



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 6 submissions

Deadline 7
(29 April 2026)

Application: EN020026

East Suffolk Council: [REDACTED]

1. **Introduction**

- 1.1 East Suffolk Council (ESC) has reviewed the Applicant's Deadline 6 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) [REP6-078]**

- 2.1 General comment – There is inconsistent use of the term 'ECoW' in the document; sometimes it refers to an Ecological Clerk of Works, and sometimes to an Environmental Clerk of Works (e.g. para. 3.3.3 REAC measure B04). As set out in paragraph 1.6.1, it should only be used to refer to an Ecological Clerk of Works, with 'EnvCoW' used to refer to an Environmental Clerk of Works. This inconsistency is also present in the Outline Onshore Construction Environmental Management Plan [REP6-074] and the Register of Environmental Actions and Commitments (REAC) [REP6-134].
- 2.2 Para. 1.2.4 – Whilst ESC acknowledges the Applicant's commitment in bullet point two of this paragraph to provide the LPA with methodologies for any pre-commencement surveys prior to vegetation clearance taking place in the relevant development phase, having the methodologies alone is insufficient. The methodologies and results of the surveys must be available prior to any vegetation clearance being undertaken. This is so that the LPA can be certain that the vegetation clearance works are undertaken incorporating all necessary mitigation measures which need to be informed by the survey results. Just having the methodologies provides no certainty that the surveys will be undertaken or the necessary mitigation measures implemented prior to or as part of the vegetation clearance.
- 2.3 Para. 3.3.3 – The removal of reference to a minimum cable width of 39m between the Saxmundham Converter Station and Friston Substation in REAC measure B11, and the addition of a commitment to all hedgerow and ditch crossings being minimised to 20m are welcomed.
- 2.4 Para. 3.3.4 – The inclusion of construction mitigation measures for hedgehog (as also reflected in REAC measure B72) is welcomed.
- 2.5 Para. 3.3.7 – The additional commitment to maintain temporary hedgerow crossing mitigation until replacement hedgerow planting has established is welcomed.
- 2.6 Section 7.1/Appendix B:
- Roosting Bats – The inclusion of updated tree surveys for roosting bats prior to any removal or significant pruning is welcomed.
 - Foraging/commuting bats – Whilst the commitment to updated static bat detector surveys in 2026 is welcomed, ESC considers that these must be undertaken at all nine survey locations in all months of the bat survey season

(May to October inclusive). Only surveying at locations which experienced equipment failure in those months that a failure occurred, and then combining the results with those from 2024 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 points, for all months of the bat active season (May to October inclusive).

- 2.7 Notwithstanding ESC's opinion set out above, it also notes that the data in OLEMP Table 2 for the average number of nights recorded in each survey month differs from that presented in Table 1.4 of 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.
- 2.8 Finally, section 7.1 of the OLEMP 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 enable them to be repeated in month if equipment failure occurs. Otherwise, the 2026 survey results will also be insufficient.
- 2.9 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” is of significant concern. The survey methods rely on vegetation being present and therefore the updated baseline surveys must 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.

3. ESC's comments on updated draft DCO [REP6-004]

- 3.1 ESC supports the removal of reference to 'deep rooted organisms' from Article 27 of the draft DCO.

4. ESC's comments on Updated Ecology and Biodiversity ES Chapter [REP6-018]

- 4.1 Para. 2.9.49 – ESC acknowledges the commitment that any UXO survey at the HDD landfall or along the HDD cable route will require SSSI Assent from Natural England and agreement from the RSPB (as landowner).

5. ESC's comments on Updated REAC [REP6-134]

- 5.1 B02 – Amendment acceptable.
- 5.2 B05 – This measure lacks a commitment to agreeing appropriate reptile mitigation measures with ESC, which is committed to in the OLEMP (D6 OLEMP page 19 first bullet point) [REP6-078]. It must be ensured that the REAC measure matches the OLEMP commitment so that it is clear what is expected to be agreed.
- 5.3 B07 – Amendment acceptable.
- 5.4 B11 – This measure has not been updated in line with paragraph 3.3.3 of the OLEMP [REP6-078] to remove reference to a minimum cable width of 39m between the Saxmundham Converter Station and Friston Substation.
- 5.5 B36 – Amendment acceptable.
- 5.6 B59 – The change to include ESC is welcomed.
- 5.7 B72 – The addition of a measure related to construction mitigation for hedgehogs is welcomed.

6. ESC's comments on Outline Operational Lighting Management Plan [REP6-122]

- 6.1 Whilst the Applicant's commitment to operational lighting being kept to the minimum required for safe working and it being directed to the interior converter stations and substations in line with best practice guidance from the Bat Conservation Trust and Institute of Lighting Professionals (ILP) is noted, ESC highlights that only the REAC [REP6-134] measure for Kent (B58) includes reference to the relevant published best practice guidance. The REAC [REP6-134] measure for Suffolk (B39) does not include this reference, which ESC considers needs to be added.
- 6.2 Also, whilst the Outline Operational Lighting Management Plan and REAC measure for Kent make reference to following the best practice guidance in relation to lighting amount and positioning, they (and the Suffolk REAC measure) do not include commitment to follow the other necessary parts of the guidance, including in relation to the type and colour temperature of the lighting to be used (the guidance recommends 2700K or lower temperatures). The Outline plan should commit to following all necessary parts of the best practice guidance, so that there can be

confidence that the final operational lighting design will not impact on nocturnal wildlife such as bats.

- 6.3 In addition to this, in relation to lighting positioning, ESC notes that whilst lux diagrams for the new converter stations and substations are included in the Outline Operational Lighting Management Plan, they do not include details of any of the surrounding existing or proposed vegetation and it is therefore not possible to conclude that the lighting shown on them would meet the published best practice guidance. This detail will need to form part of the final version of the Operational Lighting Management Plan.

7. ESC's comments on – 9.33 Operational Noise Levels - Technical Note [REP6-128]

- 7.1 ESC Environmental Protection has reviewed the Technical Note submitted by the applicant to support its position of several outstanding matters.

Construction noise and Vibration

- 7.2 In respect to the use of Section 61 (S.61) Control of Pollution Act 1974 the position is agreed and the proposed wording accepted. This allows ESC to determine how it wishes S.61 to be applied to this project and also allows for changes to that application in future should it be necessary.
- 7.3 For avoidance of doubt, ESC will require S.61 applications for all work associated with the project to ensure regular engagement with the project and allow for regular review of Best Practicable Means. The appropriate application intervals will be determined at a later date and could be subject to change if influenced by matters such as substantiated complaints
- 7.4 S.61 for all works also covers the gap in the current suggested monitoring procedure for the project which does not propose routine noise and vibration monitoring. This can be dealt with as part of the relevant S.61 application to ensure that proposed noise levels are met.
- 7.5 It should be noted by the project that ESC considers the general site noise thresholds to align with BS5228-1 'ABC' Methodology and that deviation from this in a S.61 will need to be robustly justified with all noise and vibration reduced to the lowest reasonable level regardless of threshold in line with the principles and requirements of Best Practicable Means and BS5228-1 and 2.

Operational Noise and Vibration

- 7.6 With respect to operational noise, whilst ESC considers that the Applicant has considered a number of relevant matters, the technical note does not address all of ESCs concerns. ESC does not agree with the Applicant's assertion in Paragraph

1.1.2 of the Technical Note that the *note 'encapsulate[s] the discussion between the parties present during the [tripartite] meeting before Deadline 6'*.

7.7 To be clear, ESC has stated its position clearly both directly to the Applicant and in its submissions made every stage of this DCO process. For the avoidance of any doubt, that position is as follows:

- A clearly defined Operational Noise Limit for the converter station is required, expressed as a rating level not to be exceeded. ESC also require confirmation that the Operational Noise Limit is the lowest noise level that can currently be reasonably achieved based on the current generic design, along with as much justification for that position as can be given.
- ESC also require demonstration that this limit satisfies relevant national policy in terms of significance of impact. For the avoidance of doubt, ESC considers NPS EN-1 to be the relevant policy document. With respect to significance of impact, a relevant lowest observable adverse effect level (LOAEL) and significant observable adverse effect level (SOAEL) should be considered. All other currently consented and proposed comparable projects (EA1N, EA2, LionLink) have stated that LOAEL and SOAEL accord with BS4142 significance criteria (>+5dB indicative of adverse and therefore LOAEL, and >+10dB indicative of significant adverse and therefore SOAEL). ESC considers this the appropriate test in this case, notwithstanding the aspiration for the -5dB rating level on background.
- Notwithstanding the above, ESC requires a firm and enforceable commitment to reduce the operational noise level further at detailed design if it is reasonably possible to do so. Furthermore, the Applicant should demonstrate that this can or cannot be achieved with robust justification at the appropriate stage.
- All of the above should be provided in a suitable Operational Noise Requirement within the DCO which should also include a verification procedure and commitment to demonstrate upon operation that the operational noise limit is not being exceeded.

7.8 Turning to the technical note, ESC notes that all references to operational noise matters being addressed as REAC measures should form part of a requirement in the DCO. ESC has provided a draft requirement, most recently in response to ISH3 Action Point 1 [[REP6-161](#)] and was under the impression that both the principle and the substantive bulk of a draft DCO Requirement was accepted by the Applicant in the tripartite meeting. It is somewhat disappointing this is not reflected in this technical note.

- 7.9 With respect to the aspirational operational noise limit being 5dB below background, the Applicant has up until this point, including at the tripartite meeting, maintained its intention to meet this aspiration. Whilst ESC accepts that, due to the low background sound levels in this area, achieving 5dB below background level is challenging, it is very disheartening to see the change in language used by the Applicant in this Technical Note where it states that a 5dB below background sound level is “far below what is reasonable to secure”.
- 7.10 The Applicant has failed to confirm and fully justify that the proposed 34 dB operational noise rating level is the lowest noise level that can currently be reasonably achieved based on the current generic design, as has been continually requested by ESC.
- 7.11 ESC considers that the Applicant should use the method in note 1 of section 11 of BS4142, as all other comparable projects have done –
- “a) Typically, the greater this difference, the greater the magnitude of the impact.*
- b) A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.*
- c) A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.*
- d) The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.”*
- 7.12 This provides a clear and reasonable pathway to satisfy NPS EN-1 policy tests, but the Applicant 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.
- 7.13 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 [\[PD-024\]](#) appears to indicate that the ExA is not satisfied with 34dB as an operational noise limit. 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 SOAEL. ESC’s view is further supported by the ExA’s comments in its schedule of changes to the draft DCO which state 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.

7.14 ESC seeks to ensure that the project is consented with the highest reasonable standards of protection for local residents in what is accepted to be an area with very low background sound levels and a rural residential character. The co-location of the converter station site with LionLink and a possible third project makes it even more important that the lowest possible operational noise rating level is committed to, helping to prevent unacceptable noise creep by ensuring that noise levels are not sequentially and cumulatively increased significantly whilst being accepted under policy due to the individually less significant increase. ESC therefore considers it essential that the Applicant considers and treats noise as a critical design requirement and does its absolute utmost to reduce the operational noise level further at detailed design stage, a commitment which ESC's proposed operational noise Requirement would secure.

8. ESC's comments on Document 9.154: Approach to Adopting DESNZ Requirement Discharge Unit for Sea Link [AS-167]

8.1 ESC has reviewed the Applicant's additional submission, titled 'Document 9.154: Approach to Adopting DESNZ Requirement Discharge Unit for Sea Link', accepted into the Examination prior to Deadline 7 [AS-167], which provides the Applicant's response to the John Fingleton Nuclear Regulatory Review 2025, specifically Recommendation 30.

8.2 ESC notes that within the Nuclear Regulatory Review 2025¹, Chapter 13 'Recommendation' includes Recommendation 30 which proposes the establishment by the Department for Energy Security and Net Zero (DESNZ), the Ministry of Defence (MoD) and the Ministry of Housing, Communities and Local Government (MHCLG) of a unit to discharge Development Consent Order (DCO) requirements, with a target delivery timeline of June 2026.

8.3 ESC also notes, however, that the primary focus of the review was on the nuclear sector and DCOs relating to nuclear development, although ESC acknowledges that the Applicant states in Section 1.1.2 of [AS-167] that '*The Fingleton Review made various recommendations, including some with wider applicability to development consent orders for nationally significant infrastructure projects*'.

8.4 The Government published a policy paper on 13th March 2026, entitled "Building our nuclear nation: government response to the Nuclear Regulatory Review 2025" in which it formally responded to the Fingleton Review.² In relation to Recommendation 30, the Response stated '*The government accepts this recommendation. DESNZ will establish a new unit within its Infrastructure Planning Delivery team to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments. This will speed up decisions on the meeting of post-consent*

¹ <https://assets.publishing.service.gov.uk/media/692080f75c394e481336ab89/nuclear-regulatory-review-2025.pdf>

² <https://assets.publishing.service.gov.uk/media/69b3ead0b84f01b2be53a1de/building-our-nuclear-nation-government-response-to-nuclear-regulatory-review.pdf>

requirements. This will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion.' ESC therefore understands that it is the Government's intention for a wider roll out of the DESNZ unit's function, possibly covering onshore transmission infrastructure reinforcement projects such as Sea Link, but with an as yet undefined remit.

- 8.5 In light of the above, the Applicant's proposed introduction of a mechanism whereby requirements can be discharged by the new DESNZ unit (if successfully implemented) does seem somewhat premature.
- 8.6 At the time of writing (Deadline 7), no detailed formal guidance has been published by DESNZ, the MoD and MHCLG regarding the interpretation and function of the new DESNZ unit.
- 8.7 ESC notes that within [\[AS-167\]](#), the Applicant proposes amendments to Schedule 4 (Discharge of Requirements) of the draft DCO such that Paragraph 1(b) would read: *'in the case of Requirements (including part of a Requirement) pursuant to which the undertaker has made such application to the DESNZ unit as the relevant authority the DESNZ unit must consult with the body that would otherwise have been the relevant authority as though it was named as a body to be consulted in that Requirement and such body shall be treated as a "Requirement consultee" for the purposes of this Schedule 4 (discharge of requirements).'*
- 8.8 ESC notes that Section 397 within the Nuclear Regulatory Review 2025 states that *'Local authority involvement in the discharge of conditions can be secured through a requirement for consultation prior to submission to the Department'*. However, in the absence of guidance from central government, ESC queries the need for the current Applicant to pre-emptively make changes to its draft DCO to facilitate the discharge of Requirements by the new DESNZ unit. Central government will need to consider the timeframe for the implementation of the new unit, what consultation with local planning authorities will look like, transitional arrangements, and how the unit will apply to existing DCOs (including Sea Link if development consent is granted). Indeed, there is no certainty that the new unit will have retrospective powers.
- 8.9 In light of the above, ESC considers it both unnecessary and inappropriate for the Applicant to 'second guess' what decisions will be made by central government in these regards.
- 8.10 ESC and the local communities it represents have significant concerns regarding the DESNZ Unit proposal, which would effectively take post-consent Requirement discharge powers away from the local planning authority, relegating this input to a pre-submission consultee role only. The discharge of requirement process is an essential component ensuring applicants are held accountable in line with their DCO consents, and enabling affected local communities set to host or neighbour new infrastructure to raise concerns and engage with the final details relating to the proposed development.

- 8.11 The proposal that local planning authority involvement is secured through a requirement for consultation prior to submission to the Department would add another layer of complexity and 'red tape' to the established requirement discharge process. It would also restrict meaningful engagement by affected local communities who would otherwise have fed into the relevant Local Authority's requirement discharge process, irrespective of whether they are named consultees in the DCO or not. This input has previously raised valuable matters to be addressed by applicants for other consented NSIPs in the East Suffolk District. The current process has worked well in East Suffolk for many NSIPs, allowing local expertise and knowledge to find best solutions to issues in the interest of the local communities and environment, and the developers. Responsible developers welcome this engagement to achieve solutions that are timely and appropriate. To reduce this key local engagement would be retrograde.
- 8.12 Transitional arrangements need to be clearly set out, with a clear timeline for projects at varying stages of the DCO consenting process. Additionally, how the new DESNZ unit proposes to interact with existing made DCOs will need to be considered.
- 8.13 In combination with the removal of s.42 statutory consultation (Planning and Infrastructure Act), this would be another blow to local engagement in the DCO consenting process – moving towards a top-down approach to decision making for NSIPs.
- 8.14 In conclusion, ESC is of the view that the current text proposed by the Applicant should not be accepted by the ExA.