Date: 13th April 2026

Examining Authority
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RE: Sea Link (EN020026) Nationally Significant Infrastructure Project (NSIP) Application – Written post hearing submissions including written summaries of oral cases made at hearings the w/c 23 March 2026 (Deadline 6) – Kent Wildlife Trust [redacted])

Compulsory Acquisition Hearing 2 ("CAH2")

During CAH2, Kent Wildlife Trust ("KWT") were asked to provide written details of specific objections in relation to land rights for each plot and in particular plots 5/10, 5/13, 5/18 and 5/38. Below is our answer to this specific action point:

KWT maintains its objection to the compulsory acquisition and use of land rights over all our land plots, including 5/10, 5/13, 5/18 and 5/38.

As stated during CAH2, our position is that we object to the project as a whole and therefore do not support the use of land within our ownership to facilitate its delivery. Plots 5/10, 5/13, 5/18 and 5/38 fall within the intertidal zone and comprise priority habitat mudflats, which are highly sensitive and form part of internationally and nationally designated sites, including the Thanet Coast and Sandwich Bay SPA, Ramsar and SAC. We are particularly concerned about the construction methodologies within these areas, including the trenching works and cofferdam, which in our view carries a clear risk of adverse effects on these protected habitats and their associated ecological features.

Given these sensitivities, we cannot support the use of our land for activities that may damage or degrade these habitats. In addition, there is a reputational consideration; permitting the use of our land in this way could be interpreted as facilitating a project that we have consistently opposed on environmental grounds.

For these reasons, KWT objects to the inclusion and use of these plots within the Order Limits and does not consider that the Applicant has justified the need for their compulsory acquisition in this context.

Open Floor Hearing 2

The following section provides KWT's written summary of the oral submissions delivered at the second Open Floor Hearing on 24th March 2026:

"Good afternoon. My name is [redacted], speaking on behalf of Kent Wildlife Trust.

I would like to focus on the proposed access arrangements at the hoverport – a place that, on paper, may appear to be disused hardstanding, but in reality, has become something far more valuable.

Because this is not a vacant site, it is a rewilded habitat – one that has quietly, over decades, developed into a mosaic of coastal habitats supporting rare plants, protected species, and nationally scarce invertebrates. Life has returned to the hoverport, yet its proposed use for construction access is being advanced without a proper understanding of the ecological impacts.

The Applicant is seeking flexibility to route construction traffic across the hoverport, claiming this can be done without significant ecological harm, largely on the basis that it is “existing hardstanding” and that no vegetation clearance is required.

But this assumption is flawed. Because nature does not recognise the distinction between “hardstanding” and “natural habitat” in the way planning documents do. We know, through years of biological recording, that this site supports a remarkable assemblage of species. A confirmed breeding population of the Firey Clearwing moth – fully protected by law. The Sussex Emerald moth – one of the UK’s rarest species, also fully protected. Nationally scarce and priority species such as Bright Wave, Rest Harrow and Oblique Striped moths. Common lizards and rare orchids including the formerly extinct Lizard Orchid, which is not only rare in the UK, but across Europe. And a wide range of micro-moths and other notable invertebrates that depend on exactly the kind of undisturbed, transitional habitats that this site provides. These species are not incidental. They rely on the very features that are most vulnerable to disturbance – root systems, substrate stability, and the continuity of undisturbed ground.

Compaction, vibration, and repeated vehicle movements can destroy the ecological functionality of this site, even where no formal “vegetation clearance” takes place. Larvae within rootstock can be crushed. Overwintering species can be killed. Fragile plant communities can be lost. This is habitat damage, in every meaningful ecological and legal sense.

And it’s not just protected species we need to be concerned about. The movement of heavy plant and construction vehicles across the hoverport also carries a real risk of mobilising contamination within the site. Evidence already indicates the presence of historic deposits, including coal residues. Disturbance of these materials could alter water chemistry, increasing acidity, and critically could release toxic heavy metals into the coastal, aquatic environment.

The hoverport is directly connected to internationally designated sites, and the release of contaminants into these habitats has the potential to cause significant adverse effect on the integrity of these ecosystems, including the serious risk of mortality from heavy metal toxicity across multiple species – from invertebrates and fish, to birds, seals and dolphins that depend on them as prey. As well as a serious health risk to people and their dogs who enjoy Pegwell Bay.

Yet these risks have not been investigated. We are faced with the same pattern: uncertainty now, with the expectation that it can be managed later. Environmental assessment is not a box-ticking exercise – it is the foundation upon which lawful decisions are made. Without a clear and complete baseline, it is simply not possible to assess likely significant effects, apply the Mitigation Hierarchy or demonstrate compliance with environmental law. And critically, it is not possible for the Examining Authority to be confident that this project can proceed without committing offences under wildlife legislation.

This is not a technical concern. It is a matter of legal compliance. Case law is clear that harm to habitat, including disturbance and degradation, can be sufficient to trigger offences where protected species are affected. And it is equally clear that these matters cannot be deferred to post-consent stages. Yet that is exactly what is happening here. Flexibility is being sought first. Evidence is being considered later. You cannot design around constraints that have not yet been identified.

We recognise the stated intention behind this change: to avoid impacts on saltmarsh. But intention is not evidence. And aspiration is not mitigation. What is being presented here is not a robust, evidence-based solution. It is a proposal built on assumptions, gaps and deferrals. And that carries significant risk. Real risk to protected species, to priority habitats, and to the integrity of this wider coastal system.

Because as we all know from the impacts of the Applicant's sister company – once damage occurs in these habitats, it is not easily reversed.

We have seen this before. Commitments are made. Mitigation is promised. But once consent is granted and construction begins, the reality on the ground can diverge from what was anticipated. Unexpected constraints arise. Methods change. And ecological harm follows. This is precisely why these matters cannot be left to assumptions or post-consent promises.

So today our position is clear. The change request is not supported by adequate baseline data. It does not demonstrate application of the mitigation hierarchy. And it does not provide certainty, either in ecological or legal terms, that harm to protected species and habitats can be avoided. Without the surveys. Without the evidence. Without the understanding. And without the mitigation, the Applicant cannot definitively conclude there will be no long-lasting ecological harm to this important site.

In closing, the hoverport may look like a forgotten place. But ecologically, it is anything but. It is a place where nature has returned, quietly, but persistently. And it deserves to be protected.

Thank you."

Issue Specific Hearing 3 ("ISH3")

Agenda Item 2. Matters arising from the Examining Authorities ("ExA") third written questions (ExQ3)

KWT supports the ExA's opening statement at ISH3 in which it was stated that *"currently the Examining Authority is not convinced that the Applicant has demonstrated that all residual impacts are those that cannot be avoided, reduced, or mitigated."*

We agree with this statement as it reflects a core concern that KWT has consistently raised throughout Sea Link's DCO process, dating back to our earliest representations in 2023; namely, that the Applicant has not adequately applied the Mitigation Hierarchy.

As set out in National Policy Statement EN-1, the policy presumption in favour of granting consent for Critical National Priority ("CNP") infrastructure is contingent upon the proper and effective application of the Mitigation Hierarchy. This requires impacts to be demonstrably avoided in the first instance, then reduced, then mitigated, with compensation only as a last resort. Where this process has not been robustly followed, reliance on CNP policy is not justified. KWT agrees with the ExA's current position that it has not been demonstrated that all residual impacts are genuinely unavoidable. Across a number of topic areas, the Applicant has, in our view, moved prematurely to mitigation or compensation without fully exploring opportunities for avoidance or reduction. This undermines the integrity of the Mitigation Hierarchy and, by extension, the applicability of the CNP policy.

A clear example of this is the proposed use of the Hoverport. As discussed during ISH2, the existing condition of the Hoverport presents a credible risk of environmental harm, including the potential mobilisation of contaminated materials into the adjacent aquatic environment. Aside from these risks, the Applicant has not taken forward options that would either avoid the impact entirely (for example, by not utilising the Hoverport) or meaningfully reduce the risk (such as undertaking repair and remediation works to stabilise the structure and prevent further degradation). In our view, this approach is not consistent with the Mitigation Hierarchy, as reasonable opportunities to avoid or reduce harm have not been adequately pursued.

We have provided further detailed evidence on this matter within our response to the Examining Authority's Third Written Questions ("ExQ3"), including the potential pathways for contamination and the associated risks to designated sites and priority habitats.

Additionally, we have provided other examples within our ExQ3 response that we believe could fall within the exceptions to the presumption of consent set out in paragraph 4.2.15 of NPS EN-1. These other examples are also discussed in more detail below within this Deadline 6 submission.

These examples illustrative a broader pattern within the application, where impacts have not been minimised to the fullest extent possible. As such, KWT supports the ExA's current position and considers that, unless and until the Applicant can clearly demonstrate that the Mitigation Hierarchy has been properly and exhaustively applied, the project should not be afforded the policy benefit of CNP.

Agenda Item 3. Water Environment

KWT remains concerned that the Applicant has not provided sufficient detail to robustly assess the impacts of the project on the water environment, particularly in relation to flood risk, floodplain function, and associated ecological effects.

During ISH3 it was confirmed that materials cannot be stored within Flood Zone 3b (functional floodplain) on the Kent side. However, no clear alternative has been presented. It remains unclear whether this would necessitate the creation of raised, engineered platforms (similar to those proposed for the converter and substations), which could themselves introduce additional impacts on floodplain function and surrounding habitats. This lack of clarity raises significant concerns regarding both feasibility and environmental effects.

Additionally, the Applicant has not provided adequate detail on the loss of flood attenuation capacity during the construction phase. The functional floodplain plays a critical role in storing and transferring floodwater, and any reduction in this capacity, particularly without clearly defined mitigation, could increase flood risk elsewhere and alter hydrological processes that underpin designated habitats. Whilst it was suggested by the Applicant that compensatory flood storage may be provided if required, no information has been presented on the location, scale or environmental implications of such measures. This raises several unresolved issues within the water environment assessment. There is limited clarity on potential impacts to groundwater, including changes to groundwater levels, flows and connectivity with nearby designated sites. This is particularly relevant in areas where excavation, trenching, or dewatering may be required. The absence of a clearly defined dewatering and discharge strategy also raises concerns regarding how water will be managed, treated and released without adversely affecting water quality or the hydrological function of the surrounding designated sites.

Construction activities within or adjacent to sensitive habitats also present a credible risk of sediment mobilisation and increased turbidity, which could adversely affect intertidal habitats such as mudflats and saltmarsh. These risks are combined by a lack of detailed pollution prevention measures, particularly in relation to runoff, accidental spills and disturbance of potentially contaminated materials (such as coal residues and toxic heavy metals at the Hoverport). There is also insufficient evidence that the assessment has fully accounted for climate change allowances, or the resilience of temporary construction works to extreme weather events. Given the coastal and flood-prone nature of Pegwell Bay and Minster Marshes, this represents a notable gap. Similarly, there has been limited consideration of how the project may interact with coastal processes, including sediment transport and erosion, which could have longer-term implications for designated sites.

Taken together, these issues highlight a series of unresolved uncertainties and evidential gaps in relation to the water environment. At this stage in the Examination, with closure scheduled for 5th May 2026, it is unclear how the Applicant could provide the necessary additional information and allow sufficient time for Interested Parties to review and respond. These matters cannot reasonably be deferred to the post-consent stage. In our view, this lack of clarity further demonstrates that impacts have not been fully avoided or reduced at source and therefore the Mitigation Hierarchy has not been properly applied.

Agenda Item 8. Cumulative Impacts

KWT maintains that the Applicant's approach to their Cumulative Impact Assessment ("CIA") is fundamentally flawed and does not comply with relevant policy or guidance (see our Deadline 1 response for specific details). As set out in paragraph 3.1.2 of NPS EN-1, applicants are required to minimise adverse effects, which includes a robust and precautionary assessment of cumulative impacts with other existing, approved, and reasonably foreseeable projects. We wished to raise this at ISH3, however we were not given the opportunity, therefore we have provided our concerns in writing at this Deadline 6 submission.

A key concern that KWT has been pushing since ISH2 is the Applicant's failure to include the proposed Aberdeenshire to Richborough connection within their CIA. This omission is particularly concerning given that Sea Link itself has been justified by the Applicant on the basis that it forms part of the National Energy System Operator's ("NESO") Holistic Network Design ("HND"). The Applicant cannot reasonably rely on the HND to justify the need for Sea Link, whilst simultaneously excluding other projects identified within that same strategic framework from its cumulative assessment. This represents a clear inconsistency and suggests a selective application of evidence where it supports the Applicant's case, but not where it introduces additional environmental constraints.

The Aberdeenshire to Richborough project is not speculative. It has been identified through the Holistic Network Design Follow-Up Exercise ("HNDFUE"), accepted by Ofgem and NESO and included within the HND Implementation Plan. As such, it clearly meets the test of being a "reasonably foreseeable" project as described in more detail within our Deadline 4 response. Given that Sea Link itself emerged from this same process, it is unclear how the Applicant can reasonably argue that another HND-derived project, which is intended to connect to the same receiving location at Richborough and is currently proposed to make landfall at Pegwell Bay, is not sufficiently foreseeable to assess.

KWT met with National Grid on 2nd April 2026 to discuss this issue further. During that meeting, the Applicant sought to justify the exclusion of the Aberdeenshire to Richborough project on the basis that its design may evolve, including the possibility that Pegwell Bay may not ultimately be the landfall location. However, this position is not consistent with the development of the HND Implementation Plan or Sea Link itself. Pegwell Bay was identified as the proposed landfall location for Sea Link within NESO's (referred to then as National Grid Electricity System Operator ("NGESO")) Pathway to 2030 HND (July 2022) prior to the publication of the Applicant's Sea Link Corridor and Preliminary Routeing and Siting Study (October 2022). That landfall location has remained unchanged throughout the development of the project. Likewise, landfall locations for other HND projects such as the Eastern Green Link 3 and Eastern Green Link 4 have remained unchanged. On this basis, it is reasonable to conclude that this future Aberdeenshire to Richborough project is highly unlikely to deviate materially in terms of landfall location. We emphasise that the projects set out in the HND are not speculative. They are designated as essential, strategically critical components of the national transmission network, with landfall locations deliberately chosen to meet network demand requirements. Ignoring these projects, or treating their locations as uncertain, undermines the very purpose of the HND and risks

compromising the integrity and coordination of the UK's energy infrastructure. This is reinforced by the HND Implementation Plan consultation, which states that: "*Deviations from the recommendations may have wider implications for the transmission network and other industry processes*."

This clearly demonstrates that the projects identified within the HND are intended to be delivered as a coherent and inter-reliant package. Any deviation or removal of projects would require a fundamental reassessment of the wider network design.

In this context, the Applicant's approach fundamentally undermines the very premise of the HND, which is to deliver a coordinated and holistic approach to network planning. By excluding a clearly foreseeable HND project, particularly one that is likely to share the same landfall location, the Applicant is reverting to a piecemeal approach to assessment. This not only conflicts with established policy and guidance on cumulative effects but also risks systematically underestimating the overall purpose and full extent of in-combination impacts arising from the HND projects.

We understand the Applicant's position that the future Aberdeenshire to Richborough project is not yet at a detailed design stage, and therefore specific elements such as the precise locations of converter stations, substations, and associated infrastructure are not currently defined. However, the absence of this detail does not remove the need to robustly assess likely cumulative impacts. On the contrary, it increases the level of uncertainty and therefore strengthens the case for adopting a precautionary approach.

KWT strongly urges the Applicant to assess this future project on the basis of a realistic worst-case scenario. At a minimum, this should involve treating it as broadly comparable to the Sea Link project in terms of scale, construction methodologies, landfall requirements, and associated infrastructure. This is particularly important in relation to the proposed landfall at Pegwell Bay and works within the intertidal environment, where even small variations in design or construction approach could result in significant ecological effects. Without such an assessment, there is a clear risk that cumulative impacts, especially on highly sensitive and irreplaceable habitats, are being underestimated or overlooked. This includes potential effects on designated sites, supporting habitats, and the species that rely on them. In the absence of sufficient information, the ExA or Secretary of State cannot be confident that the full extent of cumulative effects has been properly identified, assessed, or mitigated. A precautionary, scenario-based assessment is therefore essential to ensure that decision-making is based on a complete and credible understanding of environmental risk.

The omission of this future HND project is not a minor gap. The failure to include a clearly foreseeable project within the CIA means that the full extent of cumulative impacts, spatially and temporally, has not been evaluated. This is particularly concerning given the ecological importance of saltmarsh and intertidal habitats at Pegwell Bay, which provide critical biodiversity value, natural flood defence, and significant carbon storage.

This issue directly relates to the application of the Mitigation Hierarchy and the potential reliance on CNP policy. If the cumulative impacts of the project have not been fully identified and assessed, it cannot be concluded that impacts have been appropriately avoided or minimised. As such, any reliance on CNP to justify residual impacts would be premature and unsupported. KWT considers that the Applicant has failed to undertake a lawful and robust cumulative impact assessment by excluding the Aberdeenshire to Richborough project. Unless this deficiency is addressed through a precautionary and comprehensive assessment, there remains a significant risk that the true scale of cumulative effects at Pegwell Bay and the designated sites are being underestimated, with potentially irreversible consequences for internationally important habitats and species.

Agenda Item 9. Marine Physical Environment

KWT remains concerned that the Applicant has not adequately assessed the potential environmental impacts associated with maintenance or emergency repair scenarios for the proposed cables where they pass through sensitive habitats, including saltmarsh and intertidal environments within the Sandwich and Pegwell Bay SPA and Ramsar.

Whilst the Applicant proposes to install the cables beneath the saltmarsh using Horizontal Directional Drilling ("HDD"), there remains a clear gap regarding how maintenance or emergency repairs would be undertaken should the cables fail or require intervention during the operational lifetime of the project. In such circumstances, there is a credible risk that open-cut trenching may be required in order to access and repair the infrastructure. This possibility has not been assessed within the Environmental Impact Assessment ("EIA"), despite the potentially significant environmental consequences.

This issue closely mirrors the concerns raised by the ExA at the start of ISH3 regarding emergency cable repair scenarios within the Outer Thames Estuary SPA and potential disturbance to the internationally important population of red-throated diver. The ExA has already identified that the absence of information regarding emergency repair scenarios represents a clear evidential gap. KWT considers that the same principle must apply to works affecting saltmarsh and intertidal habitats within Sandwich and Pegwell Bay.

In the absence of a detailed assessment of how such works would be undertaken, the Examination cannot properly understand the full range of potential impacts. KWT therefore considers that development consent should not be granted without either:

- A robust assessment of potential maintenance and emergency repair scenarios, including likely construction methods and associated environmental effects; or
- A clear commitment within the DCO that open-cut trenching would not be permitted for maintenance or repair works within these sensitive habitats.

KWT supports the position raised by the ExA during ISH3 that a commitment to long-term monitoring is required in relation to the dynamic geomorphology of the River Stour. Channel migration and natural morphological change could alter sediment dynamics and potentially affect the integrity or exposure risk of the buried cables over time. A lifetime monitoring programme is therefore necessary to ensure that any emerging risks are identified early and managed appropriately.

Agenda Item 10. Noise & Vibration

KWT shares the ExA's concerns regarding the Applicant's approach to their noise assessment, particularly in relation to the classification of the Hoverport as "soft land" within the noise impact assessment. This is not credible. The Hoverport is surfaced with tarmac and is therefore, by definition, hardstanding. KWT agrees with the ExA that it should be assessed as such. The Applicant's position is undermined by their reliance on the same hardstanding classification to justify the absence of reptile surveys in this area. This represents a clear inconsistency in the use of evidence, where the baseline is selectively defined in a way that minimises predicted impacts whilst avoiding additional ecological survey requirements. Such an approach reduces confidence in the robustness of the overall assessment, which KWT has been voicing since the early pre-DCO consultations.

We are also concerned by the disparity between the stated construction noise limits for the converter station and the higher noise levels associated with cable installation works. Whilst provisions appear to be in place to limit construction noise at the converter and substations to 60dB, plans presented during ISH3 indicated that noise levels in excess of 75dB are likely during cable installation due to heavy

machinery. These elevated noise levels have the potential to cause disturbance to both breeding and wintering bird populations. We do not believe that this noise impact has been adequately addressed.

In addition, KWT considers that the Applicant has failed to robustly assess cumulative noise impacts. During ISH3, KWT asked the Applicant whether a cumulative noise assessment has been undertaken in relation to the nearby approved planning application Weatherlees Hill Solar Farm, located to the north of the Weatherlees Wastewater Treatment Plant and in close proximity to the proposed converter station and adjacent Sandwich Bay to Hacklinge Marshes SSSI. KWT does not agree with the Applicant's assertion at ISH3 that the two developments are sufficiently separated to be considered independently. Although a tree line may provide some visual screening, in practical terms the developments are immediately adjacent. The potential for combined construction and operational noise impacts on the SSSI has not been adequately assessed, and reliance on individual mitigation measures for each project does not address the risk of in-combination effects.

Agenda Item 12. Ornithology

KWT strongly supports the ExA's concerns regarding the potential impacts of the project on the Outer Thames Estuary SPA and its internationally important population of red-throated diver. In particular, we share the ExA's position on the significant evidential gap relating to emergency cable repair scenarios. In the event of a cable fault or break, the absence of clearly defined mitigation or contingency measures raises serious concern. Any such works, especially during the overwintering period, have the potential to cause significant disturbance to red-throated divers and therefore result in an adverse effect on the integrity of the SPA. KWT agrees that the Applicant must provide clear, enforceable measures setting out how emergency repairs would be undertaken and how impacts to the SPA would be avoided or mitigated.

KWT also supports the need for a precautionary spatial buffer, and we agree with the inclusion of a minimum 2km buffer around the Outer Thames Estuary SPA during the breeding season to minimise disturbance. However, this alone is not sufficient to address the risks associated with unplanned or emergency works, which by their nature may not adhere to seasonal restrictions.

We note the ExA's clear indication that, in the absence of adequate information on emergency repair scenarios and their potential impacts, it may be necessary to recommend refusal of the DCO. KWT fully supports this position. Without this critical information, the Examination cannot conclude beyond reasonable scientific doubt that the project will not adversely affect the integrity of the SPA, and as such, the scheme should not be consented.

As set out in other KWT consultation deadline responses, we maintain that the proposed compensation site for golden plover is unsuitable: it is located adjacent to the busy Sandwich Bypass (A256) which has been identified in the Applicant's own noise assessment report as having some of the loudest noise constraints and is sandwiched between two proposed solar farms and a housing development, all of which would introduce significant disturbance. The chosen mitigation site is a field enclosed by tall hedgerows, which are unsuitable for golden plover, a species that relies on open landscapes for predator detection. Furthermore, the site is not like-for-like with the existing functional linked land, which comprises extensive open, seasonally wet marshland, whereas the proposed site is a comparatively small, enclosed and dry agricultural field. These fundamental issues are combined by comments made by senior representatives of National Grid during a Sea Link roundtable discussion on 9th April 2026, where the Deputy Project Director, Adrian Morris, and Senior Project Manager responsible for delivery of the converter and substation, Richard Wallis, appeared unaware of the ecological purpose of the mitigation land, instead describing it as compensation for loss of farmland

and suggesting it would bring land back into agricultural production. This inconsistency between the Applicant's submissions and the understanding of its own project leads reinforces KWT's overarching concern that the project remains insufficiently developed, with key mitigation measures not properly defined, understood, or adequate. At this late stage in the Examination, there remain significant unanswered questions, and a lack of clarity and confidence regarding the delivery of critical ornithological mitigation.

KWT is firmly of the view that the proposed mitigation land will not be suitable for golden plover and is highly unlikely to be used by the species, resulting in a permanent loss of habitat available to qualifying features of the Thanet Coast and Sandwich Bay SPA. When considered alongside the additional loss of approximately 160ha of functional linked land from other developments, it is unclear how the Applicant can robustly conclude that there would be no adverse effect on site integrity.

Agenda Item 13. Biodiversity & Ecology

KWT has consistently maintained, since the earliest stages of the pre-application process in 2023, that the Applicant has not undertaken an adequate or sufficiently robust assessment of impacts to biodiversity and protected species. It is therefore deeply concerning that, at this late stage in the Examination, there remain fundamental evidential gaps and unresolved questions. This raises significant procedural concerns, particularly given the limited time remaining before the close of Examination and the likelihood that Interested Parties may not have a meaningful opportunity to review or respond to any further ecological information submitted.

Under the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), there is a clear legal requirement for competent authorities to ascertain, beyond reasonable scientific doubt, that a project will not adversely affect the integrity of European designated sites. This is reinforced through established case law, including *People Over Wind* (C-323/17) and *Holohan* (C-461/17), which emphasise the need for complete, precise, and definitive findings at the point of assessment. KWT's position is that this evidential threshold has not been met.

This concern is particularly acute in relation to bats, and specifically barbastelle. Survey data indicates that there have been at least 15 recorded barbastelle passes in Kent across multiple months (May, June, July, and October) between 2023 and 2024. Given that barbastelle are an Annex II species, this triggers a heightened legal duty to establish a robust, evidence-based understanding of their roosting, commuting, and foraging behaviour to inform both the Habitats Regulations Assessment and appropriate mitigation design. Notably, a barbastelle roost has never previously been confirmed in Kent. The repeated recordings within the survey area are therefore highly significant and may indicate the presence of a previously unknown population. In this context, KWT considers that advanced survey techniques, including bat trapping and radio-tracking, should have been undertaken. These methods would have enabled confirmation of presence or likely absence, identification of roost locations, and mapping of key commuting and foraging routes so that these areas could be avoided from direct impacts and therefore align with the Mitigation Hierarchy.

Contrary to the Applicant's assertions, radio-tracking is not an exceptional or disproportionate method in this context. The Bat Conservation Trust (BCT 2024) guidelines explicitly state that trapping, tagging, and radio-tracking should be considered for NSIPs and for developments with potential high impacts on rare or Annex II species. The guidance is clear that landscape-scale projects affecting rare bat species or SSSI features require more detailed and comprehensive datasets. Given the scale of this project and the potential presence of a rare Annex II species (including one that has never been confirmed in Kent), the absence of such survey effort represents a significant deficiency in the evidence base. The

Applicant's suggestion that repeated trapping may result in the same individuals being captured and disturbed is not a sufficient justification for avoiding this level of survey effort. This concern appears inconsistent when considered alongside the acknowledged repeated disturbance to other species within the Kent and Suffolk landfall locations arising from multiple large-scale infrastructure projects, including Nemo Link, Sea Link, Lion Link, Sizewell C, and other development projects. The precautionary principle must be applied consistently, particularly where there is potential risk to a previously unknown population of an Annex II species.

Further concerns arise in relation to invertebrates and their ecological interactions. Should night-time lighting be required at the Hoverport or at the cofferdam within the intertidal area, there is a clear pathway for ecological impact that has not been assessed. Artificial lighting has the potential to attract invertebrates away from their usual habitats, altering prey availability and distribution. This, in turn, may have indirect effects on bat populations that rely on these invertebrates for foraging. The absence of a detailed assessment of these interlinked impacts further reinforces KWT's position that the Applicant's ecological assessment is incomplete.

KWT also shares the ExA's concerns regarding the Applicant's conclusion of negligible disturbance to the SPA and Ramsar sites. Given the scale, duration, and cumulative nature of the proposed works, this conclusion is not supported by a sufficiently robust evidence base. The construction programme alone, encompassing prolonged offshore and onshore works, repeated vessel movements, noise, vibration, and visual disturbance, presents multiple pathways for disturbance to qualifying features. These pressures are not short-term or isolated; they are likely to occur over extended periods and, critically, overlap both spatially and temporally with other existing and proposed projects in the Kent and Suffolk onshore area. This includes not only sequential disturbance but the potential for sustained, near-continuous pressure on sensitive habitats and species. For designated sites of international importance, particularly those supporting non-breeding and overwintering bird assemblages, even relatively low levels of disturbance can result in displacement, reduced foraging efficiency, and increased energetic stress. The Applicant has not demonstrated with sufficient evidence that such effects would be avoided or reduced to a level that could reasonably be described as negligible, nor has there been adequate consideration of how repeated or chronic disturbance may lead to longer-term functional impacts on habitat use, particularly in the context of birds, fish and seals exhibiting high site fidelity. Within the DCO, there is limited evidence of how disturbance effects have been quantified, how uncertainty has been addressed, or how the precautionary principle has been meaningfully applied. This is particularly concerning given the well-documented ecological sensitivity of the area and its importance as a supporting habitat for internationally designated sites. Crucially, the Applicant's conclusion does not appear to fully account for in-combination effects. When considered alongside other projects and plans affecting the same ecological receptors, the potential for cumulative disturbance increases significantly. Without a comprehensive and precautionary assessment of these combined pressures, it is not possible to conclude that the overall level of disturbance would remain negligible.

It is in our view, that these issues demonstrate a pattern of under-assessment and reliance on insufficient data. At this stage in the Examination, such gaps are not minor or technical; they are fundamental. In the absence of comprehensive, evidence-led assessment, the ExA and Secretary of State cannot lawfully conclude no adverse effect on site integrity, nor can they be confident that impacts to protected species have been adequately avoided or mitigated.

In conclusion, KWT maintains that significant uncertainties and evidential gaps remain across multiple topic areas, particularly in relation to ecological assessment, cumulative impacts, and the application of the Mitigation Hierarchy. Despite the advanced stage of the Examination, key issues are still

unresolved, and there is a clear risk that Interested Parties will not have a meaningful opportunity to review and respond to further information should it be submitted at this late stage. These matters raise serious doubt as to whether the project, in its current form, provides a robust and lawful basis for decision-making. KWT therefore urges the ExA to give full weight to these outstanding concerns, and to ensure that any recommendation reflects the need to properly safeguard internationally important habitats and species, in accordance with relevant policy and legislation.

Kind regards,

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Kent Wildlife Trust