



SEAS D7 RESPONSE to APPLICANTS D6 SUBMISSIONS

ECOLOGY

PINS Ref: EN020026
DEADLINE 7: 29 April, 2026

SEAS IP: [REDACTED]
Date: 1 May 2026

Introduction

1. The ecological case presented for the proposed development remains fundamentally flawed due to an incomplete and unreliable evidence base. Significant gaps persist in baseline surveys, including those for bats, marsh harrier, nightjar, reptiles, and invertebrates, while key methodologies such as radio-tracking and acoustic monitoring have not been undertaken.
2. This lack of robust data undermines confidence in both the assessment of impacts and the effectiveness of proposed mitigation. Furthermore, the mitigation hierarchy has not been properly applied, with insufficient emphasis on avoidance and reduction, and important site-specific concerns—such as the potential barbastelle bat roost at Kiln Lane—remaining inadequately addressed. As a result, there is substantial uncertainty as to whether ecological impacts, including those on designated European sites, have been fully and lawfully assessed.
3. Set out below is the SEAS Ecology expert Dr Matthew Denny's report on D6:



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Ecology

Comments on the deadline 6 submissions and any other information requested by the ExA for deadline 7

Submitted by SEAS

SEAS has, throughout the Sea Link Development Consent Order (“DCO”) process, consistently raised serious and substantive concerns regarding the potential impacts of the proposed project on the internationally important habitats and species of the Suffolk section. These concerns have been voiced from the pre-application stage through to the close of Examination, via Written Representations, responses to the Examining Authority’s Written Questions, and oral submissions at hearings.

Despite some progress to resolving the original ecological issues raised, mainly at the ExA’s request rather than as a direct implementation of the Applicant, there remain some unresolved issues as detailed below:

1. Inadequate application of the mitigation hierarchy in contravention of Critical National Priority policy

- There has been a consistent failure to consider whether there is a need for the project, or to consider reasonable alternatives. This exercise should have been undertaken in the first instance to satisfy the first tranche of avoidance within the hierarchy. Options that would reduce or avoid impacts to internationally designated sites and Functionally Linked Land (“FLL”) have been discounted at an early stage, without sufficient evidence or transparent justification.

- In particular, the Applicant has consistently ignored the standard procedure of radio-tracking the rare barbastelle bat near the proposed Kiln Lane substation. This means that the location and the status of suspected roost in this location has not determined, and severance of hedgerows in the vicinity, which could significantly impact a breeding roost, has been ignored. Thus there has been no identified requirement to avoid this potential impact, simply as a result of insufficient survey and information.

2. Impacts to European sites / Habitats Regulations Assessment

- There is significant uncertainty regarding impacts on the Outer Thames Estuary SPA, especially for red-throated diver. The SPA supports 16% of the European wintering population, and significant numbers are known to winter within the potential impact zone of the offshore cable laying and drilling operations. Emergency cable repair scenarios lack evidence, assessment, and mitigation planning. Without this, significant adverse effects on site integrity cannot be excluded, the derogation tests will need to be met, and a derogation notice submitted.
- The Habitats Regulations Assessment is not robust enough to rule out adverse effects on European sites beyond reasonable scientific doubt. There are gaps in data, particularly on functionally linked land (see below), and insufficient consideration of alternatives. As a result, legal requirements have not yet been met.
- In-combination impacts on European sites have only been superficially addressed.

3. Insufficient survey effort

- Our requests for standard and adequate survey effort have been consistently ignored, resulting in concomitant inadequate assessment and mitigation.
- No dedicated marsh harrier surveys have been undertaken in Suffolk, despite the Order Limits being well within the routine foraging range of birds breeding in SPAs with marsh harrier as a qualifying species.

Therefore, there has been no adequate assessment of whether the Order Limits include functionally linked land.

- Papers published as long ago as 2013 (Zwart et al) have demonstrated the inadequacy of traditional surveys for nightjars compared to acoustic recorder surveys, which are easily and cheaply undertaken. Yet, the Applicant has never attempted such surveys, resulting in deficient assessment of this Qualifying species of the adjacent Sandlings SPA
- As previously raise repeatedly, we consider the lack of radio-tracking surveys for barbastelle to be a serious omission, when this is a standard technique to establish the location and status of their roosts, when potential significant impacts are identified.
- Impacts on reptiles on the Pegwell Bay former hoverport area is not possible to assess due to lack of any survey. Reptiles are protected from killing and injury and are very likely to be present in cracks and fissures on the concrete skirt. Use of heavy vehicles across such cracks is very likely to result in a breaching this legislation, but lack of survey information means this is impossible to assess and determine sufficiently.

4. Incorrect ecological evaluation

- We maintain our opinion that the bat species assemblage evaluation has not been correctly assessed and determined. The standard method states that the nine species recorded confer a value of National significance, regardless of the level of bat activity recorded. Bat activity levels should be used when assessing the overall bat value of the Order Limits, not the species assemblage.
- We also maintain that the overall bat value cannot be properly assessed without further survey of nearby barbastelle roosts through radio-tracking. If a breeding roost is present, then this likely confer National or possibly International significant value to the overall bat resource, and potential impacts through hedgerow removal is likely to result Nationally or Internationally significant level impacts. Without further survey, this is clearly not possible to ascertain.

5. Insufficient mitigation

- Mitigation and habitat creation plans lack sufficient detail and contingency. For example, there is no clear fallback if acid grassland creation fails, and limited evidence that proposed locations are suitable as the available P and N content of soils on the former pig farm area is not known. This raises doubts about deliverability.

