

## Sea Link Nationally Significant Infrastructure Project (NSIP) Application

Deadline 6 - Responses to ExQ3 – response by CPRE Kent Unique Reference Number: [REDACTED]

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| <p><b>3GEN2 – exemptions to the Critical National Priority presumption.</b></p> | <p>At ISH3, the Examining Authority stated that it was not convinced the Applicant had demonstrated that all residual impacts are those that cannot be avoided, reduced or mitigated. CPRE Kent strongly agrees. As we have said from the outset, the scheme failed at the first hurdle of the mitigation hierarchy, namely avoidance, and many of the harms now described as “residual” are in fact the inevitable consequence of the landfall location chosen.</p> <p>Against that background, our position is that the scheme does not even get to the stage of considering the exceptions to the CNP presumption, because the mitigation hierarchy has not been properly applied and the remaining harms are not therefore residual as should and could have first been avoided.</p> <p>Notwithstanding that point, if it’s accepted that we do get to that stage, CPRE Kent considers that a number of issues may fall within the stated exceptions to the CNP presumption.</p> <p>First, there is clear potential for unacceptable risk to irreplaceable habitats and European designated sites. CPRE Kent has addressed these matters more fully in its response to the RIES, including the continuing uncertainty over HDD at Pegwell Bay, the risk of later pressure for open-cut trenching if trenchless methods fail and the continuing weakness of the proposed golden plover mitigation land. As made clear with that response, we may need to return to these points in our Deadline 7 summary statement once we have seen Natural England’s full comments.</p> <p>Second, the separate exception relating to onshore flood and coastal erosion risk also remains potentially engaged. That is not a closed issue given the Environment Agency’s confirmation at ISH3 that its position was still evolving. We also note ExQ3’s requests for further submissions on the sequential and exception test and Water Framework Directive compliance.</p> <p>Third, CPRE Kent also notes the potential for the human health and public safety limb to arise, particularly in light of the unresolved issues concerning the Hoverport contamination pathway.</p> <p>We therefore support the ExA’s current concern on the mitigation hierarchy and reserve the right to comment further on the potential application of CNP policy once the further material expected at and after Deadline 6 has been received.</p> |
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