

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 ALL INTERESTED PARTIES CONSULTATION (deadline 22 October 2026)

Introduction

These are written submissions on behalf of Save Minster Marshes (“**SMM**”) in relation the All Interested Parties Consultation for SeaLink DCO Examination. This submission addresses items listed in the letter from the Secretary of State dated 28 August to Interested Parties and the Applicant’s response. Although SMM are not a statutory consultee, we represent 4,465 signed up members of the group and have over 15k signatories on our petition. SMM believe that this is representative of a constituent group and would request that you consider our response carefully.

Paragraph 3: Benthic Mitigation Plans:

- a) SMM support the position taken by Natural England (NE) who want the plan agreed at least six months before seabed preparation, based on agreed pre-construction surveys together with monitoring that tests whether mitigation works rather than standing in for it.
- b) SMM support the position taken by Kent Wildlife Trust (KWT) who point to the damage caused by the NEMO project, from which the Saltmarsh at Pegwell Bay has not recovered. Mitigation must be agreed in advance of harm and monitoring must be able to enforce mitigation.
- c) SMM have no confidence in the likely success of monitoring operations since we have witnessed the unmediated damage caused by the NEMO project.

Paragraph 4: Intertidal features Sandwich Bay to Hacklinge Marshes SSSI

- a) It appears that NE's concerns are still unresolved (**C1-147 Natural England Risk & Issues Log.xlsx**.) The issues they raise separately about Pegwell Bay are still outstanding. To this point SMM are concerned that the Secretary of State may still not be in possession of all the necessary information on which to base a decision and would urge a delay until this information is provided and agreed.
- b) KWT have pointed out that the MMO have admitted they made an error in the discharge of the licence condition for NEMO (**C1-004**) and that the saltmarsh at Pegwell Bay has continued to erode following the NEMO damage. KWT cite agreement from CEFAS, the EA and NE that the saltmarsh has not recovered after five years of monitoring. They note also that the saltmarsh has deteriorated outside the original impact zone and that as a result:

"the effects of Sea Link cannot necessarily be assessed against a baseline which assumes that the habitat is in a stable condition. A further disturbance to habitats that remain in a degraded and declining state could result in greater, more prolonged or potentially irreversible ecological effects than those predicted on the basis of an assumed stable condition."

- c) SMM urge the Secretary of State to heed the warnings of KWT in the decision-making process. This site is protected RAMSAR habitat: this is a world class responsibility.

Para 5: Chalk Habitat & EN-1 para 5.4.53

- a) SMM support the position of KWT in the direct disagreement between them and the Applicant over the use of "irreplaceable habitats" in relation to the ability of undersea chalk to support a complex biotope.

"the evidence presented during the Examination indicates that the extent, distribution and ecological characteristics of the chalk habitat had not been sufficiently established to support the Applicant's conclusion that the proposed impacts are not significant."

- b) SMM believe that this habitat should trigger the wholly exceptional reasons and compensation test and would welcome the Secretary of State reconsidering the Pegwell Bay landfall with this in mind.

Para 7: Use of Hovercraft at Pegwell Bay

- a) SMM note that the definition of Emergency use has been written and agreed with NE in July following the end of the consultation. SMM are concerned, however, that in point 7 of the Applicant's response (**C1-178** of 21 September 2026) the Applicant still has nothing further to comment about the possible effects of the use of Hovercraft on marine mammals and the designated site, especially since the River Stour mouth is a habitat for the growing colony of pinnipeds, currently the largest in Kent.
- b) SMM note also that NE still require a worst case scenario that encompasses birds and seals but SMM cannot see the result of the discussion between the Applicant and NE in July to verify if this has been provided for your consideration. SMM would welcome the Secretary of State investigating and making this available for public scrutiny.

Paragraph 10: Missing Annex A from Kent OLEMP

- a) SMM note that Figures in Annex A have now been provided – but would draw your attention to the fact that this is the first time that any Thanet residents (including the affected landowners) have seen these images. It is disheartening that after four years only now can SMM and other Interested Parties see the Applicant's plans for BNG (such as it is). SMM would suggest that the Secretary of State seriously considers delaying the decision on the project to allow for proper scrutiny of these plans and also to view survey data that has not yet been provided (see our responses to paragraphs 21& 22 about Dormouse and paragraph 14 about UXO for example).
- b) SMM would request, once again, as per our earlier submissions, that you please consider the inadequacy of the mitigation planting, which will only become effective as mitigation after 15 years (the Applicant's cross section image in **Annex a of C1-203 page 54** makes this clear).
- c) SMM still consider that attenuation ponds in waterlogged soils will not be appropriate as mitigation for drainage.

Paragraph 12: Agricultural Land Classification

- a) The Applicant's own Kent ALC survey (**REP7-153, Doc 9.31 (C)**) finds 76.7ha best and most versatile land inside the Kent Order Limits, 45.2%.
- b) SMM would draw the Secretary of State's attention to the still conflicting information in paragraphs 2.1.4 and 2.1.5. Of 176 auger bores in total, 64 were out of scope and 3 unsurveyed because of access problems. The total of the relevant auger bores could only have been 109? At this late stage of the process, it is worrying that these elements have not been resolved and accurate figures provided.

- c) SMM support NE who state in their response (**C1-46, 12, iv**) that Grade 3b must not be assigned on Flood Zone 3 alone, Grade 1 must be avoided, and the soil plan tied to restoration.

“For Kent, justify the flood-risk grading using evidence relevant to the ALC flooding criteria rather than Flood Zone 3 designation alone.”

- d) NE have also indicated in their response that:

“it has not been possible to determine physical soil characteristics within the Order Limits due to constraints around the presence of Unexploded Ordnance (UXO). As a result, predictive Agricultural Land Classification (ALC) mapping has been undertaken in replacement of a detailed ALC survey.”

Please note SMM cannot find any mention of this in the Applicant's **REP7-153, Doc 9.31(C)**.

- e) **Submission reference FC5D7D851** provided evidence of heavy machinery usage on soils on Minster Marshes from infrastructure work leading to permanent compaction and damage, so much so that it cannot be returned to useful agriculture. Please refer to this submission. Photographs can be provided again on request.
- f) SMM have further evidence of non-recovery from trial pit activity that we can also provide on request.

Paragraph 13: Converter Station Preferred Design

- a) The Applicant has responded that they want to keep four options open “for flexibility”. SMM suggest this provides the Applicant an opportunity to do whatever is the least costly without regard to the visual impact and with least reference to the Local Authorities in operation at the time (currently Thanet District Council). SMM would request, therefore that the actual design of the Converter Station hall is agreed with Thanet District Council in advance of Secretary of State decision.

Paragraph 15: Explain why Suffolk entry/ exit pits are subtidal and Kent is intertidal

- a) The Applicant states in their reply that the underground drilling would 2.5km longer and they wish to avoid this. They state that the only way to avoid this would be a full-scale tunnel and they cite increased spoil and carbon as the reason for not choosing this option. SMM believe that the true reason is cost alone or alternatively that they know that HDD will fail (like NEMO) and they will using open trenching instead.

- b) SMM would further draw your attention to NE's response **C1-147 Natural England Risk & Issues Log.xlsx** reference B1, B5, and particularly B6. SMM will not reproduce all their concerns here, but suffice to say the main point is as follows,

*“Having experience of HDD failure of the Lincs Offshore Windfarm cables and post consent geotechnical investigations for Race Bank OWF confirming that HDD was not valid in similar habitats within The Wash SAC, and HDD failures for Thanet and Nemo at Pegwell Bay itself; it is Natural England view that **HDD failure is likely at this location.**”*

NE continue,

“We advise that if a trenchless technique is found not to be valid then there is a high risk of an Adverse Effect on Integrity and that a full derogations case would need to be presented including appropriate compensation measures.”

SMM therefore agree with NE that Pegwell Bay is too risky to use HDD and that the Applicant will revert to trenching on failure, creating lasting damage to an internationally recognised RAMSAR site.

Paragraph 16: Breeding Birds, Sandwich to Hacklinge Marshes SSSI

- a) SMM welcome the instruction from the Secretary of State in the letter of 9th October to provide further detailed information in relation to Paragraphs B45 and B50 of the **REAC (REP7-360)** about pre-checks prior to breaches of 60Db limit to works in Pegwell Bay and Hacklinge Marshes SSSI. We respectfully point out that the damage from works above 60Db would already have been done if the report can be submitted “as soon as practicable after, noisy works”. In our opinion, this wording is not tight enough. SMM suggest the wording should be revised to insist that pre-checks must be completed and breaches must be reported immediately.
- b) SMM welcome the Secretary of State's instruction to the Applicant to amend B45 to restrict work March to September inclusive, but NE have noted that the Applicant's choosing to restrict works over 60dB March to August and 'after a nest check' should be changed to March to September inclusive to keep consistency with breeding season throughout the documents.
- c) Further, in relation to B45 of the **REAC (REP7-360)** this paragraph leaves the exceptions to a ban of works during breeding season (March to September inclusive) unclear as follows (our bolding):

“Installation of overhead line pylons either side of Sandwich Bay to Hacklinge Marshes SSSI will not cover the entire breeding season (March to September

included) but will either take place outside the bird breeding season or will only occupy approximately two months of the breeding season unless otherwise agreed with Natural England.

The 'approximately two months unless agreed' wording allows too great a leeway for such an important SSSI for breeding birds.

- d) NE also state that disturbance to breeding birds caused by using hovercraft in Pegwell Bay is also still unresolved (see also our response to paragraph 7 above).

Paragraph 19: Change to wording of oLEMP [REP7-141] in respect of bird collision monitoring to monitor for 2 years & provide diverters if needed

- a) The Applicant has made the change to the document as requested to include collision monitoring for two years, and to add additional diverters if NE agrees that bird collisions warrant this. SMM agree with KWT that bird collisions are to be expected because of the 'net' effect of the new power lines (SMM have previously provided evidence of massive bird strikes on the existing lines). KWT has requested diverters to be added from the start – rather than waiting for additional bird deaths, and for monitoring to be for five years. We support this request.
- b) SMM would like to draw the Secretary of State's attention to the question we raised that was picked up by the Examiner, Dr Hunt, during the in-person examination sessions in March 2026, as to whether bird diverters work at night. At that time, the ecologist for the Applicant, Dr Riley, said there were diverters that ran on charged solar power during the day to activate their operation during hours of darkness. SMM have not seen any further mention of these in the Applicant's documentation. SMM would suggest that this must surely be an oversight and diverters such as these should be fitted on the new power lines on installation from the start.

Paragraph 20: Temporary bridge over the Stour causing worst case dismantling of the beaver lodge

- a) Please note that SMM alerted the Applicant and the Examiners to the presence of the beaver lodge where the Applicant proposes to build a temporary bridge, as the Applicant has failed to survey this area. Please note that European beavers do not build lodges above ground in fast flowing water, but burrow under the banks. Please refer to KWT in-person evidence in support of this. From the wording, it appears that the fallback position is a licence to dismantle the lodge and destroy the beaver habitat. SMM would suggest that not only is the wording inappropriate for the beaver habitat in this location, but it misses the first step, which should always be avoidance of harm.

- b) Since proposed bridge construction is not scheduled until 2028, SMM would request that wording secures up to date surveys before the final location of the bridge is decided. This would ensure that the beavers are minimally disturbed by the construction should the application be agreed.

Paragraphs 21 & 22: Request to explain Dormouse survey methodology and decision to state absence

- a) There is direct disagreement on whether Zone D at 14.96 can support “absence”. The second edition (Bright, Morris and Mitchell-Jones, 2006) says assumed absence should not be based on a search effort score of less than 20, so Zone D fails the old guidance as well as the 2025 handbook. NE did not cite that sentence specifically, but say that it falls short of the 2025 handbook method.
- b) NE also stated that Zone B had too few tubes to rely on the data provided and this matches our own evidence. It calls into question the reliability of the data. Furthermore, NE have called for further surveying, which we support.
- c) The resurvey finishes in November 2026, which will not be until after the decision expected by the Secretary of State (expected 30 October 2026). SMM therefore urge the Secretary of State to delay the decision until all the survey detail is provided.

Paragraph 24: Change wording in documents to refer to “Trenchless Crossings” throughout

- a) The Applicant has updated the wording as requested, but has also said that HDD is only viable option as micro tunnelling and direct pipe are not viable without intermediate pits. SMM therefore draw the Secretary of State’s attention to the risk register for NE (referred to in Paragraph 15 above) which states that HDD failure in Pegwell Bay (a RAMSAR site) will be devastating and cause lasting damage. The change to the wording therefore appears to SMM to be cosmetic in the light of the warning from NE.

Paragraph 26: Update position on final mitigation for unexploded ordnance

- a) The Applicant states that a Stage 1 offshore UXO geophysical survey is underway. Results are not available to inform the EIA or HRA now. Clearance would be licensed separately and argues that existing baseline surveys were sufficient for the assessment. NE states that they and KWT should be consulted before any controlled explosions take place. SMM note, however, that the 2025 survey did not take place, and that the Applicant is instead relying on historic data. Only now is the Stage 1 survey

underway. SMM have concerns that controlled detonations in intertidal Pegwell Bay will require significant restoration which have neither been planned nor agreed.

Paragraph 27: Clarify when Ecological Clerk of Works (ECoW) would be used and their powers and why the ECoW can stop work in Kent but not in Suffolk

- a) SMM note that the wording has been updated by the Applicant to match Kent. SMM request that the wording is further enhanced to ensure that the ECoW has the same power to stop work on the land-based works, to include where the development abuts waterways or the SSSI, wherever hedges, trees and birdlife are impacted, and wherever the land could support slowworms and other reptiles.

Paragraph 28: Change wording in REAC regarding crossing alignment and routes across the mudflats

- a) The Applicant has updated the wording as requested but SMM note that widths of tracks are still unfixed and will remain so until after consent (please refer to our comment on Paragraph 35).

Paragraph 30: Impact Assessment and Conservation Payment Certificate for greater crested newts

- a) SMM note that the Applicant's letter does not state which licence is Kent and which is Suffolk.

Paragraph 32: Pegwell Bay works must avoid November to February

- a) SMM are concerned that this ban only includes the intertidal area and therefore leaves the foreshore open to disturbance: it does not go far enough to minimise disturbance.

Paragraph 33: Survey update for UXO

- a) Please note our reply to paragraph 26 above and note that the 2025 results cannot be used to inform the EIA and HRA.

Paragraph 35: Clarification is required on sequential and overlapping cable installation activities Natural England requested to confirm their concerns are addressed

- a) SMM have examined NE's Risks Tracking Log (**C1-146**) and have noted that NE have remaining concerns about this issue. They have not, however raised this point in their letter (**C1-147**). They have, however, made their concerns known about the likelihood of HDD failure in Pegwell Bay (as SMM describe above in Paragraphs 15 and 28) and SMM urge the Secretary of State to review this as high priority.

Paragraph 40: SF₆ equipment and Climate Change

- a) The Applicant is content to rely on REAC CC03 wording, which makes it clear that cost is the main driver of their decision making in respect of climate change mitigation in their detailed design. SMM note that this allows the Applicant to use SF₆ equipment based on cost alone:

“Where SF₆ free alternatives are [] grossly disproportionate in cost, the Contractor shall document the alternatives considered and the justification for the continued use of SF₆ reliant equipment and implement an emissions monitoring and control plan that is fully compliant with the Fluorinated Gas (F gas) Regulation and any successor legislation.”

- b) Furthermore, the Applicant must only make *best efforts* to minimise leakage because the phrasing includes “wherever practicable”:

“Where SF₆ reliant equipment is required, the design shall, wherever practicable, accommodate the potential for future replacement with SF₆ free alternatives. Additionally, in the event of SF₆-insulated switchgear is required, the Contractor shall, wherever practicable, re-use SF₆ recovered from decommissioned”.

Saying the problem is cost prohibitive and impractical makes the problem ignorable. SMM request that this element is reviewed by the Secretary of State and “wherever practicable” is removed.

Paragraph 44: Impacts on Tourism

- a) The Applicant points to commitments SE04 and SE05 in their answer to this point. SMM note that these are liaison matters only and provide no detailed indication of actions that the Applicant is taking to minimise impacts.
- b) SMM also note that **REP1a-007/008, 6.2.3.10 Part 3 Kent Chapter 10 Socio-economics, Recreation and Tourism (B)** has not been updated since November 2025. We alert the Secretary of State to speeches made by East Thanet MP, Polly Billington, and Jenny Riddell Carpenter, Suffolk Coastal MP in the Nationally Significant Infrastructure Projects Westminster Hall debate of 30th June 2026. Both constituency MPs are on record as saying that the compensatory payment scheme to Thanet and Suffolk residents is derisory and that £2.1 million split between the two areas is clearly a “rounding error” because, “We can barely get a spade in the ground for a playground for £20,000” (source Hansard 30th June 2026).
- c) The disruption to the Way of St Augustine has not been taken seriously throughout the entire process.

- d) It is only recently that work on the footprint of Caesar's Landing area to the west of the A256 appears to be underway. But SMM are concerned that the large earth moving equipment and bridges that are being deployed in this area (see Appendix photos) may indicate that this is early earthworks for a predetermined approval rather than archaeology as the works seem disproportionate. The Applicant has stated in response to correspondence that:

"The work near Minster is limited to routine ground investigation surveys, archaeological excavations and mitigation and geo-archaeological investigations."

SMM do not believe that large quantities of aggregate are required for any of these types of work.

- e) The attraction of Caesar's Landing site and any associated finds could pose a significant draw for tourism which has not been adequately explored.

Paragraph 51: There are legal issues being discussed by KCC Highways and the Applicant

- a) SMM have reviewed **C1-112** from KCC and we can see that the Highway Protective Provisions are still not resolved and/or have not been made public on the database. SMM have remaining concerns about the safety of junctions and new turnings for heavy machinery and conflict with other road users. SMM request that these are updated before the Secretary of State makes a final decision on the Sea Link project.

Paragraph 55: Wording on the control of operational noise

- a) Requirement 18 as drafted is a one-off check before operation with no ongoing monitoring. SMM agree with KWT's position that post-commissioning monitoring and remediation is a duty. This would trigger a response if the 34 dB limit is breached at Minster (Works 9B and 11) and Friston (1B).

Unresolved action point 76 from EV9-018

- a) SMM have defended the 24-meter-wide, 312 meter long double row hedge on the converter site that will be entirely removed. In the light of the latest RSPB report that states that average bird populations across 132 native breeding species have fallen by 19%, with farmland and seabirds the worst hit, "Professor Richard Gregory, Head of Monitoring at the RSPB, called the finding shocking and sobering. Birds are indicators that we are looking after the countryside and the world around us." SMM would suggest that the removal of this hedgerow would be negligent.

Action point 76 from the Issue Specific Hearing 25 to 27 March required the Applicant to provide an explanation why the double hedgerow and ditch could not be retained. As far as we can tell, this has never been resolved. The documentation from 2022 shows that the Applicant has ignored it and it has never been questioned. SMM would like the Applicant to answer this point in writing to explain why this important connective corridor is irrelevant.

Biodiversity Net Gain and Mitigation Habitat Revised OLEMP 7.5.7.2

- a) SMM note that the Applicant has updated 7.5.7.2 OLEMP and included Figure 4 which is referred to as '*Golden Plover and Skylark Habitat Enhancement Area*'. It was our understanding that this area was intended to provide compensation for the loss of habitat for golden plover and lapwing, not to enhance habitat for skylark. Wintering golden plover and lapwing have totally different habitat needs to those required by skylark. Any enhancement to provide better breeding territory for skylark will be unsuitable as wintering habitat for golden plover and lapwing.
- b) The Applicant must provide clarity as to the purpose of this area and ensure that it aligns with other documentation and ecological assessments. As it stands, we are not confident that the habitat will provide compensation for loss of habitat for golden plover and lapwing nor will it provide an enhanced habitat for skylark. SMM would like the Applicant to provide detailed methodology as to how this habitat's location and management will achieve its stated aims.

Red Throated Diver Protocol Document 7.8. (E)

- a) SMM have reviewed the Applicant's Red-Throated Diver Protocol response **(C1-207)** and believe that the Protocol does not adequately address the environmental risks of emergency winter cable repairs. While the Applicant Routine commits to planning operational and maintenance activities outside of the period 1 November – 31 March, emergency repairs are excluded from this commitment, meaning that there are no equivalent safeguards for emergency works.
- b) Furthermore, the Applicant's approach relies on retrospective reporting and compensation rather than secured mitigation. Until compliance with the mitigation hierarchy and environmental requirements is demonstrated, the Protocol as it currently stands does not provide adequate protection for Red-Throated Divers.

Appendix Photographs



This current activity goes way beyond the archaeological permission that has been granted by TDC (photograph [REDACTED], 16/09/26)





Bringing aggregates onto the site is not archaeological investigation (photographs [REDACTED]
[REDACTED] October 2026)