

Sea Link Nationally Significant Infrastructure Project Application

Planning Inspectorate reference EN020026

CPRE Kent [REDACTED] Response to the Secretary of State

While CPRE Kent support the transition to net zero and accept the need for new electricity infrastructure, we are also seriously concerned that the application has reached this stage without a convincing response to our fundamental objections regarding the choice of location and whether the scheme should proceed at all. The nature of the questions now being asked reinforces our concern that the process is becoming a tick-box exercise, focused on the fine detail while leaving those fundamental objections unanswered.

Therefore, and for the avoidance of doubt, CPRE Kent continue to fundamentally object to this NSIP application on the basis that Pegwell Bay and Minster Marshes are the wrong location for the proposed scheme. All comments within our final Summary Statement and earlier objections stand. In particular, we say again that the repeated need for clarification, additional controls and/or mitigation demonstrate this is clearly the wrong location.

We nonetheless welcome the opportunity to comment and recognise the limited scope of the invitation to respond to the further information provided. In this respect the further responses only serve to reinforce our fundamental concerns regarding the scheme and our request for refusal.

1) Suitability of the proposed golden plover compensation site

We note and continue to share the concerns of KWT and others regarding the suitability of the proposed golden plover compensation site. Their responses reinforce the concern we raised in our final Summary Statement that the proposed golden plover mitigation land has not been shown to provide effective replacement habitat for the lifetime of the development. Its position beside the A256 and surrounding development still raises questions about whether it can offer sufficiently open, undisturbed feeding and roosting habitat. Showing the land as enhancement for golden plover and skylark does not answer those questions or demonstrate that management will meet each species' needs. This is particularly concerning in light of recently-released figures showing that wild-bird populations in the UK have hit their lowest levels since records began, with farmland birds faring especially badly. Nor does monitoring provide sufficient reassurance if poor results can be attributed to fluctuating bird numbers and remedies decided later. We still need convincing evidence that the site will work, with clear triggers, deadlines and secured additional measures if it fails. This is mitigation needed to address habitat loss and should not be presented as an additional biodiversity benefit.

2) Failure of Habitat Regulations requirements in relation to red-throated divers

Likewise, we note and share KWT's concern that calling emergency winter repairs unlikely does not explain how red-throated divers in the Outer Thames Estuary Special Protection Area would be protected. We agree that there needs to be clarity on which repairs this consent would allow, which would need a separate licence and what safeguards would apply before work starts. Reporting afterwards and then discussing compensation cannot replace that protection.

As highlighted by KWT, the ExA gave a view at Issue Specific Hearing 3 that inadequate emergency repair information could lead to a recommendation of refusal. In that respect, we would also ask the Secretary of State to explain whether that concern has now been answered. As we have pointed out elsewhere and previously within our comments, Critical National Priority status still requires the mitigation hierarchy and Habitats Regulations requirements to be met.

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3) Site selection and unresolved ecological risks

The above examples reinforce the wider problem we identified in our Summary Statement. At Pegwell Bay, Natural England still identifies outstanding landfall concerns and notes that the assessment depends on horizontal directional drilling. If that cannot be delivered, the impacts may need reassessment. The Applicant must demonstrate a workable, assessed method. We maintain our request for an explicit prohibition on open-cut trenching through the saltmarsh, including repairs, without a route to relax that protection through discharge.

The experience of NEMO shows why monitoring alone is not enough. KWT's September response to the Secretary of State's Request for Information highlights that the Marine Management Organisation has accepted that it had wrongly signed off a condition intended to secure saltmarsh recovery even though the habitat had not recovered and was continuing to erode. Sea Link's assessment must absolutely take that experience into account. As such, funding must be ringfenced for wider habitat recovery and a clear, enforceable requirement to put things right if monitoring shows that the promised recovery is not happening.

Finally, Natural England says that the surveys in Kent Zone D do not provide enough evidence to conclude that dormice are likely to be absent. Yet the Applicant's September ecology assessment still relies partly on that assumption to conclude that losing habitat would have very little effect on dormice. The Applicant needs to explain how this conclusion can be justified given Natural England's advice and resolve the issue before a decision is made.

CPRE Kent's concluding position

Overall, the further responses reinforce our concern that the scheme's environmental effects and the adequacy of its safeguards remain unresolved. In this respect, we note that Natural England's September response makes clear that its review was limited to the information request and offers a fuller review if instructed. It is our strong view that the Secretary of State should now obtain that review as without it the ecological case can not be treated as settled.

Rather, these outstanding issues need to be resolved before consent is granted. Further monitoring and management plans cannot substitute for demonstrating that the scheme is acceptable and that its safeguards will work. We also maintain our objection to allowing the Applicant to choose between a future DESNZ unit and the authority otherwise responsible for approving the details. The named authorities should retain their approval roles, with later decisions implementing safeguards whose adequacy has already been established.

Our wider objections to the permanent loss of best and most versatile farmland, including Grade 1 land, and to heritage, landscape and community harm also remain. Those harms must be properly weighed against the scheme, based on the assessed worst-case design and benefits that are demonstrably secured and deliverable. They do not disappear because further details are left for later approval.

CPRE Kent therefore continue to ask the Secretary of State to refuse consent. The further responses strengthen our view that avoidance should have led to a different Kent landfall and site selection. If further information or revised safeguards are sought to overcome these objections, determination should be deferred until that material has been published, properly assessed and made available for meaningful comment.