

**SEAS WRITTEN REPRESENTATION OF THE**  
**ISH2 ORAL REPRESENTATION on**  
**ECOLOGY**

**SEA LINK: EN020026**

**DEADLINE: 4 – 10 February 2026**

**SEAS IP:** [REDACTED]

**Date: 10 Feb 2026**

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This document constitutes SEAS oral representation at ISH2 on Sea Link Ecology.

### **Introduction**

SEAS continues to argue that the Sea Link proposal relies on inadequate ecological surveys, including insufficient assessment of reptiles, barbastelle bats, habitats, and SPA bird species, which undermines the validity of the impact assessments and the Habitats Regulations Assessment.

SEAS Council Mr. James Burton attended the Issue Specific Hearings (ISH2) on January 28, 29 and 30 January and introduced Ecology expert Dr Matthew Denny on 28 January to speak on behalf of SEAS.

Mr Denny contends that a precautionary Appropriate Assessment is required and that the project fails key legal tests on alternatives and overriding public interest, and asks the Examining Authority to rigorously examine these shortcomings.

Please find Dr Denny's written evidence below:

## **Written representation following ISH2 on 28<sup>th</sup> January 2026**

**Dr Matthew Denny MCIEEM on behalf of SEAS**

**Made Oral Representation at ISH2 on the following matters:**

**Reptiles on Pegwell Bay hoverport** – insufficient survey information and consideration of impacts and avoidance/mitigation.

1. It is incumbent on the Applicant to provide evidence that there are no cracks or fissures in the hardstanding apron of the disused hoverport, to be crossed by vehicles. If there are, these features are likely to support reptiles, as these animals routinely use them for shelter and protection throughout the year, although particularly in the winter when they provide hibernation features with stable environmental conditions. Any movement or collapse of such cracks and fissures risk harming reptiles, which are legally protected from intentional killing and injuring via part of Section 9(1) of the Wildlife & Countryside Act 1981 (as amended).

### **Barbastelle bats – Suffolk**

2. Barbastelle bats - insufficient survey as no advanced surveys (capture and radio-tracking) undertaken, despite the species being frequently recorded within the Order limits, and the area known to be of at least National importance for breeding barbastelles due to presence of multiple nursery roosts, as found during the Sizewell C baseline surveys.
3. There is evidence from the timing of static survey recordings that unknown barbastelle roosts are present on or adjacent to the Order limits. Due to the importance and sensitivity of such receptors, residual impacts on nearby

linear features such as hedgerows, could be significant. This cannot be determined, given the lack of appropriate baseline survey.

4. Advanced capture and tracking surveys are commonly used for finding roost sites, as they are known to be the most effective method, particularly for barbastelle bats, which are known to frequently change their roost locations. That is why these methods are routinely used for larger Nationally Significant Infrastructure Projects, where impacts are likely to be more significant, and why both Sizewell C and LionLink (National Grid Ventures) have employed this survey technique. We recognise it is a more invasive technique (as raised by the Applicant at the ISH), which is why only a few surveyors in England are licensed to undertake such work, as a high level of experience and training is required, with stringent levels of accountability.
5. The latest edition of the Bat Survey Guidelines (Collins 2023<sup>1</sup>), states on p.83 that such methods are *likely to be required on projects with greater impacts on 'difficult to survey' bat species such as tree-roosting.. species; more sensitive bat populations (generally Annex II bat species)*. It goes on to state *tree-roosting bat species are perhaps the most challenging to survey using standard techniques, given the frequent movements of these species between roost trees, the shade and complexity such roosts are often surrounded by, and the low bat encounter rates from standard techniques*. Barbastelle breeding roosts are almost always in trees, and they are one of four Annex II bat species occurring in the UK.
6. In summary, trapping and tagging of barbastelles should have been undertaken, and without the knowledge coming from it, we have no idea where the barbastelles recorded during other baseline surveys are roosting/breeding. Therefore, the impact assessment for bats is invalid.

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<sup>1</sup> Collins, J (ed) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edn). The Bat Conservation Trust, London.

**Other ornithology/ecology matters which were not covered during ISH2 due to time restriction:**

**Acid grassland enhancement / creation**

7. First, we note that the Applicant has recently reduced the area of proposed acid grassland from 12 to 6 ha. We would like to highlight this and ask that the Examining Authority ask the Applicant to explain the rationale for this. Second, the Applicant is proposing to create acid grassland on an existing pig field, to reach the required condition within 10 years. There are numerous research papers showing that such an aim is highly ambitious particularly on fertile soils with high pH and phosphorous (P) levels. We would expect a pig field to have high pH and P levels, and request the Examining Authority to request details of the pH, P and other chemical content of soil samples from the field, and additional information on whether and why the Applicant is confident acid grassland of adequate condition can be created within this time frame.

**Suffolk onshore Habitats Regulations Assessment (HRA)**

8. We are concerned about the quality and breadth of the surveys and assessment underpinning the Habitats Regulations Assessment (HRA) for the Sea Link proposal.
9. There has been inadequate survey effort for marsh harrier and nightjar, both qualifying species for the nearby Special Protection Areas (SPAs) (Sandlings, Alde-Ore Estuary and Minsmere-Walberswick). For example, much of the Sea Link development area is within the foraging range of marsh harriers breeding in the nearby Alde-Ore Estuary and Minsmere-Walberswick SPAs. Yet, despite marsh harriers being known to use the Sea Link proposal area, the species is not even mentioned in the Suffolk section of the HRA. And dedicated surveys, such as Vantage Point (VP) surveys, for the species were not undertaken, which does not follow standard practice (e.g. Hardey et al

2013<sup>2</sup>; Gilbert et al 1998<sup>3</sup>). Indeed, the applicant undertook VP surveys for the Kent onshore scheme. Why not the Suffolk onshore scheme which is well within the regular foraging range from SPAs with breeding MR as a Qualifying feature?

10. The Applicant said it had scoped out potential impacts on marsh harriers and nightjars, and that Natural England hadn't raised this as an issue. I would assert that should marsh harriers (and nightjars) routinely forage over the Sea Link Order limits, it could comprise part of their core foraging areas from the nearby SPAs. Breeding marsh harriers are vulnerable to disturbance as they usually need to provision several chicks. A disturbance research literature review (Goodship & Furness 2022<sup>4</sup>) reported 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. In the case of polygamous males, they are often provisioning multiple nests, and during the chick-rearing stage males routinely hunt up to 26km from the nest. Disturbance within their core foraging range during sensitive breeding periods is likely to have a significant effect on the breeding success and body condition (and therefore survival), with direct impacts for the SPA populations and therefore the integrity of these populations.

11. The HRA must consider whether the integrity of a population of a qualifying species will be impacted by the proposal. I do not believe this is possible to assess due to the deficient baseline survey data. We therefore emphasise the need for the HRA to include an Appropriate Assessment to be conducted on a precautionary basis that removes all real scientific doubt so far as adverse effect on integrity is concerned.

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<sup>2</sup> Hardey, J., Crick, H.Q.P., Wernham, C.V., Riley, H., Etheridge, B. & Thompson, D.B.A. 2013. *Raptors: a field guide for surveys and monitoring* [3rd Edition].

<sup>3</sup> Gilbert, G., Gibbons, D.W., & Evans, J. (1998) *Bird Monitoring Methods: A Manual of Techniques for UK Key Species*. The Royal Society for the protection of Birds, Sandy, Bedfordshire, England.

<sup>4</sup> Goodship, N.M. and Furness, R.W. (MacArthur Green) *Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species*. NatureScot Research Report 1283.

12. There are two specific derogation tests at the Appropriate Assessment stage of the Habitats Regulations process, which I believe the Sea Link proposal does not pass:
  
13. Test 1 is the consideration of viable alternative solutions. I assert that Sea Link was too limited in considering suitable alternatives, and this is the same for the LionLink proposal partially included within this DCO.
  
14. Test 2 is whether the proposal meets Imperative reasons of overriding public importance (IROPI). Given the evidence others have presented during this open floor hearing questioning the need for Sea Link at all, the project is clearly not imperative (see final point below).
  
15. I request that the Examining Authority pay particular attention when reviewing the adequacy of the baseline ecology surveys and assessments, and to consider in detail the need for an Appropriate Assessment and the above Habitats Regulations tests, which I believe the DCO application fails to address and/or meet.
  
16. SEAS respectfully requests that the Examining Authority refrain from treating the Applicant's dismissal of the SEAS concerns and previous Relevant Representation as definitive, and instead undertake a full and rigorous examination of the concerns raised.

End