



The Planning Act 2008

Application by National Grid Electricity Transmission for the Sea Link Project

**East Suffolk Council's Post-Hearing Submission in relation to
Issue Specific Hearing 2 dealing with environmental matters, 28-30 January 2026**

Deadline 4 (10 February 2026)

Application: EN020026

East Suffolk Council: [REDACTED]

1. Welcome, introductions, arrangements for the hearing	
Speakers on behalf of East Suffolk Council (ESC):	
<ul style="list-style-type: none"> • Mark Westmoreland-Smith KC – Counsel, Francis Taylor Building • James Meyer – Principal Ecologist, East Suffolk Council • Nicholas Newton – Principal Landscape and Arboriculture Officer, East Suffolk Council • Karolien Yperman – Senior Design and Heritage Officer, East Suffolk Council • Simon Charlesworth – Sector Development and Trade Lead, East Suffolk Council • Mark Kemp – Principal Environmental Protection Officer, East Suffolk Council 	
2. Matters arising from the supplementary agenda	
No comment.	
3. Ecology and biodiversity	
3.1 Kent landfall, including: <ul style="list-style-type: none"> • Implications of previous cable works for impact assessment and mitigation • Impacts on the intertidal area • Access via the hoverport 	No comment.
3.2 Suffolk landfall, including: <ul style="list-style-type: none"> • Disturbance effects, emissions and mitigation • Unexploded ordnance 	<p>Disturbance effects, emissions and mitigation No comment.</p> <p>Unexploded ordnance ESC notes the detailed UXO information provided by the Applicant in its response to ExQ1 at Deadline 3 ([REP3-070] Appendix K Detailed Unexploded Ordnance Risk Assessments – Friston 1, Chapter 12 (Proposed Risk Mitigation Strategy)), which includes recommendations for pre-construction investigations for UXO. REAC Commitment GG39 [REP3-078] secures</p>

	<p>the implementation of mitigation measures in accordance with these recommendations. As noted by the ExA during ISH2, these risk assessments do not make any reference to designated sites and, as such, ESC queries how the protocols for undertaking pre-construction investigations and dealing with any UXO in ecologically sensitive areas (including designated sites) will be secured. This includes:</p> <ul style="list-style-type: none"> • how damage to these sites from machinery access during UXO surveys will be avoided or mitigated; • how disturbance of species for which the sites are designated during UXO surveys will be avoided or mitigated; and • how UXO which are found during surveys and require removal will be dealt with, including in principle protocols for onsite disposal and removal for disposal offsite. <p>ESC considers that the above points must be acknowledged in the REAC and Outline Code of Construction Practice, including overarching controls on the timing of the works to avoid the most sensitive times of year, with the details for addressing them approved and controlled as part of the Code of Construction Practice for the project. Failure to adequately do this could result in damage or disturbance impacts on the Sandlings SPA and the Leiston-Aldeburgh SSSI either during UXO surveys or disposal/removal of UXO prior to construction, which would be a significant impact contrary to NPS EN-1 paragraphs 5.4.43 and 5.4.44 and Suffolk Coastal Local Plan Policy SCLP10.1. For reference, Appendix A to this submission contains the policy text and supporting information.</p> <p>ESC understands from the Applicant’s oral response in respect of this matter at ISH2 that it intends to review the REAC in light of the concerns raised. ESC will review any such amendments to the REAC and Outline Code of Construction Practice once submitted into the Examination, and will provide comment as necessary.</p>
3.3 Update on intrusive ground investigations	No comment.

3.4 Effects on protected species such as bats, dormice and reptiles

Hazel dormice

ESC noted that the current versions of the REAC [REP3-078] and Outline Landscape and Ecological Management Plan ('OLEMP') [CR1-045] do not include adequate measures to mitigate habitat fragmentation impacts on dormice, should pre-construction surveys confirm the presence of this species. ESC does not consider that the mitigation measures already identified to address habitat fragmentation for bats are likely to be completely successful for dormice as they involve non-vegetated structures. ESC notes the Applicant's commitment to identify and include further appropriate measures, such as temporary dormouse bridges, and will provide further comment on this matter once updated submissions have been submitted by the Applicant at Deadline 4.

ESC reiterated its disagreement with the Applicant's assertion in Paragraph 2.9.192 of Chapter 2 Ecology and Biodiversity [REP1-047] that there would be a moderate beneficial long-term (significant) impact on dormice due to habitat creation. ESC considers that the proposed landscape planting cannot be claimed to act as a benefit to a species which is claimed by the Applicant to be absent. ESC also highlighted that the bulk of the proposed new planting is at the converter station location, which is not the same location as where the potential dormouse nest was found during surveys for the project. The actual location was in fact located further east along the proposed cable route. This proposed new planting will therefore have no discernible benefit for any dormouse population further east along the cable route and, as a consequence, the Applicant's assertion is rather difficult to understand.

ESC also wishes to note that the Applicant used the term 'hypothetical dormouse' in the discussion on this agenda item at ISH2. ESC considers that the use of the term 'hypothetical' emphasised and underlined the inadequacy of the survey effort that has been undertaken for this species by the Applicant. As set out in Section 7.2.2 of ESC's LIR [REP1-128], the finding of the potential dormouse nest which has triggered the more detailed consideration of this matter came at the end of the survey season at a location where insufficient survey work had been employed for this species. Had the Applicant undertaken the survey in accordance with the published best practice guidance which was in place at the time, it may have been able

to properly and correctly establish the presence (or otherwise) of this European protected species within the Order Limits and therefore have identified appropriate mitigation measures before the DCO application was submitted for examination. ESC maintains its position that there has been insufficient survey coverage in relation to Hazel Dormice, which in turn affects the subsequent assessment of impacts and design of mitigation measures. ESC notes the Applicant's commitment to updating the OLEMP at Deadline 4 to include a commitment to conducting pre-construction surveys for this species. ESC looks forward to reviewing the updated document and commenting on it as necessary.

Bats

ESC maintains its position as set out in Paragraph 7.2.5.6 of its LIR [REP1-128] and Ref 8.03 of its PADSS [REP3-080] regarding its concerns as to the practicality and technical feasibility of mitigating every hedgerow crossing as though the hedgerow was important for bats, as secured by REAC Action B36 [REP3-078]. ESC disagrees with the Applicant's assertion, as set out in the Applicant's comments on ESC's LIR [REP2-027] references 7.2.5.5 and 7.2.5.6, that there is sufficient confidence that the necessary mitigation measures can be achieved as currently suggested. ESC questions the Applicant's ability to implement the mitigation that the Applicant is suggesting could be provided across the entire length of the cable route during the construction phase. As explained, from ESC's experience with other projects in the locality, trying to close temporarily even some gaps created in hedgerows along a cable route using hazel hurdles/temporary fencing every night creates significant complications and issues for the implementation of the mitigation measures, including:

- safely securing temporary fencing in position given that its temporary nature across the cable corridor makes using permanent fixing points not possible;
- safely removing and reinstating it in place repeatedly during construction (every morning and evening);
- transporting (a greater number of machinery movements are required to do this) and storing the temporary fencing during the day when it is not in use (greater use of space in construction compounds is required to accommodate it);

- contractors and sub-contractors remembering to reinstate the temporary closure at the end of the day; and
- daily Ecological Clerk of Works (ECoW) checks to ensure that fencing has been reinstated (and get it reinstated if it hasn't been) adding a significant burden to ECoW workload.

As a result, ESC has concerns as to the ability of the Applicant to actually deliver the temporary mitigation.

In addition, without sufficient survey information (for the reasons set out in Ref. 8.03 of ESC's PADSS [REP3-080]), it is impossible for ESC as the responsible local planning authority ('LPA') to know which hedgerows are actually important for bats and therefore be able to determine whether any future variations in mitigation for specific crossing points may be appropriate. Whilst the Applicant's survey methodology did not target every hedgerow for bat activity surveys, the deficiencies identified mean that there are whole sections of the cable route that have been subject to insufficient bat survey effort.

ESC also disagrees with the Applicant's claim that adequate consideration has been given to avoiding important hedgerow removal through the use of trenchless construction techniques to avoid the need for hedgerow loss, as set out in the Applicant's Comments on ESC's LIR [REP2-027] reference 7.2.5.4. Paragraph 2.9.56 of Chapter 2 of the Environmental Statement ('ES') on Ecology and Biodiversity [REP1-047] states that measures other than open cut trenching would be *"impractical due to the need for large construction compounds at either side of any ditch or hedge to send and receive the drill, and the fact that such crossing methods would take significantly longer (given the number of hedges to be traversed) than the open cut trenching method and therefore extend the overall construction programme and duration of disruption."* It logically follows from this, therefore, that ecological considerations do not appear to have formed part of the decision not to use other hedgerow crossing methods, the Applicant thinking only of matters of land use and project programme. Failure to properly consider measures which would avoid direct impacts on hedgerows is contrary to Paragraph 5.4.43 of NPS EN-1 which requires that, as a general

	<p>principle, developments should apply the mitigation hierarchy, of which avoidance is the first step.</p>
<p>3.5 Impacts on trees, including:</p> <ul style="list-style-type: none"> • Development Consent Order controls on tree felling • Implications of the proposed attenuation ponds shown on sheet 1 of 7 of the Indicative General Arrangement Plans [CR1-024] to the south side of the access and the River Fromus bridge proposal, on trees T875S and G874S • Seasonality in cutting of trees 	<p>Development Consent Order controls on tree felling</p> <p>ESC provided anecdotal evidence during ISH2 in response to a query raised by the ExA regarding whether equivalent powers to Article 51 (<i>‘Feeling or lopping’</i>) of the dDCO [REP3-006] have been used to fell veteran or ancient trees as part of the Sizewell C or Bramford to Twinstead DCO projects. ESC noted and reported that veteran trees were felled as part of the Sizewell C project to facilitate construction of the Two Village Bypass. The key difference in this case is that it was known at Examination stage that those veteran trees would need to be felled, and so this formed part of the assessment of effects in the Environmental Statement and was considered as part of, and understood in, the Secretary of State decision-making process. Alternatives were considered, including an alternative route for the bypass which would have passed through an ancient woodland, and so it was decided that felling a smaller number of veteran trees was the preferable option to felling the area of ancient woodland. The distinction in Sea Link’s case is that the Applicant’s intention is to retain all veteran or ancient trees, and hence any such felling has not been considered in the EIA. As currently worded, Article 51 of the dDCO is not prescribed in any way so as to prevent it from being used for felling or lopping veteran or ancient trees and provides no additional protections over and above any other trees. As such, ESC is concerned that Article 51, as currently worded, could be used to fell veteran or ancient trees which has not been subject to EIA assessment in the project. ESC would welcome amendments to Article 51 such that it does not apply to such veteran trees that have been identified and understood to be preserved in situ for the project.</p> <p>Implications of the proposed attenuation ponds shown on sheet 1 of 7 of the Indicative General Arrangement Plans (page 4 of the PDF) [CR1-024] to the south side of the access and the River Fromus bridge proposal, on trees T875S and G874S</p>

	<p>ESC is satisfied that the attenuation basin shown in vicinity of T875S (veteran Oak), T874S (understorey scrub), and T871S (veteran Horse Chestnut) lies outside the root protection areas (RPAs) of these trees. Therefore, provided all described tree protection measures are maintained in place, the basin should not cause undue harm to the trees. ESC does, however, wish to highlight that any interconnecting pipes will need to be installed using no-dig installation methods as prescribed in BS5837:2012 where they need to cross RPAs of retained trees, and suggests that this is secured as a commitment in the Outline Onshore Construction Environmental Management Plan ('CEMP') [AS-127].</p> <p>Seasonality in cutting of trees</p> <p>No comment.</p>
<p>3.6 Securing biodiversity net gain</p>	<p>ESC maintains its view, as set out in Ref. 8.07 of its PADSS [REP3-080], that more information is needed on how the project is going to achieve its minimum 10% BNG commitment in Suffolk. ESC has serious concerns as to how it is proposed to be secured and monitored in line with National Grid's commitment to manage and maintain BNG for at least 30 years.</p> <p>ESC understands from the Applicant's oral representation at ISH2 that it intends to secure 10% BNG through a Section 106 unilateral undertaking. ESC noted that its preference is for an agreement as opposed to a unilateral undertaking, particularly due to the need for it to establish monitoring provision of the BNG as part of any obligation. It is surprising, however, that this was the first mention by the Applicant of a legal agreement to secure BNG. The Applicant almost seems to be working on a "do nothing" basis unless asked a question by the ExA. The Applicant should be required to prepare a draft of the agreement at the earliest possible opportunity to ensure that ESC is afforded the opportunity and sufficient time to review and comment upon the draft and inform the Applicant and Examining Authority of its views regarding the adequacy of the draft in securing BNG. It is essential that this is progressed expediently to ensure the obligation put forward is adequate, and to avoid undue delays in the delivery of BNG for this development.</p>

4. Ornithology	
<p>4.1 Construction impacts, including:</p> <ul style="list-style-type: none"> • Works affecting designated sites in the breeding season • Works in Pegwell Bay • Impacts and mitigation for functionally linked land • Impacts and mitigation for the effect of vessel movements on Red-Throated Diver of the Outer Thames Estuary and implications for habitats regulations assessment 	<p>Works affecting designated sites in the breeding season</p> <p>No comment.</p> <p>Works in Pegwell Bay</p> <p>No comment.</p> <p>Impacts and mitigation for functionally linked land</p> <p>No comment.</p> <p>Impacts and mitigation for the effect of vessel movements on Red-Throated Diver of the Outer Thames Estuary and implications for habitats regulations assessment</p> <p>No comment.</p>
<p>4.2 Operation and maintenance impacts, including:</p> <ul style="list-style-type: none"> • Impacts and mitigation for the effect of vessel movements on Red Throated Diver of the Outer Thames Estuary and implications for habitats regulations assessment 	<p>No comment.</p>

4.3 Collision risk and mitigation	No comment.
4.4 Questions for the International Union for the Conservation of Nature regarding The East Atlantic Flyway	No comment.
5. Benthic Ecology (with questions included for Natural England)	
No comment.	
6. Fish and shellfish	
No comment.	
7. Marine mammals	
No comment.	
8. Marine physical environment	
8.1 Coastal erosion, including: <ul style="list-style-type: none"> • National Coastal Erosion Risk Mapping (NCERM2) • Coralline Crag, Suffolk Horizontal Directional Drilling exit location and Register of Environmental Actions and Commitments provisions 	<p>National Coastal Erosion Risk Mapping (NCERM2)</p> <p>ESC understands from the Applicant’s oral representation at ISH2 that NCERM2 data has been used to inform the Environmental Statement for the project – this clarification is welcomed by ESC. ESC noted that it considers that Figure 6.4.4.1.13 – Suffolk Estimated Future Erosion [REP3-024] (Chapter 1 Physical Environment - Figures) is unclear, providing no detail as to the data that has been used to establish the ‘estimated average erosion’. The figure is also not presented at an appropriate scale to be a helpful depiction of future coastal erosion. Furthermore, the figure gives no indication of the rate of vertical erosion, which is a key factor which must be understood to provide reassurance that the proposed cable burial</p>

<ul style="list-style-type: none"> • Pegwell Bay morphological change and depth of cable burial 	<p>depth would be sufficient to prevent cable exposure for the duration of the lifetime of the project. ESC notes the Applicant's intention to submit a technical note at Deadline 4 to provide further clarity on concerns raised on this matter by Interested Parties, and ESC will review and comment, as necessary, on this note once submitted.</p> <p>Coralline Crag, Suffolk Horizontal Directional Drilling exit location and Register of Environmental Actions and Commitments provisions</p> <p>No comment.</p> <p>Pegwell Bay morphological change and depth of cable burial</p> <p>No comment.</p>
<p>8.2 Pegwell Bay contamination risk</p>	<p>No comment.</p>
<p>8.3 Discharges to the marine environment (including dredge and liquid discharges)</p>	<p>No comment.</p>
<p>9. Landscape and visual</p>	
<p>9.1 Ambition for landscape vision and legacy</p>	<p>ESC refers to the detailed comments on the Applicant's landscape vision provided in its response to ExQ1 Question 1LVIA1. [REP3-085].</p>
<p>9.2 Assessment of effects on landscape character in Kent and Suffolk</p>	<p>ESC is not in dispute with the Applicant as to the assessment of effects on landscape character in Suffolk.</p>
<p>9.3 Cumulative landscape and visual impact assessments</p>	<p>ESC accepts the Applicant's assessment that significant cumulative effects are only likely to arise for a short period when the Sea Link construction phase overlaps with the Sizewell C</p>

<p>including on the National Landscape</p>	<p>project construction period. This overlap should be temporary, being only for the duration of the Sea Link construction period when it transitions from sea to land and crosses the width of the National Landscape. Effects will remain but decline in magnitude post-construction, and would be fully mitigated following removal of construction equipment and once landscape restoration becomes fully established.</p>
<p>9.4 Assessment of effects on Heritage Coast</p>	<p>ESC does not dispute the Applicant's assessment of effects on the Heritage Coast. The conclusions are noted.</p>
<p>9.5 Landscape mitigation in Kent and Suffolk, including:</p> <ul style="list-style-type: none"> • the securing of advance planting • Landscape mitigation for Kiln Lane substation • Potential for additional landscape planting in the vicinity of the proposed converter station at Saxmundham within the order limits – with reference to Figure 1 of the Suffolk outline landscape and ecological management plan and representative viewpoints • Implications of the statutory consultation documents for LionLink. 	<p>The securing of advance planting</p> <p>ESC will expect the Applicant to undertake early planting around the converter station site at Saxmundham ahead of construction commencing. ESC previously advised in its PADSS (Ref. 3.04, [REP3-080]) that it was satisfied with the commitment at Paragraph 5.8.1 of the OLEMP [CR1-045] to undertaking advanced planting in the first available planting season prior to construction commencing where planting areas do not conflict with construction compounds and activities, noting that further detail could be dealt with in the detailed LEMP to be submitted to ESC for approval for a discharge of Requirement 6 of the dDCO, should the project be granted development consent. However, ESC understands from ISH2 supplementary agenda additional question ISH2.022 [EV-003], and the terms of the draft DCO itself, that as Requirement 6 as drafted only prevents the authorised development from commencing until the detailed LEMP is approved, it could not be enforced for advanced planting. The practical implications of this are entirely unacceptable both for ESC as the relevant LPA and the local community. ESC strongly supports the ExA's suggestion for advance mitigation planting to be added to pre-commencement operations in Article 2 of the dDCO, with a requirement that pre-commencement operations cannot be carried out until details of advance planting are approved with a timetable for their implementation. ESC has confirmed its position in this respect in its response to the ISH2 supplementary agenda additional questions.</p>

<p>With reference to figure 49 of the Converter Station - Background to Potential Design Approaches</p> <ul style="list-style-type: none"> • Landscape mitigation for Minster converter station and substation • Adequacy of National Landscape mitigation 	<p>Landscape mitigation for Kiln Lane substation</p> <p>No comment.</p> <p>Potential for additional landscape planting in the vicinity of the proposed converter station at Saxmundham within the order limits – with reference to Figure 1 of the Suffolk outline landscape and ecological management plan and representative viewpoints</p> <p>ESC agreed with the Applicant’s conclusions that the converter station will give rise to major adverse (significant) visual effects from Viewpoint 1, Viewpoint 4, and Viewpoint 21 at Year 1. The Applicant has claimed that these effects would reduce to moderate adverse at Year 15 as a result of the proposed mitigation planting. However, ESC advised that the likelihood of the major adverse effect reducing to moderate at Year 15 depends on the success of establishing the proposed planting. In particular, ESC considers that this moderation of effects for Viewpoint 21 is optimistic, and there is a high risk that major adverse effects on this viewpoint may well persist at Year 15. Erratic rainfall patterns and prolonged, very dry periods have made it exceptionally difficult to establish new planting in East Suffolk. ESC notes the Applicant’s commitment to an adaptive management programme for new planting. ESC anticipates that, as part of this programme, where trees must be replaced due to failed establishment, the clock will reset and the committed maintenance period will also apply to the new planting. ESC will expect the Applicant to adopt a collaborative approach to developing the best possible planting specification, and will also expect measures such as mulching and artificial watering to be incorporated into the final LEMP for approval through discharge of Requirement 6.</p> <p>For Viewpoint 1, in order to counter the challenges of planting establishment to some extent, ESC has suggested, both in its oral representation at ISH2 and in written submissions throughout the Examination, that additional planting along the existing Public Right of Way (PRoW), closer to the receptor, would make it more effective at screening views of the converter station from PRoW users and also make it effective sooner post-construction. This suggested planting is shown as Area B in Figure 2 of ESC’s LIR [REP1 -128]. ESC considers</p>
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that the Applicant has missed very real opportunities to provide additional landscape planting areas which would have achieved enhanced screening at Viewpoint 1 and redressed some of the landscape character that has been lost as a result of modern commercial farming practice since the mid-20th Century which has stripped the landscape of most key features. Such an approach does little to persuade ESC that the Applicant is actually adopting a genuinely collaborative approach to this project.

The Applicant stated at ISH2 (and in response to Section 6.3.8.6 of ESC's LIR [\[REP2-027\]](#)) that additional planting along this PRow would enclose views along the existing PRow and restrict views to the wider landscape. ESC acknowledged this but noted its view that enclosed views would be preferable for a PRow user than a wide view of the landscape in which the converter station would be the focus. Additionally, whilst this planting would result in a change in character for this specific PRow, ESC noted that it is not unusual for PRows in the locality to be enclosed by vegetation.

The Applicant also stated at ISH2 that such planting would channel views along the PRow towards the converter station site. ESC explained that it does not accept this suggestion and considers that Viewpoint 1 [\[APP-208\]](#) indicates such planting would screen, rather than channel, views towards the converter station site.

For Viewpoints 4, 5 and 21, ESC considers that further mitigation planting could have achieved enhanced screening, but acknowledges that the unfortunately constrained Order Limits in this area due to the Applicant's chosen red line boundary mean that there are now limited opportunities to provide any additional planting. The Applicant suggested that additional compulsory acquisition powers that would need to be sought to deliver additional mitigation would not have been justifiable in this case. Whilst ESC acknowledges that there are several competing considerations that would have informed the Applicant's selection of its Order Limits, major adverse residual effects at Year 15 are now anticipated which could have been moderated by further mitigation planting. ESC queries whether it would have been possible for the Applicant to promote a compelling case in the public interest to justify the additional compulsory acquisition of land to deliver enhanced visual screening. In the circumstances, ESC rejects the Applicant's justification for not pursuing this.

	<p>For Viewpoint 20, ESC agrees with the Applicant's position that additional woodland planting would result in adverse heritage effects on Hurts Hall.</p> <p>ESC notes the Applicant's indication at ISH2 that it intends to provide additional planting along the B1119, as has been repeatedly requested by ESC (Area C in Figure 2 of ESC's LIR [REP1 -128]). ESC will review and comment on these proposals, as necessary, once further detail is submitted by the Applicant into the Examination.</p> <p>Implications of the statutory consultation documents for LionLink. With reference to figure 49 of the Converter Station - Background to Potential Design Approaches</p> <p>No comment.</p> <p>Landscape mitigation for Minster converter station and substation</p> <p>No comment.</p> <p>Adequacy of National Landscape mitigation</p> <p>No comment.</p>
10. Design	
10.1 Adequacy of design controls including in relation to converter stations, substations, pylons, lighting	<p>ESC noted that its principal concern is not the level of detail provided with regards to the design of the onshore infrastructure in East Suffolk, but it is instead focused on securing a robust discharge of requirement process to allow the detailed designs to be approved post-consent.</p> <p>The Applicant stated that it would not want to commit in its DCO to the detailed design of the Kiln Lane (Friston) substation before these details have been discharged under the SPR Consents. It did, however, acknowledge that it is considering committing to details that have</p>

already been discharged. In light of these points, ESC advised the ExA that an application to discharge Requirement 12 (Detailed design parameters onshore) of SPR's EA2 DCO, which addresses the detailed design of the substation, is currently under consideration by ESC, in respect of which the 56-day decision period expires on 19 February 2026.

ESC's detailed comments on this matter have been provided in its response to ExQ1 Question 1GEN47. [\[REP3-085\]](#).

ESC has reviewed the Applicant's response to Question 1GEN47. of ExQ1 [\[REP3-069\]](#) and notes that the Applicant considers that affording planning authorities the ability to control the layout, scale and design of the converter station would not be 'appropriate or productive' due to the limited ability of the authority to influence these elements. ESC noted that it was evident from the discussion at ISH2 that there are different potential designs for the converter station, for example reference was made to six options. ESC considers the Applicant's position surprising given the role of relevant planning authorities in the framework of the Planning Act 2008, their established role in discharging requirements, and their obvious skill and knowledge in planning matters more widely. As ESC noted in discussions on the draft Development Consent Order which preceded discussion of design, DCO requirements are a key mechanism for securing specific detail in order to control the development. The importance of such detail is only heightened in situations such as this where the level of detail provided at the Examination and Decision stages is limited.

ESC reiterated its stance that the Applicant should adopt the usual approach under the Planning Act 2008 under which details of the layout, scale and external appearance of the onshore infrastructure is required to be submitted to the relevant planning authority for approval. This approach is well-precedented, including in the DCO consents for EA1, EA1N, EA2, EA3, and Five Estuaries Offshore Wind Farm DCOs. There is no justification for moving away from the ordinary approach of proper scrutiny at the detailed design stage. Any arguments to the contrary made by the Applicant are simply untenable.

ESC also noted that the Design Principles – Suffolk document [\[APP-366\]](#), although referring to critical design principles, repeatedly refers to 'flexibility'. ESC accepts a level of flexibility

in design is always required – that is precisely why Government has always given the relevant local planning authority the ability to exercise its expert planning judgment – or put another way, the extent of any flexibility to be applied is for the planning authority to determine – not the Applicant.

ESC stated that it also requires express approval mechanisms for the substation and River Fromus Bridge. ESC understands from the Applicant’s oral representation at ISH2 that it will be providing a Requirement securing approval of the River Fromus Bridge design. ESC will review, and comment as necessary, on the wording of this requirement once it has been submitted into the Examination.

In summary ESC explained that it is simply advocating what is the normal and accepted approach to be adopted in this case, particularly because very limited details as to design are being provided by the Applicant in the Examination (in particular, in relation to the Saxmundham Converter Station) as evidenced by the less than final design options shown on screen to the Examination. The provision of express approval mechanisms for the Substation and the River Fromus Bridge crossing is, in the view of ESC, absolutely essential, and any refusal by the Applicant to provide the necessary mechanisms would be susceptible to serious consideration.

Following a request from the ExA for local authorities to discuss revised wording of Requirement 3 of the dDCO, ESC met with SCC, Thanet District Council and Kent County Council. ESC understood that it was agreed at ISH2 for the Applicant to be provided with the relevant planning authorities’ suggested revised wording outside of the Examination. However, the ExA’s Action Points arising from ISH2 [EV6-003] includes Action Point 131, which requests that relevant planning authorities ‘suggest alternative wording for requirement 3 including which above ground elements of the proposed development should be included’. ESC has therefore provided the ExA with its suggested Requirement 3 wording in its response to the Action Points arising from ISH2, submitted at Deadline 4.

Lighting was not discussed at ISH2, but ESC notes that its position in relation to the need for operational lighting details to be approved (for example through approval of a lighting

	management plan) by the relevant planning authority is set out in detail in its response to ExQ1 Question 1LVIA4. [REP3-085] . ESC has also provided a response to the Applicant's response to this question in its Deadline 4 submission titled 'East Suffolk Council's comments on the Applicant's Deadline 3 submissions'.
10.2 Embedding of good design in decision making process	No comment.
11. Cultural heritage	
11.1 Suffolk bronze age enclosure update	No comment.
11.2 Remaining archaeological on-site assessment work and reporting	No comment.
11.3 Scoped out heritage assets	ESC is satisfied with the scope of the Applicant's built heritage impact assessment for the Suffolk Onshore Scheme.
11.4 Effects on setting of listed buildings, including Hurts Hall and Hill Farmhouse	<p>ESC notes that effects on Hurts Hall were not discussed at ISH2. ESC has noted its disagreement with the Applicant's assessment of effects on Hurts Hall at Ref. 3.02 of ESC's PADSS [REP3-080] and Section 6.3.6 of ESC's LIR [REP1-128].</p> <p>For Hill Farmhouse, ESC advised that it does not accept the Applicant's position that there would be no impact, and instead considers that there would be a moderate adverse (significant) effect on Hill Farmhouse.</p> <p>ESC disagrees with the Applicant's assertion at Section 6.3.6.9 of its comments on ESC's LIR [REP2-027] that "views of the asset [Hill Farmhouse] in the surrounding landscape are not a feature of its setting that contributes to significance". As a historic farmhouse, the rural</p>

	<p>agricultural setting of the listed building is the setting in which it has historically been experienced, and therefore contributes to the historic interest of the building, and the development would detract from this setting. Additionally, as can be seen in Plate A.1 in Appendix 1 to the Applicant's comments on ESC's LIR [REP2-027] (this is a wider view of Landscape Viewpoint 5 [APP-209]), the trees to the north of Hill Farmhouse are not a dense woodland that would fully screen any views of the development, especially in winter.</p> <p>The harm identified is 'less than substantial' in the terms of NPS EN-1 but the Applicant seems unable to accept that the NPS is designed to provide a policy basis – but is always going to be subject to actual effects on the ground. The harm that will be caused is in conflict with Suffolk Coastal Local Plan Policy SCLP11.4, which states that development affecting the setting of a listed building will only be supported where it "is of an appropriate design, scale, form, height, massing and position which complement the existing building". For reference, Appendix A to this submission contains the policy text and supporting information. As per paragraphs. 5.9.32 and 5.9.36 of NPS EN-1, the harm that has been identified should be weighed against the public benefits of the proposal, and the Secretary of State should give great weight to these negative effects, when weighing them against the wider benefits of the application.</p>
11.5 Ebbsfleet Peninsular Multi-Period Complex archaeology impacts	No comment.
11.6 Richborough Roman Fort impacts	No comment.
12. Public rights of way	
No comment. ESC defers to Suffolk County Council as the Local Highway Authority.	
13. Traffic and transport	

13.1 Benhall bridge proposed works, with potential diversions and rail line effects	No comment. ESC defers to Suffolk County Council as the Local Highway Authority.
13.2 Construction traffic and abnormal indivisible loads – suitability of routes proposed	No comment. ESC defers to Suffolk County Council as the Local Highway Authority.
13.3 Junction modelling and traffic flows on construction routes	No comment. ESC defers to Suffolk County Council as the Local Highway Authority.
13.4 Cumulative impact of traffic and the coordination with other projects	No comment. ESC defers to Suffolk County Council as the Local Highway Authority.
13.5 Controls on construction traffic	No comment. ESC defers to Suffolk County Council as the Local Highway Authority.
14. Noise and vibration	
14.1 Construction noise assessment (including assessment assumptions, noise contour figures, s61 consents, mitigation and monitoring)	<p>Assessment assumptions</p> <p>No comment.</p> <p>Noise contour figures</p> <p>ESC notes that this matter was not discussed at ISH2. However, ESC wishes to highlight that Figure 2 of the Operational Noise Contour Plan for Saxmundham Converter Station [REP3-075] shows the night-time ambient noise level change. Whilst this may indicate that the ambient noise levels at nearby noise sensitive receptors would not change significantly based on the Applicant's assessment, the source of the noise will be changing, and this is an important consideration. For example, if the source of the noise is currently rural in nature</p>

(e.g. birds, animals, a bit of traffic) but becomes industrial (e.g. transformer hum), then more than just the noise level change requires consideration.

Section 61 consents

The Applicant states at Paragraph 4.4.2 of the Outline Construction Noise and Vibration Management Plan (CNVMP) – Suffolk [\[AS-131\]](#):

“Where the results of the contractor’s assessment indicates the potential for significant effects at NSR, or for working outside of core hours, a Section 61 application may be required.”

ESC has previously raised, in its response to ExQ1 Question 1NV8. [\[REP3-085\]](#), that this statement should be clear and state that Section 61 ‘will’ be required, rather than ‘may’ be required, and ESC reiterated this point at ISH2.

ESC noted that its preference is for Section 61 consents to be sought for all works, as is the approach taken by SPR for its EA1N and EA2 projects. ESC considers this approach to be operating effectively, and it also provides an opportunity for ongoing dialogue between the developer and local authority, helping to identify and take opportunities to regularly reduce noise impact.

ESC considers Section 61 consents essential, providing an opportunity to both reassess the significance of impacts, and to consider Best Practicable Means. This is particularly crucial as the Applicant is not proposing routine monitoring, and has instead advised that the need for monitoring would be identified through Section 61 applications (Paragraph 4.6.1 of the Outline CNVMP – Suffolk [\[AS-131\]](#)). ESC considers this to be inadequate as without routine monitoring, and if Section 61 consents are only sought for works predicted to give rise to significant effects, instances of non-compliance with agreed noise limits for works that were not assessed to result in significant effects will not be identified. In addition to ESC’s requirement Therefore, notwithstanding ESC’s preference for Section 61 consents to be sought for all works, the Applicant must be able to adequately monitor for compliance with

	<p>the relevant 'ABC' threshold. For that reason, routine monitoring must be undertaken, or the Section 61 process must be used for all works.</p> <p>ESC is not currently satisfied that the use of Section 61 as proposed will provide adequate protection to Noise Sensitive Receptors. The Applicant must commit to either routine monitoring (to be defined) for compliance with the relevant 'ABC' threshold, or commit to using the S.61 process for all works, as is the case for SPR's EA1N and EA2 projects.</p>
<p>14.2 The need for operational noise limits at all operational sites</p>	<p>Saxmundham Converter Station</p> <p>ESC is of the view that appropriate noise rating levels must be proposed at representative noise sensitive receptors (NSRs), to form the basis of an operational noise limit requirement in the DCO. At least 5dB below background should be the target, if this is not possible then the Applicant needs to propose an operational noise rating level that is the lowest that can reasonably be achieved with full justification as to why that is the case. Even with rating levels agreed, ESC will expect a commitment to go lower, if possible, in the final detailed design. This is particularly important given the predominantly rural, residential sound climate in the locality, meaning that any increase on background introduced by industrial noise is to be minimised as far as possible.</p> <p>The Applicant has previously suggested that a 34 dB rating level at nearby noise sensitive receptors may be appropriate. At ISH2, the ExA noted that this level would be within the BS8233 35dB internal noise threshold. ESC has since reflected on this point, and notes that BS8233 is out of scope for this scenario. BS8233 states:</p> <p style="text-align: center;"><i>“This British Standard provides guidance for the control of noise in and around buildings. It is applicable to the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building.”</i></p> <p>Therefore, BS8233 is specifically designed to consider noise within the framework of sensitive building design located near to a noise source, rather than situations where a</p>

sensitive receptor already exists and a noise source is being introduced. ESC's position is that BS4142 is the correct British Standard to use, and so this should be used to determine operational noise limits in respect of the development. Under BS4142 (taking into account context), a below background rating level is indicative of a low impact, 5 dB above is indicative of an adverse impact, and 10 dB above is indicative of a significant adverse effect. If the Applicant can demonstrate that 34 dB is the lowest it can reasonably achieve, ESC is obviously prepared to discuss this. However, ESC first requires the Applicant to confirm its proposed operational noise rating level, along with justification for why this is the lowest that can reasonably be achieved. This detail has not yet been provided, which at this stage in the examination is simply not acceptable.

ESC also noted that the co-location of the Saxmundham Converter Station site with LionLink and a possible third project makes it even more important that the lowest possible operational noise rating level is committed to by the Applicant for Sea Link. This will help to prevent unacceptable noise creep, ensuring that noise levels are not sequentially and cumulatively increased significantly whilst being accepted under policy due to the individually less significant increase, thus helping to protect the residents and acoustic character of the area.

ESC highlighted that operational noise limits must be expressed as the Significant Observable Adverse Effect Level (SOAEL) so that they must be avoided in line with policy. The Applicant indicates in its comments on Section 6.3.7.6 of ESC's LIR [REP2-027] that the noise rating level would be expressed as a Lowest Observable Adverse Effect Level (LOAEL). This would not provide adequate protection as it would only require projects to mitigate and minimise impact, which is unacceptable.

Kiln Lane (Friston) substation

ESC has previously raised concerns regarding the Applicant's scoping out of the operational noise of the proposed Friston Substation from assessment in the ES (Ref. 6.03 of ESC PADSS [REP3-085]). The Applicant states in Part 2 Suffolk Chapter 9 Noise and Vibration (Version B) (Paragraph 9.3.10, [AS-109]) that '*although potential operational noise from the Friston substation was originally proposed to be included in the scope of the ES...it has since*

	<p><i>transpired that there are no other potential sources of noise proposed during normal operation (i.e. there are no proposed transformers or similar plant)'. ESC does not agree with this statement as this substation is subject to a site rating level imposed by SPR's EA1N and EA2 DCOs. The Applicant needs to be very confident that the introduction of further or different equipment will not impact that constraint – and little evidence in that respect has been provided to date. ESC has asked that the Applicant provide evidence demonstrating that the additional infrastructure required to connect into the Friston substation will not result in the site rating level at the site being exceeded.</i></p> <p>ESC understands from the discussion at ISH2 that the Applicant intends to provide further detail regarding an operational noise limit at Kiln Lane (Friston) substation at Deadline 4. ESC will review this information, and comment as necessary, once this detail has been submitted.</p>
14.3 Operational noise impacts including low frequency noise	No comment.
15. Socio-economics and tourism	
15.1 Effects and potential reputational impact on the tourism industry of Suffolk and Kent as a result of the proposed development	<p>ESC has reviewed the Visitor and Tourism Assessment Technical Note - Suffolk [REP3-065] submitted by the Applicant at Deadline 3, which addresses the potential reputational risk to the visitor economy in East Suffolk, and has provided detailed comments in its Deadline 4 submission titled 'East Suffolk Council's comments on the Applicant's Deadline 3 submissions'.</p> <p>ESC recognises that the number of Nationally Significant Infrastructure Projects (NSIPs) facing the East Suffolk District is unprecedented. For that reason, ESC considers it necessary for the Applicant to commit to ongoing monitoring and adaptive management throughout construction of the Sea Link project – should it be consented - thereby, enabling changes to be recognised and responded to appropriately. ESC reiterated that the Applicant's view that there will be no residual significant effects is not supported by ESC, nor the local communities it represents.</p>

	<p>ESC also noted that it has commissioned a programme of longitudinal visitor perception studies in order to understand how visitor attitudes and perceptions of East Suffolk are changing over time, in the context of the NSIPs facing the District. ESC advised that baseline data is available now, and is provided in Appendices E and F to its Deadline 4 submission titled 'East Suffolk Council's comments on the Applicant's Deadline 3 submissions'. This exercise will be repeated regularly over the next 14 years, allowing an understanding of visitors' perceptions and expectations, and whether the District has met these expectations, to be established, and for measures and strategies to be developed to combat identified issues.</p>
<p>15.2 Tourism accommodation capacity</p>	<p>ESC has reviewed the Visitor and Tourism Assessment Technical Note - Suffolk [REP3-065] submitted by the Applicant at Deadline 3 and has provided detailed comments in its Deadline 4 submission titled 'East Suffolk Council's comments on the Applicant's Deadline 3 submissions'.</p> <p>ESC stated that it is not persuaded that there is sufficient accommodation capacity in the locality for both non-home-based (NHB) workers and visitors. ESC explained that it has commissioned a study into the available room space within a 60-minute drivetime of the Sizewell C construction site (which is broadly similar to the 60-minute drivetime study area for Sea Link given the similar locations of Sizewell C and the Sea Link Suffolk landfall). The findings of this study suggest that there are 249 serviced establishments with 4,221 rooms in the 60-minute travel zone, whereas the Applicant reports at Paragraph 10.7.32 of ES Chapter 10 Socio-economic, Recreation and Tourism that <i>'approximately 7,038 inventory rooms in local hotels, bed and breakfast and inns accommodation within the 60 Minute Drive Time Catchment Area'</i>. ESC advised during the hearing that the full study would be available for submission into the Examination at Deadline 4. It has since transpired that this is not possible, but ESC has provided the interim results and a summary of some of the key initial findings from the study in its Deadline 4 submission titled 'East Suffolk Council's comments on the Applicant's Deadline 3 submissions', and in Appendix C to that submission.</p>
<p>15.3 Skills and Employment Plan and labour market effects</p>	<p>ESC has expressed in detail its view that the Applicant must prepare a Skills and Employment Plan in its response to ExQ1 Question 1SERT7. [REP3-085]. ESC understands that the</p>

	Applicant will be submitting an update on its position regarding the preparation of a Skills and Employment Plan at Deadline 4. ESC will review this and provide comments, as necessary, at Deadline 5.
15.4 Socio-economic positive effect potential	No comment.
16. Health and wellbeing	
16.1 Core working hours, in relation to effects on traffic, health and wellbeing, and noise	<p>ESC has set out its position on the project’s core working hours in detail throughout its LIR, including at Sections 7.4.2 and 7.5.1 and Appendix A [REP1-128], and in Sections 5.01-5.02 of its PADSS [REP3-080]. ESC does not, therefore, intend to repeat its position exhaustively here. In summary, the proposed 7 days a week working is considered entirely unacceptable by ESC. This is due to a number of significant concerns, including the impact of a lack of respite on local residents’ mental health and wellbeing (particularly given the number of NSIPs under construction within the District), and noise and vibration impacts in a noise sensitive area. The ExA will have taken note of the concerns expressed by the local community in this respect, which the Applicant has apparently deigned to ignore.</p> <p>If the application is approved, ESC notes that there is a balance to be struck, considering implications of excessive core working hours on project programme, consumer costs, and the local community. In assessing this balance, however, the Applicant has failed to take any account of local disruption. Critically, and seemingly ignored by the Applicant, the existing consented NSIPs in the District have struck a more appropriate balance than is sought by the Applicant. For example, the working hours for SPR’s EA1N and EA2 projects do not include working on Saturday afternoons, Sundays, or Bank Holidays, thus providing some respite for the local community. Importantly, these projects share aspects of the Sea Link infrastructure at Friston and have additional overlap in geospatial terms, together with a similar landfall area. Saturday afternoon, Sunday, and Bank Holiday working, which is</p>

currently sought by the Applicant, would therefore upset the existing balance in an area where residents are already living alongside several major construction projects.

ESC requires the Applicant to remove Saturday afternoons, Sundays and Bank Holidays from the core working hours in the dDCO, to align with the working hours previously examined, agreed and incorporated into SPR's EA1N and EA2 consents. A failure so to do would render any grant of consent susceptible to further consideration.

In this context, ESC rejects entirely the Applicant's repeated fall-back defence whenever it is tested on issues that it is unable to answer (for example in its comments on ESC's LIR [[REP2-027](#)] (Section 7.4.2.2)) that the identification of Sea Link as critical for the achievement of the Clean Power 2030 target justifies the unacceptable disruption and lack of respite for East Suffolk's communities and residents that would be caused by the proposed working hours. ESC considers that the Applicant's reliance on its ostensible and as yet untested need case to justify the unacceptable proposed working hours is wholly unacceptable and actually has no rational justification. ESC noted that Paragraph 5.12.17 of NPS EN-1 makes clear that *'the Secretary of State should not grant development consent unless they are satisfied that the proposals will...through the effective management and control of noise... mitigate and minimise other adverse impacts on health and quality of life from noise'*. ESC considers that the Applicant's core working hours, as currently proposed, fail to adequately 'mitigate and minimise' the adverse health and wellbeing effects of project construction in line with national policy (NSP EN-1). ESC explained its view that reduced core working hours, which would provide some respite and align with other NSIPs in the area, are an exceptionally important mitigation measure in helping to satisfy Paragraph 5.12.17 of NPS EN-1.

ESC also wishes to build upon points raised by SCC at ISH2. ESC has reviewed the Applicant's response to ExQ1 Question 1GEN49. [[REP3-069](#)], which states that restricting core working hours to exclude Saturday afternoons, Sundays and Bank Holidays *'would result in a delay of between 21 and 33 weeks'* and *'an additional cost would be borne by British energy bill payers of between £443m and £886m'*. It is quite extraordinary for a promoter of a development to effectively, as far as ESC is aware, pull figures "out of a hat" to justify its position. No justification or evidence has been provided to explain how these

figures were reached. Certainly, as far as ESC is concerned, little, or in reality no, weight can be afforded to them.

In this context, ESC notes that from its calculations, a 33-week delay would suggest that the Applicant intends to work almost every weekend. This is in direct conflict with the Applicant's suggestion, both in ISH2 and in its written submissions (including its response to ExQ1 Question 1GEN49. [REP3-069]), that construction would not take place every weekend, and the 7 day a week core working hours are instead required only to provide the Applicant with programme flexibility. Furthermore, the Applicant has proposed 'temporal restrictions', such as alternate weekend working, as a means to avoid predicted adverse and significant adverse effects. Again, this suggests that construction would not take place every weekend. ESC therefore has serious concerns, and queries how the Applicant has concluded that the exclusion of Saturday afternoons, Sundays and Bank Holidays would result in a 21-33 week delay and additional costs of between £443m and £886m. The Applicant's untested cost implications are, in ESC's opinion, questionable in the extreme and no worth can be afforded to them. On that basis alone, the Applicant's proposed working hours cannot be accepted and the dDCO should be amended accordingly.

In this context, ESC should also highlight that the Applicant suggests in its comments in response to Section 7.4.4.10 of ESC's LIR [REP2-027] that the application of the lower 'ABC' weekend thresholds will increase the likelihood of exceedances and therefore the potential for significant effects. The Applicant then proposes to mitigate these significant adverse effects through temporal restrictions. As noted in Ref. 9.02 of ESC's PADSS [REP3-080], this effectively means that the requested longer working hours will trigger the need for temporal restriction to avoid significant impact. It appears that the Applicant wants to be able to work for the maximum amount of time, but to then restrict working time as their primary source of mitigation to avoid significant adverse effects. ESC considers that these two positions are in direct conflict with one another. ESC is bound to query whether the Applicant actually understands what it is proposing and whether this is just another example of defensive hind sight when out to the test – all issues that could have been resolved before the application had been submitted if the Applicant had been prepared to co-ordinate and genuinely collaborate and discuss its application with the interested parties.

16.2 Light pollution effects on health and wellbeing	No comment.
17. Climate change	
17.1 Matters relating to R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council judgment	No comment. ESC provided comments on this matter in response to ExQ1 Question 1CC1. [REP3-085] .
18. Water environment	
No comment. ESC defers to Suffolk County Council as Lead Local Flood Authority, and the Environment Agency.	
19. Shipping and navigation	
No comment.	
20. Cumulative effects	
20.1 Intra and inter-project cumulative effects	<p>Intra-project cumulative effects</p> <p>ESC provided detailed comments on the Applicant's approach to assessing intra-project cumulative effects in its response to ExQ1 Question 1CEIntra2. [REP3-085].</p> <p>ESC explained that it considers that a precautionary approach should be applied in the assessment of intra-project cumulative effects, as is appropriate when dealing with</p>

environmental impact assessments. This is particularly relevant in East Suffolk where there are multiple NSIPs being proposed, consented, or already under construction. Irrespective of whether or not the Applicant feels able to further particularise the level of significance of the intra-project cumulative effects it has identified, this does not prevent the Secretary of State applying significant weight to these effects, particularly given the local context and precautionary approach.

ESC acknowledges commitments in the CEMP REAC [\[REP3-078\]](#) and in the Outline Construction Traffic Management and Travel Plan [\[CR1-041\]](#) to provide local communities and businesses, road users, and PRow users with means to communicate with construction contractors, including via the Transport Coordinator, Environmental Manager and Environmental Clerk of Works. Whilst these commitments may provide opportunities for any specific significant intra-project/combined effects that do materialise to be considered on an individual basis and for enhanced mitigation measures to be implemented to address them, ESC explained its request for the Applicant to commit to a more proactive and less reactive approach to addressing intra-project cumulative effects. For instance, ESC requested that a commitment is added to the REAC for the Applicant to review what specific mitigation measures are practicable and could mitigate the identified intra-project cumulative effects for which *'no mitigation has been confirmed at this stage'* (ES Chapter 3 'Summary of Likely Significant Effects' [\[REP1A-013\]](#)), once this detail can be obtained from the Main Works Contractor. Detailed mitigation measures for addressing intra-project cumulative effects can then be secured via the relevant management plans to be approved through a discharge of Requirement 6 of the dDCO. ESC understands that the Applicant took an action away from ISH2 to consider ESC's request for an additional REAC commitment, and will provide a response at Deadline 4. ESC will review this response and comment, as necessary, at Deadline 5.

Inter-project cumulative effects

ESC maintains its view, as set out in Section 4 of its LIR [\[REP1-128\]](#), that Sea Link project prematurity restricts opportunities for meaningful co-ordination with other projects looking to

	connect at Friston, such as LionLink, which only accentuates local concerns regarding cumulative impacts.
20.2 Mitigation of cumulative effects	No comment.
21. The draft Development Consent Order	
21.1 Article 10 – The effect that article 10 would have with respect to the interface with existing consents, such as the Scottish Power Renewables (SPR) East Anglia 1 and East Anglia 2 DCOs and future consents, such as LionLink. How the relevant planning authorities would see articles 10 and 56 operating in practice including, for example, the discharge of requirements.	<p>ESC noted that it is comfortable with the principle of seeking to draft wording to avoid ‘<i>Hillside</i>’ issues (arising from the authority in <i>Hillside Parks Ltd v Snowdonia National Park Authority [2022]</i>). ESC is, however, concerned about the possibility of changes to the Sea Link project being facilitated by Article 10(1) of the dDCO as currently drafted. The Planning Act 2008 is a holistic statutory regime and includes a DCO change process. The extensive suite of mitigation measures agreed through the granting of a Development Consent Order should not be able to be circumvented through the use of Article 10(1) – it should not be a means to implement changes ‘through the back door’.</p> <p>Furthermore, Article 60 of the dDCO [REP3-006] states that the documents identified in Schedule 19 (certified documents) of the DCO must be made ‘<i>available in electronic form for inspection by members of the public</i>’. Therefore, should changes effectively be made to the project using the provisions of Article 10, this raises issues of transparency and public participation, as the certified documents may no longer reflect the project as ‘built out’ on the ground.</p> <p>ESC therefore considers that further work is needed to establish appropriate wording for Article 10, and ESC would be happy to engage in discussions to assist in finding a satisfactory solution. In this respect, ESC met with the Applicant, Suffolk County Council, and Dover District Council on 3 February 2026.</p>

21.2 Article 11(2), article 14(4), article 15(2) and (5)(b), article 17(1)(b), article 20(3) and (4), article 22(5), article 50(2) and article 55(1) with respect to the words “unreasonably withheld or delayed” and the 35 day decision period.

ESC’s position with regard to the deeming provisions in the dDCO [REP3-006], and the proposed 25-day decision period, is provided in ESC’s response to ExQ1 Question 1GEN28. [REP3-085].

Notwithstanding ESC’s objections to the deeming provisions in the dDCO [REP3-006], ESC supported SCC’s views that such provisions address any instances of decisions being ‘*unreasonably delayed*’. ESC also noted that it considers that the wording ‘unreasonably withheld’ is unnecessary and would not provide the Applicant with any additional protections, as an arbiter would be needed to determine whether a decision has indeed been ‘unreasonably withheld’, and such provisions are already made in Article 62 (Arbitration), and in the case of requirements, via the appeals process in Article 54(4). ESC therefore considers that the wording ‘*unreasonably withheld or delayed*’ is unnecessary, and should therefore be removed.

ESC also reiterated its view that a 35-day decision period fails to account for wider context for the discharging authorities, including the large number of other consented NSIPs for which ESC and other local authorities, including SCC, are discharging requirements. By way of example, just before Christmas, ESC received approximately 30 applications to discharge DCO requirements for a single project (EA2). The majority of these applications have been dealt with, with some outstanding, but all decisions for these have thus far been made within the 56-day decision period prescribed in the EA2 DCO. This work is being completed at the same time as ESC is receiving applications to discharge the requirements of other DCOs, including the Sizewell C DCO. Therefore, from ESC’s extensive practical experience, a 35-day decision period can create problems, despite officers’ best efforts to discharge their statutory duties, given that multiple discharge applications, on more than one project may be submitted at any given time.

ESC also noted that the details to be approved through discharging DCO requirements are not ‘frivolous’ details, but a vital part of the DCO process. This Examination deals with the fundamental principles of the project, but much of the detail is being left to be approved later through the discharge of requirements process. Local residents will be experiencing the effects of these details for years to come, and so DCO requirements are a key mechanism

	<p>for controlling the development, ensuring that the appropriate mitigation is secured and implemented. ESC is therefore of the view that the Applicant's suggestion that the critical need for the project means that little time can be afforded to allow finer details to be properly scrutinised does not achieve a fair balance between delivering the project in a timely, cost-effective manner, and minimising local impacts. It is therefore essential that the discharge of requirement process provides discharging authorities with to ability to undergo a careful and robust determination process. ESC therefore urges the Applicant to reconsider the proposed 35-day decision period in favour of 56-day decision period following the approach taken in the EA1N and EA2 consents.</p>
<p>21.3 Schedule 3 Requirement 6, the submission and approval of plans.</p>	<p>ESC refers to its response to ExQ1 Question 1GEN14. ([REP3-085]).</p> <p>ESC noted that it is content with the principle of outline plans to be provided at this stage, and for final detailed versions of plans listed in Schedule 3, Requirement 6 to be approved by through discharge of Requirement 6.</p> <p>ESC has provided comments on specific outline plans in writing throughout the Examination. ESC also noted at ISH2 that it endorsed comments from SCC that the plans listed in Requirement 6(1)(n)-(q) are proposed to be approved in detailed form without preparation of outline plans, but ESC is concerned that it has yet to see any detail of the contents of these plans.</p> <p>Following discussion about the wording of Requirement 6(2) appearing only to apply the requirement to the construction phase, ESC noted that it welcomes the Applicant's confirmation that Requirement 6 is intended to secure operational and maintenance measures. ESC will review any amended wording once it is submitted into the Examination, and comment as necessary.</p> <p>ESC understands from the Applicant's response to ExQ1 Question 1GEN14. [REP3-069] that it is producing a table listing the relevant planning authorities by name, but intends to continue to use the term "relevant planning authority" due to the DCO covering multiple geographies.</p>

	ESC looks forward to reviewing this in due course, and will provide a further update on its position as appropriate.
21.4 Schedule 3 Requirement 9(2) “reinstatement schemes”	<p>ESC acknowledges the changes made to Requirement 9(2) in the latest draft DCO [REP3-006]. ESC is satisfied that the revised wording addresses its concerns that the previous wording could enable large gaps to be left in hedgerows, causing habitat fragmentation. However, ESC acknowledges that the disapplication of Requirement 9 to land above or within 10m of a buried cable could give rise to other impacts, including for agricultural land and soils.</p> <p>ESC therefore welcomes the Applicant’s indication that it will reconsider the wording of Requirement 9 in order to address these concerns. ESC will review, and comment as necessary, on any revised wording once it has been submitted into the Examination.</p>
22. Any other business	
<p>ESC is aware of local concerns regarding the soundness of the Applicant’s Need Case for the Sea Link project. The ExA will be aware that ESC has previously raised the topic of Need Case in its Relevant Representation [RR-1420] and in Section 4 of its Local Impact Report [REP1-128]. The ExA will have heard at ISH2 that Interested Parties are requesting further exploration and scrutiny of this matter orally at future Issue Specific Hearings. Whilst ESC understands the ExA’s views that the issue of Need Case may be more efficiently considered in writing due to its technical complexities, ESC’s Cabinet Member for Energy and Climate Change, together with ESC officers, is sympathetic to the local community’s desires to be afforded the opportunity to explore the matter orally. ESC would therefore request that the ExA considers the merits of a discussion on Need Case at a future Issue Specific Hearing and gives due consideration to any requests to this effect received at Deadline 4.</p>	
23. Close of Hearing	
No comment.	



APPENDIX A – Extracts from Suffolk Coastal Local Plan

(Source:

<https://www.eastsuffolk.gov.uk/sites/default/files/2025-05/East%20Suffolk%20Council%20Suffolk%20Coastal%20Local%20Plan%202020.pdf>)

Policy SCLP10.1: Biodiversity and Geodiversity (and supporting text)

10 Natural Environment

- 10.1 The former Suffolk Coastal area is an area with a high quality natural environment which is enjoyed by residents, visitors, businesses and, most importantly, wildlife. The natural environment is primarily rural with coastline, river valleys and undulating countryside interspersed with market towns and villages. There is a range of locally, nationally and internationally designated sites of natural importance in the former Suffolk Coastal area spanning the length and breadth of the area. Sites of note include the Suffolk Coast & Heaths AONB, RSPB Minsmere, Orford Ness National Nature Reserve and Sutton Heath.
- 10.2 The Local Plan seeks to protect, retain and enhance the high quality natural environment and designated landscapes and sites found across the Local Plan area which contribute to the overall success of the area and provides economic and social benefits for all. Of further importance, however, are the wider environmental and ecological benefits provided by the natural environment including, for example, carbon sequestration, natural flood protection and habitat creation. It is wider benefits such as this that the Local Plan will seek to foster in new developments and to protect, retain and enhance in existing developments. Locally adopted plans such as the Deben Estuary Plan and Alde & Ore Estuary Plan will need to be considered in respect of locally important natural environment issues.

Biodiversity & Geodiversity

- 10.3 Biodiversity⁵⁴ and geodiversity⁵⁵ are of great significance across the former Suffolk Coastal area due to the extent and range of sites and habitats identified. Many of these areas are spread across the Local Plan area but the coastal areas are of particular importance due to international, national and local designations. Across the Local Plan area there are a variety of land based and marine based designations as seen in Table 10.1.
- 10.4 Both biodiversity and geodiversity represent elements of natural capital. A natural capital approach is an integral aspect of the Government's recently published 25 year Environment Plan. The Council aims to incorporate this approach into this Local Plan.



⁵⁴ Biodiversity means the variety of life forms, the ecological roles they play, and the genetic diversity they contain.

⁵⁵ Geodiversity may be defined as the natural range of geological features (rocks, minerals, fossils, and structures), geomorphologic features (landforms and processes) and soil features that make up the landscape. It includes their assemblages, relationships, properties, interpretations and systems.

Table 10.1 Nature Conservation Sites – change in area

Designation	2016/17	2015/16	2014/15
Ramsar	9,221 ha (4 sites)	9,221 ha (4 sites)	8,861 ha (4 sites)
Special Protection Areas	12,477 ha (5 sites)	12,477 ha (5 sites)	12,483 ha (5 sites)
Special Areas of Conservation	3,868 ha (5 sites)	3,868 ha (5 sites)	3,816 ha (5 sites)
Sites of Special Scientific Interest	11,207 ha (46 sites)	11,132 ha (45 sites)	11,201 ha (45 sites)
County Wildlife Sites	5,709 ha (221 sites)	5,668 ha (216 sites)	5,644 ha (218 sites)
Local Nature Reserves	85 ha (6 sites)	85 ha (6 sites)	85 ha (6 sites)

- 10.5 By their nature, areas of biodiversity and geodiversity importance are particularly sensitive to development and, therefore, careful consideration should be given when assessing new proposals. Consideration should be given to the European Birds or Habitats Directives as to whether ‘screening’ of impacts and/or an Appropriate Assessment is required. In accordance with national policy guidance, the strongest level of protection is given to these areas and the presumption in favour of sustainable development therefore does not apply to development proposals requiring Appropriate Assessment under European Birds or Habitats Directives.
- 10.6 Sites of European importance, which include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are statutorily protected under the Conservation of Habitats and Species Regulations 2017 (based on EU directives), and wetlands of global importance (Ramsar sites) are protected by Government policy to apply the same level of protection as to European sites. Sites of Special Scientific Interest (SSSIs), of national importance, are protected under the Wildlife and Countryside Act 1981 (as amended). The Local Plan area also contains sites of local importance including County Wildlife Sites (CWSs) designated by the Suffolk County Wildlife Sites panel, Local Nature Reserves (LNRs) designated by Local Authorities, and County Geodiversity Sites (CGSs) (formerly Regionally Important Geological Sites) designated by GeoSuffolk. Considerable weight is given to protecting these designated sites. However, the level of protection should be commensurate with the level at which the site is designated (i.e. international, national and local). The NPPF defines irreplaceable habitats as those which would be very difficult or would take a long time to restore, and in the former Suffolk Coastal area would include habitats such as ancient woodland, veteran trees and sand dunes. Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons as defined by the NPPF.
- 10.7 Whilst these designated areas are provided with protection, the potential exists nonetheless for all new developments to look at ways of increasing or improving areas of biodiversity and/or geodiversity

- importance, providing a net gain of biodiversity and/or geodiversity and enhancing the green infrastructure network. Areas of value, or potential value, for biodiversity include freshwater and marine environments as well as terrestrial habitats. Any increase or improvement to areas of biodiversity and/or geodiversity importance and to the green infrastructure network should be accurately evidenced at an early stage in the planning process. Creation of ecological corridors, connections to existing habitats and habitat 'stepping stones' represent examples of how this can be achieved. This will simultaneously help contribute to the establishment of a wider Nature Recovery Network; an action outlined in the Government's 25 year Environment Plan.
- 10.8 When considering the creation of ecological corridors that could affect neighbouring authorities, any relevant plans or policies relating to ecological corridors in that authority should be consulted. Semi-natural areas, circular dog walking routes, dedicated dogs off leads areas and dog waste bins should be incorporated into ecological corridors or networks within new developments in order to encourage routine recreational activities within the vicinity of the development.
- 10.9 Strategic, flexible and locally tailored approaches that recognise the relationship between the quality of the environment and development should be pursued. Previously developed sites will be considered favourably when evaluating development proposals in order to increase the likelihood of achieving biodiversity and/or geodiversity net gain, unless the site has been proven to be of high biodiversity value. The Brownfield Register should be consulted in this respect.
- 10.10 The opportunity exists for development proposals involving SuDS schemes to facilitate enhancement of the green infrastructure network and to provide a net gain for biodiversity and/or geodiversity by incorporating such principles into the proposal. It is therefore expected that all development proposals involving SuDS schemes will complement the green infrastructure network in the interests of achieving wider sustainability benefits and a net gain for biodiversity and/or geodiversity.
- 10.11 Development proposals located in coastal, riverine and estuarine areas should have regard for the cumulative impact of development on biodiversity and the ecosystem services it provides, particularly in relation to coastal and marine protected areas. This will help to contribute to an ecosystem based approach, a common approach taken in the marine planning sphere. The Marine Management Organisation, Natural England and any adopted Estuary Plans must be consulted in this respect.
- 10.12 Development proposals should be accompanied by sufficient information to assess the effects of development on priority habitats and species, protected sites, protected species, biodiversity or geology, together with any proposed prevention, mitigation or compensation measures. The Suffolk Biodiversity Information Service can provide general species distribution data for development sites and further information is also available from the Suffolk Wildlife Trust. Natural England and GeoSuffolk can provide detailed information regarding sites of geological importance.
- 10.13 Plans or projects which may have a likely significant effect on a European site will require Appropriate Assessment under Reg. 63 of the Conservation of Habitats and Species Regulations 2017. Accordingly, local authorities can only consent plans or projects where it can be ascertained that they will have no adverse effect on the integrity of a European site. In exceptional circumstances, where there are no alternative

solutions, a plan or project may meet the tests of Imperative Reasons of Overriding Public Interest (IROPI), which then requires demonstration that appropriate compensation will be provided to ensure that the integrity of the Natura 2000 network is not compromised. Given the rigour of these tests, the presumption is that plans or projects that could adversely affect Natura 2000 sites will not be approved. In practice, schemes which qualify for IROPI are extremely rare and are very unlikely to fall under the Council's remit for decision making.

- 10.14 The NPPF states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This sequential approach is referred to as the 'mitigation hierarchy' and the policy has been created to cover these scenarios.

Conserving and Enhancing our Natural Areas

- 10.15 It is important to protect habitats outside designated sites and to protect particular species, such as those which are rare or protected. Suffolk Biodiversity Action Plan priority species and habitats and other species protected by law will be protected from harmful development. Where there is reason to suspect the presence of nature conservation interests, applications for development should be accompanied by a survey and assessment of their value, in accordance with local biodiversity validation requirements. If present, the proposal must be sensitive to, and make provision for, their needs. For example, through the provision of nest sites for swifts in developments and renovations or including features to create permeability for hedgehogs.
- 10.16 The high quality natural environment is important to many local communities as it positively contributes to quality of life, quality of place and mental health. The Council recognises that issues relating to biodiversity and geodiversity need to be considered collaboratively with businesses and other stakeholders to ensure that natural assets are protected. To address the impact of development on the European Sites across the plan area, the Council has been working in partnership with Ipswich Borough Council, Babergh and Mid Suffolk District Councils, Suffolk County Council and Natural England to develop a Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The strategy provides the practical basis and evidence to identify projects to mitigate the impact of new development on the protected sites. In the majority of cases, a RAMS contribution will be the Council's preferred mechanism for securing mitigation. Such an approach has been successfully implemented in developments such as the 'Brightwell Lakes' development of approximately 2,000 dwellings in the south of the Local Plan area. Likewise, compensatory areas have been provided at Sizewell Nuclear Power plants to mitigate the effects of development on SSSIs. In the interests of ensuring the continued effectiveness of mitigation measures such as SANGs and compensatory areas, they will be protected in perpetuity.

Policy SCLP10.1: Biodiversity and Geodiversity

Development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat 'stepping stones'. All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.

Proposals that will have a direct or indirect adverse impact (alone or in-combination with other plans or projects) on locally designated sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss.

New development should provide environmental net gains in terms of both green infrastructure and biodiversity. Proposals should demonstrate how the development would contribute towards new green infrastructure opportunities or enhance the existing green infrastructure network as part of the development. New development must also secure ecological enhancements as part of its design and implementation, and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.

Where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development, be well located to positively contribute towards the green infrastructure network, and biodiversity and/or geodiversity and be supported with a management plan.

Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably. Any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission.

Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects. Depending on the size and location of the

Policy SCLP11.4: Listed Buildings (and supporting text)

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Listed Buildings

- 11.32 Listed Buildings are designated heritage assets and, as such, are afforded a high level of protection. There are around 2,300 Listed Buildings in the former Suffolk Coastal area. Listed Building consent will be required for many works relating to Listed Buildings, and is a separate consent to planning permission. National planning policy relating to Listed Buildings, as designated assets, is contained in the National Planning Policy Framework and will be applied alongside Policy SCLP11.4. As set out in the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission or listed building consent for development that impacts a listed building, or its setting, the decision maker must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy SCLP11.4: Listed Buildings

Proposals to alter, extend or change the use of a listed building (including curtilage listed structures) or development affecting its setting will be supported where they:

- a) Demonstrate a clear understanding of the significance of the building and its setting alongside an assessment of the potential impact of the proposal on that significance;
- b) Do not harm the character of the building or any architectural, artistic, historic, or archaeological features that contribute towards its special interest;
- c) Are of an appropriate design, scale, form, height, massing and position which complement the existing building;
- d) Use high quality materials and methods of construction which complement the character of the building;
- e) Retain the historic internal layout of the building; and
- f) Remove existing features that detract from the building to enhance or better reveal its significance.