



The countryside charity

Kent

August 2024

The below is CPRE Kent's response to National Grid's (NG) project update and targeted consultation for Sea Link (July 2024 consultation).

CPRE Kent is the local branch of the Campaign to Protect Rural England, which is part of national CPRE, the Countryside Charity. Throughout Kent we represent 1,450 individual members, of which 173 are parish councils, local amenity groups and civic societies.

CPRE Kent is an independent charity that works closely alongside other CPRE branches, as well as the national CPRE organisation. As such, the geographic focus of our comments is the Kent element of the project.

As set out within our response to the Statutory Consultation, CPRE supports the overall need to 're-wire the UK' to rapidly decarbonise the UK power sector. However, in what we see as a once-in-a-century opportunity to upgrade to a sustainable, low-carbon, smart energy system, it is extremely important that the UK's landscape, biodiversity and heritage assets should not be seen as acceptable collateral damage. Overall, it is the charity's position that we need to aim for the best net-zero solution for the countryside, not just whatever is the quickest and cheapest.

It is therefore extremely disappointing to read that not only were the majority of our previously-raised concerns simply ignored or brushed away but that the amended scheme that NG now returns to us exacerbates many of the impacts of the scheme we were previously seeking to highlight.

Consequently, there almost seems little point engaging with this consultation exercise when it is clear that any new points we raise will be simply ignored. This is very obviously a tick-boxing exercise undertaken for the sole reason that NG must do this because the order-limits are being changed. It is therefore clear that we and others will now be having to make our case to the Planning Inspectorate as part of the DCO examination process. Needless to say, all previously-raised points still stand and will form part of our case at the examination. For completeness, our December 2023 comments are appended to this response.

Notwithstanding this position, we do make the following headline observations regarding the updated documents and changes to the proposal.

Consideration of alternatives

As set out in our response to the statutory consultation, our principal concern is that there has been no **genuine** consideration of any alternatives to the proposed site. To us, this is a significant failing given the considerable effects the single preferred location will have on protected wildlife and species habitat throughout the construction and post-construction phases. These impacts are exacerbated by the size of the converter building, the impact of the related infrastructure (particularly the proposed pylons) and the significant impact on the local landscape character. Put simply, we just do not buy that there is no alternative to ploughing through a RAMSAR and SSSI site at Pegwell Bay and then parking the converter

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station at a location where the ecological and other environmental impacts will clearly be severe.

We asked a number of questions regarding the detail of the alternatives that were apparently considered during the earliest iteration of this project formation. These questions remain unanswered, with the new documents simply pointing to the same vague justifications given within the documentation previously published as part of the statutory consultation. Instead, it still appears we will need to wait for a Consultation Report that will be presented as part of the DCO application package.

We are, however, told that NG has reviewed its decision-making and the suitability of the proposed site. As part of this process, we are told that NG has reconsidered alternative locations in close proximity to the proposed location (listed as Search Area A and B within page 10 of the project update document). Unsurprisingly, and for extremely vague reasons, NG has concluded that the proposed location remains the best location.

There is nothing within the updated documents that remotely suggests this has been a genuine consideration of alternatives. Rather, it again seems to be simply a box-ticking exercise undertaken as a basic attempt to be able to control the narrative at the DCO examination or any subsequent challenge. We, however, cannot see how this clear lack of genuine consideration of alternatives will be able to withstand the scrutiny of the examination process.

While the consideration of alternatives is not a prescribed requirement of NPS EN-1 National, it is very much still required in the context of the EIA process and any genuine application of the mitigation hierarchy. This is particularly the case here, given the very clear environmental impact that is resulting from this extremely poor choice of one single location.

Increase in height of the Converter Station

It is noted that the ground is to be raised at the converter station and substation site by up to 2 metres above existing ground level and that you accept that this design change has the potential to affect various landscape and visual receptors. It is, however, our view that the updated Preliminary Environmental Information Report (PEIR) is significantly understating these impacts.

As set out previously, our primary concern remains the significant landscape impact this development will have, particularly within Minster Marshes and Ash Levels. The existing landscape of the proposed location is characterised by open, low-lying marshland landscapes in which development is typically sparse. These are agricultural landscapes where pastoral and arable farmland is actively managed. The construction of the converter station and substation will result in a permanent land-use change and direct loss of these landscape elements. The original PEIR accepts that there will be significant landscape effects on the landscape character areas of Wantsum North Slopes, Stour Marshes and Ash Levels, as well as one viewpoint east of Minster.

The additional height exacerbates our concerns, making the station yet even more prominent and intrusive within the local environment, further detracting from the natural aesthetic and character of the area. Furthermore, the original PEIR acknowledged that the significant landscape effect will be exacerbated should the option of overhead cable lines

be pursued, as this would result in a concentration of additional pylons and further permanent external lighting. This choice has now been confirmed.

Given the size of the converter station and the unknowns that remain regarding its design, location, size and scope, it is impossible to fully assess the extent of the landscape impact. However, it is clear that the single choice of this location within the open countryside, isolated from any similar built form, already creates a significant landscape effect. This effect will be significantly exacerbated should the option of overhead lines be pursued. To reduce any such impact, we repeat our call for the cables to be placed underground rather than overhead. The increased height of the converter station only amplifies these concerns, underscoring the need for more detailed and thoughtful planning to minimise the visual and environmental disruption in this sensitive area.

It appears that part of the decision to increase the height of the converter station by two metres is due to its location in a flood-risk area. Again, this highlights to us the problematic nature of the initial site selection. As previously observed, the site's location in terms of flood risk has already led to additional detrimental impacts, such as the shift from a proposed underground to an overhead line due to "technical issues with the underground option and the area being in the flood zone". We previously stated that the failure to publish a Flood Risk Assessment (FRA) until the submission of the application is problematic as, by then, the site selection will be presented as a *fait accompli*, precluding meaningful scrutiny of the decision-making process regarding flood-zone avoidance. This approach undermines the necessary sequential site selection process required to minimise new development within flood-prone areas. Given that the current consultation exercise appears to be a doubling down in terms of seeking to justify the single choice of location, we are even more convinced that the FRA process as undertaken will fail its eventual scrutiny.

Finally, to raise the converter station by 2 metres, NG will need to create a new platform. We note that to create this platform, NG will need either to install modular columns, which are underground concrete supports approximately 20 metres deep, or pile into the bedrock below. Such operations will undoubtedly result in significant additional lorry movements, along with a significant additional use of materials and aggregates. Again, the extraction and transportation and then use of these additional materials will be adding to the environmental impact of the project. These additional impacts, however, do not appear to have been accounted for within the PEIR update published alongside this consultation.

Confirmation of the type of pylon

For the reasons set out above in relation to the converter station, clearly the landscape effect of the project will be greatly exacerbated through the use of overhead lines and pylons. This includes the introduction of temporary towers within the wetland area to facilitate the overhead-lines work.

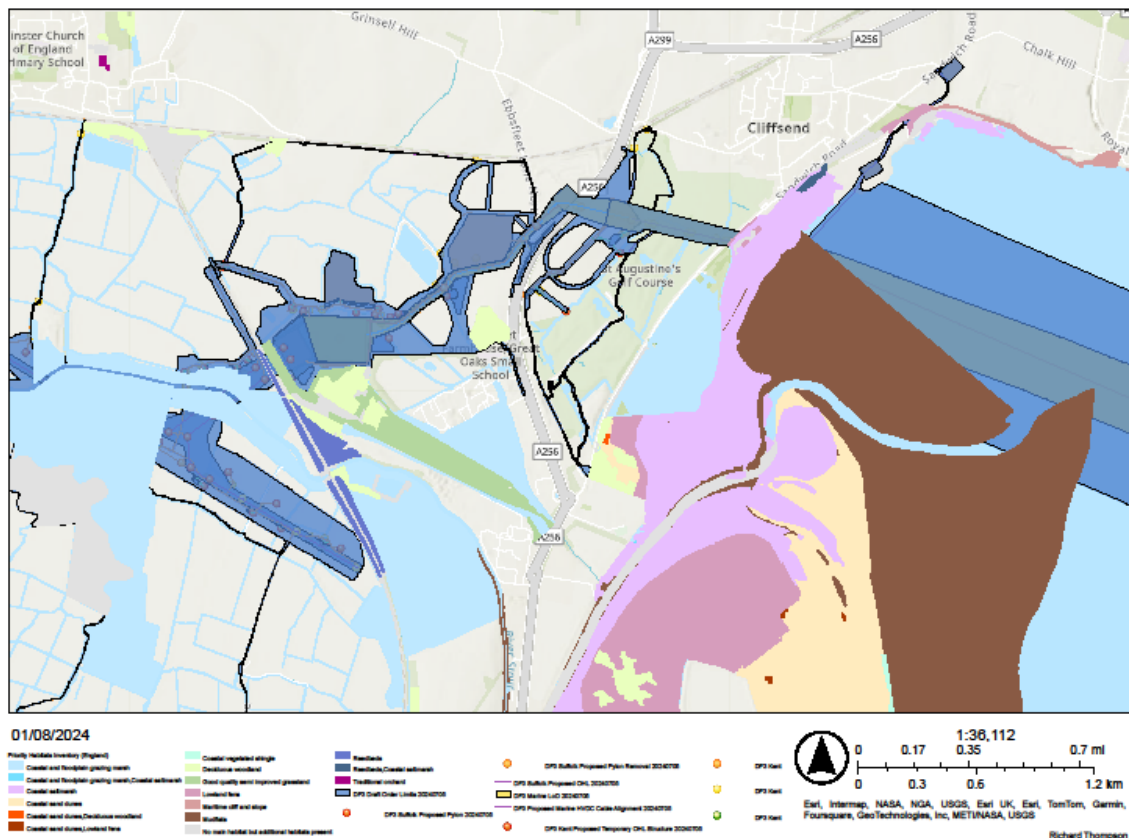
It is noted that the increase in height and confirmation of pylon type and routeing results in an increase of 1.2 km in the total length of new overhead line compared with the proposals presented at the previous statutory consultation stage. Yet again this increase will clearly exacerbate the impacts previously raised. We are told that the main justification for this is to reduce the risk that birds could become trapped between the new and existing overhead lines. Nowhere, however, is this assertion evidenced. The simple fact is that this would not even be an issue if the lines were placed underground.

As previously stated, it is difficult to envisage a worst place to site overhead pylons and power lines. The coming together of all the factors listed within our response to the Statutory Consultation clearly sets out why this specific location will potentially be catastrophic for birdlife. Again, we repeat, given the clear detrimental impacts of using overhead pylons in terms of environmental and landscape harms, along with what must only be a modest cost increase of undergrounding the short section that is to go overhead, surely the significant benefits of undergrounding must prevail?

Trenchless Techniques

As set out within our response to the statutory consultation, given the clear extent of environmental and ecological impact, we do not accept that the proposed landfall through Pegwell Bay can possibly be justified. As shown in the map below, this single point of access ploughs through a number of priority habitats including Mudflats, Coastal Saltmarsh, Reedbeds, Coastal and Floodplain Grazing Marsh, Deciduous Woodland and Open Mosaic Habitat.

Sea Link Map - Priority Habitat

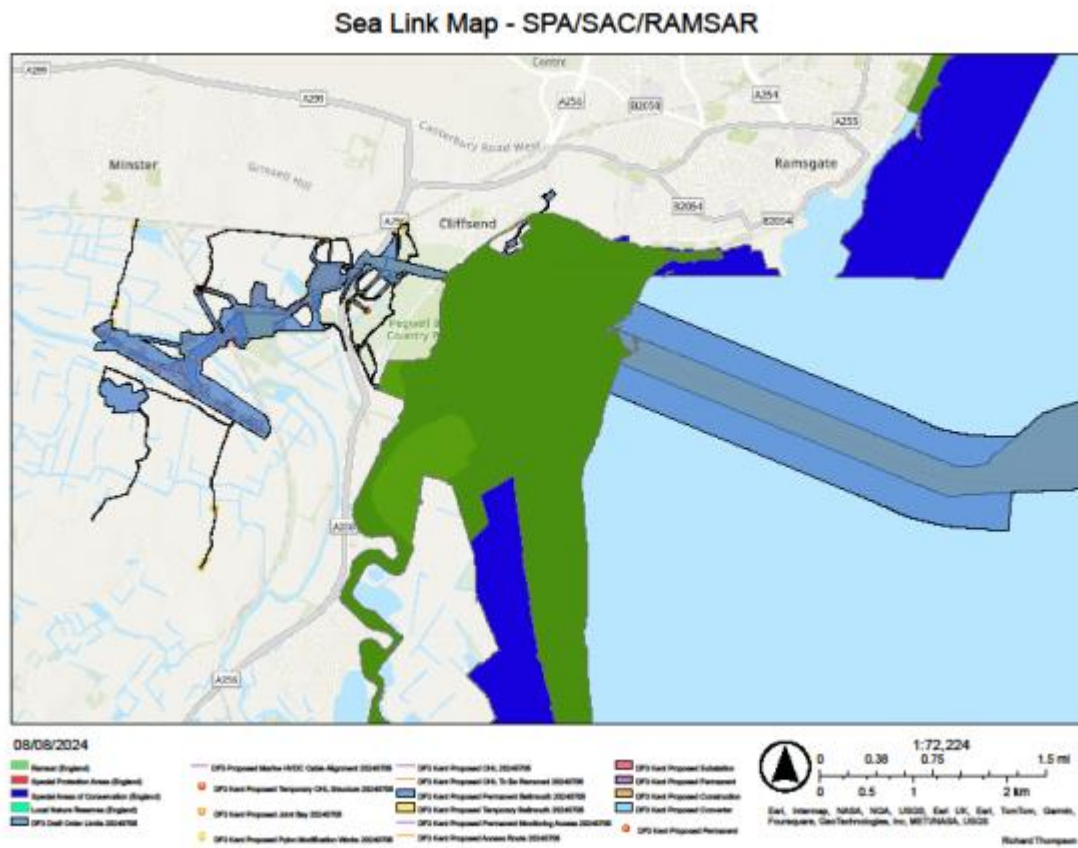


While the proposed use of trenchless techniques is welcomed, it is noted that no real details have been provided in this respect, including no real assessment as to what the environmental impact of this technology may be. Further, it is noted that open-cut trenching rather than trenchless methods will be used with the Priority Habitat Mudflats. As set out within the comments from CPRE Kent's Ecologist below, clearly this will result in an impact

to the priority habitat, Sandwich Bay SAC, SPA and RAMSAR Site. Therefore, and in line with the mitigation hierarchy, this should be avoided. However, the single choice of landfall means such sequential testing has not occurred in the way it should have, meaning NG is to be relying on mitigation alone.

New access and compound off Sandwich Road

As set out within the detailed comments of CPRE Kent’s Ecologist below, we would question NG’s assertion that the new laydown areas on the hoverport and access off Sandwich Road are unlikely to introduce any new significant adverse effects. As shown below, one compound is adjacent and one is enclosed by the SPA/SAC/RAMSAR boundary, and the track will dissect it. Far more information will therefore be required at the Environmental Statement (ES) stage to convince us that there will be no significant effect.



Increased Working Hours

As set out within our response to the Statutory Consultation, we were concerned as to the lack of detail relating to the likely amenity impact arising from the construction phase and the fact that much of this detail was to be delegated until detailed construction method statements and similar were produced to inform the ES at the DCO submission stage. However, the fact we are now being told that the construction hours are to include Sundays

and Bank Holidays tells us all we need to know in terms of the lack of genuine regard likely to be given as to impact of this project on the local community. Clearly, removing the 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.

Ecological and Biodiversity Impact

In addition to our above comments, CPRE Kent's Ecologist Vicky Ellis BSc(Hons) MRes MRSB has made the following observations:

The revised height of the converter station from 26m (85.3ft) to 28m (91.9ft) is likely to act as a greater vantage point for raptors to sit and pick off ground-nesting birds and their eggs. This has not been considered for any mitigation as far as we are aware.

In order that a constructive review and an effective, open public consultation can be conducted, it would be useful to see sight of any protected species survey reports completed thus far (this information has been requested). It is difficult to comment on any mitigation proposals or any significant harm to protected species without this necessary information. So that we can accept the results at face value, we must be allowed to scrutinise the methodology, dates of surveys and restraints if there were any.

Further, we find the results of 'no evidence of dormouse being found to date' extremely alarming and unlikely. Therefore, scrutiny of the methodology, including placement of nesting tubes *etc* across the site is vital for us to understand this result. Absence of evidence is not evidence of absence.

We have the same concerns for the reptile surveys, which found 'a low population of slow worm and common lizard', with no mention of grass snake or adder. We need to be able to see maps of where the refugia have been laid. This would provide us with a fuller picture.

It would be useful to see the results from any desktop survey, too.

The results that have been shared to date depict only half the information we require. We are therefore unable to offer further comment on protected species until National Grid shares the information we have requested from it.

We await the surveys for bats (when completed). However, we feel National Grid is premature expecting to move forward to the next stage of the NSIP until such time as all protected-species surveys have been completed and are open for scrutiny.

The use of the site for the proposed Minster Substation and Converter Station, along with the adjacent fields, by 1% (370) of the Golden Plover SPA population in the December 22 survey amounts to a considerable number of protected species utilising this area of the site, no doubt along with other significant species. The proposal to offer mitigation elsewhere comes with no guarantees that it will be successful. Therefore, we would like to see this mitigation put in place and for its use by the SPA target species to be confirmed for at least one season, preferably two, before any works commence. We seek assurances from National Grid that this will be the case. In the event the mitigation was to fail, and the target species did not utilise the mitigation site as expected, then we would like National Grid to provide in advance viable alternatives agreed in consultation with Natural England, and we

would appreciate the opportunity to see sight of, and comment on, any alternative options. To risk losing any SPA species from this area would be unacceptable.

We find it concerning that no Great Crested Newt surveys are to be carried out and a licence is to be issued without any information on presence/absence or population estimates. It is important to have accurate and up-to-date information on any protected species so that effective and bespoke mitigation can be implemented to have any chance of success. On a project of this scale and nature we would expect to see comprehensive and detailed protected-species surveys conducted.

It does not seem that European Eel has been considered at all. We would like to see appropriate surveys conducted for this critically endangered protected species. Eels are classified as 'critically endangered' on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species, a UK Biodiversity Action Plan Priority Species, on the OSPAR list of threatened and/or declining species and habitat, a species of principal importance for the purpose of conserving of biodiversity under the Natural Environment and Rural Communities Act 2006 and protected under the European Eel Regulation (European Commission) No. 1100/2007 and the Eels (England and Wales) Regulations 2009.

While we welcome the saltmarsh being removed, we are concerned that the Sandwich Bay SAC, SPA and Ramsar Site will be negatively affected with this change. Despite the fact that it is an existing track, it is still part of the SPA and therefore we would like to see a baseline habitat survey carried out and proposed mitigation/compensation as would be expected for any protected area. Without this information the statement 'unlikely to introduce any new significant adverse effects' is purely speculative and meaningless.

The use of the Hoverport area needs careful assessment. As well as being of historical interest as the first-of-its-kind purpose-built hoverport in the UK, built in 1969 and subsequently shutting *circa* 1982, it has laid derelict for more than 30 years. In that time, the area has rewilded considerably and thus has the features of a priority habitat, specifically open-mosaic habitat on previously developed land. This rewilded brownfield site is likely to sustain an impressive array of flora and fauna and, while not saltmarsh, will require its own baseline habitat survey and subsequent BNG proposals, as well as protected species compensation according to what is found on site. We suggest that at the very least a botanical survey, invertebrate survey, bat survey and reptile survey should be considered specifically so an informed decision can be made. Being so close to the sea, a sensitive receptor, we would advise against any artificial lighting at night (ALAN); however, we urge strongly that if lighting is considered essential, any proposed lighting should be both bat- and invertebrate-friendly regardless, aimed inland with no lighting at all sea-side.

We understand that temporary towers are now required south of the River Stour. We would like to know what time period constitutes temporary, the likely construction method and construction material, what the BNG compensation will be for this temporary use and how the landscape will be restored once these towers are no longer required.

The assumption of 'no likely significant adverse effect anticipated' is repeated at Chapter 3, despite the acknowledgement that disturbance to the surrounding mudflats is anticipated for the introduction of the new access route on to the former Hoverport. The mudflats offer important feeding opportunities for waders, filter feeders *etc* and thus any disturbance is likely to have a significant impact. Therefore, what mitigation/compensation will be implemented to counteract this disturbance?

We find the information provided by National Grid to be lacking in detail and it is therefore difficult to comment fully on the proposals.



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CPRE Kent is an independent charity that works closely alongside other CPRE branches, as well as the national CPRE organisation. As such, the geographic focus of our comments is the Kent element of the project.

It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone. It is our position that planning decisions should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

Nationally, CPRE supports the overall need to 're-wire the UK' to rapidly decarbonise the UK power sector. However, in what we see as a once-in-a-century opportunity to upgrade to a sustainable, low-carbon, smart energy system, it is extremely important that the UK's landscape, biodiversity and heritage assets should not be seen as acceptable collateral damage. Overall, it is the charity's position that we need to aim for the best net-zero solution for the countryside, not just whatever is the quickest.

Principle of development

1. Do you support the principles of reinforcing the network in this location?

Option 2: No

Do you have any comments to make about the principle of reinforcing the network between Suffolk and Kent?

In line with the charity's national position, while CPRE Kent recognises the need to adapt the electricity transmission network as part of the move to more sustainable generation methods, this should be with schemes that minimise landscape impacts, secure real nature recovery opportunities and enjoy the support of local communities. Schemes that fail to meet these expectations should be refused as the need for energy does not justify damaging developments. The proposed Sea Link scheme does not meet these expectations and therefore should be reconsidered.

Specifically, we are concerned with the selection of the proposed site against alternatives. This is due to the considerable effects on protected wildlife and species habitat throughout the construction and post-construction phases, the size of the converter building, the impact of the related infrastructure (particularly the proposed pylons) and the significant impact upon the local landscape character.

CPRE Kent therefore has an overriding objection to the principle of the proposed development on the basis that the adverse impacts of the proposed development outweigh

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the scheme's purported benefits. It's against this context that all comments within this response are made.

Specifically, and given the clear extent of environmental and landscape impact, we do not accept that the proposed landfall through Pegwell Bay, with the Minster Marshes location for the converter station and substation can be the only option available. It is certainly our view that there is insufficient information at this time to justify the single choice of the Kent option, having regard to its environmental impact, as is required by the EIA Regulations.¹ Rather, the main supporting evidence as contained within Chapter 3 of the Preliminary Environmental Information Report (PEIR) simply sets out a very bare-bones case for the Kent option. In doing so, it raises more questions than it answers. We set out our specific concerns in this regard in response to Question 12 below.

More generally, it is CPRE Kent's view that there needs to be a far better coordinated strategic approach to planning, design and construction of new energy infrastructure. This is to reduce the overall negative impacts upon the countryside and the environment caused by the current ad hoc approach being taken to energy infrastructure schemes. The Sea Link proposal is just one of many energy infrastructure schemes currently in consideration on the coast of Kent and the East of England generally.

Accordingly, there is a clear need for Government and the energy industry to work together in a far more strategic and joined-up way. We would add our voice to many others who are calling on the Government to commit to greater integration and coordination of energy projects, which would include genuine consideration of an offshore grid.

The current ad hoc firefighting approach to energy infrastructure provision we currently have is deeply flawed, resulting in multiple landfall sites, each requiring converter stations and associated pylons/infrastructure, maximising the negative impacts in the process. It is simply wrong that the current decision-making process is almost entirely based on the economic preferences of the energy infrastructure providers, with localised environmental and landscape damage considered as an afterthought to be justified as necessary collateral given the urgent need to move to green energy.

While we accept this urgent need, we are also at a time when National Grid PLC is reporting record profits, up 15% to £4.58bn for the year to the end of March 2022, and with the monopoly currently valued at £35.8 billion by LSE investors. Against such record-breaking profits, we should not be being asked to simply accept environmental or landscape compromises. At the very least, equal weight should be being given to the need to protect landscapes and environment as is, and will be, given to the project's economic benefits.

We therefore welcome and support the announcement that Government grant funding has been awarded to National Grid Electricity Transmission (Sea Link), North Falls (Offshore Wind Farm) and Five Estuaries (Offshore Wind Farm) to expedite exploring an alternative coordinated offshore transmission approach as part of the Offshore Transmission Network Review. We understand that the initial high-level feasibility study is expected to be available before the end of March 2024.

¹ Article 5(1)(d) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) as amended by Directive 2014/52/EU (the EIA Directive)

In view of this, it is our strong view that, at the very least, a moratorium needs to be placed on the Sea Link project until the outcome of the Offshore Transmission Network Review is known.

Questions 2 to 10

While the geographic focus of our comments is the Kent element of the project, we will also stand by and support the comments from our counterparts within Suffolk who are challenging and objecting to the proposals in their geographical area.

11. Do you have any comments or issues you would like us to take into consideration regarding our marine proposals?

As a countryside-focused charity, our expertise and therefore principal concerns are naturally land-oriented. We, however, note the significant concerns being raised by those environmental and NGO counterparts who do have more of a marine focus. In particular, we note and endorse the comments of Kent Wildlife Trust, which again points to the fact that the cable is planned through the protected area of Margate Long Sands Special Area of Conservation (SAC), which supports Habitats Protected under European Law. We would also agree that the development clearly has the potential to cause irreversible priority habitat loss to Goodwin Sands, which is in a Marine Conservation Zone (MCZ). We also note its comments regarding damage to Sabellaria Reefs, a priority habitat, and blue mussel beds.

Of most significant concern, however, are the comments being made by Kent Wildlife Trust and others regarding their recent and real-world experience of the installation of the Nemo Link electricity cable. Like Sea Link, trenchless techniques were the preferred method of installation for the Nemo Link. However, we understand that this commitment was reneged upon, resulting in what they consider to be irreparable damage to the saltmarsh and marine habitats.

Given the preferred single option of landfall at Pegwell Bay, avoidance measures have been ruled out in terms of the mitigation hierarchy. Similarly, the very specific circumstances of the Goodwin Sands MCZ mean compensatory measures will also not be available. Effective mitigation alone is therefore all that will be available to evidence no significant effect in terms of the Appropriate Assessment. However, the failure of effective mitigation by National Grid with respect to the Nemo Link seriously undermines any credibility that can or should be given to this as an option. At the very least, this aspect of the project's case will need intense scrutiny.

12. What do you think about our proposed landfall at Pegwell Bay?

Option 3: We do not feel that this is the best location for the landfall.

As set out in response to Question 1, we do not accept that the option of landfall through Pegwell Bay with the Minster Marshes location for the converter station has been justified at all. We are also not convinced that it can be justified.

Specifically, we would consider the following questions need to be addressed ahead of the submission of the DCO application:

- What were the criteria for the landfall areas of search and onshore grid connection points? How can it be that there are no landfall areas of search that avoid sites designated for nature conservation within the South East?
- Were other landfall connection points considered alongside the 3 presented options² (subject to initial assessment) but ruled out before similar initial assessment? If so, what were the reasons for ruling out?
- Why was the Sellindge option at least partially ruled out on the basis of location within Flood Zone 3 and the need for exception test to demonstrate no suitable alternatives when this also applies to the proposed location at Minster?
- Linked to the above question, we understand National Grid Ventures holds a connection agreement on the Isle of Grain in Kent as part of its development portfolio that is currently being explored as a potential onshoring point for the Nautilus interconnector. To what extent has integration between that scheme and the Sea Link scheme been considered and, if ruled out, for what reasons? Likewise, could there be further integration options available with the proposed Grain to Tilbury electricity tunnel replacement/proposed new headhouse at Gravesend and the Sea Link project?
- Very little detail has been provided as to why a direct connection into the Richborough substation (within the Richborough Energy Park) is not possible, or indeed why only connection to the Richborough to Canterbury 400 kV overhead line remains in consideration.
- It is noted that landfall option point K1a was considered to have few environmental constraints, though it was development and land allocation constraints that ruled this option out, presumably on cost. What therefore were these costs and what specific route options were considered ahead of this option being ruled out?
- Likewise, it appears that all north Kent coast landfall options (K2 -K5) were 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”³. What brownfield sites were considered but ruled out? What were the “technical parameters” used to rule out consideration of other potential brownfield sites?

As National Grid is well aware, Pegwell Bay is of national and international importance and as such has several levels of protection. In particular, internationally protected species including golden plover, turnstone and red-throated diver have all been recorded at Pegwell Bay and the surrounding sites and are at risk of being displaced through disturbance. Golden plover and turnstone are designated features for Thanet Coast and Sandwich Bay Special Protection Area (SPA). It is therefore extremely concerning that, despite being at the statutory consultation stage, insufficient survey work has been undertaken. This is also despite Kent Wildlife Trust specifically calling for intertidal, subtidal and supratidal surveys to be conducted, as well as species-specific surveys for turnstone and golden plover.

² As subject to initial assessment as described within paragraph 1.3.5.47 Part 1 Chapter 3 of Preliminary Environmental Information Report

³ Paragraph 1.3.5.20 Part 1 Chapter 3 of Preliminary Environmental Information Report

The site is also home to Kent's largest population of seals, yet little to no consideration has been given to the impact the proposed development would have on the seal colonies on the shore.

It is clear that significantly more information will be required to inform the Environmental Statement in a manner that meets the EIA requirements in justifying why only one option has been subject to detailed assessment. In particular, the constraints and technical considerations that have ruled out all other possible connection points will need to be set out far more clearly.

However, and even without such further information, it is already clear that the proposed project will result in a significant and detrimental impact upon Pegwell Bay.

High voltage direct current (HVDC) cable corridor

13. What do you think about our proposed HVDC cable route in Kent?

Option 4: We disagree with the proposed cable route

Tell us more about why you selected this option and anything else you would like us to take into consideration:

In general terms, our comments made in response to Question 12 above apply equally to the proposed cable route. That is, we do not accept that the single Kent cable route option has been adequately justified, nor are we convinced the detrimental impacts of the proposed route through Pegwell Bay can be adequately mitigated against, even with the promised use of trenchless methods.

We, however, save our strongest objection for the proposed overhead line connection and associated pylons that is intended to connect the proposed substation to the Richborough to Canterbury 400 kV overhead line. While we set out our full comments on this aspect below in response to question 16, overall we consider that, firstly, the converter station and substation should be located in a position where yet more overhead cables would not be necessary, though if this option is to persist, then there is a strong and compelling case for the undergrounding of this section.

Minster substation and converter station

14. What do you think about our proposed converter station and adjacent substation near Minster?

Option 3: We do not think the substation and the converter station are in the right location

As above, our comments set out in response to Question 12 apply equally to the proposed location of the converter station and substation. That is, while there is insufficient information to justify the selection of the proposed location of the converter station/substation, given the extent of harm we struggle to accept that the proposed location is capable of justification.

Specifically, and based on the limited information that is available now, the primary grounds on which we object to the proposed converter station and adjacent substation are as follows:

1) Ecological and Biodiversity impact

Having considered the relevant section PEIR⁴, it is extremely concerning to note that survey work is ongoing or has yet to commence for most receptors. Despite this, it is already acknowledged that effects have the potential to be significant for specific terrestrial ecology receptors through the permanent and direct loss of specific habitats and bird habitats (amounting to 13.6 ha of arable land), plus the removal of 310 m of hedgerow and temporary removal of approximately 2,000 m² of bankside ruderal vegetation. It is similarly accepted that while the entire fields will not be occupied by the Proposed Project, they will effectively cease to support significant non-breeding bird assemblages. We would suggest that this would also be the case far beyond the draft order limits given the scale of the proposed project.

In terms of the surveys that have been undertaken, these have already identified significant ornithological features. Most notably this includes a survey during winter 2022-23 when a significant assemblage of golden plover (700 birds) was recorded on a single survey visit in December 2022. Consequently, it is already accepted that the proposed site is functionally linked to Thanet Coast & Sandwich Bay SPA. It is noted that other Red-listed birds including hen harrier, ringed plover, lapwing, dunlin, ruff, black-tailed godwit, whimbrel, curlew, turtle dove, skylark and twite have been recorded there, sometimes in notable numbers.

Despite this, avoidance measures do not appear to be being considered in line with and as required by the mitigation hierarchy. Instead, we are advised in vague terms that a Biodiversity Management Strategy will be produced to accompany the Development Consent Order once the impact assessment process is complete at the ES stage. Likewise, there is a similarly vague commitment to “investigate” mitigation opportunities to deliver long-term improvements to offset the permanent loss of fields currently used by non-breeding golden plover and to enhance the Stour corridor. Overall, it is concluded that the loss of these fields will require offsetting, yet no firm details of this are provided.

With respect to other fauna (reptiles, bats, riparian mammals, dormice, invertebrates, fish), again the impact is currently unknown on the basis that surveys are ongoing or will be undertaken in 2024. It is, however, acknowledged that potential impacts include direct loss (temporary or permanent) of habitats, spillages and introduction of non-native species, and killing and injury of fauna. The PEIR in this respect concludes “*it is impossible to identify the relative importance of the habitat within the survey area for other faunal groups*”.

While it can be accepted that the NSIP process is necessarily an iterative process to a degree, the difference here is that we are being told there is only this one possible option for Kent, yet even baseline ecological and environmental information is seemingly unknown. Further, where significant effects are anticipated, avoidance measures are not being considered; details and therefore effectiveness of mitigation are unknown, as is also the case with respect to compensatory measures.

⁴ Preliminary Environmental Information Report Part 3 Kent Onshore Scheme Chapter 3 Ecology and Biodiversity

On this basis, it is impossible to be able to conclude that the proposed location is the right location in terms of ecological and biodiversity impact.

2) Landscape impact

The existing landscape of the proposed location of the converter station and substation within Minster Marshes and Ash Levels is characterised by open, low-lying marshland landscapes in which development is typically sparse. These are agricultural landscapes where pastoral and arable farmland is actively managed. The construction of the converter station and substation will result in a permanent land-use change and direct loss of these landscape elements. Accordingly, the relevant section of the PEIR⁵ accepts that there will be significant landscape effects on the landscape character areas Wantsum North Slopes, Stour Marshes and Ash Levels, and well as one viewpoint east of Minster.

Likewise, the PEIR accepts that this significant effect will be significantly exacerbated should the option of overhead cable lines be pursued, not least as this would result in a concentration of additional pylons and yet further permanent external lighting.

Again it is impossible to fully assess the extent of landscape impact when the design options for the converter station and substation are unknown. The potential size of the converter station, though, is of significant concern. Far more detail is required as to design, location, size and scope, along with anticipated landscape mitigation measures appropriate to such, to be able to make any firm conclusions as to just how bad the landscape impact will be.

What, however, is clear is that the choice of location within the open countryside isolated from any similar built form alone creates what would already be a significant landscape effect. It is also clear that this effect will be significantly exacerbated should the option of overhead lines be pursued.

While again for these reasons it is impossible to conclude that the proposed location is the right location in terms of landscape impact, what is clear is that any such impact would be reduced should the cables to the Richborough to Canterbury 400 kV overhead line be underground rather than overhead.

3) Loss of Best and Most Versatile Agricultural Land (BMV)

It is accepted that the proposed project will result in the temporary and permanent loss of BMV land from agricultural production within the areas required for construction, maintenance and decommissioning works. While the temporary losses are deemed to not be significant, it is accepted that the permanent losses of BMV land have the potential to result in significant effects. It is also accepted that there is also the potential for construction, maintenance and decommissioning works to impact soil function and soil quality.

Preventing the loss of BMV land is a significant campaigning issue for CPRE, with our recent report *"Building on our food security"* highlighting that in the past 12 years we have lost more than 14,000 hectares of prime agricultural land to development, including 287,864 houses – equivalent to the productive loss of some 250,000 tonnes of vegetables and enough to provide almost two million people with their five-a-day for an entire year. Further,

⁵ Preliminary Environmental Information Report Part 3 Kent Onshore Scheme Chapter 2 Landscape and Visual

this is a worsening situation, with 2022 seeing the greatest number of hectares of BMV land planned for development – equating to a hundredfold increase on the number of hectares of BMV land built on in 2010.

Best and most versatile agricultural land is needed to help feed the country's population. Recent world events indicate the need to protect such land. The loss of such an important resource will compromise the ability of future generations to meet their own needs, contrary to the NPPF.

It is therefore unacceptable to CPRE Kent for the relevant PEIR⁶ to simply conclude that, while it is likely that the extent of BMV land permanently lost will exceed the thresholds for a medium or large magnitude impact, it is not possible to mitigate for the permanent loss of BMV land.

The applicant is well aware of the requirements of the EIA process, the NPPF and Thanet Local Plan Policy E16 to take a sequential approach within the site selection process to avoid loss of BMV land. We would therefore again ask what brownfield alternatives were considered but discarded ahead of detailed assessment within both the locality and at alternative landfall locations.

As it is, it is again impossible to be able to conclude that the proposed location is the right location in terms of agriculture and soils.

4) Flood Risk

It is noted that the baseline assessment of the relevant section of the PEIR⁷ that the proposed converter station and substation can be located within an area that avoids Flood Zone 2 (medium risk) and Zone 3 (high risk). This, however, does not reflect the reality on the ground, which see the proposed location subject to routine flooding. The applicant's own evidence supports this reality, detailing ecological and ornithological surveys being undertaken at times of flooding. It is accepted that any flooding issues will be exacerbated when the likely future impacts of climate change are considered.

The site's proposed location within an area prone to flooding is already causing additional detrimental impacts. For example, the now proposed 2.2km of overhead line was previously proposed to have been underground. It is, however, understood that this has been backtracked upon on the basis of "*technical issues with the underground option and the area being in the flood zone*"⁸.

The River Stour and watercourses in the Stour Marshes including Minster Stream and Richborough Stream are rightly subject to the highest levels of protection as they form part

⁶ Preliminary Environmental Information Report Part 3 Kent Onshore Scheme Chapter 7 Agriculture and Soils – see Table 3.7.12: Preliminary assessment of the permanent loss of BMV land

⁷ Preliminary Environmental Information Report Part 3 Kent Onshore Scheme Chapter 5 Water Environment

⁸ See note of PINS Project update meeting dated 5th October 2023 - [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020026/EN020026-Advice-00017-1-SEA%20Link%20Project%20Update%20Meeting%20Note%20051023%20NG%20REVIEWED_%20\(002\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020026/EN020026-Advice-00017-1-SEA%20Link%20Project%20Update%20Meeting%20Note%20051023%20NG%20REVIEWED_%20(002).pdf)

of the waterbodies named within the Sandwich Bay Special Area of Conservation (SAC). Despite this, they are currently only deemed to be in a “moderate” rather than “good” condition due to existing pollution.

We are therefore particularly concerned that the proposed location of the converter station and substation could exacerbate this further through pollution of watercourses from operational discharges and runoff from above-ground infrastructure. This would be significantly exacerbated should the site be subject to regular flooding events. As it stands, we have little to no detail of proposed mitigation measures. This includes details of any SuDS measures that are proposed to manage increased flood risk from operational discharges and runoff from the project.

Again, we are told that such information is not available now, though will be included within the Flood Risk Assessment that will be prepared alongside the Environment Statement. This information will therefore not be available until the DCO is submitted for examination. The problem with such an approach is that again the FRA requires that a sequential approach within the site selection process be taken to avoid as far as possible new development within flood zone areas. By waiting until the point of submission, it will be too late to scrutinise whether this has actually taken place as by then the location will be presented as a done deal.

As it is, it is again impossible to be able to conclude that the proposed location is the right location in terms of flood risk.

5) 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.

The proposed location is within one of the few remaining areas of darker skies within the Thanet District as shown within CPRE Dark Sky mapping (appended below). It is therefore deeply concerning that this very significant constraint has been given little to no consideration within the various PEIRs.

15. We have identified several design approaches for the proposed converter station. Which approach(es) would you like to see explored at later design stages?

Given CPRE Kent’s overriding position that the single proposed location for the converter station and substation have not been adequately justified, we would consider it premature to make detailed comments on which of the proposed design options is preferred. Significantly more context for each design is required to make such an assessment.

Notwithstanding this caveat, as a countryside charity focused on conserving and enhancing the countryside and its landscapes for all, clearly the lessening of any visual impact is going to be our overriding concern. In this respect, we have been unconvinced by examples where colour alone has been used in an attempt to reduce visual impact. Similarly, while we would

always encourage the use of green roofs where practical, far more detail and context would need to be provided to pass comment on whether such would be appropriate for wherever the finally-agreed location is.

Overhead Line Connection

16. What do you think about our plans to use overhead lines to connect the proposed substation into the existing Richborough to Canterbury overhead line?

Option 3: We disagree with the plans to use an overhead line connection

Tell us more about why you selected this option and anything else you would like us to take into consideration:

CPRE Kent strongly objects to the proposed overhead lines and associated pylons. We understand that the option to underground these cables has been dropped on the basis of “*technical issues*” relating to flooding, though nowhere is it explained what these technical issues actually are. If it really is the case that these unknown technical issues are such so as to be insurmountable, again we ask whether the proposed location of the converter station and substation really is the best location available.

We would object to the overhead lines on the basis of two main grounds, namely landscape impact and environmental harm. With respect to landscape, our comments above in response to Question 15 largely set out our concerns. In the simplest terms, whilst the proposed converter station and substation alone is likely to result in a significant effect from a number of assessed viewpoints, in almost all cases this would be exacerbated by the presence of overhead lines and associated pylons.

In terms of environmental harm, our overriding concern is that the specific location of the proposed overhead lines and pylons is likely to result in significantly higher levels of bird strikes and bird deaths than could otherwise be reasonably expected.

While the Government’s draft National Policy Statement EN-5 acknowledges that many birds are killed or injured by flying into overhead power lines, pylons carrying such lines near the coast pose a particular danger in spring and autumn, when many thousands of birds migrate to and from the UK. They are also notably hazardous near rivers, between bodies of water, close to arable fields used by grazing wildfowl and of course where they lie across flight paths used by swans, geese, ducks, gulls and waders, among other birds.

The potential for casualties and fatalities increases with birds that leave their daytime feeding grounds and fly to nocturnal roosting areas. The coming together of so many factors at the site of the proposed Sea Link converter station on Minster Marshes, where National Grid is suggesting running a double line of pylons over the River Stour to join the Richborough-Canterbury pylon route, is potentially catastrophic for birdlife.

Just two to three miles away, Sandwich and Pegwell Bay National Nature Reserve covers an estuary on the coast. It is a nationally important site for bird migration, evidenced by the establishment of Sandwich Bay Bird Observatory. Many of the migratory birds arriving at the estuary fly up the Stour to inland sites across the UK – what they would face should National Grid’s scheme at Minster be approved is effectively a ‘fishnet’ of pylons and power

lines with near-certain disastrous effects that would not be quantifiable due to the location over a river.

It isn't just migrating birds that would be negatively affected by the pylons and power lines. If permitted, they would cross a grass meadow that has not been cultivated for 20 years and has a wealth of birdlife – enhanced by wetland scrapes created in 2018 for wintering waterfowl under Higher Level Stewardship, part of the Environmental Stewardship scheme.

This area is functionally linked to Sandwich and Pegwell Bay NNR and has a critical role in hosting waterfowl forced from that site by high tide or bad weather. Bordering the Sandwich Bay to Hacklinge Marshes SSSI, it comprises one of the last unspoilt stretches of a heavily developed district where waterfowl can rest and feed without disturbance. To effectively destroy it by running lines of pylons and power lines over it is environmentally irresponsible and, in our view, unacceptable.

Upstream of the Minster site is the environmentally rich Stour Valley, which includes Stodmarsh NNR. Many birds commute between the estuary and Stodmarsh on a near-daily basis – again the hazard posed by the proposed pylons at Minster on their route is unacceptably high.

One of the species known to be most at risk from pylon bird strike is mute swan – and one of the worst incidents in the UK occurred less than two miles away at Monkton in January 2003, when at least 177 birds were killed by flying into power lines. Large numbers had been feeding on arable land before in the evening flying to nearby waterbodies, whether nature reserves or farm reservoirs, to roost.

According to the Electricity Act 1989, National Grid has environmental responsibilities that include:

- Schedule 9 preservation of ecological resources
- Section 38 and Schedule 9 – duty to have regard to the desirability of... conserving flora, fauna and geological or geophysical features of special interest.
- Doing what it reasonably can to mitigate any effect on... any such fauna

We believe that National Grid would be negligent in relation to the Electricity Act were it to propose overhead lines at Minster and no other options, when it is aware there are other deliverable options that are better for the environment.

National Policy Statement EN-1 says in paragraph 3.7.10 “... *in most cases, there will be more than one technological approach by which it is possible to make such a connection or reinforce the network (for example, by overhead line or underground cable) and the costs and benefits of these alternatives should be properly considered as set out in EN-5 before any overhead line proposal is consented*”.

We are not convinced this has been done.

The NPS's EN-5 (current and draft) requires National Grid to assess risk of bird strikes and to consider whether the risk has been appropriately mitigated. Alternatives to overhead lines must be presented for consultation for stakeholders and the Planning Inspectorate to be able to determine the risk levels of each.

The current EN-5 states: “2.7.1 Generic biodiversity effects are covered in Section 5.3 of EN-1. However, large birds such as swans and geese may collide with overhead lines associated with power infrastructure, particularly in poor visibility. Large birds in particular may also be electrocuted when landing or taking off by completing an electric circuit between live and ground wires. Even perching birds can be killed as soon as their wings touch energised parts.”

Given all of the above, it is difficult to envisage a worst place to site overhead pylons and power lines than that suggested at Minster. National Grid has an environmental responsibility that it would not be fulfilling were it to progress with this scheme in its current form.

Given the clear detrimental impacts of using overhead pylons in terms of environmental and landscape harms, along with what must only be a modest cost increase of undergrounding the short section that’s to go overhead, surely the significant benefits of undergrounding must prevail?

17. Is there anything further you would like us to take into consideration when developing our proposal in Kent?

As is being raised by a number of stakeholders and local residents, we share the justifiable concerns as to the ‘cumulative impact’ of a number of significant and already-approved projects within the locality.

We do, however, have a particular concern as to the extent the provision of a further converter station and substation will act as a magnet for other large-scale energy infrastructure projects in the locality, including further solar farms or battery storage. This is owing to this area’s particular sensitivity in terms of the environment and BMV land. Again, it is our view that there is a need for a far more joined-up and strategic approach to planning for our future energy needs, which is why national CPRE is campaigning for a proper strategic land-use framework.

**18. Do you have any key concerns regarding the construction stage of Sea Link?
Tick as many as you want!**

Yes, CPRE Kent has concerns with respect to all the below:

- Impact on people
- Landscape and visual impact
- Ecology and biodiversity
- Air quality
- Noise
- Traffic and transportation
- Archaeology
- Public access to rights of way (such as bridleways)
- Disruption to land use
- Drainage
- Impact on tourism
- Impact on recreational activities

However, and as with much of the operational phase, insufficient detail has been provided at this stage to make sufficiently informed comments as to the likely extent of impact during the construction phase.

For example, we are told that there will be highway improvements to help deal with the construction traffic though are not told what these improvements will be. We are told that the temporary visual impact arising as a consequence of the three rather vast construction compounds will not be significant, though it not explained upon what basis this assumption is made or to what extent mitigation/screening will be provided.

Instead, it is again the case we have to wait until detailed construction method statements and similar are produced to inform the Environmental Statement at the DCO submission stage for the full details of likely impacts to be known.

19. Do you have any comments about how we could deliver environmental mitigation and enhancement (such as hedgerow creation, native tree-planting or funding local wildlife groups) as part of our proposal?

Again, it is our overriding view that insufficient information has been provided to justify the choice of location and therefore we do not consider avoidance before mitigation is being properly or genuinely considered.

If, however, the decision is made to go forward with this location, the most fundamental piece of mitigation would be undergrounding all cables. For the reasons set out above, this relatively simple change would alleviate some of the more significant concerns we have.

We would also expect to see far more detail as to what compensatory habitat is to be provided and how this would be managed going forward. Given the already-accepted presence of golden plovers, we would expect far more detail to have been provided on this ahead of the DCO submission to allow robust upfront scrutiny as to its likely effectiveness.

Likewise, and with respect to the removal of hedgerows and other vegetation, we would expect far more detail as to what compensatory measures are to be employed so to ensure a genuine biodiversity net gain can be achieved.

20. Do you have any other comments about Sea Link to give that you have not previously mentioned?

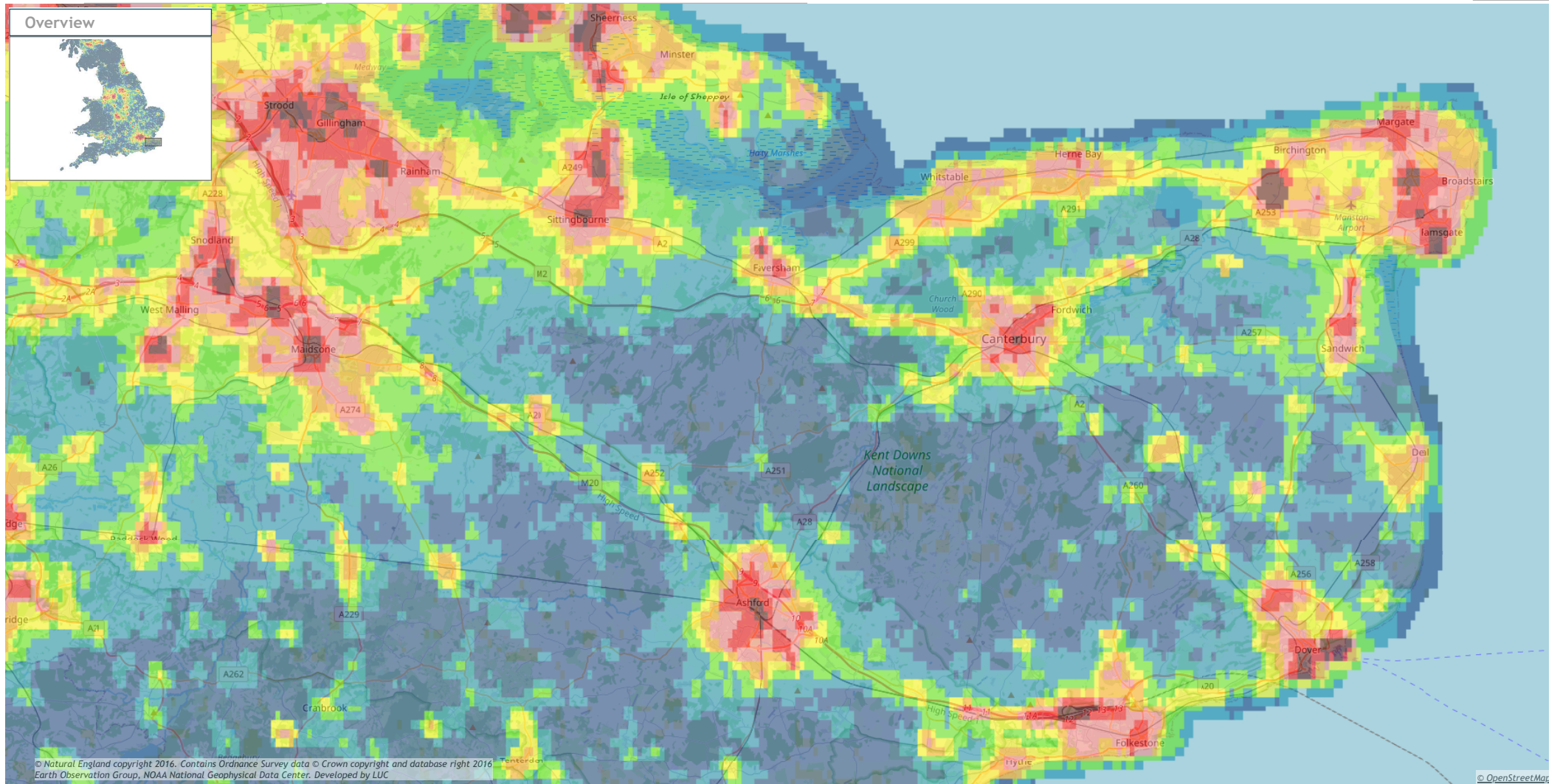
We note that the proposed location will potentially limit the possibility of expansion of the nearby Southern Water sewage-treatment plant. It is, however, our understanding this will be necessary to accommodate the significant housebuilding coming forward within the locality.

Questions 21 to 26

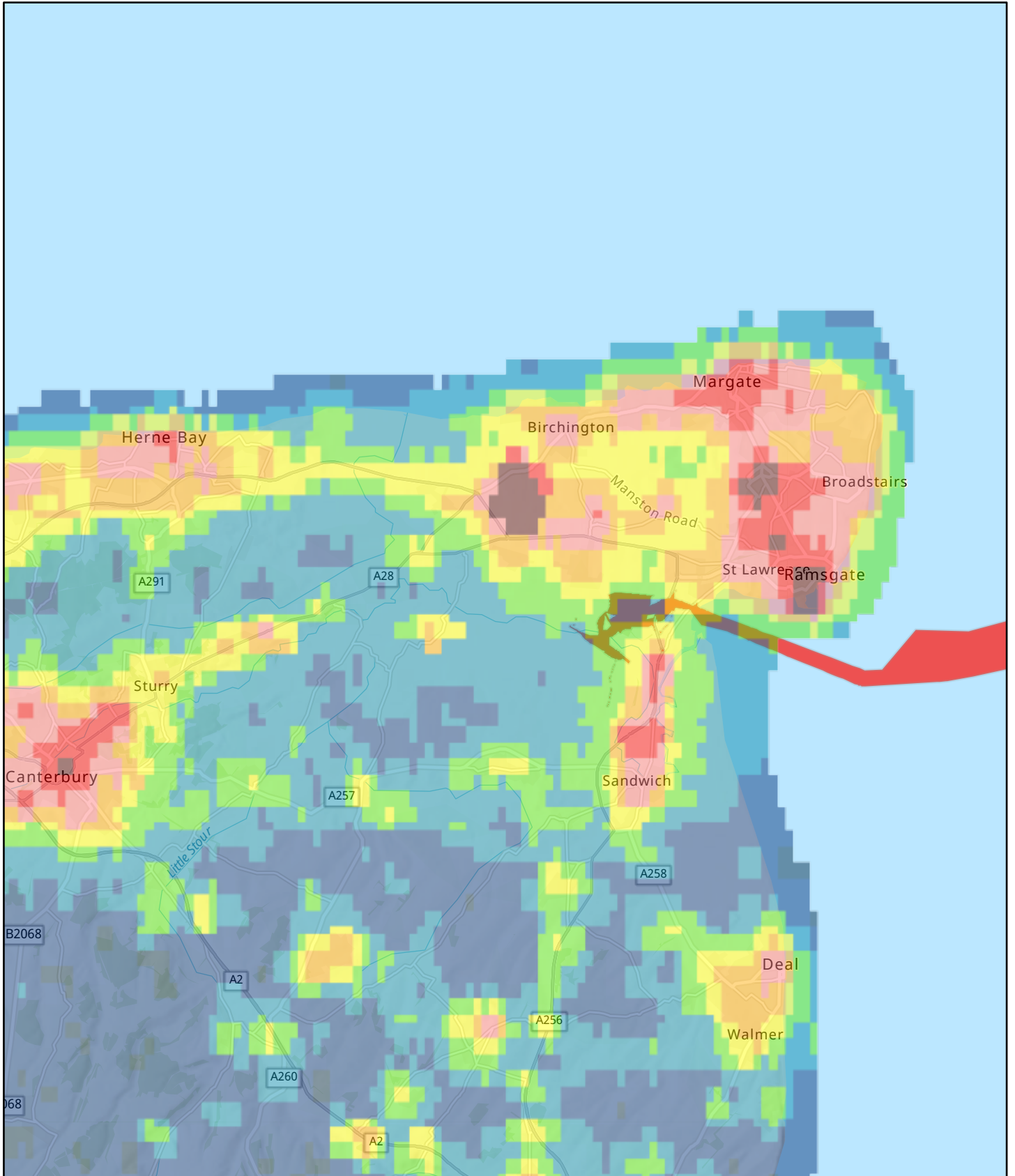
CPRE Kent understands people found out about the consultation process by accident rather than design. People still are finding out about the project, yet your exhibitions have now closed and they are turning to campaign groups to find out more.

England's Light Pollution and Dark Skies

OpenStreet



Sealink Order Limit against CPRE Dark Sky Map



14/12/2023

