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**RE: Sea Link (EN020026) Nationally Significant Infrastructure Project (NSIP) Application – Deadline 5
Second Written Questions (ExQ2) – Kent Wildlife Trust (F0B50218B)**

Kent Wildlife Trust (“KWT”) has reviewed the Examining Authority’s (“ExA”) Second Written Questions (“ExQ2”). Our response to the five questions directed towards KWT are outlined in the table below.

ExQ2	Question:	KWT Response:
2GEN33	<p>Kent plots 3/102, 3/104, 3/107, 3/109, 3/110, 5/1, 5/9, 5/10, 5/13, 5/18, 5/26 to 5/29, 5/34, 5/37, 5/38, 5/40 to 5/44</p> <p><i>If you have an outstanding objection to the CA or TP of land or rights, please provide detail of the reasons for the objection including which plots the objection relates to.</i></p>	<p>Internal discussions regarding the potential compulsory acquisition (CA) and/or temporary possession (TP) of land are ongoing and, at the time of this response, the Trust has not concluded its consideration of the Applicant’s proposals, including any draft Heads of Terms.</p> <p>Notwithstanding this, KWT continues to object to the proposed Sea Link project and therefore also maintains an objection at this stage to the CA and/or TP of land or rights in its ownership or management that are sought to facilitate the proposed project. This objection applies to those Kent plots within the Order Limits where KWT holds an ownership or management interest and where powers of CA or TP are proposed by the Applicant.</p> <p>KWT’s position is without prejudice to its ongoing internal discussion and to any future engagement with the Applicant. Should the Development Consent Order (DCO) be granted, KWT would then be willing to engage further with the Applicant to discuss the implications for its land and to consider appropriate arrangements, including measures to avoid, minimise and mitigate impacts on the habitats and conservation interests managed by the Trust.</p>
2ECOL29	<p>Hoverport access – reptiles</p> <p><i>In light of the acknowledged presence of reptiles within the hoverport, should two stage clearance of any vegetation, or other measure, be secured as a REAC or LEMP provision and if not, why not?</i></p>	<p>It is considered that, in principle, a REAC would be the most appropriate mechanism to secure the two-stage clearance of vegetation at the Hoverport. However, securing this approach to vegetation clearance does not address the impacts that would likely be caused from providing access across the site.</p> <p>In the first instance the Hoverport is known to support an array of nationally scarce plant species alongside the</p>

larval foodplants for endangered, protected and priority invertebrate species. At this stage there is a lack of survey data and so it is not known what species would be impacted by site clearance and what mitigation or compensation measures should be taken to address that impact. It is therefore our view that a full botanical baseline survey, along with reptile surveys, should be undertaken at an appropriate time of year, as well as targeted invertebrate surveys for protected and Priority Species. Any vegetation clearance to provide an access route must avoid, rather than simply minimise, impacts on these receptors.

At this stage it has not been demonstrated that there is suitable habitat adjoining the area to be cleared to act as a receptor site for reptiles. In the absence of appropriate surveys, it is also unclear whether any intended receptor site already supports reptiles and, if so, whether it can increase its carrying capacity to accommodate species pushed out from the cleared areas. No details have been provided on the proposed enhancement measures that would be undertaken, alongside the provision of artificial refuges, to attract reptiles to the new area.

If site clearance is to take place it is our view that an adapted two stage clearance would need to be undertaken due to the ecological importance of the site. Vegetation should be reduced gradually through phased and directional cutting over a longer period to encourage reptiles to move to an appropriate receptor site. The clearance process would need to be supervised by an experienced Ecological Clerk of Works (ECoW) and should take place during the active season for reptiles, however would also need to take into consideration seasonal restrictions for protected invertebrates such as Firey Clearwing Moth which is known to breed onsite. Hand operated machines should be used with any removal of habitat features done by hand under supervision of the ECoW.

It is understood that vegetation clearance is needed so that an access route can be provided across the Hoverport. As stated in previous representations, an access route should not be agreed without consultation with, and approval by, relevant statutory and non-statutory bodies, including Natural England, KWT, Butterfly Conservation and Thanet District Council. Once the baseline ecological surveys (botanical, invertebrate and reptile surveys) have been undertaken, an annotated aerial

		<p>photograph and/or annotated plan showing a genuinely vegetation-free route would be required, together with confirmation of whether any reinforcement, surfacing or ground preparation would be needed, as such works would significantly increase ecological impacts. In addition, where invasive non-native species are present, their management should be addressed as part of the proposals, but only where this can be delivered without harm to protected species and subject to appropriate ecological oversight.</p>
<p>2ECOL51</p>	<p>REAC provision B59</p> <p><i>Applicant: The applicant's Comments on Other Submissions Received at DL3 and DL3A [REP4-241] suggests that contractor(s) would prepare a HDD landfall Method Statement and Drilling Fluid Management Plan in consultation with NE, KWT and the RSPB "as appropriate". Can the applicant explain what is meant by "as appropriate" in this context.</i></p> <p><i>Other parties: Comment on this caveat.</i></p>	<p>It is our view that the caveat within the Applicant's comments is not appropriate. The caveat enables the HDD Landfall Method Statement and Drilling Fluid Management Plan to be prepared without any consultation with statutory and non-statutory bodies that have expert knowledge in the ecology of Pegwell Bay. It is these bodies who can best advise what steps must be taken to reduce habitat and species disturbance, whether pre-construction mitigation measures and remediation measures are sufficient, and ensure an appropriate contingency plan is put forward that will minimise harm in the event of contamination.</p> <p>By caveating that consultation will take place as appropriate it provides the Applicant with the opportunity to bypass any advice that might be essential in ensuring the method statement and management plan are appropriate for the ecologically sensitive site where HDD landfall will take place. By requiring the input of statutory and non-statutory bodies at the earliest stage possible in the preparation of the document the Applicants will be proactively reducing the risks of additional delays later down the line.</p>
<p>2ECOL53</p>	<p>Frac out effects – Kent</p> <p>All parties: <i>Are the applicant's measures in the REAC [REP4-235] sufficient to manage frac out and exclude AEoI for the Sandwich Bay SAC, Thanet Coast SAC and Thanet Coast and Sandwich Bay SPA & Ramsar site from changes in marine water quality or pollution by drilling fluid. If not, confirm what further commitments you consider are needed.</i></p> <p>NE: <i>With regards to the impacts of frac out, the applicant (table 3.6</i></p>	<p>The REAC [REP4-235] contains several measures intended to minimise the risk of frac-out and manage drilling fluids should an incident occur, such as hydrofracture modelling, monitoring of drilling pressures and drilling returns with the use of "spotters" to detect any surface break-out of fluids, preparation of a drilling fluid management plan and mitigation measures secured through the CEMPs and the use of biodegradable fluids where feasible. These measures reflect standard industry practice for managing frac-out risk during horizontal directional drilling (HDD) and provide a framework for risk reduction and monitoring.</p> <p>However, in KWT's view, the commitments as currently expressed do not provide sufficient certainty to fully exclude adverse effects on integrity (AEoI) for Sandwich Bay SAC, Thanet Coast and Sandwich Bay SPA/Ramsar in</p>

[REP4-241]) considers that the HDD location for East Anglia One was a constrained environment with little coastal wave action, which is not comparable with Pegwell Bay. It noted that the saltmarsh in Pegwell Bay is dry 50% of the time and frac-out could be easily removed. Does this alleviate NE's concerns regarding the impacts of frac out on the supporting habitats of the Thanet Coast and Sandwich Bay SPA?

relation to changes in marine water quality or pollution by drilling fluids. This is because several elements of the mitigation remain high-level or are deferred to contractor-prepared plans, without clear operational triggers or response procedures. For example, the REAC commits to the preparation of a drilling fluid management plan and inclusion of mitigation within the CEMPs, but the detailed procedures that would govern monitoring, detection, and response to frac-out are not specified within the secured commitments themselves. This means the effectiveness of mitigation is largely deferred to later-stage contractor documentation. Whilst monitoring of drilling pressures and drilling returns is referenced, the REAC does not define thresholds that would trigger suspension of drilling or implementation of contingency measures. Without clearly defined operational triggers, there is limited certainty that a developing frac-out event would be identified and managed before drilling fluid reached sensitive habitats. The proposed detection measures may not identify subsurface migration of drilling fluids. The use of visual monitoring "spotters" along the drill alignment may detect surface breakout but may not reliably identify subsurface migration of drilling fluids through permeable strata toward the intertidal zone or coastal waters. This creates a residual risk pathway for drilling fluid to enter designated habitats before it can be detected and controlled. Additionally, the response and containment procedures are not clearly secured. Although the REAC references the use of lost circulation materials or other measures to address fluid loss, it does not clearly specify the actions that would be taken if drilling fluid entered the marine or intertidal environment, nor the timescales for implementing containment and remediation. Taken together, these factors mean that while the REAC demonstrates that the Applicant intends to follow standard practice during trenchless installation, the commitments do not yet provide the level of specificity, enforceability, and ecological safeguards required to demonstrate that drilling fluid releases would not result in deterioration of habitats or disturbance to qualifying species.

To ensure AEoI can be excluded with confidence, KWT considers that additional commitments should be secured, including:

- A detailed frac-out contingency plan – the drilling fluid management plan should include a clearly defined frac-out response procedure covering:

		<ul style="list-style-type: none"> - Immediate cessation of drilling where breakout is detected - Containment and recovery measures - Protection of adjacent habitats - Roles and responsibilities and reporting procedures • Real-time monitoring and reporting <ul style="list-style-type: none"> - Continuous monitoring of drilling pressures and returns - Immediate notification to Natural England, MMO, local authorities, KWT and RSPB if a breakout occurs, no matter the significance - Incident reporting requirements and post-incident review to be shared with Natural England, KWT, MMO and local authorities • Water quality monitoring <ul style="list-style-type: none"> - Baseline and construction-phase monitoring (e.g., turbidity or suspended solids) at Pegwell Bay should be undertaken during the HDD works, with agreed thresholds that would trigger investigation or cessation of drilling. • Defined exclusion or buffer measures for sensitive habitats <ul style="list-style-type: none"> - The contingency plan should include specific measures to prevent drilling fluid migration into sensitive intertidal habitats. • Approval of the drilling fluid management plan by the relevant statutory nature conservation body <ul style="list-style-type: none"> - The plan should be prepared in consultation with Natural England and KWT and approved prior to commencement of trenchless works at the landfall. <p>Whilst the REAC includes a number of measures to reduce the likelihood of frac-out during trenchless installation, KWT considers that additional detail and secured commitments are required to ensure that the integrity of the internationally designated sites is protected.</p>
<p>2MO5</p>	<p>Disturbance to bird species foraging within Pegwell Bay</p> <p>Applicant: Explain whether the estimates of the areas disturbed by construction activities within Pegwell Bay in the Maximum Design Scenario take into account disturbance due to noise and lighting effects in table 5.16 of Marine Chapter 5 [REP2-003]. Confirm whether table 5.16 accounts for use of bog matting</p>	<p>KWT is not currently satisfied that it is clear the correct maximum area of intertidal seabed disturbance has been used as the basis for assessment of indirect effects on bird foraging resources within the Habitats Regulations Assessment (HRA). KWT has reviewed the Pegwell Bay Construction Method Technical Note [REP4-229] alongside the Marine Physical Environment chapter [REP4-027] and the Maximum Design Scenario (MDS) used to assess temporary disturbance associated with the Kent landfall.</p> <p>The Construction Method Technical Note describes several construction activities that would occur within the intertidal zone at Pegwell Bay, including establishment of a</p>

<p>within the intertidal area? Provide a comparison of the total area and percentage of foraging habitat that would be temporarily lost in Pegwell Bay during construction activities compared with the extent available. The ExA notes that the HRA still refers to 0.02km² disturbance when assessing effects on Thanet Coast and Sandwich Bay SPA and Ramsar, in contrast to [REP2-003] and [REP4-029] which use 0.072km². Taking into account any adjustments required by this question, provide an updated HRA [REP4-057] that reports consistent areas.</p> <p>Other parties: The MDS for temporary disturbance at Kent landfall, appears consistent with details in the Pegwell Bay Construction Method Technical Note [REP4-229], and concludes a minor and not significant effect. Are you satisfied that the correct area of intertidal seabed disturbance has been used as the basis for assessment of indirect effects to prey in the HRA? Also explain whether any additional mitigation is required to offset this effect.</p>	<p>temporary working area around the HDD exit pits, excavation of the exit pits themselves, construction access across the mudflats from the former hoverport, installation of cofferdams, and subsequent duct installation and cable pull-in works. The Technical Note indicates that the temporary working area around the exit pits could extend to approximately 120m by 180m (approximately 21,600 m²) within the upper intertidal zone. Direct excavation of the HDD exit pits would affect a smaller area of approximately 200 m² of intertidal seabed.</p> <p>The Technical Note also indicates that duct pull-in operations may require the placement of rollers or similar infrastructure along the cable alignment within the intertidal zone. This infrastructure could extend up to approximately 1km seaward of the exit pits, within a corridor of approximately 10m wide, depending on the installation methodology adopted by the contractor.</p> <p>KWT notes that the direct excavation footprint of approximately 200 m² appears to be the primary seabed disturbance area referenced within the MDS in the Marine Physical Environment chapter. Whilst this represents the area of permanent excavation associated with the exit pits, it is substantially smaller than the wider temporary disturbance footprint described in the Construction Method Technical Note. The latter includes the temporary working area around the exit pits, construction access routes across the mudflats, and the potential corridor associated with duct pull-in infrastructure and plant movements within the intertidal zone.</p> <p>On this basis, it is not clear whether the MDS used to inform the HRA reflects the maximum realistic spatial extent of temporary intertidal disturbance during construction, including sediment disturbance and compaction associated with vehicle movements, temporary infrastructure and construction activities across the mudflats.</p> <p>Intertidal habitats within Pegwell Bay support benthic invertebrate communities that form an important foraging resource for qualifying bird species of the Thanet Coast and Sandwich Bay SPA and Ramsar, including the millions of birds that forage within the bay each year. Temporary disturbance to sediments, including excavation, vehicle movements or the placement of temporary infrastructure, has the potential to affect benthic communities and</p>
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		<p>therefore prey availability for these species, even where disturbance is temporary.</p> <p>KWT also notes that construction activity within the intertidal zone has the potential to cause direct disturbance or displacement of foraging birds through the presence of plant, personnel and vehicle movements. Pegwell Bay supports internationally important numbers of wading birds and wildfowl which rely on the availability of intertidal feeding habitat during the non-breeding season. Disturbance or sediment compaction within areas used regularly for feeding could temporarily reduce the suitability of these areas for foraging. In addition, benthic invertebrate communities within intertidal mudflat habitats may take time to recover following disturbance, particularly where sediment structure has been altered or compacted. Even where disturbance is temporary, the recovery of foraging resources may not be immediate, which could influence the availability of feeding habitat for SPA bird species during the construction period.</p> <p>KWT therefore considers that it would be helpful for the Applicant to clarify that the maximum spatial extent of temporary intertidal disturbance, including the HDD working area, access routes across the mudflats and any temporary infrastructure associated with duct pull-in and cable installation, has been appropriately incorporated within the MDS used to assess indirect effects on foraging resources in the HRA, including the anticipated frequency and duration of use of access routes, the number and type of vehicle movements across the intertidal zone, and the extent and duration of any temporary infrastructure placed within the mudflat environment. This would provide greater confidence that the conclusion of a minor and not significant effect represents a realistic worst-case scenario and that there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site.</p>
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We hope that our response to ExQ2 and expertise will be of assistance to the Examining Authority. If you require any further information or would like to discuss our response in more detail, please do not hesitate to contact me.

Kind regards,


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