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**RE: Sea Link (EN020026) Nationally Significant Infrastructure Project (NSIP) Application – Comments on the deadline 6 submissions and any other information requested by the ExA for deadline 7 – Kent Wildlife Trust (██████████)**

**1. Comments on Document 9.137: Applicant's Response to Legal Submissions from Objector Groups – SEAS [AS-038, REP2-113, REP5-146], Kent Wildlife Trust [AS-077, REP1-152, REP2-054, REP3A-023], CPRE Kent [REP1-148], and Save Minster Marshes [REP1-246, REP3A-171, REP5-167]**

Please note that where Kent Wildlife Trust (“KWT”) has not specifically referenced or responded to each of the Applicant’s comments on our previous submissions, this should not be taken as agreement with, or acceptance of, those points. Given the volume and repetition of material submitted throughout the Examination, KWT has focused this response on the key areas of ongoing and substantive disagreement. KWT maintains the position as set out in our earlier representations unless expressly stated otherwise, and the absence of a direct response to a particular point should not be interpreted as an indication that the matter has been resolved.

**Written Representations (WR) and summaries for any that exceed 1500 words [REP1-152]**

KWT maintains that the Applicant’s Habitats Regulations Assessment (“HRA”) process has been legally inadequate and does not accept the Applicant’s characterisation that our Written Representation has been “unparticularised” or “vague” in this regard. KWT’s submissions have consistently identified specific and substantive deficiencies, supported by clear reasoning and reference to established case law and legal principles. The Applicant’s repeated reliance on this characterisation appears to be an attempt to dismiss, rather than engage with, the substance of those concerns.

This is demonstrated by the level of detail and evidential support provided within KWT’s Written Representations, including direct citation of national guidance and binding case law. For example, KWT explicitly referenced Planning Inspectorate guidance which requires applicants, at the pre-application stage, to engage with appropriate nature conservation bodies “*to ensure that all potential effects have been considered and in enough detail before the NSIP application is submitted.*” KWT set out clearly how this requirement had not been met, and how this procedural failure resulted in key assumptions being carried forward into screening despite incomplete baseline data.

KWT also cited established case law, including *Waddensee (C-127/02)*, and accompanying government guidance, to demonstrate that the screening stage must apply a precautionary approach and that effects can only be screened out where they are “ruled out” on the basis of objective scientific evidence. KWT identified multiple instances where the Applicant instead relied on language such as “unlikely” or “not anticipated”, explicitly explaining why this represents a lower and legally non-compliant test. Further, KWT drew on European Commission guidance which states that assessments

based on “*general descriptions and a superficial review of existing data*” cannot be considered appropriate, applying this directly to deficiencies in the Applicant’s baseline evidence.

KWT does not accept the Applicant’s statement in paragraph 5.1.5 that mitigation has not been relied upon at the screening stage, nor that our concerns are limited to a single “speculative” measure. KWT has consistently identified that the Applicant has embedded measures, most notably the reliance on trenchless techniques such as Horizontal Directional Drilling (“HDD”) beneath sensitive habitats and controls on drilling fluid release and then used these to support conclusions that likely significant effects (“LSE”) can be ruled out. Regardless of how these measures are described, they function to avoid or reduce impacts and therefore constitute mitigation in substance. As established in *People Over Wind (C-323/17)*, such measures cannot be taken into account at the screening stage. The Applicant’s position that drilling fluid risk is “very low” does not remove the pathway, particularly where the consequences of a frac-out event in a highly sensitive intertidal environment could be significant. Likewise, the fact that this pathway is subsequently considered at Appropriate Assessment stage does not remove the initial reliance placed on assumed controls to support screening conclusions. In addition, KWT’s concern is broader than drilling fluid alone; it extends to the reliance on the assumed feasibility and effectiveness of HDD itself, which has not been demonstrated with sufficient certainty. Taken together, this approach introduces uncertainty into the screening process and is inconsistent with the precautionary principle, which requires that effects can only be screened out where they are ruled out on the basis of objective scientific evidence, without reliance on mitigation. KWT also provided a structured explanation of the legally required sequence under Article 6(3), supported by case law including *Orleans and Other (Joined Cases C-387/15 and C-388/15)* clearly distinguishing between avoidance, mitigation, and compensation, and explaining how the Applicant had failed to follow this hierarchy.

These examples, drawn from an eight-page HRA critique within KWT’s Written Representations (Deadline 1), demonstrate that KWT’s concerns are neither “vague” nor “unparticularised”. Rather, they are detailed, evidence-based, and firmly grounded in law, policy, and guidance.

KWT strongly disagrees with the Applicant’s assertion that their HRA consultation was sufficient. Engagement through introductory, general meetings does not equate to meaningful consultation on the HRA itself. The Applicant’s statement in paragraph 5.1.2 that “*thematic meetings were in any case held with KWT during pre-application stage where HRA matters were discussed*” is wildly incorrect.

During the pre-application stage, KWT met with the Applicant once in person at Pegwell Bay on 19<sup>th</sup> January 2023 to discuss the broad scope of the project, and subsequently at two virtual meetings on 5<sup>th</sup> December 2023 and 21<sup>st</sup> March 2024. At no point during these meetings was the HRA discussed. There was no opportunity provided to review, question, or comment on the HRA methodology, screening, or conclusions. Instead, the focus of these meetings was largely driven by KWT raising concerns regarding ecological evidence gaps and repeatedly requesting the need for further survey work, including seal and wider marine mammal surveys, as well as other baseline ecological data. These requests were heavily resisted or dismissed by the Applicant at the time, only being progressed later following intervention by the Examining Authority (“ExA”) during the Examination stage. This pattern of engagement does not constitute effective consultation on the HRA; rather, it demonstrates that KWT was not meaningfully involved in shaping or reviewing the assessment at a stage when it could have influenced its development.

This approach calls into question the purpose and value of stakeholder engagement in the pre-application process. Where expert advice from KWT and other environmental NGOs is repeatedly raised

but not meaningfully considered or acted upon, it does not lead to better project design or more robust assessment. Instead, it results in avoidable delays and inefficiencies, with issues that could and should have been resolved at an early stage being deferred into the Examination, requiring intervention from the ExA. This not only undermines confidence in the Applicant's approach to consultation, but also suggests a process where engagement is undertaken as a tick-box exercise rather than constructively, limiting its effectiveness in informing a sound and lawful assessment. Had the Applicant undertaken the ecological surveys and evidence-gathering recommended by KWT at the time they were first raised in 2023, the Examination would not now be in a position where further information is being submitted at a late stage, with limited opportunity for Interested Parties to properly review and respond. This reactive approach reinforces KWT's long-standing concern that the DCO application was not sufficiently mature or robust at the point of submission and was, in effect, not fit for Examination. The Applicant's continued resistance to early expert advice, followed by reliance on the Examination process to rectify evidential gaps, suggests an attempt to progress the application based on minimal initial evidence base, rather than a fully developed and policy-compliant assessment. KWT maintains that the Applicant's approach falls short of the standard of early, meaningful, and iterative consultation required to support a robust and lawful HRA process.

The Applicant's assertion in paragraph 5.1.4 that KWT has misunderstood the screening exercise, or failed to identify specific impact pathways, is not accepted. KWT's concern is not with the principle of screening itself, but with the fact that conclusions on likely significant effects have been reached in the absence of sufficient baseline data, thereby undermining the robustness of that screening. KWT has clearly identified a number of specific and credible impact pathways which have either been prematurely screened out or not robustly assessed. For example, KWT has highlighted the hydrological and geomorphological impact pathway affecting intertidal habitats at Pegwell Bay, particularly saltmarsh. Installation activities, including HDD and the risk of drilling fluid release ("frac-out"), have the potential to alter sediment composition, drainage patterns, and tidal flow. This can lead to erosion, increased tidal inundation, and long-term habitat degradation. Despite this, the Applicant has screened impacts on the basis of assumed recoverability, without adequately incorporating this site-specific evidence or resolving the underlying uncertainties.

Similarly, KWT has identified disturbance and displacement pathways affecting qualifying bird species and Functionally Linked Land ("FLL"), including golden plover, where the extent and usage of supporting habitat have not been fully established through robust survey data. The screening of these effects is therefore reliant on incomplete baseline understanding. KWT has also raised concerns regarding marine mammal impacts, including disturbance to seals from underwater noise and potential prey displacement, which were initially considered without sufficient survey evidence and only progressed following intervention during the Examination.

These examples demonstrate that KWT has consistently identified specific impact pathways. The issue is that the Applicant has drawn conclusions at the screening stage before establishing a sufficiently robust evidence base to support those conclusions. This approach risks screening out effects where uncertainty remains, which is contrary to the precautionary principle underpinning the Habitats Regulations.

KWT does not accept the Applicant's characterisation of the legal authorities cited in paragraph 5.1.13, nor the suggestion that they are of limited relevance. KWT's reliance on case law, including *Holohan (C-461/17)*, *R (Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport* and *R (Mead Realisations Ltd) v SSCLG*, is not to restate the basic requirement to consider alternatives, but to

emphasise the standard to which that consideration must be undertaken, namely that it must be evidence-based, transparent, and sufficiently reasoned to enable the decision-maker to understand why less harmful alternatives have been rejected.

In particular, KWT's concern is that the Applicant has not demonstrated that alternatives, especially in relation to the Pegwell Bay landfall location and Minster Marshes siting, have been assessed with the level of rigour required where there is potential for significant effects on designated sites. Whilst it is accepted that options may be rejected at an early stage, this must still be based on sufficient information and clearly explained reasoning. In this case, alternatives appear to have been discounted based on high-level or comparative judgments, without the detailed environmental evidence necessary to justify their rejection, particularly in light of the sensitivity of the receiving environment.

Furthermore, the relevance of these authorities lies in reinforcing that the consideration of alternatives is not a purely procedural exercise, but a substantive requirement closely linked to the Mitigation Hierarchy and the Habitats Regulations. Where significant environmental effects are identified or cannot be ruled out, there is a heightened expectation that less damaging alternatives are properly explored. KWT maintains that the Applicant has not met this standard, and that the DCO does not provide a sufficiently clear or robust explanation of why more environmentally preferable options were not taken forward.

KWT does not accept the Applicant's assertion that the Mitigation Hierarchy has been "rigorously applied," nor that reference to the Design Development Report or the iterative EIA process resolves the concerns raised. As set out in KWT's Written Representations, the issue is not whether the hierarchy has been *described*, but whether it has been demonstrably applied in practice, with clear evidence that avoidance has been prioritised as the first and most important step.

KWT has consistently shown that the Applicant's approach is disproportionately weighted towards mitigation and compensation, rather than true avoidance. This is evident from the reliance on "embedded measures" that are framed as reducing effects, rather than eliminating them, and the extensive suite of "additional mitigation" measures required to address impacts that arise from the chosen design and site selection. The scale and nature of these measures, particularly in relation to impacts on designated sites, FLL, and Priority Habitats, indicate that significant harm has not been avoided, but instead deferred to lower tiers of the hierarchy.

A clear example is the selection of the Pegwell Bay landfall and associated infrastructure at Minster Marshes, where KWT maintains that insufficient consideration has been given to alternative locations that could have avoided impacts on internationally and nationally designated sites altogether. The continued reliance on trenchless techniques to "minimise" impacts to saltmarsh further reinforces this point: while such techniques may reduce harm, they do not equate to avoidance, particularly where their deliverability is uncertain. The inclusion of Priority Habitat mudflats within the Order Limits, and the acceptance of habitat loss within designated sites, further demonstrates that avoidance has not been achieved.

In addition, KWT has highlighted that mitigation measures are not supported by sufficient detail regarding their effectiveness, delivery, monitoring, or enforcement. This is particularly evident in relation to the proposed golden plover mitigation, where there remains no clear mechanism to ensure that the measures will function as intended, nor what corrective action would be taken in the event of failure. Such uncertainty is incompatible with a robust application of the Mitigation Hierarchy and the requirements of the Habitats Regulations.

Simply stating that the Mitigation Hierarchy has been applied as part of an iterative EIA process does not address these substantive issues. KWT maintains that the Applicant has not demonstrated that impacts have been avoided where possible and instead has relied on measures lower in the hierarchy to justify a fundamentally constrained site selection and design. As such, the application of the Mitigation Hierarchy in this case is neither rigorous nor compliant with the relevant legal and policy framework.

KWT maintains concerns as set out in our Written Representations, including those relating to cumulative and in-combination impact assessment, biodiversity impacts, and the adequacy of species surveys. The Applicant's responses do not address the fundamental issue that key conclusions continue to rely on assumptions, incomplete or insufficient baseline data, and mitigation measures that are neither fully evidenced nor secured with sufficient certainty. As such, KWT's position as outlined in our Deadline 1 response remains unchanged.

**Comments on any further information/ submissions received by deadline 1 and deadline 1A [REP2-054]**

KWT notes that many of the points raised by the Applicant in response to our Deadline 1A submission repeat matters that we have already addressed above, such as concerns around alternative routes and inadequate ecological baseline. To avoid unnecessary repetition, KWT confirms that the concerns set out above apply equally here and are not restated in full.

With respect to paragraph 5.2.8 and FLL, KWT does not agree that impacts have been adequately considered or mitigated, and we do not share the Applicant's reliance on Natural England's position as evidence that this matter is resolved. Whilst Natural England may have agreed to the extent of the proposed golden plover mitigation area, KWT's concern relates fundamentally to its location, suitability, and likely effectiveness. Based on our site-specific knowledge and ecological expertise, KWT remains firmly of the view that the proposed mitigation site is unlikely to function as intended for golden plover.

Golden plover are highly sensitive to disturbance and demonstrate strong preferences for specific habitat conditions and spatial context. The proposed mitigation area does not, in KWT's expert opinion, replicate these conditions to a degree that would support the displacement of the existing peak population (recorded at approximately 370 individuals). Whilst it is possible that a small number of individuals may utilise the site opportunistically, this cannot reasonably be taken as evidence of functional equivalence or mitigation success. The test under the Habitats Regulations is not whether *some* use occurs, but whether the site can reliably support the ecological function of the affected land to a degree that avoids adverse effects on site integrity. KWT considers that this threshold has not been met.

Importantly, these concerns are not held by KWT alone. The RSPB has raised similar objections regarding the adequacy and effectiveness of the proposed mitigation for golden plover. The fact that two experienced and well-established environmental NGOs, with extensive ecological expertise and direct knowledge of the affected sites, are raising consistent concerns should be afforded significant weight. The Applicant's continued dismissal of these concerns is therefore extremely concerning and calls into question the robustness of its assessment and its approach to stakeholder engagement.

Furthermore, KWT emphasises that agreement from Natural England on certain elements does not resolve the issue. Whilst Natural England is the Government's statutory advisor, KWT also brings extensive local ecological knowledge, long-term site management experience, and technical expertise

in the habitats and species affected. This expertise has consistently informed our position throughout the DCO process and should be given appropriate weight by both the Applicant and the ExA. The continued reliance on mitigation that is, at best, uncertain in its effectiveness, particularly in the face of consistent concerns from multiple expert bodies, reinforces KWT's position that impacts to FLL, and consequently to the integrity of the Thanet Coast and Sandwich Bay SPA, have not been adequately addressed.

Crucially, there remains a fundamental and unanswered question as to what will happen if post-consent monitoring demonstrates that the mitigation site is not being used as intended. The Applicant has not provided a clear, secured or enforceable contingency should the site fail to support the displaced population at the required scale. In the absence of such safeguards, the risk is that harm will occur without an effective mechanism to rectify it. This further underlines KWT's concern that the current approach does not meet the level of certainty required under the Habitats Regulations.

KWT does not accept the Applicant's statement in paragraph 5.2.4 that our concerns regarding cumulative and in-combination effects are "unparticularised," nor that they have been adequately addressed. KWT has consistently identified specific deficiencies in both the scope of the cumulative assessment and the methodology applied, particularly in relation to the qualifying features of the Thanet Coast and Sandwich Bay SPA. In particular, KWT has raised concerns regarding: (i) the exclusion or downplaying of relevant plans and projects, including reliance on overly narrow definitions of what is "reasonably foreseeable"; (ii) the failure to account for existing baseline pressures, most notably the unresolved impacts from Nemo Link, which reduce ecological resilience and increase the sensitivity of the receiving environment; and (iii) the segregation of impact pathways, whereby noise, disturbance, habitat loss, hydrological change and other effects are assessed in isolation and frequently screened out individually, without proper consideration of how these pathways may interact cumulatively over time and space.

The Applicant's approach, screening out effects at an individual level before considering cumulative effects, does not reflect the precautionary and holistic approach required under the Habitats Regulations. Effects which may appear "temporary", "localised" or "not significant" in isolation can, in combination, result in meaningful ecological consequences, including disturbance and displacement of qualifying bird species and degradation of FLL. This is particularly relevant in a highly sensitive and already pressured environment such as Pegwell Bay.

Simply asserting that these matters have been addressed elsewhere does not resolve the issue. KWT maintains that the cumulative assessment, as presented, does not provide sufficient certainty to rule out adverse effects on the integrity of designated sites.

KWT maintains its serious concerns regarding the absence of a Statement of Common Ground ("SoCG") and reiterates the position set out in our earlier submission. The lack of a SoCG is not a procedural technicality, but a clear reflection of the ongoing and unresolved substantive disagreement between KWT and the Applicant. As previously stated, KWT is both a landowner and the long-term manager of Sandwich and Pegwell Bay National Nature Reserve, with direct responsibility for the habitats and species most affected by the proposed development. Despite this, the Applicant has not meaningfully engaged with KWT to prepare a SoCG, contrary to the expectations set out in Planning Inspectorate guidance.

KWT continues to consider this omission to be inconsistent and unjustified, particularly given that the Applicant has sought to engage with KWT in relation to land rights and access, whilst excluding KWT

from a process specifically intended to capture and clarify areas of agreement and disagreement. KWT remains willing to engage constructively in the preparation of a SoCG; however, the fact that this has not occurred to date reinforces our position that the Applicant has not adequately addressed the substantive concerns raised.

### **Written Representations (WRs) relating to Change Request 1 [REP3A-023]**

KWT does not accept the Applicant's assertion that they have had "careful regard" to biodiversity at the Hoverport site, nor that the approach taken is sufficient to demonstrate no adverse effects. The reliance on aerial photography in the absence of comprehensive, site-specific ecological surveys, falls significantly short of the evidential standard required to support robust assessment, particularly in a location known to support priority and protected species. As set out in KWT's previous submissions, the Hoverport is known to support species of high conservation importance, including orchids and notable invertebrates, yet these receptors have not been adequately surveyed or assessed. In this context, the Applicant's conclusion that impacts can be ruled out is not based on "complete, precise and definitive findings" and therefore does not meet the requirements of the Habitats Regulations or established case law.

KWT further rejects the Applicant's reliance on post-consent surveys secured through REAC provisions (B66 and B67) as a means of addressing these deficiencies. This approach represents a clear deferral of assessment, whereby the necessary baseline data to inform impact assessment is not available at the point of decision-making. Commitments to undertake surveys "when possible" or immediately prior to construction do not resolve this issue; rather, they introduce uncertainty and risk, contrary to the precautionary principle. The competent authority must be satisfied, before granting consent, that there will be no adverse effects and not rely on future surveys to identify impacts after consent has been granted. This concern is not theoretical. The experience of the Nemo Link project demonstrates the consequences of such an approach, where inadequate baseline data and reliance on post-consent surveys resulted in impacts to designated sites not being properly understood at the outset and remain unresolved. We discuss this in more detail in our Summary Statement Deadline 7 submission, where we have presented the findings of our Freedom of Information ("FOI") request from the Marine Management Organisation ("MMO").

In relation to the Applicant's assertion that vehicular movements over hardstanding will not result in disturbance, KWT considers this to be an oversimplification that is not supported by evidence. The ecological value of the Hoverport is not limited to visible vegetation within trackways: mobile species, including invertebrates and potentially reptiles or other fauna, may utilise microhabitats within and around these areas. The assumption that the presence of concrete removes ecological sensitivity is therefore flawed. Likewise, disturbance is not limited to direct physical damage but includes noise, vibration, lighting, and increased human activity, all of which have not been robustly assessed.

KWT also does not agree that the cited case law is irrelevant. The principles established in cases such as *Morge v Hampshire CC* and *Wooley v Cheshire East BC* are directly applicable in reinforcing the requirement for decision-makers to be properly informed of ecological impacts prior to consent, and not to rely on assumptions or deferred assessment. In this case, the absence of adequate baseline data means that such informed judgment cannot be made.

Finally, KWT maintains that the Applicant has not demonstrated that the Mitigation Hierarchy has been properly applied. Avoidance cannot be claimed where the assessment itself is incomplete, and where uncertainty remains as to the presence and sensitivity of ecological receptors. The continued reliance

on commitments and assumptions, rather than robust, upfront evidence, reinforces KWT's position that the impacts of the proposed changes at the Hoverport have not been adequately assessed and that the current approach does not meet the required legal and policy standards.

KWT maintains all concerns set out in its Written Representations, Deadline 1 submissions and subsequent responses. The Applicant's repeated assertions that matters have been "addressed" do not resolve the fundamental and substantive deficiencies identified throughout this Examination. In particular, the continued reliance on incomplete baseline data, unproven and unsecured mitigation, and an approach that prioritises minimisation and compensation over genuine avoidance demonstrates that the Mitigation Hierarchy has not been properly applied.

Taken together, the issues raised by KWT, including those relating to the HRA, ecological baseline, FLL, cumulative effects and stakeholder engagement, remain unresolved. The Applicant's responses have largely sought to dismiss or re-characterise these concerns, rather than meaningfully engage with the evidence and reasoning provided. As such, KWT remains firmly of the view that the application, as it stands, does not provide the level of certainty required to conclude no adverse effect on site integrity, nor does it demonstrate compliance with the relevant legal and policy framework.

## **2. Comments on the Applicant's "Approach to Adopting DESNZ Requirement Discharge Unit for Sea Link" (Document 9.154)**

KWT has reviewed the Applicant's submission titled "*Approach to Adopting DESNZ Requirement Discharge Unit for Sea Link*" (Document 9.154).

We note that the Applicant proposes amendments to the dDCO to enable a newly established unit within the Department for Energy Security and Net Zero ("DESNZ") to act as the determining authority for the discharge of requirements. The drafting would allow the Applicant, at its discretion, to submit applications for approval either to the relevant planning authority (or other named authority) or to the DESNZ unit. Where the DESNZ unit is selected as the determining body, the relevant planning authority and other bodies would be reduced to the role of consultees.

KWT has significant concerns regarding the implications of this approach for the robustness and effectiveness of the DCO framework.

- 1. Erosion of local decision-making and accountability** – The proposed amendments would remove decision-making from the relevant planning authority and place it within a centralised body. Whilst consultation with local authorities is proposed, this does not provide an equivalent level of scrutiny or accountability. We consider that local authorities, with their place-based knowledge and statutory responsibilities, play a critical role in ensuring that environmental safeguards secured through DCO requirements are properly implemented.
- 2. Applicant discretion in selection of determining authority** – The drafting explicitly provides that the choice of determining authority rests with the Applicant. KWT is extremely concerned that this introduces a mechanism whereby the Applicant may select the decision-making route it considers most favourable in any given circumstance. This undermines confidence in the impartial and consistent application of the DCO requirements.
- 3. Risk of reduced scrutiny at the discharge stage** – The discharge of requirements is a critical stage at which detailed design, construction methodologies and mitigation measures are

finalised. The proposed approach, when combined with the existing provisions for deemed consent where decisions are not made within statutory timeframes, risks creating a system that is inherently more permissive and less rigorous in its scrutiny of applications.

4. **Implications for environmentally sensitive receptors** – KWT is particularly concerned about the implications of this proposal for highly sensitive and designated habitats, including the saltmarsh at Pegwell Bay. Many of the safeguards relied upon to protect such habitats, including those within Requirement 16 (Trenchless Landfall Techniques), Requirement 18 (River Stour Channel) and several new Requirements proposed by the ExA, such as Requirements 30 and 31 (Benthic Mitigation Plans) are dependent on effective control at the discharge stage. The proposed amendments would make it easier, in practice, for the Applicant to seek approval for changes to construction methodologies or mitigation measures, including in circumstances where previously assumed techniques (such as trenchless installation) prove unfeasible.
5. **Increased risk of post-consent change in construction methodology** – As set out in KWT’s previous submissions, there is a well-established precedent within the NSIP regime for applicants to commit to trenchless techniques at the application stage but subsequently seek to amend construction methodologies where technical challenges arise. The introduction of a DESNZ discharge unit, combined with Applicant discretion in selecting the determining authority, increases the likelihood that such changes could be pursued and approved with reduced scrutiny. This is of particular concern in relation to the potential for open-cut trenching to be proposed in place of trenchless techniques at sensitive landfall locations.

KWT acknowledges the policy background to the proposed establishment of a DESNZ discharge unit. However, we consider that the proposed amendments to the dDCO would:

- Reduce the role and influence of local decision-making bodies;
- Introduce Applicant-led discretion in the choice of determining authority; and
- Increase the risk that environmentally significant safeguards secured through the DCO could be weakened at the discharge stage.

KWT does not support the inclusion of these provisions and considers that they should be removed from the dDCO in their entirety.

Kind regards,

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