



Kent
Wildlife Trust

Date: 7th August 2024
National Grid Electricity Transmission
Sea Link Project
Email: contact@sealink.nationalgrid.com (by email only)

Dear Sir/Madam,

RE: Sea Link Nationally Significant Infrastructure Project (NSIP) July – August 2024 Consultation – Kent Wildlife Trust

SUMMARY

Kent Wildlife Trust (KWT) supports the transition to renewable energy to help mitigate against climate change. We understand the need for new energy infrastructure to help decarbonise the energy sector, however we emphasises the need for careful planning and consideration to ensure that such energy infrastructure developments do not negatively impact wildlife and their habitats. Renewable energy infrastructure projects should make a positive and meaningful contribution to UK Government commitments to halt and reverse biodiversity loss and to establish a national Nature Recovery Network in England to meet our 30 by 30 targets. KWT strongly advocate for a coordinated strategic approach to siting, design and construction to create sustainable energy infrastructure to reduce carbon emissions, whilst at the same time conserving and restoring biodiversity to deliver wider environmental and social benefits.

This letter is written in response to reviewing National Grid's project update and targeted consultation for Sea Link (July 2024 consultation). To allow us to complete a comprehensive response to your consultation, please accept our comments in letter format. KWT have provided previous comments to National Grid in March 2023 and December 2023.

Below is a summary of our main concerns outlined within our previous responses:

- There needs to be a detailed Cumulative Impact Assessment (CIA), examining the effects from multiple activities
- Clear evidence that the mitigation hierarchy is being followed, including a thorough assessment of alternatives
- Avoidance of Margate Long Sands Special Area of Conservation (SAC) and Goodwin Sands Marine Conservation Zone (MCZ) due to their national and international protection and risk of irreversible habitat damage
- KWT asked National Grid to address the failed mitigation and ongoing negative impacts from the Nemo Link project, particularly on the saltmarsh and mudflat recovery
- Despite preferences for trenchless techniques, there are still risks that need addressing, and no guarantees were made regarding their feasibility
- There was a lack of comprehensive mitigation and compensation measures, including the justification for chosen methods and alternatives
- During a site meeting with National Grid in January 2023 and outlined again within our December 2023 response, KWT provided National Grid a list of minimum survey effort we would expect to see to enable a detailed assessment of the impacts to ensure appropriate bespoke mitigation can be provided. Prerequisites included invertebrate surveys of the saltmarsh and mudflats, monthly intertidal, subtidal and supratidal bird surveys of Pegwell Bay, species specific turnstone and golden plover surveys, marine

mammal surveys with a particular focus on seals and assessments on functionally linked land (FLL) and non-designated land used by birds

- KWT requested for additional public consultation before the Development Consent Order (DCO) submission to ensure stakeholders and the public can review and assess the detailed ecological impacts and proposed mitigation

Please note that our comments reflect only of the proposals and impacts to Kent and not of the scheme in its entirety.

NATIONAL POLICY

We wish to bring to your attention the lack of reference to the Government's 25 Year Plan for the Environment in the consultation documents. Of particular consideration to this proposal are the Government's targets for:

- Restoring 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term
- Creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network, focusing on priority habitats as part of a wider set of land management changes providing extensive benefits
- Reversing the loss of marine biodiversity and, where practicable, restoring it
- Ensuring seafloor habitats are productive and sufficiently extensive to support healthy, sustainable ecosystems
- Taking action to recover threatened, iconic or economically important species of animal, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England
- Embed an 'environmental net gain' principle for development, including housing and infrastructure
- Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage

CHANGES TO THE OFFSHORE SCHEME

International and National Protected Conservation Sites

It is understood that the proposed changes to the Offshore Scheme (within the Kent coastline) include refinements to the cable route to avoid directly impacting Goodwin Sands MCZ. KWT are pleased that efforts have been made to directly avoid this nationally protected conservation site, however consideration regarding indirect impacts, such as noise disturbance, vibrations and risk of pollution from drilling fluids, still need to be assessed and mitigated against. We also request further clarification and reassurances that direct impacts to Goodwin Sands MCZ can definitely be avoided, as National Grid stated within their 2022 route assessment that "*[...] Goodwin Sands MCZ cannot be avoided by the identified marine alignments connecting to landfalls in Pegwell Bay [...] Additionally, when routeing east out from Pegwell Bay, in order to head north the route must cross the Nemo Link cable and the Thanet Offshore Wind Farm export cables, requiring the placement of rock protection on the seabed at these locations potentially resulting in permanent habitat loss including within the Goodwin Sands MCZ [...] Taking into account all of the factors set out above the preferred option from a marine routeing perspective is K1a, which makes landfall at Broadstairs.*" Further information as to why and how National Grid can now avoid Goodwin Sands MCZ, despite previously asserting that they could not avoid this designated area if meeting landfall at Pegwell Bay is needed.

Despite National Grid making efforts to avoid Goodwin Sands MCZ, the proposed project will still directly impact seven other national and international statutory designations:

- Thanet Coast and Sandwich Bay SPA
- Thanet Coast and Sandwich Bay Ramsar
- Outer Thames Estuary SPA
- Margate and Long Sands Special Area of Conservation (SAC)
- Sandwich Bay SAC
- Pegwell Bay National Nature Reserve (NNR)
- Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI)

We understand that the Southern North Sea SAC will also be directly impacted, however this response focuses specifically on the Kent onshore scheme and Kent coastline. The proposed project will directly disturb these nationally and internationally protected conservation sites, which will result in direct habitat loss, degradation and species disturbance. These statutory designated conservation sites are protected under various national and international legislation, which ensures the sites are protected from activities that may damage or disturb habitats and species within these areas. Given the scale of direct impacts to several statutory designated sites, we reiterate our previous concerns that the mitigation hierarchy has not been appropriately followed. As previously requested, more information is needed to convey how the mitigation hierarchy has been followed, and to support the rationale behind the chosen route. As mentioned above, National Grid stated within their 2022 route assessment that the preferred option from an offshore routeing perspective was making landfall at Broadstairs due to fewer environmental constraints and *“the extent of interaction with the designated sites is smaller”*. These contradictions raise concerns about National Grid’s commitment to environmental stewardship and their sustainable practices. The discrepancy between their stated preferences in 2022 and the current decision to make landfall at Pegwell Bay NNR calls into question their adherence to environmental best practices and their dedication to minimising ecological harm.

Trenchless Techniques

From reviewing the Additional Preliminary Environmental Information (APEI) reports, KWT are pleased that National Grid have fully committed to trenchless techniques along the saltmarsh, however the APEI does not provide a detailed assessment of the risks associated with trenchless technology and potential impacts to the surrounding environment and wildlife. We encourage that a detailed impact assessment of different trenchless technique options is undertaken to inform the preferred method which has the least environmental risks. We are also concerned that trenchless techniques are not proposed along the mudflats, and instead open cut trenching will be used. Under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, an inventory of Priority Habitats was devised. This is a list of habitats and species of principle importance for the conservation of biodiversity in England and require conservation action under the UK Biodiversity Action Plan (UK BAP). The mudflats which will be impacted by the proposal are classified as a priority habitat and therefore efforts should be made to avoid, mitigate and, as a last resort, compensate any negative impacts. During a meeting with National Grid on 1st August 2024, it was relayed to us that trenchless techniques are not viable within the mudflats. If open cut trenching cannot be avoided, then we would expect to see appropriate mitigation to compensate for the direct impacts to this priority habitat. The previous Nemo Link went through the mudflats and no mitigation measures were implemented, resulting in lasting affected areas. It has been claimed by National Grid that the mudflats have recovered naturally, however we have yet to see the evidence to support this. KWT have requested this evidence on numerous occasions, however National Grid have yet provided us with this information. Currently, within the PEIR documents and APEI there is no mention of mitigation and/or compensation to the direct impacts to priority habitat mudflats.

Protected Species

Within our previous consultation responses, KWT raised concerns around the lack of marine mammal surveys, in particular seals. Seals are a protected species and are legally protected under various national and international legislation, such as the Conservation of Seals Act 1970, and the Habitats Directive, where both grey and common seals are listed under Annex II. Sandwich to Pegwell Bay NNR is a seal haul-out location, supporting Kent's largest seal population which use the NNR all year round to rest, moult and breed. Therefore, it is extremely disappointing to see that only desk top surveys were undertaken to assess the baseline conditions. KWT have already pointed out that the data used within these desktop studies are out of date, with National Grid using data from 2014 – 2020 to make their baseline assumptions. Despite KWT repeatedly requesting for seal surveys since January 2023, National Grid has failed to conduct these essential surveys. The absence of up-to-date and comprehensive seal data undermines the integrity of the Environmental Impact Assessment (EIA). Now that the Order Limits have encompassed the entirety of the NNR, seals are now at greater risk to adverse effects such as direct disturbance to resting and breeding seals and disturbance and displacement of prey availability. Without sufficient data, the full extent of the potential harm to the seal population cannot be accurately assessed or mitigated, raising concerns about the project's adherence to legal protections and its overall environmental responsibility. National Grid have committed to other protected species surveys; therefore, we would expect them to apply the same rigorous standards to seals and other marine mammals. It is imperative that seal surveys are conducted to ensure all protected species are given due consideration and to ensure compliance with legal requirements.

Overall, whilst some efforts have been made to avoid and reduce negative impacts of the Offshore Scheme, KWT are unable to agree that significant damage and/or disturbance will not occur to the statutory marine designated sites, priority habitats and protected species.

CHANGES TO THE ONSHORE SCHEME

Despite National Grid making design changes to the Order Limits, which they consider to be positive from an environmental perspective, the proposals will still directly and/or indirectly impact several statutory and non-statutory sites and Priority Habitats, which are locally protected. These include:

- Sandwich Bay and Hacklinge Marshes SSSI
- Ash Level and South Richborough Pasture Local Wildlife Site (LWS)
- Woods and Grassland Minster Marshes LWS
- Sandwich and Pegwell Bay Kent Wildlife Trust Nature Reserve
- Priority Habitat Coastal Saltmarsh
- Priority Habitat Mudflats
- Priority Habitat Coastal and Floodplain Grazing Marsh
- Priority Habitat Reedbeds
- Priority Habitat Deciduous Woodland
- Priority Habitat Open Mosaic Habitat
- Non-Priority Habitat Good Quality Semi-Improved Grassland
- Intertidal Substrate Foreshore

Ramsgate International Hoverport

We understand that National Grid have proposed a new access route via the former Ramsgate International Hoverport for any operation and maintenance activities to avoid disturbance to the saltmarsh. Paragraph 1.8.23 within the Executive Summary of the APEI states "*the removal of the construction access route through Pegwell Bay saltmarsh and the introduction of a new*

construction and maintenance access road from Sandwich Road via the hoverport for post-installation access to the mudflats for any monitoring would avoid any direct effects on the saltmarsh. Although a short stretch of it passes through the Sandwich Bay SAC/Thanet Coast & Sandwich Bay SPA/Ramsar boundary, this is an existing track that has no SAC features or habitat supporting SPA birds. The new laydown areas on the hoverport and adjacent to access off Sandwich Road are unlikely to introduce any new significant adverse effects.” KWT disagree with the underlined sentence as the hoverport is used by a variety of protected flora and fauna such as man and lizard orchids and bright wave and restharrow moths, which are Priority Species listed under Section 41 of the NERC Act 2006 and both breed on the hoverport. Additionally, the Sussex emerald moth and fiery clearwing moth, which are both fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, have been regularly recorded. Whilst breeding has yet to be confirmed of either species on the hoverport, both species have been confirmed breeding within a 3km radius of the Order Limits. Both species are fully protected under Schedule 5 of the Wildlife and Countryside Act and a licence from Natural England for any activity that might disturb them, or their habitats would be required. We strongly advise that egg counts for both species are undertaken of suitable breeding vegetation throughout the Order Limits. Please note a suitable licensed ecologist will need to undertake the egg searches as a survey licence is required. The APEI does not include any baseline ecological assessment of the hoverport, therefore we cannot see how National Grid have determined no significant adverse effects and we are unable to agree with this statement.

Protected Species Mitigation

Within our previous consultation response, we raised concerns around the loss of functionally linked land (FLL). In total, 13.6ha of FLL for the Thanet Coast and Sandwich Bay SPA/Ramsar was to be permanently lost to make way for the proposed converter and sub stations. From reviewing the APEI we note National Grid have reduced the Order Limit within Minster Marshes and have proposed to relocate the main cable construction compound from this area. We are pleased that this construction compound has been removed from Minster Marshes, as this lessens the overall direct impact to this important wildlife corridor, which plays a key component to the surrounding ecological network. However, the converter and sub stations will still result in the permanent loss of important FLL for golden plover, a named species of the Thanet Coast and Sandwich Bay SPA. From reviewing the APEI, we understand that National Grid have proposed to convert arable land and create 11ha of long-term improved habitat in the form of seasonally flooded grassland and new riverside scrapes to compensate for the permanent loss of FLL. We note however, that this mitigation area sits south-west of existing and proposed new pylons, meaning that golden plover and other bird species would have to fly through the pylons to access the mitigation area from the coastline. Currently, there is a clear flightpath from the coastline to the existing FLL within Minster Marshes. KWT are concerned that National Grid have not taken this into consideration and have not adequately assessed the risks and impacts of having several 50m pylons and overhead lines between the coastline and proposed mitigation area. A detailed impact assessment is required to assess whether the proposed mitigation area is within a suitable location. We note that a baseline habitat and protected species assessment of this area has not been undertaken and therefore this arable land may provide breeding habitat for farmland bird species such as skylark, which are also a Priority Species. Overall, KWT are not convinced that this is a suitable location for FLL compensation.

Changes to Overhead Lines

We note that National Grid have proposed to use standard height lattice tower for the new overhead lines (OHL), rather than the low-height option as originally proposed. This change has partially been informed by collision risk assessments, which have concluded that given the limited height difference (approximately 10m) between standard height and low height towers,

National Grid have stated there will be little difference in the collision risk impacts. KWT request more information is needed to confirm this assessment, as currently we are not convinced by the information that has been provided. In 2003 there was a mass bird strike killing 179 swans after they collided with standard height power cables. When new OHL went up for Nemo Link, they used the lower height cables as mitigation to help reduce bird strikes. Despite bird strikes still occurring, no mass bird strikes have occurred, therefore further evidence to support the claim there is little difference in collision risk is required.

Cumulative Impacts

As highlighted within our previous consultation responses, KWT are concerned over the lack of a detailed cumulative impact assessment. We note from reviewing the APEI that National Grid have stated within Table 1.2 that no new or different significant intra and inter-project cumulative effects have been identified. KWT disagree with this statement as in March 2024 (after the submission of Sea Link's PEIR documents) National Grid ESO published their 'Beyond 2030' strategy, which included a new offshore cable connecting Scotland with Kent, meeting landfall at Pegwell Bay. KWT have raised concerns with National Grid regarding this proposed development, however they have been reluctant to include this proposed infrastructure project within Sea Link's cumulative impacts as they claim it is too early in the design stage. The 'Beyond 2030' strategy however shows that this proposed project, currently known as SW_E2a_2, is at the Strategic Optioneering stage, which as quoted within the strategy means "*the needs case is firm; a number of design options being developed so that a preferred design solution can be identified*". Whilst we understand that National Grid and National Grid ESO are separate entities, they are both part of the National Grid Group and the proposed SW_E2a_2 infrastructure project would likely be overseen by National Grid. Habitats and species within Pegwell Bay and the surrounding area have already been adversely affected by Nemo Link. Sea Link will impact these same habitats and species populations for a second time. If SW_E2a_2 progresses, then these statutory protected conservation areas will be directly impacted by a large infrastructure project for a third time. It is unacceptable that National Grid has not taken into account the full range of cumulative impacts in their assessments. The repeated disturbances and habitat degradation resulting from successive infrastructure projects will have compounding negative effects on the local ecosystem, undermining the Government's conservation efforts and targets, and potentially causing irreversible damage to these nationally and internationally protected areas. A comprehensive Cumulative Impact Assessment (CIA) is essential to ensure that all potential environmental impacts are thoroughly evaluated and mitigated. KWT urges National Grid to reconsider their assessment approach and fully incorporate all foreseeable projects to protect the ecological integrity of Pegwell Bay and the surrounding statutory designated areas.

KWT remain concerned about the standard of environmental evidence provided within the APEI. As previously stated within our December 2023 response, the purpose of the Preliminary Environmental Information Report (PEIR) is to provide detailed information about the existing ecological conditions of the area potentially affected by the proposed development. This preliminary assessment helps in understanding the scale and significance of possible effects. By identifying potential impacts, the PEIR informs the development of mitigation measures to avoid, minimise, or as a last resort, compensate for adverse effects on the environment and wildlife. Paragraph 1.3.1 within the Executive Summary of the APEI states that "*Although there are some new receptors affected as a result of the change in the draft Order Limits whilst others are no longer affected, the scale of the effects are considered to be of a similar magnitude to those presented in the original PEIR. In these cases, there would be no additional significant adverse environmental effects to those already identified in the original PEIR.*" KWT disagrees with this statement as there still appears to be a lack of detail and evidence regarding potential impact significance and efficiency of mitigation measures. KWT are therefore unable to agree that there

will be no adverse effects on the integrity of designated sites, habitats and species. We stand by our previous comments that the PEIR was submitted prematurely as the documents contain almost no ecological data and therefore no viable assessment of impacts. Undertaking all ecological surveys before the submission of the PEIR would have ensured that ecological considerations are integrated into the planning and decision-making process, and that potential impacts are identified and addressed in a timely and effective manner. KWT are not confident with National Grid's preliminary assessments and strongly urge that a more detailed PEIR is submitted once the survey data has been collected, to adequately inform their proposed route and mitigation and comply with the EIA Regulations 2017.

Overall, from reviewing the APEI, PEIR and siting option reports, it is clear that Pegwell Bay is one of the most environmentally damaging landfall options, whilst Minster Marshes is an unsuitable location for the converter and sub stations, with both sites facing numerous environmental constraints. National Grid's decision to proceed with Pegwell Bay contradicts the fundamental principle of avoiding significant harm to sensitive habitats and designated sites, raising serious questions about their commitment to minimising environmental damage and protecting ecologically sensitive areas. By proceeding with a more harmful option when less environmentally damaging alternatives are available, National Grid is not adhering to the first step of the mitigation hierarchy, which is to avoid impacts altogether wherever possible. This oversight undermines the integrity of environmental protection measures and raises serious concerns about the commitment to sustainable and responsible decision-making. KWT maintains that Sea Link, along with other energy infrastructure projects, should positively and significantly contribute to the UK Government's goals of halting and reversing biodiversity loss and establishing a national Nature Recovery Network in England to achieve the 30 by 30 targets. KWT continues to urge National Grid to reconsider the route of the Sea Link project.

If you require any further clarification regarding our comments, please do not hesitate to get in touch.

Kind regards,

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