Sea Link Nationally Significant Infrastructure Project (NSIP) Application

Planning Inspectorate Reference: EN020026

Deadline 7 - CPRE Kent (FDBB4E979) - Summary Statement

This statement summarises CPRE Kent's outstanding objections to the Sea Link proposal at the close of the Examination. All comments previously made however stand (against the context that they were originally made) and the absence of any point from this summary should not be taken as acceptance that the applicant has addressed it

As we have said from the outset, CPRE Kent fully support the transition to net zero and accept that there will need to be new electricity infrastructure to support this. Our objection however is that Pegwell Bay and Minster Marshes is the wrong location for this scheme, and avoidance should have been the starting point from the beginning.

We are however now at the end of the examination process, yet at no point do we feel that this overarching flaw has been genuinely address.

That is, whilst the applicant has put forward various limited and rushed documents to retrospectively justify what were clearly pre-determined choices, this has only been following pressure from the Examining Authority. There has however never been any genuine reconsideration of the underlying suitability of the site.

In CPRE Kent's view, the repeated need for clarification, additional controls and/or mitigation and the ever more documentation that has been a dominant feature of this examination, only reinforced our overarching concern that this is clearly the wrong location.

1) **Fundamental failure to apply the mitigation hierarchy**

CPRE Kent's overarching objection has remained the same since the very first response to the very first informal consultation event - that is Pegwell Bay as the landfall location, with the associated converter station and substation at Minster Marshes, is fundamentally the wrong location for this development. In a location of such sensitivity, the mitigation hierarchy required **avoidance** to be the starting point, not an afterthought.

That remains our central objection to the application. The repeated amendments, particularly those directed to try and lessen yet further impacts on the saltmarsh and the Hoverport area, do not demonstrate a scheme that was environmentally led. To us, this just reinforces our view that the scheme was fixed first, with the examination process playing around at the edges to try and soften some of the inevitable environmental consequences.

Unfortunately, we don't believe that the applicant's numerous submissions and various slight amendments agreed during the examination process overcome this fatal flaw. That is, in a place as constrained and sensitive as Pegwell Bay and Minster Marshes, to us there really has not been any convincing demonstration that alternatives were assessed in a genuinely comparative and environmentally led way, or that avoidance genuinely shaped the Kent landfall selection. In CPRE Kent's view, this amounts to a failure properly to apply the mitigation hierarchy.

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2) Continued uncertainty regarding the impact on designated habitats and species interests at Pegwell Bay

Linked to the above, despite now being at the end of the examination process, there continues to be massive uncertainty surrounding the implications of the scheme for the designated habitats and species interests at Pegwell Bay. Whilst for CPRE Kent, this was the main reason why this location should never have been chosen in the first place, the fact is we have now gone through the process, yet there remains significant uncertainty on major issues like the saltmarsh impacts, Hoverport access, the inclusion of sensitive habitat within the Order Limits, and the practical consequences of intensified use of the Hoverport area.

By way of specific illustration, CPRE Kent, like KWT, remain seriously concerned that the application still does not properly grapple with what happens if HDD or another trenchless technique fails. To say it isn't a problem because a further application would be required is far to simplistic/fails to genuinely acknowledge the very high likelihood of this happening. It therefore does not properly assess the environmental consequences of any departure from that approach such as assessing an open-cut fallback scenario. Instead, too much is still left to later monitoring, later consultation and, if necessary, later licensing. We therefore fully endorse the request from KWT that, as a minimum, the DCO should be explicit in prohibiting open-cut trenching and that it should also explicitly secure an alternative approach for the scenario in which trenchless techniques fail.

More broadly, this sits within a wider pattern of continuing ecological uncertainty which underlines the exceptional sensitivity of this location. Whilst we will not repeat the detailed ecological and Habitats Regulations we and others such as KWT, the RSPB and SMM have made, clearly it is the case that Pegwell Bay is simply too sensitive a location for the level of unresolved risk and post-consent flexibility that is being attached to this scheme.

The Nemo Link experience remains highly relevant in this respect. It provides a clear local precedent for the proposition that impacts in this location cannot simply be assumed to be temporary or readily reversible. It is for that reason that CPRE Kent has repeatedly supported the need for a funded saltmarsh recovery and long-term monitoring mechanism.

3) The application remains over-flexible and overly dependent on post-consent control

Following on, unsurprisingly we are seriously concerned as to the extent the application still depends on matters being resolved post consent rather than within the examination itself. This applies across a range of topics, including converter station design, operational lighting, ecological mitigation detail, trenchless installation contingencies, the discharge framework within the draft DCO and the still-evolving management plans. Whilst this level of flexibility may suit the applicant, it comes at the expense of certainty for decision-makers, local authorities, statutory consultees and affected communities

In this respect, we note from the Rule 17 letter of 21 April 2026 that yet further drafting, clarification and additional explanation on a wide range of DCO and management-plan matters are required by the ExQ by Deadline 7. We and others however will of course now not be able to comment on these submission given we are now at the end of the process. The applicant's very late proposal to allow discharge of requirements by a future DESNZ unit only adds to that concern. CPRE Kent has had limited time to consider its full implications, but on its face, it introduces a further layer of post-consent flexibility and centralisation.

Most significantly, the applicant's own note makes clear that, if such a unit is established, it would be for the undertaker to choose in each case whether discharge is sought from DESNZ or from the body that would otherwise have been the relevant authority, with the named authority then reduced to a consultee only. In CPRE Kent's view, this level of discretion is unacceptable as clearly the applicant would just go with the option that it considers offer the less chance of serious scrutiny. Not only does this undermine local democracy/decision making, it also again raises serious concerns in terms of whether the drafting as is/proposed is currently sufficiently robust to ensure the necessary post-consent protection of such an environmentally sensitive location.

4) Continued disagreement with respect to the functionally linked land mitigation land.

CPRE Kent remains concerned that, even at the close of the Examination, the ecological case still relies on incomplete baseline evidence, with too much left to precautionary measures and post-consent surveys to fill the gaps. This concern has arisen repeatedly in relation to protected species, though also with respect to the likely effectiveness and robustness of the proposed mitigation measures.

The functionally linked land issue illustrates the wider problem more clearly. Whilst the applicant has sought to dismiss our concerns within their response outlined in Document 9.134, we cant help but feel they are still missing our point. That is, the proposed golden plover mitigation still has not been shown to be sufficiently suitable, effective or deliverable in practice, nor are there adequate safeguards if it does not perform as intended. They say it could support up to 10 breeding pairs, we say it has not been demonstrated it is suitable for even 1 breading pair.

When that uncertainty is viewed alongside the wider cumulative loss of functionally linked land from surrounding development, said to be around 160 hectares, the issue becomes more serious still. Even at the close of the Examination, CPRE Kent does not consider there is sufficient confidence that this mitigation package can safely offset that loss or rule out harm to the integrity and functioning of the wider SPA network.

In short, the Examination still does not provide CPRE Kent with the degree of confidence that should be required before concluding that ecological effects on functionally linked land, designated sites and protected species can be adequately avoided, mitigated or compensated for.

5) Permanent loss of Best and Most Versatile agricultural land must be be afforded substantial weight against the granting of the scheme

CPRE Kent continues to regard the permanent loss of Best and Most Versatile agricultural land in Kent as a substantial and unresolved harm. The applicant's own updated Agricultural Land Classification survey now confirms that 76.7 hectares within the Order Limits is BMV land, including 10.4 hectares of Grade 1 land which had not been identified in the earlier predictive work. Although the overall BMV figure is somewhat lower than first predicted, the more important point is that the permanent BMV take remains effectively unchanged at 12.20 hectares, and the applicant's own reassessment says that the significance of effect remains unchanged.

The confirmation that Grade 1 land would be permanently lost only increases our concern that this harm is not being taken seriously. The applicant's response remains effectively to just simply acknowledge the harm, note that its significance remains unchanged, and crack on regardless. However, the examination has still not demonstrated that this harm was unavoidable, or that less harmful alternatives were even

genuinely considered. At the very least, this harm must therefore be afforded great weight against the granting of the scheme when considered in the wider planning balance.

6) Heritage and landscape harm remains understated

CPRE Kent remains concerned that the applicant continues to underplay both the landscape effects of the scheme in Kent and the heritage implications, particularly in relation to Richborough Roman Fort and the wider historic landscape setting. In our view, the issue is not confined to whether change in any one particular viewpoint is categorised as negligible, minor or moderate. The real issue is that the proposal would introduce a substantial industrial presence into an open, sparsely developed marsh landscape of obvious historic and visual sensitivity.

The final design of the converter station and substation will obviously be critical to the true level of harm. However, and as it stands, the Rochdale envelope approach must surely mean the harm must be weighed by reference to the maximum parameters/worst-case scenario assessed. Whilst obviously we all hope that a better design may later emerge post-consent, this clearly cannot be relied upon.

The heritage concerns are not confined to Richborough. The continuing consideration being given by the Examining Authority to the Ebbsfleet Peninsula Multi-Period Complex and to cumulative heritage effects reinforces the fact that the heritage case remains live and unresolved at the close of the Examination.

7) Community impact remains understated

CPRE Kent also continues to regard the community effects of the proposal as insufficiently addressed. That includes the cumulative burden of traffic and construction disruption, the lack of meaningful respite within the proposed working hours, and the degree to which local communities would be expected simply to absorb prolonged disturbance in a rural area which is currently comparatively tranquil.

On working hours in particular, CPRE Kent has consistently supported tighter controls and has objected to the breadth of the applicant's proposed flexibility in relation to Sundays and Bank Holidays. The continuing questions from the Examining Authority on core working hours and on health and wellbeing monitoring demonstrate that these concerns have not gone away.

More generally, CPRE Kent remains of the view that the applicant has tended to treat these matters as secondary management issues rather than as real harms which go to the acceptability of imposing infrastructure of this scale in this location.

8) Biodiversity Net Gain cannot presently be given meaningful positive weight

Finally, CPRE Kent considers that the applicant's claimed 10% Biodiversity Net Gain should not presently be given any material positive weight unless and until it is secured through a signed and examined legal mechanism or equivalent DCO provision. This has been a live issue for some time, but we note the Examining Authority has now made the point expressly.

That matters because the applicant has repeatedly referred to BNG as part of the overall benefits case. If, however, the mechanism for securing it is not before the Examination in a settled and enforceable form, then it cannot fairly be relied upon as a substantive benefit in the planning balance.

Conclusion

When all the above points are considered in the round, clearly the only conclusion that can be reached is the Kent case for Sea Link remains fundamentally flawed. Pegwell Bay and Minster Marshes is the wrong location, avoidance has never genuinely been considered, and too much still depends on matters being dealt with after consent rather than through the Examination.

On that last point, CPRE Kent now strongly supports the point now made by KWT in light of the FOI material on Nemo Link. That material appears to show that, at the point of the final discharge of conditions seeking to ensure full saltmarsh recovery, the expert's all agreed recovery was in fact far from complete and that further monitoring was needed. Despite this, the relevant condition was still discharged.

That is highly material here. It demonstrates why these issues cannot safely be left to post-consent monitoring, later regulatory judgment or opaque discharge processes, particularly where the applicant is now also seeking a route to more centralised DESNZ discharge. In a case as sensitive as this, the necessary environmental safeguards must be subject to open, transparent and rigorous scrutiny through the Examination itself, not left to be dealt with later behind the scene

CPRE Kent therefore asks the Examining Authority to conclude that:

- the mitigation hierarchy was not properly applied, and that avoidance should have led to a different Kent landfall and site selection;
- that the DCO should explicitly prohibit open-cut trenching through the Pegwell Bay saltmarsh, with no post-consent route back to it;
- that, whilst post-consent controls, future monitoring and any future DESNZ discharge mechanism may assist in implementing settled safeguards, they cannot lawfully or properly be relied upon to resolve uncertainty that should have been addressed before consent is granted. This is especially the case where the proposed DESNZ route would leave the applicant free to choose a more centralised discharge path with reduced local scrutiny;
- the ecological case should be treated as remaining unresolved, including in relation to functionally linked land and the adequacy of proposed mitigation;
- great weight should be given to the permanent loss of Best and Most Versatile agricultural land, now confirmed to include Grade 1 BMV;
- great weight should be given to the heritage harm, assessed by reference to the worst-case design scenario, not some hoped-for better design later;
- the community, construction, traffic and health impacts should be treated as real harms weighed strongly against the scheme, not merely matters of later management;
- the claimed BNG benefits should carry no meaningful positive weight unless and until they are secured in a settled and enforceable form.

For those reasons, CPRE Kent calls on the Examining Authority to recommend to the Secretary of State, in clear and unequivocal terms, that development consent for Sea Link should be refused.