

**SUFFOLK ENERGY ACTION SOLUTIONS’  
REBUTTAL TO NGET’S RESPONSE TO SEAS RR**

**ECOLOGY and BIODIVERSITY**

**SEA LINK: EN020026**

**SEAS IP:** [REDACTED]

**DEADLINE: 2 December 9, 2025**

**Date: 9 December 2025**

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This document constitutes SEAS rebuttal to the Applicant’s Response to SEAS Relevant Representation [\[RR-5210\]](#), as set out in:

[\[REP1A-043\]](#) - 9.34.1 Applicant’s Comments on Relevant Representations Identified by the ExA – Specifically Table 2.52 SEAS- Ecology and Biodiversity

**Introduction**

1. The Applicant’s response REP1A-043 to SEAS’ RR-5210 (including Nick Sibbet’s Expert Report) on ECOLOGY & BIODIVERSITY contains nothing new, merely regurgitation and an effort to re-present what SEAS has already commented on in its RR 5210. Therefore, SEAS refers to its RR and subsequent WR.
2. Across the Applicant’s responses, several new claims appear to weaken their Sea Link DCO Application by revealing gaps in evidence, uncertainties in ecological assessments, or contradictions with earlier assertions.
3. The Applicant repeatedly acknowledges missing or outdated surveys (e.g., dormouse, bats, reptiles), reliance on future pre-construction surveys, and mitigation measures that are *not yet designed, not modelled, or only outline in nature*.
4. They also concede typographical errors in the BNG metric, the absence of a mechanism to secure like-for-like compensation for key habitats, unclear authorship due to withheld identities, and reliance on assumptions rather than confirmed data (e.g., “assuming all hedgerows are important” instead of assessing roost locations).

5. Several responses reveal dependence on unverified expectations—such as future Natural England agreement, untested displacement techniques, and unspecified off-site BNG delivery—which collectively introduce uncertainty about both impact assessment and mitigation effectiveness.
6. These new admissions, some of which are detailed in the table below, undermine the robustness of the Environmental Statement and the certainty of ecological protection claimed by the Applicant.

**Table: Applicant’s new claims that weaken the Sea Link DCO Application**

<b>Topic</b>	<b>Applicant’s New Claim Introduced in Response</b>	<b>Why the New Claim weakens the Applicant’s Sea Link DCO Application</b>
7. <b>Baseline Survey Validity</b>	Claims that 2023–24 surveys are “in date” and 2024 surveys show “no material change.”	Admits reliance on older surveys and that updates will be done only <i>post-consent</i> , which supports SEAS’s argument of incomplete baseline.
8. <b>Habitat Mapping</b>	States drone mapping was necessary due to area size; ground-truthing only completed once final Order Limits defined.	Shows early assessments were based on unverified remote data—supporting SEAS concerns about uncertainty.
9. <b>Bats – Roost Investigation</b>	Claims “no requirement to backtrack to roosts” because hedgerows assumed important.	Acknowledges no roost-searching was done despite high-value bat species, reinforcing criticism of under-assessment.
10. <b>Bat Assemblage Valuation</b>	Reclassifies bat assemblage from national → regional importance based on “levels of activity.”	Introduces a subjective reinterpretation not consistent with Bat Conservation Trust guidance, undermining credibility and potentially leading to an incorrect assessment of a critical ecological receptor.
11. <b>Dormice Evidence</b>	States dormouse presence was not confirmed but also admits a “possible	Acknowledges contradictory evidence while still declining licence-level survey, undermining precautionary claims.

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	dormouse nest" was found in 2024.	
<b>12. Bird Surveys</b>	Admits surveys performed largely from Public Rights of Way.	Confirms restricted survey access—supporting SEAS's claim of incomplete coverage.
<b>13. Golden Plover Displacement</b>	States displacement observed by surveyors was "from another project."	Unexpected new claim with no supporting evidence; appears defensive and may be unverifiable.
<b>14. Woodlark / Nightjar Mitigation</b>	Claims fallow field will revert immediately to habitat "without lag time."	Assumes ecological recovery without evidence; weak justification for lack of mitigation.
<b>15. Reptile Survey Methods</b>	Admits refugia were smaller than recommended but justifies based on commercial availability.	Acknowledges deviation from guidance; rationalisation seems weak.
<b>16. Hibernacula</b>	States hibernacula "are never normally specifically surveyed."	Weak defence, contradicts SEAS/NS expert statement that impact risk requires identification.
<b>17. Great Crested Newt Omission</b>	Claims Natural England agreed DLL eliminates need for survey.	Relies on anticipated future licensing rather than actual ecological evidence—supports SEAS claim of EIA non-compliance as full environmental information not available.
<b>18. Ponds</b>	Adds a new "Commitment" to avoid pond loss.	New late-stage addition indicates omission in ES; supports argument of incomplete assessment.
<b>19. BNG Calculation Error</b>	Admits table contained a typographical error.	Conceding mistakes in biodiversity metric undermines confidence in BNG conclusions.

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20. <b>Veteran Trees</b>	Claims all ancient/veteran trees will be retained.	New assurance not present in ES—implies previous documentation lacked clarity.
21. <b>BNG Delivery</b>	Asserts BNG will rely on off-site units but provides no locations or secured agreements.	Confirms reliance on yet-to-be-secured offsetting—supports SEAS objection of speculative mitigation.
22. <b>Hedgerow Gaps for Bats</b>	States 10m gaps acceptable based on “more recent evidence.”	Provides no source; contradicts established literature, weakening credibility.
23. <b>Lighting and Noise</b>	Claims construction lighting not modelled but mitigated through REAC measures.	Confirms no modelling was done—supporting SEAS's claim of inadequate assessment.
24. <b>Mitigation Language</b>	Admits LEMP is only “outline” and will be replaced post-consent.	Reinforces concern that commitments are not legally secured at DCO stage.
25. <b>Public Access to Data</b>	Argues maps >50MB remain readable; justifies confidentiality of species records.	Dismisses accessibility concerns rather than addressing them; may be viewed as minimizing barriers.
26. <b>Cumulative Assessment</b>	States LionLink details unavailable, so cannot be assessed.	Acknowledges incomplete cumulative assessment despite clear overlapping geography.
27. <b>Nightjar &amp; Marsh Harrier</b>	Relies entirely on Natural England not raising objections.	Defers responsibility rather than providing scientific evidence; weakens robustness of assessment. Evades their legal responsibility to provide full environmental information for key ecological receptors for both EIA and Habitats Regulations, highlighting these deficiencies
28. <b>Seawater Incursion Risk</b>	States “no potential” for ridge weakening because trenchless method used.	Oversimplifies complex hydrological and erosion risks; lacks supporting modelling.

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29. <b>HRA Conclusions</b>	Declares AEol not expected and derogations not triggered.	Introduces legal conclusion based on assessments disputed by multiple experts, potentially undermining legal robustness.

## Conclusion

30. Taken together, the Applicant's new assertions reveal a continuing pattern of reactive justifications rather than the provision of additional, substantive ecological evidence.
31. Many of the Applicant's latest claims depend on procedural assurances, future surveys, outline plans, post-consent refinement, or reliance on other authorities' silence rather than firm data demonstrating that risks have been fully addressed at this stage.
32. The Applicant repeatedly characterises unresolved uncertainties as negligible or immaterial, yet offers few verifiable commitments capable of independently validating those judgments.
33. As a result, the overall effect of these new statements is to underscore, rather than resolve, the evidential gaps highlighted by SEAS: significant matters remain deferred, unquantified, or dependent on assumptions that have not been stress-tested through transparent survey work or enforceable, detailed mitigation.
34. NG's dismissal of any Likely Significant Effects on qualifying species of the nearby SPAs appears to rely on the assumption that such species do not use functional linked land within the survey corridor.
35. Yet surveys are deficient and lacking, particularly for marsh harrier, a species for which the proposed cable route lies well within the known foraging areas of the SPA population. A lack of potential impact is cited as one reason why this species was not surveyed specifically or mentioned in the HRA.

36. A disturbance research literature review (Goodship 2022) reports a 300-550m disturbance risk distance for marsh harriers, and 30-75m flight initiation disturbance distance. Significant areas of habitat surrounding the proposed development are at risk of direct disturbance.
37. NG declare that Test 1 of the derogation stage is not relevant as the derogation stage is not triggered. The no likely significant effects conclusion in the HRA is based on the inadequate survey and assessment of qualifying species, as described above. The derogation stage may well be triggered with an adequate survey and assessment, so Test 1 may well apply.
38. SEAS respectfully requests that the Examining Authority refrain from treating the Applicant's dismissal of the SEAS Relevant Representation as definitive, and instead undertake a full and rigorous examination of the concerns raised.