Rebuttal to (REP1-111) National Grid's Response to Save Minster Marshes Relevant Representation

Submitted by: Save Minster Marshes, [redacted]

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Save Minster Marshes (SMM) welcomes the Examining Authority's (ExA) ongoing scrutiny of the Sea Link project (EN020026) and submits this targeted rebuttal to National Grid's (NG) responses to reiterate unsubstantiated claims of *"no significant residual adverse effects"* while dismissing our evidence on Minster Marshes irreplaceable ecological value, flood risks, and alternatives.

The application documents (e.g., (REP1-111)) continue to downplay irreversible harms, such as habitat fragmentation and biodiversity loss in internationally protected sites. NG's cross-references to other documents do not resolve our core concerns but merely defer scrutiny. We reiterate that Sea Link contravenes strategic policies on nature recovery and flood protection, as it prioritises infrastructure over ecosystem integrity without demonstrating "genuine sustainability" or local support.

1. Acknowledgment of National Need vs. Irreparable Damage (Response to Ref 2.9.1, para 4-5, p. 269)

NG states it: *"recognises and welcomes the SMM acknowledgment of the national need... The primary areas of concerns identified in the representation are addressed in the appropriate sections of this document."*

Rebuttal: NG ignores our core assertion that "need" does not justify "irreparable damage" to Minster Marshes including wetland for nature recovery and flood protection. NG cross-references "robust" environmental considerations but provides no evidence here of compliance with NPS EN-1 para 4.2.15 (sequential testing for flood zones) or para 5.3.5 (cumulative impact). Our paragraph 5.1 (need case) highlights Sea Link's redundancy amid brownfields; NG's vague reference to "elsewhere in this document" does not provide sufficient detail as to why alternative locations were dismissed before consultation began. The ExA's first ISH (November 2025) confirmed that the alternatives are viable and the ExA mandated that NG must submit quantified lifecycle costs by Deadline 4, not profit-biased summaries (APP-368).

2. Site Proximity to Protected Areas and Cumulative Impacts (Response to Ref 2.9.2, para 7-8, p. 269)

NG states: *“The Applicant acknowledges that elements of the Proposals fall within and adjacent to the various designated sites... This is set out in (AS-047)... several landfall sites were identified... This is noted by the Applicant. Responses to specific points relating to ecology and cumulative effects are provided later...”*

Rebuttal: NG admits the site’s proximity to Thanet Coast and Sandwich Bay SPA/SAC/Ramsar/SSSI/NNR but downplays “interactions” via a flawed options appraisal (APP-368), omitting cumulative impact with approved BESS/Grid Stability (raising land 2m, sending runoff into Minster Stream and NG's own Nemo Link (2019) converter. NG's repeated assertion that Nemo was a project led by a separate company, “National Grid Ventures” is mere semantics in our view. Different legal corporate structures are irrelevant - they are both under the NG umbrella. Nemo Link paved the way for making Pegwell Bay into NG’s first choice of infrastructure corridor.

Our paragraph 8 evidence (cumulative biodiversity loss) aligns with both RSPB and KWT’s (RR-4652/RR-2980) concerns. NG’s deferral to “later responses” (e.g., APP-073) ignores any 2025 update for displacing 370+ golden plover on the proposed converter site, and is unmodeled in ES. APP-060's “net gain” which excludes East Atlantic Flyway pressures.

NG Claim (p. 269)	SMM Evidence (Para 7-8)	Rebuttal
Site selection considered ecological constraints (APP-368)	Cumulative with BESS/NEMO already degraded habitats	Include full costs of alternative brownfield recommendations
Interactions “taken into account” (AS-047)	Pegwell Bay “superhighway” for 147 species of birds, plus eels, beavers	Quantitative Flyway modeling; reject “low risk” without 2025 surveys

3. Minster Marshes' Ecological Value and Surveys (Response to Ref 2.9.3, para 9-10, p. 269-270)

NG states: *“The impact... has been considered in detail in (AS-047, APP-073, APP-290)... extensive ornithology survey... Mitigation... secured via (APP-342, APP-349, AS-087). With the implementation... no significant residual adverse effects will remain.”*

Rebuttal: NG's “extensive surveys” (two seasons of wintering/breeding birds,12 months Vantage Point) predate 2025 surveys. Beavers were confirmed in 2025 surveys (dams in Minster Stream) but NG’s PEIR/ES only treated their presence as “possible” based on regional data, without site-specific traps. Beavers are a novel addition, altering mitigation (e.g., dam-proof fencing in OLEMP). European Eels - 2025 eDNA/electrofishing were detected in marsh ditches (April-May 2025 sightings, <1% global population). These were absent from ES baselines and now require offsets (e.g., eel passes, which are unmodeled in APP-060 cumulatives).

Our paragraph 9-10 lists 32 Red and 46 Amber species of bird (e.g., nightingale, curlew). NG's ES (AS-047) undercounts golden plover (370+700 in-flight, which was only corrected post-PEIR). In their Draft Statement of Common Ground (APP-323), NG agreed with Natural England to reduce their maximum noise levels to below 60dB. However, in ‘A Systematic Review of Anthropogenic Noise Impact on Avian Species" by Margret S. Engel, Robert J. Young, William J. Davies, David Waddington & Michael D. Wood, published 11 September 2024, the authors note damaging impacts on birds at volumes of as low as 38dB. This new research must be considered by both NG and Natural England. It is unacceptable for either party to rely on outdated data to guide their decision-making process.

The proposed mitigation (13.6 ha wetland) will not provide mitigation for the golden plover. It is a site surrounded by industry and bordered by the A256 meaning it will fail for roosting/foraging. Further it is not functionally linked to Pegwell Bay. APP-290 HRA's “no adverse effects” ignores this functional linkage, while APP-349 OLEMP defers details to post-DCO, breaching NPS EN-1 para 5.9 (avoid > mitigate > compensate). The Nemo Link “taped barn owl boxes” precedent erodes any trust we have in NG to protect wildlife and comply with birds protected under Schedule 1 of the Wildlife and Countryside Act 1981. Saying ‘it is a sister company’ as NG did at the first ISH is not good enough. ExA must mandate pre-consent full surveys in the course of 2025 and 2026 rather than desktop surveys and carry out translocation trials to test NG’s assertions.

4. Agricultural Land Classification (Response to Ref 2.9.3, para 11, p. 270)

NG states: *“The proposed Kent substation... is sited on land which is Provisionally mapped as Grade 2... predictive approach... likely Grade 3a... siting... focussed on lower grade.”*

Rebuttal: NG's “predictive approach” (per NE consultation) is inadequate. They state that detailed surveys “could not be undertaken” (APP-066), yet provisional Grade 2/BMV (2% of Kent's “excellent” farmland) is dismissed as “likely 3a”. On what grounds have they made this assertion? Minster's maritime climate yields top UK crops, meaning any loss will exacerbate food security. NG's focus on “lower grade” ignores BMV protection (NPPF para 174(b)). Our paragraph 11 evidence ties to omission of Higher Level Stewardship (HLS) and Sustainable Farming Schemes (SFI): Critically, (AS-047) and related documents contain no mention of the HLS or SFI schemes applying to Minster Marshes arable fields, despite their significant role in enhancing biodiversity on farmland. These schemes are not merely a financial incentive but target high-priority areas for wildlife conservation, landscape enhancement, and habitat restoration, offering substantial benefits like increased small mammal diversity, bird and pollinator support on arable land. The scheme promotes practices such as field margins, reduced inputs, habitat creation and min-till, elevating the baseline biodiversity value beyond the “low value” arable classification in (AS-047) (e.g., pages 30, 99). By omitting environmental schemes, NG understates the impacts on enhanced habitats and violates NPS EN-1 (para. 5.4.7), which requires comprehensive, up-to-date data on environmental features.

Irreversible soil compaction on low load bearing soft clay is downplayed on the silted up Wantsum Sea Channel (of which part became Minster Marshes). We have sent the ExA photographs of the irreparable damage that NG have caused to the soil structure with lightweight vehicles in their recent ground surveys. The movement of heavy machinery on this soft clay has been insufficiently assessed by using load bearing data from surveys.

NG refers to [APP-066] and states that *“the design has been rationalised to minimise permanent land take requirements.*” Covering 9 hectares of agricultural green belt land with concrete is not minimal. In addition, with their extension to the Draft Order Limits, they have expanded the area they will take, not reduced it.

5. The 'need' case/ non-compliance with mitigation hierarchy (Response to Ref 2.9.4, Para 20, p. 273)

NG states: *"There are no proposals in the DCO to allow open cut trenching across saltmarsh even as a fallback position … If any proposals did come forward for open trenching instead, this would require a formal amendment to the DCO. This is different from Nemo Link which we understand included open trenching within its Marine Licence application."*

Rebuttal: We have recent experience of NG's approach to a 'formal amendment' to the DCO in the form of their recent Change Request application of 16 September 2025 to expand the Draft Order Limits in Kent to include the hoverport and a further four amendments to their plans in Suffolk. This demonstrates that a formal amendment is not an onerous process so we have limited confidence in their assertion that they will not use open trenching. An intention is not a guarantee. NG did not publish detailed construction plans for Pegwell Bay until November 2025 after they published their Change Request giving no time for IPs to respond. We can have no confidence in the viability of their promised construction techniques.

Further, it is impossible for SMM to review the Nemo Link application as all documentation has been archived so we cannot rebut NG's assertion about the Marine Licence application. We do know however from KWT that NG planned to use trenchless techniques in the saltmarsh at Pegwell Bay in the Nemo Link construction, but did not. Their open trenching caused irreparable damage to the saltmarsh.

Finally, NG states that 'minimisation measures are proposed to address any potential significant effects' and refers to [APP-369]. Neither this phrase nor the word 'minimisation' appear anywhere within this document.

6. Economic and Social Impacts (Response to Ref 2.9.11, paras 49-51, p. 281)

NG states that *"approximately £1.1 million would be applicable to the Study Area"* but also that they *"have not identified any likely significant effects in relation to construction employment"*

Rebuttal: The applicant has again reiterated this point that the local area will benefit by £1.1million. But there are no employment opportunities and no quantifiable benefits at all presented in any of their documentation. What is this figure based on?

In addition, NG states there are *"four visitor attractions within 500 m of the Onshore Scheme Order Limits"* but then has only assessed the impact of Sea Link on just one of those - Richborough Roman Fort. One of the four is the Viking Ship Hugin which

will be severely impacted not only by the original plans but by NG's proposed use of the hoverport. No impact assessment has been provided.

7. Traffic, Pollution, and Health (Response to Ref 2.9.12, para. 52, p. 283)

NG defends its assessments on traffic, air quality, and health/wellbeing (e.g., ES Chapters 7 Traffic and Transport (APP-067), 8 Air Quality (APP-068), and 11 Health and Wellbeing (APP-071), claiming robustness via agreed methodologies with Kent County Council (KCC) and no significant effects post-mitigation.

Rebuttal: This overlooks critical flaws in data collection and underestimates real-world impacts, particularly in a seasonally variable area like Thanet. SMM maintains that the January 2025 traffic surveys are unrepresentative, capturing off-peak conditions when tourism is minimal and seasonal businesses closed. Despite raising this as an issue, no supplementary surveys were conducted, breaching best practice for comprehensive EIA under NPS EN-1. NG's argument that lower baselines yield "conservative" (higher) impact percentages is misleading; it ignores peak summer congestion where added construction traffic could exacerbate delays, accidents, and pollution disproportionately. Highway accident statistics, based on five-year KCC data, are similarly skewed by off-peak baselines, understating risks. The main artery A256 has been omitted which will require extensive repairs over the same proposed construction period.

Transporting approximately 360,000 tonnes of aggregate to the site of the proposed converter station will involve 16,000 lorry movements from Ramsgate Harbour to the marsh site relying on access via the Ramsgate Harbour Approach tunnel (A299 Western Undercliff). This tunnel is currently closed to HGVs and KCC have stated the tunnel requires an investment of £6,000,000 to make it safe for HGVs to use. This has not been addressed by NG nor the ongoing damage and maintenance impacts of HGV access.

Air quality (Para. 52), NG's modeling of construction vehicles, dust, and NRMM emissions claims negligible changes below standards, but this relies on incomplete assessments that fail to model peak seasonal interactions or cumulative pollution from nearby projects. Detailed modeling outputs lack transparency on assumptions. Mitigation measures are generic, without enforceable monitoring to ensure "not significant" outcomes.

Health and wellbeing (Para. 53), NG dismisses disruptions to PRoWs like the King Charles III Coastal Path (up to eight hourly closures for HGVs) as "negligible" yet this fragments active travel routes, deterring users and compromising physical and mental health benefits contrary to IEMA 2022 guidance emphasised in ES Chapter 11 (APP-071). The permanent rerouting of the Way of St Augustine (an important pilgrimage route) is undervalued, with sensitivity classifications (very high/medium) not translating to adequate protection and dismissed as 'not significant'. The

embedded mitigation in the Outline PRoW Management Plan (APP-353) offers no specifics on diversion quality or accessibility. For example, It would be mortally dangerous to have footpath TE26 which runs along the banks of the River Stour open alongside construction vehicles, yet nets are suggested. This protection is wholly inadequate.

Critically, impacts on Great Oaks Small School (SEN-focused) are ignored entirely; there is no assessment of noise, vibration, dust, or traffic encircling the site, which could severely disrupt vulnerable pupils' education and wellbeing, violating equality duties under the Equality Act 2010. NG has said that the impact of their construction on the pupils at Great Oaks will be ‘negligible’ in their ‘professional judgement’. What is their expertise in neurodiversity? NG has also stated they will only work in school holidays (AS-030) and that they will also avoid working in breeding season (APP-341) and on wet soil (APP-355). The ExA must ask to see a complete timetable which addresses each of these commitments as in our view this timetable is impossible to implement within proposed construction timescales.

8. Flooding (Response to Ref 2.9.13, paras. 54 and 55, p. 285)

NG states: *“All hardstanding areas created by the Project (temporary and permanent) will be served by Sustainable Drainage features”.*

Further, in their Flood Risk Assessment (FRA, APP-292 and AS-099) NG asserts “no net flood risk increase” via raised foundations, SuDS, and zero dewatering, passing the sequential test for Flood Zone 3b at Minster Marshes converter station.

Rebuttal: This is a dangerous misrepresentation: Minster Marshes is a low-lying floodplain. NG ignores Minster Marshes designation as a groundwater flood zone. NG claims “zero dewatering” and SuDS prevent exacerbation, with <25 mm settlement via piling. This overlooks clay compaction reducing permeability, displacing an estimated 500,000 m³ of groundwater annually. (APP-171) ground survey states SuDS is not feasible due to the slow draining nature of the clay which will be required for temporary drainage ponds for tracks in multiple arable fields and will need to be reconsidered. (APP-292) ignores exceptionally high groundwater despite surveys confirming 0.5 - 1 meter depth. The collection of water in tanks on proposed converter site for the proposed no-drain SuDS alternative will require more load bearing than surveyed and additional piling techniques to support the deep heavy weight water attenuation storage. There is not a high tech system for allowing large quantities of floodwater to be released into the Minster Stream, and will ultimately lead to flooding downstream areas which include waterworks, BESS, the methane gas plant and NG’s own Nemo Link converter which will all be put at risk from the outfall from being connected to the Minster Stream. If the tidal River Stour is also at high levels during this event, water will be backed up throughout the system. Calculations for such an event are required, not hearsay as suggested to be satisfactory in (AS-099). This document also uses an out of date council map. It

would be prudent at this point to use the freely available Environment Agency flood map for up to date information on flood zones which shows Minster Stream flooding downstream in the current situation.

Bearing capacity of the top 8–14 m is 15–30 kPa. A fully loaded 40-tonne articulated lorry already exceeds this. Crawler cranes (300–600 t) for the 28 m-high valve halls would sink over 2m instantly.

NG's impermeable concrete platform (1 km², raised 2 m on piles in soft alluvial clay) and HDD works will displace water, compact soils, and exacerbate groundwater breakout. The risks are not modeled in 1:100-year climate scenarios, breaching NPS EN-1 para 4.2.15 (sequential test) and NPPF para 163 (flood risk vulnerability).

Groundwater is 0.5 - 1.0m below the surface. Any excavation >1 m fills with water immediately. Continuous dewatering of 90,000m² would lower the water table across the entire Minster Marshes SSSI causing uncalculated ecological and agricultural damage.

In Flevoland, Netherlands, the largest energy structure ever built on clay is the 380 kV Lelystad substation which is 1/10th the footprint and 1/20th the weight of Sea Link.
Even that required:

- 18 months pre-loading with 1 m sand
- 1,400 piles
- permanent ring-canal pumping stations running 24/7 forever.

NG's current ES assumes a simple 2 m stone platform and "standard piling". This is a complete fantasy on this soil.

9. Response to Ref 2.9.14, para. 57, p. 286 - Adequacy of consultation

In response to our point that navigation through NG's multiplicity of documents was hindered by the fact that NG only issued "*a Document Signposting Table on 12 June 2025 – a month after the pre-examination stage opened and only 11 days before the registration deadline closes.",* NG states that we must be referring to the *"Application Document 1.3 Navigation Document which is updated at each submission during both pre-examination and examination deadlines"*. NG has ignored the substance of our complaint which is that the Navigation Document was published very late in the pre-examination process, making it difficult to submit robust Relevant Representations. We concur with Suffolk Energy Actions Solutions letter of 5th December to the ExA that, *"NG's submissions during the Examination have been late, incomplete, inconsistent, or inaccurate, forcing interested parties to spend extra time and resources reviewing, cross-checking, and seeking clarifications. This has hindered effective participation and led to avoidable costs".*

In conclusion, we continue to maintain that NG has failed to adequately comply with all relevant legislation, and has sought to repeatedly downplay the catastrophic impact Sea Link will have on the local environment, biodiversity and community. NG has not provided full costing for the project as it is currently planned and their failure to account for the soil type in their construction methodology means costs will spiral exponentially and make this project financially unviable in this location.
