

Sea Link

Volume 6: Environmental Statement

Document: 6.2.1.2
Part 1 Introduction
Chapter 2
Regulatory and Planning Policy Context

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

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2. Regulatory and Planning Policy Context

2.1 Introduction

- 2.1.1 This chapter sets out an overview of the regulatory and planning policy framework that applies to Sea Link (hereafter referred to as the 'Proposed Project'), in the context of the Environmental Statement (ES). It provides a summary of the legislative and planning policy context that is relevant to the ES.
- 2.1.2 The legislation and policies referred to in this chapter have been considered in the preparation of this ES.
- 2.1.3 **Application Document 7.1 Planning Statement** is submitted separately with the Application for Development Consent and assesses the Proposed Project against relevant policies.

2.2 Primary Legislation

- 2.2.1 The Planning Act 2008 (as amended) (HM Government, 2008) and the Electricity Act 1989 are of key relevance to the Proposed Project and are summarised below. The Environment Act 2021 (HM Government, 2021), the Countryside and Rights of Way Act 2000 (HM Government, 2000), the Natural Environment and Rural Communities Act 2006 (HM Government, 2006), the Wildlife and Countryside Act 1981 (as amended) (HM Government, 1981) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) are also primary legislation that is relevant and important to the ES.
- 2.2.2 In the ES, legislation relevant to each topic will be addressed in the specific chapter for that technical discipline.

The Planning Act 2008

- 2.2.3 The Planning Act 2008 ('the Act') provides the legislative basis for applications for a Development Consent Order (DCO). It also defines the application process under which a DCO is sought. Section 14 and sections 15 to 30A of the Act set out that projects meeting certain defined criteria are automatically classified as Nationally Significant Infrastructure Projects (NSIPs).
- 2.2.4 In addition, Section 35(1) of the Act sets out that "*the Secretary of State may give a direction for development to be treated as development for which development consent is required*" if certain criteria (including the type and location of the development) are met.
- 2.2.5 The Act requires that developers wishing to construct, operate and maintain NSIPs or projects subject to a Section 35 direction (for development to be treated as development for which development consent is required) from the Secretary of State (SoS) must obtain a DCO from the relevant SoS to authorise their project.
- 2.2.6 On 4 March 2022, National Grid Electricity Transmission plc (hereafter referred to as National Grid) submitted a request for a direction pursuant to Section 35 of the Act to

the SoS for Business, Energy and Industrial Strategy (BEIS)¹ requesting for the Proposed Project to be treated as development for which development consent is required. The request was supported by the host authorities. On 31 March 2022, the SoS issued a Direction that confirmed that the Proposed Project should be treated as a development for which a DCO under the Act is required. In the Annex to the Direction, the SoS confirmed his opinion that:

“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.”

- 2.2.7 The Proposed Project will be determined in accordance with Section 104 of the Act. As such the SoS, in deciding this application for development consent, must have regard to *“any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”).*

2.2.8 Marine and Coastal Access Act 2009

- 2.2.9 A spatial planning system for the management of the marine environment was introduced by the Marine and Coastal Access Act 2009 (MCAA) (Marine and Coastal Access Act, 2009). This introduced a requirement to obtain Marine Licences for works at sea.
- 2.2.10 The Marine Management Organisation (MMO) is responsible, under Part 4 of the MCAA 2009, for administering marine licensing of activities that include construction or removal of any substance or object in UK territorial waters and also for regulating activities where they are undertaken outside of the UK territorial waters e.g. within the UK Exclusive Economic Zone (EEZ). They do so by issuing a Marine Licence.
- 2.2.11 The Act enables applicants for a DCO to apply for a ‘Deemed Marine Licence’ as part of the DCO process by virtue of Section 149A of the Act which was inserted by the MCAA 2009. The draft DCO includes a deemed Marine Licence, which covers all the proposed works at sea.
- 2.2.12 In addition, Section 126 of the MCAA 2009 sets out that where a public authority has the function of determining an application that is capable of affecting (other than insignificantly) the protected features of a Marine Conservation Zone (MCZ), or the processes on which those features depend, then they have a duty to consider MCZs during their decision making. Details of any MCZs relevant to the Proposed Project are given in **Application Document 6.11 Marine Conservation Zone Assessment**.

Electricity Act 1989

- 2.2.13 Section 9(2) of the Electricity Act 1989 (HM Government, 1989) places general duties on National Grid as licence holder:
- “to develop and maintain an efficient, co-ordinated and economical system of electricity transmission...”*
- 2.2.14 In addition, Section 38 and Schedule 9 of the Electricity Act 1989 requires National Grid when formulating proposals for new lines and other works, to:

¹ The SoS for BEIS was the relevant SoS at the time of the S.35 request and decision. On 07 February 2023, the Department and SoS for Energy Security and Net Zero (ESNZ) was established to replace the SoS and Department for Business, Energy and Industrial Strategy.

“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 shall 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”.

2.2.15 National Grid's Stakeholder, Community and Amenity Policy (National Grid, 2016), published in December 2016, sets out how the company will meet the Schedule 9 duty placed upon it by the aforementioned legislation. This includes:

- only seeking to build electricity lines along new routes or above-ground installations in new locations where the existing transmission infrastructure cannot be upgraded to meet system security standards and regulatory obligations;
- seeking to avoid nationally or internationally designated areas for their landscape, wildlife or cultural significance; and
- minimising the effects of new infrastructure on communities by having particular regard to safety, noise and construction traffic.

Environment Act 2021

2.2.16 The Environment Act 2021 provides a framework for improving environmental management across a wide spectrum of environmental issues including waste and resources, water quality, biodiversity and air quality. It aims to deliver long term targets to improve environmental conditions and reduce pollution, which have been considered by the project.

2.2.17 The Environment Act 2021 introduced biodiversity gain into planning law, and Schedule 15 references the requirement to be at least 10%. It is intended that this should apply across all terrestrial projects, or terrestrial components of projects, which are accepted for examination through the NSIP regime from November 2025 and for the areas of biodiversity gain to be maintained for a specified period.

2.2.18 Whilst biodiversity gain is therefore not required by the Act at the time of the Application for Development Consent for the Proposed Project in early 2025 the principles are recognised as an integral component of emerging policy and aligns closely with National Grid's own commitment to deliver net gain by at least 10% or greater in environmental value on all construction projects. Further details can be found in **Application Document 6.12 Biodiversity Net Gain Feasibility Report**.

Countryside and Rights of Way Act 2000

2.2.19 The Suffolk Onshore Scheme lies partially within the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB). AONBs (rebranded to National Landscapes in November 2023) are designated solely for their landscape qualities, for the purpose of conserving and enhancing their natural beauty under Section 82 of the Countryside and Rights of Way Act 2000. National Grid, as a statutory undertaker, has a duty under Section 85 of the Act which states: *‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the AONB’.*

- 2.2.20 Section 89 of the Countryside and Rights of Way Act 2000 requires a Management Plan to be produced for each AONB. These are statutory documents and are capable of being important and relevant in decision making. The Suffolk Coast & Heaths Area of Outstanding Natural Beauty Management Plan 2023-28 (Suffolk Coast & Heaths Area of Outstanding Natural Beauty Joint Advisory Committee, 2023) is the currently adopted plan.

Natural Environment and Rural Communities Act 2006

- 2.2.21 Section 40 of the Act imposes a '*duty to conserve and enhance biodiversity*' on public authorities, including members of the Examining Authority and the relevant Secretary of State in the case of NSIP. It states that conserving biodiversity may include enhancing, restoring or protecting a population or a habitat. **Application Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity** and **Application Document 6.2.3.2 Part 3 Kent Chapter 2 Ecology and Biodiversity** assesses the effects of the Proposed Project on biodiversity.
- 2.2.22 Section 41 of the Act provides details of the habitats and species which are of 'Principal Importance' for the purposes of conserving biodiversity in England. **Application Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity** and **Application Document 6.2.3.2 Part 3 Kent Chapter 2 Ecology and Biodiversity** assess the effects of the Proposed Project on Habitats of Principal Importance.

Wildlife and Countryside Act 1981 (as amended)

- 2.2.23 The Wildlife and Countryside Act 1981 as amended by Schedule 9 of the Countryside and Rights of Way Act 2000, provides protection to Sites of Special Scientific Interest (SSSI). The Suffolk Onshore Scheme and the Kent Onshore Scheme both lie partially within a SSSI (Leiston-Aldeburgh SSSI and Sandwich Bay to Hacklinge Marshes, respectively).
- 2.2.24 The Wildlife and Countryside Act 1981 (as amended) also gives elevated protection to native species listed in the relevant schedules. Work that affects European protected species listed under the relevant schedules of the Wildlife and Countryside Act 1981 (as amended) requires a mitigation licence. The Wildlife and Countryside Act 1981 (as amended) also controls the release of non-native species which are considered as part of the assessment for invasive and non-native species in **Application Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity** and **Application Document 6.2.3.2 Part 3 Kent Chapter 2 Ecology and Biodiversity**.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

- 2.2.25 This Act provides special protection to buildings and areas of special architectural or historic interest. It makes provision for the listing of buildings of special architectural or historic interest, designation of Conservation Areas, and the exercise of planning functions in relation to them. It requires relevant planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Sections 16 and 66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas (Section 72).

2.2.26 **Application Document 6.2.2.3 Part 2 Suffolk Chapter 3 Cultural Heritage** and **Application Document 6.2.3.3 Part 3 Kent Chapter 3 Cultural Heritage** presents the results of the assessment on listed buildings.

2.3 Secondary legislation

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 2.3.1 The Environmental Impact Assessment (EIA) requirement for developments for which a development consent order is required is transposed into law through the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). Schedule 1 of the EIA Regulations lists those projects for which an EIA is required and Schedule 2 lists projects which may be considered an EIA development, based on the selection criteria provided in Schedule 3 on characteristics of the development, its location and the types and characteristics of the potential impacts.
- 2.3.2 None of the components which make up the Proposed Project are explicitly identified under Schedule 1 or Schedule 2 of the EIA Regulations. However, National Grid proposes to undertake an EIA, having considered the criteria in Schedule 3 regarding the characteristics of the development (size of the development and cumulation with other existing and/or approved development) and its location (environmental sensitivity of geographical areas likely to be affected by the development). As such National Grid is submitting an Environmental Statement (ES) with the Application for Development Consent, which will render the Proposed Project as EIA development under Regulation 6 of the EIA Regulations. This ES has been prepared in accordance with the requirements of the EIA Regulations. Regulation 14 sets out the minimum requirements that should be included in an ES. This is supported by Schedule 4 which identifies information to be included in an ES. Table 2.1 provides a summary of where the information required for inclusion in an ES under Regulation 14 and Schedule 4 of the EIA Regulations can be found.

Table 2.1 Location of information within this ES in accordance with the EIA Regulations 2017

Requirements	Location in the ES
Regulation 14 (The Minimum Requirements to include in an ES)	
(1) An application for an order granting development consent for EIA development must be accompanied by an ES.	The ES is included within Volume 6 of the application for development consent.
(2) An ES is a statement which includes at least: (a) a description of the proposed development comprising information on	Application Document 6.2.1.4 Part 1 Introduction Chapter 4 Description of the Proposed Project provides the description of the Proposed Project including information on the site, design and size.

Requirements	Location in the ES
the site, design, size and other relevant features of the development;	
(b) a description of the likely significant effects of the proposed development on the environment;	Each ES topic chapter assesses the likely significant effects of the Proposed Project on the environment in Section 9 (Assessment of Impacts and Likely Significant Effects).
(c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;	Mitigation measures to avoid, prevent, reduce or offset likely significant effects are identified within Section 8 Proposed Project Design and Embedded Mitigation and Section 10 (Additional Mitigation and Enhancement Measures) of each ES topic chapters (as relevant).
(d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	Application Document 6.2.1.3 Part 1 Introduction Chapter 3 Main Alternatives Considered provides a description of the reasonable alternatives considered and the main reason for the option chosen, taking into account the effects of the Proposed Project on the environment.
(e) a non-technical summary of the information referred to in subparagraphs (a) to (d); and	A non-technical summary summarising the information referred to in (a) to (d) is provided in Application Document 6.1 Environmental Statement Non-Technical Summary .
(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.	Details on how Schedule 4 has been met are outlined later within this table.
(3) The ES referred to in paragraph (1) must:	The Planning Inspectorate adopted the Scoping Opinion for the Proposed Project on 1 December 2022 (Application Document 6.15 Scoping Opinion). This has been used as the basis for the scope of the assessment presented within the ES.
(a) where a scoping opinion has been adopted, be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion).	
(b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of	Each ES topic chapter provides the methodology and the assumptions used in reaching the reasoned conclusion on the likely

Requirements	Location in the ES
the development on the environment, taking into account current knowledge and methods of assessment; and	significant effects of the Proposed Project on the environment in its Section 4 (Approach and Methodology).
(c) be prepared, taking into account the results of any relevant UK environmental assessment, which is reasonably available to the applicant with a view to avoiding duplication of assessment.	The ES has been prepared taking into account relevant environmental data sources where available. These are listed within the ES topic chapters.
(4) In order to ensure the completeness and quality of the ES:	The ES has been prepared by competent experts in their field. The relevant qualifications are provided in Application Document 6.3.1.1.A Appendix 1.1.A Statement of Competence included within the ES.
(a) the applicant must ensure that the ES is prepared by competent experts; and	
(b) the ES must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.	

Schedule 4 of the EIA Regulations 2017 (Information for Inclusion in Environmental Statements)

1. A description of the development, including in particular:	Items 1(a)-(d) are provided in Application Document 6.2.1.4 Part 1 Introduction Chapter 4 Description of the Proposed Project . Further evidence on Item 1(d) is provided within the relevant ES topic chapters.
(a) a description of the location of the development;	
(b) a description of the physical characteristics of the whole development, including requisite demolition works, and the land-use requirements during the construction and operational phases;	
(c) a description of the main characteristics of the operational phase of the development, for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;	
(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste)	

Requirements	Location in the ES
<p>produced during the construction and operation phases.</p>	
<p>2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</p>	<p>Application Document 6.2.1.3 Part 1 Introduction Chapter 3 Main Alternatives Considered provides a description of the reasonable alternatives considered and the main reason for the option chosen, taking into account the effects of the Proposed Project on the environment.</p>
<p>3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.</p>	<p>Section 7 (Baseline Conditions) of the ES topic chapters and various appendices contain baseline survey data and a forecast of changes to the future baseline where applicable.</p>
<p>4. A description of the factors specified in regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</p>	<p>Effects on population and health are discussed in Application Document 6.2.2.11 Part 2 Suffolk Chapter 11 Health and Wellbeing and Application Document 6.2.3.11 Part 3 Kent Chapter 11 Health and Wellbeing; in relation to visual/residential amenity impacts in Application Document 6.2.2.1 Part 2 Suffolk Chapter 1 Landscape and Visual and Application Document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual; in relation to traffic impacts in Application Document 6.2.2.7 Part 2 Suffolk Chapter 7 Traffic and Transport and Application Document 6.2.3.7 Part 3 Kent Chapter 7 Traffic and Transport; in relation to air quality impacts in Application Document 6.2.2.8 Part 2 Suffolk Chapter 8 Air Quality and Application Document 6.2.3.8 Part 3 Kent Chapter 8 Air Quality; in relation to noise impacts in Application Document 6.2.2.9 Part 2 Suffolk Chapter 9 Noise and Vibration and Application Document 6.2.3.9 Part 3 Kent Chapter 9 Noise and Vibration; and in terms of socio-economic impacts in Application Document 6.2.2.10 Part 2 Suffolk Chapter 10 Socio-economics, Recreation and Tourism and Application Document 6.2.3.10</p>

Requirements	Location in the ES
	<p>Part 3 Kent Chapter 10 Socio-economics, Recreation and Tourism.</p> <p>Effects on biodiversity are discussed in Application Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity, Application Document 6.2.3.2 Part 3 Kent Chapter 2 Ecology and Biodiversity and Volume 6 Part 4 Offshore Scheme.</p> <p>Effects on land and soil are discussed in Application Document 6.2.2.6 Part 2 Suffolk Chapter 6 Agriculture and Soils and Application Document 6.2.3.6 Part 3 Kent Chapter 6 Agriculture and Soils; Application Document 6.2.2.5 Part 2 Suffolk Chapter 5 Geology and Hydrogeology and Application Document 6.2.3.5 Part 3 Kent Chapter 5 Geology and Hydrogeology.</p> <p>Effects on water are discussed in Application Document 6.2.2.4 Part 2 Chapter 4 Water Environment and Application Document 6.2.3.4 Part 3 Kent Chapter 4 Water Environment.</p> <p>Effects on air are discussed in Application Document 6.2.2.8 Part 2 Suffolk Chapter 8 Air Quality and Application Document 6.2.3.8 Part 3 Kent Chapter 8 Air Quality.</p> <p>Effects on climate are discussed in Application 6.2.5.1 Part 5 Project Wide Effects Chapter 1 Climate Change.</p> <p>Effects on material assets and cultural heritage are discussed in Application Document 6.2.2.3 Part 2 Suffolk Chapter 3 Cultural Heritage and Application Document 6.2.3.3 Part 3 Kent Chapter 3 Cultural Heritage. Marine archaeology aspects are covered in Application Document 6.2.4.6 Marine Archaeology.</p> <p>Effects on landscape are discussed in Application Document 6.2.2.1 Part 2 Suffolk Chapter 1 Landscape and Visual and Application Document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual.</p>

Requirements	Location in the ES
<p>5. A description of the likely significant effects of the development on the environment resulting from, inter alia:</p> <ul style="list-style-type: none"> (a) the construction and existence of the development, including where relevant demolition works; (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources; (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of wastes; (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters); (e) the cumulation of effects with other existing and /or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources; (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; (g) the technologies and the substances used. The description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. 	<p>The likely significant effects of the development on the environment are described in the ES topic chapters (Section 9 Assessment of Impacts and Likely Significant Effects and Section 11 Residual Effects and Conclusions).</p> <p>Cumulative effects are covered in Application Document 6.2.2.12 Part 2 Suffolk Chapter 12 Suffolk Onshore Scheme Intra-Project Cumulative Effects, Application Document 6.2.2.13 Part 2 Suffolk Chapter 13 Suffolk Onshore Scheme Inter-Project Cumulative Effects, Application Document 6.2.3.12 Part 3 Kent Chapter 12 Kent Onshore Scheme Intra-Project Cumulative Effects and Application Document 6.2.3.13 Part 3 Kent Chapter 13 Kent Onshore Scheme Inter-Project Cumulative Effects.</p>
<p>6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required</p>	<p>Section 4 (Approach and Methodology) of the ES topic chapters and various appendices contains survey methodology. The methodology is also described in Application</p>

Requirements	Location in the ES
information and the main uncertainties involved.	Document 6.14 Environmental Scoping Report.
7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements. That description should explain the extent, to which significant adverse effects on the environment are avoided, prevents, reduced or offset, and should cover both the construction and operational phases.	Measures to avoid, prevent, reduce or, if possible, offset likely significant effects have been identified in Section 8 Proposed Project Design and Embedded Mitigation and Section 10 (Additional Mitigation and Enhancement Measures) within each ES topic chapter where applicable.
8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and / or disasters which are relevant to the project concerned.	Major accidents and disasters have been scoped out of the assessment. The vulnerability of the Proposed Project to major accidents and disasters can be mitigated or reduced by the processes and standards in place. The Proposed Project is also unlikely to generate any potential significant effects on the environment if a major accident or disaster were to occur.
9. A non-technical summary of the information provided under paragraphs 1 to 8.	A non-technical summary summarising the information referred in paragraphs 1 to 8 is provided in the Application Document 6.1 Environmental Statement Non-Technical Summary.
10. A reference list detailing the sources used for the descriptions and assessments included in the ES.	Sources are referenced at the end of each chapter and appendix.

Related Assessments

- 2.3.3 In addition to the EIA, the Proposed Project will be assessed in accordance with the other regulatory regimes, where they apply. Information on these is included in the environmental topic chapters of this ES where applicable. These include the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (hereafter ‘the Habitats Regulations’) and the Conservation of Offshore Marine Habitats and Species Regulations 2017.

2.4 National Policy Statements

- 2.4.1 This section sets out the relevant national planning policy documents that under Section 104(3) of the 2008 Act, the SoS is required to decide the application in accordance with

the relevant national policy statement, subject to certain exceptions. These documents have been taken into account in preparing this ES.

- 2.4.2 The ES describes the national planning policies relevant to the assessment of the Proposed Project with a summary provided for each environmental topic. The ES does not assess the Proposed Project against national planning policy, which is undertaken and set out in **Application Document 7.1 Planning Statement**.
- 2.4.3 The SoS is required by Section 104 of the Act to have regard to the relevant National Policy Statements (NPSs).
- 2.4.4 The following NPSs form the relevant national policy statements with respect to the Proposed Project.
- Overarching National Policy Statement for Energy (EN-1), January 2024 (NPS EN-1) (DESNZ, 2023);
 - National Policy Statement for Renewable Energy Infrastructure (EN-3), January 2024 (NPS EN-3) (DESNZ, 2023); and
 - National Policy Statement for Electricity Networks Infrastructure (EN-5), January 2024 (NPS EN-5) (DESNZ, 2023).
- 2.4.5 NPS EN-1, NPS EN-3 and NPS EN-5 are discussed below.

Overarching National Policy Statement for Energy (EN-1)

- 2.4.6 NPS EN-1 (DESNZ, 2023) sets out the Government's overarching policy with regard to developments for which a development consent order is required in the energy sector. It emphasises the need and urgency for new energy generation, transmission and distribution projects to contribute to a secure, diverse and affordable energy supply. This is to support the Government's policies on sustainable development, in particular by mitigating and adapting to climate change. Paragraphs 2.1.1 and 2.3.6 of NPS EN-1 (DESNZ, 2023) state that the energy system needs to be transformed by "*...tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses*".
- 2.4.7 Section 4.2 of NPS EN-1 (DESNZ, 2023) recognises that "*there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure*" (paragraph 4.2.4). Low carbon infrastructure, for the purpose of this policy, include "*energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore*" (paragraph 4.2.5). The Proposed Project is consistent with the description of CNP infrastructure.
- 2.4.8 NPS EN-1 (DESNZ, 2023) forms the primary basis for determining if development consent should be granted for developments covered by the Energy NPSs. Paragraph 1.3.10 of NPS EN-1 (DESNZ, 2023) states that in circumstances where the SoS has given a Section 35 direction: "[NPS] EN-1, in conjunction with any relevant technology specific NPS, will be the primary policy for Secretary of State decision making on projects in the field of energy for which a direction has been given under section 35".

National Policy Statement for Renewable Energy Infrastructure (EN-3)

- 2.4.9 NPS EN-3 (DESNZ, 2023) sets out planning policy for renewable energy generating developments for which a development consent order is required. Under Paragraph

1.6.3, infrastructure covered by NPS EN-3 (DESNZ, 2023) includes “...*offshore transmission infrastructure projects in English waters which are directed into the NSIP regime under section 35 of the Planning Act 2008. This could include... ‘bootstraps’ to support the onshore network which are routed offshore.*” The content of NPS EN-3 (DESNZ, 2023) has been considered in this ES to the extent that it is relevant to the Proposed Project, in particular, in relation to the proposed Offshore Scheme.

- 2.4.10 Paragraph 2.1.7 of NPS EN-3 (DESNZ, 2023) reiterates Section 4.2 of NPS EN-1 (DESNZ, 2023): “*to support the urgent need for new low carbon infrastructure, all onshore and offshore electricity generation covered in this NPS that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon) are considered to be Critical National Priority (CNP) infrastructure*”.

National Policy Statement for Electricity Networks Infrastructure (EN-5)

- 2.4.11 NPS EN-5 (DESNZ, 2023) focuses on policies and considerations that are specific to electricity networks. It is set out at paragraph 1.6.2 that this NPS covers new above ground electricity lines with a nominal voltage of 132 kV or above, whose length is greater than 2 km. Paragraph 1.6.4 also explains that electricity infrastructure, including underground cables, sub-sea cables and associated infrastructure, will be covered by the NPS if the SoS gives a direction under Section 35 of the 2008 Act that it should be treated as a developments for which a development consent order is required .
- 2.4.12 Part 2 of NPS EN-5 (DESNZ, 2023) includes specific policies relating to matters including consideration of good design, biodiversity and geological conservation, landscape and visual and noise and vibration. These policies have also been considered in the preparation of this ES. Paragraph 2.2.10 of EN-5 (DESNZ, 2023) reiterates the duties under Section 9 of the Electricity Act 1989, both in relation to developing and maintaining an economical and efficient network and, in formulating proposals for new electricity network infrastructure, to “*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 ... do what [they] 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*”.

2.5 Marine Policy Statement

- 2.5.1 The Marine Policy Statement was adopted in March 2011. This provides the policy framework for the preparation of marine plans and establishes how decisions affecting the marine area should be made. The Marine Policy Statement has been considered in the development of this ES in particular within the chapters relating to the Offshore Scheme. The Application for Development Consent also includes a Marine Plan Policy Assessment (**Application Document 6.13 Marine Plan Policy Assessment**) which is a stand-alone document that sets out the relevant policy in relation to the deemed marine licence.

2.6 Marine Plans

- 2.6.1 The following Marine Plans have been considered in the preparation of this ES:

- East Inshore and East Offshore Marine Plan, April 2014 (Marine Management Organisation, 2014); and
- South East Inshore Marine Plan, June 2021 (Marine Management Organisation, 2021).

2.6.2 A summary of marine policy that is relevant to each technical assessment is provided for each environmental topic chapter relating to the Offshore Scheme.

2.7 Local Planning Policies

2.7.1 Whilst the NPSs remain the primary policy against which the proposals should be decided, policies in Local Plans are frequently considered important and relevant matters and can influence the content of local impact reports (which the host local authorities will produce following submission of the Application for Development Consent), and which the Secretary of State must have regard to in its decision making in accordance with the Act.

2.7.2 The ES describes the local planning policies relevant to the assessment of the Proposed Project with a summary provided for each environmental topic. The ES does not assess the Proposed Project against local planning policy, which is undertaken and set out in **Application Document 7.1 Planning Statement**.

Local Plans

2.7.3 The Proposed Project lies within the administrative areas of Dover District Council, Thanet District Council, East Suffolk Council, as well as Kent County Council and Suffolk County Council. The following local planning policy relevant to the Proposed Project therefore consists of the following.

2.7.4 In Suffolk:

- East Suffolk Council – Suffolk Coastal Local Plan (adopted 23 September 2020) (East Suffolk Council, 2020); and
- Suffolk County Council – Suffolk Minerals and Waste Local Plan (adopted 9 July 2020) (Suffolk County Council, 2020).

2.7.5 In Kent:

- Thanet District Council – Thanet Local Plan (adopted 9 July 2020) (Thanet District Council, 2020);
- Dover District Council – Local Plan to 2040 (adopted 16 October 2024), (Dover District Council, 2022);
- Kent County Council - Kent Minerals and Waste Local Plan 2013-2030 (adopted September 2020) (Kent County Council, 2020);
- Kent County Council – Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-2039 (published November 2023, adoption anticipated in March 2025) (Kent County Council, 2023) (when adopted, this plan will supersede the Kent Minerals and Waste Local Plan 2013-2030); and
- Kent County Council – Mineral Sites Plan (adopted September 2020) (Kent County Council, 2020).

- 2.7.6 A summary of national and local planning policy relevant to each technical assessment is provided for each environmental topic chapter.

Neighbourhood Plans

- 2.7.7 Neighbourhood plan policies have also been considered in the preparation of this ES. The neighbourhood plans that could be relevant to the Proposed Project are:

- Saxmundham Neighbourhood Plan (made 26 July 2023), within the administrative area of East Suffolk Council; and
- Ash Neighbourhood Plan (made 8 June 2021), within the administrative area of Dover District Council.

2.8 Other National Policy

National Planning Policy Framework

- 2.8.1 The National Planning Policy Framework (NPPF) (Department of Levelling Up, Housing and Communities, 2024) was most recently revised in December 2024. Paragraph 5 of the NPPF (Department of Levelling Up, Housing and Communities, 2024) makes it clear that the document does not contain specific policies for nationally significant infrastructure projects and states that *“These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)”*.
- 2.8.2 On this basis, the NPPF (Department of Levelling Up, Housing and Communities, 2024) is considered to be of less relevance to the SoS’s decision than the relevant NPSs. The NPPF is however supported by the National Planning Practice Guidance (NPPG, last updated February 2024) (Ministry of Housing, Communities and Local Government, 2016) and NPS EN-1 (DESNZ, 2023) does include footnote references to the NPPG (Ministry of Housing, Communities and Local Government, 2016). Therefore, reference is made to the NPPF (Department of Levelling Up, Housing and Communities, 2024) and NPPG (Ministry of Housing, Communities and Local Government, 2016) in the ES, but only in respect of relevant matters.

2.9 National Grid Policy and Guidance

- 2.9.1 National Grid has its own policies and processes that are followed when developing projects. The key policies that are applicable to this Proposed Project are as follows:
- Our Stakeholder, Community and Amenity Policy (National Grid, 2016): This document describes the ten commitments that National Grid has made to the way that electricity and gas works are carried out in the UK. This includes setting out how National Grid will meet its amenity responsibilities and how stakeholders and communities are involved on projects.
 - Our 2021-2026 Environmental Action Plan (National Grid, 2021): This sets out how National Grid will plan and manage its network in an environmentally sustainable way. It sets out how National Grid intends to further reduce its carbon emissions, reduce its resource use, improve the natural environment and demonstrate leadership for change with firm targets for a five-year period, including delivering net

zero construction, achieving zero-waste to landfill across key areas of waste, increasing environmental value of non-operational land by 10% against a natural capital and biodiversity baseline and delivering a net gain by at least 10% or greater in environmental value (including biodiversity) on all construction projects.

- Our Approach to Consenting (National Grid, 2022): This document describes how National Grid will deliver an energy transmission system that connects renewable and low-carbon sources of power to help the UK reach its climate change target of net zero greenhouse gas emissions by 2050. The document sets out how National Grid will deliver energy which is affordable, a network which is resilient and reliable and that has regard to the environment and society. Further details on the approach to consenting can be found in **Application Document 7.1 Planning Statement**.

- 2.9.2 The Holford Rules are a series of planning guidelines that are a valuable tool in selecting and assessing potential route options as part of the options appraisal process. The Holford Rules are also expressly considered as part of NPS EN-5. In addition, National Grid devised the Horlock Rules in 2003 (which were updated in 2006), which provide guidelines for the siting and design of new substations, or substation extensions, to avoid or reduce the environmental effects of such developments. Both the Holford Rules and the Horlock Rules have been considered during development of the Proposed Project.
- 2.9.3 National Grid also has an extensive range of process and guidance documents that govern how projects are designed and implemented. Specific documents are referenced later in the ES chapters where relevant.

2.10 References

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