



The Planning Act 2008

Application by National Grid Electricity Transmission for the Sea Link Project

East Suffolk Council's comments on the Applicant's Deadline 4 submissions

Deadline 5
(10 March 2026)

Application: EN020026

East Suffolk Council: [REDACTED]

1. Introduction

1.1 East Suffolk Council (ESC) has reviewed the Applicant's Deadline 4 submissions, and its comments are provided in the subsequent sections of this document.

2. ESC's comments on 'Document 7.5.7.1: Outline Landscape and Ecological Management Plan – Suffolk' (Version C) [REP4-065]

2.1 ESC has been requesting enhanced planting along the B1119 (Area C in Figure 2 of [REP1-128], page 38), specifically a multi-species tree belt. ESC welcomes the Applicant amending its proposed mitigation planting in this area in light of these requests, and understands from Figure 2 Saxmundham Converter Station Illustrative Cross Sections (Sheet 3 of 3) of the Outline Landscape and Ecological Management Plan (OLEMP) [REP4-065] that 8.5m-wide tree belts are now proposed.

2.2 ESC previously advised in Paragraph 6.3.8.9 of its Local Impact Report (LIR) [REP1-128] that such tree belts need to be at least 15m, if not 20m, wide to be fully effective. ESC therefore considers that the Applicant's proposed 8.5m-wide tree belts are too narrow to be fully effective. Whilst welcoming these improved proposals, ESC remains of the view that the Applicant has missed an opportunity to increase the Order Limits south of the B1119 via Change 5 of its Change Request 1 to accommodate a wider tree belt.

2.3 ESC welcomes the additional text that has been added to Section 7.1 of the OLEMP to provide further clarity on the pre-commencement surveys to which the project is committing. However, ESC requests that the Applicant includes the scope of the pre-commencement surveys to be undertaken in Suffolk so that the local planning authority (LPA) can see and agree these prior to the surveys being undertaken. The Applicant must also commit to using the results of these surveys to inform the Construction Environmental Management Plan (CEMP) and LEMP which will be submitted to the LPA for approval under draft Development Consent Order (DCO) Requirement 6.

2.4 ESC has previously raised concerns with what it considers to be a lack of survey coverage in relation to Hazel Dormice, and the subsequent impacts.

2.5 ESC is therefore pleased to see that the Applicant is now committing, in Sections 3.4 and 7.1 of the OLEMP, to undertaking pre-construction surveys for hazel dormouse, and its requests in Paragraph 2.3 above apply equally to Hazel Dormice as they do to all other species.

- 2.6 Paragraph 3.4.5 of the OLEMP states that if dormice are recorded during pre-commencement surveys, *'either instant hedges or an Animex bridge would be utilised during construction on the relevant hedgerow sections'*. ESC considers that this is a matter that would need to be agreed through discharge of the CEMP and/or LEMP under Requirement 6 of the draft DCO to ensure that all relevant stakeholders are satisfied that the correct mitigation measures are being utilised.
- 2.7 ESC has previously requested that the detail of the necessary mitigation for reptiles (which ESC considers to be trapping and translocation, combined with displacement) should be secured as part of the OLEMP for discharge as part of the LEMP.
- 2.8 Whilst ESC considers that the Applicant's proposal for the precise method for reptile exclusion to be agreed via approval of the detailed LEMP through a discharge of Requirement 6 of the draft DCO post-consent ([\[REP2-027\]](#) Paragraph 7.2.6.1) may be acceptable, ESC requested that the OLEMP be updated to reflect this (Ref. 8.04 of its Deadline 3 Principal Areas of Disagreement Summary Statement (PADSS) [\[REP3-080\]](#)).
- 2.9 ESC notes that Paragraph 3.3.4 of the OLEMP now includes additional description of vegetation clearance mitigation measures and states that *'the precise approach to dealing with reptiles will be agreed with the Local Planning Authority prior to vegetation clearance'*. Whilst this is welcomed, it is noted that there is no reference to the potential use of trapping and translocation as a mitigation technique (which ESC maintains may be required where larger areas of suitable habitat require clearance), nor is there clarity on what the mechanism will be for agreeing the precise approach. It should be clarified whether this agreement will be part of the approval of the final LEMP (under Requirement 6 of the draft DCO) or whether a separate mechanism (such as a new DCO Requirement covering this matter) is required.
- 2.10 Furthermore, ESC notes that the latest version of the Register of Environmental Actions and Commitments (REAC) [\[REP4-235\]](#) does not include reference to agreement of the precise mitigation approach with the Local Planning Authority as part of Action B05. This must be added to the REAC Action.
- 2.11 ESC has previously requested that measures to protect hedgehogs during construction vegetation clearance be included in the REAC and OLEMP, with final details discharged as part of the LEMP.
- 2.12 ESC notes that Paragraph 3.3.4 of the OLEMP states that *'to protect hedgehogs during construction vegetation clearance, inspection of all suitable habitat will be undertaken by an Ecological Clerk of Works prior to any*

mechanical clearance, and hibernacula will be avoided during the hibernation period'. ESC welcomes the inclusion of this measure, and requests that a corresponding action is added to the REAC to cover it.

- 2.13 ESC also notes that Section 7.1 of the OLEMP does not include reference to updated tree surveys for roosting bats. These must be included so that tree removal mitigation plans and the need for any mitigation licence from Natural England are known at the time that the works are undertaken.
- 2.14 Finally, as a more general point, ESC notes that the lists of REAC Actions referred to in Paragraphs 3.3.3 and 3.3.4 of the OLEMP include several actions which do not exactly match the wording in the latest REAC [[REP4-235](#)]. This includes actions GG08 and B35. It must be ensured that all REAC Actions in both documents match to avoid creating confusion when the final CEMP and LEMP are being approved under Requirement 6 of the draft DCO. Furthermore, ESC notes that Paragraph 3.3.3 of the OLEMP still includes document references to the Outline Code of Construction Practice and REAC as appendices to the Outline Onshore CEMP, but these have since been superseded by standalone documents. These references should therefore be updated.

3. ESC's comments on 'Document 9.87: Applicant's Comments on Responses to First Written Questions' [[REP4-083](#)]

- 3.1 ESC notes that the Applicant has stated on numerous occasions, including in its comments on ESC's response to Question 1GEN28. of ExQ1 [[REP4-083](#)], that *'the deemed approvals provisions will only have effect where the application for consent, agreement and/or approval includes a clear statement that consent etc. must be provided within 35 days or else the consenting authority is deemed to have granted consent'*.
- 3.2 The draft DCO [[REP4-217](#)], as currently worded, does not allow for this implied 'waiving' of the deeming provisions at the Applicant's discretion. Schedule 4, paragraph 1 clearly applies deemed approval provisions to *'any consent, agreement or approval required by a Requirement'* (subject to subparagraph 1(3) of Schedule 4), with no requirement or indeed provision for this to only apply in the event that the application identifies itself as being subject to it.
- 3.3 Notwithstanding the fact that ESC rejects the Applicant's assertion that this provides any reassurance, noting that there is nothing to stop the Applicant applying deemed approval provisions to all applications for consents, agreements or approvals required by a Requirement, ESC does not consider

that the draft DCO in its current form provides for such a procedure as the Applicant intends.

4. ESC's comments on 'Document 9.84: Register of Environmental Actions and Commitments' (Version B) [[REP4-235](#)]

4.1 ESC welcomes additional REAC Action GG40 in response to ESC's request for the Applicant to commit to reviewing 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".

4.2 ESC also requests that REAC Action GG40 is amended to commit to providing compensation where, upon review at the detailed design stage, residual impacts remain due to no/insufficient mitigation being identified.

5. ESC's comments on 'Document 9.97: Applicant's Responses to Supplementary Agenda Additional Questions for Issue Specific Hearing 2' (Version A) [[REP4-094](#)]

5.1 The Applicant states in response to ISH2 supplementary agenda additional question ISH2.022 that *'advance mitigation planting would be undertaken in advance of the operational phase of the Proposed Project and not commencement'*. It then goes on to state that *'undertaking early planting in the pre-commencement phase of the Proposed Project would not be appropriate as this could prevent essential surveys or activity that the contractor will need to carry out prior to construction'*.

5.2 ESC notes that the Applicant has accordingly amended the OLEMP so that it no longer commits to advance planting prior to construction where planting areas do not conflict with construction compounds and activities, and instead only commits to this planting in advance of operation (Para 5.8.1 of [[REP4-066](#)]).

5.3 ESC is extremely concerned by this as it appears to be a significant watering down by the Applicant of its previous commitments to advance planting. The Applicant's proposed approach is no longer in line with other projects in the District, and it fails to commit to the widely-accepted standard practice of pre-commencement planting where at all possible. ESC considers that the caveat - *'where planting areas do not conflict with construction compounds and activities'* within paragraph 5.8.1 - should in fact provide adequate safeguards against any instances of pre-commencement planting interfering with works.

5.4 ESC therefore requires the Applicant to:

- revert Paragraph 5.8.1 of the OLEMP to its previous wording;

- add advance mitigation planting to the list of 'pre-commencement operations' in Article 2 of the draft DCO; and
- add a requirement that pre-commencement operations cannot be carried out until details of advanced planting are approved with a timetable for their implementation.

5.5 ESC suggests the following wording of this additional Requirement:

Advanced planting

- (1) No pre-commencement operations may commence until details of advanced planting have been submitted to and approved by the relevant planning authority, including a timetable for their implementation.

6. ESC's comments on 'Document 9.90: Applicant's Response to January Hearing Action Points from Compulsory Acquisition Hearing 1 (CAH1) and Issue Specific Hearing 2 (ISH2) – Deadline 4' (Version A) [\[REP4-086\]](#)

6.1 ESC welcomes the Applicant's commitment, in response to Action Point AP105 of ISH2, to submitting Outline Skills and Employment Plans at Deadline 6.

6.2 ESC notes the Applicant's comment that it '*will arrange meetings to progress and discuss suitable opportunities that will form the outline plans with the local authorities*', and notes that ESC was provided with a plan for this engagement on 6th March 2026. ESC looks forward to engaging with the Applicant in this regard.

7. ESC's comments on 'Document 3.2: Explanatory Memorandum' (Version F) [\[REP4-219\]](#)

7.1 In response to Action Point 120 arising out of Issue Specific Hearing 2, ESC has provided comments below on Appendix B (Table of Discharging Authorities) to the Explanatory Memorandum submitted at Deadline 4 [\[REP4-219\]](#) in Annex 1 to this submission.

- 8. ESC's comments on 'Document 3.1: Draft Development Consent Order' (Version G) [\[REP4-217\]](#)**
- 8.1 ESC was intending to provide a more comprehensive set of comments on the draft DCO at Deadline 5 as part of the updated draft Statement of Common Ground (SoCG).
- 8.2 ESC reviewed the Applicant's updated draft SoCG and was set to meet the two-week deadline set by the Applicant of 6 March 2026. ESC was informed, however, by the Applicant on 6 March that it would no longer be submitting an updated draft SoCG at Deadline 5 due to time constraints.
- 8.3 ESC has therefore instead provided its comments on the draft DCO in Annex 1 to this submission.

ANNEX 1 – ESC’s comments on the draft Development Consent Order

Ref	Summary of Description of Matter	ESC Current Position
A1.01	Schedule 1	ESC is of the view that wording is required in the dDCO to remove National Grid’s right to carry out works, “without the prior approval of the relevant planning authority”, where SPR has already carried out the works.
A1.02	Article 1 definitions	<p>The current definition of maintain is unnecessarily broad and if it is to remain, the given activities must be further defined otherwise the Applicant will effectively have been given <i>carte blanche</i>.</p> <p>In addition, ESC requires wording to be inserted in the dDCO so as to require the Applicant to serve written notice on the relevant planning authority prior to the commencement any “material” maintenance works (i.e. those that are likely to cause disturbance etc.).</p>
A1.03	Art.2(1) “pre-commencement operations”	<p>ESC notes that ‘pre-commencement operations’ are described in the Explanatory Memorandum as operations that are “<i>either de minimis or [having] minimal potential for adverse impacts</i>”. The current list in the DCO is substantial and includes activities that may have more than minimal effects and do not appear to be de minimis. Further clarification is required and ESC is certainly not prepared to rely, going forward, on the general wording offered in the Explanatory Memorandum.</p> <p>Additionally, ESC queries whether demolition of buildings should be included as a pre-commencement activity.</p> <p>ESC also raises the question if this should include the erection of temporary buildings and structures.</p> <p>ESC questions what is meant by ‘site clearance’ and if this means the removal of trees, hedgerows and scrubs, or ground works and should this also include site preparation works.</p> <p>ESC questions what ‘set up works associated with the establishment of construction compounds’ includes.</p> <p>ESC requests that ‘environmental mitigation measures’ should be defined within article 2.</p> <p>ESC raises concern over the construction of compounds without any LPA involvement as a pre-commencement condition, as construction compounds can be significant and potentially requiring elements like drainage.</p>

Ref	Summary of Description of Matter	ESC Current Position
A1.04	Art 2	<p>ESC requests that further discussion on temporary accesses is needed. A new temporary construction access can be significant and can require associated elements like drainage.</p> <p>ESC requests that 'early planting of landscaping works' is added to the list of pre-commencement operations and that a requirement be added to Schedule 3 that requires that 'pre-commencement operations' cannot be carried out until details of advance planting are approved with a timetable for their implementation.</p> <p>ESC notes that "<i>temporary construction works</i>" is defined as meaning "<i>any of the temporary construction works described in Schedule 1 (authorised development) to the Order</i>". However, Schedule 1 does not appear to identify clearly which works are in fact only "temporary".</p> <p>ESC suggests that the definition of "temporary construction works" in Art 2(1) of the dDCO is amended as follows (changes shown in bold):</p> <p style="padding-left: 40px;"><i>"temporary construction works" means any of the temporary construction works described as "temporary" in Schedule 1 (authorised development) to the Order".</i></p> <p>Schedule 1 should be reviewed to ensure that it sufficiently identifies all such "temporary" works. ESC notes that, as currently drafted, Schedule 1 identifies the following works (in East Suffolk only) as temporary:</p> <ul style="list-style-type: none"> - Work No 4 – Suffolk temporary work compounds; - '<i>temporary work areas and laydown areas</i>' - in Work Nos. 1B (c), 2(b), 3A(c), 3B(b), 5(b), 6(a); - '<i>utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators</i>' - in Work Nos. 1B (y), 2(l), 3B(u); - '<i>trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds</i>' - in Work Nos. 5(g), 6(c) and (d); and - '<i>temporary work areas for vessels to carry out intrusive and non-intrusive activities</i>' - in Work Nos. 6(e).
A1.05	Art 5	<p>ESC queries the acceptability of a 6 m limit of deviation for pylons, and requests that clarification should be made and justification for this figure provided, and this deviation reduced.</p> <p>ESC recommends that the wording of Article 5 is amended to provide for the addition of the following wording within the 'Table of Parameters' at Paragraph (3)(b) –</p> <ul style="list-style-type: none"> - Work: '3A (a)'

Ref	Summary of Description of Matter	ESC Current Position
		<ul style="list-style-type: none"> - Type of structure: 'Access bridge over River Fromus' - Height: '[X]m above finished ground level'
A1.06	Art 7	ESC requests a requirement for the relevant planning authority to be given 28 days to make representations in relation to any transfer or grant made under Article 7 (Consent to transfer benefit of order).
A1.07	Art 10	ESC notes that discussions are ongoing with the Applicant regarding the wording of Article 10. ESC reserves its position as to both the need for Article 10 and whether it is acceptable in law.
A1.08	Art 21	ESC questions in relation to protective works if 14 days is considered a short period of time for this to be done, it is reasonable to assume a longer period of 28 days could be accommodated. Justification for the need for a period of 14 days instead should be provided.
A1.09	Art 27	<p>ESC questions why Article 27(2) prescribes a 14-day notice period for the temporary use of land for carrying out the authorised project, whilst Article 28(3) prescribes a 28-day notice period for the temporary use of land for maintaining the authorised project. These should be made consistent by increasing the 14-day notice period for Article 27(2) to a more appropriate 28-day notice period.</p> <p>The fact that the provision may have been preceded elsewhere is of no relevance to the current projects and the issues that ESC face.</p> <p>Comments on Article 27 are also provided in Row A1.27 below.</p>
A1.10	Art 49	ESC requests that Art 49(1)(a)(iii), 49(1)(a)(iv) and 49(1)(b)(ii) are amended to provide that the demonstration that the nuisance cannot ' <i>reasonably be avoided</i> ' be demonstrated to ' <i>the relevant planning authority's reasonable satisfaction</i> '. There is precedent for this in the Sizewell C DCO, which provides that the no enforcement action may be taken in relation to statutory nuisance where this ' <i>is a consequence of the construction, maintenance or operation of the authorised development and that it cannot, to the reasonable satisfaction of East Suffolk Council reasonably be avoided</i> '. This is particularly important in light of ESC's concerns regarding the broad scope of the definition of "maintenance" in the draft DCO.

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A1.11	Art 51	<p>ESC also queries the inclusion of Art 49(1)(a)(iv) and considers that it may provide the undertaker with great scope for the application of Article 49. ESC requests that the Applicant provides justification for this inclusion, including examples of instances where this provision would apply.</p> <p>ESC has also provided comments on Article 49(1)(b) in its response to ExQ2 Question 2GEN13. submitted at Deadline 5, but will not repeat these points here.</p>
A1.12	Art 55	<p>In regard to felling and lopping, ESC has stated that clarification on the definition of ‘near’ is necessary. ESC considers it appropriate for a consent mechanism to be included here for felling trees outside the order limits.</p> <p>The response provided to date is insufficient. The word “near” should be defined in Article 51 – <i>“near” means within X metres of the authorised development</i>”.</p> <p>ESC requests amendments to Article 51 such that it does not apply to veteran trees that have been identified and understood to be preserved in situ for the project.</p>
A1.13	Art 56 Part 6	<p>Notwithstanding and subject to ESC’s outstanding objections to the deeming provisions in the dDCO, ESC considers that such provisions address any instances of decisions being ‘unreasonably delayed’. ESC also considers that the wording ‘unreasonably withheld’ is inappropriate and 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’ should be deleted.</p> <p>Safeguarding: ESC considers that the appropriate mechanism is for the Applicant to set up notifications for planning applications using the Council’s Public Access planning service, freely available. ESC does not provide a “private” service for any other developer and is not prepared to create an administrative precedent in so doing.</p> <p>Notwithstanding this, the ESC requires the wording <i>“sent the notice to the undertaker by first class post”</i> be deleted as notice is sent via email, and not by post. National Grid should also supply details of who the notice should be sent to.</p> <p>ESC requires clarification on what is meant by ‘alteration’ in 56(8)(a)(i) and what constitutes an alteration.</p>

Ref	Summary of Description of Matter	ESC Current Position
A1.14	Schedule 3: Requirements - General	<p>ESC queries Article 56(6), which states that ‘the requirement to consult under this article is a local land charge’.</p> <p>ESC is content to be the discharging authority for all discharge of requirements for the Suffolk Onshore Scheme, save for Requirement 7(3), and Requirement 12, for which SCC as the relevant highway authority is the discharging authority. Appendix B to the Explanatory Memorandum provides clarity in relation to who the discharging authority will be for the approval of the management plans listed in Requirement 6. This states that ESC would be the discharging authority for all Suffolk plans, other than the Construction Traffic Management Plan – Suffolk, the Public Rights of Way Management Plan – Suffolk, the Drainage Management Plan – Suffolk, and the Flood Management Plan, for which SCC would be the discharging authority.</p> <p>ESC considers that SCC should also be the discharging authority for the Materials and Waste Management Plan, noting that SCC requested this itself in Paragraph 15.45 of its LIR [REP1-130].</p> <p>ESC considers that further clarification as to the relevant discharging authorities should also be provided in the wording of Requirement 6 of the draft DCO itself. ESC would also welcome the provision of further clarification regarding who the discharging authorities would be for all other Requirements of the draft DCO.</p> <p>Additionally, ESC queries how the discharge of Requirement 6 process will operate where there are multiple discharging authorities for a single plan (for example, the Onshore CEMP, Code of Construction Practice, and Material and Waste Management Plan, for which ESC is one of three discharging authorities), and would welcome clarification from the Applicant.</p>
A1.15	Schedule 3: Requirements General	<p>ESC notes there is no requirement in the DCO as drafted to secure Biodiversity Net Gain (including long term management and monitoring) as a requirement. The Bramford to Twinstead includes Requirement 13 to secure written evidence of the ten per cent minimum BNG to be delivered to be submitted to the relevant planning authority for discharge. A similar provision is considered appropriate for the Sea Link DCO.</p>
A1.16	Schedule 3: Requirements - General	<p>Management Plans to be Approved</p> <p>This list of management plans does not include a lighting management plan. ESC considers it necessary for an outline lighting management plan to be prepared, and for a detailed Lighting Management Plan to be approved by the relevant planning authority through a discharge of Requirement 6 that includes details of the operational lighting. This would ensure that the operational lighting is able to respond to any site-specific technical requirements and reflect the most up-to-date</p>

Ref	Summary of Description of Matter	ESC Current Position
		<p>best practice. Such requirements are commonplace. For example, Requirement 25 ('Control of artificial light emissions during operational phase') of The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022 allows the relevant planning authority to approve details of artificial light emissions, including measures to minimise lighting pollution and the hours of lighting</p>
A1.17	Schedule 3: Req 1 definitions	<p>ESC is of the view that sub-para. (f) – “<i>general site maintenance</i>” is unhelpfully broad and could as a consequence include a range of activities that would create a disturbance before the working hours. This definition needs revision and further discussion.</p> <p>Whilst ESC maintains its concerns regarding the inclusion of ‘<i>general site maintenance</i>’ in the definition of ‘<i>start-up and close down activities</i>’, ESC considers that SCC’s request in Paragraph 15.55 of its LIR [REP1-130] for a noise limit during start-up and close-down activities could alleviate ESC’s concerns to some extent regarding disturbance outside of core working hours. ESC would therefore request that the Applicant proposes operational noise level requirements for the start-up and shut-down shoulder hours, based on the relevant ‘ABC’ category. There is precedent for this in Requirement 7 of the Bramford to Twinstead DCO, which the Applicant has frequently used as a precedent for other provisions as well as this one.</p>
A1.18	Schedule 3: Req 3	<p>Detailed Design</p> <p>ESC requested, in coordination with Suffolk County Council and Thanet District Council, that Requirement 3 be amended as detailed in the following paragraphs.</p> <p>The wording originally proposed was as follows:</p> <p>3. Detailed design parameters onshore —</p> <p>(1) No stage of development of the above ground elements of the authorised development comprised in Work No. 3B (Suffolk Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Converter Station Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3B must be carried out in accordance with the approved details.</p> <p>(2) No stage of Work No. 3A (Access road to the Suffolk Converter Station) may commence until details of the layout, scale and external appearance of the River Fromus Bridge have been submitted to and approved by the relevant planning</p>

Ref	Summary of Description of Matter	ESC Current Position
		<p>authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the River Fromus Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3A must be carried out in accordance with the approved details.</p> <p>(3) No stage of development of the above ground elements of the authorised development comprised in Work No. 1B (new Substation at Grove Wood, Friston) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Substation Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 1B must be carried out in accordance with the approved details.</p> <p>(4) No stage of development of the above ground elements of the authorised development comprised in Work No. 9B (Kent Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted details must be in accordance with the design details and the Converter Station Design Principles found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 9B must be carried out in accordance with the approved details.</p> <p>(5) No stage of development of the above ground elements of the authorised development comprised in Work No. 11 (new Kent substation) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England. The submitted details must be in accordance with the design details and the Substation Design Principles found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 11 must be carried out in accordance with the approved details.</p> <p>(6) In this requirement, “the design details” means the Critical Design Constraints, Overarching Design Principles, and the Project Level Design Principles.</p> <p>ESC notes that Requirement 3 has been amended and has provided detailed comments on these amendments in its response to ExQ2 Question 2GEN6, submitted at Deadline 5.</p> <p>ESC acknowledges that Article 5 (Limits of Deviation) includes maximum height parameters, and the Works Plans show non-linear limits of deviation. However, ESC considers that other aspects, such as maximum footprints, must be controlled under the DCO; the requirement in Article 5(3)(a) for works ‘<i>to be carried out within any applicable non-linear limits of deviation shown on the Works Plans</i>’ is not sufficient.</p>

Ref	Summary of Description of Matter	ESC Current Position
A1.19	Schedule 3: Req 4	<p>Stages of the Authorised Development</p> <p>Part (4) of Sub-paragraph 4 of Requirement 4 states that notification of completion of construction of each stage of the authorised development must be provided within 28 days of the event completing. ESC considers that a 28-day notice period should also be required for the service on ESC of written notice setting out the anticipated programme for the carrying out of pre-commencement operations. The 7-day notice period prescribed in in paragraph 1 of Requirement 4 is not adequate.</p>
A1.20	Schedule 3: Req 4	<p>Stages of the Authorised Development</p> <p>ESC asks that sub-paragraphs (3) and (4) be amended so as to require the Applicant to secure the prior written approval by the relevant planning authority of all written schemes, and any revisions to these. There is precedent for this in the EA1N and EA2 DCOs.</p>
A1.21	Schedule 3: Req 5 and 6 management plans	<p>It is understood that the management plans etc. secured by Requirement 5 of the draft DCO will bite on the pre-commencement operations, given there is no reference to commencement in the wording in Requirement 5. This should be clarified. If not, the mechanism for securing appropriate management plans for the pre-commencement works should be specified.</p> <p>ESC welcomes the Applicant's attempt to amend the wording of Requirements 5 and 6 to confirm that they cover not only the construction phase, but also the operational and maintenance periods. However, ESC is not convinced that the amended wording achieves this, as it is ESC's understanding that the operation of the authorised development would not fall under '<i>all works forming part of the authorised development</i>'. ESC therefore considers that further clarity is required.</p>
A1.22	Schedule 3: Req 5 and 6 management plans	<p>There is no requirement relevant to fencing and other means of enclosure, ESC considers it appropriate for one to be included. For reference see Requirement 17 of the ScottishPower Renewables East Anglia One North and East Anglia Two DCOs. ESC has provided its suggested wording for a fencing requirement in response to ExQ2 Question 2LVIA8.</p>
A1.23	Schedule 3: Req 5 and 6 management plans	<p>There is no requirement for emergency planning arrangements (other DCOs have secured this – Requirement 6 of the Sizewell C DCO, Requirement 33 of the East Anglia One North and East Anglia Two DCOs).</p>

Ref	Summary of Description of Matter	ESC Current Position
A1.24	Schedule 3: Req 5 and 6 management plans	<p>There is no requirement controlling operational noise. Requirement 27 of the East Anglia One North and East Anglia Two DCOs secures this, and these limits and controls should be replicated by the Proposed Project's DCO for the Friston substation. ESC has provided its suggested wording for an operational noise DCO requirement for both the Friston substation and Saxmundham converter station sites in response to ExQ2 Question 2NV1., submitted at Deadline 5.</p>
A1.25	Schedule 3: Req 6	<p>ESC acknowledges the additional paragraphs (3) and (4) of Requirement 6 concerning landscaping works. ESC welcomes these additions, noting that the wording is comparable to Requirement 15 of the East Anglia ONE North and East Anglia TWO DCOs. However, ESC requests that additional wording is included to in paragraph (4) to confirm that any replacement planting will also be subject to the same monitoring and maintenance period as the original planting. As the OLEMP is currently worded, there is no explicit commitment to this as part of the adaptive management programme. ESC suggests that the following amendments to paragraph (4) of Requirement 6 are adopted (amendments shown in bold):</p> <p style="text-align: center;"><i>'(4) Any tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority. Any replacement planting will be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under sub-paragraph (1).'</i></p>
A1.26	Schedule 3: Req 7	<p>Construction Hours</p> <p>Detailed comments on the proposed working hours are included in ESC's Local Impact Report and other Examination submissions and so are not repeated here.</p> <p>Furthermore, the items listed in sub-paragraph (4) are too wide in scope and effectively allow the applicant to continue working outside core hours in most situations, with the exception of emergency works where risk to life or property exist and a few other exceptions, such as security operations, that may be discussed with the applicant in due course, works must be restricted to the core hours unless approved by the RPA.</p> <p>Following this the Applicant has included 1 hour start up and close down either side of core hours, this does not appear to have been factored into assessments or mitigation and is not accepted, it is effectively extending core hours by 2 hours a day and with the current inclusion of Saturday afternoons, Sundays and Bank Holidays is unacceptable. As noted in Row</p>

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		<p>A1.17 above, ESC requests that the Applicant proposes operational noise level requirements for the start-up and shut-down shoulder hours, based on the relevant 'ABC' category. There is precedent for this in Requirement 7 of the Bramford to Twinstead DCO.</p> <p>Any work undertaken outside core hours without approval should be zero impact in terms of noise and vibration, dust, light and other environmental impacts.</p> <p>ESC advises the Applicant to consider Requirements 23 and 24 of the EA1N and 2 Development Consent Orders, as comparable consented local projects as examples of this requirement that have been discussed, accepted, and tested through examination.</p> <p>The Bramford to Twinstead DCO contained a list of properties that had been identified as excluded from the working hours. This needs further discussion.</p> <p>Whilst ESC acknowledges that the Applicant has now excluded Bank Holidays from its core working hours for the Suffolk converter station (Work No. 3B). This simply does not go far enough. ESC requires Saturday afternoons, Sundays and Bank Holidays to be removed from the core working hours for all works other than those listed in Paragraph (4) of Requirement 7 (notwithstanding ESC's view that the scope of this paragraph is too wide).</p> <p>This is of critical importance to ESC and the communities it represents. The local community will only benefit from the respite afforded to it by other consented projects in the District (including EA1N and EA2) if all future projects also include these periods of respite.</p>
A1.27	Schedule 3: Requirement 9, and Article 27 (Temporary use of land for carrying out the authorised project)	<p>ESC notes that the Applicant has amended Requirement 9(2) so that it no longer refers to the exclusion of the requirement to reinstate land for land <i>'above or within 10 metres of underground cables installed as part of the authorised development'</i>. Article 27 now includes this exclusion for reinstatement of land where the undertaker would otherwise need to replant <i>'trees, shrubs, shrubberies or any other deep-rooted organism'</i> above or within 10 metres of underground cables. ESC considers that this does not alleviate its concerns regarding habitat fragmentation due to leave large gaps being left in hedgerows where in proximity to buried cables, as 'shrubs' and 'shrubberies' are essentially hedgerows. If there is no certainty that hedgerows will be reinstated - and indeed the drafting of Article 27 provides a clear indication that they will not be in full - then ESC considers that the Environmental Statement's conclusions of no significant residual effects on species such as foraging/commuting bats cannot be relied upon. ESC suggests that Article 27 should only refer</p>

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		to 'trees' in this respect, unless the Applicant can also justify what ' <i>deep-rooted organism</i> ' other than trees they may otherwise need to replant.
A1.28	Schedule 3: Requirement 11	ESC requests that the Applicant provides justification for the 18-month timescale placed on the removal of any temporary bridge or culvert, from that part of the development being first brought into operational use.
A1.29	Schedule 3: Requirement 13	<p>ESC considers that the dDCO must include a substation decommissioning requirement to cover a scenario in which the Friston/Kiln Lane substation (Work No. 1B) is delivered under the Sea Link DCO, and to cover decommissioning of the Kent substation (Work No. 11). If the Friston/Kiln Lane substation is delivered under the Sea Link DCO, its decommissioning must be correspondingly authorised under the Sea Link DCO.</p> <p>This requirement should have a 'bite' at cessation of operation which it currently does not.</p> <p>Wording should be introduced here to require notification be made to the local planning authority of cessation of operation, within 6 (or otherwise agreed) months of cessation occurring.</p> <p>ESC notes that it is necessary for the Proposed Project's DCO to make provision for decommissioning of landfall and subsequent monitoring. Similar provision is made in the East Anglia One North and East Anglia Two DCOs. Requirement 37 of those DCOs requires 25 years of monitoring following decommissioning of relevant landfall works. Further discussion with ESC and the coastal management team is required.</p> <p>ESC understands that the Environment Agency are proposing a specific landfall decommissioning requirement. ESC is supports the EA's concerns and will shortly be providing the EA with feedback on its proposed wording submitted at Deadline 4 [REP4-185].</p>
A1.30	Schedule 3: Additional requirement	<p>ESC requests that a requirement comparable to Requirement 44 (Control of development during operational phase) of the EA1N and EA2 DCOs be added to the Sea Link draft DCO. This would ensure that Permitted Development rights are not used by the Applicant in a way that would undermine consented landscape and drainage mitigation.</p> <p>ESC proposes the following wording:</p>

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		<p><i>“Control of development during operational phase</i></p> <p><i>16.-(1) During the operation of and within operational land related to Work Nos. 1B, 2, and 3B in the District of East Suffolk and Work Nos. 9A, 9B, 10 and 11 in the District of Thanet and Dover, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e), or (f) of the General Permitted Development Order 2015 (“electricity undertakings permitted development) or any equivalent successor provision is subject to the following conditions -</i></p> <p><i>(2) In respect of operational drainage –</i></p> <p><i>(a) No electricity undertakings permitted development may commence until an amendment to the Drainage Management Plan approved pursuant to requirement 6 (o) in relation to Suffolk and requirement 6 (p) in relation to Kent that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency;</i></p> <p><i>(b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved.</i></p> <p><i>(3) In respect of the provision, implementation and maintenance of landscaping –</i></p> <p><i>a) No electricity undertakings permitted development may commence until an amendment to the written Landscape and Ecological Management Plan and associated work programme approved pursuant to requirement 6 (f) in relation to Suffolk and requirement 6 (g) in relation to Kent that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and</i></p> <p><i>(b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved.”</i></p>
A1.31	Schedule 4, para 1(1)	<p>ESC strongly objects to the proposed 35-day determination period for the discharge of requirements and requests that Paragraph 1(1) is amended to prescribe a period of 56 days. ESC has given its detailed reasoning in several of its Examination submissions so will not repeat this exhaustively here. In summary, the EA1N and EA2 DCOs prescribe a 56-day determination period, and for the Sizewell C DCO prescribes a 56-day determination period where the discharging authority must consult with any other body (excluding SCC/ESC), and a 42-day determination period where there is no such requirement to consult. 35 days is therefore an unacceptably short determination period for ESC (as the discharging authority for the majority of the DCO requirements for the Suffolk Onshore Scheme) to rigorously scrutinise any discharge of requirement applications, many of which may be received by ESC simultaneously or in quick succession.</p>

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A1.32	Schedule 4, 1 (2)	<p>ESC strongly objects to the deeming provisions in Paragraph 1(2) of Schedule 4, particularly given the short timescale of 28 days for determination. ESC has given its detailed reasoning in several of its Examination submissions so will not repeat this exhaustively here. DCO Requirements are a key mechanism for controlling the development, and deeming provisions for the discharge of requirements are not included in other DCOs within the East Suffolk District, with an appeals process prescribed instead for instances of non-determination within the decision period. ESC considers that the provision of an appeals mechanism would be more suitable.</p> <p>ESC notes that the Applicant has stated on numerous occasions, including in its comments on ESC's response to Question 1GEN28. of ExQ1 [REP4-083], that <i>'the deemed approvals provisions will only have effect where the application for consent, agreement and/or approval includes a clear statement that consent etc. must be provided within 35 days or else the consenting authority is deemed to have granted consent'</i>. ESC cannot see how the draft DCO, as currently worded, allows for this implied 'waiving' of the deeming provisions at the Applicant's discretion. Schedule 4(1) clearly applies deemed approval provisions to all consents, agreements or approvals required by a Requirement (subject to sub-paragraph (3) of Schedule 4(1)), with no requirement for this to be identified in the application itself.</p> <p>ESC rejects the Applicant's assertion that this provides any reassurance, noting that there is nothing to stop the Applicant applying deemed approval provisions to all applications for consents, agreements or approvals required by a Requirement, ESC does not consider that the draft DCO in its current form provides for such a procedure.</p>
A1.33	Schedule 4: Paragraph 2	<p>ESC considers that Paragraph 2(2) provides an unreasonably short timeframe (7 days) for requesting further information. In order to allow ESC to thoroughly scrutinise any discharge of requirement application it receives and ensure a robust determination process is conducted, ESC consults internal technical specialist officers on these applications. They are afforded the same 21-day consultation period as an external consultee, and this is essential to allow them sufficient time to scrutinise the proposals. This is particularly important given the number of NSIPs for which ESC is likely to be discharging requirements at the same time as Sea Link. ESC therefore suggests that Paragraph 2 of Schedule 4 should not differentiate between applications for which there is a requirement for external bodies to be consulted and those for which there is not. In either case, the relevant authority should be able to request further information up to 5 working days after the close of the 21-day consultation period.</p> <p>Paragraph 2(3) requires that the relevant authority notifies the undertaker where further information requested by a Requirement consultee <i>'within 5 days of receipt of such a request and in any event within 21 days of receipt of the application'</i>. Standard consultations are 21 days, and so if a consultee requests further information on the 21st day of consultations, for example, the discharging authority should be able to notify the undertaker of this request later than 21</p>

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		<p>days after receipt of the application (noting also that it is not practicable for consultations to be sent out on the day of receipt of an application in all cases).</p> <p>Sub-paragraph (5) should be deleted. ESC does not consider it acceptable that where further information is requested in relation to part only of an application that it should be treated as separate from the remainder of the application. This is not practicable nor feasible.</p> <p>ESC therefore suggests that Paragraph 2 of Schedule 4 is amended as follows:</p> <p>2.—(1) Where an application has been made under paragraph 1 the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.</p> <p>(2) If the Requirement specifies that consultation with a Requirement consultee is required, the relevant authority must issue the consultation to the Requirement consultee within 5 days of receipt of the application</p> <p>(3) If the relevant authority, or a Requirement consultee, considers further information is necessary, the relevant authority must, within 26 days of consultation being issued where applicable, notify the undertaker in writing specifying the further information required.</p> <p>(4) If the relevant authority does not give the notification mentioned in sub-paragraph (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.</p>
A1.34	Schedule 4	<p>Provision should be made for the discharging authority to consult SCC/ESC as appropriate – where ESC is discharging body, there should be a requirement to consult SCC, when SCC is not named in a specific requirement. This should apply in the reverse when SCC is the discharging body.</p> <p>In the case of requirements in respect of which East Suffolk Council is the discharging authority under Schedule 3 of this Order, ESCI must consult SCC. In the case of requirements in respect of which SCC is the discharging authority under Schedule 3 of this Order, SCC must consult with ESC.</p>
A1.35	Schedule 4 (3) - Fees	<p>ESC considers that further discussion on the fee for discharge of requirements is necessary. One option is to have a charging schedule to set out clear fees for each discharge of requirement.</p> <p>Part (2) is not accepted by ESC. It is not appropriate for a refund to be provided under (a) or (b).</p>

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A1.36	Schedule 4 (para 4(2)(e))	ESC considers 14 days too short a period and suggests 28 days would be more appropriate.
