



**The Great Grid Upgrade**

Sea Link

# Sea Link

Volume 1: Application Information

Document 1.5 Self Completed Section 55 Checklist

Planning Inspectorate Reference: EN020026

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Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009 Regulation 5(2)(q)

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The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

**Appendix 3** of [Advice on the preparation and submission of application documents](#)

**Version: October 2024**

## Section 55 Acceptance of Applications Checklist

Relevant sections of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/>

All other secondary legislation referred to in this checklist is searchable, here: <https://www.legislation.gov.uk/>

**DISCLAIMER:** This Checklist is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	In accordance with sections(s) 14 to 30 of the Planning Act 2008 (the PA2008), is the development a Nationally Significant Infrastructure Project (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that, in accordance with s31 of the PA2008, it is an application for a Development Consent Order (DCO) under the PA2008, or equivalent words? Does the application specify	<b>Yes</b> Offshore transmission cables and their associated infrastructure do not meet the criteria listed under Sections 14 to 30 of the PA2008, therefore are not by default classified as NSIPs. However, under Section 35(1) of the PA2008, the Secretary of State may give direction for development to be treated as development for which development consent is required, subject to provisions of Section 35ZA. It is expressed as such in the Cover Letter ( <b>application document 1.1</b> ) and on the Application Form ( <b>application document 1.2</b> ).		



	<p>the development to which it relates (i.e. which category or categories in s14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>On 4 March 2022, National Grid Electricity Transmission (NGET) (the Applicant) submitted a request for direction pursuant to Section 35 to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) for the Proposed Project to be treated as development for which development consent is required. A decision was issued on 31 March 2022 confirming the proposed Project can be treated as such in accordance with section 35(1) of the Planning Act. A copy of the section 35 direction notice and letter has been appended to this document.</p> <p>The Application Form (<b>application document 1.2</b>) confirms in Section 4 that the Application is to be treated as an application for which development consent is required.</p>
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	<p>In accordance with Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), did the Applicant (prior to carrying out consultation in accordance with s42) either</p> <p>(a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or</p> <p>(b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>a) <b>No</b></p> <p>The Applicant did not request a screening opinion in relation to Proposed Project.</p> <p>b) <b>Yes</b></p> <p>The Applicant has notified the Planning Inspectorate that it would be providing an Environmental Statement (ES) with the Application pursuant to Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The notification was included in the covering letter accompanying the Scoping Report submitted to the Planning Inspectorate on 10 October 2022.</p> <p>The notification (and request for a Scoping Opinion) was made before the start of Statutory consultation under Section 42 of the PA 2008, which commenced on 24 October 2023 and ended on 18 December 2023. See Consultation Report (<b>application document 5.1</b>) for further details on consultation. The Scoping Report is provided at Volume 6 of the Environmental Statement (<b>application</b></p>

		<b>document 6.14)</b> and Scoping Opinion is also included in Volume 6 ( <b>application document 6.15</b> ).
5	<p>Have any Adequacy of Consultation Representations been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p> <p>Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received.</p>	<p>Upon submission of the application for development consent the Planning Inspectorate will invite the relevant local authorities to provide an adequacy of consultation response pursuant to s55(4)(b) of the Planning Act 2008. The relevant local authorities are identified in Table 6.1 of the Consultation Report (<b>application document 5.1</b>).</p> <p>The local authorities have not made the applicant aware of any concerns about the adequacy of the pre-application consultation. Outside of the formal periods of consultation, the Applicant has maintained a programme of regular engagement with the local authorities in Suffolk and Kent.</p>
<b>Section 42: Duty to consult</b>		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	<p>Section 42(1)(a) persons prescribed?</p> <p>The persons prescribed are the statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).</p>	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under 42(1)(a) on 23 October 2023 for Statutory consultation in section 1 of Appendix E of the Consultation Report (<b>application document 5.1.6</b>). A sample of the letter sent to s42(1)(a) consultees is also provided in section 5 of Appendix E (<b>application document 5.1.6</b>).</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 05 July 2024 for Targeted consultation in section 1 of Appendix E of the Consultation Report (<b>application document 5.1.6</b>) and any additional section 42(1)(a) consultees in Table 9.1 of the Consultation Report (<b>application document 5.1</b>). A sample of the letter sent to s42(1)(a) consultees is also provided in section 4 of Appendix F of the Consultation Report (<b>application document 5.1.7</b>).</p>

7	<p>Section 42(1)(aa) the Marine Management Organisation(MMO)?</p> <p>The MMO must be consulted in any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008.</p>	<p><b>Yes</b></p> <p>The Applicant consulted the MMO under 42(1)(aa) at Statutory consultation on 23 October 2023. Seen in Section 1 of Appendix E of the Consultation Report <b>(application document 5.1.6)</b>.</p> <p>The Applicant consulted the MMO under 42(1)(aa) at Targeted Consultation on 09 July 2024. A sample of the letter sent to the MMO is provided in section 4 at Appendix F of the Consultation Report <b>(application document 5.1.7)</b>.</p>
8	<p>Section 42(1)(b) each local authority within s43?</p> <p>Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority.</p>	<p><b>Yes</b></p> <p>Table 7.1 of the Consultation Report <b>(application document 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 23 October 2023.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Dover District Council</li> <li>• Thanet District Council</li> <li>• East Suffolk Council</li> </ul> <p>The host 'C' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Kent County Council</li> <li>• Suffolk County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Canterbury City Council</li> <li>• Folkestone &amp; Hythe District Council</li> </ul>

		<ul style="list-style-type: none"> <li>• Babergh District Council</li> <li>• Ipswich Borough Council</li> <li>• Mid Suffolk District Council</li> <li>• South Norfolk Council</li> <li>• The Broads Authority</li> <li>• Great Yarmouth Borough Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Norfolk County Council</li> <li>• Essex County Council</li> <li>• East Sussex County Council</li> <li>• Surrey County Council</li> <li>• Medway Council</li> <li>• Thurrock Council</li> <li>• Cambridgeshire County Council</li> <li>• London Borough of Bexley</li> <li>• London Borough of Bromley</li> <li>• Greater London Authority</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities at Statutory consultation in October 2023 is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>).</p>
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		A sample of the letter sent to s42(1)(b) relevant authorities at Targeted consultation in July 2024 is provided at Appendix F of the Consultation Report ( <b>application document 5.1.7</b> )
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p><b>Yes</b></p> <p>Although the Project is not within the Greater London area the Greater London Authority was consulted on 23 October 2023 for Statutory consultation as it shares a boundary with Kent County Council. A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>).</p> <p>The Greater London Authority was also consulted on 09 July 2024 for Targeted consultation. A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix F of the Consultation Report (<b>application document 5.1.7</b>)</p>
10	<p>Section 42(1)(d) each person in one or more of s44 categories?</p> <p>Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.</p>	<p><b>Yes</b></p> <p>The persons consulted under s42(1)(d) are listed in the Book of Reference (<b>application document 4.3</b>).</p> <p>Section 7.2 of the Consultation Report (<b>application document 5.1</b>) sets out how all persons identified under s42(1)(d) were identified and consulted as part of the Statutory consultation on 23 October 2023.</p> <p>Paragraphs 7.2.15 to 7.2.21 of the Consultation Report (<b>application document 5.1</b>) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft Development Consent Order (<b>application document 3.1</b>).</p> <p>A sample of the letter is provided at Section 6 of Appendix E of the Consultation Report (<b>application document 5.1.6</b>).</p>

		<p>Section 9.2 of the Consultation Report (<b>application document 5.1</b>) sets out how all persons identified under s42(1)(d) were identified and consulted as part of the Targeted consultation on 05 July 2024.</p> <p>Paragraphs 9.2.9 to 9.2.10 of the Consultation Report (<b>application document 5.1</b>) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft Development Consent Order (<b>application document 3.1</b>).</p> <p>A sample of the letter is provided at Section 4 of Appendix F of the Consultation Report (<b>application document 5.1.7</b>).</p> <p>Section 10.3 of the Consultation Report (<b>application document 5.1</b>) sets out how all persons identified under s42(1)(d) were identified and consulted as part of the Pre-submission Engagement on 22 November 2024.</p> <p>Paragraphs 10.3.10 to 10.3.12 of the Consultation Report (<b>application document 5.1</b>) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft Development Consent Order (<b>application document 3.1</b>).</p> <p>A sample of the letter is provided at Appendix H of the Consultation Report (<b>application document 5.1.9</b>).</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>).</p> <p>The sample letter dated 23 October 2023 confirmed that Statutory consultation commenced on 24 October 2023 and closed on 18 December 2023, thus providing more than the required minimum time for receipt of responses.</p>

		<p>A sample of the letter sent to s42 consultees at Targeted consultation is provided at Appendix F of the Consultation Report (<b>application document 5.1.7</b>).</p> <p>The sample letter at Appendix F dated 05 July 2024 confirmed that consultation commenced on 08 July 2024 and closed on 11 August 2024.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 20 October 2023, which was before the beginning of statutory s42 consultation. A copy of the s46 notification letter is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>).</p> <p>The Applicant gave notice under s46 on 05 July 2024, which was before the beginning of Targeted consultation. A copy of the s46 notification letter is provided at Appendix F of the Consultation Report (<b>application document 5.1.7</b>).</p>
<b>Section 47: Duty to consult local community</b>		
13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p><b>Yes</b></p> <p>The Applicant prepared a SoCC. A copy of the SoCC is provided at Appendix D of the Consultation Report (<b>application document 5.1.5</b>).</p> <p>Paragraph 9.2.12 of the Consultation Report (<b>application document 5.1</b>) confirms that the Targeted consultation was also carried out in accordance with the previously published SoCC. The SoCC allowed for future targeted consultations to be held in accordance with the principles and methods sets out in the SoCC.</p>

		An additional notice of publication of the SoCC was published in relevant newspapers in July 2024. A copy of this notice is provided at Appendix F of the Consultation Report ( <b>application document 5.1.7</b> ).
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p><b>Yes</b></p> <p>The relevant 'B' authorities (Dover District Council, Thanet District Council and East Suffolk Council) along with the relevant 'C' authorities (Kent County Council and Suffolk County Council) were consulted on the content of the SoCC on 22 June 2023, with a response deadline of 20 July 2023, providing more than the required minimum time for responses to be received. These details are reflected in paragraph 1.1.4 of the SoCC, which itself is provided at Appendix D of the Consultation Report (<b>application document 5.1.5</b>).</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p>Section 3 of <b>Application Document 5.1.5 Appendix D SoCC</b> provides a copy of the responses received from Thanet District Council, the Marine Management Organisation, Kent County Council, Suffolk County Council, Dover District Council and East Suffolk Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Refinement of how the project is defined, in order to better align the description in the SoCC with other consultation materials, in response to requests for clarification from Kent County Council and East Suffolk Council.</li> <li>• Two additional live webinars added to the consultation programme, along with making pre-recorded webinar available on the project website from the start of the consultation period, as requested by East Suffolk Council</li> <li>• An additional public information exhibition in the Dover District Council area, as requested by Dover District Council</li> </ul>

		The Planning Inspectorate can be satisfied that the Applicant had regard to the responses received when preparing the SoCC.
16	Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p>The final SoCC was made available on 24 October 2023 on the Applicant's project website at: <a href="https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects/sealink/document-library">https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects/sealink/document-library</a></p> <p>The final SoCC was made available at the following locations, identified as being reasonably convenient having regard to the location of the Proposed Development:</p> <p>Kent: Ash Library, Minster Library, Sandwich Library, Ramsgate Library, Newington Library, Thanet District Council.</p> <p>Suffolk: Saxmundham Library, Leiston Library, Aldeburgh Library, Snape Village Hall, Friston Village Hall.</p> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• East Anglian Daily Times</li> <li>• Kentish Gazette</li> </ul> <p>The published SoCC notice, provided at Appendix D of the Consultation Report states where and when the final SoCC was available to inspect. Clippings of the published S47 advertisements are provided at Appendix D of the Consultation Report (<b>application document 5.1.5</b>).</p> <p>Evidence of the publication of the SoCC being published on the project website is also provided at Appendix D of the Consultation Report.</p> <p>An additional notice of publication of the SoCC was published in relevant newspapers in July 2024. A copy of this notice is provided at Appendix F of the Consultation Report (<b>application document 5.1.7</b>). The notice stating when and where the SoCC could be inspected was published in:</p>

		<ul style="list-style-type: none"> <li>• East Anglian Daily Times</li> <li>• Kent Online</li> </ul>
17	In accordance with Regulation 12 of the EIA Regulations, does the SoCC set out whether the development is EIA development; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p>Para 1.1.3 of the SoCC states that the Project is an 'EIA Development'. Paragraph 3.2.2 and 3.2.3 of the SoCC sets out that the Preliminary Environmental Information Report will be available on the project's website and shared with the relevant consultees set out in the EIA Regulations. A copy of the SoCC is provided at Appendix D of the Consultation Report (<b>application document 5.1.5</b>).</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p>Section 5 of the Consultation Report Appendix D SoCC (<b>Application document 5.1.5</b>) provides details of how the Statutory consultation was undertaken in line with the commitments outlined in the final SoCC, see sections 6 of the Consultation Report Appendix D SoCC (<b>Application document 5.1.5</b>).</p>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p>Paragraph 7.5.2 of the Consultation Report (<b>application document 5.1</b>) provides details of how the proposed application was publicised for Statutory consultation.</p> <p>Table 7.10 of the Consultation Report (<b>application document 5.1</b>) sets out details of the publications and dates of the s48 for Statutory consultation set out below.</p> <p>A copy of the s48 notice is provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>). Copies of the s48 notices as they appeared in the newspapers are included in section 22 of Appendix E.</p>



		<p>Paragraph 9.2.19 of the Consultation Report (<b>application document 5.1</b>) provides details of how the proposed application was publicised for Targeted consultation.</p> <p>Table 9.3 of the Consultation Report (<b>application document 5.1</b>) sets out details of the publications and dates of the s48 for Targeted consultation set out below.</p> <p>A copy of the s48 notice is provided at Appendix F of the Consultation Report (<b>application document 5.1.7</b>). Copies of the s48 notices as they appeared in the newspapers are included at section 16 of Appendix F.</p>
Newspaper(s)		Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<p><b>Yes</b></p> <p>East Anglian Daily Times</p> <p>Kentish Gazette</p>
		<p>17 and 24 October 2023</p> <p>19 and 26 October 2023</p>
b)	once in a national newspaper;	<p>East Anglian Daily Times</p> <p>Kentish Gazette</p>
		<p>04 and 08 July 2024</p> <p>27 June, 04 and 08 July 2024</p>
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><b>Yes</b></p> <p>The Guardian</p>
		<p>The Guardian</p> <p>24 October 2023</p>
		08 July 2024

			26 October 2023
		The London Gazette	08 July 2024
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Yes (i) Lloyd's List Daily Briefings ePaper (ii) Fishing News	24 October 2023 24 October 2023
		(i) Lloyd's List Daily Briefings ePaper (ii) Fishing News	03 July 2024 04 July 2024
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	<b>Yes</b> The published s48 notice for Statutory consultation in 2023 is supplied in section 9 of the Appendix E of the Consultation Report ( <b>application document 5.1.6</b> ). The published s48 notice for Targeted consultation in 2024 is supplied at section 3 of Appendix F of the Consultation Report ( <b>application document 5.1.7</b> ). Both s48 notices for Statutory consultation and Targeted consultation contain the required information as set out below.	
Information		Paragraph	Information
			Paragraph

a)	the name and address of the Applicant.	1 (2023) 1 (2024)	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1 (2023) 1 (2024)
c)	a statement as to whether the application is EIA development	10 (2023) 8 (2024)	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2-9 (2023) 2-6 (2024)
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>• The nature and location of the Proposed Development</li> <li>• The address of the website</li> <li>• The place on the website</li> <li>• A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>	11 (2023) 13 (2024)	f)	the latest date on which those documents, plans and maps will be available for inspection	11 (2023) 13 and 14 (2024)
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	14 (2023) 16 (2024)	h)	details of how to respond to the publicity	16 (2023) 18 (2024)
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	15 and 18 (2023) 17 and 19 (2024)			

21	Are there any observations in respect of the s48 notice provided above?	
	<b>No</b>	
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with Regulation 13 of the EIA Regulations?	<p><b>Yes</b></p> <p>A copy of the s48 notice for Statutory consultation in 2023 was sent to the EIA consultation bodies on 23 October as part of the s42 consultation, as confirmed in paragraph 7.5.4 of the Consultation Report (<b>application document 5.1</b>). A sample of the s42 consultation letter provided at Appendix E of the Consultation Report (<b>application document 5.1.6</b>) confirms a copy of the s48 notice was enclosed.</p> <p>A copy of the s48 notice for Targeted consultation in 2024 was sent to the EIA consultation bodies on 08 July 2024 as part of the s42 consultation, as confirmed in paragraph 9.2.5 of the Consultation Report (<b>application document 5.1</b>). A sample of the s42 consultation letter is provided in section 4 of Appendix F of the Consultation Report (<b>application document 5.1.7</b>) confirms a copy of the s48 notice was enclosed.</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p>Chapter 8 of the Consultation Report (<b>application document 5.1</b>) at table 8.4 sets out a high-level summary of the responses received, the regard had to these responses including whether the responses led to changes to the application. Section 24 of Appendix E of the Consultation Report (<b>application document 5.1.6</b>) provides all the section 42 feedback received verbatim split into the relevant categories in accordance with the guidance, together with National Grid's response, and section 25 provides a more detailed, themed summary of the feedback from Section 47 and Section 48 respondents.</p>

		<p>Similarly, Chapter 9 at table 9.12 presents the same for the responses received at Targeted consultation. Section 17 of Appendix F of the Consultation Report (<b>application document 5.1.7</b>) provides all the Section 42 feedback received verbatim, together with National Grid's response, and section 18 provides a more detailed, themed summary of the feedback from Section 47 and Section 48 respondents.</p> <p>A summary of responses received following the November 2024 consultation with those persons with an interest in the land affected by changes introduced following the Targeted consultation (as well as those newly identified by ongoing diligent inquiry), and how regard has been had, is also set out in Chapter 10 of the Consultation Report (<b>application document 5.1</b>). Table 10.4 provides a summary of issues raised by respondents during pre-submission engagement.</p> <p>The actions informed by the consultation responses are reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>S50(3) Regard to guidance about pre-application procedure</b>		
24	<p>To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects'?</p> <p>The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50.</p>	<p>Paragraph 8.1.4 of the Consultation Report (<b>application document 5.1</b>) states that the Statutory consultation followed the Planning Act 2008: Guidance on the pre-application process (March 2015). It is noted that this Guidance has been superseded by new Guidance issued in April 2024.</p> <p><b>Application Document 5.1.1 Annex 1 Consultation Compliance Checklist</b> of the Consultation Report sets out compliance with Section 50. The April 2024 Guidance was followed for Targeted consultation and pre-submission engagement (section 9.4 of the Consultation Report (<b>application document 5.1</b>))</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 Part 5 (pre-application procedure) in relation to the Application.

**s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)**

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p>The application is made in the prescribed form as set out in Schedule 2 of APFP Regulations.</p> <p>The Cover Letter (<b>application document 1.1</b>) provides a brief statement as to why the Proposed Development falls within the remit of the Planning Inspectorate, as well as Section 4 of the Application Form (<b>application document 1.2</b>) and the Explanatory Memorandum (<b>application document 3.2</b>).</p> <p>Section 5 of the Application Form provides a brief non-technical description of the Site and Section 6 provides the location of the Proposed Development.</p> <p>Location Plans (<b>application document 2.2</b>) have been provided to show the location of the Proposed Development.</p>
27	Is it accompanied by a Consultation Report?	<p><b>Yes</b></p> <p>The application is accompanied by a Consultation Report (<b>application document 5.1</b>).</p>
28	In accordance with Regulation 5(4) of the APFP Regulations, where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?	<b>Yes</b>
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below. The Navigation Document ( <b>application document 1.3</b> ) and the Electronic Application



		Index ( <b>application document 1.4</b> ) list the documents submitted and accompanying APFP Regulation references.			
Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations and any scoping or screening opinions or directions	<p>The application is accompanied by:</p> <p>Environmental Statement Non-Technical Summary (<b>application document 6.1</b>),</p> <p>Environmental Statement Chapters Part 1 Introduction (<b>application documents 6.2.1.1 - 6.2.1.6</b>),</p> <p>Environmental Statement Chapters Part 2 Suffolk Onshore Scheme (<b>application documents 6.2.2.1 - 6.2.2.13</b>),</p> <p>Environmental Statement Chapters Part 3 Kent Onshore Scheme (<b>application</b></p>	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order ( <b>application document 3.1</b> )

	<p><b>documents 6.2.3.1. - 6.2.3.13),</b></p> <p>Environmental Statement Chapters Part 4 Marine <b>(application documents 6.2.4.1 - 6.2.4.11),</b></p> <p>Environmental Statement Chapters Part 5 Combined <b>(application documents 6.2.5.1 - 6.2.5.3),</b></p> <p>Environmental Statement Appendices <b>(application document 6.3),</b></p> <p>Environmental Statement Figures <b>(application document 6.4)</b></p> <p>Environmental Scoping Report 2022 <b>(application document 6.14)</b></p>			
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		Scoping Opinion 2022 ( <b>application document 6.15</b> ).			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	c) An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum ( <b>application document 3.2</b> )		d) Where applicable, a Book of Reference	Book of Reference ( <b>application document 4.3</b> )
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	e) A copy of any Flood Risk Assessment	Flood Risk Assessment ( <b>application document 6.8</b> )		f) A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Statement of Statutory Nuisance ( <b>application document 6.7</b> )
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons ( <b>application document 4.2</b> ) Funding Statement ( <b>application document 4.1</b> )	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Land Plans ( <b>application document 2.3</b> ) Special Category and Crown Land Plans ( <b>application document 2.4</b> )
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

j)	A Works Plan showing, in relation to existing features:-  (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and  (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Works Plans - Suffolk ( <b>application document 2.5.1</b> )  Works Plans - Kent ( <b>application document 2.5.2</b> )  Works Plans - Offshore ( <b>application document 2.5.3</b> )	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Traffic Regulation Order Plans ( <b>application document 2.6</b> )  Access, Rights of Way and Public Rights of Navigation Plans ( <b>application document 2.7</b> )
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	l)  Where applicable, a plan with accompanying information identifying:-  (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or	Statutory and Non-Statutory Sites of Nature Conservation Geological and Landscape Importance - Suffolk ( <b>application document 2.8.1</b> )	m)	Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments,	Statutory and Non-Statutory Sites and Features of the Historic Environment - Suffolk ( <b>application document 2.10.1</b> )  Statutory and Non-Statutory Sites and Features of the Historic

	<p>landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Statutory and Non-Statutory Sites of Nature Conservation Geological and Landscape Importance - Kent (<b>application document 2.8.2</b>)</p> <p>Statutory and Non-Statutory Sites of Nature Conservation Geological and Landscape Importance - Offshore (<b>application document 2.8.3</b>)</p> <p>Habitats of Protected Species and Important Habitats (<b>application document 2.9</b>)</p> <p>CONFIDENTIAL Habitats of Protected Species - Location of Badger Setts Plans - Suffolk (<b>application document 2.9.3</b>)</p> <p>CONFIDENTIAL Habitats of Protected Species - Location of Badger Setts Plans -</p>		<p>World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Environment - Kent (<b>application document 2.10.2</b>)</p> <p>Statutory and Non-Statutory Sites and Features of the Historic Environment - Offshore (<b>application document 2.10.3</b>)</p> <p>The assessment of any such sites, features or structures likely to be caused by the Proposed Project is presented in the following Environmental Statement Chapters:</p> <p>Part 2 Suffolk Chapter 3 Cultural Heritage (<b>application document 6.2.2.3</b>)</p> <p>Part 3 Kent Chapter 3 Cultural Heritage (<b>application document 6.2.3.3</b>)</p> <p>Part 4 Marine Chapter 6 Marine Archaeology (<b>application document 6.2.4.6</b>)</p>
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	<p>Kent (<b>application document 2.9.4</b>)</p> <p>Water Bodies in the River Basin Plans (<b>application document 2.11</b>)</p> <p>The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Project are presented in Environmental Statement Chapters:</p> <p>Part 2 Suffolk Chapter 1 Landscape and Visual (<b>application document 6.2.2.1</b>)</p> <p>Part 2 Suffolk Chapter 2 Ecology and Biodiversity (<b>application document 6.2.2.2</b>)</p> <p>Part 2 Suffolk Chapter 4 Water Environment (<b>application document 6.2.2.4</b>)</p>			
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	<p>Part 2 Suffolk Chapter 5 Geology and Hydrogeology <b>(application document 6.2.2.5)</b></p> <p>Part 3 Kent Chapter 1 Landscape and Visual <b>(application document 6.2.3.1)</b></p> <p>Part 3 Kent Chapter 2 Ecology and Biodiversity <b>(application document 6.2.3.2)</b></p> <p>Part 3 Kent Chapter 4 Water Environment <b>(application document 6.2.3.4)</b></p> <p>Part 3 Kent Chapter 5 Geology and Hydrogeology <b>(application document 6.2.3.5)</b></p> <p>Part 4 Marine Chapter 2 Benthic Ecology</p>			
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n)		<p><b>(application document 6.2.4.2)</b></p> <p>Part 4 Marine Chapter 3 Fish and Shellfish Ecology <b>(application document 6.2.4.3)</b></p> <p>Part 4 Marine Chapter 4 Marine Mammals <b>(application document 6.2.4.4)</b></p> <p>Part 4 Marine Chapter 5 Marine Ornithology <b>(application document 6.2.4.5)</b></p>	o)		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	Where applicable, a plan with any accompanying information identifying any Crown land	Special Category and Crown Land Plans <b>(application document 2.4)</b>		Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water	<p>Trees and Important Hedgerows to be Removed or Managed Plans <b>(application document 2.12)</b></p> <p>Design and Layout Plans <b>(application document 2.13)</b></p> <p>Indicative General Arrangement Plans – Suffolk <b>(application document 12.14.1)</b></p>

p)			q)	management, means of vehicular and pedestrian access, any car parking and landscaping	Indicative General Arrangement Plans – Kent ( <b>application document 12.14.2</b> ) Indicative General Arrangement Plans – Offshore ( <b>application document 12.14.3</b> )
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	No		Any other documents considered necessary to support the application	Navigation Document ( <b>application document 1.3</b> ) Electronic Application Index ( <b>application document 1.4</b> ) Glossaries and Acronyms ( <b>application document 1.6</b> ) Guide to the Plans ( <b>application document 2.1</b> ) Electric and Magnetic Field Compliance Report ( <b>application document 6.5</b> ) Water Framework Directive Assessment ( <b>application document 6.9</b> ) Arboricultural Impact Assessment ( <b>application document 6.10</b> )

				<p>Marine Conservation Zone Assessment (<b>application document 6.11</b>)</p> <p>Biodiversity Net Gain Feasibility Report (<b>application document 6.12</b>)</p> <p>Marine Plan Policy Assessment (<b>application document 6.13</b>)</p> <p>Planning Statement (<b>application document 7.1</b>)</p> <p>Strategic Options Back Check Report (<b>application document 7.2</b>)</p> <p>Design Development Report (<b>application document 7.3</b>)</p> <p>Statement of Commonality (<b>application document 7.4</b>)</p> <p>Draft Statement of Common Ground Natural England (<b>application document 7.4.1</b>)</p> <p>Draft Statement of Common Ground Historic England (<b>application document 7.4.3</b>)</p> <p>Draft Statement of Common Ground Marine Management Organisation (<b>application document 7.4.4</b>)</p> <p>Draft Statement of Common Ground Thanet District Council (<b>application document 7.4.5</b>)</p>
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				<p>Draft Statement of Common Ground Dover District Council (<b>application document 7.4.6</b>)</p> <p>Draft Statement of Common Ground Kent County Council (<b>application document 7.4.7</b>)</p> <p>Draft Statement of Common Ground East Suffolk Council and Suffolk County Council (<b>application document 7.4.8</b>)</p> <p>Draft Statement of Common Ground Harwich Haven Authority (<b>application document 7.4.9</b>)</p> <p>Draft Statement of Common Ground Maritime and Coastguard Agency (<b>application document 7.4.10</b>)</p> <p>Draft Statement of Common Ground Port of London Authority (<b>application document 7.4.11</b>)</p> <p>Draft Statement of Common Ground Trinity House (<b>application document 7.4.12</b>)</p> <p>Draft Statement of Common Ground UK Chamber of Shipping (<b>application document 7.4.13</b>)</p> <p>Draft Statement of Common Ground Sandwich Port and Haven</p>
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				<p>Commissioners (<b>application document 7.4.14</b>)</p> <p>Draft Statement of Common Ground Port of Ramsgate (<b>application document 7.4.15</b>)</p> <p>Outline Construction Traffic Management and Travel Plan - Suffolk (<b>application document 7.5.1.1</b>)</p> <p>Outline Construction Traffic Management and Travel Plan - Kent (<b>application document 7.5.1.2</b>)</p> <p>Outline Offshore Construction Environmental Management Plan (<b>application document 7.5.2</b>)</p> <p>Outline Onshore Construction Environmental Management Plan (<b>application document 7.5.3</b>)</p> <p>CEMP Appendix A Outline Code of Construction Practice (<b>application document 7.5.3.1</b>)</p> <p>CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (<b>application document 7.5.3.2</b>)</p> <p>Outline Onshore Overarching Written Scheme of Investigation (OWSI) -</p>
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				<p>Suffolk (<b>application document 7.5.4.1</b>)</p> <p>Outline Onshore Overarching Written Scheme of Investigation (OWSI) - Kent (<b>application document 7.5.4.2</b>)</p> <p>Outline Offshore Overarching Written Scheme of Investigation (OWSI) (<b>application document 7.5.5</b>)</p> <p>Outline Air Quality Management Plan – Suffolk (<b>application document 7.5.6.1</b>)</p> <p>Outline Air Quality Management Plan – Kent (<b>application document 7.5.6.2</b>)</p> <p>Outline Landscape and Ecological Management Plan - Suffolk (<b>application document 7.5.7.1</b>)</p> <p>Outline Landscape and Ecological Management Plan - Kent (<b>application document 7.5.7.2</b>)</p> <p>Outline Construction Noise and Vibration Management Plan – Suffolk (<b>application document 7.5.8.1</b>)</p> <p>Outline Construction Noise and Vibration Management Plan – Kent (<b>application document 7.5.8.2</b>)</p>
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				<p>Outline Public Rights of Way Management Plan - Suffolk (<b>application document 7.5.9.1</b>)</p> <p>Outline Public Rights of Way Management Plan - Kent (<b>application document 7.5.9.2</b>)</p> <p>Outline Soil Management Plan – Suffolk (<b>application document 7.5.10.1</b>)</p> <p>Outline Soil Management Plan – Kent (<b>application document 7.5.10.2</b>)</p> <p>Outline Marine Mammal Mitigation Plan (<b>application document 7.5.11</b>)</p> <p>Outline Invasive Non-Native Species Management Plan (<b>application document 7.5.12</b>)</p> <p>Greenhouse Gas Reduction Strategy (<b>application document 7.5.13</b>)</p> <p>Marine Archaeological Method Statements (<b>application document 7.6</b>)</p> <p>Marine Biosecurity Plan (<b>application document 7.7</b>)</p> <p>Red Throated Diver Protocol (<b>application document 7.8</b>)</p> <p>Equalities Impact Assessment (<b>application document 7.9</b>)</p>
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				Coordination Document ( <b>application document 7.10</b> ) Design Approach Document - Suffolk ( <b>application document 7.11.1</b> ) Design Approach Document - Kent ( <b>application document 7.11.2</b> ) Design Principles - Suffolk ( <b>application document 7.12.1</b> ) Design Principles - Kent ( <b>application document 7.12.2</b> ) Corridor Preliminary Routeing and Substation Siting study (October 2022) ( <b>application document 8.1</b> ) Options Selection and Design Evolution Report (October 2023) ( <b>application document 8.2</b> ) Strategic Options Report (October 2023) ( <b>application document 8.3</b> )
	Are they of a satisfactory standard?			Are they of a satisfactory standard?
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	In accordance with Regulation 5(2)(g) of the APFP Regulations, is the application accompanied by a report identifying any		Yes.	

	European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?	A Habitats Regulations Assessment Report ( <b>application document 6.6</b> ) has been provided.
32	In accordance with Regulation 5(2)(r) of the APFP Regulations, if requested by the Planning Inspectorate, have two paper copies of the application form and other supporting documents and plans been provided?	No hard copies of the Application have been requested by the Planning Inspectorate.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance'?	<b>Yes.</b> The Applicant has had regard to the DCLG guidance 'Planning Act 2008: Application form guidance' when preparing the Application.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Pre-application fee</b>		
35	Were all pre-application fees paid before the application was made?  Pre-application services for which a fee can be charged is defined in Regulation 2A(8) and includes services listed within Schedule	<b>No</b>  As the Applicant scoped the Sea Link project before April 2024, the pre-application service fee is not required, unless the Application is submitted after 01 April 2025 as set out in the Planning Inspectorate's pre-application prospectus.

	1 of the Fees Regulations 2010. Fees for pre-application services apply to all proposed applications, from the inception meeting. These fees must be paid within 28 days of the invoice. If the applicant fails to pay the fee within 28 days, the Planning Inspectorate will not provide the applicant with any further pre-application services or take any further steps in relation to the proposed application.	This was confirmed by the Planning Inspectorate in the Project Update meeting held on 10 September 2024.
<b>Fees to accompany an application</b>		
36	<p>Was the fee paid at the same time that the application was made?</p> <p>The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made</p>	The fee payment of £8,796 was paid on 03 March 2025 and confirmed by Planning Inspectorate on 11 March 2025.

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

Enclosures



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Louise Lewin  
Consents Officer – East Coast Offshore  
National Grid Electricity Transmission  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

Our ref EN020026  
Your ref

31 March 2022

Dear Ms Lewin,

**SEA LINK INTERCONNECTOR:  
REQUEST FOR DIRECTION UNDER SECTION 35 OF PLANNING ACT 2008**

Thank you for your letter dated 4 March 2022 to the Secretary of State requesting the Secretary of State exercises powers under section 35 of the Planning Act 2008 to direct that the Sea Link project is to be treated as a development for which development consent is required under the Planning Act 2008.

The Secretary of State has agreed to your request in that he considers that the proposed project should be dealt with as being nationally significant. The Secretary of State considers that, when further details are available, and before submitting any application to The Planning Inspectorate, National Grid Electricity Transmission may wish to seek confirmation from the Secretary of State that the project and development which is the subject of the proposed application is the same as that for which the Direction is hereby given. Alternatively, that would be a matter to be considered by the Examining Authority when the application is made.

A signed Direction to that effect is attached. This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to this proposed development.

As there is currently no project page on The Planning Inspectorate's website, the Direction will be published on GOV.UK here: <https://www.gov.uk/government/collections/energy-infrastructure-development-applications-decisions>. Also published with the signed Direction will be National Grid Electricity Transmission's request including letters of support from East Suffolk Council, Suffolk County Council, and Dover District Council.

We would request that National Grid Electricity Transmission get in touch with The Planning Inspectorate as soon as possible to provide the necessary details of the proposed scheme so that a project page can be set up on its National Infrastructure website and for the Direction notice to subsequently be published on that page.



Yours sincerely,



Gareth Leigh  
Head of Energy Infrastructure Planning



Department for  
Business, Energy  
& Industrial Strategy

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Consents Officer – East Coast Offshore  
National Grid Electricity Transmission  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

Our ref EN020026  
Your ref

22 April 2022

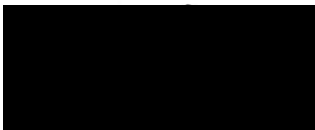
Dear Ms Lewin,

**SEA LINK REINFORCEMENT PROJECT:  
REQUEST FOR DIRECTION UNDER SECTION 35 OF PLANNING ACT 2008**

Thank you for your email dated 7 April 2022 about the letter dated 31 March 2022, which attached the Secretary of State's direction that the Sea Link project is to be treated as a development for which development consent is required under the Planning Act 2008. In your email, you state that the title of the letter incorrectly referred to the project as an "interconnector" rather than a "reinforcement project".

Officials have considered the text of the letter and consider that the appropriate way forward is to confirm that the reference in the title of the letter to the Project as an interconnector is incorrect, and that the proper description of the Project should have been "reinforcement project" (as set out in the title of this letter). We do not consider that this change has any consequences for the direction itself which correctly refers to the project as a "reinforcement project".

Yours sincerely,



Gareth Leigh  
Head of Energy Infrastructure Planning

## **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE SEA LINK PROJECT**

By letter to the Secretary of State received on 4 March 2022, National Grid Electricity Transmission formally requested that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 to direct that the Sea Link Project as set out in the Direction request (“the proposed Project”) be treated as development for which development consent under the Planning Act 2008 is required.

The Secretary of State is satisfied that:

- The proposed Project is in the field of energy and development will be wholly within England, waters adjacent to England up to the seaward limits of the territorial sea and the Renewable Energy Zone when completed;
- The proposed Project does not currently fall within the existing definition of a “nationally significant infrastructure project” and therefore it is appropriate to consider use of the power in section 35(1) of the Planning Act 2008; and
- National Grid Electricity Transmission’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.

Having considered the details of National Grid Electricity Transmission proposals as set out in their letter of 4 March 2022, and noting the views of East Suffolk Council, Suffolk County Council and Dover District Council that support the Direction request, the Secretary of State is of the view that the proposed Project is nationally significant, for the reasons set out in the Annex below.

However, noting the details of the proposed Project contained in the request of 4 March 2022 reflect the fact that the preliminary location of the Project is wholly within England or English Territorial waters but should feasible opportunities to coordinate with other projects be identified and progressed through the Department for Business, Energy & Industrial Strategy’s Offshore Transmission Network Review Early Opportunities Workstream, the Project may potentially extend outside of English Territorial Waters but would remain within a Renewable Energy Zone. The Secretary of State considers that, when further details are available, and before submitting any application to The Planning Inspectorate, National Grid Electricity Transmission may wish to seek confirmation from the Secretary of State that the Project and development that is the subject of the proposed application is the same as that for which the Direction is hereby given.

The Secretary of State has taken the decision within the conditions as required by sections 35A(2) and (5) of the Planning Act 2008, and issues this Direction accordingly under sections 35(1) and 35ZA of the Planning Act 2008.

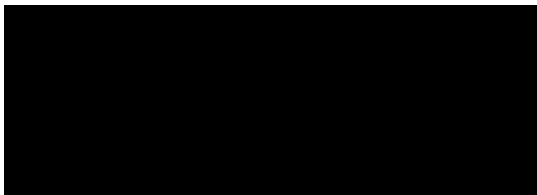
THE SECRETARY OF STATE DIRECTS that the Sea Link Project is to be treated as development for which development consent is required.

The Secretary of State further directs in accordance with sections 35ZA(3)(b) and (5) of the Planning Act 2008 that:

- An application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act 2008 or similar to that described in the Request to the Secretary of State for Business, Energy and Industrial Strategy for a Direction under Section 35 of the Planning Act 2008 made by National Grid Electricity Transmission on 4 March 2022 for the Sea Link Project is to be treated as a proposed application for which development consent is required.

This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to the proposed Development.

Signed by

A large black rectangular box redacting the signature of Gareth Leigh.

Gareth Leigh  
Head of Energy Infrastructure Planning  
For and on behalf of the Secretary of State for Business, Energy and Industrial Strategy

31 March 2022

## **ANNEX**

### **REASONS FOR THE DECISION TO ISSUE THE DIRECTION**

The Secretary of State is of the opinion that the Direction should be issued because:

- The proposed Project is of national significance, taking into account that it is a large-scale linear electricity transmission reinforcement project of approximately 130km in length and that it has a two Gigawatt capacity to transmit electricity.
- The proposed Project will play an important role in enabling an energy system that meets the UK's commitment to reduce carbon emissions and the Government's objectives to create a secure, reliable and affordable energy supply for consumers.
- By progressing the development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.

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