



Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Sea Link Project.

East Suffolk Council – Comments on the Schedule of ExA’s recommended amendments to the applicant’s draft Development Consent Order

Deadline 7 (29th April 2026)

Application Reference: EN020026

East Suffolk Council IP Reference: [REDACTED]

ESC's comments on the Schedule of ExA's recommended amendments to the applicant's dDCO submitted at Deadline 6 [REP6-004] [PD-024]

Recommended Change 2

ESC has been consistently objecting to the inclusion of the wording '*must not be unreasonably withheld or delayed*' in the Applicant's drafting of Article 55 of the draft DCO, with ESC's position set out in detail in its Issue Specific Hearing 2 post-hearing written submission (agenda item 21.2, [REP4-117]).

ESC therefore welcomes the ExA's recommendation for '*must not be unreasonably withheld or delayed*' to be removed from Article 55(1).

Recommended Change 5

ESC requested in response to Question 2GEN13 of ExQ2 that Article 49(1)(b)(i) be amended to refer to an operational noise limit DCO Requirement, which ESC has been continually requesting that the Applicant proposes, rather than the Construction Noise and Vibration Management Plan.

ESC therefore welcomes the ExA's recommended changes to Article 49 aligning with ESC's suggestion.

Recommended Change 6

ESC has noted, including in its Issue Specific Hearing 2 post-hearing submission [REP4-117], its concerns regarding controls over the felling of ancient and veteran trees. ESC is therefore supportive of the ExA's recommended changes to Article 51 (Felling or lopping) of the draft DCO.

Recommended Changes 8-12

ESC is supportive of the ExA's recommended changes 8-12, which relate to Requirement 3 (Detailed design) of the draft DCO.

For the Suffolk converter station and the River Fromus Crossing, ESC shares the ExA's preference for details of the layout, scale, and external appearance to be explicitly referenced in the wording of Requirement 3.

For the Suffolk substation, ESC has previously noted in response to ExQ2 Question 2GEN6 that the list of design details in Paragraph (2)(a) is insufficient, and the Applicant should be required to construct Work No. 1B in accordance with the documents approved through a discharge of Requirement 12 of Part 3 of Schedule 1 to the East Anglia TWO DCO (SI 2022/433) (or any updated details approved through the discharge of requirements that DCO). ESC therefore welcomes the ExA's suggested changes to Requirement 3(3).

ESC is also supportive of the ExA's request for wording to be added to Requirement 3(4) to require that lighting is installed and operated in accordance with the approved Operational Lighting Management Plan.

Recommended Changes 14 and 15

ESC noted at Deadline 6 that the Skills, Supply Chain and Employment Plan (SSCEP) that was shared with the Councils prior to Deadline 6 fell significantly short of SCC's and ESC's ('the Councils') expectations [REP6-161]. ESC and SCC provided joint feedback to the Applicant on 8 April, but there appears to have been minimal amendments to the Plan submitted at Deadline 7 compared to the pre-submission draft shared with the Councils. Therefore, ESC welcomes the ExA's recommendation that the SSCEP be considered an outline version at this stage, with a detailed version to be approved post-consent through a discharge of Requirement 6. ESC is also supportive of the ExA's recommended wording excluding a requirement for the SSCEP submitted for a discharge of Requirement 6 of the draft DCO to be in accordance with the Outline SSCEP, given the inadequacy of the document as currently drafted.

With regards to the additional wording in Requirement 6(4), ESC notes that this drafting is as proposed by ESC in Annex 1 to its comments on the Applicant's Deadline 4 submissions [REP5-172], and so ESC is supportive of this recommendation.

Recommended Change 16

ESC has consistently objected to the Applicant's proposed core working hours set out in Requirement 7 of the draft DCO, including in section 7.4.2 of its LIR [REP1-128], and section D5.5.01 of its PADSS [REP5-184]. ESC is therefore extremely supportive of the ExA's recommendation for the Applicant's core working hours to be reduced to 07:00 to 19:00 Monday to Friday, and 07:00 to 13:00 Saturday, aligning the project's working hours with those for the EA1N and EA2 offshore wind farm projects.

ESC remains concerned, however, that the breadth of exceptions to the core working hours in Requirement 7(4) provides the Applicant with a very broad scope to work outside of those core working hours, to the point that it undermines those core working hours. ESC has therefore requested further justification for each of the individual exceptions, and acknowledges that this has been provided by the Applicant at Deadline 6 in response to ISH3 Action Point 33 [REP6-110]. ESC is particularly concerned by Paragraph 1(g) of Requirement 7, which allows works to take place outside core working hours where there have been delays to those works caused by "severe weather". ESC has therefore proposed an amendment to this sub-paragraph in its suggested revised Requirement 7 wording in response to ISH3 Action Point 1 [REP6-161], which more closely aligns with the wording in the Bramford to Twinstead DCO, which the Applicant frequently uses as a precedent.

Additionally, ESC queries why Paragraph 1(d) of Requirement 7 refers to the continuation of works outside of core working hours so that they can "securely and or safely be paused". The EA1N, EA2 and Bramford to Twinstead DCOs have a similar exception, but only refer to safety issues. The justification provided by the Applicant in response to ISH3 Action Point 33 [REP6-110], on the other hand, makes reference to this exception applying where "works would need to complete to avoid issues with the finish requiring the works to be redone the following day, therefore delaying the program". ESC does not consider this to be a 'security' or 'safety' issue, as it relates to 'finish' and 'delays'. ESC would prefer that, in line with the Bramford to

Twinstead and SPR DCOs, reference in this exception is made only to safety, such that this sub-paragraph reads:

'(d) the continuation of any work activity commenced during the core working hours to a point where they can ~~securely and or~~ safely be paused'

ESC welcomes, in principle, a noise limit for the start-up and close-down hours. However, Requirement 7 as currently drafted defines the 50 dB noise 'limit' as a LOAEL. A LOAEL is not a noise limit, as it is the point at which impact must be mitigated and minimised. The LOAEL for construction should be the baseline noise level, whilst a noise limit should be expressed as a SOAEL, but it would be more appropriate to refer to the agreed standard (BS5228-1) rather than a policy term. ESC has provided suggested wording in response to ISH3 Action Point 1 [REP6-161].

Recommended Change 18

One of ESC's fundamental concerns is to ensure that there is no risk of cable exposure occurring, over the lifetime of the project, and beyond if the cables remain in situ.

The ExA requested in ExQ2 Question 2GEN17 that the Applicant provide wording for a dDCO Requirement that would secure use of a trenchless landfall technique. The ExA noted that it *'may also provide for a minimum depth of burial to address concerns regarding coastal erosion'*. However, Requirement 16 of the draft DCO as currently drafted, does not secure a minimum depth of burial, nor does the ExA's recommended amendments to Requirement 16 seek to secure this. In response to ExQ2 Question 2GEN17, ESC provided its proposed wording for a dDCO Requirement to secure the submission of a landfall construction method statement and landfall monitoring plan to ESC for approval post-consent [REP5-189]:

'(1) No part of Work No. 6 may commence until the following have been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and, in respect of sub-paragraph (a) and to the extent that it relates to works seaward of mean high water springs, the Marine Management Organisation—

(a) a landfall construction method statement for the construction of that part of Work No. 6. This must secure use of the specific trenchless landfall technique and include the final proposed profiles for the trenchless cable burial, demonstrating a minimum cable burial depth of 25m below the contemporary foreshore elevation; and

(b) a landfall monitoring plan which commits to systematic topographic surveys to ascertain whether any coastal geomorphological change is taking place, that could ultimately risk cable exposure if unmitigated.

(2) The landfall construction method statement and the landfall monitoring plan must be implemented as approved.

(3) In the event that inspections carried out in accordance with the landfall monitoring plan indicate that, as a result of the rate and extent of landfall erosion, Work No. 6

could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial works or mitigation measures to protect Work No. 6 from coastal retreat, together with a timetable for their implementation, to the relevant planning authority for approval in consultation with the relevant statutory nature conservation body. The remedial works or mitigation measures must be implemented as approved.'

Therefore, whilst ESC welcomes the ExA's recommended changes to Requirement 16 of the draft DCO to ensure that exit to the trenchless landfall techniques occurs at least 45m east of the continuous Coralline Crag outcrop, to prevent use of pneumatic casing without prior approval from the Marine Management Organisation, and to prevent open cut trenching for maintenance and repair, ESC maintains its request for the detail set out in its proposed Requirement above to also be incorporated into Requirement 16. This includes committing the undertaker to submitting a landfall construction method statement and landfall monitoring plan, and to a 25m cable burial depth beneath the foreshore level (as shown on the landfall design drawing in Application Document 7.3 Design Development Report – Appendix A Landfall HDD Feasibility Technical Note [APP-321] page 99). There is precedent for such a DCO Requirement, with SPR's EA1N and EA2 projects including Requirement 13 (Landfall construction and method statement and monitoring plan). Due to the well-known erosion issues along the Suffolk coast, ESC considers such a Requirement essential for all projects making landfall in Suffolk. The erosion rates currently experienced at Thorpeness, adjacent to the landfall site, have already exceeded the NCERM2 forecast up to year 2055, and therefore ESC must take a precautionary approach to anticipating future coastal change, because the historical data available is not representative of the current situation.

Recommended Change 20

ESC has been consistently setting out its request for an operational noise limit DCO Requirement throughout the Examination. ESC has been requesting that the Applicant proposes an operational noise rating level that is the lowest that can reasonably be achieved, with full justification as to why that is the case. ESC also requires demonstration that this limit satisfies relevant national policy in terms of significance of impact, as well as a firm and enforceable commitment to reduce the operational noise level further at detailed design stage if it is reasonably possible to do so. The Operational Noise Requirement within the DCO should also include a verification procedure and commitment to demonstrate upon operation that the operational noise limit is not being exceeded.

To date, the Applicant has failed to propose an operational noise DCO Requirement, relying instead on REAC measures. In its Operational Noise Levels – Technical Note [REP6-128], the Applicant has failed to confirm and fully justify that its proposed 34 dB operational noise rating level for the Suffolk converter station is the lowest noise level that can currently be reasonably achieved based on the current generic design, as has been continually requested by ESC.

ESC considers that the Applicant should use the method in note 1 of section 11 of BS4142 to demonstrate that its proposed operational noise limit accords with policy, as has been the case for all other comparable projects in the District. This provides that '*a difference of around*

+10 dB or more is likely to be an indication of a significant adverse impact, depending on the context'. This provides a clear and reasonable pathway to satisfy NPS EN-1 policy tests, but the Applicant in its technical note is relying on other policy, such as the Planning Practice Guidance – Noise (which has mostly been withdrawn), rather than the recently updated specific National Policy Statements.

The ExA and the Secretary of State should be comfortable that the relevant policy tests have been met and the ExA's schedule of changes to the draft DCO appears to indicate that the ExA is not satisfied with 34dB as an operational noise limit for the converter station. Based on the BS4142 significance criteria which dictate that >+10dB is indicative of significant adverse effect and the fact that the worst affected receptor (R_5764) has been assessed to have a night-time background sound level of 22 dB (see Table 1.3 of [AS-119]), a 34 dB operational noise limit would be greater than the significant observable adverse effect level (SOAEL). ESC's view is further supported by the ExA, which has stated in its schedule of changes to the draft DCO that 'it considers that a noise limit of 32dB would be reasonable' given the BS4142 significance criteria which dictate that >+10dB is indicative of significant adverse effect.

In the absence of a satisfactory attempt from the Applicant to meet ESC's requirements with regards to operational noise, ESC welcomes the ExA's proposed operational noise DCO Requirement, noting that it:

- secures operational noise limits at the converter stations and substations;
- secures a 5 dB below background operational noise limit for the Friston substation in the event it is delivered under the Sea Link DCO;
- secures schemes for monitoring compliance with the noise rating levels;
- secures a scheme for monitoring compliance with the noise rating levels set out in Requirement 27 of the East Anglia TWO DCO (SI 2022/433) in the event that Friston substation is not delivered under Work No. 1B of the Sea Link DCO; and
- requires written details demonstrating that the design achieves the prescribed noise limits as a minimum, and that the lowest reasonably practicable operational noise levels have been achieved, to be approved by the relevant planning authority.

Whilst ESC remains concerned about adverse effects arising from operational noise from the converter station, ESC acknowledges that the ExA's proposed operational noise limit of 32 dB at the converter station site would satisfy policy based on the BS4142 significance criteria.

Recommended Change 21

In response to ExQ1 Question 1CEIntra2 [REP3-085], ESC requested that the Applicant commit, via a REAC measure, 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"*. ESC advised in response to ExQ2 Question 2CEIntra2 [REP5-189] that it was satisfied that the additional REAC commitment GG40 addressed its previous request, but also noted its support in response to ExQ3 3CEIntra2 [REP6-261] for Suffolk County Council's proposed revised wording for REAC measure GG40. ESC is supportive of the

ExA's recommendation for REAC measure GG40 to be secured in the form of a DCO Requirement so that it is enforceable.

Recommended Change 22

ESC has been consistently objecting to the Applicant's proposed 35-day determination period, with its position set out in detail in its response to ExQ1 Question 1GEN28 [REP3-085], and in its Issue Specific Hearing 2 post-hearing written submission (agenda item 21.2, [REP4-117]).

ESC therefore welcomes the ExA's recommendation for the DCO Requirement determination period to be extended from 35 days to 56 days, bringing the Sea Link DCO (if made) in line with The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022, as well as The Sizewell C (Nuclear Generating Station) Order 2022 where consultation with any other body (excluding ESC/SCC) is required.

However, ESC remains deeply concerned by the deeming provisions included in Paragraph 1(2) of Schedule 4 of the draft DCO, and considers that an appeal mechanism would be more appropriate. The Secretary of State has granted multiple DCOs in the Suffolk area, and in none of these has the Secretary of State saw fit to impose deemed consenting provisions on the relevant planning authorities. Further detail of ESC's position is set out in detail in its response to ExQ1 Question 1GEN28 [REP3-085].

DCO Requirements are a key mechanism for controlling the development, providing an opportunity for scrutiny of detailed design, and ensuring that the appropriate mitigation is secured and implemented. Their importance cannot be overstated. It is therefore essential that the discharge of requirement process provides discharging authorities with sufficient freedom to undergo a robust determination process, rather than being pressurised into delivering sub-par results within severely constrained timescales, which are exacerbated by the volume of NSIPs in the District (as identified by the ExA).

ESC noted in its Deadline 5 comments on the Applicant's Deadline 4 submissions [REP5-172] 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'*. The draft DCO, as currently worded, does not allow for this implied 'waiving' of the deeming provisions at the Applicant's discretion. Indeed, Schedule 4, paragraph 1 clearly applies deemed approval provisions to *'any consent, agreement or approval required by a Requirement'* (subject to sub paragraph 1(3) of Schedule 4). 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.

ESC is also concerned that Schedule 4(2) of the draft DCO provides an unreasonably short timeframe for requesting further information (7 days where there are no Requirement

consultees, and 'within 5 days of receipt of such a request and in any event within 21 days of receipt of the application' where there are prescribed Requirement consultee(s)).

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 Schedule 4(2) 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. 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 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). ESC has therefore provided suggested amended wording for Schedule 4(2) in its Deadline 5 comments on the Applicant's Deadline 4 submissions [[REP5-172](#)].

Recommended Change 24

Notwithstanding ESC's request for an enhanced DCO Requirement which would commit the undertaker to submitting a landfall construction method statement and landfall monitoring plan to the relevant planning authority for approval (see ESC's comments on recommended change 18 above), ESC expects the Applicant to, at the very least, include ESC as a consultee for dML Condition 4, insofar as is relevant for its administrative area and planning jurisdiction, which overlaps with the MMO above Mean Low water. This is to ensure that it is consulted on the landfall method statement.