

# **Sandwich Bay Bird Observatory Trust, Submission to the Planning Inspectorate on SeaLink (Kent)**

## **Executive Summary**

Sandwich Bay Bird Observatory Trust (SBBOT) strongly objects to the siting of the Sea Link landfall at Pegwell Bay and the construction of a large converter station on Minster Marshes.

These proposals pose unacceptable and irreversible harm to irreplaceable habitats protected under UK and international law, and they represent fundamentally poor planning in light of viable, less damaging alternatives.

## **Background & Institutional Standing**

- Since 1952, SBBOT has operated as one of the UK's longest-running independent bird ringing stations, obtaining official observatory status in 1962.
- Unlike many conservation groups, SBBOT owns significant tracts of land in East Kent, including areas of rare plant and invertebrate interest, and has long-term ecological data covering Pegwell Bay, the Hoverport, adjacent farmland, and RSPB Worth Marshes.
- Our expertise and records uniquely position us to comment on ecological, ornithological, and hydrological impacts of the SeaLink proposals.

## **Key Objections**

### **1. Legal and Designated Site Impacts**

- a. **Pegwell Bay** is subject to multiple, overlapping designations: SSSI, SPA, Ramsar, SAC / NNR status. These statutory protections make it one of the most environmentally sensitive places in Kent.
- b. The Habitats Regulations Assessment (HRA) submitted by National Grid acknowledges "in-combination" effects with other developments.
- c. The converter station and associated works risk breaching legal obligations under the Conservation of Habitats and Species Regulations (as transposed into UK law), particularly in respect of "functionally linked land" and foraging/roosting habitat for SPA-listed species.

### **2. Insufficient and Poorly Scoped Ecological Surveying**

- a. There is clear evidence in the Scoping Report that National Grid has minimised permanent habitat loss, asserting that converter station impacts "would occur in arable fields" rather than more sensitive habitats.
- b. However, local ecological knowledge (held by SBBOT) strongly suggests much greater connectivity: Minster Marshes (the proposed converter footprint) are functionally linked to Pegwell Bay, providing critical feeding, roosting, and commuting habitat for wading and seed-eating birds.
- c. We note that SBBOT offered our detailed long-term tidal bird surveys to Sea Link's ecological team, but we were never contacted. Reliance solely on WeBS counts (once per month) is inadequate: it fails to account for day-to-day variability, migration pulses, disturbance events, or rare species.

### 3. Flood Risk and Climate Resilience

- a. The National Policy Statement for Energy Networks Infrastructure (EN-5) requires that converter stations be sited in a way that takes account of future climate change and sea-level rise. SBBOT is deeply concerned that the proposed converter station footprint on Minster Marshes lies in a low-lying marshland area that will likely be **inundated by rising seas** (e.g., 35cm rise by 2050, consistent with UKCP projections).
- b. The weight and mass of the converter station ("squeezing out" water from beneath) could alter hydrology, forcing subsurface water into ditches and drains, affecting drainage dynamics into Pegwell Bay and the River Stour. These changes risk significantly damaging intertidal habitats, including mudflats critical for wading birds and the seal colony.

### 4. Risk to Protected Species and Collision Hazards

- a. The plan to erect new overhead lines / pylons (at heights different from existing infrastructure) poses a serious collision risk to flying birds, especially in the River Stour corridor. Large populations of mute swans, wildfowl, and other species use this valley, particularly in winter and in fog. Similar developments have shown high collision mortality closer to Sturry.
- b. The Hoverport, now a rewilded site, hosts rare moths (e.g., fiery clear-wing), butterflies (fritillaries), seed-eating birds (locally uncommon greenfinches) and more. The planned construction access and heavy machinery would devastate this biodiversity, as well as increasing disturbance through visual and auditory noise, flustering birds in adjacent protected sites.

### 5. Past Precedents and Inadequate Mitigation

- a. There is a worrying precedent: the Nemo Link project (also by National Grid) caused **lasting damage** to Pegwell Bay's saltmarsh, despite earlier assurances about reinstatement. Local conservation groups remain concerned lessons have not been learned.
- b. SeaLink's proposal still reserves the **right to trench** if horizontal directional drilling (HDD) proves unfeasible. No satisfactory explanation has been provided for why they may revert to open cut, given the profound habitat impact.
- c. The "offset land" offered for ecological compensation is **wholly inadequate**: according to Kent Wildlife Trust, the new mitigation field (3 miles away) is not functionally connected, is not marshland, is subject to disturbance, and is surrounded by industrial land, rendering it of low ecological value.
- d. The proposed mitigation fails to align with guidance in the Overarching National Policy Statement EN-1 (paragraph 5.11.25), which requires that any compensation is comparable in ecological function and connectivity.

### 6. Alternative Routes / Sites Not Properly Considered

- a. Many respondents during consultation strongly urged National Grid to **reassess alternative converter station sites**, for example brownfield locations (Isle of Grain, Kingsnorth) or re-routing options (SL1 route near Sellindge).
- b. Conservation organisations (such as Kent Wildlife Trust) argue that National Grid's choice of the current site prioritises cost efficiency over ecological prudence, a trade-off that undermines both the ecological integrity of the site and the UK's broader commitments to biodiversity and sustainable development.

## Strategic Arguments & Legal / Policy Framing

- **Duty under the National Policy Statements (NPS):** Under EN-1 and EN-5, developers must demonstrate that adverse environmental effects are minimised, mitigated, or compensated. The scale of SeaLink's impact in Pegwell Bay and Minster Marshes suggests that the balance has not been struck appropriately.
- **Habitat Regulations / HRA Risk:** Given the European / international designations (SPA / Ramsar), the Planning Inspectorate must apply strict Habitats Regulations tests (e.g., no alternative, imperative reasons of overriding public interest, compensatory measures). SBBOT strongly questions whether the HRA submitted sufficiently demonstrates avoidance or mitigation.
- **Flood Risk & Climate Adaptation:** Building major infrastructure on marshland that is clearly in a flood-prone zone is inconsistent with both national planning policy (NPPF) and energy infrastructure policy (EN-5).
- **Cumulative Effects:** The Planning Inspectorate must consider in-combination effects not only with SeaLink but with other infrastructure (e.g., Thanet offshore windfarm) and historical damage (e.g., Nemo Link). Natural England's screening in the HRA already flags cumulative impact risks.
- **Public Engagement & Consultation Deficit:** SBBOT's previous submissions appear to have been ignored. This undermines the legitimacy of the consultation process. There is also concern that National Grid's "limited consultation" of affected persons (excluding broader stakeholders) fails to respect participatory rights and potentially breaches procedural fairness under the NSIP process.

## Recommendations to the Planning Inspectorate

1. **Reject or Refuse the Proposed Converter Station on Minster Marshes**
  - a. The proposal constitutes a disproportionate risk to protected habitats and legally designated sites.
  - b. The flood-risk and sea-level rise threat alone make the current location unsustainable.
2. **Require a Full, Independent Ecological Reassessment**
  - a. Commission or require National Grid to perform independent ecological surveys that include SBBOT's long-term data, especially on bird usage, hydrology, invertebrates, and rare plant species.
  - b. Demand a re-run of the HRA, with more rigorous consideration of "functionally linked" land, night-time roost use, seasonal variation, and connectivity.
3. **Insist on Avoidance and Reappraisal of Alternatives**
  - a. Require National Grid to discount **all "cheaper but more damaging"** routes/sites and to fully evaluate brownfield or less sensitive locations.
  - b. Explore the plausibility of more trenchless methods (e.g., HDD) for onshore cable, and independent verification of their feasibility.
4. **Strengthen Mitigation and Compensation Proposals**
  - a. If any harmful impacts are to be accepted, require compensatory habitat that is *equivalent or better* in ecological function, connectivity, undisturbed, and storm resilience, not a distant, disconnected field.
  - b. Mandate legal binding conditions (via the DCO) that guarantee long-term habitat restoration, ecological monitoring, and adaptive management.

## 5. Ensure Robust Public Participation

- a. Confirm that all stakeholders, including SBBOT and local conservation NGOs, are formally recognised as **Interested Parties** and given full opportunity to submit detailed evidence.
- b. Demand transparency over how National Grid has treated prior consultation feedback and require a clear audit trail of concerns raised and how (or if) they were addressed.

Conclusion

Sandwich Bay Bird Observatory Trust strongly urges the Planning Inspectorate to regard the SeaLink proposals for Pegwell Bay and Minster Marshes as fundamentally flawed, both ecologically and legally. The scale and sensitivity of the habitats at risk, coupled with the inadequacy of survey work, the flawed mitigation strategy, and the availability of less damaging alternatives, make the current siting unjustifiable. We request that the application be refused or significantly revised to protect one of Kent’s most precious and irreplaceable natural assets. SBBOT welcomes the opportunity to provide further data, ecological records, or expert testimony if required by the Inspectorate. Sample “functionally linked” land data below.

Supporting Evidence: “Functionally linked” land - Nocturnal Movements Between Pegwell Bay and the Ash Levels / River Stour Corridor

Nocturnal survey work undertaken on the Ash Levels during the recent Richborough Connection project has shown that considerably greater numbers of birds use the River Stour corridor after dark than during the day. This pattern includes regular night-time movements of wildfowl and waders commuting between Pegwell Bay and inland feeding or roosting areas, precisely the type of behaviour described in Section 4.4 of the *Thanet Golden Plover Surveys* (Sutherland, 2016). These movements are not captured by daytime surveys or by infrequent monthly counts such as WeBS, yet they represent a critical element of how SPA-listed species use the wider landscape.

To understand the scale of these nocturnal movements, a static acoustic recorder (Song Meter Micro) was positioned at TR31796272 across multiple nights in November and December 2023, and in January and February 2024. Two calm, dry nights from each month were selected to ensure optimal detection conditions. The accompanying table summarises the number of passes, that is, occasions where birds or flocks flew within approximately 500 metres of the recorder and also provides total call counts for each session. For example, 5(50) denotes five passes generating fifty calls. While acoustic monitoring cannot assign precise numbers of birds, higher call counts reliably indicate larger movements or flock sizes.

Several species, including Teal, Gadwall, Mallard and Coot, were recorded calling continuously during many survey periods. As these calls occur both in flight and on the water, it was not possible to determine activity type with certainty; these species are therefore recorded simply as “present”.

These findings provide further evidence that the Ash Levels and River Stour corridor form essential, functionally linked habitat for birds using Pegwell Bay, particularly during high tides and night-time periods. This ecological dependency has not been adequately represented within SeaLink’s environmental assessments, which rely heavily on daytime and low-frequency survey data and therefore risk underestimating the magnitude of likely impacts.

Consequently, these survey results corroborate our position that the SeaLink proposals, particularly the converter station on Minster Marshes and the associated overhead line infrastructure pose substantial and unmitigated risks to protected species and to the integrity of the internationally designated Pegwell Bay system.

**Reference:**  
Sutherland, M. P. (2016). *The Status and Distribution of Golden Plover and Lapwing on Thanet, Kent*.

		November 2023		December 2023		January 2024		February 2024	
Times of civil dusk and dawn		0650	1635	0717	1629	0713	1658	0630	1749
Recording periods		0400-0700	1600-2000	0430-0730	1630-2030	0430-0730	1630-2030	0400-0700	1730-2030

Greylag Goose	a	1(13)							
	b			4(69)	2(35)				
Shoveler	a								
	b		1(8)		1(11)			3(60)	
Gadwall	a	3(57)		present	present	7(64)	4(50)	7(230)	present
	b	2(24)	20(390)	2(26)	7(122)	10(196)	present	present	1(10)
Wigeon	a		2(3)		2(16)	1(1)		5(200)	
	b		1(1)	4(47)	4(37)	2(17)	1(18)	2(20)	2(11)
Mallard	a	28(480)		present	2(20)	18(104)	10(159)	present	present
	b	27(32)	50(468)	18(126)	17(73)	13(110)	present	5(160)	7(68)
Teal	a	48(1,586)		present	7(53)	present	present	5(450)	present
	b	5(22)	9(38)	37(1075)	13(433)	10(154)	present	4(105)	present
Coot	a								1(22)
	b								2(15)
Golden Plover	a			1(4)			1(1)	2(7)	1(1)
	b			4(12)	3(4)				
Lapwing	a	1(1)	3(6)	26(104)	15(125)	1(4)	6(25)		17(187)
	b	2(2)	20(77)	8(59)	32(210)	2(2)	1(1)	28(459)	17(141)
Curlew	a	1(15)		4(71)	4(18)				1(14)
	b		2(28)	6(37)	6(40)				
Snipe	a	3(98)		8(104)	3(14)	16(243)		1(10)	9(65)
	b		2(8)	24(587)	2(18)	20(228)	12(237)	13(351)	1(11)
Dunlin	a			1(2)				1(3)	1(2)
	b				1(14)				
Grey Heron	a							2(6)	
	b	1(1)	6(21)				1(7)	1(4)	
Mute Swan	a								
	b						1(wings)		
Redshank	a				1(2)				
	b								