

Date: 29th April 2026

Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN



By email: southeastanglialink@planninginspectorate.gov.uk

RE: Sea Link (EN020026) Nationally Significant Infrastructure Project (NSIP) Application – Kent Wildlife Trust [REDACTED]

Comments on the ExA's commentary on, or schedule of changes to, the draft development consent order (dDCO) (Deadline 7)

Kent Wildlife Trust ("KWT") has reviewed the document titled *The Examining Authority's (ExA) Consultation draft Development Consent Order (dDCO) Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004]*.

KWT welcomes the Examining Authority's ("ExA") proposed amendments to Requirement 16 and is supportive of the Requirement in principle, recognising its importance in safeguarding the saltmarsh habitat at Pegwell Bay.

We support the amendments proposed by the ExA, in particular the inclusion of Requirement 16(7), which reflects our previous Deadline 6 submission seeking to restrict open-cut trenching for repair and maintenance activities. However, we maintain a fundamental concern regarding the deliverability of trenchless techniques at the landfall location.

As set out in our Deadline 4 and Deadline 6 submissions, there remains a lack of robust evidence demonstrating that Horizontal Directional Drilling ("HDD") or other trenchless techniques, can be successfully implemented beneath saltmarsh habitat. The Applicant's assessment relies on an assumption of feasibility which has not been sufficiently substantiated. We further reiterate that there are multiple precedents with other NSIPs where applicants have committed to trenchless installation under saltmarsh at the application stage but have subsequently encountered technical failure during construction. In such cases, post-consent change applications have been made to permit open-cut trenching as an alternative construction methodology. In the absence of an explicit prohibition, KWT considers that the current drafting of Requirement 16, even as amended, does not adequately guard against this outcome.

Whilst the ExA's amendments materially strengthen the Requirement, they do not remove the risk that the Applicant could seek, and likely obtain, a post-consent amendment to allow open-cut trenching through the saltmarsh at Pegwell Bay, a qualifying feature of the Thanet Coast and Sandwich Bay SPA and Sandwich Bay to Hacklinge Marshes SSSI. Given the ecological importance and designated status of this habitat, we consider that reliance on post-consent controls, such as the further ground condition surveys, is insufficient to secure its protection.

KWT therefore strongly urges that Requirement 16 is further amended to:

- Explicitly prohibit open-cut trenching within the Pegwell Bay saltmarsh under any circumstances, including through any post-consent change or variation to the DCO; and
- Secure an alternative approach in the event of trenchless failure, such that if trenchless techniques are demonstrated to be unfeasible, the Applicant must bring forward alternative routing solutions that avoid Pegwell Bay and the saltmarsh habitat entirely.

Such provisions are necessary to ensure that the protection of the Pegwell Bay saltmarsh is secured in practice and is not contingent on assumptions regarding construction feasibility.

In its current form, Requirement 16 provides an important safeguard but does not offer sufficient certainty that open-cut trenching through the saltmarsh will not occur. Given the known risks associated with trenchless installation, the precedent for post-consent changes within NSIPs and the damage caused to saltmarsh from Nemo Link, additional strengthening is required.

Kind regards,

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