In summary, whilst we advocate that infrastructure is minimised where possible through co-ordination between projects, if a sensitive or designated site is chosen for landfall or is affected by a cable route, such works

could exacerbate ecological impacts. We therefore reiterate that a higher-level strategic approach is necessary to ensure that energy infrastructure is planned in such a way as to help achieve net zero ambitions without compromising our ability to tackle biodiversity loss.

Comments relating to the Kent area of search

The RSPB repeats the same overarching comments given for Suffolk but for the Kent route options, in the sense that avoidance must be the first option for designated sites, with compensation an absolute last resort, following the National Planning Policy Framework. Green infrastructure should not be at odds with biodiversity conservation. At this stage the plans are not detailed enough to comment on specifics and to be assured that harm to ecology and key designated sites in the region are minimal, and therefore we cannot support the proposals as they stand. For Kent we also repeat that the Wildlife and Countryside Act 1981 places a general duty on statutory undertakers and public bodies to further the conservation and enhancement of the wildlife in the areas affected.

Regarding the Kent area, we also have similar concerns as with the Suffolk proposals about lack of detail in the consultation to help assuage ecological concerns. There appears to be a reluctance to go through cultivated or amenity land such as golf courses, but biodiverse and, particularly, designated wildlife sites should not be chosen for impacts when there is the option of crossing alternative amenity land that can more easily be replicated or reinstated (Fig 8.8, blue and red corridors at landfall, for example). Note that the following points are not exhaustive and additional concerns may arise as further details of the proposals are made available.

Kent route options

We welcome moving away from routes K1 e, d, f and g to the south of Pegwell Bay, which would risk harmful impacts to vulnerable dune systems and other sensitive sites. K2 and K3 may have impacts on coastal species such as red-throated diver and shoreline species such as ringed plover and turnstone and the Special Protection Area (SPA) there and are also best avoided.

Paragraph 10.3.1 of the CPRSS states:

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> *"When considering the appraisal of the terrestrial options in isolation, the overall preference is for the Pegwell Bay to Richborough green HVDC corridor, which connects to landfall area K1 at Pegwell Bay.* 10.3.2 states: *The preferred converter station search area in Kent is the refined Area A."*

This area is important for birds and other wildlife, including areas away from designated sites but effectively connected by those because some species, such as waders and wildfowl, habitually move between sites. Therefore, we expect to see clear methodology to ensure that habitat damage and serious disturbance are avoided across the whole area if this option is selected. However, we remain to be convinced that other, less environmentally damaging, route options could not be selected in preference to such an ecologically sensitive area protected by a number of environmental designations. We also have concerns about the cumulative impacts of infrastructure developments in Kent and whether future works will take place to add to the current proposals and previous developments. We would like to see effective coordination and long-term planning of such impacts to be able to adequately assess the suitability of individual projects such as Sea Link.

<u>Horizontal Direct Drilling (HDD) and avoidance of impacts</u>

National Grid notes that HDD will be used to minimise harm to terrestrial habitats: 3.1.7.

> "*This could include… to cross areas designated for their nature conservation value where open cut techniques could have a substantial impact, technical restrictions permitting."*

We welcome this, but our concerns are that this is not guaranteed and what the options would be should HDD fail or be discounted for whatever reason (such as soil type) - for example "*technical restrictions permitting"* in 3.1.7. There must be guarantees that methods of cabling must not result in serious harm to designated wildlife sites. We would also need to see a commitment to use HDD to avoid direct damage or serious disturbance to non-designated but functionally linked land (FLL) that is important for wildlife. The 40m to 100m width for the HVDC and HVAC terrestrial cable works respectively needs to avoid key habitats and wildlife areas.

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In 7.5.15 it is stated:

> *"Although landfalls in Pegwell Bay would interact with designated sites these could be largely mitigated by using non-open cut techniques, such as HDD. This would avoid the need to trench across areas of saltmarsh and intertidal habitat, which could potentially result in greater habitat loss and water quality effects."*

While we welcome avoidance of trenching in intertidal and saltmarsh habitats important for wading birds, we would need to see what is meant by 'largely mitigated' as this area is protected by a number of national and international designations and harm should be avoided in the first instance.

We agree that impacts to sensitive habitats should be avoided as stated in 7.5.16:

> "*For marine alignment sections K1b and K1c (Figure 7-4) it has been assumed that access to the seaward end of the HDD in the intertidal area will be from the sea by a marine vessel or limited terrestrially to the site of the disused hoverport located in the bay, to avoid impacts to the sensitive saltmarsh habitat in the northern part of the bay..."*

Regarding landfall for K1 at the Pegwell Bay green corridor, we agree that if a trenchless route is not possible here, this route should be avoided as a trenchless technique would be essential - for example 10.5.4:

> "*A trenchless technique is proposed at the landfall to mitigate impacts to saltmarsh habitat within the designations… Onshore routeing will therefore need to be carefully considered to avoid routeing through the historic landfill whilst also ensuring a trenchless technique is achievable, as it is considered to be essential mitigation to avoid impacting on the designated habitats."*

<u>The Pegwell Bay option, key species and designated areas</u>

National Grid identifies Pegwell Bay as the preferred option for landfall and connection to substation further inland. This route crosses Thanet Coast and Sandwich Bay Ramsar, Thanet Coast and Sandwich Bay SPA, Sandwich Bay

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Special Area of Conservation (SAC) and Sandwich Bay to Hacklinge Marshes SSSI. It would be preferable if these important areas could be avoided. If not, there needs to be clear evidence provided of how the impacts of works will avoid serious damage to these sites at landfall and onshore. For example, vulnerable Annex 1 dune habitats that are primary reasons for the designation as an SAC[2]. The site is a Ramsar for its wetland invertebrates (key wetlands must be avoided by the cable route) and its wintering turnstones *Arenaria interpres*[3] – turnstone winter roost and feeding areas must not be disturbed beyond an absolute minimum and coastal habitat must be protected. Thanet Coast and Sandwich Bay SPA[4] is designated such for breeding little tern *Sterna albifrons*, wintering turnstone and golden plover *Pluvialis apricaria*. Little tern colonies, if present, must not be disturbed or damaged in the breeding season, while the Ramsar notes for wintering turnstone apply again. According to the SPA designation site details:

> "*Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land all important habitat for golden plover to roost and feed.*
>
> *The intertidal reef, together with the mudflats and sandflats which characterise the remainder of the coastline in North East Kent, provide valuable feeding grounds and roosting areas at low water for wintering waders including turnstone. In summer, shingle provides an important breeding habitat for little terns."*

All these habitats and others would need to be safeguarded and the wintering areas protected from significant disturbance. Care will need to be taken for wintering golden plover, which occur in the area of the preferred corridor, and roam and use different fields each winter and so their presence may be less predictable. The converter station site and HVAC graduated swathe covers Minster Marshes, and this is likely to impact wintering golden plover and curlew as FLL. We seek further detail about how impacts would be avoided or

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[2] https://sac.jncc.gov.uk/site/UK0013077
[3] https://jncc.gov.uk/jncc-assets/RIS/UK11070.pdf
[4] https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK9012071&SiteName=&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=

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minimised in this area. Away from the shore, open grassy areas will need to be approached carefully or avoided if in regular use by flocks of golden plover. The SSSI designation[5] includes various habitats, scarce invertebrates and botanical interest. Looking at ornithological interest, the SSSI citation mentions:

> *"…the large numbers of waders and wildfowl which use the area in winter and during the Spring and Autumn migrations. Dunlin Calidris alpina is usually the most common wader present, found particularly on the mudflats where the rich invertebrate fauna also attracts a wide range of other common species such as oystercatcher Haematopus ostralegus, curlew Numenius arquata, and redshank Tringa totanus. Grey plover Plurialis squatarola and sanderling Calidris alba both overwinter in nationally important numbers, whilst ringed plover Charadrius hiaticula also occurs in nationally important numbers during migration.*
>
> *Many of the birds use more than one habitat, some for example feed on the mudflats at low tide and then move up to roost on the saltmarsh or grazing marsh.*
>
> *Breeding birds include ringed plover, oystercatcher and little tern Sterna albifrons, a species specially protected by law and listed on Schedule 1 of the Wildlife and Countryside Act 1981. Inland areas are also of interest supporting two nationally rare species of breeding birds.*

Avoidance, careful timing, reacting in real time to bird assemblages at the site, HDD and other measures would be necessary to avoid impacts on important and sensitive sites around Pegwell Bay. This includes terrestrial areas east of Sandwich Road at Pegwell Nature Reserve and Pegwell Bay Country Park, and mudflats nearby. The route and associated works, as already implied on the maps provided, should avoid the mouth of the Stour and the biodiverse areas south of this. The SSSI designation makes clear that birds use a mix of habitats, and habitats in and around the designated areas should be considered connected and the impacts assessed and minimised accordingly, with FLL avoided.

[5] https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1001128.pdf

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Disturbance impacts

Disturbance during construction is likely to have serious impacts and National Grid needs to show how this would be avoided or kept to an absolute minimum. For example, techniques to minimise disturbance such as low-noise machinery and acoustic barriers should be used. This impact needs to be avoided not only during the breeding season but also during the winter where important wintering bird assemblages are present. Reliable local ornithological expertise and local records centre data should be sought in addition to any new survey findings to ensure areas in use by breeding birds or important winter bird assemblages - including within the Minster Marshes area - at the time of the development phase are avoided. Wintering birds such as curlew and golden plover, in particular, habitually range over wide areas and have different preferences of location each year according to weather, food abundance, disturbance and other factors – these variations need to be responded to carefully and appropriately in real time and decisions based on a combination of evidence, and not taken solely based on past surveys or assumptions.

Impacts on future management

Any cabling or other infrastructure and associated works to take place around the designated areas and FLL must be done in such a way that will not hinder management or future habitat enhancement opportunities in the area – for example by ensuring cables do not interfere with water supply and are sited deep enough to prevent interference with machinery and habitat work. For example, if open-trenched cables are to be buried at only around 1.5m deep, this may damage the designated sites by precluding future habitat management, habitat creation or adaptation to rising sea levels. We seek more details about how such impacts will be minimised.

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2016 Review of Special Protection Areas

In respect of land with potential functional links to nearby SPAs we draw your attention to the 2016 UK review of Special Protection Areas[6]. The need to extend the UK's protection for scarce birds was set out in the third review of the UK's terrestrial Special Protection Area (SPA) network, published by JNCC in 2016. This SPA Review examined whether existing SPAs sufficiently met the ecological needs of Annex 1 and regularly occurring migratory species.
The review outlined that the current suite of SPAs is considered insufficient for many species. As a result, any potential impacts on the SPA and its associated species should be avoided, including on FLL. The SPA Review also looked at the boundaries of existing sites to assess whether they meet the needs of the species they are designated to protect. This included consideration of habitats outside the current SPA boundaries that species are reliant on. The RSPB strongly advises that the findings of the SPA review are fully taken into account for any surveys or decisions associated with the potential cable route. This will ensure that recognised important sites for nature can be properly considered alongside the existing SPA citations in survey and monitoring, impact assessment and decision-making, as clearly intended by the SPA Reviews.

Surveys

Further surveys, and much species data, are still awaited. This should include FLL such as grasslands inland of the designated sites that are along the cable corridor and areas where wintering golden plover and turnstone and other important species may gather. We would welcome circulation of this further information and reserve the right to update our position once we have reviewed it. The RSPB also welcomes breeding bird surveys in suitable habitat for species likely to be affected significantly by large-scale temporary works. This includes survey work for Schedule 1 species.

[6] Stroud, D.A., Bainbridge, I.P., Maddock, A., Anthony, S., Baker, H., Buxton, N., Chambers, D., Enlander, I., Hearn, R.D., Jennings, K.R, Mavor, R., Whitehead, S. & Wilson, J.D. – on behalf of the UK SPA & Ramsar Scientific Working Group (eds). 2016. The status of UK SPAs in the 2000s: the Third Network Review. JNCC, Peterborough.

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Conclusion regarding the Kent area of search

In conclusion, we would object to the proposals as they currently stand, as we have insufficient detail about why other alternative routes in less sensitive locations are not possible, and insufficient reassurances of how damage to the designated sites in the Pegwell Bay area would be avoided or adequately mitigated if the route preferred by National Grid is chosen. We may be able to reassess our position in the future should more detail or other information be presented subsequently.

Comments relating to the marine corridor

We are concerned about impacts of construction on habitats, as well as disturbance to wintering assemblages of seabirds such as red-throated diver and seaduck, where the cable route passes through designated offshore sites. Paragraph 2.2.32 of the CPRSS states:

> *"Coastal designations include the Thanet Coast MCZ/SAC, Thanet Coast and Sandwich Bay SPA/Ramsar, Sandwich Bay SAC, whilst unlikely that some degree of interaction with one or more of these sites is unavoidable, through appropriate routeing and mitigation a likely significant effect is likely to be avoidable."*

We would need to see how feasible it is that significant effects would be truly avoidable or mitigable if this route is selected, and what is meant by 'significant effect' in this instance.

We also note that the marine corridor will pass through the Outer Thames Estuary SPA. Paragraph 2.2.32 of the CPRSS states that impacts should be avoidable through "*timing and construction practice*". It should be noted that the designated features of the Outer Thames Estuary SPA include non-breeding red-throated divers which are likely to be present in the area from around September to April. This species is known to be particularly sensitive to disturbance, including that from vessel movements and hence this potential impact and the mitigation options will require careful consideration as part of the Habitats Regulations Assessment for the project.

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We would welcome discussion of the issues addressed in this letter and look forward to further updates in due course.

Yours sincerely

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