PLANNING ACT 2008

APPLICATION BY NATIONAL GRID ELECTRICITY TRANSMISSION FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR SEA LINK

PINS REFERENCE: EN020026

INTERESTED PARTY REFERENCE: [redacted]

SUBMISSIONS ON BEHALF OF SAVE MINSTER MARSHES
FOR ISSUE SPECIFIC HEARING 3 HELD ON 25-27 MARCH 2026
AND DEADLINE 6

Introduction

1. These are written submissions on behalf of Save Minster Marshes (**"SMM"**) in relation to Deadline 6 of the SeaLink DCO Examination. These submissions address the topics covered as part of 'Issue Specific Hearing 3 – Environmental matters', heard on Wednesday 25 to Friday 27 March 2026 (**"ISH3"**).[1]

Matters arising from ExQ3

2. Agenda Item 2 concerns matters arising from the ExA's third written questions (**ExQ3**) published on 23 March 2026. Question 3BE5 of ExQ3 relates to benthic mitigation plans and monitoring conditions.

3. The Applicant at paragraph 2.9.6 of **Rep5-02**[2] states as follows:

[1] SMM wrote to the Planning Inspectorate in advance of ISH3, on 23 March 2026, requesting a change to the order of the items on the Agenda so as to accommodate the availability of SMM's counsel, particularly given that matters of ecology and biodiversity are central to SMM's concerns with the application. The Planning Inspectorate informed SMM that it was not possible to change the Agenda for the hearing and advised SMM to provide written submissions covering any outstanding points instead.

[2] 6.2.4.2 (E) Environmental Statement Part 4 Marine Chapter 2 Benthic Ecology (Clean).

> "At the Kent Landfall, the entry/exit points will be located within the intertidal range, located within an area of mudflat (Figure 6.4.4.2.4 Habitats Present at, and Location of, Trenchless Solution Entry/Exit Points in Application Document 6.4.4.2 ES Figures Marine Benthic Ecology). Intertidal mudflat is listed as a Habitat of Principal Importance under Section 41 of the NERC Act (2006). However, infaunal species associated with these habitats, such as L. conchilega, M. balthica and H. diversicolor, exhibit rapid recovery to disturbance (McQuillan, et al., 2024; Tillin, et al., 2024). Therefore, intertidal mudflats have a low sensitivity to temporary physical disturbance."

4. The Applicant claims intertidal mudflats have "low sensitivity" and that infaunal species have a "rapid recovery" to disturbance. Information provided by the Marine Life Information Network, however, indicates that species such as *Macoma balthica* and *Laniche conchilega* are "highly" intolerant to substratum loss (which would be a direct result of the dredging and rock matting works being proposed).[3] It is unclear how the Applicant has been able to square this apparent inconsistency (between the high benthic intolerance of these species on the one hand, and the conclusion that the mudflat habitats will be able to tolerate any temporary disturbance on the other). SMM would invite the Applicant to clarify this point. It would also be of assistance if the relevant statutory bodies could comment on whether they agree with the Applicant's conclusions on this issue.

5. Furthermore, at paragraph 2.9.16 of **REP5-021**, the Applicant states that "The placement of protective mats between the hoverport and the HDD work area will minimise disturbance to the mudflat from transiting plant and vehicles." SMM questions how this is possible when the flats contain soft-bodied invertebrate species (including those identified above) which are a principal food source for wading birds, and where 20 tonne vehicles will be driving over them. The protective mats do not address the crushing of benthic fauna beneath them.

6. At paragraph 2.9.17 of **REP5-021**, the Applicant claims that disturbance will be limited to "the top 30 cm of sediment" and that fauna are "generally restricted" to

[3] See MarLIN data at: https://www.marlin.ac.uk/species/detail/1465

this zone. SMM seeks clarification as to how restricting disturbance to this zone, where the fauna actually reside, constitutes adequate mitigation. The logic of this statement is unclear.

7. At paragraph 2.9.19 of **REP5-021**, the Applicant states it will prepare a "Benthic Mitigation Plan" in consultation with stakeholders. SMM requests that the Applicant provide examples of working Benthic Mitigation Plans that have been successfully implemented in comparable projects, so that stakeholders can understand what such a plan might involve and assess its likely effectiveness.

8. At paragraph 2.9.45 of **REP5-021**, the Applicant acknowledges that up to 40m^3 of drilling fluid will be discharged at the Kent landfall. Bentonite, although of low toxicity, has a smothering effect on sediment given that it is a clay. The Applicant's position appears to be that this is simply an acceptable by-product of the project in this sensitive Ramsar location. SMM questions whether this is appropriate and invites the ExA to seek the views of Natural England on whether this is acceptable in a site of such environmental sensitivity.

Item 3: Water Environment

Flood risk

Outstanding documents

9. During ISH3 we heard from the Environment Agency that a considerable number of documents still need to be submitted by the Applicant, including an updated Flood Risk Assessment. The Environment Agency were clear that there are several topics on which it requires more information in order to "take a view" and decide whether the proposals are "acceptable" from a flood risk perspective. In respect of Kent, some of the key outstanding issues included temporary crossings and the loss of flood storage during the construction phase. While the Environment Agency indicated these issues were "capable" of resolution in principle, crucially, this depends on the right evidence base being presented.

10. We are a considerable way into the Examination process. There is now limited time remaining for these documents to be put before the ExA, and for all consultees and interested parties to be able to consider them. The DCO process is intended to be "front-loaded", and it is highly unsatisfactory that the Applicant has failed to come to the start of the Examination with the majority of this work already completed, as it ought to have done so.

Groundwater flooding

11. The ExA will be aware of recent additional submissions made by SMM in respect of flooding at Minster Marshes due to high groundwater. SMM submitted video footage and, at the ExA's request, a map of the extent of the marsh and recent flood warning advice for the area. It is not clear to SMM that these concerns have been properly addressed by the Applicant in **REP5-122**, let alone resolved.

12. The Applicant's response in section 3 of **REP5-122** is as follows:

> "3.1.2 The footage shows agricultural fields with a patchy coverage of shallow water that has ponded on the surface. It is understood Save Minster Marshes' concern is that the site is prone to groundwater flooding and the land is also referred to as a floodplain. However, as described in Section 2, the observed conditions are not driven by groundwater rising from the bedrock. With regard to the area functioning as a floodplain, the video footage shows no evidence of the local watercourses having overtopped their banks and the shallow water is standing, not flowing anywhere.
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> 3.1.3 A review of the ground elevations using LIDAR data (Department for Environment, Food & Rural Affairs, 2025) shows that the observed areas of ponded water generally align with the lowest elevations in the landscape. The waterlogging that is seasonally experienced is therefore considered to be driven by the poor drainage characteristics of the land which does not allow rainfall to freely soak away. Conditions as shown within the drone footage are representative of a very sustained period of rainfall, between December 2025 and February 2026.
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> 3.1.4 Save Minster Marshes also raise concerns about the Proposed Project reducing the ability of the land to 'store' water. However, within the Proposed Project's footprint all new areas of impermeable land cover would be served by

drainage infrastructure, including the creation of large, shallow basins. The basins would hold both direct rainfall (i.e. rainfall which in wet periods would temporarily sit on the surface of the fields as observed in the drone footage), as well as accommodate rainfall runoff from the permanent above ground infrastructure. Sufficient capacity would be provided to allow discharges back to the surrounding ditch network at pre-development (greenfield) rates. The current function of the land in providing temporary storage for rainfall would therefore be formalised within the basins, compared to the existing ad-hoc ponding that is experienced across the site. Specific details of the drainage strategy are included in Application Document 9.17.2 (B) Kent Drainage Strategy submitted at Deadline 5."

13. As set out above, the Applicant's overall response is to say that flooding conditions are simply representative of sustained periods of rainfall, combined with poor infiltration properties of the soil, rather than an indication that this area is prone to groundwater flooding or acts as functional floodplain. It appears therefore that groundwater flooding is still not considered by the Applicant to be a considerable risk despite the evidence provided in SMM's submitted videos and the local flood risk alerts. In light of this, we would respectfully suggest that it would be appropriate if the relevant statutory bodies (particularly Environment Agency) can comment on whether they agree with the Applicant's conclusions on this issue.

14. In relation to the Ground Investigation report by Mott MacDonald (**APP-171):**

    a) The Applicant claims that groundwater levels are not high; however, this is inconsistent with its own surveys in **APP-171** which state that borehole R22-BH501 flooded to 0.1m above ground level for four visits in a row (see p.48). This borehole appears to have been discounted in the Applicant's assessment, with no justification given for ignoring those findings and their potential implications for identifying whether there are any groundwater flooding issues.

    b) The Applicant states at p.117 that *"Low-lying ground and poor drainage characteristics of the shallow geology present a risk of temporary flooding, for which SuDS drainage is unlikely to be feasible"*. Page 102 of **APP-171** shows

that at the proposed converter site the tidal flat deposits have very high sulphate levels (2000mg/l) and even higher at the Thanet Formation (2200mg/l). SMM is concerned that the construction methods proposed by the Applicant risk forcing sulphate-rich solutions into the draining ditches and River Stour.

c) The Applicant proposes the use of Controlled Modulus Columns (p.106) – a method which would involve using a displacement auger (between 250mm and 500mm in diameter) to displace soil laterally up to depths of 50m, with the resulting space filled with concrete to produce columns. There could therefore be as many as 22,500 such columns for the Minster Converter Station, displacing up to 16,000m^3 of material containing water with high sulphate levels. Further, given that these columns only stabilise the land, there would still need to be aggregate placed on top to produce a 2m high stable platform to enable the installation of the main foundation piles. Again, it is not clear where this has been taken into account in the Applicant's analysis.

d) Finally, it is not understood why the Applicant continues to rely on SuDS solutions despite the Ground Investigation Report by Mott MacDonald making it very clear that SuDS drainage is *"unlikely to be feasible"* (p.117).[4]

15. Works Plan (**REP4-007**, p.5, work no.13) shows a temporary drainage pond directly positioned over the Minster Stream – a river recently declassified as a major river by the Environment Agency, which is also tidal like the Stour. Drainage ponds will be essential for haul roads, but the Applicant has left no room for drainage and clearly cannot position drainage infrastructure over the Minster Stream. SMM seeks clarification as to how this will be addressed.

[4] SMM also notes that the adjacent BESS site (planning application F/TH/20/1467) ruled out SuDS because of shallow groundwater and was required to discharge straight to the River Stour. This approach from an immediately adjacent site casts further doubt on the Applicant's reliance on SuDS solutions in this location.

16. Further, **REP4-086** (AP85) states that the temporary drainage pond in the fluvial Flood Zone 3 of the River Stour will be in place for approximately two years. SMM questions how attenuation ponds can mitigate run-off when the water table is already found at 1.5m below surface. Once dug, these ponds will simply fill with groundwater and no additional capacity will be available.

17. Document 9.101: Kent Onshore Scheme – Fluvial Flooding from the River Stour (**REP4-096**) addresses fluvial flooding but ignores groundwater flooding issues. Paragraph 2.3.2 states that final floodplain storage compensation proposals would be presented by the appointed contractor and secured through the REAC. SMM questions whether it is acceptable that floodplain compensation is still not planned at this late stage and is being left to the contractor to deliver post-consent.

18. In addition to the above, the Environment Agency has stated that that a statement of common ground is "being prepared but not yet shared with the other party." SMM is concerned that this fundamental document has not yet been shared, and seeks clarification as to when this will be delivered and made available to interested parties.

19. The Wantsum Channel is a former sea channel which once made Thanet an island, having silted up 900 years ago. Minster Marshes forms part of this former sea channel. It is unprecedented to build on a former silted-up sea channel at this scale anywhere in the world. Borehole data from West Stourmouth (once part of the Wantsum Channel) shows that saltwater was drawn in from freshwater boreholes, which would be an environmental disaster for the marshes if not contained. Given that the 1980s West Stourmouth borehole recorded saltwater at depth, SMM questions how the Applicant can maintain that the Tidal Flat Deposits act as a sealed aquitard, and seeks clarification as to the specific plan for disposing of saline effluent during dewatering.

Water Framework Directive

20. The Water Framework Directive 2000/60/EC (**"the WFD"**) established a strategic framework for protecting and improving the water environment in the European Union. The WFD was transposed domestically in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ("the WFD Regulations").[5]

21. The key European case on the WFD is Case C-461/13 *Bund für Umwelt und Naturschutz Deutschland e.V. v Bundesrepublik Deutschland* (*"Bund"*), which confirmed that States are required, unless a derogation is granted, to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status. *Bund* has been endorsed in subsequent cases, for example in Case C-535/18 *Land Nordrhein-Westfalen*, where the Court said (bold emphasis added):

> "75. [...] when a project is liable to have adverse effects on water, consent may be given to it only if the conditions set out in Article 4(7)(a) to (d) of that directive are satisfied. Without prejudice to the possibility of judicial review, the national authorities which are competent to authorise a project are required to review whether those conditions are satisfied **before the grant of such an authorisation** (see, to that effect, judgment of 1 June 2017, *Folk*, C-529/15, EU:C:2017:419, paragraphs 36 and 39).
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> 76. It follows from the foregoing that, **during the procedure for approval of a project, and therefore before the decision is taken**, the competent authorities are required, under Article 4 of Directive 2000/60, to check whether that project may have adverse effects on water which would be contrary to the requirements to prevent deterioration and to improve the status of bodies of surface water and groundwater. **That provision**

[5] The WFD was originally transposed in England and Wales via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 ("the 2003 Regulations"). The 2003 Regulations were amended several times, and following a Reasoned Opinion of the European Commission relating to transposition, a new set of Regulations was introduced

therefore precludes such a check from taking place only after that time."

22. In other words, prior to granting consent, the Secretary of State is required to check for compliance with the WFD.

23. For the purposes of NSIP applications, the Planning Inspectorate's Guidance states that the WFD applies as follows (emphasis added):[6]

> "When deciding NSIP applications, the Secretary of State will need to consider the potential effects of any proposed development on:
>
> - the environmental objectives and measures within River Basin Management Plan and any supplementary plans and
> - the ability of the UK to comply with the WFD, including (if applicable) the derogation provisions of Article 4.7
>
> The Examining Authority for an NSIP application must also report on these effects and ensure the Secretary of State has enough information to decide whether the development has implications for the UK's obligations under the WFD. This includes information in support of any derogation that may be sought."

24. In this respect, EN-1 provides that an applicant's environmental statement should contain information on impacts arising from the proposed development on water bodies or protected areas under the WFD (para. 5.6.17).[7] Moreover, regulation 5(2)(l)(iii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 requires applicants to provide a plan and information identifying water bodies in a river basin management plan, together with an assessment of any effects on such bodies likely to be caused by the proposed development.

[6] Guidance: *'Nationally Significant Infrastructure Projects: Advice on the Water Framework Directive'* (updated 25 March 2025). See https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-the-water-framework-directive

[7] Both the 2024 and revised versions.

25. The Applicant has submitted document *'6.9 Water Framework Directive Assessment'* (March 2025) which states that a screening assessment was undertaken in relation to the Sea Link project.[8] The initial assessment undertaken in Stages 1 to 3 concluded that there was potential for negative effects linked to specific construction activities and some operational activities (paras Ex.1.3.1 and 5.1.3). The Stage 4 assessment, however, concluded that the residual effects *"would be negligible following the implementation of the embedded and good practice measures"* (paras Ex.1.3.1 and 5.1.6). Overall, the Applicant's assessment concludes (para. 5.1.7):

> "... that the project is compliant with the objectives of the WFD, including preventing any deterioration in the status of a waterbody, and when considering the potential for cumulative effects. On this basis, no further assessment is proposed."

26. Although the Applicant has submitted that the project is "compliant" with the WFD, the ExA will of course need to be satisfied that the Secretary of State has sufficient information to decide whether the project has implications of the United Kingdom's obligations under the WFD. In SMM's view, insufficient information has been provided to satisfactorily show that there will be no significant WFD implications. In particular:

    a) The measures set out at Appendix A of Document: 6.9 Water Framework Directive Assessment are generic in nature, vague and often unenforceable e.g. "Land used temporarily will be reinstated where practicable", "Where practicable, [fuels, oils and chemicals] will be stored >15 m from watercourses," etc. These measures do not sufficiently demonstrate that deterioration will be prevented. It would therefore be of assistance if the

[8] WFD waterbodies that were screened in were limited to: Hundred River (GB105035046260), Fromus (GB105035045980), Suffolk Waterbody (GB650503520002), Alde & Ore Waterbody (GB520503503800), Monkton and Minster Marshes (GB107040019621), Kent North Waterbody (GB650704510000), Stour (Kent) Waterbody (GB520704004700).

measures relied upon by the Applicant could be drawn together into one place or, if they have already been provided, that the Applicant signpost where they are located.

b) SMM provided REP1-248[9] which covered a range of matters, including the impact of silt, phosphate, nitrates and pesticides on river bodies; as well as the construction impacts of the converter station on the River Stour. Many of these concerns have been ignored or remain inadequately rebutted by the Applicant. Again, SMM requests that the Applicant signpost where these matters have been addressed, if indeed they have been.

27. Given these issues, SMM's position is that the ExA cannot consider, to any adequate or appropriate standard, the potential effects of the proposals on the UK's ability to comply with the WFD, or to ensure that the Secretary of State has been furnished with sufficient information to assess the implications for the UK's obligations under the WFD, including whether to make a derogation.

Item 4: Traffic and transport

Junction Capacity Modelling

28. SMM has outstanding concerns in relation to the Applicant's Junction Capacity Modelling:

a) Abnormal Indivisible Loads (AILs) such as transformers and major converter station components require removal of street furniture, road widening, and temporary closures on routes including the A256 and local accesses (Ebbsfleet Lane and Sandwich Road). The project requires 75m transformer haul vehicles and 25m cable drum vehicles to service the six generators within the planned converter. While AIL routing and "managed road closures" are mentioned in general terms in the Outline Construction Traffic Management and Travel Plan

[9] Hydrogeological Assessment: The Deadline 1 Assessment.

(CTMTP, **APP-338** / 7.5.1.2) and the Preliminary Environmental Information Report, they are not integrated into the junction capacity modelling itself.

b) Further, the modelling relies on standard vehicle parameters and percentage flow increases rather than full capacity tools (e.g., ARCADY or similar) that factor in closures, temporary signals, or narrowed carriageways.

29. The Applicant also claims that any delays will be "negligible" on account of mitigation measures set out in the Outline CTMTP. These include routing measures, HGV booking systems, GPS tracking and temporary traffic management. This mitigation, however, is flawed in at least two serious respects:

a) First, the junction models do not input the actual closures or furniture removals required for 75m AILs (see paragraph 29 above for full details of AIL requirements).

b) Second, no allowance appears to have been made for the additional concrete movements from CMCs. As set out in paragraph 14(c) above, Controlled Modulus Columns for the Minster Converter Station would require approximately 4,000 concrete mixer HGV movements. At the Applicant's stated peak of 39 arrivals/day (**APP-067**, Table 7.28), this alone would take 52 days, exceeding current traffic forecasts.

30. Until these flaws are addressed, the CTMTP cannot be relied on as "robust" mitigation. Further, more recent examination documents (including e.g. **REP5** updates to the CTMTP and responses from Kent County Council) indicate that there are ongoing highway concerns about the scope of the Applicant's modelling, which only serves to confirm the deficiencies in the original Environmental Statement.

31. In addition, SMM notes that during ISH3 it was stated that traffic from the Port of Ramsgate had not been assessed. The Applicant stated that the arrival of aggregate was a misguided assumption; however, p.107 (section 8.5 Pavements) of **APP-171** states that construction of the platform is likely to be required to achieve sufficient

CBR to support the larger wheel loadings, and that CBRs in the range of 10%+ should be achievable "assuming a granular engineered fill is utilised." The Applicant cannot state that aggregate is not required when its own documentation indicates otherwise. If Controlled Modulus Columns are used, approximately 1,818 arrivals and 1,818 departures of $8m^3$ concrete mixer HGVs would be required. It is likely these HGVs will be travelling from Ramsgate Port (where Bretts aggregate facilities are located). SMM seeks confirmation as to whether these movements have been included within the traffic modelling.

32. The ExA's attention is drawn to documents **APP-067**, **REP4-039**, **APP-338** (CTMTP, ES Appendix 3.5.C) in this respect.

Item 5: Socioeconomics and tourism

Tourism impact monitoring and mitigation

33. The Applicant has provided both contradictory and incomplete information in relation to matters of access and the impact of the proposals on public footpaths. **REP5-132** states that there are anticipated to be HGV movements along the existing Pegwell Road foreshore access which would interact with Footpaths TR15 and TR33 for six months of the construction programme; however, this is inconsistent with 9.13 Pegwell Bay Construction Technical Note (version C, February 2026) which describes a 14 month programme of works (paragraph 6.1.2, indicative programme of works at Kent Landfall), and elsewhere where the Applicant has indicated that they will require access to the hoverport area for eight months of 2027 and three months in 2029.

34. SMM seeks clarification from the Applicant as to whether these footpaths will be closed and, if so, for how long.

35. Further, SMM notes that the Applicant also wishes to retain access for maintenance purposes. This is potentially problematic, as this area forms part of the newly opened King Charles III Coastal Path (which opened in March 2026). Any

proposed changes to the Charles III Coastal Path are not clear, nor is it made clear in any of the Applicant's documentation that TR15 and TR33 in fact form part of the King Charles III Coastal Path and Cantii Way. Similarly, the Applicant has failed to mention the fact that the St Augustine Way pilgrimage route will be diverted during construction.

36. SMM also notes that footpaths TE37 and TE39 connect Minster to Cliffsend and form part of the Way of St Augustine (TE39). The Applicant stated at ISH3 that these would be likely stopped up for the duration of construction (potentially four years). However, none of the sheets in **CR1-011** provide a clear view of the Way of St Augustine – the footpath maps in the latest iteration show only a small portion with a diversion, and the start and end of the route are not made clear. SMM seeks clarification as to the arrangements for the footpaths once they cross the railway line in the fields to the north of the Converter Station, and whether they will be left intact.

37. In respect of the hoverport scrub area, the Applicant states that pedestrian access will be possible during the construction phase. However, the required 7m wide access route will prevent pedestrian access via the ramp road and limit it to the footbridge from the Viking Ship, which is unsuitable for disabled users or pushchair users (see also paragraph 40 below regarding accessibility concerns). Moreover, this area suffers from poor drainage and is frequently underwater in winter months.

38. SMM also notes that biodiversity enhancement ponds on both sides of the River Stour are located on a public footpath (**REP4-068**). The implications of this for public access during and after construction have not been adequately addressed.

39. SMM are also concerned by the scale of assessment area employed by the Applicant, who has focussed their assessment of the impact on business, tourism and residential properties on those within 500m of the draft order limits, and on communities within 1km of those limits. The obvious point to anyone familiar with the area is that there is only one route in and out of Thanet. The Applicant's

approach is wholly unrealistic given that all communities and businesses across the Isle of Thanet will be impacted by the scale and length of the construction phase, and the vast number of vehicle movements which will serve a development of this nature and extent. The impact on the whole area should therefore be included.

Item 6: Health and wellbeing

Mental health impacts

40. The Applicant dismisses the loss of the Hoverport as merely a "recreational space". However, SMM's surveys show that over 300 people use the hoverport for recreation several times a month. The hoverport/viking ship has free parking and a bus stop outside, and is fully accessible for people with disabilities. By contrast, Pegwell Bay Country Park charges a minimum of £2 (even with a blue badge) and has limited opening hours with no nearby bus stop. The Applicant therefore appears to have ignored the hoverport's particular value for the disabled and those of limited means.

41. SMM further notes that the Habitats of Protected Species and Important Habitats plan (sheet 3 of 6) does not recognise that the Hoverport is an Open Mosaic Habitat on Previously Developed Land according to the DEFRA definition of such sites. This is a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006. The failure to classify the site correctly has significant implications for the assessment of impacts.

42. During ISH3, the Applicant's representative stated that there would be "no vegetation removal on the port" and "no habitat losses there". However, this is contradicted by B05 of the Outline Code of Construction Practice (**REP4-233**) which states clearly that vegetation suitable for reptiles will be removed. Furthermore, the Applicant's own documentation indicates that a 7m wide access

route is required, but SMM's analysis demonstrates that this is not achievable without vegetation removal given the existing layout of the site.

43. It is also noted that the Applicant has not carried out any ecological surveys of the hoverport. Given that the site is known to support fiery clearwing and Sussex emerald moths (species associated with certain plant species present across the Hoverport), as well as grass snakes, slow worms, and lizards that have been observed approximately 10m from the proposed access route, this is a significant omission.

44. The Applicant has also not responded to questions from Kent Wildlife Trust regarding reptiles at the hoverport. SMM requests that the Applicant address these outstanding concerns.

45. SMM further notes that the wording of B01, B02 and B03 in **REP4-233** allows too much room for the Applicant to ignore requirements to avoid damage. SMM requests that these provisions be strengthened to provide enforceable protections.

46. At ISH3, the Applicant's representative stated that the hoverport "is required for the permanent access to the mud flats for both construction and maintenance" and "will not materially impact other users." SMM is at a loss to understand how this can be the case given the extent of use and accessibility issues identified above.

Item 8: Cumulative effects

Intra-project cumulative effects

47. SMM is concerned that the Applicant has failed to adequately assess the intra-project cumulative effects of the various elements of the Sea Link project as they interact with each other and with the sensitive environment of Minster Marshes. The following paragraphs set out SMM's principal concerns in this regard.

(1) Watercourses

48. As set out under Item 3 above, Minster Marshes is characterised by high groundwater levels (typically 0.5-1m below ground level), saturated alluvial clays and silts, and a network of canalised ditches and drains. The Applicant has relied on predictive and desk-based data, and has dismissed SMM's groundwater flooding concerns without undertaking full quantitative hydrogeological modelling or detailed pre-DCO site surveys.

49. SMM is concerned that the cumulative effect of multiple project elements interacting on the same watercourses has not been adequately acknowledged. These elements include: the HDD landfall works; cable trenching; converter station dewatering; access tracks; haul roads; and temporary outfalls. The combined effects of these activities risk causing pollution, sedimentation, flow alteration, groundwater drawdown, and floodplain severance. The potential for these effects to interact and compound one another has not been properly assessed.

50. In relation to the River Stour specifically, there remain ongoing concerns from the Environment Agency (as reflected in unresolved items in the Statement of Common Ground) regarding channel mouth migration at Pegwell Bay and the dynamic morphology of this area. SMM notes that the cable burial depth of 1.5m proposed by the Applicant is insufficient in the Environment Agency's view, which has indicated that a minimum of 3m below the low-flow bed level is required.

(2) Soils

51. The Applicant claims that there will be no cumulative escalation of effects on soils, despite major individual losses of Best and Most Versatile (BMV) agricultural land across the cable corridor, HDD compounds, converter station footprint, and overhead line works. SMM considers that this assessment ignores the interactive effects on the same farmland receptors.

52. In particular, the combined effects of soil compaction, land severance, temporary access disruption, hydrology changes, and dust deposition are likely to result in

greater long-term productivity loss for the sensitive marsh soils than assessed by the Applicant. The Applicant's reinstatement assumptions are optimistic and unproven, particularly given the unique sensitivities of Minster Marshes: saturated soft clays and silts overlying the former Wantsum Sea Channel, with groundwater at 0.5-1m depth.

53. Research on soil compaction indicates that vehicle trafficking on saturated soils can cause irreversible compaction to depths of 0.6-1.2m (based on Boussinesq pressure bulb analysis). This would result in reduced permeability, the potential creation of methanogenic and anaerobic conditions, and pollutant and sediment runoff pathways to the River Stour and Pegwell Bay. SMM has requested that a physical soil survey be undertaken to determine more accurate soil management requirements, and is awaiting the Applicant's response.

(3) Ornithology

54. SMM notes with concern that the Applicant's baseline data for golden plover dropped from 700 birds in the Preliminary Environmental Information Report (PEIR) to 370 birds in the Environmental Statement, without any adequate justification being provided for this reduction. This raises questions about the reliability of the ornithological baseline data underpinning the cumulative effects assessment.

(4) Invasive Species

55. On p.50 of Table 2.17 of **REP5-021**, the Applicant identifies a risk of introducing and spreading non-native invasive species, particularly at the HDD exit points. There will be four coffer dams in Pegwell Bay. SMM seeks clarification as to what mitigation measures are proposed for this risk, or whether the Applicant is saying that no mitigation is available.

Inter-project cumulative effects

56. In **APP-320** Table 3.4, the Applicant lists the Kulizumboo Interconnector as one of the planned generators of electricity. This 700MW interconnector development has plans for a HVDC converter station located alongside National Grid's 400kV substation at Richborough, and has been accepted for grid connection in April 2031. SMM questions whether the Applicant has carried out adequate cumulative assessments for traffic, noise, and environmental impacts arising from this development in combination with Sea Link.

Deferred Mitigation Plans

57. SMM is also concerned that a number of essential mitigation measures and plans are being deferred to post-consent, preventing adequate scrutiny during the Examination process. In particular:

    a) The Applicant has committed in the latest version of the REAC (**REP4-235**) to providing a Pegwell Bay Landfall Method Statement. This statement has not yet been produced. SMM questions whether it is acceptable for such a critical document to be produced post-consent, given that it relates to works in a highly sensitive environment and stakeholders will have no opportunity to comment on its contents.

    b) Similarly, the Applicant has committed to providing a Drilling Fluid Management Plan (GH10) post-consent. Given the acknowledged risk of drilling fluid discharge into the Ramsar site, SMM considers this to be unacceptable. Stakeholders should have the opportunity to scrutinise and comment on this plan before consent is granted.

    c) The Applicant is also committed to undertaking a Structural Integrity Assessment of the hardstanding at the hoverport to ensure it is suitable for the limited construction and maintenance access proposed. This assessment has not been undertaken. SMM notes that the total weight of vehicles is

approximately 500 tonnes. The Applicant has not explained when this assessment will be carried out, nor what the consequences would be if it is found that the hardstanding cannot support such weight without causing contamination to the underlying soils.

Item 9: Marine Physical Environment

Sediment modelling

58. SMM is concerned that the Applicant's subtidal survey work contains significant gaps that undermine the robustness of its environmental assessment. Document AS-035 (Subtidal Survey Report (Additional Surveys), Version A, May 2025) reveals that six locations were removed from the survey scope. Section 3.3 (Deviations from the Work Scope, page 17) sets out the following deviations:

    a) In Area 5, two grab locations (A5_OPB_02 and A5_OPB_03) were removed from the scope of work due to shallow depth, as recorded in discussions with the Client (Document ref.: ECF_001, Reference No: 2353, Appendix R – Environmental Concession Forms).

    b) One grab location (A4_GLC_02) was unsuccessful after attempts using both the DVV and Mini Hamon grab, including after moving the location 50m from the original position.

    c) Three transects in Area 5 were removed from the scope of work due to shallow depths. The shallowest station (A5_OPB_03) was attempted during high tide; however, camera and grab operations could not be completed due to vessel working limits and shallow depth.

59. SMM seeks clarification from the Applicant on the following matters arising from these survey deviations:

a) The reasons for removing the two grab locations in Area 5 are not clear from the public documentation. SMM requests that the Applicant explain the basis for this decision and whether this is set out in any publicly available document.

b) It is not clear whether the unsuccessful grab location (A4_GLC_02) was subsequently resurveyed. SMM requests confirmation as to whether alternative data was obtained for this location.

60. SMM also has concerns regarding the Applicant's survey findings for Ocean Quahog (Arctica islandica). Section 5.7.6 of **AS-035** (p.129) acknowledges that field assessment of this species can be challenging for specimens with shell sizes below 5cm due to morphological similarities to other species such as Dosinia. The Applicant's sediment grabs found no specimens of Ocean Quahog. However, SMM notes that these shells are visible across local beaches in the area, which raises questions about the reliability of the grab sampling methodology for this species.

Cable Burial Depth at Pegwell Bay

61. The Applicant's proposed cable burial depth at Pegwell Bay raises significant concerns. In **REP4-086** (AP74), the Applicant explains that lowering the cables to 6.5m "may be technically feasible from a burial assessment perspective but is on the upper limit of typical techniques" and "may create a thermal constraint on the cable system and its performance." The Applicant therefore proposes burial at a depth of only 1.5m.

62. However, the Applicant acknowledges in **AP75** that if cables buried at 1.5m are later dislodged by movement of the mouth of the River Stour, trenching and concrete matting would be required to stabilise them. The Environment Agency has ongoing concerns about channel mouth migration at Pegwell Bay due to the dynamic morphology of this area, and has indicated that deeper burial (a minimum of 3m below low-flow bed level) may be required. SMM is concerned that the Applicant appears to be choosing the cheaper, less robust option despite the

acknowledged risks, and seeks clarification as to how the Applicant will address the Environment Agency's concerns.

Goodwin Sands Marine Conservation Zone

63. The ExA asked whether the Applicant has undertaken any modelling, or whether there is any other relevant precedent from comparable projects, to support its position that the low-lying nature of the rock berms would not affect coastal processes at the Goodwin Sands Marine Conservation Zone. The Applicant has confirmed that it has not carried out any specific modelling for this protected site and has instead relied on comparison with other marine projects.

64. SMM questions whether this approach provides sufficient confidence that there will be no adverse effects on this Marine Conservation Zone. In particular, SMM seeks clarification as to what level of confidence the Applicant has in these assessments, and whether the underlying assessments (including the taxonomic review) are available for public scrutiny.

Item 10: Noise and Vibration

65. SMM has significant concerns regarding the Applicant's approach to noise and vibration assessment, particularly in relation to the Hoverport site. These concerns fall into three categories: (i) the inconsistent characterisation of ground conditions; (ii) inadequate noise modelling for the Hoverport access route; and (iii) outstanding matters from ISH2 Action Point AP68 that have not been satisfactorily addressed.

Ground Conditions at the Hoverport

66. In response to Question A86 concerning sound receptors in Pegwell Bay, the Applicant has characterised the Hoverport as "soft ground" for the purposes of its noise modelling. However, the Applicant has also stated that the site will comprise hardstanding suitable for 20 tonne excavators. SMM does not understand how the Applicant can simultaneously argue that the site is soft ground for acoustic

modelling purposes whilst also asserting that it constitutes hardstanding capable of supporting heavy plant machinery. SMM requests that the Applicant clarify this apparent contradiction.

67. This inconsistency is significant because concrete and hardstanding are efficient conductors of sound vibrations close to the surface, with propagation speeds of up to 2,500 metres per second and minimal attenuation. The Applicant does not appear to have modelled the effect of these surface waves (also known as Rayleigh waves or R-waves). This is of particular concern given the acknowledged presence of rare invertebrates and reptiles at the site, as set out above, which live on or in cracks just below the surface and are therefore vulnerable to ground-borne vibration.

68. SMM therefore requests that the Examining Authority put the following questions to the Applicant:

    a) **Q1:** Do the Applicant's technical experts maintain that the use of "soft ground" assumptions for the Hoverport site is appropriate and justified, given the presence of hardstanding?

    b) **Q2:** Why is Applicant unable or unwilling to undertake modelling to produce sound contours for the entire Hoverport site access route from the compound to Sandwich Road, and if this is technically possible, why it has not been done?

    c) **Q3:** Has the Applicant modelled surface waves (R-waves) generated by heavy machinery travelling over the hardstanding, and if not, why not, given the potential for significant adverse effects on reptiles and invertebrates that inhabit the surface and near-surface environment?

Outstanding Matters from ISH2 Action Point AP68

69. In addition to the ground condition concerns set out above, there are several outstanding matters arising from ISH2 Action Point AP68 where the Applicant has

not satisfactorily addressed the questions raised or provided the information it undertook to supply:

a) Hovercraft use: In response to Point (3), which asked whether the use of hovercraft could be limited to emergency use in the draft DCO or REAC, the Applicant did not provide a clear answer. The Applicant stated only that it "will include a commitment to limiting the use of hovercraft in the next update to the REAC." SMM requests that the Applicant confirm whether hovercraft use can be limited to emergency use only, and if not, explain why not.

b) Piling noise levels: In response to Point (4) concerning piling noise levels, the Applicant confirmed that the maximum piling noise level in its dataset was 104dB, although values were more typically in the low 90dB range. The Applicant has since provided a noise profile document (**REP4-088**), but this does not appear to include piling noise data. Moreover, the dataset shows piling noise of LE108.8 at 2kHz, which is a level significantly above the threshold of hearing and sufficient to cause hearing damage if exposed for extended periods. SMM requests that this upper limit be shown in the noise profile together with an assessment of any effect on the SSSI.

c) Operational noise contours: In response to Point (5), the Applicant was asked to produce a noise contour plan for the Minster converter station. Operational noise contours were not supplied until March 2026, despite the Applicant having had two years to prepare this information. SMM notes that the upper noise limit shown is greater than 10dBA but does not show the upper range, and the proximity of the SSSI (which is important for breeding birds) is not shown on the contour map. SMM requests that the Applicant provide complete noise contour information showing the full range of operational noise and the relationship to the SSSI boundary.

d) Sound contours for Sandwich Road: The Applicant has confirmed that no construction vehicles will be parked at the Hoverport, meaning all vehicles will

travel to and from the compound at points of high tide, amounting to up to 40 movements per day. The Applicant does not appear to have produced up-to-date noise contours for the access route from Sandwich Road to the compound. This is a significant omission because there are residential properties close to the exit and entry point to the Hoverport. SMM requests that the Applicant produce noise contours for this route covering both airborne noise and surface vibrations.

Item 12: Ornithology

70. The Sandwich Bay Bird Observatory Trust's written representations (**REP1-242**) indicate that it offered detailed tidal bird survey records to the Applicant's ecological team but the Trust was never contacted. The Applicant's comments on written representations (**REP2-034**) explain that it drew on the public record for these datasets. SMM understands that the Trust has confirmed it still holds data that the Applicant should have taken into account in its assessment. SMM requests that the Applicant explain why this offer of detailed local data was not taken up.

71. Additionally, SMM notes that at ISH2 the Applicant was asked to provide further information to support evidence of dormice crossing motorways, and to provide more detail on bird deflectors. SMM is not aware that these requests have been addressed and would welcome confirmation from the Applicant.

72. It is also noted that stakeholder evidence regarding bats (**REP4-241**) appears to have been ignored in the Applicant's Deadline 3 comments. SMM requests that the Applicant confirm whether it has taken this evidence into account and, if so, how it has influenced the assessment.

Item 13: Ecology and Biodiversity

73. SMM has provided detailed representations on matters related to Ecology and Biodiversity. These were most recently set out in **SMM's Deadline 4 submissions**. Those points will not be repeated here. The ExA and Applicant are invited to refer

those earlier submissions which raise a number of significant concerns regarding the proposal's environmental and biodiversity impacts. In particular:

a) Noise disturbance on seals (page 11 of 41).

b) Prey impact for marine mammals and seabirds (page 11 of 41).

c) Impacts on eels (page 13 of 41).

d) Fragmentation of dormice habitats (page 13 of 41)

e) Impact on turtle dove habitats, skylarks and other important birds, the East Atlantic Flyway, and risk of bird strikes (pages 13-16 of 41).

f) The effect of EMF emissions on cetaceans (page 17 of 41).

SAVE MINSTER MARSHES

13 April 2026