

SEA Link Planning Examination –

Open Floor Hearing 1, session 3; 6th November 2025

Written summary of East Suffolk Water Management Board's oral representation

Introduction

- My name is Judith Stoutt. I work for the Water Management Alliance, which supports several Internal Drainage Boards in the East of England, including the East Suffolk Water Management Board.
- East Suffolk Water Management Board (the Board) is an Internal Drainage Board as defined by the Land Drainage Act 1991. The Board's internal drainage district covers several river catchments in East Suffolk. This district overlaps with a very small part of the proposed Sea Link development at two locations: the landfall area near Thorpeness, and the River Fromus area south of Saxmundham.
- East Suffolk Water Management Board is the potential regulator for certain elements of Sea Link's proposed works – specifically those works within the Board's Internal Drainage District and which require consent as per the Land Drainage Act 1991, and under the Board's Byelaws. These works could include the discharge of water into a watercourse within the internal drainage district, and the alteration of a watercourse within the internal drainage district. The Board is an interested party because of the potential impact of the project on the Board's ability to carry out its statutory functions relating to land drainage and reducing flood risk.
- The Board submitted a Relevant Representation to the Planning Inspectorate in June 2025, which highlighted concerns about the wording within Article 20 of Part 4 of the draft Development Consent Order. This article relates to discharge of water. Our understanding is that these concerns have not been addressed, which is why we have opted to raise them at this Open Floor Hearing.

Specific concerns

- The Board's key concern is that we wish to ensure that it is clear to the undertaker that Article 20 of Part 4 of the DCO does not override the requirement for consent under Section 23 of the Land Drainage Act 1991, or byelaws made pursuant to the Land Drainage Act 1991. *[Part 4 of the dDCO relates to Supplemental Powers; Article 20 relates to Discharge of Water and is found on pages 19 and 20 of the draft*

DCO v.3.1D.] We consider that this can be addressed by the insertion of suitable wording (which we included in our relevant representation) into Paragraph 7 of Article 20 of Part 4 of the DCO, similar to the wording that states that the article does not override the requirement for an environmental permit:

“Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016(a) *or for consent under Section 23 of the Land Drainage Act 1991 or any byelaws made pursuant to Section 66 of the Land Drainage Act 1991.*”¹

- Secondly, although minor in comparison, the Board also recommends that Paragraph 12 of Article 20 of Part 4 of the DCO should include clarification that “watercourse” has the meaning as set out in s.72 of the Land Drainage Act 1991:

“watercourse” includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

- The Board’s third concern relates to settlement of any disputes. The draft DCO wording at Part 4, Article 20, paragraph (2) states that “*Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) must be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991.*” That is, this paragraph appears to suggest the provisions of the Water Industry Act 1991 are appropriate to settle any dispute relating to a proposed discharge of surface water into a watercourse. The Board finds this to be unsatisfactory and contrary to existing provisions for resolution of disputes within the Land Drainage Act and associated byelaws.

The Board is keen to engage with the Applicant to resolve these matters.

End.

¹ Suggested additional wording in italics.