



The Great Grid Upgrade

Sea Link

Sea Link

Volume 3: Development Consent Order

Document 3.5: Consents and Agreements Position Statement

Planning Inspectorate Reference: EN020026

**Version: A
March 2025**

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

nationalgrid

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Executive Summary

Ex1.1 Purpose of this Report

- Ex1.1.1 This Consents and Agreements Position Statement (CAPS) relates to an application for Development Consent Order (DCO) submitted to the Secretary of State for Energy Security and Net Zero, in respect of the Sea Link Project (hereafter referred to as the 'Proposed Project'), by National Grid Electricity Transmission (hereafter referred to as 'National Grid'). The Proposed Project is a proposal by National Grid to reinforce the transmission network in the South East and East Anglia.
- Ex1.1.2 The purpose of this CAPS is to identify, at a high level, the additional consents and licences that are or may be required to construct and operate the Proposed Project.
- Ex1.1.3 The consents and agreements that will be incorporated within the DCO are outlined in Sections 1.4 and 1.5 (respectively) of this document.

Ex1.2 Other Consents and Licences

- Ex1.2.1 While the DCO will be the principal consenting mechanism for the Proposed Project, some consents and licences will be applied for separately to the DCO. These are detailed in Table 2.1 Other Consents and Licences of this document.

1. Overview and Purpose of this Document

1.1 Introduction

- 1.1.1 The Sea Link Project (hereafter referred to as the 'Proposed Project') is a proposal by National Grid Electricity Transmission plc (hereafter referred to as National Grid) to reinforce the transmission network in the South East and East Anglia. The Proposed Project is required to accommodate additional power flows generated from renewable and low carbon generation, as well as accommodating additional new interconnection with mainland Europe.
- 1.1.2 National Grid owns, builds and maintains the electricity transmission network in England and Wales. Under the Electricity Act 1989, National Grid holds a transmission licence under which it is required to develop and maintain an efficient, coordinated, and economic electricity transmission system.
- 1.1.3 This would be achieved by reinforcing the network with a High Voltage Direct Current (HVDC) Link between the proposed Friston substation in the Sizewell area of Suffolk and the existing Richborough to Canterbury 400kV overhead line close to Richborough in Kent.
- 1.1.4 National Grid is also required, under Section 38 of the Electricity Act 1989, to comply with the provisions of Schedule 9 of the Act. Schedule 9 requires licence holders, in the formulation of proposals to transmit electricity, to:
- Schedule 9(1)(a) '*...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;*' and
 - Schedule 9(1)(b) '*...do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*'.

1.2 Purpose of this Document

- 1.2.1 The purpose of this document is to provide information on the additional consents and licences that are or may be required to construct and operate the Proposed Project. It forms part of the application for development consent order (DCO) that has been submitted to the Secretary of State for Energy Security and Net Zero under section 37 of the Planning Act 2008 ("the Act").
- 1.2.2 Section 37 of the Act governs the content of an application for a DCO, including the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regulations").
- 1.2.3 Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany a development consent application.

- 1.2.4 Guidance issued by the Department for Communities and Local Government: 'Planning Act 2008: Application Form Guidance' ((DCLG), 2013) (paragraphs 45 and 46) requires that:
- "Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of.*
- The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted."*
- 1.2.5 This Statement has been prepared in accordance with regulation 5(2)(q) of APFP Regulations as a document which National Grid considers necessary to support the application.
- 1.2.6 This document lists those consents which National Grid currently anticipates could be required for the Proposed Project.

1.3 The Proposed Project

- 1.3.1 The Proposed Project would comprise the following elements:

The Suffolk Onshore Scheme:

- A connection from the existing transmission network via Friston Substation, including the substation itself. Friston Substation already has development consent as part of other third-party projects. If Friston Substation has already been constructed under another consent, only a connection into the substation would be constructed by the Sea Link project.
- A high voltage alternating current (HVAC) underground cable of approximately 1.9 km in length between the proposed Friston Substation and a proposed converter station (below).
- A 2 GW high voltage direct current (HVDC) converter station (including permanent access from the B1121 and a new bridge over the River Fromus) up to 26 m high plus external equipment (such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, similar small scale operational plant, or other roof treatment) near Saxmundham.
- A HVDC underground cable connection of approximately 10 km in length between the proposed converter station near Saxmundham, and a transition joint bay (TJB) approximately 900 m inshore from a landfall point (below) where the cable transitions from onshore to offshore technology.
- A landfall on the Suffolk coast (between Aldeburgh and Thorpeness).

The Offshore Scheme:

- Approximately 122 km of subsea HVDC cable, running between the Suffolk landfall location (between Aldeburgh and Thorpeness), and the Kent landfall location at Pegwell Bay.

The Kent Onshore Scheme:

- A landfall point on the Kent coast at Pegwell Bay.
- A TJB approximately 800 m inshore to transition from offshore HVDC cable to onshore HVDC cable, before continuing underground for approximately 1.7 km to a new converter station (below).
- A 2 GW HVDC converter station (including a new permanent access off the A256), up to 28 m high plus external equipment such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, and similar small scale operational plant near Minster. A new substation would be located immediately adjacent.
- Removal of approximately 2.2 km of existing HVAC overhead line, and installation of two sections of new HVAC overhead line, together totalling approximately 3.5 km, each connecting from the substation near Minster and the existing Richborough to Canterbury overhead line.

1.3.2 The Proposed Project also includes modifications to sections of existing overhead lines in Suffolk (only if Friston Substation is not built pursuant to another consent) and Kent, diversions of third-party assets, and land drainage from the construction and operational footprint. It also includes opportunities for environmental mitigation and compensation. The construction phase will involve various temporary construction activities including overhead line diversions, use of temporary towers or masts, working areas for construction equipment and machinery, site offices, parking spaces, storage, accesses, bellmouths, and haul roads, as well as watercourse crossings and the diversion of public rights of way (PROWs) and other ancillary operations.

1.4 Consents within the draft DCO

1.4.1 The principal consent for the Proposed Project will be a DCO. Section 33 (Effect of requirement for development consent on other consent regimes) of the Act makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Proposed Project).

1.4.2 Part 7 of the Act, in particular section 120 (What may be included in order granting development consent), makes it clear that the following can be included within a DCO:

- ancillary matters (including those listed in Part 1 of Schedule 5 to the Act);
- the application, modification or exclusion of statutory provisions for which the provision may be made in the DCO;
- amendment, repeal or revocation of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO; and
- incidental, consequential, supplementary, transitional or transitory provisions and savings.

- 1.4.3 Section 150 (Removal of consent requirements) of the Act states that a requirement to obtain certain prescribed consents, or authorisations, under the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 can be removed by the DCO with the relevant consenting body's agreement.
- 1.4.4 From the above, it is clear that the intention of the Act is for the DCO process to enable land acquisition, along with many consents and powers, to be dealt with at the same time, creating a "one-stop shop" approach for consents.
- 1.4.5 The DCO may, however, need to be supplemented by applications for other consents or licences because:
- a particular consent cannot be contained in the DCO;
 - a consenting authority declines to allow a consent to be contained in the DCO; or
 - it is not desirable or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.
- 1.4.6 The majority of consents required for the Proposed Project are included within the draft DCO (**Application Document 3.1: draft Development Consent Order**) submitted with the Application as permitted by various provisions of the Act. These consents, for example, include:
- the consent for all permanent and temporary works for the Proposed Project, referred to as the "authorised project" and set out in Schedule 1 of the draft DCO (Article 3 of the draft DCO is the principal power in this respect);
 - the consent to carry out street works (Article 11 of the draft DCO);
 - the consent to alter the layout of streets and temporarily close, alter or divert any street of public rights of way shown on the Access and Rights of Way Plans or within the Order Limits (Articles 14 and 15 of the draft DCO);
 - compulsory acquisition of land and rights over land, and the temporary possession of land (Articles 24 to 29 of the draft DCO);
 - deemed marine licence (Article 47 of the draft DCO);
 - the traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 (Article 49 of the draft DCO); and
 - the consent to remove trees and hedgerows (Articles 50 and 51 of the draft DCO).
- 1.4.7 National Grid is not proposing to include within the draft DCO (**Application Document 3.1: draft Development Consent Order**) submitted with the Application provisions for the disapplication of relevant consenting requirements under section 150 of the Act which require the consent of a relevant consenting body.
- 1.4.8 Consents and licences to be applied for separate to the DCO are discussed in Section 2 of this Statement.

1.5 Agreements

- 1.5.1 It is recognised that as part of the consenting process, agreements with third parties may be entered into in parallel with and during the course of the DCO examination and these agreements may take a variety of forms.
- 1.5.2 National Grid is currently including draft protective provisions for the following bodies and expects to include further bespoke protective provisions in favour of other specific parties:
- Electricity, gas, water and sewerage undertakers
 - Operators of electronic communications code networks
- 1.5.3 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (“SoCG”) with third parties. The SoCGs will set out the agreed position and identify any remaining matters of difference or in dispute between the Applicant and the relevant body, so as to narrow the focus for the examination and thereby assist the Examining Authority. The SoCGs will be progressed by the Applicant during the pre examination stage. A Statement of Commonality (**Application Document 7.4 Statement of Commonality**) will be submitted with the DCO application and will provide an overview of the position of each SoCG.

2. Other consents and licences

- 2.1.1 Table 2.1 includes a summary of those consents and licences which will or may be required to construct and/or operate the Proposed Project and which will be applied for separate to the DCO. National Grid has not submitted applications for these consents and licences as many will depend on the detailed design of the Proposed Project by the principal contractor(s) but, following engagement with the identified consenting/licensing bodies, National Grid foresees no impediment to their approval.

Table 2.1 Other Consents and Licences

Issue	Consent/licence/agreement	Legislation	Consenting authority	Requirement	Comment/Status
Marine ecology	European protected species (EPS) licence	Conservation of Habitats and Species Regulations 2017 (as amended); Wildlife and Countryside Act 1981 (as amended)	Marine Management Organisation	Disturbance to European protected species during Unexploded Ordnance (UXO) survey and clearance activities	Application to be made by the contractor following the submission of the DCO, prior to relevant works.
Unexploded Ordnance (UXO)	Marine licence(s)	Marine and Coastal Access Act 2009	Marine Management Organisation	UXO survey and clearance activities	A two-licence approach will be followed (following the submission of the DCO, prior to relevant works): one marine licence to be obtained for investigative surveys (to confirm the presence of UXO) and a second licence for clearance (to enable a more accurate description of required clearance activities in the second licence).
Water consents	Land drainage consent	Land Drainage Act 1991 (Section 23)	Lead Local Flood Authority or relevant Internal Drainage Board	Temporary and permanent works affecting the flow of an Ordinary Watercourse; watercourse crossings required for the Proposed Project.	Application to be made by National Grid following grant of the DCO, prior to relevant works.
	Discharge to surface water and ground water –	Environmental Permitting (England and Wales) Regulations 2016;	Environment Agency or relevant Internal	Discharge of effluent or wastewater from construction sites to controlled waters (e.g.	Application to be made by National Grid following the submission of the DCO, prior to relevant works.

Issue	Consent/licence/agreement	Legislation	Consenting authority	Requirement	Comment/Status
	environmental permit	Water Industry Act 1991 (Section 118)	Drainage Board	ditches, streams, rivers, lakes) and to ground	
	Water abstraction or impoundment licence	Water Resources Act 1991 (as amended); Environment Act 1995; Water Resources (Abstraction and Impounding) Regulations 2006	Environment Agency	Dewatering and over pumping activities during construction	Application to be made by National Grid following the submission of the DCO, prior to relevant works.
	Flood risk activity permit (FRAP)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Works in/over/under and within 8 m of the banks of Main Rivers and their floodplains or located near flood defence structures	Application to be made by National Grid following grant of the DCO, prior to relevant works.
Materials and Waste	Contaminated Land: Applications in Real Environments (CL:AIRE) Materials Management Plan	CL:AIRE Definition of Waste Code of Practice	CL:AIRE Qualified Person/Environment Agency	Reuse of excavated materials during construction	Voluntary scheme – National Grid to prepare post-grant of DCO.
	Waste – environmental permits	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Storing, mixing and disposing of waste	Application to be made by National Grid following grant of the DCO, prior to relevant works.
Noise and vibration	Prior Consent	Control of Pollution Act 1974 (Section 61)	Local Planning Authority	Control of construction noise and vibration in advance of works	Any application required to be made by National Grid following grant of the DCO, prior to relevant works.

Issue	Consent/licence/agreement	Legislation	Consenting authority	Requirement	Comment/Status
Transport	Abnormal load notifications	Road Vehicles (Construction and Use) Regulations 1986; Road Vehicles (Authorised Weight) Regulations 1997	Department for Transport, National Highways, Local Highway Authority and bridge owners (if any), as appropriate	Delivery by road of loads that fall outside standard practice, if required	Appropriate applications and notifications in accordance with the Outline Construction Traffic Management and Travel Plans (Application Document 7.5.1.1 Outline Construction Traffic Management and Travel Plan – Suffolk and Application Document 7.5.1.2 Outline Construction Traffic Management and Travel Plan – Kent) to be made by National Grid in advance of the delivery of abnormal load.

References

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