

Sea Link Nationally Significant Infrastructure Project (NSIP) Application

Planning Inspectorate Reference: EN020026

CPRE Kents Deadline 2 Written Representation (Unique Reference Number: [REDACTED])

Whilst the below represents CPRE Kent's Deadline 2 submission, it does not respond to the substantive detail of the Applicant's Deadline 1 material. This is because now that the Examining Authority (ExA) has accepted the Applicant's Change Request into the examination (Procedural Decision, 6 December 2025), it is essential that stakeholders are afforded sufficient time to consider the full suite of change documentation and its implication.

In this respect, CPRE Kent has reviewed both the ExA's Rule 17 letter of 28 November 2025 and the subsequent Procedural Decision of 6 December 2025. The Rule 17 letter identifies serious concerns regarding the Applicant's late, incomplete and error-ridden Deadline 1 submissions, including the late submission of 97 new documents. We share the ExA's frustration, as these shortcomings mirror the pattern of behaviour we have repeatedly highlighted within our various consultation responses. As noted in our Deadline 1 Written Representation, the absence of clear and timely notification of changes, combined with the Applicant's piecemeal release of information, has already undermined the ability of interested parties and the wider public to engage meaningfully with the detail of the application.

We therefore welcome the ExA's clear statement that unreasonable behaviour may have cost consequences, and its confirmation that irrelevant or inadequately justified material may be disregarded. We also note the ExA's new timetable for submissions on the accepted change application, which rightly provides a structured opportunity for Interested Parties to comment once the full environmental and technical information is available. CPRE Kent supports this measured approach.

While we have started to review the new submissions, including the substantial material associated with the change application, CPRE Kent must strongly caveat any comments offered now. Only once we have completed a full review of the change documents will it be clear whether our earlier submissions need refinement or reaffirmation, and what further points we may wish to make.

CPRE Kent will therefore provide substantive comments at the appropriate deadlines set out in the ExA's revised timetable for the change application. Until that point our position remains reserved, though we consider it important to make the following overarching observations on Document 9.34.6 (Applicant's Thematic Responses to Relevant Representations).

1. Continued "*decide and defend*" approach

Having reviewed the thematic response document as a whole, CPRE Kent is concerned that the Applicant continues to simply restate and defend existing generic positions, many of which seem retrospectively put together, rather than robustly demonstrate that the scheme has been shaped through a transparent, iterative, environmentally led process. Most significantly is the fact that no-where is there any genuine evidence of a reassessment of fundamental choices in light of consultees' concerns. This pattern of

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behaviour is consistent with what we set out in our Relevant Representation and again at the Open Floor Hearing.

2. Inadequate consideration of reasonable alternatives

Echoing the concerns raised by SEAS and others, we remain unconvinced that the Applicant has undertaken a genuinely comparative, objective assessment of routeing and siting alternatives. As we argued in our Relevant Representation and Deadline 1 written representation, alternatives appear to have been constrained almost entirely by the Applicant's operational preferences alone rather than by any real environmental or community constraints. Throughout such impacts are treated as an afterthought at best.

3. Failure to apply the mitigation hierarchy

Across multiple themes—landscape, BMV land, heritage, flood risk, tourism receptors and internationally important bird habitats—the Applicant's thematic responses repeatedly assert that the project has been designed "*as far as possible*" in accordance with the mitigation hierarchy. However, as a number of others are also pointing out, this phrasing itself confirms that avoidance was not the primary driver of site selection or routeing. In reality, the responses show a consistent pattern in which environmentally sensitive options were discounted not through a transparent, environmentally-led appraisal but because the Applicant's own operational preferences restricted the alternatives considered.

This is particularly evident in Kent, where the exceptional sensitivity of Pegwell Bay and the Minster Marshes landscape would ordinarily require avoidance as the first principle. Instead, the Applicant's approach has been to justify existing choices and then apply layers of mitigation around them. As CPRE Kent has stressed throughout the process, a credible application must demonstrate that avoidance has genuinely shaped scheme design. The thematic responses do not provide that assurance and instead reinforce the impression of a "*decide and defend*" approach that has not followed the mitigation hierarchy in the manner required by national policy.

4. Best and Most Versatile (BMV) land

The Applicant's thematic response continues to treat the permanent loss of Best and Most Versatile (BMV) agricultural land simply as something to be retrospectively balanced against national need, rather than as a harm that must first be avoided under national policy. As we set out in our Relevant Representation, permanent loss of high-quality farmland cannot be justified simply by asserting national benefit. Such loss should only be accepted where all feasible alternatives have been transparently examined and demonstrably exhausted. The evidence before the Examination does not meet that threshold. This position is reinforced by Thanet District Council's Local Impact Report, which concludes that the scheme would result in a significant adverse local impact through the scale of BMV loss and that no further mitigation is available.

5. Heritage Impact

CPRE Kent remains concerned that the Applicant significantly downplays the impact of the Minster converter station on the setting and experiential value of Richborough Fort. As our Relevant Representation and Deadline 1 Written Representation explained, even a '*negligible magnitude*' of

change can materially affect how a Scheduled Monument of the highest significance is perceived and appreciated. This concern is reinforced by Thanet District Council's Local Impact Report, which concludes that the proposed development would have an overall negative local impact on cultural heritage and would adversely affect the historic landscape associated with Richborough and the Wantsum Channel.

6. Ecological Impact

CPRE Kent, together with Kent Wildlife Trust and a range of other stakeholders, has consistently raised ecological concerns that remain unaddressed within the Applicant's responses. Despite repeated consultation feedback, key recommendations, survey gaps and ecological risks have not been incorporated, leaving a baseline assessment that, in our view, still fails to accurately represent site sensitivities or the likely scale of impact.

This aligns with the findings of Thanet District Council's Local Impact Report, which highlights the exceptional ecological sensitivity of Pegwell Bay and the Stour Marshes, identifies significant residual effects on designated habitats, and concludes that the development would have a negative local impact on biodiversity. Taken together, these omissions reinforce a broader pattern in which assessments appear to justify pre-determined design choices rather than genuinely inform them.

Conclusion

For the avoidance of doubt, our above narrowly focused comments at Deadline 2 must not be taken as agreement with any aspect of the Applicant's case. The acceptance of the change application now provides a clearer and more orderly framework for comment, and CPRE Kent will engage fully with the ExA's revised timetable. We will provide comprehensive and evidence-based submissions once the change documentation has been fully reviewed, including as part of our responses to the First Written Questions and any subsequent deadlines.

CPRE Kent remains committed to constructive participation in the examination and asks that the ExA continue to ensure that all parties are afforded the time and clarity necessary for a fair and transparent process.