The countryside charity
Kent

CPRE Kent's Relevant Representation.

CPRE Kent would like to register as an Interested Party in the examination of the Sea Link Development Consent Order (DCO) and make this relevant representation. While the below represents CPRE Kent's currently-held views on the application documents reviewed so far, they are made without prejudice to any future representation we may make about the DCO Application throughout the examination process

Introduction

CPRE Kent is an independent charity that forms part of the national CPRE, the countryside charity. Across Kent, we represent 1,173 individual members and 173 parish councils, local amenity groups and civic societies. Our primary objective is to protect and enhance the beauty, tranquillity and diversity of the Kent countryside, ensuring it remains a thriving environment valued by everyone.

As a Kent-based countryside charity, our primary focus naturally lies on the Kent landfall elements of the project. However, this should not be taken to imply that we are indifferent to the wider impacts of the scheme elsewhere. We remain equally concerned about the effects of the proposals on Suffolk, as well as the substantial marine impacts arising from the scheme as a whole. In particular, we fully support and endorse the representations being made by our sister organisation, the Suffolk Preservation Society. While our representations may not directly address these matters, our silence should not be read as agreement or acceptance of these aspects of the scheme.

CPRE Kent recognises and strongly supports the need to 'rewire' the UK to achieve rapid decarbonisation of the energy sector. We appreciate the urgent priority placed on delivering nationally significant infrastructure projects (NSIPs) that will enable the transition to a sustainable, low-carbon energy system. However, it is crucial that this process prioritises the best overall net-zero solutions for the countryside, not merely those which are quickest or most economically convenient.

At a national level, CPRE is actively engaged with the Aldersgate Group and Renewable UK in advocating for a new, more integrated and strategic approach to energy infrastructure. We particularly welcome the ongoing development by the National Electricity System Operator (NESO) of a strategic spatial energy plan, which we believe is essential to ensuring future projects are genuinely coordinated and sustainable.

We do not, however, believe that the present approach being taken to energy infrastructure is being genuinely coordinated. Rather, CPRE Kent remains significantly concerned that an overly accelerated delivery approach risks placing excessive pressure on landscapes and ecosystems. Many areas of natural capital are already severely degraded, and further unmitigated environmental pressures threaten irreversible damage to the countryside's landscape and ecological assets. While the necessity of new energy infrastructure to support low-carbon lifestyles is evident, this must be progressed thoughtfully and in a comprehensively joined-up manner.

For CPRE Kent, it is essential that infrastructure decisions are balanced with ecological considerations. That is, while we accept the urgency of delivering net-zero infrastructure, we emphasise that this cannot justify bypassing rigorous environmental scrutiny. Currently, there remains insufficient strategic oversight to clearly understand optimal locations and actual infrastructure needs. CPRE Kent considers that the present approach risks significant overplanning, potentially resulting in unnecessary grid connections that could ultimately be avoided through a more considered and strategic timeline.

Against this context, CPRE Kent considers the submitted Development Consent Order (DCO) application fundamentally flawed.

Specifically, and in the context of Section 104 of the Planning Act 2008, it is our view that the application as submitted in not in accordance with the relevant National Policy Statements (primarily NPS EN-1, EN-3 and EN-5) and that the adverse impact of the Proposed Development would outweigh its benefits.

As will be demonstrated in this representation and through the examination process, CPRE Kent and others have identified multiple serious concerns regarding the Sea Link project in Kent. While each individual harm to the environment, landscape and local communities must individually be weighed against the scheme, it is only when these impacts are considered cumulatively that the full scale of harm becomes apparent. Taken together, the nature, extent and significance of these harms in our view render the choice of this single site wholly incapable of credible justification. It is therefore clear to CPRE Kent that the applicant has not undertaken any genuine or robust assessment of reasonable alternatives to the proposed Kent site. All our detailed concerns that follow must therefore be considered in light of this primary objection.

A summary of these concerns are as follows:

1) A failure to adequately justify the needs case
2) A failure to genuinely consider alternatives
3) A failure to apply the mitigation hierarchy correctly
4) Ecological and biodiversity impact
5) Use of overhead lines
6) Landscape impact
7) Loss of Best and Most Versatile Agricultural Land (BMV)
8) Amenity Impact
9) Impact upon an area of Dark Skies

We set out our detailed concerns on these issues below:

Failure to justify needs case

It remains our view that insufficient detailed information has been provided by the applicant to robustly justify the needs case for the Sea Link project at the proposed location in Kent. That is, while we acknowledge the overarching national policy framework provided by the National Policy Statements (NPS EN-1, EN-3, and EN-5), which broadly supports the development of critical national infrastructure to enable the UK's transition to low-carbon energy, it is our firm view that the applicant has not adequately evidenced why this particular location is the most suitable or necessary to meet this national priority.

In its Planning Statement (APP-319 Document 7.1) and Strategic Options Back Check Report (APP-320 Document 7.2), the applicant sets out a generalised narrative focused primarily on the urgent need for reinforcement of the electricity transmission network to support the transition away from fossil fuels and accommodate increased generation from renewable sources. Specifically, it is highlighted that electricity demand is predominantly concentrated in large urban areas, including significant centres such as those within the M62 corridor, the Midlands, the M4 corridor and, critically, the South East. Given this context, it would logically follow that transmission infrastructure should, where possible, be located close to these major demand centres to maximise efficiency and reduce environmental impacts associated with extensive transmission lines.

Despite the general assertions regarding network reinforcement needs, the applicant's specific justification for selecting the specific location remains limited. To CPRE Kent, this is particularly problematic given the significant environmental sensitivities associated with the chosen site. Pegwell Bay, the Minster Marshes and surrounding areas contain highly sensitive ecological habitats with national and international designations (SSSI, Ramsar, SAC and SPA). As set out below, these sites support substantial populations of protected species, including numerous Red- and Amber-listed birds and other critical wildlife populations. Put simply, as the potential for significant environmental impacts at this very specific location is exceptionally high, the need to be able to robustly justify the need for this specific location must also be exceptionally high.

Despite CPRE Kent raising similar concerns at each stage of the pre-submission consultation, it remains that the applicant's documentation continues to provide little more than broad references to the constraints of existing transmission networks. We still cannot see any detailed analysis or comparative assessments that really justify why it has to be the precise location that has been chosen. Where it is assessed, we get vagaries around alternative sites not being available or not cost-effective. What we don't have is the applicant convincingly demonstrating why the proposed Kent landfall, with its associated infrastructure, represents the best or indeed only viable option available. This is only adding to our concern that the applicant has not fully considered the broader cumulative environmental impacts or appropriately applied the mitigation hierarchy, particularly the fundamental step of avoidance.

Overall, it remains that the applicant still needs to provide robust and detailed justification for the selection of this highly sensitive Kent location. Without such justification, particularly regarding the proximity of infrastructure to significant urban demand centres as identified in paragraph 3.1.6 of the Strategic Options Back Check Report (APP-320 Document 7.2), we consider that the needs case for the project, as currently presented, is incomplete and insufficient.

Failure to consider alternatives

As set out in our introduction, CPRE Kent's overarching opposition to the proposed Sea Link project rests primarily on the basis that the applicant is still failing to provide a transparent, rigorous and fully justified explanation of why the option of landfall at Pegwell Bay with a converter station at Minster Marshes is the only option that has been **genuinely considered** for Kent.

While the applicant is right in its assertion that NPS EN-1 does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option, it does still explicitly require applicants to rigorously consider alternatives where significant environmental impacts are likely.

This policy position reflects legal position as reflected within the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). Specifically, Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 clearly requires that the Environmental Statement includes:

"A description of the reasonable alternatives studied by the developer which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment."

This is reinforced by the mitigation hierarchy articulated in the National Planning Policy Framework (NPPF) paragraph 180, which prioritises avoidance of impacts above mitigation and compensation.

Instead, it has been clear to CPRE Kent from the outset that the applicant's decision to progress this specific location was a predetermined decision with lip-service at best being paid to any actual alternative options or locations. Our consistent representations from 2023-2025 have sought to raise this as a concern. However, National Grid has persistently failed to provide transparent or robust assessments of potential brownfield sites, alternative landfall points or offshore grid integration options. Also, and as set out above, it remains that the applicant has provided very little by way of specific analysis explaining the need for this particular project in this location, with the technologies proposed.

CPRE Kent has considered the detail of the applicant's case, as set out within the Applicant's Planning Statement (APP-319 Document 7.1) and Strategic Options Back Check Report (APP-320 Document 7.2), However, it remains that there is a clear absence of credible justification for rejecting lower-impact alternatives, including options such as K1a (Broadstairs), identified by National Grid's own assessments as potentially preferable. Further, it remains that the applicant's reasoning is not substantiated by any meaningful cost-benefit analysis. It is also still the case that there is an inconsistent application of environmental constraints such as flood risk.

Likewise, and as previously stated, all north Kent coast landfall options (K2-K5) were seemingly ruled out on the basis of cost and complexity grounds more than environmental constraints. There are, however, no details provided as to the extent of these additional costs. It is stated that there are "few brownfield sites that could accommodate the technical parameters required for the converter station". What brownfield sites were considered but ruled out? What were the "technical parameters" used to rule out consideration of other potential brownfield sites? We asked these questions within our response to the statutory consultation, though it is the case they remain unanswered.

Instead, we have a proposed development that threatens significant damage to nationally and internationally protected sites, including Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), Ramsar sites and areas classified as Best and Most Versatile (BMV) agricultural land. As set out in more detail below, we firmly believe that the applicant has failed to properly apply the mitigation hierarchy by not prioritising avoidance of impacts. Instead, they have jumped straight to reliance on mitigation and compensation has been prioritised.

Also as set out in more detail below, the ecological sensitivity of Pegwell Bay and Minster Marshes has been significantly underestimated, as evidenced by incomplete pre-application surveys and inadequate viability assessments of proposed mitigation. CPRE Kent is not alone in highlighting serious flaws and gaps in the ecological data supposedly underpinning the

decision to go with landfall option K1 at Pegwell Bay. Notably, Suffolk's Energy Action Solutions ecologist notes that the applicant has failed to provide a comprehensive assessment of impacts on Habitats and Species of Principal Importance, in particular for hedges, ponds, Harvest Mouse, Brown Hare, Great Crested Newt and other species, which applies equally for the Kent scheme. Kent Wildlife Trust, meanwhile, points to suppression of ecological data, including significant under-reporting of Golden Plover counts, resulting in substantial underestimation of compensation requirements.

Likewise, and as set out in more detail below, we consider that the applicant's approach to flood risk is contrary to NPS EN-1 and EN-5. The sequential test has not been properly applied, with no clear evidence that sites in lower flood risk areas have been genuinely assessed. Instead, the applicant relies on engineered mitigation to justify development within areas that are known to flood, including access routes, which remain exposed to residual risks. In our view, this falls short of the policy requirement to demonstrate that flood risk has been avoided wherever possible and that safe operation can be maintained throughout the project's lifetime

Given these considerable deficiencies, CPRE Kent is of the view that National Grid has materially failed to meet its statutory obligations under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and national policy under NPS EN-1 and EN-5.

A failure to apply the mitigation hierarchy correctly

Underpinning CPRE Kent's overarching objection is our firm view that the applicant has failed to apply the mitigation hierarchy. As set out above, this is required under the Overarching National Policy Statement for Energy (NPS EN-1), the National Planning Policy Framework (NPPF) and Regulation 14(3)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Instead of demonstrating that harm has been genuinely avoided wherever possible, it is our view that the applicant is defaulting prematurely to mitigation and compensation.

At its core, NPS EN-1 requires that applicants *"include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development*" (para. 5.4.35). Where significant harm cannot be avoided, it must be adequately mitigated or, only as a last resort, compensated for. This sequential approach lies at the heart of the mitigation hierarchy, placing avoidance as the principal first step.

In reality, and for the reasons set out above, we really cannot agree that avoidance has genuinely been pursued by the applicant. The applicant asserts that the design has been shaped by "careful attention" to ecological constraints, but, again for the reasons set out above, this claim is not borne out by the evidence.

Further, even within the Order Limits themselves, it is our view that the applicant has failed to apply avoidance at the local scale. As we explore further below within our ecology and biodiversity comments, while the Limits of Deviation are sufficiently wide to allow repositioning of elements of the converter station, substation and associated infrastructure to avoid harm to key features, such as priority hedgerows, watercourses and open mosaic habitats, no such avoidance has been demonstrated

Equally troubling is the applicant's approach to protected species. Great Crested Newt (GCN), European Eel, Hazel Dormouse and several bat species have all been inadequately surveyed,

or in some cases not surveyed at all, with the applicant instead proposing to rely on licensing schemes or "precautionary working methods" in lieu of properly evidencing the ecological baseline. Again we go into more detail about this below.

However, even on the basis of the deficiencies in the baseline surveys alone, it is already evident that the extent of harm is not being properly assessed or quantified. This failure directly undermines the proper application of the mitigation hierarchy. As required by Regulation 14(3)(b) of the EIA Regulations, sufficient data must be gathered to enable a reasoned conclusion to be reached on the likely significant effects. It is our view that the applicant's approach of seeking to bypass detailed surveys in favour of generic management plans at a later stage cannot substitute for proper assessment of avoidance at this application stage.

Where mitigation is proposed, we have serious concerns as to how effective it is likely to be. For example:

- The chosen site for Functionally Linked Land (FLL) compensation west of the A256 is demonstrably unsuitable, as Kent Wildlife Trust and others have detailed extensively. Its proximity to major roads and urban infrastructure introduces light, noise and human disturbance entirely incompatible with the foraging and roosting requirements of target SPA species such as Golden Plover

- The applicant has materially under-reported Golden Plover numbers, using out-of-date baseline figures despite higher counts being recorded in subsequent surveys

- In relation to the four permanent culverts, the applicant has wholly failed to consider viable design alternatives such as bottomless or baffled culverts that would allow passage of European Eel – a critically endangered species whose full lifecycle requirements have not been assessed

- Similarly, there is an absence of any clear assessment or avoidance of impacts on ground-nesting birds from the converter station heightening, which will exacerbate raptor predation

Even if mitigation were to succeed – which remains highly uncertain – the project would still result in permanent, cumulative losses of Functionally Linked Land in combination with other nearby projects such as Solar Farms. As it stands, we are not convinced that this cumulative harm has been properly assessed or factored into the applicant's ecological balance.

It is also the case that several proposed mitigation measures rely on management commitments that are yet to be defined, secured or funded, and that offer no certainty of delivery. The use of such deferred management plans contradicts the clear requirements of NPS EN-1, which states at paragraph 5.3.18 that "development consent should not be granted where significant harm would result after applying the mitigation hierarchy".

Overall, it is CPRE Kent's view that the applicant's approach represents a wholesale failure to correctly apply the mitigation hierarchy. Its application of avoidance is superficial and selective, mitigation measures are speculative or unsubstantiated, and compensatory proposals are both ecologically inappropriate and legally non-compliant. Without proper baseline data, evidence-led avoidance and robust mitigation design, the applicant has not discharged its obligations

under NPS EN-1, the EIA Regulations 2017 or the Conservation of Habitats and Species Regulations 2017.

Ecological and Biodiversity Impact

CPRE Kent has concerns about the robustness of the mitigation proposed for some features of the Sea Link project. We also have concerns about the robustness of the protected species surveys and the adequacy of the Environmental Statement (ES) in relation to the proposed environmental protections, which we have listed below.

- The removal of 300m of hedgerow
- Destruction of a water ditch
- Permanent culverts
- Construction of a bridge
- Overhead cabling
- The spine road route
- Redacted and withheld protected species surveys
- Lighting
- Permanent outlets
- Environmental Statement is suboptimal

The Environmental Statement (APP-062 document 6.2.3.2 Chapter 2 Ecology and Biodiversity) does not fully address the environmental risks and plays down the significance of the development's impacts on this internationally protected site with its nationally and internationally protected fauna.

Hedgerow Removal

It is noted that impacts on hedgerows were assessed as temporary and therefore to be scoped out for the purposes of EIA assessment. This was on the basis that the converter station would be located within an arable field so would therefore not result in permanent loss of notable habitats. However, the Environmental Statement itself confirms that the construction of the Minster Converter Station and associated substation will result in the permanent loss of hedgerow.

Such linear features are important habitat corridors and form part of the wider ecological network functionally linked to the Thanet Coast and Sandwich Bay SPA, SAC, Ramsar and SSSI designations. The loss of these features, particularly given their connectivity value, cannot properly be regarded as insignificant or readily mitigated

Great Crested Newts (GCN)

While it is noted that it has been agreed with Natural England (NE) that any impacts on GCN are to be addressed through the District Licensing Scheme, we have serious concerns about the position that no surveys are to be conducted.

GCN is a protected species in the UK and protected under European law Annex IV of the European Habitats Directive – it is illegal to kill, injure, disturb or damage its habitat; this refers to all life stages, including eggs. This species is in continuous decline and while the district-level licencing is to allow for habitat creation the scheme is designed to balance the need for development with the protection of the species and therefore the developer is still required to

demonstrate that all reasonable measures have been taken to avoid or minimise harm to GCN. Without having carried out any GCN surveys to establish presence/absence of this protected species, how can the applicant demonstrate that all reasonable measures have been taken?

Phase 1 Habitat Survey

No botanical survey has been conducted as far as we are aware.

The Phase 1 habitat survey has been heavily redacted, so it is very difficult for us to assess the Badger situation on site. We requested an unredacted version of this survey and were met with a rebuttal despite our assurances that the information would remain confidential. We are well used to receiving unredacted Badger reports, as we did for the Lower Thames Crossing NSIP, where we were asked to sign a non-disclosure agreement. We therefore request to see an unredacted Phase 1 habitat report and any subsequent report involving Badgers.

Terrestrial Invertebrates

Surveys were conducted in May, June and September for both terrestrial invertebrates and aquatic invertebrates. The optimal time to survey aquatic invertebrates is January to March and October to December. Therefore, the aquatic surveys are suboptimal and should be repeated at the correct time of year.

The applicant fails to recognise the defunct Hoverport as being a priority habitat. The Hoverport, being open mosaic habitat on previously developed land, is likely to support a diverse assemblage of invertebrates including the Fiery Clearwing and Sussex Emerald, yet no terrestrial invertebrate survey has been carried out at this site as far as we are aware. Due to the high potential biodiversity value of this site, we would expect it to be assessed accordingly.

The Hoverport also supports several orchid species such as Man orchid, Southern Marsh Orchid and Bee Orchid; therefore we would expect a botanical survey to have been conducted by a suitably experienced surveyor.

Breeding Bird Survey

The Breeding Bird Survey report states that four suitably qualified surveyors surveyed the area, whereas the Environmental Statement claims that only two suitably qualified surveyors were utilised. This needs clarification.

Table 1.3 of the Environmental Statement Appendix 3.2D (APP-150 document 6.3.3.2.D ES Appendix 3.2D Breeding Bird Survey Report 2023) detailing high tides and weather conditions are all morning times; there are no details for the evening survey. The report states that six visits in total were carried out, with one evening survey, yet all six listed are morning surveys. This needs clarification.

Table 1.3 of the Environmental Statement Appendix 3.2E (APP-151 6.3.3.2.E ES Appendix 3.2E Breeding Bird Survey Report 2024) details the date of the fourth visit as being 02/05/24, yet Annex 2.E.1 Detailed Survey Data (APP-151) lists visit four as having been carried out on 03/05/24. This needs clarification.

Bird Vantage Point Survey

One of the key target species is Golden Plover. The graph entitled Total Flightlines Recorded (Target Species) below paragraph 14.5 (APP-152 document 6.3.3.2.F ES Appendix 3.2.F Vantage Point Survey Report) does not list Golden Plover, which therefore was not observed. Could this be because the two vantage point locations were not adequate to record a qualifying species of the SPA?

It is also worth noting that this survey was carried out only with existing overhead cables; the proposed development would place a further 3.5km of overhead lines that the birds would need to navigate.

Existing Overhead Line Bird Mortality Survey

The contents of the Overhead Line Mortality Monitoring Survey Report are noted (APP-153 document 6.3.3.2G Appendix 3.2G).

It is highly likely that there would be under-recording of the mortality of birds due to scavenging and the difficulty of locating the birds' carcasses; for instance a portion of killed birds is likely to have landed in the water and either been scavenged from there, sunk or been carried away by the current. The heterogeneity of the surveys can also be a contributing factor.[1] Studies have suggested a survey effort of more than once a week. Furthermore, this survey would not account for injured birds that could still fly and therefore might die elsewhere.

Detection methods not adopted for this survey include technologies such as loggers, sensors and automated collision detection methods such as lidar, radar and cameras placed at strategic points along a fixed transect.

Limits of Deviation (LoD)

Under Table 2.10 Flexibility assumptions (APP-062) the lateral LoD for the converter station and substation states that in practice these two constructions could be laid anywhere within the lateral limit of deviation and as the LoD is a single, large arable field this does not materially affect the ecological assessment. If this is so, then why the need to remove 300m of hedgerow and a ditch? Could the two structures not simply be moved somewhere less damaging where removal of priority habitat is not necessary?

The Vertical LoD has been scoped out as not relevant to ecological assessment. We disagree; the height of the converter station and substation is of material concern due to the proximity of ground-nesting birds and the vantage point it provides for raptors.

Non-breeding Birds

At paragraph 2.7.28 (APP-062) the peak count of Golden Plover in the 2022/23 survey was 370 individuals and the peak count in the 2023/24 survey was 421 individuals. Therefore, why has the lesser figure from the older survey been taken as the baseline for mitigation? Both of these peak figures were counted on one particular day, with high numbers of foraging individuals counted on all other days at low tide. Therefore, the mitigation should be appropriate to

accommodate at least 421 individuals taken from the most recent survey data of 23/24 and if we add the 13 inland individuals counted this takes the figure to 434.

Hazel Dormouse Survey

The various reports (APP-062 and APP-159 document 6.2.3.2.M Appendix 3.2.M Hazel Dormouse Survey Report) state that no records in the past 10 years were returned by the Kent and Medway Biological Records Centre (KMBRC). This is likely to be because of restricted access to private land. If there is no access or permission to carry out surveying, then no historical records would be created. Absence of evidence is not evidence of absence.

We find the Hazel Dormouse survey report to be less than transparent and it seems despite the surveyors being sure when they found a Wood Mouse nest, they became less sure when encountering a 'possible' Dormouse nest. A competent and suitably licensed Dormouse surveyor should be sure with the majority of the nests they encounter, whether they are created by Dormice or not. We feel this is an attempt to run down the site as a possible habitat supporting Dormice. We find it highly unlikely that there would be no Dormice, or even very few Dormice, present on a site as large as this with excellent connectivity.

When we visited the site, we found a lot of Dormouse nesting tubes had been damaged or incomplete. Furthermore, July, while within the optimal window for surveying, is late in the season to set out nesting tubes or boxes. Nesting tubes should be checked from April to November and thus set out ideally at the end of the previous season to bed in over winter. By July, any Dormice would have been likely to have created nests; therefore, it is highly unlikely the tubes would be utilised in the first season of surveying. This means that the only two months that are optimal for surveying were the following season's checks in 2024, providing only two months' worth of optimal checks. By November, Dormice are beginning to look for somewhere to hibernate; thus, any Dormice likely to be found are dispersing adolescents.

Badger

In order that we can fully assess the situation with Badgers across the Site we would need to see sight of the unredacted version of the Badger Reports (APP-062).

Bats

Within the Environmental Statement (APP-062), five trees were identified as having the potential to support roosting bats, with none earmarked for felling. However, the ES goes on to mention that three boxes will be provided for each tree with moderate bat roost potential to be felled and five boxes for each tree with high bat roost potential to be felled. Are trees with bat roost potential to be felled or not? This needs clarification.

Bats quite clearly utilise the whole of the Site, especially along both sides of the river. This puts them at significant risk of collision from OHL. The mitigation proposed for birds such as deflectors would not necessarily work for all bats, which use echo location to navigate and not sight.

The lighting is highly likely to negatively affect bats' foraging behaviour and activity. With today's modern AI cameras, lighting is not an essential requirement and if it was absolutely necessary then motion-sensitive lighting would be preferable.

Eels

Anguillid Eels are a diverse taxonomic group consisting of 19 species and subspecies, including the European Eel. This unique species relies on inland waters to grow and mature into adult Silver Eels, at which stage they migrate back to the Sargasso Sea to spawn. Eels play a vital ecological role as predator, prey and indicator species for freshwater biodiversity.

The International Union for the Conservation of Nature (IUCN) has found that six of the Anguillid Eel species have undergone rapid decline in recent years and are threatened with extinction. European Eel populations have fallen even more than other species and it is the only one listed as Critically Endangered. Barriers to migratory routes, such as culverts, are cited as one of the contributing threats to this rapid decline, along with pollution, over-exploitation, climate change and other factors.

Eels only reproduce once in their lifetime, making them especially vulnerable.

In relation to culverts specifically, Cutts *et al* 2024 (Eel Conservation in Inland Habitats: Global evidence for the effects of actions to conserve anguillid eels) cite the following: "*The greatest threats to anguillid eels from residential and commercial development tend to be from habitat destruction, pollution, and impacts from activities related to energy production and transportation".* They continue: *"A culvert is a structure built to channel water beneath roads, railways or other infrastructure. Culverts can pose significant barriers to anguillid eel migration, due to factors like high water velocities, debris accumulation, and elevated outlets that prevent eels from entering or escaping (Larinier 2002). In some cases, the complete removal of culverts may be the most effective solution for restoring natural water flow and re-establishing uninterrupted migration routes for eels."*

It has been suggested in a study by Balkham *et al* (2010) and Feurich *et al* (2011) that using a bottomless or three-sided culvert, or placing substrate or baffle within a culvert to reduce water velocity and provide refuge, may aid the Eels. Whatever adaptations developers make to culverts to facilitate the passage of migrating Glass and Silver Eels, work should be timed to avoid the annual elver run (February through June).

Mitigation

The clearing of ditches to instal the culverts would need to address several faunal, namely Water Vole, nesting birds, reptiles, Eels and macrophytes, needs at certain times of the year and inevitable clashes with timings. Certain months of the year are more sensitive for some species than for others. So, for vegetation clearance the ES suggests September to October is best for nesting birds and Water Voles but then suggests February to April, which would clash with the nesting bird season. It then goes on to say if none of the above are present then vegetation clearance can take place outside of these windows. While Water Voles and nesting birds have been considered here, the migratory times for Eels apparently have not.

Glass Eels migrate from February through June, peaking around April from the sea upstream to fresh waters. Silver Eels migrate downstream towards the ocean from August to December. To create the culverts, the river or ditch would need to be dammed.

The ES suggests at the section on Embedded Measures at paragraph 2.8.5 (APP-062) that "*drainage outfalls will be designed to exclude eels from accessing the Drainage Systems*

(SuDS), for example by having outfall pipes situated above the receiving water level". However, the water level is likely to fluctuate depending on tide and rainfall and Eel behaviour has not been considered. More mitigation such as screens and appropriate bar spacing should be designed to prevent Eels from being entrained.

No timings have been offered for clearance of hedgerows in relation to Dormouse activity, only that a precautionary method would be followed, which is meaningless. There should be more information in relation to considering the activity of Dormice, hibernation and breeding, with method of hedgerow removal and timings laid out in full.

The ES states at paragraph 2.9.31 (APP-062) that to minimise the area of the SSSI subject to noise disturbance in any season, the site preparation, earthworks and foundation creation for both the converter station and substation and permanent access are "programmed" to avoid the March to June period and, in so doing, avoid the nesting season. The nesting season runs from March through to the end of August, with peak times during March and July. We therefore disagree with the assessment of "minor adverse" and it being not significant.

The ES goes on to say at paragraph 2.9.85 (APP-062) that the construction for the converter station and substation would occur late February 2029 and late April 2030 and would therefore coincide with the Cetti's Warbler nesting season. However, the applicant states that if Cetti's Warbler chooses to nest in ditches adjacent to the construction works it can be "assumed" they are not disturbed by the ongoing works.

This demonstrates a misunderstanding of this bird's behaviour. Cetti's warblers are known to have strong attachments to their territories and nesting areas. They often return year on year to the same nesting site, where the males will re-establish their territories.

The Golden Plover mitigation, paragraph 2.9.185 (APP-062), includes the use of insecticides with the statement that *"Insecticides that affect soil invertebrates will not be applied"*. We are unaware of any insecticide that would not affect insects that reside in the soil. The whole point of insecticides is that they negatively affect insects.

The insecticides intended to be used are listed below, along with their negative effects on biodiversity.

Amidosulfuron: A broad-spectrum herbicide that can be toxic to aquatic and terrestrial species. It has a high potential to leach into groundwater.

Clodinafop-propargyl: Can affect the environment and human health, with possible carcinogenic links. Poses a severe risk to aquatic life and has moderate toxicity to biodiversity, especially mammals.

Fenoxaprop-P-ethyl: A post-emergence herbicide. Can affect aquatic life and potentially humans, with moderate effect on mammals, fish and aquatic invertebrates. [2]

Tri-allate: Can have significant effects on the environment, especially aquatic invertebrates and small mammals. It can persist in the environment so accumulate over time with consistent use. It is classed as toxic to aquatic life with long-lasting effects. Potential for the metabolites to affect ground water.

It is clear that these herbicides and insecticides, while legal to use, are likely to have a negative effect on the surrounding environment. We do not feel convinced that the use of any herbicide or insecticide would be beneficial within this sensitive habitat, especially in a known wetland area. Therefore, we would like there to be assurances that no herbicide or insecticide will be utilised

Use of Overhead Lines

CPRE Kent strongly objects to the proposed overhead lines and associated pylons as currently proposed at Minster Marshes, primarily in terms of landscape and environmental harm. As set out within the planning statement, some 3.5 km of new HVAC overhead line is proposed, comprising two separate sections totalling this distance, replacing about 2.2 km of existing overhead lines.

CPRE Kent simply cannot comprehend why the applicant is not taking the wholly reasonable and straightforward step of undergrounding the cables at this location, particularly given the relatively short length involved and the sheer scale of public concern that the proposed overhead lines at this highly sensitive location are rightly causing

Despite repeated requests for clarification, the applicant continues to assert that undergrounding this section of cables has been discounted due to unspecified *"technical issues"* relating to flooding or hydrological constraints. To date, these claims remain unexplained. If such technical constraints are genuinely insurmountable, this once again raises questions regarding the appropriateness of siting the converter station and substation at such an ecologically sensitive location.

As we have consistently stated in earlier submissions and set out in detail below, the proposed converter station and substation alone are likely to result in significant landscape impacts across a number of identified viewpoints. The addition of the overhead lines and pylons would clearly exacerbate these impacts, creating further visual intrusion and substantially altering the character of this valuable and sensitive landscape. Given the nature of the marshland setting, introducing such industrial-scale infrastructure at height would significantly compromise the tranquil and open character of the surrounding countryside.

In terms of environmental harm, our overriding concern remains that the proposed overhead lines and pylons, specifically in this chosen location, would significantly increase the risk of bird strikes and fatalities, far exceeding what could otherwise reasonably be expected. It is acknowledged in the Government's National Policy Statement EN-5 that overhead lines present a known collision and electrocution risk to large birds, particularly swans, geese, gulls and waders, especially near coastal and riverine areas. This risk is markedly higher during periods of poor visibility and throughout spring and autumn migration periods.

Specifically, NPS EN-5 para 2.10.1 states:

The applicant should consider and address routing and avoidance/minimisation of environmental impacts both onshore and offshore at an early stage in the development process.

NPS EN-5 para 2.10.2 goes on to state:

Careful siting of a line away from, or parallel to, but not across, known flight paths can reduce the numbers of birds colliding with overhead lines considerably.

Given this acknowledged risk, the decision by the applicant to propose overhead lines at Minster, a site directly within a known and critical migratory bird flyway, seems particularly ill-judged.

This specific location would include the construction of a double-circuit overhead line crossing directly over the River Stour. Such infrastructure would effectively create a hazardous barrier or 'fishnet' of overhead lines and pylons precisely at a point where many thousands of birds move between feeding, roosting and migratory stopover areas. The devastating incident at nearby Monkton in January 2003, when at least 177 Mute Swans were killed after colliding with overhead power lines, provides a stark, real-world indication of the potential catastrophic outcomes of installing overhead lines at this location.

Additionally, the proposals indicate that these overhead lines and pylons would cross a grass meadow left uncultivated for the past two decades, enhanced by wetland scrapes created in 2018 as part of Higher-Level Stewardship. This habitat is functionally linked to the nationally and internationally significant Sandwich and Pegwell Bay National Nature Reserve (NNR) and is critically important in providing refuge for waterfowl displaced from these nearby designated areas during high tides or adverse weather conditions. To jeopardise the viability of this meadow by installing pylons and overhead lines represents an environmentally irresponsible approach that contradicts statutory conservation objectives.

Further upstream, the ecologically rich Stour Valley, including Stodmarsh NNR, lies within the regular commuting corridor for a wide variety of birds. The cumulative impacts arising from installing overhead lines along such an important ecological corridor would clearly be significant and unacceptable.

Under the Electricity Act 1989 (Section 38 and Schedule 9), National Grid has explicit duties regarding environmental protection and is required to conserve flora and fauna and to mitigate, as far as reasonably possible, any adverse impacts resulting from its projects. In our view, pursuing overhead lines at Minster, without providing detailed evidence of comprehensive consideration of feasible alternatives, including undergrounding, constitutes a clear breach of this statutory obligation.

To date, no publicly available documents demonstrate sufficiently that a genuine assessment or evaluation has taken place in relation to undergrounding at Minster. CPRE Kent remains unconvinced that this vital stage of the process has been properly conducted.

Given the substantial and demonstrable landscape and ecological harms associated with the overhead line proposals at Minster, combined with what must surely represent only a modest cost differential for undergrounding this relatively short section, we reiterate our view that undergrounding must be urgently reconsidered. If it is genuinely the case that technical issues preclude undergrounding, these must be clearly evidenced and transparently communicated. Should this remain impossible, alternative locations for the substation and converter station, outside of this ecologically sensitive corridor, must be fully explored and presented.

Landscape and Visual Impact

We believe that the proposed development will have significant effects on the local landscape in its own right, and on views and visual amenity.

The proposed converter station and Minster substation are to be located in adjoining buildings, which will be read in the landscape as a single, large-scale slab of a development. It is understood that the buildings have been raised 2m to mitigate against the risk of flooding.

These buildings are to be 28m (converter station) and 20m (Minster substation) in height, as set out in the Environmental Statement (APP-243 document 6.4.3.1 ES figures Kent Landscape and Visual Part 4 of 4). It is noted, however, that the drawings set out in the Environmental Statement (APP-240 document 6.4.3.1 ES figures Kent Landscape and Visual Part 1 of 4) indicate that both buildings will be 28m high. These buildings are shown at figure 6.4.3.1.3 of the Environmental Statement (APP-240) to be located in the National Character Area 113 (the North Kent Plain).

This includes the Kent Character Area of the Wantsum and Lower Stour Marshes.
The Kent Character Area of the Wantsum and Lower Stour Marshes is subdivided locally to include the Thanet District Council Landscape Character Areas B1 (Wantsum North Slopes) and E1 (Stour Marshes) and the Dover District Council Landscape Character Assessment area A2 (Ash Levels) – see figure 6.4.3.1.4 of the Environmental Statement (APP-240 document 6.4.3.1 ES figures Kent Landscape and Visual Part 1 of 4).

The Wantsum and Lower Stour Marshes Character Area (Ash Levels) wraps around Landscape Character Area H1 (Richborough Bluff). This is the site of the Roman fort and amphitheatre at Richborough Castle, a Scheduled Monument.

The Minster Marshes and the Ash Levels are open low-lying marshland landscapes where development is typically sparse. Figure 6.4.3.1.1 in the Environmental Statement (APP-240) confirms that the site lies 1.87m below sea level.

There will be significant effects on the Landscape Character Areas of the Wantsum North Slopes (B1), which looks out across the Stour Marshes (E1), and on the Landscape Character Area of the Richborough Bluff (H1) which looks out across the Ash Levels (A2).
The effects of the converter station and Minster substation will be exacerbated by the provision of high-voltage overhead lines, which will be in addition to the existing concentration of pylons in the area.

The proposed works will dominate the local landscape. It is not accepted that by virtue of the alleged proximity to the Richborough Energy Park that the impact of the proposed development will be lessened. The Richborough Energy Park is located some distance to the south-east, such that the siting of the proposed energy infrastructure will appear as an isolated form, in a distinctive low-lying, sparsely developed area.

Figure 6.4.3.1.6 of the Environmental Statement (APP-240) sets out on a map base the location of the 14 representative viewpoints described by the applicant at Table 1.10 of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual).

Table 1.10 notes that there will be high impacts from viewpoints 2 (Pegwell Bay) and 8 (the viewing tower at Richborough Roman Fort).

In our opinion there will also be high impacts from the Wanstum north slopes, which includes viewpoints 4 (from the PRoW east of Minster), 5 (the junction of Grinsell Hill/Ebbsfleet Lane) and 11 (Thorne Hill, south of the A299).

Photo montages (visualisations) in the Environmental Statement (APP-241, document 6.4.3.1 ES figures Kent Landscape and Visual Part 2 of 4 and Part 3 of 4) demonstrate this visual impact:

- Viewpoint 4: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 5: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 8: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 11: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development

Figure 1 of Outline Landscape and Ecological Management Plan (APP-349 document 7.5.7.2) provides an aerial photograph showing proposed plant/landscape mitigation to the margins of the proposed buildings. This provides the context for the year 15 summer visualisations.

At paragraph 1.8.3 of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual) it is stated native planting will be used to provide structural screening to the converter station and substation, “whilst providing containment to the converter station and substation site so that it appears visually connected to the Richborough Energy Park rather than the wider marsh landscape”.

We are of the firm view that by virtue of the large-scale nature and location of the proposed energy infrastructure, its impact is incapable of being mitigated. It speaks neither to the Richborough Energy Park nor to the marshland landscape of Minster Marshes or Ash Levels.

A further disservice is given to these Landscape Character Areas by virtue of the impacts being considered on an individual District character area by District character area basis, rather than as a whole in the context of the Kent Character Area of the Wantsum and Lower Stour Marshes.

The applicant sets out its assessment of the likely significant impacts of landscape and visual receptors at Appendix 3.1.C of the Environmental Statement (APP-145). A summary is provided at Table 1.11 for construction/decommissioning, Table 1.12 (operation and maintenance, year 1) and Table 1.13 (operation and maintenance, year 15) of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual).

It should be noted that the summaries provided are just that: summaries. There is a risk that the understanding of impacts will be unwittingly underplayed – although commentary is provided for landscape receptors within the Environmental Statement (APP-061 document 6.2.3.1 Part 3

Kent Chapter 1 Landscape and Visual) from paragraph 1.11.2 (construction), 1.116 (year 1) and 1.11.9 (year 15); and for visual receptors from paragraph 1.11.10 (constructions), 1.11.14 (year 1) and 1.11.18 (year 15) for visual receptors in terms of the magnitude of the likely significant effect and the significance of that effect (significant/not significant).

For instance, it is claimed that for Landscape Character Area B1 (Wantsum North Slopes) construction traffic is not considered to be dissimilar to typical agricultural machinery on arable fields. We would query whether the nature of agricultural traffic movements has been quantified in terms of size of vehicle and frequency of movement. Without knowing this or the nature of the proposed construction vehicles, it is impossible to make such a claim – see page 3 of Appendix 3.1.C of the Environmental Statement (APP145) – before concluding that there would be a minor adverse/not significant impact.

This comparison/underplaying of the impact of construction vehicles is repeated in the consideration of the landscape impacts across other LCAs.

Furthermore, it is claimed that for Landscape Character Area E1 (Stour Marshes) and at other LCAs at year 1 there would be a moderate adverse/significant impact where the converter building and substation would be located – including permanent loss of vegetation and loss of openness as a result of the addition of energy infrastructure. It is then claimed that this impact would be lessened by proximity to, among other things, Richborough Energy Park. In essence, adding more energy infrastructure to the existing energy infrastructure will result in a lesser landscape impact – see page 12 of Appendix 3.1.C of the Environmental Statement (APP145). This doesn't make sense.

There is also a claim at page 12 of Appendix 3.1.C of the Environmental Statement (APP145) that "the raised platform associated with Minster Converter Station and Substation would not be dissimilar to the bunded topography associated with the small, embanked reservoirs which are a feature within arable fields". We query whether this is a generalisation or whether there is actually evidence of such reservoirs within this particular landscape character area.

With regard to the proposed towers and HVAC OHL, it is noted that these "affect long uninterrupted views; however, this concentration of wirescape would be within the context of the existing towers and OHL which comparatively lessens the effect".

Again, a case of more energy infrastructure apparently resulting in less of an impact to the landscape.

At page 13 this section continues that the overhead lines would bring pylons closer to the River Stour and Saxon Shore Way, which is dismissed as a localised perceptual change on this recreational route. This cannot be a true representation of the facts. There will be a massive change to the enjoyment of this route because of the increased concentration of wirescape in the locality, which will be exacerbated by the use of higher towers.

Rather bizarrely, by year 15 we're told that the landscape effect will be minor adverse/not significant – see page 14 Appendix 3.1.C of the Environmental Statement (APP145) – by virtue of the fact that "the landscape planting once established would provide a degree of containment to the permanent infrastructure… ensuring that the overall sense of identity and distinctives of the marshland landscape is retained".

We cannot agree that the landscape impact will not be significant be year 15, as the photo visualisations clearly tell a very different story – see APP-242 document 6.4.3.1 ES Figures Kent Landscape and Visual Part 1 of 4.

It is noted that the applicant does not consider the temporary diversion, or permanent footpath diversion of footpaths (TE37 and TE39), to affect recreational access (see page 11 of APP-145 document 6.3.3.1.C Landscape Designation and Landscape Character Assessment). However, any temporary (or permanent diversion) will by its very nature have a deleterious impact on users' enjoyment of these routes.

In fact, there is a whole series of PRoWs that will be impacted by the proposed development. These are:

- TE39 – Brook Lane, running south from the railway line (temporary or permanent diversion)
- T37 – south of the railway line (temporary diversion during construction works)
- TE40 – north of the railway line to Minster; in addition
- the Grinsell Hill road north of the railway line is promoted by Kent County Council as a PRoW route (which runs from Cliffs End via Cottington Road to Minster and then Monkton, St Nicholas and up to the coast and then back round in a loop via Birchington, Margate, Broadstairs and Ramsgate). This is the Viking Coast Trail stretching 27 miles from Sandwich to Reculver and the East Coast Path National Trail (King Charles III England Coast Path) from Ramsgate to Whitstable https://explorekent.org/activities/viking-coastal-trail/ .
- TE26/EE2 - Saxon Shore Way to the south (being the closest PRoW to the proposed buildings).

In terms of the impact on visual amenity, it is noted that the applicant concludes there will be a likely significant effect on viewpoints 3, 4 and 5 (construction); 4, 6 and 11 (year 1); and 4, 5 and 6 (year 15).

In none of the scenarios is the impact on viewpoint 8 (Richborough Castle) considered likely to be significant, when the impact of the proposed development will have a very similar impact as that documented for the northern viewpoints

Loss of Best and Most Versatile Agricultural Land (BMV)

CPRE Kent maintains that the loss of Best and Most Versatile Agricultural Land (BMV) arising from the Sea Link project should carry significant weight in the decision-making process. The applicant's Planning Statement acknowledges that approximately 50.11% (85.01 hectares) of the land within the Kent onshore scheme is categorised as BMV, primarily comprising Grade 3a land (53.36 hectares), and that some 12.21 hectares will be permanently lost, which it accepts is significant (Planning Statement, APP-319 – Document 7.1 paragraph 7.9.12).

As previously outlined, the applicant has failed to demonstrate that alternative sites – especially those on lower-grade agricultural land – have been adequately considered or dismissed. This omission runs counter to the national planning mitigation hierarchy, which mandates that avoidance of environmental harm must take precedence over mitigation or compensation.

CPRE Kent has consistently objected to the loss of Best and Most Versatile Land (BMV) in planning applications in Thanet, reflecting our firm belief that Grade 1 and other BMV land should

be safeguarded as a strategic national asset contributing significantly to food security. CPRE research confirms a loss of more than 14,000 hectares of prime agricultural land since 2010, seriously undermining the UK's ability to maintain domestic food production (CPRE Report Back to the land: rethinking our approach to soil). Further, CPRE policy emphasises that Grades 1-3a are the country's most valuable farmland and should be protected unless no lower-grade alternatives exist.

The impact extends beyond direct land-take given the indirect consequences of severance and fragmentation on surrounding agricultural enterprises. More fundamentally, the location of the proposed converter station and substation near Minster could act as a catalyst for further energy infrastructure such as solar farms and battery storage, which will exacerbate pressures on BMV land. CPRE nationally advocates for a strategic land-use framework to prevent piecemeal encroachment on agricultural resources. This framework supports integrated decision-making to protect agricultural capacity in the face of infrastructure expansion.

In the specific context of Thanet, the permanent loss of Best and Most Versatile Land (BMV) must be given significant weight in the planning balance. Thanet is uniquely constrained, being surrounded by the sea on three sides, and contains some of the country's most exceptional Grade 1 agricultural soils. These soils, coupled with Thanet's maritime, relatively frost-free, climate, create a rare agricultural resource of national significance that is irreplaceable in food production terms. As CPRE Kent has consistently highlighted, much of the country's remaining BMV land is increasingly threatened by flooding, making Thanet's remaining high-grade land all the more precious and strategically important

The pressures on Thanet's BMV land have already reached unsustainable levels, with very substantial areas of greenfield, predominantly BMV land, already allocated for development within the adopted Local Plan. Moreover, incremental losses, even where individually small, collectively erode this finite resource with profound consequences for national food security, a concern CPRE's national 'Building on our Food Security' report has repeatedly emphasised. Once such high-quality land is developed, it is lost forever to productive agriculture.

In the National Policy context, NPS EN-1 and EN-3 explicitly require developers to "*minimise impacts on the best and most versatile agricultural land… and preferably use land in areas of poorer quality"* . Indeed, paragraph 2.10.30 of EN-3 reaffirms that the use of Grade 1, 2 and 3a land must be avoided "*where possible"* and only justified with compelling evidence. Simultaneously, the NPPF is unequivocal: *"where significant development of agricultural land is necessary, areas of poorer-quality land should be preferred to those of a higher quality"* and BMV land must be recognised for its ecosystem services and food security importance

Accordingly, it is CPRE Kent's firm view that the loss of BMV must weigh significantly against the proposal.

Failure to undertake a sequential approach to flooding

NPS EN-1 (Section 5.8) and EN-5 (Section 3.7) both require applicants to assess flood risk comprehensively, addressing all potential sources of flooding over the entire lifetime of the proposed nationally significant infrastructure. In this instance, the applicant is seemingly relying on a site-specific Flood Risk Assessment (FRA), which focuses primarily on engineered mitigation measures to demonstrate that the site can be made safe.

However, CPRE Kent believes that this is contrary to the NPS policy framework, which makes it clear that the preferred approach is to avoid areas at risk of flooding wherever reasonably practicable, in line with the sequential approach advocated by EN-1 paragraph 5.8.13, which states:

"The applicant should seek to avoid flood risk through sequential site selection. Preference should be given to locating projects in areas of lowest flood risk (Flood Zone 1). If there is no reasonably available site in Flood Zone 1, then sites in Flood Zone 2 can be considered, applying the sequential test as appropriate. If, following application of the sequential test, there is no reasonably available site in Flood Zones 1 or 2, then sites in Flood Zone 3 can be considered, applying the exception test as appropriate. Where flood risk cannot be avoided through site selection, applicants will need to demonstrate that appropriate mitigation measures are in place and that residual risk is acceptable."

As per our comments above in relation to failure to consider alternatives, we feel that lip-service at best has been given to genuinely demonstrating alternative locations with a lower risk of flooding have been properly considered.

Even where mitigation might reduce on-site flood risk, EN-1 paragraph 5.8.17 requires applicants to demonstrate that the development would remain safe and operational under flood conditions for its full lifetime, taking account of climate change, and that any residual risks can be safely managed. This includes ensuring that safe access and egress can be maintained during flood events, and that any impacts on emergency services would be acceptable. In this instance, elements of the proposed development, including access routes and ancillary infrastructure, remain exposed to identified flood hazards, with no satisfactory evidence that safe access can be secured throughout the project's lifetime.

From our review of the documents, we can see no substantive evidence that any meaningful engagement has taken place with the Local Planning Authority or Environment Agency to establish appropriate search areas, nor is there any comparison with lower-risk sites located within Flood Zone 1 or outside high-risk flood areas. Instead, the application appears to treat flood risk as a technical matter to be managed through design mitigation alone, bypassing the policy requirement to locate development, so far as reasonably possible, away from areas subject to flood hazard.

Amenity Impact

As set out within our response to the Statutory Consultation, CPRE Kent previously raised significant concerns regarding the Applicant's failure to provide meaningful detail on the likely amenity impacts arising from the construction phase of this development. Instead, we were told that much of the relevant information, including specific construction methods, programme detail and mitigation proposals, was deferred to future stages via Construction Method Statements and similar documents to inform the Environmental Statement (ES) only at the DCO submission stage.

In the event, it now seems to be the case that the application relies solely upon high-level Outline Construction Environmental Management Plans (APP- 340 Documents 7.5.3 and 7.5.2) and a generalised Code of Construction Practice (APP-341 Document 7.5.3.1 Appendix A to the CEMP), with all material detail deferred to future approval following consent. As confirmed at paragraph 4.6.1 of the Planning Statement (APP-319 Document 7.1) full Construction Method Statements will only be prepared after grant of consent, at the detailed design stage, pursuant

to DCO Requirements. Consequently, critical matters such as construction phasing, site layouts, traffic routing, amenity protection measures and site-specific working methods remain unknown, meaning that the full scale of amenity impacts during construction cannot be properly assessed at this stage

That the applicant does confirm that construction working hours are now proposed to extend to include Sundays and Bank Holidays probably, however, tells us all we need to know as to what the attitude to amenity impact would be when it did come to the post-consent discharging of details. That is, to CPRE Kent this seems to confirm the absence of any meaningful regard for the significant amenity and well-being impacts that this project would impose on the local community for what would be a sustained and prolonged period. In practice, what is now proposed would result in virtually continuous construction activity throughout the week, removing entirely the limited degree of respite that might otherwise have existed for local residents, visitors and indeed wildlife.

Clearly removing the single bit of respite being offered to the local community and wildlife is going to exacerbate the already significant negative impact of the project, but seemingly the trimming of profit margins is more important than this.

Dark Skies

CPRE has long been a leading voice in the campaign against light pollution. We have a special interest in this issue: darkness at night is one of the key characteristics of rural areas and represents a major difference between what is rural and what is urban. NPPF 185(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes and nature conservation, and to limit the impact of light pollution from artificial light on local amenity. This duty has been further reinforced by statutory guidance, which requires local planning authorities to assess not just where light falls, but when and how much, with particular care in areas of intrinsic darkness or ecological sensitivity.

The application site lies within one of the few remaining enclaves of dark skies in Thanet District, as clearly shown in CPRE's interactive map and CPRE Kent's 2016 analysis, which identifies Thanet as experiencing some of the county's darkest rural legacy.

It is therefore deeply concerning that, despite this acknowledged sensitivity, the Planning Statement (APP-319 Document 7.1, para 7.15.21) offers only a cursory acknowledgment of light pollution risks, referring vaguely to future detailed design and mitigation to be secured at the Discharge of Requirements stage under the DCO. Indeed, the Planning Statement accepts that final lighting designs would not be produced until after the grant of consent and are entirely reliant on later approval of post-consent Construction Environmental Management Plans (CEMP) and Operational Environmental Management Plans (OEMP) pursuant to Requirements 8 and 24 of the Draft DCO (APP-007 Document 3.1).

In short, there is no firm commitment within the application documents to any specific lighting controls. Neither the Outline CEMP (APP-340 Document 7.5.3) nor the Outline Design Principles (APP—367 Document 7.12.2 for Kent) contain binding commitments. Therefore, without firm control through DCO requirements, CPRE Kent is concerned that the proposal would permit the introduction of extensive lighting columns, floodlighting and security lighting across both the converter station site and the new substation compound, causing irreversible degradation of Thanet's remaining dark sky resource, to the detriment of local amenity, tranquillity and wildlife.