



RELEVANT REPRESENTATION: NATIONAL GRID'S SEA LINK PROJECT – KENT WILDLIFE TRUST

Kent Wildlife Trust (KWT) wishes to register as an Interested Party in the examination of the Sea Link Development Consent Order (DCO). Whilst we engaged with National Grid during the pre-application phase, we remain seriously concerned about the ecological impacts of the Kent Scheme. This representation summarises our key concerns:

Assessment of Alternatives

Despite the availability of alternatives with lower environmental impact, the chosen landfall (K1, Pegwell Bay) and siting of the converter and substations at Minster Marshes directly impact national and international protected sites such as the Thanet Coast and Sandwich Bay SPA and Ramsar. National Grid's own assessment (Corridor and Preliminary Routeing and Siting Study, Oct 2022) presented lower-impact options (e.g. K1a, Broadstairs) but these were discounted with insufficient justification. While we note the approach set out in DCO Document 8.2: Options Selection and Design Evolution Report (October 2023), KWT is not satisfied that the assessment adequately demonstrates the prioritisation of avoidance over mitigation and compensation, as required under National Policy Statement for Energy (NPS EN-1) and NPS for Electricity Networks Infrastructure (EN-5). Both documents require applicants to demonstrate that significant environmental effects have been avoided where possible. In addition, the EIA Regulations 2017, require an explanation of reasonable alternatives.

Mitigation Hierarchy and Cumulative Impacts

The Sea Link project fails to meet key requirements of NPS EN-1 and NPS EN-5, particularly in relation to biodiversity, ecosystem protection, and the application of the Mitigation Hierarchy. National Grid asserts that the project has been designed with "*careful attention*" to designated sites such as the Thanet Coast to Sandwich Bay SPA/Ramsar, yet there is insufficient evidence that avoidance of ecological harm was genuinely prioritised. The Environmental Statement (ES) relies heavily on minimisation and compensation rather than avoidance, contradicting NPS EN-1 (para 5.4.42) and NPS EN-5 (para 2.14.2) and the Conservation of Habitats and Species Regulations 2017. This fault is particularly concerning in the context of the proposed loss of Functionally Linked Land (FLL) to Thanet Coast and Sandwich Bay SPA. The mitigation land chosen to compensate the loss of FLL is flanked by two proposed solar farms: the 84ha Goshall Valley Solar Farm (400m to the south-west) and the 62ha RBL2 Solar Farm (immediately adjacent to the north). Together with Sea Link, these proposals would result in the permanent loss of approximately 160ha of FLL, a significant, cumulative erosion of SPA ecological function that has not been properly assessed. Despite the clear expectation of NSP EN-1 to consider cumulative and transboundary impacts, this cumulative loss and its implications for the East Atlantic Flyway and SPA integrity are not adequately addressed in the DCO submission.

Inadequate Ecological Data and Transparency

The lack of complete ecological data at the pre-application stage and the omission of key survey findings from the final DCO submission significantly undermine the integrity of the ES. Notably, the Preliminary Environmental Information Report (PEIR) repeatedly reports of a peak count of over 700 golden plover within the fields at Minster Marshes where the converter and substations are proposed to be built. However, the final ES within the submitted DCO cites only 370 golden plover as the peak count, with this figure being used as the baseline to determine the carrying capacity of the proposed golden plover habitat creation, underestimating the required compensation by nearly 50%. This constitutes a material suppression of data and risks non-compliance with the EIA Regulations 2017 and NPS EN-1 and EN-5, which require assessments to be based on accurate baseline data.

Impacts to Biodiversity – Kent Onshore Scheme

Habitat Loss

KWT remains seriously concerned about residual impacts on designated and priority habitats from the Sea Link project, despite assurances provided by National Grid. We note the claim that no permanent habitat loss will occur within internationally or nationally designated sites during construction. However, this is undermined by the acknowledged risk that open cut trenching may be required within Thanet Coast and Sandwich Bay SPA/Ramsar/SAC if horizontal directional drilling (HDD) fails. This fallback method would directly affect the saltmarsh, a Priority Habitat supporting internationally important bird populations. This is not a theoretical risk; similar commitments made during National Grid's Nemo Link project ultimately resulted in open cut trenching, with lasting ecological damage to the designated saltmarsh habitat. There is no secured commitment to revert to alternative routes should trenchless methods prove unfeasible. This represents a critical flaw in the project's risk management, contradicting the precautionary approach required under the Conservation of Habitats and Species Regulations 2017, and failing to demonstrate compliance with NPS EN-1 Section 4.3 Environmental Effects/Considerations. Likewise, the ES acknowledges that some "temporary" habitat loss may take 10 years or more to recover. These figures represent significant habitat fragmentation and are not compatible with national policy or legal duties to conserve and enhance biodiversity. Overall, the extent, duration, and potential irreversibility of habitat loss across designated and priority sites raise serious concerns about legal compliance, ecological integrity, and long-term biodiversity outcomes.

Pollution

At least 24 temporary culverts and 11 permanent culverts are proposed within the Kent Onshore Scheme. National Grid have stated that *"high rainfall events could cause a large number of pollutants from runoff to enter into the watercourse system which may affect macroinvertebrate communities downstream"*. National Grid have also stated that *"all outfalls have an attenuation pond associated with them which will help reduce pollutants entering the watercourse. Therefore, as the pollutants are likely to be diluted in high rainfall events or filtered out in the attenuation ponds, pollution from temporary outfalls would result in a negligible impact on a receptor of Regional importance resulting in an overall Negligible effect and thus not significant."* KWT disagrees with this conclusion. The assumption that high rainfall will simply dilute pollutants fails to acknowledge the well-documented 'first flush effect', whereby initial runoff during rainfall events often contains the highest concentration of contaminants, which can have acute and chronic impacts on aquatic ecosystems. This concern is amplified by the location of the proposed converter and substations at Minster Marshes, an area of low-lying marshland and functional floodplain. These landscapes naturally collect and retain water, which increases the risk that any pollutants entering the system could linger or disperse across a wider area, especially during periods of flood or saturation. Wetlands and floodplains are ecologically rich environments, functioning as critical buffer zones for water quality. Discharging runoff into such sensitive and hydrologically dynamic areas presents a significant pollution risk that cannot be dismissed as "negligible."

Noise and Vibration

Noise and vibration from construction activities, particularly trenchless installation methods which would involve 24-hour working, seven days per week, pose a significant risk of disturbance to a range of sensitive ecological receptors. Wildlife at risk includes internationally important assemblages of wintering birds, as well as other protected species such as marine and riparian mammals.

Bird Collisions with Overhead Lines (OHL)

Bird collision risk along the OHL route is under-assessed. Survey data from early 2024 shows 9 bird fatalities over 4 months, indicating a projected 34 annual collisions. Combined with habitat loss, this threatens cumulative adverse effects, especially for already pressured species. Visual deflectors and enhanced monitoring are needed as a minimum.

Protected Species

National Grid has based its assessment of protected species impacts on just one season of ecological survey data (with two years for breeding and wintering birds). For a development of this scale, affecting a range of legally protected and sensitive habitats, this is insufficient to capture species presence, distribution, and population dynamics. While the EIA Regulations 2017 and NPS EN-1 and EN-5 do not mandate a specific number of survey years, both require assessments to be based on appropriate and robust baseline data.

Breeding and Wintering Birds

Breeding bird surveys (2023–2024) recorded up to 84 species in the development area, 73 of which are red or amber-listed, including Schedule 1 and Annex I species. National Grid's claim that displaced birds can relocate to "abundant" habitat is unsubstantiated, especially given ongoing local development and habitat fragmentation. No evidence has been provided that alternative sites are ecologically equivalent. Proceeding without enforceable mitigation risks breaching the Wildlife and Countryside Act 1981, NPPF (2024), and NPS EN-1 and EN-5, all of which require that significant harm to biodiversity is avoided or robustly mitigated.

Wintering bird surveys (2022–2024) confirm that the River Stour estuary and adjacent areas support nationally important assemblages, including sanderling, dunlin, and oystercatcher, with counts exceeding the 1% SPA/Ramsar threshold. The ES notes possible impacts from trenchless works but fails to describe any specific measures to avoid or mitigate disturbance to these birds, particularly during the sensitive wintering period. This is of particular concern given that trenchless installation methods across the saltmarsh would involve 24-hour working, seven days per week.

Riparian Mammals

The Kent Scheme would result in the loss of 365m of ditch habitat, including 230m with active water vole presence. These habitats are critical for movement, breeding, and foraging. Displacement and open trenching, as proposed, risk local population collapse and conflict with the mitigation hierarchy, which prioritises avoidance.

Despite no confirmed presence of otter and beaver at individual crossing points, these species are known to use the River Stour and surrounding ditches. Both are legally protected and highly mobile. The proposed temporary and permanent culverts, combined with habitat loss, pose a serious risk of fragmentation and would prevent the free movement of these protected species. National Grid's assumption that features like attenuation ponds and scrapes will replace functional riparian corridors is unsupported and ecologically unsound. The current strategy fails to provide adequate safeguards for one of Kent's most sensitive wetland areas.

Marine Mammals

Sandwich and Pegwell Bay is home to Kent's largest seal population, primarily harbour seals, which use the River Stour estuary as a year-round haul-out, feeding, breeding and moulting site. The population is Regionally significant and exhibits seasonal sensitivity, particularly during the breeding and moulting seasons. The proposed project presents several potential impact pathways for marine mammals, including noise, vibration and visual disturbance, prey disruption and vessel collision risk. Although National Grid has modelled these impacts as "*minor*" and "*not significant*", key concerns remain, such as the high sensitivity of harbour seals and harbour porpoise, the proximity of construction activities to a known seal breeding site, the lack of baseline field surveys and data for marine mammals, and the increasing presence of species such as bottlenose dolphin and humpback whales, suggesting the area's ecological importance may be growing. Overall, we think National Grid has downplayed the impacts of marine mammals.

Benthic Ecology and the Offshore Scheme

The Offshore Scheme of Sea Link passes through sensitive marine habitats and designated sites, yet the ES offers insufficient mitigation for these impacts. Several areas along the cable route support Annex I habitat 'sandbanks which are slightly covered by sea water all the time', a European protected feature under the Habitats Directive. Although these specific habitats are not located within Margate and Long Sands SAC, their ecological importance remains high and impacts to them should be avoided. The project also intersects Habitats of Principal Importance such as 'subtidal sands and gravels', 'communities on circalittoral rock', and areas where blue mussel beds and Sabellaria spinulosa aggregations were recorded. While National Grid concluded that these biotopes do not qualify as Annex I reef features, their ecological value remains significant.

KWT is particularly concerned that the ES concludes no additional mitigation is required for benthic ecology beyond embedded and control measures. This is unacceptable given the proximity of the route to Goodwin Sands MCZ, which is designated for features including Sabellaria reefs, blue mussel beds, and important fish spawning grounds. KWT strongly disagrees with the claim that 'subtidal sands' and other benthic habitats are of

low biodiversity and can tolerate physical disturbance. This overlooks their role as spawning grounds and critical feeding habitat for higher trophic levels, including fish, birds, and marine mammals. The project risks irreversible loss or degradation of these features through seabed preparation, cable laying, and potential use of rock armour. We also reiterate concerns that the impacts to benthic features from Nemo Link were never fully mitigated or accounted for, raising cumulative impact concerns.

Compensation and Mitigation

KWT maintains that proposed mitigation measures are inadequate, including the lack of mitigation for benthic ecology and marine mammals. One of our concerns is the suitability and ecological credibility of the proposed golden plover mitigation site west of the A256, adjacent to Discovery Park. This location was introduced late in the assessment process and appears to have been selected based on land availability and logistical convenience rather than ecological suitability or adherence to the Mitigation Hierarchy. There are multiple reasons to question the viability of this site as effective compensation for the loss of FLL, some of which includes:

- Noise Disturbance: The site's proximity to the A256 exposes it to constant traffic noise. Despite National Grid's claim that this is insignificant, research shows anthropogenic noise deters sensitive wader species like golden plover, making the site unlikely to be used.
- Light Pollution and Urban Encroachment: Adjacent infrastructure, including Discovery Park, generates artificial light that can disrupt nocturnal foraging and roosting. Tree belts offer limited mitigation, and golden plover typically avoid lit or visually disturbed landscapes.
- Breach of the Mitigation Hierarchy: Rather than avoiding or minimising harm, this site appears chosen for convenience after the fact. It does not represent a meaningful ecological replacement, contravening the principles of the Mitigation Hierarchy.
- Disputed "Negligible Impact": KWT challenges the claim that FLL loss is negligible. PEIR data shows Minster Marshes supported over 700 golden plover in a single visit—surpassing the 1% SPA threshold—yet the DCO submission cites only 370, underestimating habitat compensation needs. Additionally, the cumulative loss of ~160ha of FLL from nearby solar farms has not been assessed. No landscape-scale appraisal has been undertaken to test the proposed site's ecological viability in such a fragmented setting. These omissions critically undermine the claim of “negligible impact.”

Biodiversity Net Gain

National Grid have made a corporate commitment to deliver a minimum of 10% Biodiversity Net Gain (BNG), with wider benefits, on its construction projects. National Grid have set out that their approach to applying the Biodiversity Gain Hierarchy diverges from that set out in the Environment Act. This deviation is on the basis that National Grid's NSIPs are linear projects which allow retention of the original habitat (often agricultural). It should be acknowledged by National Grid that the Sea Link scheme does not meet the criteria on which they have based this deviation. As discussed above, the Sea Link project will result in significant permanent habitat loss and impacts to designated sites. On this basis, the Biodiversity Gain Hierarchy should be applied as per the Environment Act, with no deviation. Failure to do so would undermine the delivery of BNG, resulting in a net loss of biodiversity.

It has not been possible to locate “Appendix B – BNG Baseline Habitat Plans” or “Appendix C – Post Developments Habits Plans” (assumed to be “Post Development Habitat Plans”). It has therefore proved to be very difficult to establish which habitats have been scoped in for the BNG assessment. Table 3.4 within Document 6.12 Biodiversity Net Gain Feasibility Report, indicates that National Grid have omitted to include mudflats and saltmarsh within the baseline and have therefore not accounted for impacts to these habitats – which also form part of the internationally designated site. As indicated above, because the use of open cut trenching cannot be ruled out then these impacts must be considered when assessing the project's ability to achieve BNG.

Finally, there are a number of discrepancies between habitat loss included in the BNG assessment and in other application documents. For example, document 6.2.3.2 Part 3, Kent Chapter 2, Ecology and Biodiversity sets out that there will be “15 ha of temporary loss of floodplain grazing marsh” however this is not reflected within the BNG assessment which states that only 0.482 ha of coastal floodplain grazing marsh will be lost. The BNG

metric user guide sets out that omitting temporary impacts from the metric should only be applied where that habitat (and its condition) can be restored within two years. As this will not be the case here, then all impacted habitats should be included.

Please be reminded that the above is an outline of KWT's concerns and we will be submitting a more detailed document as part of our Written Representation during the Examination stage.

Many thanks,

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