

To: The Planning Inspectorate, Relevant Examining Authority

In the matter of: Application for a Development Consent Order (DCO) for the [e.g., "National Grid Sea Link Project"]

1. Executive Summary

The proposed project, while acknowledging the national need for energy infrastructure, selects a fundamentally flawed and unlawfully damaging landfall and cable route. The use of the historic Hoverport site and the traversal of the protected and ecologically critical Minster Marshes represents a failure by the Applicant to comply with the "mitigation hierarchy" as required by the National Planning Policy Framework (NPPF) and fails the legal tests of "necessity" and "least environmental damage" mandated by the Planning Act 2008. Alternative, less damaging routes exist and have not been adequately explored or dismissed with sufficient evidence.

2. Core Legal & Policy Framework

Our objections are grounded in the following statutory and policy tests which the Examining Authority (ExA) must apply:

- Planning Act 2008 (as amended): The ExA must consider whether the project's adverse impacts "would outweigh the benefits" (s.104).
- National Policy Statement for Energy (EN-1): This mandates that applicants must "avoid, mitigate, or compensate" for environmental harm (the mitigation hierarchy). Avoidance is the primary objective.
- National Planning Policy Framework (NPPF): Paragraphs 180 and 181 require that development on designated sites (like SSSIs) should be refused unless the benefits "clearly outweigh" the harm, and there are no feasible alternatives.
- Habitats Regulations 2017: For European sites (SPAs, SACs), an Appropriate Assessment is required. The project can only proceed if there is "no adverse effect on site integrity"—a very high bar.

3. Detailed Evidential Arguments Against the Hoverport & Minster Marshes Route

A. Objection to the Hoverport Landfall Site:

- Evidence of Reasonable Alternatives: The Applicant's own scoping reports will likely show other potential landfall sites (e.g., less sensitive, previously developed land). We would commission a Planning and Alternatives Consultant to demonstrate that these alternatives were dismissed prematurely based on cost or engineering convenience, not environmental paramountcy.
- Heritage & Landscape Harm: The Hoverport, while potentially disused, is a site of significant local heritage and social memory (a non-designated heritage asset under NPPF Para. 203). Its industrial character does not negate its value. The installation of a permanent cable corridor, substation, and construction compound would cause permanent visual and physical harm to this landmark coastal site.
- Flood Risk & Coastal Instability (NPPF Flood Risk Sequential Test): A low-lying, exposed coastal site is intrinsically vulnerable. We would submit hydrological and coastal erosion reports arguing that placing critical national infrastructure here is contrary to the NPPF's sequential test on flood risk, exposing it to climate change impacts over its 120+ year operational life.

B. Objection to the Cable Route Through Minster Marshes:

This is the most powerful limb of our objection. The argument must be built on irrefutable ecological evidence.

1. Designated Site Status: Minster Marshes is almost certainly a Site of Special Scientific Interest (SSSI) and likely part of a larger Ramsar site, Special Protection Area (SPA), and/or Special Area of Conservation (SAC). These are the UK's highest levels of environmental protection.

2. Evidence of Harm:

- Direct Habitat Loss: Trenching for cables will cause permanent direct loss of wetland, reedbed, and grassland habitats. This is a "footprint" harm.
- Fragmentation: The cable route acts as a barrier to species movement, severing ecological corridors for amphibians, invertebrates, and small mammals.
- Hydrological Damage: The marshes are a delicate hydrological system. Deep trenching can intercept groundwater flows, potentially draining or altering the wetness of adjacent areas, leading to "desiccation harm" over a much wider area than the cable trench itself. We would instruct a Hydrogeology expert to model this risk.
- Disturbance to Protected Species: The area will be a haven for breeding and overwintering birds (likely listed on the SPA citation). Construction noise, light pollution, and human presence will cause significant disturbance, leading to reduced breeding success and abandonment of habitat. An Ornithologist's report would be pivotal here.
- Indirect & Cumulative Impacts: Construction vehicle pollution (dust, fuel), the risk of invertebrate kill from lubricants in Horizontal Directional Drilling (HDD) fluids, and long-term maintenance access all add cumulative harm.

3. Failure of the Mitigation Hierarchy:

- Avoidance: The Applicant has not proven this route is necessary. The burden is on them. We will cross-examine their witnesses to show that a true offshore-to-onshore grid connection (landing at a less sensitive, more industrial location) is feasible.
- Mitigation: Promises of "restoration" are legally weak. You cannot mitigate for the permanent loss of ancient, complex wetland habitats with new planting. Translocation of habitats often fails, especially for delicate soil ecosystems. This is "significant residual harm."
- Compensation: The offer of "creating new wetlands elsewhere" (so-called biodiversity net gain) is often inadequate for designated sites. The law protects this specific site and its unique ecological assemblage. Compensation is a last resort, not a justification.

4. The Legal Argument in Cross-Examination & Written Submissions

When facing the Applicant's witnesses (ecologists, engineers, planners), our questions would focus on:

- "Can you show the Panel, with absolute certainty, that there is no alternative landfall site that would cause less harm to designated habitats?"
- "Your hydrological modelling shows a 10-meter zone of influence. What is the margin of error, and what if you are wrong? The consequence is the dessication of a protected marsh. Is that a risk you are willing to take?"
- "You propose translocation of soil fauna. Can you point to a single peer-reviewed study showing successful long-term translocation of a complex wetland soil biome?"
- "Does your Appropriate Assessment conclusively demonstrate 'no adverse effect on site integrity'? How do you reconcile

that with the direct habitat loss your scheme entails?"

5. Conclusion & Request to the Examining Authority

The proposed route demonstrates a clear and flagrant breach of the core principles of UK planning law: the precautionary principle and the mitigation hierarchy. The harm to the designated landscapes and ecology of Minster Marshes is severe, likely irreversible, and inadequately mitigated.

The benefits of the project (grid connection) are not in question, but the choice of this route is. The Applicant has not discharged its burden of proof to show this is the only viable option.

We therefore respectfully request that the Examining Authority recommends to the Secretary of State that the Development Consent Order is REFUSED on the grounds that the specific Hoverport/Minster Marshes route causes disproportionate environmental harm to designated sites, and that the Applicant has failed to demonstrate the absence of less damaging alternatives, in violation of the Planning Act 2008 and the National Policy Statements.