



Sea Link Nationally Significant Infrastructure Project (NSIP) Application

Planning Inspectorate Reference: EN020026

Written questions and requests for information (ExQ1) – response by CPRE Kent Unique Reference Number: [REDACTED]

1GEN1	<p>Noted - CPRE Kent may make limited use of AI for the purposes such as document research/summaries and supporting drafting checks such as spelling and grammar. All opinions and views expressed however represent the independent judgement of CPRE Kent for which we take sole responsibility for the factual accuracy.</p>
1GEN4.	<p>CPRE Kent welcomes the fact that the new guidance regarding community funding brings with it much-needed clarity around what has historically been a very grey area. The guidance does however now confirm it's a clear expectation of Government that applicants should absolutely be providing community funding/benefits on applications such as this and as a matter of course. Further, it confirms that funding or provision of community benefits should be shaped through early and meaningful engagement.</p> <p>In this respect and from what CPRE Kent understand from speaking with local community representatives, the applicant has not progressed this in any significant manner. To us, this is a complete missed opportunity, though one that is typical of the dismissive approach that the applicant has taken generally to the concerns and needs of the local communities. We therefore welcome this question and look forward to the applicant setting out a clear and transparent approach to community funding.</p>
1GEN5	<p>CPRE Kent does not consider the proposed scheme would accord with the NESO Electricity Transmission Design Principles, were they to apply. This is because the applicant has not demonstrated the strategic, environmentally led, option-testing iterative approach towards design as envisaged by the design principles. Instead, they have taken one single design/option only approach to Kent and have just stuck with it despite the clear concerns being raised.</p>
1GEN47.	<p>CPRE Kent strongly agree with the ExA that the DCO requirements in relation to the design and appearance of the converter station allow too great a flexibility for the applicant and not enough reassurance for the local community. Specifically, we note that Requirement 12 of the made East Anglia ONE North DCO requires approval of details and explicitly secures delivery in accordance with the approved detail. As a minimum, this must be replicated within the Sea Link DCO requirements schedule.</p>

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	<p>This requirement is essential given the relatively isolated siting of the converter station (being some distance from the Richborough Energy Park) and its location within a rural landscape, which is designated as Kent Character Areas (and Landscape Character Areas). As such, the LPA will need to be assured that (a) it will be able to control and approve the layout, scale and design of the proposed building and (b) that such works will be carried out in accordance with the details submitted.</p> <p>These comments are relevant not only to the converter station design, but also to the sub-station alongside and the proposed additional pylons/overhead lines (particularly regarding their height)</p> <p>Finally, it is our strong view that the Design Principles documents should be certified to ensure certainty and prevent the position being later diluted or amended.</p>
1GEN48.	<p>Whilst CPRE Kent will await with interest as to the applicant's response to this question, it is our opinion that generally, far more clarity and certainty is needed regarding the process should there subsequently be any departure from HDD methods (or the assessed trenchless landfall approach). Specifically, it's our opinion that sufficiently robust safeguards must be put in place to ensure any departure may only occur following prior approval of a method-specific package of mitigation demonstrating no greater environmental effects than those assessed.</p>
1GEN49.	<p>CPRE Kent strongly supports the ExA's concerns regarding permitting core working on Sundays and Bank Holiday. Clearly this proposal would give no meaningful respite to the local community, which we consider unacceptable. We therefore strongly support using more standard restrictions such as those secured under the East Anglia ONE North DCO. These permit weekdays working only with limited Saturday hours and no routine Sunday/Bank Holiday working with very tightly defined exemptions. It is our view that a slight extension to the programme that allows weekly periods of respite throughout the duration of construction is preferable to a slightly shorter construction period with no respite at all.</p> <p>Clearly it however remains necessarily for the applicant to produce a transparent and updated programme setting out exactly what the implications of such would be and we reserve the right to comment further on this in due course.</p>
1LVIA1.	<p>In view of the major adverse likely significant effects, we consider that there needs to be a clear landscape vision for the project.</p>

	<p>This should clearly set out the existing landscape – being a sparsely developed, distinctive low-lying area - in the overarching Kent Character Area of the Wanstum and Lower Stour Marshes; and also in relation to the sub-areas of the Thanet District Council Landscape Character Areas B1 (Wantsum North Slopes) and E1 (Stour Marshes) and also the Dover District Council Landscape Character Area A2 (Ash Levels). The landscape vision should also pay due regard to the Roman fort and amphitheatre at Richborough Castle which is a Scheduled Monument withing Landscape Character Area H1 (Richborough Bluff).</p> <p>The landscape vision needs to demonstrate how each of these District Character Areas will be addressed, not only as isolated areas, but as visually connected parts of the landscape as a whole.</p>
1LVIA4.	<p>CPRE Kent share the concern that there is very limited detail in relation to operational lighting in the application documents and in particular as to whether the cumulative impact is being robustly considered. As we have previously highlighted, operational lighting has the potential to cause significant harm in this rural, largely unlit context, and without a detailed lighting scheme and assessment the likely effects on landscape character, visual amenity, tranquillity and sensitive ecology cannot be properly tested.</p> <p>It is also our view that operational lighting must be controlled through a specific DCO requirement securing the submission and approval of a detailed Operational Lighting Scheme (including lighting contours and a night-time effect assessment), with the development thereafter to be carried out in accordance with the approved details.</p>
1LVIA16.	<p>We agree with the ExA that clarification is needed as to whether the worst-case scenario for the proposed pylons/overhead lines has been assessed within the LVIA.</p> <p>Without such clarification it is clear that the visualisations (photomontages) that have been produced may be grossly misleading.</p>
1ECOL5	<p>CPRE Kent fully endorse the comments of KWT that the precedent set by the NEMO Link landfall at Pegwell Bay provides clear evidence that any open-cut trenching impacts upon the Saltmarsh cannot be assumed to be temporary. Specifically, we completely agree that remediation measures associated with rectifying the harms caused by the NEMO Link absolutely cannot be allowed to be counted as Sea Link Biodiversity Net Gain.</p>
1ECOL10.	<p>Should new overhead cables be permitted, the already-evident threat to birds and bats would be increased substantially.</p> <p>It is surely obvious that all power lines – new and pre-existing alike – in the immediate area should be fitted with diverters as all will be effectively as dangerous as each other.</p>

	<p>If the diverters on the new lines do indeed act as a deterrent to birds and bats, there is the strong possibility, even likelihood, that they will simply fly into the pre-existing lines... they will be every bit as fatal. Consequently, we fully endorse the views of KWT that, if diverters are to be relied upon, they must be applied strategically and across the whole “wirescape”, both old and existing, to ensure lines within the same flight paths are marked.</p>
1ECOL15.	<p>It has been CPRE Kents longstanding concern that the dormouse evidence is being downplayed. This is because instead of undertaking the necessarily robust surveys in the first instance, the applicant had instead chosen to rely upon vague references to generic precautionary ways of working going forward. We are therefore not surprised to see that the surveys have now identified “probable” rather than “possible” dormouse nests.</p> <p>In our view, this finding triggers a need to re-assess whether the applicants proposed approach to Dormouse mitigation remains acceptable. Specifically, we would expect the applicant to fully update its assessment of effects. We would also expect clear pre-construction surveys and mitigations measures to be agreed with Natural England and explicitly secured within the DCO itself. We certainly do not consider it acceptable to continue to defer to largely undefined post consent precautionary measures.</p>
1ECOL16.	<p>CPRE have repeatedly set out its concern that the applicant is relying on incomplete protected species evidence/surveys and likewise has not set out sufficient detail with regards to anticipated mitigation measures to be able to make any informed opinion as to likely effectiveness.</p> <p>We therefore reiterate that comprehensive surveys must cover all affected land, with the results informing a clear and secured mitigation strategy that is secured within the DCO, rather than being deferred as a post consent matter.</p>
1ECOL23 - 1ECOL34.	<p>CPRE fully endorses KWT’s responses to these question in their entirety. When read as a collective response, it becomes abundantly clear that the current drafting is overly flexible and does not provide the necessary certainty needed to protect Pegwell Bay and the wider designated sites.</p> <p>Whilst we will not repeat the comments made by KWT, we do wish to highlight the following points which we are in particular agreement with:</p> <ul style="list-style-type: none"> • Works likely to cause disturbance absolutely must be excluded during the breeding season. • The breeding season dates must be amended to 1st March -30th September, with meaningful surveys to be carried out either side where relevant/appropriate.

	<ul style="list-style-type: none"> Method statements must be shared early for meaningful scrutiny and be subject to consultation and agreement with NE, KWT (as landowner/manager), RSPB and other relevant bodies. We completely agree that Hoverport access proposals cannot be “<i>designed around</i>” without full botanical, invertebrate and reptile baselines, and secured INNS management where appropriate. Intertidal access routes, excavation/laying and stand-off distances for temporary working areas must be defined and assessed pre-consent.
1ECOL47.	<p>The suggested enrichment of soil for invertebrates and topping would theoretically be of value to feeding birds such as golden plovers and lapwings, but it is far from certain that these birds would use such a small site as they need wide expanses of open landscape with a mix of habitat, not something as small as “<i>a 10ha minimum parcel of arable land</i>” surrounded by urban development. The unsuitability of the suggested mitigation site remains.</p>
1ECOL68.	<p>CPRE Kent note that the publication of the Kent and Medway Local Nature Recovery Strategy in November is now a material planning consideration. We therefore expect to see the applicant now set out how its BNG approach aligns with the strategy’s mapped priorities and reserve the right to further comment upon this.</p>