

Written Representation – Objection to AS-167

Application by National Grid Electricity Transmission for the Sea Link Development Consent Order
Deadline 7 Submission

1. Introduction

I write as an Interested Party to object in the strongest possible terms to the Applicant's proposal identified as **AS-167**.

This proposal seeks to introduce, at a very late stage in the Examination, a mechanism by which an unspecified future unit within the Department for Energy Security and Net Zero ("DESNZ") could assume responsibility for the discharge of Development Consent Order (DCO) Requirements. In doing so, it would remove decision-making powers from the relevant local authorities in Suffolk and reduce them to the role of consultees.

This represents a fundamental and unjustified change to the governance of the project.

2. Nature of the Proposed Change

AS-167 is not a minor procedural refinement. It is a **material change** that would:

- Transfer decision-making authority away from democratically accountable local planning authorities;
- Introduce a **hypothetical body** that does not yet exist, with no defined statutory basis, powers, procedures, or safeguards;
- Replace a well-understood and tested system for discharging DCO Requirements with an **untested and unexamined mechanism**.

Such a proposal alters the balance of control embedded within the DCO framework and therefore goes to the heart of how the project would be regulated post-consent.

3. Procedural Unfairness and Examination Integrity

The timing of AS-167 raises serious concerns:

- It has been introduced **late in the Examination**, limiting the ability of Interested Parties to properly scrutinise and respond;
- There has been **no meaningful consultation** on this proposed governance change;
- The implications have not been fully tested through hearings or evidence.

This undermines the integrity of the Examination process overseen by the Planning Inspectorate and risks prejudicing Interested Parties.

4. Erosion of Local Democratic Accountability

Under the current DCO regime, local authorities play a critical role in the discharge of Requirements because they:

- Possess **detailed local knowledge** of communities, infrastructure, environmental constraints, and cumulative pressures;
- Are **democratically accountable** to the communities most affected;
- Provide a vital check on the implementation of nationally significant infrastructure.

AS-167 would:

- Remove local authorities' decision-making powers;
- Reduce them to consultees with no determinative role;
- Centralise control in a remote body lacking local accountability.

This is a clear **erosion of local democracy** and runs counter to the principles underpinning the Planning Act 2008 regime.

5. Lack of Clarity, Certainty, and Safeguards

The proposal is fundamentally flawed due to its lack of definition:

- The DESNZ unit does not yet exist;
- Its legal powers, governance structure, and decision-making processes are **unknown**;
- There are **no defined procedures**, timelines, or appeal mechanisms;
- There is no clarity as to how transparency or accountability would be ensured.

Granting consent on the basis of such uncertainty would be inappropriate and contrary to the requirement for **robust, enforceable, and clearly defined controls** within a DCO.

6. Risks to Effective Oversight and Mitigation

Removing local authority control over Requirement discharge creates real risks:

- **Weaker scrutiny** of detailed design, construction impacts, and mitigation measures;
- Reduced responsiveness to **site-specific issues**, including traffic, ecology, and community impacts;
- Increased likelihood that commitments made during the Examination are **not properly implemented or enforced**.

Given the scale and sensitivity of the Sea Link project—particularly in areas such as Suffolk—this loss of local oversight is unacceptable.

7. Prejudice to Communities in Relation to LionLink and Future NSIPs

A particularly serious and insufficiently examined consequence of AS-167 is the **precedent it would establish for other nationally significant infrastructure projects**, including the closely related LionLink.

The Sea Link and LionLink projects are already widely acknowledged to give rise to **cumulative impacts** across the same geography, communities, and environmental receptors in Suffolk. Many Interested Parties are engaged in **both** processes.

If AS-167 were approved:

- It could establish a **model for centralising post-consent control** of infrastructure projects away from local authorities;
- The same approach could be **replicated or relied upon in LionLink**, either directly or as a precedent;
- Communities would face a **systemic reduction in their ability to influence, challenge, or shape project implementation** at the critical post-consent stage.

In particular:

- Local authorities—who currently act as a key route through which communities can raise concerns and secure enforcement—would no longer be decision-makers;
- Communities would be forced to engage with a **remote, unelected, and as yet undefined body**, with no proven mechanisms for accountability;

- The practical ability to challenge the adequacy of mitigation, discharge of Requirements, or compliance with DCO obligations would be **significantly weakened**.

This is not a theoretical concern. For projects such as LionLink—where there are already substantial concerns regarding **cumulative effects, environmental harm, and local disruption**—the discharge of Requirements will be the stage at which many of the most important safeguards are tested in practice.

By removing local authority control, AS-167 would:

- **Diminish community voice at the very point where detailed impacts are determined;**
- Reduce transparency in decision-making;
- Create barriers to effective challenge, including through the loss of established local governance channels;
- Potentially **insulate developers from meaningful local scrutiny**.

In effect, AS-167 risks creating a **two-tier system** in which:

- Consent is granted through a public Examination process;
- But the **real decisions that shape outcomes on the ground are taken elsewhere**, beyond the reach of local communities.

Such an outcome would be contrary to the fundamental principles of fairness, transparency, and public participation that underpin the DCO regime.

8. Absence of Evidence or Justification

The Applicant has provided **no compelling evidence** that:

- The current system for discharging Requirements is inadequate;
- Local authorities are incapable of fulfilling their role;
- The proposed alternative would deliver better outcomes.

In the absence of such evidence, AS-167 appears to be an attempt to **avoid local scrutiny**, rather than a justified improvement to the regulatory framework.

9. Precedent and Wider Implications

If accepted, AS-167 would set a concerning precedent:

- It would allow applicants to **re-engineer governance arrangements late in the Examination**;
- It could be used in future NSIPs to systematically **sideline local authorities**;
- It risks undermining confidence in the DCO process more broadly.

The Examining Authority should be particularly cautious about endorsing such a departure from established practice.

10. Conclusion and Request

For the reasons set out above, AS-167 is:

- **A material and unjustified late change**;
- Procedurally unfair;
- Lacking in clarity, evidence, and safeguards;
- Damaging to local democratic accountability; and
- Likely to **prejudice communities in relation to other projects, including LionLink**.

I therefore respectfully request that the Examining Authority recommends that AS-167 be rejected in full.