National Grid Electricity Transmission
By email only

18th December 2023

Dear Sir/Madam

Re: Sea Link project public consultation

Thank you for informing us of your public consultation regarding the Sea Link Preliminary Environmental Information. Please find below our comments on the consultation materials.

Overarching comments

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 energy projects to enable a response to the energy and climate crisis that helps us to achieve a 'nature friendly net zero'.

The RSPB remains seriously concerned that the Sea Link proposals are a considerable threat to RSPB North Warren and the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) in Suffolk and Thanet Coast and Sandwich Bay Ramsar, Thanet Coast and Sandwich Bay Special Protection Area (SPA), Sandwich Bay Special Area of Conservation (SAC) and Sandwich Bay to Hacklinge Marshes SSSI in Kent. We are extremely disappointed that infrastructure development has been proposed within important wildlife sites. National Grid should consider how impacts on important wildlife sites can be avoided and mitigated as far as possible, in line with the mitigation hierarchy.

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This should include consideration of alternative options to avoid sensitive areas. We do not agree that this approach has been adequately demonstrated thus far and therefore we object to the proposals in their current form.

Notwithstanding the above point, we are also disappointed with the standard of environmental evidence provided for the Sea Link proposals through this consultation on the Preliminary Environmental Information. In our view, National Grid will need to refine and amend these proposals, including further consideration of alternatives, if the project is to be brought forward without significant damage to the nationally and internationally important wildlife and habitats of the Suffolk and Kent Coasts. Based on the information provided in this public consultation, we are not reassured that impacts will not be significant due to the lack of detail about the current proposals, evidence regarding potential impact significance and design and efficacy of mitigation measures. Therefore, we are unable to agree that there will be no adverse effects on the integrity of the following internationally designated sites:

- Thanet Coast and Sandwich Bay SPA, Thanet Coast and Sandwich Bay Ramsar, and Sandwich Bay SAC, Kent
- The Sandlings SPA, Suffolk
- The Outer Thames SPA

We are also unable to agree that significant damage will not occur to the following nationally designated sites:

- The Leiston-Aldeburgh SSSI, Suffolk
- Sandwich Bay to Hacklinge Marshes SSSI (Kent)

We are also concerned about the potential for impacts on the following designated sites arising from the Sea Link project cumulatively with other projects:

- Minsmere-Walberswick SPA and Ramsar site
- Alde-Ore Estuary SPA and Ramsar site
- Sandlings SPA
- Thanet Coast and Sandwich Bay SPA
- The Outer Thames SPA

Whilst we object overall to the proposals in their current form, we acknowledge that the project may proceed to application and be consented despite these concerns. Therefore, we also will seek to engage with National Grid to secure

mitigation to avoid and reduce impacts on nature conservation as far as possible should the development go ahead. Our detailed comments thus include both further detail of our objection due to the inadequate approach to avoidance of designated sites as well as discussion of the potential impacts and mitigation relating to the proposals in their current form.

Comments on the Suffolk Onshore Scheme

Evolution of the Suffolk Onshore Scheme

Whilst PEIR, Part 2, Ch. 1 Evolution of the Suffolk Onshore Scheme does mention opportunities to avoid and mitigate impacts on designated sites for some parts of the process, there are still some areas where we feel the approach is not clear, particularly around the refinement from the initial routing and siting study area (from Hollesley to Dunwich) towards the identification of the landfall areas of search.

We are also disappointed to see a number of references to the use of trenchless techniques at the Leiston-Aldeburgh SSSI and RSPB North Warren being described as avoidance (for example, PEIR, Part 2, Ch. 1 Evolution of the Suffolk Onshore Scheme paragraph 2.1.2.48). Whilst the proposal of such techniques is welcomed (subject to the caveats discussed below), this does not constitute avoidance of the designated site, but is rather mitigation to reduce impacts. Geographic avoidance would require an alternative route to be proposed. This is an important distinction as even with the use of trenchless techniques, there are still risks to the SSSI associated with disturbance during construction and technical failures during construction or operation. There are also several instances where the documents refer to the Suffolk Onshore Scheme being adjacent to the Leiston-Aldeburgh SSSI and RSPB North Warren (e.g. Paragraphs 2.3.8.2-3 of PEIR Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity). Again, the use of trenchless techniques to install cables beneath the surface of the site does not mean that the project lies outside the SSSI boundaries. We therefore do not agree that the information presented at this stage demonstrates that adequate weight has been given to the need to avoid impacts on designated sites. It is necessary to collate and expand on the information about the approach to avoidance and mitigation so that the narrative with regard avoidance of designated sites is clear from the beginning to the end of the process.

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In our view the exploration of alternatives has been too narrow as a result of the above limitations in the process. This is illustrated by the recent inclusion of an additional potential route option by the LionLink project which could avoid designated sites (although we acknowledge that other issues may remain). Given that it has been possible for that project to identify alternatives, we query why it has not been possible so far for the Sea Link project.

We note that the documents do give great weight to the capacity of landfall sites and cable corridors to support project co-location. We consider that this must be weighed carefully against the potentially greater impacts of co-location – i.e., consideration should be given to the total impacts of the three projects using more than one cable route where they can avoid designated sites as compared to the impacts of co-location within a designated site, as is currently proposed. We also note that whilst Sea Link is geographically constrained in its overall area of search through the needs arising from various generation sources in the local area, the justification for a limited geographic area of consideration for the subsequent projects (multi-purpose interconnectors rather than network reinforcements) is not as strong and therefore the needs of these subsequent projects should not be an overriding consideration in the location of the Sea Link project.

Given our concerns above, we object to landfall S2 remaining as the preferred location and, whilst supportive of co-location in principle where significant impacts on designated sites can be avoided, we also object to co-location at this site.

Ecological Impacts of the Suffolk Onshore Scheme

We have the following high-level concerns about the potential ecological impacts of the project on RSPB North Warren, the Leiston-Aldeburgh SSSI and Sandlings SPA:

1. Disturbance: There is potential for construction-related disturbance to birds which use the marshes identified within the route corridor. Wintering White-fronted Geese prefer the area north of the footpath which crosses RSPB North Warren roughly east, whilst breeding waders are found either side of the footpath and wildfowl are likely to be present across the whole marsh. The presence of a construction compound just to the west of the

site has potential to result in significant noise and visual disturbance to SSSI features.

2. Damage to habitats: The potential for damage to SSSI habitats should any technical failures occur (particularly in relation to the use of trenchless techniques) during or after the construction process is unclear at present. Any open trenching and associated vehicle movements could cause long-term damage to coastal and wetland habitats (including ditches) which support features of SSSI interest. It would also have the potential to restrict the ability to move cattle, machinery and vehicles necessary for site management around the site.
3. Future management: 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 through 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.
4. Potential impacts on Sandlings SPA: The proposed route west of North Warren passes through habitat that supports Woodlark (and therefore may have a functional linkage with the Sandlings SPA) and also supports breeding Turtle Dove and Nightingale.

These issues are explored in further detail in relation to specific topics below.

Co-location

The documents explain that co-ordination of the Sea Link project with LionLink and Nautilus is being explored. Whilst the RSPB is supportive of the principle of trying to reduce impacts through project co-ordination, we are extremely concerned that co-location in this instance could have significant additional impacts on the proposed landfall area within the Leiston-Aldeburgh SSSI and RSPB North Warren. As explained above, we do not agree that it has been adequately demonstrated that there are no alternative options which would avoid impacts on designated sites, due to weaknesses in the site selection and routing process.

Our main concerns around co-location arise from concerns around increased duration of the works, the additional infrastructure required for construction, impacts of the increased width of the cable corridor through the site and the

increased level of risk associated with any failure/faults which would require open trenching to resolve.

With regard duration of the works, we are concerned that no commitments are made to ensure that works are temporally co-ordinated as far as possible. Extending the duration of the works required at the landfall would increase the significance of noise and visual disturbance impacts as well as any direct effects on habitats at the landfall within Leiston-Aldeburgh SSSI and RSPB North Warren. Table 1.4.12 in PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project indicates that the duration of HDD drilling would increase from 125 days for one project to 250 days for three projects (assuming one drilling rig is used). Whilst this gives an indication of the additional duration of the work involved with co-location, this is only one aspect. We are also concerned about the sequencing of work and the potential for work to cross into several bird breeding/wintering seasons due to gaps between the installation of ducts for one project and cable pulling for subsequent projects. Repeated periods of disturbance (and any repeated impacts on habitats) would exacerbate the effects of the proposals on designated sites significantly, with a longer duration of impacts potentially more likely to result in longer term changes to breeding and/or wintering bird populations.

Paragraph 1.4.2.4 of the PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project appears to state that there is no benefit (and it may not be possible) to share all the infrastructure required for the projects. The types of infrastructure which could not be shared are not explained, and it is unclear what the implications of this would be for the Leiston-Aldeburgh SSSI at the landfall. More information is required to understand any potential direct effects on the SSSI as well as any impacts of additional infrastructure adjacent to the SSSI.

The PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project explains that co-location of the three projects would require an increase in the number of cables laid within the Leiston-Aldeburgh SSSI and RSPB North Warren from 4 to 10. We have not been able to find mention of the exact width of the area affected for either scenario (assuming trenchless techniques are used), although we note that minimum offset distances between cables are set out in Table 1.4.10. This is also illustrated on Figure 1.4.8 Suffolk Landfall Indicative Location with Co-location. This Figure appears to show that under the co-location scenario, a significant portion of the central area of the RSPB North

Warren (Leiston-Aldeburgh SSSI) wetlands would be affected by the presence of cables. Depending on the depth at which these cables are buried (again this is unclear), these could constrain potential future management of the site through restrictions to landshaping activities in the area above the cables, a particularly important constraint on a site potentially subject to coastal change such as this. We also note that the description referenced above conflicts with Design Drawing S42_M/TDD/SS/1041. This drawing shows 11 ducts installed under the co-location scenario, rather than 10 as described above. This also requires clarification to enable proper assessment of impacts. We are also concerned about the potential for any technical failures, during duct or cable installation or subsequent operation, which could result in open trenching and potential damage to habitats.

Commitment to use trenchless techniques at landfall

PEIR, Vol. 2, Part 1, Appendix 1.4.F Outline Schedule of Environmental Commitments and Mitigation Measures states that:

> "*The preferred installation method for the Suffolk Landfall is a trenchless technique to minimise the loss of habitat within the Site of Special Scientific Interest (SSSI): Leiston – Aldeburgh and North Warren RSPB Reserve.*"

Whilst we welcome this intention, this should be made a firm commitment as soon as geotechnical trials confirm that trenchless techniques are a suitable option. In the event that this cannot be confirmed, an alternative route should be proposed. This is because the works to install a cable via open trenching, along with the associated haul route and vehicle movements could cause long-term damage to coastal and wetland habitats (including ditches) which support features of SSSI interest.

Risks associated with trenchless techniques

Paragraph 1.4.5.70 - 72 of the PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project describe the risk of HDD drilling fluid frac-out and the mitigation that can be applied. Due to the potential for benthic smothering from releases of bentonite (or similar) in the aquatic environment, these risks require particular attention in the assessment of potential impacts on watercourses within the Leiston-Aldeburgh SSSI and RSPB North Warren.

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We note that, whilst paragraph 1.4.2.54 of the PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project commits to the installation of a spare duct for the Sea Link project to reduce the need for further digging/drilling in the event of any duct failure, the likelihood of such an occurrence (or multiple occurrences) is not discussed and no assessment of the likely impacts of additional duct installation or the impacts of remedial action in the absence of a spare duct is given. This information should be provided in order to understand the full risks and implications of the project.

Installation of a spare duct

We welcome the commitment in paragraph 1.4.2.54 of the PEIR Vol. 1, Part 1, Ch. 4 Description of the Proposed Project to install a spare duct for the Sea Link project at the landfall to allow for any necessary replacement of a cable without further drilling/digging works (as discussed above). Whilst we seek assurance that such a spare duct is likely to remain functional and available for this purpose, we also raise the concern that it appears that no additional spare ducts are proposed for Nautilus and LionLink in the event of co-location. The likelihood of more than one cable/duct failure in the event of the co-location scenario and the impacts of any further drilling/digging works required should be assessed.

Construction compound

Design Drawings S42_M/TDD/SS/1044 and S42_M/TDD/SS/1038 show the layout of the HDD construction compound adjacent to the Leiston-Aldeburgh SSSI and RSPB North Warren under the Sea Link only and co-location scenarios respectively. We query why the layout appears to differ to that of the construction compound shown in General Arrangement Plans S42_S/IGA/PS/0006 and S42_S/IGA/PS/0007. Clarity regarding the location of the compound and the activities that are proposed within it is essential for the purposes of assessing impact on the SSSI and RSPB reserve. At this stage, we cannot have confidence in any conclusions around such impacts as there does not appear to be certainty regarding the designs assessed.

Noise disturbance – construction and operation

We welcome the consideration given to reduction of noise impacts on sensitive breeding bird species of the Sandlings SPA in the PEIR, Vol. 2, Part 1, Appendix 1.4.F Outline Schedule of Environmental Commitments and Mitigation Measures through the inclusion of the following measure:

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"*Where feasible and necessary, the most potentially disturbing elements of trenchless installation will take place between September and February, to minimise disturbance of breeding nightjar and woodlark in the adjacent Sandlings SPA*"

Whilst we acknowledge that full noise modelling and assessment is not yet available, we recommend that the wording is strengthened to indicate that such mitigation would be deployed should the noise modelling indicate that noise levels within any areas of the SPA would be likely to cause disturbance. We also acknowledge the proposal to install noise barriers around the construction compound to reduce impacts on both the Sandlings SPA and Leiston-Aldeburgh SSSI and RSPB North Warren, but it will be necessary to consider the outputs of the noise modelling with such a structure in place to determine whether there is also a need for timing restrictions to further reduce impacts on the breeding and wintering bird interest of the SSSI and nature reserve.

Table 2.3.18 in the PEIR Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity acknowledges that, despite the measures above, some bird species will be displaced during construction. Given the potential duration of the construction period, we are concerned that noise disturbance impacts on both the Sandlings SPA and Leiston-Aldeburgh SSSI could be significant. This will require more detailed assessment based on the outputs of the noise modelling, which should be mapped and include consideration of both average and peak noise levels. The impact of any displacement of birds will also require consideration cumulatively with other projects affecting the wider area; for example, the construction of Sizewell C may also have impacts on some wetland bird populations which use Leiston-Aldeburgh SSSI and RSPB North Warren, such as the White-fronted Goose (as acknowledged in Tables 2.14.3 and 2.14.31 of the PEIR Part 2, Ch. 14, Suffolk Onshore Scheme Inter-Project Cumulative Effects). At this stage, we do not have confidence that the noise disturbance impacts of this project alone, under the co-location scenario or cumulatively with other projects will be avoided or adequately mitigated.

We welcome the proposal below to address impacts of maintenance activities during operation and which recognises the importance of both the breeding and wintering interest of the Leiston-Aldeburgh SSSI and RSPB North Warren, although given the inclusion of the wording "*where practicable*", we recommend that the requirement to only "*Consider*" should be removed:

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"*Consider undertaking potentially disturbing (noisy) maintenance activities during August and September, where practicable, reducing risk of disturbance of breeding or non-breeding birds using RSPB North Warren Reserve or breeding nightjar and woodlark using Sandlings SPA.*"

Watercourse crossings

Table 1.4.D.1 PEIR Vol. 2, Part 1, Appendix 1.4.D Crossings Schedule includes four watercourse crossings within the Leiston-Aldeburgh SSSI and RSPB North Warren (crossings S/WA/0004 – S/WA/0007). The table indicates that these crossings are for a haul road as well as installation of the HVDC cables. Given a commitment is made to utilise trenchless cable installation techniques across the designated site and RSPB reserve, we query why a haul road is needed in this area? The construction of a haul road across SSSI wetland habitats, along with the disturbance arising from its use, is likely to have an unacceptably significant impact on the SSSI interest of the site.

Hydrological impacts

We note that Table 2.3.22 of the PEIR Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity states that launch pit dewatering and the use of trenchless techniques could result in changes to water levels within the Leiston-Aldeburgh SSSI and RSPB North Warren. As a wetland site, maintenance of appropriate water levels is critical to enable it to continue to support specialist wetland plants and invertebrates, as well as provide suitable breeding and foraging habitat for birds. Whilst we welcome the commitment in the PEIR, Vol. 2, Part 1, Appendix 1.4.F Outline Schedule of Environmental Commitments and Mitigation Measures to "*Implement measures to ensure no significant hydrological impact on water levels in North Warren RSPB Reserve*", further detail of the potential impact pathways, mitigation measures under consideration and the evidence regarding their effectiveness is required to provide confidence that hydrological impacts can be avoided.

Breeding bird surveys

Paragraph 2.3.5.28 of PEIR Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity states that no dedicated breeding surveys of Marsh Harrier were carried out at RSPB North Warren as the site will be crossed using trenchless techniques. This seems inconsistent with the approach taken for other breeding birds at the site which have been surveyed. With the potential for impacts from construction

disturbance from works adjacent to the site as well as the possibility of technical failures during the trenchless crossing requiring further work, impacts on Marsh Harrier cannot be ruled out at this stage. As a Schedule 1 breeding bird and a species mentioned in the Leiston-Aldeburgh SSSI citation, we consider that this omission is an oversight which should be rectified.

Cable corridor impacts

As explained in Table 2.3.15 of PEIR Vol. 1, Part 2, Chapter 3, Ecology and Biodiversity, the proposed cable corridor to the west of RSPB North Warren passes through areas of importance for Woodlark and Nightjar. These species are both features of the Sandlings SPA and Woodlark is listed under Schedule 1 of The Wildlife and Countryside Act. Given the number of breeding records of Woodlark in close proximity to the onshore works, we are concerned by the statement in the Table that "*there will be temporary loss of up to approximately 116 ha of potentially suitable foraging habitat within 2 km of the SPA*" and that this is not considered significant. Further information is required to show how this potential impact will be minimised, with mitigation proposed if needed.

We agree with the need for further consideration of potential loss of functionally-linked habitat associated with Alde-Ore Estuary SPA/Ramsar and Minsmere-Walberswick SPA for wetland birds once further survey information is available.

The cable corridor also passes through areas which may support Turtle Doves. This species is on the Birds of Conservation Concern (BoCC) Red List due to its dramatic decline and the RSPB has been working with partners and land managers through Operation Turtle Dove to try to halt this decline through improvements to breeding and foraging habitats. Due to the fragile state of the breeding population, it is important that impacts on key habitats for these species (including scrub and mature hedgerows) are avoided and minimised as far as possible, as reinstatement through replanting of young trees after up to 5 years is likely to mean that the habitat would not be sufficiently mature to support breeding Turtle Doves for some time beyond this. Reduction and/or mitigation of this impact is also likely to be beneficial for breeding Nightingale.

We also note that the sandy, acidic soils in parts of this section of the cable corridor make the area potentially suitable for Stone-curlew. Stone-curlew are amber listed on BoCC and listed under Schedule 1 of the Wildlife and

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Countryside Act. Presence of this species should be considered in any areas of suitable acidic grassland or arable farmland, with particular consideration given to the potential for colonisation of any areas of bare ground created during the construction of the cable route. Surveys and mitigation may be required in order to avoid impacts on this species.

Cumulative/in-combination effects with other projects

We acknowledge that PEIR Part 2, Chapter 14, Suffolk Onshore Scheme Inter-Project Cumulative Effects has identified several projects, including the other National Grid projects, Sizewell C and East Anglia ONE North and TWO, which together with Sea Link may result in cumulative impacts on the following sites:

- Minsmere-Walberswick SPA
- Alde-Ore Estuary SPA
- Sandlings SPA

Given the potential for impacts on birds, it should be noted that the Ramsar sites at Minsmere-Walberswick and the Alde Ore Estuary are also likely to be at risk and should therefore be included in the assessment. Detailed consideration of impact pathways, timelines and construction methods will be required to inform the assessment and further mitigation of impacts may be required.

Biodiversity Net Gain (Suffolk Area)

We welcome the commitment in the PEIR, Vol. 2, Part 1, Appendix 1.4.F Outline Schedule of Environmental Commitments and Mitigation Measures to deliver net gain by at least 10% or greater on this project. Given the significance of the proposals, we request that consideration is given to a more ambitious net gain target of 20%.

This project has potential to contribute to the conservation of important farmland bird species, including Turtle Dove. We recommend that habitat enhancements consider planting targeted at providing nesting, foraging and watering habitat for farmland birds, where appropriate. Further details of the types of measures that could be employed can be found on the Operation Turtle Dove website[1].

[1] https://operationturtledove.org/get-involved/habitat/

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The project also passes through areas that are of importance for breeding waders and therefore this suite of species could be a relevant target for environmental enhancements. It is, however, important that any enhancements targeted at breeding waders are clearly additional to any works required as mitigation for impacts on these species. The Suffolk Wader Strategy is led by a partnership of organisations working together to improve habitat management and increase populations of breeding waders in Suffolk, both on nature reserves and in the wider landscape. The project could consider supporting such work as part of its aspirations for environmental enhancements. Further details are available on the SWS website[2].

We would be pleased to advise further should BNG proposals targeted at farmland birds or breeding waders be developed.

Conclusions regarding the Suffolk Onshore Scheme

In summary our main concerns relate to the likely impacts of the landfall (S2) on the Leiston-Aldeburgh SSSI and RSPB North Warren, along with potential impacts on the Sandlings SPA from the associated cable route. We therefore object to landfall S2 being taken forward for Sea Link and to co-location with other projects at this site. The reasons for our objection are:

- Insufficient consideration given to avoidance of designated sites during the route selection process.
- Exploration of ecologically less-damaging alternatives too geographically constrained.
- Weak justification for co-location of Sea Link with additional multi-purpose interconnector projects at this landfall given significantly greater ecological impacts of co-location.
- Ecological impacts of the proposed landfall including disturbance, damage to habitats and constraints on future management of the SSSI and RSPB reserve.

[2] https://www.suffolkwaders.org/

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Comments on the Kent Onshore Scheme

Problems with the proposed Kent route

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 (NPPF) mitigation hierarchy. We are disappointed that our concerns raised in the response to the pre-consultation have not been addressed and a less environmentally sensitive route chosen, such as the Broadstairs option, and many of the comments we submit here regarding the Kent route and landfall remain the same. Less damaging route options appear to have been too easily discarded at the expense of designated wildlife sites. Green infrastructure should not be at odds with biodiversity conservation. At this stage the plans are still uncertain in terms of impact assessments, including a lack of guarantee that trenchless techniques would be used, and any corresponding proposed mitigation. Therefore, we are not assured that harm to ecology at the designated sites in the region are minimal, and we cannot support the proposals. 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. Note that the following points are not exhaustive and additional concerns may arise as further details of the proposals are made available.

Regarding the Kent area, we have similar concerns as with the Suffolk proposals about lack of detail in the consultation to help assuage ecological concerns. Biodiverse and, particularly, heavily designated wildlife sites should not be chosen for impacts when there is the option of crossing alternative land that can more easily be replicated or reinstated. The Option Selection and Design Evolution Report Ch. 4, Paragraph 4.4.33 states that:

> *"There are several scheduled monuments located within each of these three corridors, however the blue corridor was considered the most constrained, with a combination of scheduled monuments and a proposed planning allocation in the south of Birchington, creating a pinch point that reduced the ability to route away from and around these sites."*

The preferred route option crosses Thanet Coast and Sandwich Bay Ramsar, Thanet Coast and Sandwich Bay SPA, Sandwich Bay SAC and Sandwich Bay to

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Hacklinge Marshes SSSI. Such a heavily designated landscape should not be chosen for development or infrastructure projects. There are also areas away from the designated sites but functionally linked to those because some species, such as waders and wildfowl, habitually move between sites. For example, one of the designated features of the SPA, Golden Plover, uses land at Minster Marshes in significant numbers (Paragraph 3.3.8.19 of the PEIR Vol. 1, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity) in the area threatened by development of the converter station building and associated works.

We remain unconvinced that '*a proposed planning allocation in the south of Birchington'* (Option Selection and Design Evolution Report Ch. 4, Paragraph 4.4.33) is a sufficient constraint to justify choosing to impact an SPA/Ramsar/SSSI over other, less environmentally damaging, route options such as Broadstairs. This appears to disregard NPPF guidelines for avoiding impacts on designated sites. It appears the choice has been made that nature is not a top priority, with minimal efforts to avoid harm to the biodiversity of designated sites. This is disappointing considering the ecological emergency we are facing, and the dire state of our biodiversity as evidenced[3].

<u>The designated areas under threat and key species</u>

National Grid's preferred route for landfall and connection to substation further inland crosses Thanet Coast and Sandwich Bay Ramsar, Thanet Coast and Sandwich Bay SPA, Sandwich Bay 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, the site is a Ramsar for its wetland invertebrates (key wetlands must be avoided by the cable route) and its wintering Turnstones *Arenaria interpres*[4] – 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[5] 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:

[3] State of Nature 2023 - report on the UK's current biodiversity
[4] untitled (jncc.gov.uk)
[5] Designated Sites View (naturalengland.org.uk)

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"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."

The SSSI designation[6] 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."

All these habitats and others would need to be safeguarded and the wintering areas protected from significant and prolonged disturbance. Care will need to be

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

taken for wintering Golden Plover, which roam and use different fields each winter as functionally linked land, and so their presence may be less predictable.

Trenchless techniques are not guaranteed - there is a precedent of broken promises from a very similar scheme

National Grid notes that Horizontal Direct Drilling (HDD) may be used to minimise harm to terrestrial habitats. While HDD could reduce impacts, 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). Ecology consultants Biocensus found there was apparently permanent damage to protected saltmarsh and mudflat habitats in the SPA/SAC/Ramsar/SSSI at Pegwell Bay due to the Nemo Link infrastructure project using trenching techniques, after it had promised to use trenchless techniques[7]. This included physical impacts to saltmarsh within the construction corridor and flooding of the saline lagoon with corresponding changes to the marginal vegetation there. Natural England are aware of this damage. This is something that must not be allowed to happen again at these designated sites. Given this uncertainty, the risk of serious damage to the SPA and the other designated habitats cannot be ruled out at this stage. 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 need to avoid key habitats and wildlife areas.

While we would expect avoidance of trenching in intertidal and saltmarsh habitats important for wading birds, this area is protected by a number of national and international designations and harm should be avoided in the first instance. As paragraph 3.3.8.17 of the PEIR Vol. 1, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity notes, the intertidal zone is of considerable importance for wading birds and other shoreline species:

[7] Post-construction Saltmarsh Monitoring – NEMO Link Ltd – Pegwell Bay, Kent – November 2018, Version 1.0

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> *"The intertidal zone was of considerable significance. Dunlin (Calidris alpina), cormorant (Phalacrocorax carbo), oystercatcher (Haematopus ostralegus) and sanderling were recorded in large numbers and peak counts approaching or exceeding the 1% Great Britain national thresholds. Golden plover and sanderling were recorded in large numbers (peaks of 307 and 413) within the survey area, comprising a large proportion of the most recent SPA/Ramsar Wetland Bird Survey (WeBS) 5 year mean peak of 433. Sanderling was also recorded in significant numbers. Ringed plover, turnstone and red-throated diver (Gavia stellata) were recorded in much smaller numbers than the original SPA/Ramsar counts but comparable to the latest Pegwell Bay WeBS data."*

Trenchless techniques are proposed to minimise harm – as below – but the problem is that it is an assumption and not yet a guarantee:

> *"Assuming trenchless techniques will be used to traverse sensitive intertidal habitats, notable habitats had no significant combined effect from the Proposed Project* (Paragraph 8.2.4 of the PEIR Non-technical Summary Version A, Ch. 8 Project-wide Preliminary Environmental Assessment)."

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 to avoid harm - as has already happened in the area, despite the promises, at the Nemo Link site.

<u>Functionally linked land – Golden Plover and other species</u>

The 26-metre-high planned converter station and new substation site covers much of Minster Marshes, and this is likely to impact wintering Golden Plover as a designated feature of the SPA, and Curlew, as FLL though habitat loss and disturbance. This is evidenced by over 1% of the SPA population observed within the proposed development zone during winter surveys in 2022-2023, as reported in table 3.3.15 preliminary assessment in the PEIR Vol. 1, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity:

> *"The first season (2022-2023) of wintering bird surveys has identified that fields northeast of the River Stour through which the proposed Kent Onshore Scheme will pass supported significant numbers (more than 1% of both the SPA population and the latest WeBS counts) of golden plover,*

albeit only on a single visit in December, when a flock of more than 700 individuals was recorded. This record appears correlated with localised standing water within these fields. These fields overlap with the location of the proposed Minster Converter Station and Minster Substation."

Furthermore, loss of this functionally linked land will be permanent and significant in terms of SPA impacts (paragraph 3.3.10.5 of the PEIR Vol. 1, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity):

"Although the entire fields will not be occupied by the Proposed Project, they will effectively cease to support significant non-breeding bird assemblages."

Should the development proceed, the possibility of mitigation is raised to:

"…deliver long-term improved habitat (for example, in the form of seasonally flooded grassland and new riverside scrapes) to offset the permanent loss of fields currently used by non-breeding golden plover, and to enhance the Stour corridor." (PEIR 3.3.10.3 and 3.3.10.5).

We would need to see details of what area - in terms of location and size - could be secured, what quality this would be, and when. Such habitat mitigation should be done before the functionally linked land is damaged or destroyed in order that the designated SPA feature population, Golden Plover, does not suffer a loss of key habitat before Sea Link is completed. Should that not prove possible, then this must be explained and factored into the size of the land eventually secured for habitat creation and/or improvement, to ensure the long-term benefit of the SPA feature. Any such land must be protected in perpetuity from future upheaval by this or other projects.

We are also concerned about the impact of new pylons across the Stour on flying birds moving between designated sites and functionally linked land. This concern is recognised by National Grid:

"At this stage of the Proposed Project, the potential for operational period collision risk cannot be dismissed, associated with the new section of overhead powerline and species travelling to Stodmarsh SPA/Ramsar"

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(Paragraph 3.3.8.17 of the PEIR Vol. 1, Part 3 Kent Onshore Scheme, Ch. 3 Ecology and Biodiversity).

We seek further detail and clarity about how impacts would be avoided or minimised in the Stour and Minster Marshes area, as well impacts of light pollution on wildlife there. There are substantial areas of farmland, including habitat managed for wildlife, in this area that are important for Red-listed birds and others, including land around the proposed converter station site. These farms are managed sympathetically for declining wildlife and have produced impressive results: some examples include a thriving Grey Partridge *Perdix perdix* population, breeding Nightingales *Luscinia megarhynchos* and Long-eared Owls *Asio otus*, as well as wintering Curlews and Lapwings. Some land is part of Operation Turtle Dove[8] - with Turtle Dove *Streptopelia turtur* successfully breeding in recent years. There are also ongoing habitat enhancement efforts such as creating scrapes for Lapwings *Vanellus vanellus.* The work local farmers are undertaking for wildlife there is increasingly valuable given the widespread declines of British farmland and woodland birds, and it is important that Sea Link does not impede these efforts. Survey work undertaken by Sea Link must be sure to capture the extent of the bird fauna in this area and to incorporate data from the long-running bird studies, such as bird ringing, the landowners have overseen.

The route and associated works should avoid the mouth of the Stour and the biodiverse areas south of this. We ask that options for siting landfall further into previously industrialised areas and building construction on existing developed and low-biodiversity land be chosen. 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 of the SPA avoided.

<u>Disturbance impacts and risks of further problems in the future</u>

Disturbance during construction is likely to have serious impacts, for example on Golden Plover, and National Grid needs to show how this would be avoided or kept to an absolute minimum. Techniques to minimise disturbance such as low-

[8] Home - Operation Turtle Dove

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noise machinery and acoustic barriers should be used, as well as reacting in real time to bird assemblages at the site. 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 at the time of the development phase are avoided. Wintering birds such as Curlew and Golden Plover 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.

We also have concerns about the cumulative impacts of infrastructure developments in Kent and whether future works will take place to co-locate with the current proposals and previous developments, and to prolong disturbance impacts on the birds of the designated areas. 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.

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. Damage caused by the Nemo Link trenching to saltmarsh and other habitats has caused lasting damage to the SPA/SAC/Ramsar/SSSI. We seek more details about how further such impacts will be minimised with Sea Link.

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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[9]. 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 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.

Conclusion (Kent route)

In conclusion, we are unconvinced as to why other alternative routes in less sensitive locations are not chosen. Less damaging route options appear to have been too easily discarded, at the expense of designated wildlife sites. There are insufficient reassurances or details of how damage to the designated sites in the Pegwell Bay area and functionally linked land would be avoided or fully mitigated if the route currently preferred by National Grid is chosen. We consider some of the damage could be avoided by siting cabling or buildings on already developed land. We have concerns over impacts on designated features of the SPA due to impacts on intertidal habitat in the SPA and loss of functionally linked land around Minster Marshes, as well as impacts on declining farmland

[9] 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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and woodland birds in the area. We need to see detailed mitigation measures so that their suitability can be examined in good time. There need to be guarantees about using trenchless techniques, given the harm already caused to the designated areas from a similar infrastructure project that promised trenchless techniques but used damaging trenching methods after all. There are also concerns about other future infrastructure projects choosing to use the same area and prolonging damage and disturbance to this important site. We may be able to reassess our position in the future should more detail or other information be presented subsequently.

Comments on the Marine Scheme

The RSPB is particularly concerned about the disturbance and displacement impacts of construction, installation, maintenance and decommissioning of the subsea high voltage cable (HVDC) on red-throated diver in the Outer Thames Estuary SPA.

Our concern is reinforced by the Secretary of State's recognition in the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) Decision Letters of a likely "*adverse effect on integrity … in relation to alone and in-combination impacts on red-throated diver from displacement/disturbance, a qualifying feature of the Outer Thames Estuary SPA*[10]".

As PINS also noted in the Sea Link Scoping Report (para. 5.3.3), the Outer Thames Estuary SPA "*qualifying features include species such as red-throated diver which are known to be vulnerable to disturbance and which could be affected by construction and maintenance activities*".

We consider that the preliminary assessment (at 4.6.9.6/Table 4.6.14, PEIR Volume: 1 Part 4 Offshore Scheme Chapter 6 Ornithology (PEIR 1/4/6)) that red-throated diver has only "*a medium sensitivity to disturbance from anthropogenic activities such as shipping and offshore wind farms during construction, maintenance and decommissioning*" may underestimate the level of sensitivity of the species to those impacts.

[10] see 17.18 – 17.57, EA1N Decision Letter

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Furthermore, notwithstanding what are described as the "*temporary, short-term nature of the construction, maintenance and decommissioning works*", the preliminary assessment that the "*temporary*" displacement of red-throated diver during construction is "*not significant*" is also likely to be an underestimate of the actual impacts.

This flaw in the preliminary assessment follows through into the assessment of intra-project cumulative effects because by categorising the displacement of red-throated diver during construction as "*not significant*", stage 2 of the intra-project cumulative effects assessment (Table 4.11.6, PEIR Volume: 1 Part 4 Offshore Scheme Chapter 11 Offshore Scheme Intra-Project Cumulative Effects) is avoided.

In relation to inter-project cumulative effects (Table 4.12.18 Marine Ornithology CEA, PEIR Volume: 1 Part 4 Offshore Scheme Chapter 12 Offshore Scheme Inter-Project Cumulative Effects) we are not convinced that the cumulative "*likely significant effects*" on red-throated diver from Sea Link along with EA1N, EA2 and others will be reduced to "*not significant*" by the embedded measures proposed. There are a number of factors that need further consideration and in respect of which more detailed embedded measures should be proposed.

There is good evidence that the overwintering period for red-throated diver in the Outer Thames Estuary SPA runs from September through to April (not just from January to March) so within the SPA it is essential that this longer overwintering period is observed and that no construction, installation, maintenance or decommissioning activities, or any project-related vessel movements, take place within that period.

If there is any possibility that such activities and vessel movements may occasionally need to take place in the SPA between September and April, a vessel management plan should set out detailed measures to include exactly what route or routes are to be used, how vessel operators will be made aware of the importance and sensitivity of the birds to disturbance, how vessel operators will recognise and steer clear of rafting birds and areas with high densities of birds, and how all such measures are to be monitored and enforced.

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Conclusion regarding the Marine Scheme

The 'adverse effect on integrity' from displacement and disturbance impacts on red-throated diver as a qualifying feature of the Outer Thames Estuary SPA, is well known and formally acknowledged in the context of other infrastructure projects. Due also to the known high sensitivity of this species to vessel movements, project-related vessel movements and cable installation, maintenance or decommissioning activities during the red-throated diver overwintering period, from September to April, should be avoided. If there is any, even occasional, need for project-related vessel movements within that period, they should be subject to clearly detailed and practical bird avoidance measures to be set out in a detailed vessel management plan.

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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