

1. Introduction and scope

This written representation relates only to Change Request 1 (CR1), which concerns the proposed change to construction access at the hoverport at Pegwell Bay, Kent. It addresses the additional land and rights now being sought, and the effects of the proposed development on that land, in line with Regulation 10 of the Infrastructure Planning (Compulsory Acquisition) Regulations.

I have not addressed any matters outside CR1.

2. Nature of Change Request 1

CR1 proposes changes which include:

- revised construction access arrangements along the hoverport frontage;
- an expansion of the Order Limits to include additional land along the hoverport and the intertidal margin; and
- the acquisition of new temporary and permanent rights to enable construction access, plant movement, and works associated with HDD and cable installation.

Although the Applicant describes CR1 as a “minor” or “non-material” change, it clearly introduces new land take, new rights, and new construction activity in a highly sensitive coastal location. On any ordinary reading, that is not minor.

3. Additional land and rights sought

The additional land now sought under CR1:

- covers the entire existing saltmarsh area at the hoverport frontage;
- extends across land that is currently used for public walking and recreation; and
- includes land subject to year-round restriction under Section 26 of the CROW Act, specifically to protect sensitive bird species.

The extent of land being sought is not limited to what is demonstrably required to avoid saltmarsh or to deliver access. Instead, it creates a wide and flexible envelope within which construction activity could take place.

That flexibility is not supported by:

- fixed access routes;
- clearly defined plant corridors; or
- binding spatial limits within the Order Limits themselves.

In my view, the scale of land and rights being sought goes well beyond what has been properly justified.

4. Effects of CR1 on the additional land

4.1 Ecological effects

The land affected by CR1 forms part of a sensitive intertidal system, functionally linked to SPA and Ramsar designations.

CR1 would introduce activities such as:

- tracked plant movements;
- repeated access across intertidal substrates;
- temporary compounds and anchoring points; and
- disturbance associated with HDD and cable installation works.

The Applicant places significant reliance on future surveys, construction-stage controls, and embedded mitigation, rather than demonstrating clearly how harm to the additional land will be avoided from the outset.

Including the entire saltmarsh within the Order Limits, while simultaneously stating an intention to avoid it, creates an obvious risk of both direct and indirect damage to saltmarsh structure, function, and recovery.

4.2 Effects on protected species

The hoverport frontage and adjoining intertidal land form part of a wider system that supports:

- wintering and migratory bird species; and
- marine mammals, including grey and harbour seals.

CR1 expands construction access into areas that are:

- legally restricted in order to limit disturbance; and
- used by wildlife for resting, feeding, and movement.

Although additional technical notes have been submitted, these continue to:

- focus on injury thresholds rather than behavioural disturbance;
- rely on optimistic assumptions about construction activity levels; and
- defer key assessments to later stages.

As a result, the effects of CR1 on the additional land remain insufficiently defined.

4.3 Recreational and amenity effects

The land affected by CR1 includes a locally important recreational frontage, used regularly for walking and access along Pegwell Bay.

CR1 would result in:

- temporary loss of public access;
- visual intrusion from construction plant and activity; and
- prolonged disruption due to flexible and extended construction phasing.

These effects arise directly from the taking of additional land and rights and are not adequately addressed or mitigated in the current proposals.

5. Compulsory acquisition implications

CR1 explicitly engages the Compulsory Acquisition Regulations, acknowledging that:

- new land and rights are required; and
- affected landowners and users have not consented.

That alone demonstrates that CR1 is not minor in its effects.

The Applicant has not shown that:

- the extent of land sought is proportionate;
- the rights sought represent the minimum necessary; or
- reasonable alternative access options have been fully explored and discounted.

The justification for compulsory acquisition in relation to CR1 therefore remains incomplete.

6. Conclusion

CR1 introduces new and expanded land take, new rights, and new effects at the hoverport frontage in Pegwell Bay.

The effects on the additional land include:

- ecological risk to saltmarsh and intertidal habitats;
- disturbance to protected species;
- loss of recreational access and local amenity; and
- reliance on future mitigation rather than clear avoidance.

For these reasons, CR1 cannot reasonably be regarded as a minor change, and the case for the additional land and rights now being sought has not yet been made.

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