



**The Planning Act 2008**

***Application by National Grid Electricity Transmission for the Sea Link Project***

**East Suffolk Council's response to The Examining Authority's Rule 17 letter dated 21 April 2026**

Issued: 21<sup>st</sup> April 2026

Deadline 7: 29<sup>th</sup> April 2026

Application: EN020026

East Suffolk Council: [REDACTED]

Action for East Suffolk Council	East Suffolk Council Response
<p><b>1.1 Article 10</b></p> <p>Suffolk County Council (SCC) at DL6 provided amended wording to article 10 in response to ExQ3GEN17 [REP6-276]. The ExA requests the applicant and all local authorities to provide comments on the amended wording.</p>	<p>ESC agrees the amendments that SCC have proposed should be made to Article 10 save that, whilst it accepts that any inconsistency with the approved DCO should be disregarded (Art. 10, (2) (a)) - as the relevant planning authority, it does not agree that its statutory powers of enforcement should be removed as provided by Art. 10 (2) (b). As the ExA is well aware, a local planning authority's statutory powers of enforcement in the circumstances now under consideration quite properly extend far beyond just the carrying out of a development that may be inconsistent with an approved DCO. Those powers in addition encompass how the permitted development should be undertaken, compliance with conditions, approved timescales etc. If this sub-paragraph remains it will effectively give the applicant "<i>carte blanche</i>" to amend the consented development without risk of enforcement. This would enable the applicant to override the fundamental provisions of the Town and Country Planning Act 1990 which was not the intention of the legislature in promoting the Planning Act 2008.</p>
<p><b>1.6 Requirement 15 – Restriction on carrying out works when consented in another order</b></p> <p>SCC [REP6-237] provided amended wording to requirement 15 in response to ExQ3GEN27. In relation to the suggested wording, the ExA considers further amendments would be necessary for clarity and precision. The ExA therefore asks SCC to consider the following questions and to provide a response and revised drafting:</p>	<p>ESC has discussed this matter with SCC and has reviewed its revised wording, which ESC understands will be submitted into the Examination by SCC at Deadline 7. ESC is supportive of the proposed wording. However, ESC believes that the requirement should be generic, rather than specifically referring to the ScottishPower Renewables projects. This is because, as the ExA are fully aware, this part of East Suffolk is beset with myriad major infrastructure projects – with many still to come – LionLink being an obvious example. As a result, ESC queries how this obligation would work if explicitly referring to the SPR projects in a scenario where the substation is ultimately delivered by another project (e.g. LionLink), rather than the SPR projects or Sea Link.</p>

- Should the requirement specifically refer to the Scottish Power Renewables (UK) Limited (SPR) projects rather than stating ‘pursuant to another development consent order’?
- Should the requirement include a control mechanism or control points?
- Should detail be added to clarify what the ‘alterations’ would comprise or be limited to?
- Should this be an article rather than a requirement?

In answering the above, the ExA also asks SCC to provide a working example to show how this requirement would be applied and discharged in practice.

The ExA asks that the text suggested by SCC in [\[REP6-237\]](#), and any other amendments that SCC considers necessary in relation to the above questions, be discussed and agreed with ESC and the applicant before submission.

If this is not possible, the ExA requests that any outstanding disagreements on drafting

<p>be fully explained by SCC, ESC and the applicant by DL7.</p>	
<p><b>1.7 Suggested new requirement – new substation at Grove Wood, Friston</b></p> <p>Should the ExA not be minded to include the new requirement proposed by SCC (point 20 [REP6-237]) for the proposed substation at Grove Wood, Friston, can SCC and all local authorities provide further drafting, with reasons, to allay any outstanding concerns with regards to the existing requirements for the substation.</p>	<p>ESC supports the request made by SCC within [REP6-237] and the underlying rationale submitted in [REP5-181]. ESC defers further drafting in a scenario where the proposed new requirement is not included by the ExA in its recommended DCO to SCC.</p>
<p><b>1.9 Schedule 4 Discharge of requirements</b></p> <p>The ExA requests that all local authorities provide preferred timescales for schedule 4 paragraph 2 (further information) with reasons. The ExA notes that the explanatory memorandum [REP6-006] states that schedule 4 is based on the Bramford to Twinstead Order. The ExA requests the applicant to explain why the timescales in paragraph 2 (further information) are</p>	<p>ESC has previously raised its concerns that Paragraph 2 of Schedule 4 of the draft DCO [REP6-004] prescribes unreasonably short timeframes for requesting further information.</p> <p>Paragraph 2(2) requires that the relevant authority must inform the undertaker of the further information it requires for a discharge of Requirement application within 7 days of receipt of the application in instances where the Requirement does not specify that consultation with a Requirement consultee is required. 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</p>

different to Bramford to Twinstead which specifies 7 and 21 business days respectively.

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.

Paragraph 2(3) requires that the relevant authority notifies the undertaker where further information requested by a Requirement consultee *'within 5 days of receipt of such a request and in any event within 21 days of receipt of the application'*.

Standard consultations are 21 days. If a consultee requests further information on the 21<sup>st</sup> 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, particularly given that the date on which consultations are issued will often be later than the date on which an application is received.

Therefore, whether a Requirement specifies that consultation with a Requirement consultee is required, the relevant authority should be able to request further information up to 5 days after the close of the 21-day consultation period (i.e. 26 days after consultations are issued).

Additionally, Part (5) of Paragraph 2 of Schedule 4 should be deleted. ESC does not consider it acceptable that where further information is requested in relation to only part of an application that it should be treated as separate from the remainder of the application. This is not practicable or feasible.

	<p>ESC therefore suggests that Paragraph 2 of Schedule 4 is amended as follows:</p> <p><i>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.</i></p> <p><i>(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 business days of receipt of the application.</i></p> <p><i>(3) If the relevant authority, or a Requirement consultee, considers further information is necessary, the relevant authority must, within 26 days of consultations being issued where applicable, notify the undertaker in writing specifying the further information required.</i></p> <p><i>(4) If the relevant authority does not give the notification mentioned in subparagraph (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.</i></p>
<p><b>2.4 Ian Rix</b></p> <p>The ExA thanks Ian and David Rix for their submissions [REP6-210] and [REP6-198]. The ExA understands that SPR has options over some of the land plots owned by Ian Rix. Nonetheless, the ExA needs to be clear in relation to all land the applicant considers is required for this application and therefore requests that the applicant provides detailed responses to all of the points raised in the</p>	<p>ESC considers that the proposed hedgerow to the south of the B1119 is an essential component of the landscape mitigation planting around the converter station site. If the hedging and trees are not planted, there will be long-term open views across to the site from the B1119 which will be unscreened until planting nearer and around the converter station establishes and begins to mature. Due to its proximity to the road, the hedgerow south of the B1119 will have a much more immediate beneficial screening effect for road users.</p> <p>ESC has considered the representations of Ian and David Rix [REP6-210] and [REP6-198]. ESC wishes to note that there is historic map evidence (OS1885) that shows numerous roadside trees in these locations and it would be surprising if</p>

<p>submission of Ian and David Rix. In the response to CAH2 action point (AP) 8 [REP6-110] the applicant explains that Suffolk plots 1/93, 1/94, 1/99 and 1/100 are for a proposed hedgerow to the south of the B1119.</p> <p>The applicant notes that the hedgerow planting was developed as part of the iterative design and assessment process in conjunction with ESC and SCC during the pre-application phase. The ExA asks SCC and ESC to provide comments on the implications of the removal of Suffolk plots 1/93, 1/94, 1/99 and 1/100 from the book of reference and the proposed hedgerow to the south of the B1119 from the order limits, should the ExA be minded to do so.</p>	<p>they weren't part of hedgerows. ESC also notes that Great Wood extended up to the B1119 in 1885.</p> <p>That aside, should development consent be granted for this project (and potentially also for LionLink), this land will become part of a new energy infrastructure landscape and new planting will become part of this regardless of historic precedent. ESC considers that the screening benefit that the hedging will offer for road users is justified. ESC acknowledges the landowner's concerns regarding potential shading of the Christmas tree farm from the hedge, but ESC considers this would be minor and would not be a justifiable ground for objecting to the planting.</p>
<p><b>4.5 Scope of preconstruction surveys in the outline Landscape and Ecological Management Plans</b></p> <p>Relevant local authorities to comment on the adequacy of the scope of preconstruction surveys in the oLEMP for Suffolk [REP6-078] and Kent [REP6-080].</p> <p>Requirement 5(3) of the draft Development Consent Order (dDCO) [REP6-004] states</p>	<p>ESC has reviewed Section 7.1 of the Outline Landscape and Ecological Management Plan (OLEMP) – Suffolk submitted at Deadline 6 [REP6-078], in addition to Appendix B to the OLEMP which provides a schedule of ecology surveys. ESC has the following comments to make:</p> <p>ESC noted in Section 2.13 of its comments on the Applicant's Deadline 4 submissions [REP5-172] that Section 7.1 of the OLEMP did not include reference to updated tree surveys for roosting bats. ESC therefore welcomes the amendments made to the OLEMP at Deadline 6 to include updated tree surveys for roosting bats prior to any removal or significant pruning.</p>

“For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the plans listed in sub-paragraph (2), the outline management plans...”. The DL6 outline onshore construction environmental management plan (oCEMP) [REP6-074] secured by requirement 6(1) includes commitment “B75: The key ecology survey updates as set out in the Kent oLEMP (specifically for schedule 1 birds, roosting bats, dormice, and riparian mammals) must be undertaken prior to vegetation clearance in those areas.” However, this provision is not mirrored for Suffolk. Applicant to update the oCEMP and REAC [REP6-134] to include a similar provision or explain why this is not necessary.

In relation to foraging/commuting bats, whilst the commitment to updated static bat detector surveys in 2026 is welcomed, ESC is concerned by the suggestion in Paragraph 7.1.2 of the OLEMP that these will only be undertaken at locations which experienced equipment failure, in those months that a failure occurred, and then combining the results with those from 2024. This will not give an accurate indication of bat behaviour within the Order Limits throughout the year. Factors such as weather conditions or wider land uses can influence the use of the landscape bats from year to year (as well as throughout any one year) and therefore combining two separate years of survey results could give a different picture of bat activity compared to a single year of survey. As previously set out in ESC’s response to ExQ2 2ECOL8 [REP5-189], ESC maintains that the updated baseline surveys in 2026 need to cover all survey locations, for all months of the bat active season (May to October inclusive).

Notwithstanding the above, ESC also notes that the data in Table 2 of Appendix B of the OLEMP [REP6-078] for the average number of nights recorded in each survey month differs from that presented in Table 1.4 of the Nighttime Bat Walkover and Static Detector Survey Report [REP5-027]. The OLEMP table shows considerably less equipment failure than Table 1.4 in the Nighttime Bat Walkover and Static Detector Survey Report, particularly in August and September 2024, and only shows that one transect (T9) averaged less than 5 nights per month overall, whereas Environmental Statement Chapter 2 (Suffolk - Ecology and Biodiversity) [REP6-018] and Table 1.4 of the Nighttime Bat Walkover and Static Detector Survey Report state that three transects (T5, T7 and T9) failed to meet this minimum. In part this seems to be a result of the Applicant excluding the survey results from August and September 2023 from the results used for the OLEMP, and because different data seems to have been used for the OLEMP table calculations.

Section 7.1 of the OLEMP also does not detail how the Applicant will address equipment failure in 2026 if similar levels of failure occur. ESC considers that it is essential that the surveys are programmed to start early enough in the month to

	<p>enable them to be repeated in month if equipment failure occurs. Otherwise, the 2026 survey results will also be insufficient.</p> <p>With regards to hazel dormouse, whilst the commitment to updated baseline surveys in Area D in 2026 using the latest survey methodology (including footprint tunnels) is welcomed, the commitment to this being carried out “if possible, prior to vegetation clearance” (Table 2 of Appendix B of the OLEMP) is of significant concern. The survey methods rely on vegetation being present, and the updated baseline surveys <u>must</u> therefore be undertaken before any vegetation clearance works are undertaken. Otherwise, accurate survey results will not be obtained, and it will not be possible to determine the full extent of the site clearance mitigation measures, including any need for a mitigation licence from Natural England. Following further correspondence with the Applicant, ESC understands that this part of the sentence will be removed from the version of the OLEMP to be submitted at Deadline 7. ESC requests that the ExA satisfy themselves that this OLEMP amendment has been made at Deadline 7.</p>
<p><b>4.7 Unilateral undertaking</b></p> <p>Applicant to confirm when the unilateral undertaking (UU) in respect of the proposed 10% biodiversity net gain commitment will be submitted to the examination. In the absence of a UU, the applicant and local authorities to provide wording for a DCO requirement to secure this commitment. The ExA notes that it would be unable to give any weight to this commitment in its recommendation without a signed UU or appropriate DCO wording.</p>	<p>ESC has previously advised, both directly to the Applicant outside of the Examination and to the ExA during ISH2 and in its Deadline 5 PADSS, that a Section 106 unilateral undertaking is considered by ESC to be an entirely inappropriate vehicle for dealing with BNG. In response to this, the Applicant has stated that ‘it is not necessary to enter into a bilateral s106 agreement as BNG is being voluntarily offered to the LPAs’ [<a href="#">REP6-109</a>]. ESC does not understand this rationale; whether BNG is being offered voluntarily or as a result of a legal obligation, ESC maintains that a UU is an inadequate securing mechanism.</p> <p>Furthermore, ESC notes inconsistencies between the securing mechanisms adopted by recent National Grid DCOs; the Bramford to Twinstead project secured BNG via a DCO Requirement, Sea Link is proposing a s106 UU, and NGET entered into a s106 agreement with the City of York Council, Leeds City Council, and North Yorkshire Council for the voluntary delivery of BNG for its Yorkshire Green project.</p>

ESC queries this inconsistency in approach, and why NGET saw fit to enter into a s106 agreement for Yorkshire Green, but is resisting such an agreement for Sea Link. ESC notes that the Examining Authority for the Yorkshire Green DCO Examination noted in Section 3.5.54 of its Recommendation Report that it accepted that ‘in the particular circumstances of [the Yorkshire Green] case, where the location(s) of potential BNG offsetting site(s) is not yet known and may be outside of the Order limits, a s106 Agreement is the appropriate vehicle for securing BNG in preference to a Requirement.’

A bilateral s.106 agreement would allow ESC to:

- 1) agree the precise performance standards which will apply for the long-term management and maintenance of the BNG over the 30 year period;
- 2) specify the monitoring methodologies to be used (for consistency in assessing the performance of the BNG across the 30 year period);
- 3) specify the precise control timing, review points and contingencies (e.g. regarding remediation if required) to apply for the duration of the 30 year period – thus providing a clear path and structure for review of the performance of the BNG; and
- 4) enter into obligations itself in respect of the above, relating to the mechanics of the necessary processes, mechanisms, triggers and enforcement options.

ESC sees no reason why negotiations with the Applicant cannot continue in respect of a bilateral s.106 agreement to cover the above matters following the close of examination, during the post examination period, during which the parties can of course update the Secretary of State as to progress.

Notwithstanding ESC's above comments, its initial concerns with the current draft UU include:

- 1) The calculation of final onsite BNG delivered needs to be for the part of the Order Limits within Suffolk and Kent separately, not combined. As currently worded the draft UU would allow a BNG deficit in Suffolk to be made up by an overprovision in Kent (or visa-versa).
- 2) How can the Biodiversity Offsetting Scheme be implemented on land within the Order Limits if the Biodiversity Net Gain Assessment has already identified that the BNG delivery within the Order Limits is delivering less than a 10% Biodiversity Gain? If the necessary gain could have been delivered within the Order Limits, then this would have been done before the Biodiversity Offsetting Scheme had been triggered.
- 3) If the Biodiversity Offsetting to achieve the BNG requirement is on other land controlled by National Grid, how will delivery, management and monitoring of this be secured in the long term?
- 4) As previously raised, the OLEMP does not include any commitment to monitoring of habitats within the Order Limits for BNG purposes. There is therefore insufficient certainty that this will be captured within the LEMP to be discharged under Requirement 6, given that the Requirement requires the LEMP "must be substantially in accordance with" the OLEMP

ESC is conscious that the ExA has queried whether BNG should be delivered by way of a Requirement in the DCO. ESC suspects, however, that a formal Requirement in the DCO, properly drafted, (unlike the Bamford to Twinstead example which fails to secure the necessary certainty in delivery required), will be opposed by the Applicant on the basis that it introduces a rigid formality to the

	<p>process. That is precisely the reason that ESC believes a section 106 agreement is the best way forward in that a bilateral agreement, whilst identifying the ultimate objectives (ie not less than 10% BNG), does also introduce a degree of flexibility, giving both parties the ability to negotiate and if necessary, re-negotiate terms. A Requirement does not provide that flexibility, whilst a UU does not give ESC the ability to monitor and control the process which is essential in terms of BNG delivery over the long term and in the best interests of the local community.</p>
<p><b>9.1 Tourism monitoring</b></p> <p>The applicant [REP6-111] has stated that tourism monitoring is unnecessary in light of the assessment showing no significant effects. In any event the applicant does not consider that this would be possible to robustly monitor, particularly given the lack of a clearly evidenced pathway for how these adverse effects would occur. Furthermore, the applicant states that it would not be possible to isolate any marginal influence from the proposed development on tourism given the relatively modest scale of the proposed development in terms of extent, worker numbers and duration compared to a substantial project, such as SZC. The ExA asks all local authorities to respond to these comments and set out how in practice any results from tourism monitoring would be of value and</p>	<p>ESC has maintained a consistent view that, regardless of the Applicant's assessment showing no significant effects on the tourism sector, there remains a risk of unforeseen adverse effects on tourism, whether caused by the Suffolk Onshore Scheme in isolation or through inter-project cumulative impacts during the construction period.</p> <p>ESC accepts that the Sea Link project is indeed modest when compared to Sizewell C. However, the Applicant should not be using this comparison to minimise or diminish both the perception and reality of the Sea Link project's potentially adverse effects on tourism relative to Sizewell C. Localised impacts, such as road closures for example, will affect businesses, residents, or visitors equally, whether caused by the Sea Link project or other construction activity locally.</p> <p>ESC maintains that the number and scope of multiple NSIP developments in East Suffolk is without precedent, and to its knowledge, without compare. This means that it would be premature to conclude that Sea Link would have no significant effects on the visitor economy. Neither the Applicant nor ESC can predict, with certainty, the realised adverse effects on the visitor economy during the construction period. Circumstances change, some schemes have yet to be consented, and all schemes may be subject to schedule variance where a project is delivered either ahead or behind schedule.</p>

<p>how the impact of the proposed development could be discerned from other developments?</p>	<p>ESC's argument for tourism monitoring is simple and rests on the established premise that you cannot manage what you do not measure.</p> <p>The cost and resourcing requirement to monitor the impacts of NSIP developments on the visitor economy should not simply fall to local councils and stakeholders when those direct and indirect impacts, irrespective of size, have the potential to cause sector wide effects in East Suffolk.</p> <p>ESC has previously demonstrated that the visitor economy needs to be considered as a complex system where the complexities and interdependency of tourism assets collectively contribute towards the success of the destination as a whole. Thus, tourism monitoring is an essential means to understand the health and vitality of the sector, to identify future trends, opportunities, and threats, among others, and to adapt accordingly.</p> <p>ESC accepts that disaggregating impacts caused by the Sea Link project from those caused by other projects locally can be difficult but argues that it is possible. This is why ESC recognises the importance of mixed research methodologies such as visitor surveys or social media analysis during the construction period. This data, when combined with known construction activities, such as road closures, can isolate key issues affecting visitors in real-time and provide opportunities to inform and mitigate accordingly.</p> <p>The use of visitor accommodation by non-home-based (NHB) workers provides a further demonstration of the value of tourism monitoring. Knowing where and when NHB workers are using visitor accommodation helps stakeholders understand how demand is affecting that availability of accommodation for both visitors and workers, whether there are any capacity issues, and if so, inform interventions that directs visitors and workers to available accommodation.</p>
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	<p>In summary, tourism monitoring during the construction period is critical to an understanding of the health and vitality of the visitor economy. The tools available to destination managers are increasingly sophisticated and provide insights that are granular and immediate. These include footfall counts in retail and resort locations, consumer spend information, visitor perception and attitudinal information gleaned from social media posts and review websites, and visitor volume and value data. This means that destination managers have early access to information that informs decision making, shapes strategy, and supports programme delivery.</p> <p>However, the sector needs to collaborate with the Applicant, and other project promoters, to fully understand the potential for adverse impacts throughout the construction period. East Suffolk is experiencing unprecedented change, and navigating this change and securing the future of the tourism sector requires the support of the developers. Visitor accommodation is a case in point where monitoring is essential, but any mitigation planning requires the input and support from the Applicant.</p>
<p><b>10.2 Health and wellbeing monitoring</b></p> <p>The applicant, in response to ExQ3HW3 [REP6-111] states that it does not agree to the inclusion of a mental health and monitoring plan because the applicant does not consider that such a monitoring plan is possible due to there being substantial limitations, particularly regarding attribution and follow on mitigation. For all local authorities, respond and explain how these limitations, particularly relating to attribution</p>	<p>ESC notes within [REP6-111] that <i>‘The primary reason why monitoring of mental health and wellbeing effects is not deemed possible relates to attribution, in that it would be impossible to monitor the health and wellbeing effects of the Sea Link project in isolation.’</i> The Sea Link project (if consented) will be located in an area where multiple NSIPs are either already consented or proposed. Local communities in these areas have been facing a sequential barrage of pre-construction and construction activities for many years across the projects, with this set to continue and intensify for many more years. ESC therefore questions the relevance of attributing project-alone impacts for Sea Link (or any other project) on mental health as the reality is that local communities are already suffering from the combined effects, with each subsequent additional project only adding to that impact locally. This is evident in the many submissions made into this examination by local</p>

<p>and follow-up mitigation, could be addressed.</p>	<p>communities to date, with mental health being a common topic of concern together with the cumulative impacts. If Sea Link were the only NSIP proposed in the area, then the baseline for mental health impacts would be very different, however in this immediate locality, Sea Link is set to follow Sizewell C, SPR EA1N and EA2, and possibly precedes NGV LionLink, Helios Solar/BESS, Essex and Suffolk Water Reservoir and Pipeline, and also the proposed A12 highway improvements under the Major Road Network project. ESC therefore questions the need and value in NGET isolating project-alone impacts given that their project is not in isolation.</p>
<p><b>10.5 Radiation Emergency Plan</b></p> <p>The applicant has included commitment GG41 to the REAC <a href="#">[REP6-134]</a> for a Suffolk Resilience Forum Radiation Emergency Plan. The ExA requires that SCC and ESC provide comments on this commitment. The ExA notes that GG41 as it stands does not include a timeframe for submission or a requirement to be agreed with SCC. The ExA requests that the applicant submits revised wording that has been agreed with SCC and ESC</p>	<p>ESC has reviewed REAC measure GG41 in relation to the preparation of a Suffolk Resilience Forum Radiation Emergency Plan. Whilst ESC welcomes this additional commitment, including to engagement with the Suffolk Resilience Forum in preparing the Plan, ESC is concerned, as identified by the ExA, that Suffolk County Council would not be afforded the opportunity to approve the Plan, nor does it place any constraints on when the undertaker will prepare the Plan. ESC considers that SCC should be required to consult East Suffolk Council, and the Plan must be approved by SCC prior to relevant works commencing. ESC would also suggest that this should be secured as a DCO Requirement, rather than a REAC measure. ESC notes that the SPR EA1N and EA2 DCOs provide a precedent for this via Requirement 33 (Emergency planning arrangements). ESC is supportive of SCC's proposed wording in <a href="#">[REP6-237]</a>, but requests that Paragraph (2) is amended to prescribe East Suffolk Council as a consultee.</p> <p>ESC wishes to use this example as an opportunity to highlight the need for a provision in the DCO that would require the discharging authority to consult the relevant county council or relevant planning authority as appropriate; where the relevant planning authority (ESC in Suffolk) is the discharging body, there should be</p>

a requirement to consult the relevant county council (SCC in Suffolk). This should apply in the reverse scenario; where the relevant county council (SCC in Suffolk) is the discharging body, the relevant planning authority (ESC in Suffolk) should be consulted.

There is precedent for this in the Sizewell C DCO, as Schedule 4(1)(4) of that Order states:

*(4) In the case of requirements in respect of which East Suffolk Council is the discharging authority under Schedule 2 of this Order, East Suffolk Council must consult with Suffolk County Council. In the case of requirements in respect of which Suffolk County Council is the discharging authority under Schedule 2 of this Order, Suffolk County Council must consult with East Suffolk Council.*

Equally, for the SPR EA1N and EA2 projects, whilst not prescribed explicitly in the DCOs for all Requirements, ESC and SCC came to an agreement to consult one another on all Requirement discharge applications. Whilst a similar approach could be adopted for Sea Link (at least in Suffolk) given it is best practice, it is essential that there is an explicit provision for this in the DCO due to the implications this could have for other provisions, such as the timeframes for requesting further information.

ESC suggests that similar wording to Schedule 4(1)(4) of the Sizewell C DCO could be inserted into an additional sub-paragraph (4) of Paragraph (1) of Schedule 4 of the Sea Link draft DCO as follows:

*(4) In the case of requirements in respect of which the relevant planning authority is the discharging authority under Schedule 3 of this Order, the relevant planning authority must consult with the relevant county council. In the case of requirements in respect of which the relevant county council is the discharging authority under*

	<i>Schedule 2 of this Order, the relevant county council must consult with the relevant planning authority.</i>
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**29<sup>th</sup> April 2026**