

The Great Grid Upgrade

Sea Link

Sea Link

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Executive Summary

- Ex1.1.1 This document sets out the Applicant's closing submissions as the Examination process on the Sea Link application reaches its conclusion. This document aims to summarise the Applicant's final position on the principals of the Proposed Project, various matters of challenge which arose during the Examination, and various matters of interest to the Examining Authority, to assist their decision-making. This document does not repeat the comprehensive evidence base submitted with the Application and which has been updated through the Examination.
- Ex1.1.2 The Proposed Project comprises three elements: the Suffolk Onshore Scheme, the Kent Onshore Scheme and the Offshore Scheme. A detailed description of these elements is provided in the Planning Statement [REP6-054] and in Section 2 of this document.
- Ex1.1.3 Section 2 of this submission explains that there is a clear and urgent need for energy nationally significant infrastructure projects (NSIPs) such as that applied for. The Overarching National Policy Statement for Energy (NPS EN-1) establishes this urgent need, with paragraph 3.2.6 of NPS EN-1 stating that the Secretary of State should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent, and paragraph 3.2.7 stating that the Secretary of State has determined that substantial weight should be given to this need when considering DCO applications. In addition, the Proposed Project is identified in the NESO Clean Power 2030 report as being critical for the achievement of the Clean Power 2030 target, by connecting offshore wind and supporting the flow of clean power.
- Ex1.1.4 The Proposed Project is a necessary part of the future electricity grid, and as such will make a valuable contribution to delivering the key objectives of national policy in NPS EN1, in particular achieving energy security and net zero. The Proposed Project is considered to be Critical National Priority infrastructure under EN-1.
- Ex1.1.5 The primary benefits of the Proposed Project are therefore the facilitation of greater renewable and low carbon electricity transmission into the grid and delivery of a more resilient and secure transmission system. The Proposed Project is also, by design, a vehicle for a number of significant associated benefits. These include:
- **Employment generation:** The construction of the Proposed Project will support an average of 65 total net direct full-time equivalent (FTE) jobs per annum through the Suffolk Onshore Scheme, and the Kent Onshore Scheme will support on average a total of 50 total net FTE jobs. Similar benefits will be delivered during the decommissioning process.
 - **Economic benefits:** The construction of the onshore schemes will make significant contributions to the national and local economies of Kent and Suffolk.
 - **Landscape and ecological enhancements:** The Proposed Project will deliver net gains in relation to its adverse impacts on landscape and ecology, in the sense of delivering habitat creation within the Order Limits that is considerably greater than the combined temporary and permanent losses of woodland, grassland and wetland habitats.

- **BNG:** The Applicant has committed by Unilateral Undertaking to a 10% biodiversity net gain (which is voluntary and not a legal requirement).
- **New walking paths:** A number of new permissive paths will be created, particularly around the Saxmundham converter site, providing substantial benefits to the footpath network south of Saxmundham.
- **Benhall Bridge:** The Applicant has offered to make repairs to the Benhall Railway Bridge to bring the bridge back up to standard and provide funding for a repair that the Applicant understands is not currently budgeted for locally.

- Ex1.1.6 These associated benefits of the development are considered to carry significant weight.
- Ex1.1.7 The Proposed Project is in accordance with NPS EN-1, the National Policy Statement for Electricity Infrastructure (NPS EN-5) and the relevant parts of the National Policy Statement for Renewable Energy (NPS EN-3). The relevant versions for determination of this application are those dated November 2023, although more recent editions are important and relevant matters. There is a presumption that the urgent need for CNP infrastructure, such as the Proposed Project, will: *'in general outweigh any other residual impacts not being addressed by the application of the mitigation hierarchy'* (paragraph 4.1.7).
- Ex1.1.8 The Proposed Project benefits from considerable, current policy support. Not only does national policy establish an urgent need for infrastructure development of this kind, but it also identifies an urgent and critical need to upgrade our electricity network infrastructure to deliver clean, affordable and secure electricity.
- Ex1.1.9 Whilst the Applicant has worked hard to avoid, reduce, mitigate and, where possible, compensate for any significant effects in line with the mitigation hierarchy and policy, it is inevitable for a project of this scale that there would be some residual effects and that is recognised in the NPS.
- Ex1.1.10 The residual adverse effects are very limited for a project of this scale and nature, have been mitigated where possible and are far outweighed by the significant need and benefits of the Proposed Project.
- Ex1.1.11 The urgent need for the Proposed Project and public benefit contribute to the compelling case in the public interest for the granting of the compulsory acquisition powers sought, which are necessary to ensure delivery of the Proposed Project.
- Ex1.1.12 Accordingly, applying the provisions of section 104 of the PA 2008, the Proposed Project would be in accordance with relevant NPSs and legislation, would bring significant benefits under a range of national, international and local policy considerations, and:
- would not lead to the UK being in breach of any of its international obligations;
 - would not lead to the SoS being in breach of any duty imposed on the SoS by or under any enactment;
 - would not be unlawful by virtue of any enactment; and
 - the benefits of the proposed development outweigh any adverse impacts.
- Ex1.1.13 Section 3 of this document addresses the mitigation hierarchy and residual effects. The Applicant has explained, in its response to ExQ 3GEN1 [REP6-112], how the mitigation hierarchy has been applied in full, and provided a table detailing every residual

significant effect and how the mitigation hierarchy has been applied appropriately to that residual effect. Section 3 also addresses those points given the significance of this issue, both to the ExA and to the Applicant. The Applicant has taken numerous steps to adhere to the mitigation hierarchy, including but not limited to:

- avoiding impacts through routeing, siting, HDD/trenchless design choices and design refinement (these are generally referred to as ‘embedded measures’ within the ES);
- reducing impacts through construction methods, micro-siting, temporal and seasonal controls and working areas restrictions;
- mitigating remaining impacts through additional mitigation measures including those identified within the REAC and other control documents such as outline plans; and
- where appropriate, providing compensation or enhancement measures (which are detailed in section 3).

- Ex1.1.14 The residual effects are those which could not reasonably be avoided, reduced, or further mitigated and are acceptable without further mitigation or compensation. The Applicant has also addressed the mitigation hierarchy in the context of cumulative impacts, though the context of this scheme’s relatively limited scale is important in that regard. The approach to the mitigation hierarchy closely adheres to national policy requirements.
- Ex1.1.15 Section 4 addresses Topics of Focus at the Examination. The extensive and thorough scrutiny of this Application has generated a considerable volume of documentation, and this section aims to assist the ExA and Interested Parties by consolidating the Applicant’s position on key controversies and providing signposting for the Examining Authority, Secretary of State and Interested Parties to find additional information on select topics should that be required.
- Ex1.1.16 Section 5 addresses the application for compulsory purchase powers. It sets out why those powers are required, why they are proportionate and necessary, and also that the Applicant has the necessary resources to deliver the project. It explains the Applicant’s strong preference for voluntary acquisition where reasonably possible, the proportionate approach it has taken in seeking powers (e.g., by seeking only temporary rights where that is sufficient), and its commitment to continuing negotiations with the limited number of outstanding objectors. The relevant tests in the Planning Act have accordingly been met.
- Ex1.1.17 Section 6 sets out the Applicant’s response to various criticisms of the Sea Link project. The Applicant takes the accountability and transparency of the examination process very seriously, and welcomes the important contributions of Interested Parties in that regard. But it is compelled to note that a considerable portion of the criticisms made are not of assistance to the ExA and are liable to distract from the important issues that require resolution in this process. A total of 6,042 Relevant Representations have been received which is the second highest number of Relevant Representations ever for an infrastructure project proceeding under the Planning Act 2008. The Applicant explains that the Application was ready for examination when submitted, that consultation and engagement was thorough and conscientiously conducted, and that the errata identified in the course of the examination were noted and remedied. The Applicant explains its approach to engagement with important stakeholders like Natural England and Suffolk County Council and East Suffolk Council.

Ex1.1.18 Ultimately, the urgent need for the Project, which attracts substantial weight, along with the other benefits which together also attract substantial weight, and the limited number of residual significant adverse impacts, which have been mitigated appropriately in accordance with policy, mean that the planning balance is overwhelmingly in favour of the grant of development consent.

1. Introduction to the Project

1.1 Purpose of the Applicant's Closing Summary Statement

- 1.1.1 National Grid Electricity Transmission plc (hereafter referred to as the Applicant) submitted an application for a Development Consent Order (the Application) for the Sea Link Project (the Proposed Project) in March 2025.
- 1.1.2 Following submission of the Application, there followed a Pre-Examination period in which 6,042 Relevant Representations were submitted by Interested Parties. The Examination then commenced in November 2025 which involved a large number of submissions, hearings and questions. At the time this closing submission, 2,707 documents were available as part of the Examination library. The Application has been subject to three rounds of hearings, three sets of written questions and additional questions and information requested by the Examining Authority through Section 89 (3) letters and responses [PD-008], [PD-007] and [PD-008] issued during the Pre-Examination period, supplementary agenda questions [EV2-002] and [EV6-003] and a Rule 17 letter issued on 21 April 2026 [PD-025].
- 1.1.3 The Applicant has produced this Closing Submission in April 2026 to summarise the final position of the Applicant at the end of the Examination process. The purpose is to help the Examining Authority and the Secretary of State in their decision-making, particularly given the large number of submissions. It does not introduce new material, but summarises the Applicant's position on key matters by way of cross-references to documents already submitted into the examination or submitted at the Deadline 7.

1.2 The Applicant

- 1.2.1 Great Britain is undergoing an energy transformation, and the energy being used is increasingly coming from more secure, cleaner, home-grown sources. The Applicant is at the heart of this transition, with a plan to invest around £31 billion into the electricity transmission network over the next five years to 2031. It is delivering infrastructure that will ensure reliable, cleaner and increasingly affordable energy for customers and communities.
- 1.2.2 The Applicant is already a highly experienced developer of energy network infrastructure and is one of the largest promoters of energy infrastructure in the UK. It has a vast portfolio of projects that demonstrate its expertise in consenting, constructing, and maintaining the transmission network. The Applicant owns and operates over 300 substations; 7,200 km of overhead line, 400km of undersea cable¹, a converter station (two more in construction) and 1,400km of underground cables². The Applicant regularly constructs new substations and transmission network infrastructure of all types; and is highly experienced in the development, construction and maintenance of its network, including the movement of large transformers and other equipment that is transported using Abnormal Load Vehicles.

¹ Currently operational cables include approximately 400km of circuits over a 200km route as part of Western Link.

² National Grid Factsheet: National Grid and the electricity industry

- 1.2.3 Whilst the majority of new and expanded transmission infrastructure is consented under other regimes, particularly the Town and Country Planning Act 1990, the Applicant has progressed a number of projects under the Planning Act 2008. This includes the North London Reinforcement (approved 2014), the Hinckley Connection Project (approved 2016), the Richborough Connection Project (approved 2017), the Yorkshire Green Energy Enablement Project (approved 2024), and the Bramford to Twinstead Reinforcement (approved 2024). Projects progressed through other consenting regimes include Eastern Green Link 1 and Eastern Green Link 2, both large offshore cable and converter station projects which received planning permission and marine licences in 2023.
- 1.2.4 The Applicant has legal duties under the Electricity Act 1989 to develop and maintain an efficient, coordinated and economical transmission system. The Applicant is a regulated monopoly as the only provider of high voltage transmission services in England and Wales. Therefore, whilst the Applicant is a privately owned provider, the Applicant is also heavily regulated by the Office of Gas and Electricity Markets (Ofgem); and primarily funded through a regulatory framework managed by Ofgem.
- 1.2.5 Under the Ofgem framework, the Applicant is able to recover the costs of building, operating and maintaining the transmission network in England and Wales directly from electricity consumers via network charges. Given the Proposed Project is primarily funded by consumers through electricity bills, there is significant scrutiny of the Applicant's spending on major projects such as the Proposed Project and the Applicant must be economic and efficient on behalf of consumers. This means that unlike a private business such as EDF (the applicant for the Sizewell C Development Consent Order (DCO)) or Scottish Power Renewables (the applicant for the East Anglia One North and East Anglia Two DCOs), the Applicant cannot agree to measures with additional costs without significant scrutiny and justification. This is relevant because there was significant discussion during the Examination about whether the Applicant should be providing additional funding for measures beyond what would be required through the application of the mitigation hierarchy.
- 1.2.6 Notwithstanding the above, the Proposed Project is delivering two separate community benefit funds, one in Suffolk and another in Kent. This funding will be legally secured through a modification of the Applicant's Electricity Transmission Licence with Ofgem (as it is with all the Applicant's DCO projects going forward) and comprises over £1m³ in each area. The total community benefit fund for Sea Link, including Kiln Lane substation, is calculated in line with official guidance to be £2.82m. These community benefit funds are not important and relevant matters in decision making on the DCO application. As set out in the Department for Energy Security and Net Zero's guidance *Community Funds for Transmission Infrastructure* (27 November 2025), these community funds "*are separate from and not a material consideration*" in the planning process. They are only mentioned here because queries have been raised on this by Interested Parties during the Examination.
- 1.2.7 As a regulated business, the Applicant cannot subsidise or preferentially support unlicensed or unregulated companies. This is an important regulatory constraint as it means that the Applicant must always be able to demonstrate that it is not acting preferentially towards National Grid Ventures (NGV) compared to any other private entity. This means that whilst the two organisations are part of the National Grid group, they are legally separate companies and are not 'sister companies' in the way two

³ In Suffolk the funding is provided for the Sea Link project and Kiln Lane substation; with half of this funding available when Kiln Lane is constructed even if constructed under the Scottish Power Renewables DCOs.

private companies under one umbrella might be in other circumstances. This is important as there were frequent misunderstandings during the Examination about the extent to which the Applicant could influence, answer questions about or deliver works for NGV.

2. The Project and Need

2.1 Overview of the Project

- 2.1.1 The Proposed Project is required to accommodate additional power flows generated from renewable and low carbon generation, as well as accommodating additional new interconnection from mainland Europe.
- 2.1.2 The Proposed Project involves the reinforcement of the electricity transmission system in the Southeast of England and East Anglia through providing a new High Voltage Direct Current (HVDC) Link between the Sizewell area of Suffolk and the existing Richborough to Canterbury 400kV overhead line close to Richborough in Kent. The key elements of the project comprise two converter stations in Saxmundham and Minster; two substations in Friston and Minster, short lengths of overhead line (predominantly in Kent), longer sections of underground cable and approximately 122km of undersea cable. The majority of the project therefore comprises a connection that is installed either underground or offshore.
- 2.1.3 The Applicant's other larger transmission projects mostly comprise long sections of new overhead lines. During development of other projects the most frequent request the Applicant receives is for connections to be installed underground or offshore. This project is both.

2.2 Description of the Project

- 2.2.1 The Sea Link project has three distinct components, works in Suffolk (the Suffolk Onshore Scheme), works in Kent (the Kent Onshore Scheme) and the offshore cable works connecting the two (the Offshore Scheme).

Suffolk Onshore Scheme

- 2.2.2 The Suffolk Onshore Scheme comprises:
- A connection into the existing transmission network through a new Friston Substation of up to 16m in height. Friston Substation already benefits from consent as part of two offshore wind projects, namely East Anglia One North (EA1N) and East Anglia Two (EA2).
 - A HVAC underground cable of approximately 1.9 km in length between the proposed Friston Substation and a proposed Saxmundham Converter Station.
 - A 2 GW HVDC converter station of up to 26 m in height plus external equipment (such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, similar small scale operational plant, or other roof treatment) near Saxmundham. This element of the project also requires construction of a new access to the site, including a new bridge over the River Fromus.
 - A HVDC underground cable connection of approximately 10 km in length between the proposed Saxmundham Converter Station, and a transition joint bay approximately 900 m inshore from a landfall point (below) where the cable transitions from onshore to offshore technology.

- A landfall on the Suffolk coast (between Aldeburgh and Thorpeness) where the cable comes onshore.
- 2.2.3 The Suffolk elements of the Proposed Project fall within the administrative areas of East Suffolk Council (ESC) and Suffolk County Council (SCC).
- 2.2.4 The sites for the Friston Substation and Saxmundham Converter Station are not subject to, or located within close proximity of, any statutory nature conservation, heritage or landscape designations. They are not allocated in the local development plan for any use, although it is noted that land to the east and west of the B1121, to the west of the Saxmundham Converter Station site, is allocated for the South Saxmundham Garden Neighbourhood (mixed use development including 800 dwellings). There are a number of heritage assets within 500 m of the Saxmundham Converter Station site: Church of St John the Baptist (Grade II*), Hurts Hall (Grade II) and Wood Farmhouse (non-designated asset) to the west and Hill Farmhouse (Grade II) to the south. The Grade II-listed Little Moor Farm, Friston House and Woodside Farmhouse are located within the surroundings of the Friston Substation site. Both sites are crossed by a number of Public Rights of Way.
- 2.2.5 There are not a large number of major roads in this area of Suffolk, but the site of the Saxmundham Converter Station is located in relatively close proximity to the A12, the most major road in the area. The area is predominantly rural, with both sites being in agricultural use (albeit construction is starting at the Friston Substation site of the three substations consented by Scottish Power Renewables (SPR)). Given the lack of brownfield sites in the area, the sites selected for the substation and converter station are considered to be those that reduce the impact of the projects as far as possible.
- 2.2.6 The Saxmundham Converter Station site was identified, in consultation with the host authorities, as offering opportunities for the co-location of infrastructure with other, separate projects (namely interconnector projects being progressed at the time by NGV).
- 2.2.7 At the Suffolk Landfall, the Applicant has undertaken numerous feasibility exercises to ensure that exits for trenchless installation techniques are located wholly within the subtidal whilst also avoiding the outcropping Coralline Crag offshore.

Kent Onshore Scheme

- 2.2.8 The Kent Onshore Scheme comprises:
- A landfall point on the Kent coast at Pegwell Bay.
 - A transition joint bay approximately 800 m inshore to transition from offshore HVDC cable to onshore HVDC cable, before continuing underground for approximately 1.7 km to a new converter station (below).
 - A 2 GW HVDC Minster Converter Station (including a new permanent access off the A256), up to 28 m high plus external equipment (such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, and similar small scale operational plant). A new Minster Substation would be located immediately adjacent to the new converter station.
 - Removal of approximately 2.2 km of existing HVAC overhead line, and installation of two sections of new HVAC overhead line, together totalling approximately 3.5 km, each connecting from the substation near Minster and the existing Richborough to Canterbury overhead line.

- 2.2.9 The Kent elements of the Proposed Project fall within the administrative areas of Thanet District Council (TDC), Dover District Council (DDC) and Kent County Council (KCC).
- 2.2.10 In Kent, the Minster Substation and Minster Converter Station have been co-located so that the infrastructure is in a single location, minimising the total land take for the project and the length of connections between the two pieces of infrastructure; as well as providing an opportunity to holistically landscape around the largest onshore components of the project in the area. As in Suffolk, extensive optioneering was carried out to select the location of the Minster site to minimise environmental impacts of the project.
- 2.2.11 The site of the Minster Substation and Converter Station is not subject to any statutory nature conservation, heritage or landscape designations and is not allocated in the local development plan for any use, . There are no veteran or ancient trees on the site. The site is part of a broad area known locally, and frequently described by objector groups, as ‘Minster Marshes’ but the site of the converter and substation is largely devoid of marsh habitat; it is arable land.
- 2.2.12 The land use in the wider area is largely associated with agriculture, although there are significant industrialising elements in the landscape associated with Richborough Energy Park, existing solar farms, Weatherless Hill Wastewater Treatment Works and existing powerlines (see for example the photomontage of Viewpoint 3 in [APP-241]).
- 2.2.13 There are heritage assets in close proximity to the substation and converter station site, particularly Richborough Scheduled Monument, Minster Conservation Area and the Monastic grange and pre-Conquest nunnery at Minster Abbey (a Scheduled Monument). The project has been designed to minimise the impacts on these assets, particularly through measures incorporated into the outline Landscape and Ecological Management Plan (**Application Document 7.5.7.2**). Historic England is a consultee on the discharge of detailed design of the converter station and substation in requirement 3 of the draft DCO (**Application Document 3.1**) to ensure that the design proceeds in a way that is sensitive to nearby assets.
- 2.2.14 The underground connection from the new substation and converter station to the landfall passes through the Thanet Coast and Sandwich Bay Ramsar, the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest, the Sandwich Bay Special Area of Conservation and Thanet Coast and Sandwich Bay Special Protection Area, which cover the area along the coast at Pegwell Bay and Sandwich Flats westwards towards St Augustine’s Golf Course. It is therefore ecologically sensitive and critical that the cable is installed carefully and sensitively to reduce the potential for adverse effects. The Applicant has committed to extensive controls, commitments and management plans to ensure that the construction and operation of the project is carried out sensitively in this context. Interaction with designated sites is unavoidable because the coast is lined with internationally designated sites. However, the landfall location was chosen to minimise impacts by using a trenchless technique to ensure there would be no damage to the sensitive saltmarsh habitat.
- 2.2.15 Following construction, underground cables do not require regular maintenance and therefore control measures are focused on how to deal with potential issues, such as if the mouth of the River Stour migrates were to migrate and expose the cable. This is not likely given that the separation distance is over 300 m, but the Applicant has nevertheless agreed to measures to monitor migration and take action should this become an issue (see requirement 18 in the draft DCO). This has been agreed with the Environment Agency. Through measures like these, the Applicant has applied all stages of the mitigation hierarchy to minimise impacts on these sites.

Offshore Scheme

- 2.2.16 The Offshore Scheme includes three distinct components, which are summarised below:
- Suffolk landfall: This is the area where the cable route transitions between the marine and terrestrial environment in Suffolk. This is located between the settlements of Aldeburgh and Thorpeness (further detail provided under Suffolk Landfall section above);
 - Marine HVDC cable route: This is the cable route from the transition joint bay at the landfall in Suffolk to the TJB at the landfall in Kent. The marine HVDC cable route is approximately 122 km in length; and
 - Kent landfall: this is the area where the cable route transitions between the marine and terrestrial environment in Kent, located in the Pegwell Bay area to the south of the settlement of Cliffsend.
- 2.2.17 The cable configuration for the Offshore Scheme is assumed to be one bundled HVDC (two cables) and one fibre optic cable in one trench. With a bundled approach, the two cables and the fibre optic cable would be combined into a single bundle as shown in **Application Document 2.13.4 Design Drawings – Offshore**. The lateral limited of deviation are illustrated on **Application Document 2.5.3 Work Plans – Offshore**. No lowest below seabed vertical limit of deviation has been specified, however the Proposed Project would never go deeper than necessary for technical or environmental reasons as this would add engineering operational complexity and cost.
- 2.2.18 The Southern North Sea within UK Territorial Waters is home to several large Port Authorities such as Port of London, London Gateway and Harwich Haven and with this comes extensive shipping traffic. The Applicant has worked with the Port Authorities to preserve their future interests through safeguarding water depths and minimising disruption as far as practicable.
- 2.2.19 Offshore marine designations in the Southern North Sea include the Southern North Sea Special Area of Conservation (SAC), which covers an area of 36,951 km², and Outer Thames Estuary Special Protection Area (SPA) which covers an area of 3,924 km². Due to the size of these designations, the Applicant has sought to reduce its length within these sites as far as possible and further mitigate as needed to reduce any residual impacts, whilst also avoiding other sensitive designations such as Margate and Long Sands SAC and Goodwin Sands Marine Conservation Zone (MCZ) through extensive routing and siting.

2.3 Need for the Project

Need and Urgency in Policy and Reports

- 2.3.1 The urgent and critical need to upgrade our electricity network infrastructure to deliver clean, affordable and secure electricity is clear. The Overarching National Policy Statement for Energy, November 2023 (NPS EN-1) paragraphs 3.3.65-3.3.66 state that:
- ‘There is an urgent need for new electricity network infrastructure to be brought forward at pace to meet our energy objectives’. The security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable new renewable electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to*

transition to net zero while maintaining energy security. The delivery of this important infrastructure also needs to balance cost to consumers, accelerated timelines for delivery and the minimisation of community and environmental impacts.'

2.3.2 For those transmission projects that benefit from a Section 35 direction, such as the Proposed Project, paragraph 3.2.12 of NPS EN-1 states that *'the Secretary of State should give substantial weight to the need established at paragraphs 3.3.65 to 3.3.83 of this NPS'* making it clear that these paragraphs apply to projects that enter the DCO regime through a Section 35 Direction.

2.3.3 In addition to the general need for upgrades, the need for the Proposed Project has been explicitly recognised and set out by the National Electricity System Operator (NESO), National Grid Electricity Transmission and recognised by Ofgem. In particular, the Proposed Project is identified in the NESO Clean Power 2030 report⁴ as being critical for the achievement of the Clean Power 2030 target, with the report stating:

'Three projects have been identified as critical to delivering a network which supports the clean power pathways, but at present have delivery dates after 2030. Support is therefore needed to bring these projects forward for 2030 delivery. These are projects in East Anglia and in the southeast that are critical for connecting offshore wind in the North Sea and supporting the flow of clean power'. The need for the project is clear and unequivocal.

The UK government fully endorsed the NESO Clean Power 2030 report in its Clean Power 2030 Action Plan policy paper⁵, published shortly afterwards.

2.3.4 The NESO report further identifies that without the Proposed Project consumers could face an extra £1.4bn in constraints costs in 2030; this equates to costs of £3.8m per day for each day the project is delayed beyond 2030. The need for acceleration to deliver net zero and additional costs to consumers of delays means there are substantial additional benefits to efficient delivery and substantial adverse consequences of delays. It is vital that this is taken into account when decisions are made on requirements and commitments that may delay the project, particularly where it is unclear that those requirements will deliver additional beneficial outcomes or are necessary.

2.3.5 In light of the programme imperative and in respect of the potential for delays in respect of discharge of Schedule 3 Requirements, the Applicant has noted the recent Fingleton review and the potential for the establishment of a DESNZ decision-making unit. The Applicant has submitted to the ExA [AS-167] proposals to enable such decision-making to reside with the SoS directly for onshore works, if and when such a unit becomes operational.

⁴ Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 (NESO, 2024)

⁵ Clean Power 2030 Action Plan: A new era of clean electricity (UK Government, 2024)

Proposed Project Need Case

- 2.3.6 The need for the Proposed Project is driven by growth in the volume of renewable and low carbon generation that is proposing to connect to the transmission network in the East Anglia and Southeast regions. It is also driven by a growing demand for interconnection to Europe, which contributes to balancing the network by evening out the peaks and troughs that can occur with renewable generation (e.g. lower generation at times of low wind). There is significant existing and contracted generation and interconnection in the East Anglia and Southeast regions.
- 2.3.7 The Proposed Project addresses two distinct system needs, which arise separately in the transmission networks in East Anglia and the Southeast.
- 2.3.8 In the Southeast, the Proposed Project will address a shortfall in the capacity of the existing network in Kent to carry power out of the region at times of low wind and high interconnector imports. This is driven by interconnection landing in Kent due to its proximity to mainland Europe, as well as growth in other renewable projects. The Proposed Project has to connect on the network no further west than Canterbury North substation, to provide an additional route for power to flow out of Kent in a scenario where there is double circuit fault on the existing overhead line between Canterbury and Kemsley.
- 2.3.9 In East Anglia, the Proposed Project will support the connection of additional low carbon generation in East Anglia by providing an additional route for power to flow out of the region at times of higher wind. The Proposed Project has to connect in the Sizewell area in order to enable power flow from the generators connecting in this area (referred to as the Sizewell Generation Group) in a scenario where there is a double circuit fault between Sizewell and Bramford. The need to reinforce the network in East Anglia, however, extends beyond the Sizewell area.
- 2.3.10 The Proposed Project is also particularly important because it bypasses the existing network around north Kent, the Thames Estuary, and London, avoiding putting more power onto these already constrained parts of the network, while also providing further network capacity relief for the generators connecting in Essex (referred to as the Essex Generation Group). As an HVDC link can be promptly controlled to transfer power in both directions, it can benefit multiple areas in the East Anglia and Southeast regions.
- 2.3.11 The Proposed Project represents a coordinated approach to solving the above issues using a single solution.
- 2.3.12 Further detail on the needs case is set out in detail in Application Document 7.2 Strategic Options Report Back Check [APP-320], and in subsequent submissions into the Examination including Application Document 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA [REP2-014] (section 2.10, table 2.49), Application Document 9.72.1 Applicant's Response to Issue Specific Hearing 1 (ISH1) Action Points [REP1-124], Application Document 9.79 Applicant's Comments on Written Representations [REP2- 034] (section 2.29, table 2.42), and Application Document 9.129 Applicant's Response to 2GEN1 and 2GEN2 in respect of Need [REP5-142].

Points Raised During Examination on Need

- 2.3.13 There are various queries and challenges on the Proposed Project needs case that have been raised by objectors and other interested parties throughout the Examination. These are addressed below.

Timing

- 2.3.14 It was suggested by ESC and others that the timing of the need is driven exclusively by the Sizewell C and the NGV LionLink interconnector, and that the timing of the Proposed Project should be directly driven by the timing of these other projects. This is not the case. While these form part of the contracted generation background, the Proposed Project is required to address needs drivers across both the Southeast and East Anglia (far beyond the Sizewell area), simultaneously resolving distinct issues on different parts of the network, which may take effect in either region at different times. The Proposed Project is critical now.

Nautilus Connection Offer

- 2.3.15 It was suggested by objector groups that the Nautilus interconnection moving away from the Sizewell area removes the need for the Proposed Project. This is not the case. A substantial shortfall in transmission capacity out of the Sizewell Generation Group remains even when Nautilus is discounted, particularly when realistic local generation scenarios are considered.
- 2.3.16 More broadly, the need for the Proposed Project is driven by various issues occurring separately but simultaneously across the wider transmission networks in Kent and East Anglia (not only the Sizewell Generation Group), and the need to deliver wider system benefits. Relatively small changes to contracted generation in localised parts of the network do not change this.

Clean Power 2030 Report

- 2.3.17 It has been suggested by objector groups that the NESO Clean Power 2030 Report, published in November 2024, is out of date and that its conclusion that the Proposed Project is critical for the achievement of the government's clean energy targets is invalid. This is based on a misunderstanding on the part of objectors regarding how the Five Estuaries and Rampion 2 windfarms (referenced in the NESO report) rely on the Proposed Project. These do not connect directly into the Proposed Project, but the Proposed Project is critical for delivering the wider network benefits necessary to facilitate their connections.

Alternative reinforcement options

- 2.3.18 It has been suggested by objector groups that there are other ways to achieve the same network reinforcement. Suggestions included reconductoring the existing overhead lines in Suffolk and constructing a new overhead line in Kent. However, the need for the Proposed Project already assumes that the existing circuits in Suffolk are operating at full capacity following separately planned upgrades, while there are practical, technical, and environmental constraints to delivering a new overhead line in Kent. More broadly, the proposed alternatives, either individually or together, would not deliver the coordinated, multi-region reinforcement that the Proposed Project will achieve. They do not meet the needs case.
- 2.3.19 The network must also have sufficient capability to operate even in fault conditions (where parts of the existing network are down, for example due to damage caused by bad weather), so that faults do not result in widespread supply interruptions. The Applicant must therefore develop a network which can accommodate power flows from existing as well as contracted sources of generation, interconnection, and battery storage. This comprises those which have connection offers from the NESO to connect into the network at a future time.

2.4 Benefits of the Project

2.4.1 The main benefits of the project are the facilitation of greater renewable and low carbon electricity into the grid and delivery of a more resilient and secure transmission system. These help deliver significant national policy objectives associated with delivery of net zero, energy security and affordable energy as described above, and is critical to the achievement of Clean Power 2030.

2.4.2 The Applicant has also worked hard to consider how additional benefits can be delivered as part of the project beyond those associated with the needs case. Further benefits of the project include:

- **Employment generation:** during construction, the Suffolk Onshore Scheme will support an average of 65 total net direct full-time equivalent (FTE) jobs per annum and the Kent Onshore Scheme will support on average a total of 50 total net FTE jobs over the construction period. Similar employment benefits are also anticipated for the decommissioning phase, in the event this takes place. Access to employment will also provide a beneficial health impact to these workers.
- **Economic Benefits:** the construction of the Proposed Project will contribute substantial sums of money to both the national and local economy in both Suffolk and Kent.
- **Landscape and ecological enhancements:** whilst there will be adverse landscape and ecological effects of the project, particularly during construction, in the long term the Applicant has proposed significant areas of new habitat creation. This includes habitat creation that is much greater than the combined temporary and permanent losses of woodland, grassland and wetland habitats, including:
 - 21 ha of new woodland at Saxmundham Converter Station and the River Fromus providing a long-term net increase in woodland habitat due to the Suffolk Onshore Scheme, estimated to provide a total area of 214,931m²;
 - New woodland around Minster Converter Station and Substation providing a long-term net increases in woodland habitat due to the Kent Onshore Scheme of 65,985m²;
 - New sections of hedgerow along the B1119 in Suffolk, the permanent access road to Saxmundham Converter Station;
 - New species-rich neutral grassland will be implemented around the Saxmundham Converter Station site, with an estimated area of 69,414m² of neutral grassland being created; and around the Minster Converter Station and Substation leading to an estimated long-term net increase in habitat of 50,260m² of neutral grassland;
 - New attenuation ponds providing a long-term net increase in wetland habitat in both Suffolk and Kent;
 - Enhancement of an approximately 500 m stretch of the riparian corridor along the River Fromus;
 - Enhancement of an approximately 500 m stretch of the riparian corridor along the River Stour; and
 - Significant benefits for birds, reptiles bats, badgers, riparian mammals, terrestrial invertebrates as a result of the habitat creation set out above.

- **Delivery of 10% Biodiversity Net Gain:** the Applicant has committed to the delivery of 10% biodiversity net gain and secured this through a Unilateral Undertaking submitted at Deadline 7 (see **Application Document 9.151.1**).
- **Benhall Bridge:** the Applicant has also offered to deliver improvements to the Benhall Railway Bridge, owned by the local highway authority, as part of the project. This would bring the bridge back up to standard and provide funding for a repair that the Applicant understands is not currently budgeted for locally. In addition to delivering direct improvement to the highway network, this would also reduce the impact of any future closures associated with bringing large vehicles over the bridge, particularly those associated with the LionLink project. The Applicant has committed to delivering this provided that the repairs can be completed in a reasonable timeframe given that works are dependent on processes undertaken by both SCC and Network Rail.
- **Creation of new paths for walkers:**
 - Creation of a 1.2km new permissive path from the B1121 to the Saxmundham Converter Station site. South of Saxmundham there are currently no PRoW that cross the Fromus Valley from west to east and this path would be highly beneficial to support the South Saxmundham Garden Neighbourhood proposed by East Suffolk Council (see Figure 3.1 below).
 - Creation of additional permissive access routes around the landscaping at Saxmundham Converter Station site.

3. Mitigation Hierarchy and Residual Effects

3.1 Introduction

3.1.1 There have been significant discussions during the course of the Examination on the application of the mitigation hierarchy. The Examining Authority's third written questions included a question 3GEN1, which stated:

'Paragraph 4.2.4 of National Policy Statement (NPS) EN-1 (published November 2023) sets out the Government's conclusion that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Paragraph 4.2.7 goes on to explain that the CNP policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. Paragraph 4.2.11 says that applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated and 4.2.12 says that applicants should set out how residual impacts will be compensated for as far as possible. For clarity and the avoidance of doubt, for each topic area the applicants are requested to set out (including any relevant cross-referencing to relevant documents) how they have met the test in paragraph 4.2.11 of NPS EN-1 that applicants must apply the mitigation hierarchy and demonstrate that it has been applied.'

3.1.2 The Applicant's full response to 3GEN1 is provided in Application Document 9.136.1 Applicant's Responses to Third Written Questions Appendices [REP6-112]. This response included a robust explanation of how the mitigation hierarchy had been applied in full, and a table detailing every residual significant effect and how the mitigation hierarchy had been applied appropriately to that residual effect. Given the importance of this issue to the decision-making framework in policy, the Applicant's position is also set out here.

3.1.3 At Issue Specific Hearing 3 the Examining Authority explained in respect of 3GEN1 that further evidence was required to demonstrate that all residual effects had been addressed and therefore, that the project could be considered as a Critical National Priority project. In response to a query from the Applicant, the Examining Authority clarified the following day that their concern was around cumulative effects.

3.2 Overview of compliance with the mitigation hierarchy

3.2.1 There has been full compliance with policy on the mitigation hierarchy in the development of the Proposed Project and this was evidenced robustly in the Application for the project. The Applicant was surprised by question 3GEN1 on this given the material submitted and the limited residual effects.

3.2.2 The mitigation hierarchy has been applied throughout the siting, design and development of the Proposed Project, as demonstrated in the Environmental Statement (ES). The residual effects reported in the ES and subsequent submissions are those that could not reasonably be avoided, reduced or further mitigated, consistent with NPS EN1 paragraphs. 4.2.11 and 4.2.12. The application of the mitigation hierarchy has led to positive outcomes and limited residual adverse effects for a major infrastructure project, particularly one of this scale and substantial benefits. The remaining residual

effects are acceptable without further mitigation or compensation; further measures are not proportionate or effective and are not reasonably required.

- 3.2.3 Policy on the mitigation hierarchy does not require all adverse effects to be avoided. Nor does policy mean that, if impacts cannot be fully mitigated, some form of compensation must be provided. National policy expressly recognises that nationally significant energy infrastructure projects such as the Proposed Project will give rise to significant residual adverse impacts.
- 3.2.4 Appendix Tables A.2 - A.5 in [REP6-112] sets out the residual likely significant effects identified in the ES and subsequent submissions, by geographic area and topic, and explains in further detail how the mitigation hierarchy has been applied.
- 3.2.5 There was a particular focus by the Examining Authority on the mitigation hierarchy in the context of cumulative effects. The Applicant has carefully and fully applied the mitigation hierarchy in respect of cumulative effects also, as explained in detail in the Inter-project and Intra-project Cumulative Effects sections of Appendix Table A.2 and Table A.3 of [REP6-112] (see pages A.27 - A.57 and A.72 - A.78). That material also needs to be read in the context of the discussion of cumulative effects later in this closing submission, including the explanation of the Project's limited scale (and hence limited contribution to any cumulative effects) relative to other consented projects in the area.
- 3.2.6 The following sections provide more detail on the mitigation hierarchy and the Proposed Project as a whole.

3.3 The EIA Regulations and the Mitigation Hierarchy

- 3.3.1 The term 'mitigation hierarchy' does not appear in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations"). However, the EIA Regulations impose legal obligations in respect of the assessment of environmental impacts which include provision about consideration of mitigation. The ES must include:
- 'A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.'* (Sch. 4, para. 7; see also reg. 14(2)(d)).
- 3.3.2 The reference to "avoid, prevent, reduce or, if possible, offset" corresponds with how policy formulates the mitigation hierarchy (i.e. avoid, reduce, mitigate, compensate).
- 3.3.3 This legal requirement in the EIA Regulations to describe mitigation measures applies to significant adverse effects. It is not expressed as applying to non-significant effects.

3.4 Policy

General

- 3.4.1 Policy on CNP projects and the mitigation hierarchy in NPS EN-1 must be read in the context of, and consistently with, NPS EN-1 as a whole. Two other aspects of policy in NPS EN-1 are particularly important in this respect.

- 3.4.2 First, NPS EN-1 expressly recognises that nationally significant energy infrastructure projects such as the Proposed Project will give rise to significant residual adverse impacts:
- ‘3.1.2 However, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. These effects will be minimised by the application of policy set out in Parts 4 and 5 of this NPS. See also Part 2 of each technology specific NPS.’*
- 3.4.3 This recognition is also found in sections of NPS EN-1 dealing with specific impacts. Section 5.10 on Landscape and Visual repeatedly recognises this point:
- ‘5.10.5 Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation... 5.10.13 All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites... 5.10.35 The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.’*
- 3.4.4 The policy obligation to apply the mitigation hierarchy must be read alongside this recognition that significant residual adverse impacts may remain. It is not the case that all significant residual adverse impacts must be avoided.
- 3.4.5 Second, NPS EN-1 explains that when it uses the term ‘effects’ and ‘impacts’ in relation to environmental matters, it is referring to likely significant effects and likely significant impacts. Paragraph 4.3.8 provides (emphasis added):
- ‘4.3.8 In this NPS and the technology specific NPSs, when used in relation to environmental matters the terms ‘effects’, ‘impacts’ or ‘benefits’ should be understood to mean **likely significant** effects, **likely significant** impacts, or **likely significant** benefits.’*
- 3.4.6 This approach to ‘effects’ is consistent with the approach in the EIA Regulations, which are concerned with significant effects (as set out above).

Mitigation Hierarchy

- 3.4.7 The mitigation hierarchy is defined in the Glossary of NPS EN-1 as follows:
- ‘Mitigation hierarchy A term to incorporate the avoid, reduce, mitigate, compensate process that applicants need to go through to protect the environment and biodiversity’.*
- 3.4.8 CNP policy requires compliance with the mitigation hierarchy in the following terms:
- ‘4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.*
- 4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.’*

- 3.4.9 This policy obligation to comply with the mitigation hierarchy needs to be read in context of the explanation in NPS EN-1 that when it refers to ‘effects’ or ‘impacts’, it means likely significant effect or likely significant impacts (NPS EN-1 para. 4.3.8 set out above).
- 3.4.10 Accordingly, the policy obligation in para. 4.2.11 that ‘*Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated*’ is to be understood as referring to any significant residual impacts.
- 3.4.11 This approach to the mitigation hierarchy is further reinforced by policy on the mitigation hierarchy in para. 4.3.4 and the express reference therein to ‘significant’ effects (emphasis added):
- ‘4.3.4 To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being.’*
- 3.4.12 This is not to say that non-significant effects are immaterial to the ExA’s and Secretary of State’s consideration of the application, but rather that what policy requires is for an applicant to show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for.

Compensation

- 3.4.13 Compensation is included in the mitigation hierarchy (see NPS EN-1 Glossary definition set out above). However, it is dealt with separately within the hierarchy. NPS EN-1 para. 4.2.11 provides that: ‘*Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated*’. Paragraph 4.2.12 then goes on to say ‘*Applicants should set out how residual impacts will be compensated for as far as possible*’. Accordingly, compensation is both separated out from the rest of the hierarchy and qualified by the words ‘*as far as possible*’.
- 3.4.14 Likewise, the EIA Regulations state: ‘*avoid, prevent, reduce or, if possible, offset any identified significant adverse effects*’ (Sch. 4, para. 7 set out above).
- 3.4.15 It is important to recognise the reasons for the different treatment of compensation.
- 3.4.16 First, compensation cannot remove or reduce adverse effects. In this respect it is different from the other three elements of the hierarchy (avoid, reduce, mitigate). If compensation is provided, the adverse effect will still exist⁶, but there may be a countervailing benefit elsewhere.
- 3.4.17 Second, policy in NPS EN-1 recognises that the scope for compensation will vary depending on the type of impact. In respect of biodiversity impacts, for example, NPS EN-1 discusses compensation at length (see section 5.4 Biodiversity and Geological Conservation). Compensation may be appropriate in respect of biodiversity because impacts can be quantified and like-for-like or better outcomes secured. Accordingly, policy recognises that there may be scope to compensate for loss or deterioration of habitats by compensatory habitat creation (paras. 5.4.44, 5.4.53).

⁶ As now recognised in the 2025 version of NPS EN-1 at para. 4.2.25: “Compensation, by definition, does not reduce an adverse effect resulting from a development”

3.4.18 Many other effects addressed by NPS EN-1, however, such as traffic and transport, air quality and noise, are inherently location-specific, exposure-based or temporary, and are addressed through mitigation and management rather than compensation. For these impact types, compensation would neither address the actual effect experienced by receptors (e.g. there is no meaningful way by which a traffic impact experienced by local receptors could be ‘compensated for’ at another location) nor align with NPS EN1’s policy framework, which does not envisage offsetting such effects elsewhere. Accordingly, in respect of these other impacts, policy in NPS EN-1 makes little or no reference to compensation. Relevantly to the present case, the Landscape and Visual section of NPS EN-1 (section 5.10) does not refer to compensation. See for example (emphasis added):

‘5.10.6 Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. ... 5.10.37 The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.’

3.4.19 These points in respect of compensation were correctly recognised in the Examining Authority’s Report for the Bramford to Twinstead Reinforcement DCO⁷ (emphasis added):

‘3.9.196. Some early confusion over the Applicant’s use of the mitigation hierarchy and whether more compensation should be provided was largely clarified during the Examination. The ExA understands the local authorities’ concerns that some of the impacts of the Proposed Development on landscape and views cannot be fully mitigated but does not concur that this should automatically mean that some form of compensation must be provided.

3.9.197. It agrees with the Applicant that compensation is not treated in the same way as the other three elements of the hierarchy in planning policy terms, and that compensation does not reduce or overcome an adverse effect in terms of the EIA. The ExA does not believe that a compensation scheme of the sort promoted by the local authorities and the Partnership would be a proportionate response to the residual effects in this case, and notes that the Proposed Development in itself will bring some significant benefits to the landscape and views and that the Applicant is said to be discussing community benefits with the host local authorities outside the DCO process and ExA consideration.’

3.4.20 In Issue Specific Hearing 3 for the Proposed Project, Interested Parties emphasised the words ‘*compensated for as far as possible*’ in NPS EN-1 para. 4.2.12. As the ExA in the Bramford to Twinstead scheme correctly recognised, that policy wording does not mean that if impacts cannot be fully mitigated some form of compensation must be provided. It needs to be asked whether any compensation would “*be a proportionate response to the residual effects*” (see Examining Authority’s Recommendation report on Bramford to Twinstead, June 2024, paragraph 3.9.197).

Enhancement

⁷ See Recommendation Report available here: <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020002-001913-BTTR%20-%20ExA%20Recommendation%20Report.pdf>

3.4.21 Policy in NPS EN-1 distinguishes between the components of the mitigation hierarchy and enhancement. Paragraph 4.6.1 draws this distinction expressly (emphasis added):

*'4.6.1 Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also **consider** whether there are opportunities for enhancements.'*

3.4.22 Policy gives examples of enhancement (e.g. para. 4.6.13: "landscape enhancement ... increased access to natural greenspace ... the enhancement, expansion or provision of trees and woodlands"). Enhancements being delivered as part of the Proposed Project are set out in section 2.4 above. However, policy in respect of the mitigation hierarchy does not require developers to provide enhancement.

3.5 Compliance with Law and Policy on the Mitigation Hierarchy

3.5.1 The ES satisfies the requirements of the EIA Regulations, including in respect of consideration of measures to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects.

3.5.2 The Proposed Project meets the requirements of policy on the mitigation hierarchy in NPS EN-1. The mitigation hierarchy has been applied throughout design and development of the Proposed Project, as demonstrated in the ES. The Applicant has sought to:

- avoid impacts through routeing, siting, HDD/trenchless design choices and design refinement (these are generally referred to as 'embedded measures' within the ES);
- reduce impacts through construction methods, micro-siting, temporal and seasonal controls and working areas restrictions;
- mitigate remaining impacts through additional mitigation measures including those identified within the REAC and other control documents such as outline plans; and
- where appropriate, provide compensation or enhancement measures.

3.5.3 The principal securing mechanisms are the draft DCO, the REAC, the onshore and offshore CEMPs, the topic-specific management plans, and the DML conditions for offshore works.

3.5.4 The residual effects reports in the ES and subsequent submissions are those that could not reasonably be avoided, reduced or further mitigated, consistent with NPS EN-1 paragraphs 4.2.11 and 4.2.12.

3.5.5 The Applicant's approach to mitigation is explained in ES Part 1 Chapter 5 EIA Approach and Methodology paragraphs 5.4.4 – 5.4.7 [APP-046]. Mitigation measures to avoid, prevent, reduce or offset likely significant effects are identified within the Proposed Project Design and Embedded Mitigation section and the Additional Mitigation and Enhancement Measures section of each ES topic chapter as relevant. The remaining residual effects can be considered as part of the planning balance, in accordance with NPS EN-1 paragraph 4.1.5.

3.5.6 Compensation measures that the Applicant has agreed to provide include:

- New permissive paths which will provide enhanced connectivity in the local network of PRow as well as enhancement to visual amenity for users (these are part compensation, part enhancement);

- Management of 12 ha of arable land in for ground nesting farmland birds, particularly skylark, maintained favourably for the lifetime of the Proposed Project in Kent (REAC measure B40);
- Management of a 10 ha area of farmland favourably for farmland birds and for non-breeding golden plover in Kent (REAC measure B54);
- Creation in Suffolk of 21 ha of woodland, 6.9 ha of species rich neutral grassland, 1.5 ha of native hedgerow and 0.8ha of balancing pond around the Saxmundham Converter Station and Friston Substation, which is much greater than the combined temporary and permanent losses of woodland, grassland and wetland habitats;
- Creation in Kent of 6.5 ha of woodland, 5 ha of species rich neutral grassland, 1 km of native hedgerow and 2 ha of balancing pond around the Minster Converter Station and Substation, which is much greater than the combined temporary and permanent losses of woodland, grassland and wetland habitats; and
- Acid grassland enhancement measures (REAC measure B28).

3.5.7 The residual effects are acceptable without further mitigation or compensation. Further mitigation or compensation has been considered but would not be proportionate or effective and is not reasonably required. In respect of certain matters raised by SCC:

- In relation to landscape ‘offsetting’ sought by SCC, landscape enhancements incorporating additional planting on the Saxmundham Converter Station site and along field boundaries remote from the site would not have any additional mitigatory effect and therefore do not address the landscape and visual residual impacts of the Proposed Project and would not be meaningful ‘compensation’ (see the Applicant’s response to 3LVIA4 in [REP6-112]).
- In respect of a new permanent PRoW along the B1119 suggested by SCC, this would represent an enhancement measure. As explained in [REP5-125] at p.5-6, there is both spatial and temporal separation between the only significantly affected PRoW during construction (Bridleway 491/010/0) and the proposed permanent PRoW along the B1119 requested by SCC. Provision of a permanent new PRoW to address the impacts of a short diversion, that would be in place for two 4 week periods, is simply not proportional to the impact. The Applicant is providing a 1.2 km permissive path at the Saxmundham Converter Station site as a significant enhancement.
- SCC has also suggested that a Section 106 agreement could be entered into that would provide compensatory funding to address the negative impacts upon the perception of the visitors to the area. However, no significant effects on tourism assets resulting from the Suffolk Onshore Scheme have been identified, as set out in **Application Document 6.2.2.10 Part 2 Suffolk Chapter 10 Socio-Economics, Recreation and Tourism [APP-057]**. Therefore, it is the Applicant’s view that no mitigation or compensation is required.

3.5.8 More generally on compensation of cumulative effects, it needs to be recognised that intra-project cumulative effects can be difficult to mitigate fully where the effect arises from multiple separate sources, and that compensation may also be unavailable and / or disproportionate if it is to be related to the effect and the receptor experiencing it. On inter-project cumulative effects, it also needs to be recognised that where the majority of the cumulative effect arises from another project(s) over which the Applicant has no control, it may well be disproportionate to require the Applicant to provide mitigation or compensation for those effects which are principally caused by other projects (which

projects, if consented, have necessarily been found to be acceptable in planning terms). That is particularly the case given the multiple NSIPs coming forward in the East Suffolk area, including the very large Sizewell C project.

- 3.5.9 National policy expressly recognises that virtually all large infrastructure projects will have significant adverse effects. In respect of the Proposed Project, it is notable that in the context of a major infrastructure project the residual adverse effects are limited. The proper application of the mitigation hierarchy has led to this positive outcome.

4. Topics of Focus at Examination

4.1 Introduction

- 4.1.1 Given the extensive nature of documentation submitted, this chapter aims to consolidate the Applicant's position on key issues and provide signposting for the Examining Authority, Secretary of State and Interested Parties to find additional information on select topics should it be required.

4.2 Coordination and Inter-Project Cumulative Effects

Overall Approach to Coordination

- 4.2.1 The Proposed Project is located in an area where numerous other infrastructure projects are constructed or proposed, including in Suffolk, Kent and in the offshore environment. This is not a coincidence of course; the need to reinforce the network is partially driven by the construction of numerous new generation and interconnection projects, including the generation from the Sizewell Generation Group in Suffolk and interconnection in Kent. The proposal to locate a new transmission project in an area with significant new generation and interconnection is both logical and necessary.
- 4.2.2 Where a number of large projects are proposed, it is important to coordinate closely with other developers to reduce the potential for cumulative effects and identify opportunities to deliver cumulative benefits. The Applicant has worked extensively with other developers to coordinate and work together to reduce the impact of projects on communities and the environment. In Suffolk, where there is a particular concentration of new projects, the Applicant has worked with local authorities, with local authorities being involved in optioneering and site selection since the project was first conceived in 2020/2021. The Applicant's overall approach to coordination is provided in **Application Document 7.10 Coordination Document**.
- 4.2.3 During the Examination, Interested Parties and local authorities in Suffolk attempted to portray the Applicant as having not worked collaboratively with other developers or having taken a less robust approach than other developers. This is wholly inaccurate and somewhat surprising given that local authorities have been involved in joint meetings between the parties for many years, and indeed were involved in the identification of the Saxmundham Converter Station site as a preferred coordinated site.
- 4.2.4 It is noted that similar accusations were made of developers during the application processes for Sizewell C, EA1N, EA2 and during statutory consultation on LionLink, so this appears to be a general criticism levelled at Applicants in Suffolk rather than necessarily specific to the Proposed Project. It is noted that whilst other developers were portrayed during the Sea Link Examination as having strong and robust approaches, these sentiments were not expressed during the consultation periods or Examination for the other projects.
- 4.2.5 Given a lot of airtime throughout the Examination was given to cumulative effects with Sizewell C, EA1N, EA2 and LionLink, each of these projects is explored in more detail below.

Sizewell C

- 4.2.6 The impact of Sizewell C on local residents is a subject that has been consistently raised in representations and in open floor hearings throughout the Proposed Project Examination. Interested Parties spoke emotively about the impact of Sizewell C and used these impacts to suggest that cumulative impacts of the Proposed Project alongside Sizewell C must be more significant than articulated.
- 4.2.7 The Proposed Project interacts with the area in which Sizewell C's construction is taking place and interacts with the traffic and works in the surrounding Suffolk area. From the outset of the development of the Proposed Project, the Applicant has been live to the potential for likely significant cumulative effects in combination with Sizewell C.
- 4.2.8 However, whilst the Applicant empathises with Interested Parties who are affected by Sizewell C, it does not follow that there will necessarily be significant adverse cumulative effects, particularly given the physical separation between Sizewell C and the above ground elements of the Proposed Project.
- 4.2.9 The Proposed Project predominantly involves the installation of an undersea and underground cable. This is not comparable to the construction and/or operation of a nuclear power station. The gap in nature and scale between the two projects is readily apparent in their respective statistics and effects:
- Sizewell C is expected to have a peak construction workforce of 7,900 (of which 5,884 workers will be non-home based). The Suffolk Onshore Scheme will have a peak construction workforce of 327 (of which 229 will be non-home based), i.e. around 4% that of Sizewell C.
 - The peak daily vehicles for the Suffolk Onshore Scheme would be 319 vehicles compared to 2,600 for Sizewell C. Further, unlike Sizewell C, the peak vehicles for the Suffolk Onshore Scheme would only be experienced for a very short period of time; although the peak day is estimated to have 319 vehicles; the average number of daily vehicles during the peak year would be 172 vehicles.
 - Sizewell C construction phase spans 2024-2037 (14 years inclusive). The Proposed Project is predicted to be constructed between 2027-2031 (5 years inclusive).
 - Sizewell C involves substantially different works, e.g. significant off-site highways works and the introduction of night trains and, accordingly, produces effects that will not arise as a consequence of the Proposed Project.
 - Following the construction period, the projects are not comparable. After a short time, it will not be possible to ascertain the location of the underground and undersea cables associated with the Proposed Project. The operational effects of the converter station and substation are limited and localised in nature; reducing over time as landscaping matures. The traffic associated with the project will be limited to a very small number of movements. This does not compare to the operational effects of a new nuclear power station.
- 4.2.10 Because these are fundamentally different projects, there is no basis to infer that the Proposed Project would simply compound the range of impacts from Sizewell C. A project of Sizewell C's scale inevitably generates significant background activity, but the effects should not be wrongly attributed to the Proposed Project. Nevertheless, broad allegations have been made, often with an emphasis on adverse impacts on traffic, tourism, and well-being.

- 4.2.11 The Applicant's assessment, which properly considered the potential cumulative effects in combination with Sizewell C, based on a structured methodology, is robust and to be preferred (see **Application Document 6.2.2.13 Part 2 Suffolk Chapter 13 Suffolk Onshore Scheme Inter Project Cumulative Effects [APP-060]** and **Application Document 6.2.4.11 (B) Part 4 Marine Chapter 11 Inter Project Cumulative Effects [REP1A-011]**). So far as relevant, it is concluded that the only potential significant cumulative effects arising from the Proposed Project alongside Sizewell C are in relation to landscape and visual harm, namely temporary effects on the Suffolk Coast and Heaths AONB. These effects are temporary and are offset in the interim by the provision of offsite acid grassland improvements.
- 4.2.12 The Applicant has positively and proactively engaged with Sizewell C to explore coordination opportunities, e.g. the potential use of the Sizewell Link Road was considered as part of a back check for the access into the Saxmundham converter station site, along with sharing construction facilities and offsite infrastructure. Further information is provided in **Application Document 7.10 Coordination Document [APP-363]**.

East Anglia One North, East Anglia Two and Friston Substation

- 4.2.13 In Suffolk, the National Grid substation that forms part of the Proposed Project (at Kiln Lane, Friston) already benefits from consent as part of EA1N and EA2. This represents an example of infrastructure sharing, a positive outcome of a well coordinated strategy. Coordination has been happening between SPR and the Applicant for many years regarding colocation of assets, design and environmental mitigation to reduce the cumulative impact of the projects.
- 4.2.14 If Friston Substation is constructed under the EA2 DCO, as expected, the works at the Friston site carried out under the Proposed Project's DCO would be minor, mostly comprising the installation of underground cables and works required within the substation to facilitate the connection. It is expected and intended that Friston Substation would be constructed under those DCOs and not under the Sea Link DCO.
- 4.2.15 Friston Substation would be designed, constructed and operated by the Applicant under all scenarios. However, the Applicant was not the applicant for EA1N and EA2 and does not currently benefit from the consents or land rights required to develop Friston Substation granted under the SPR DCOs. Whilst the Applicant has been working closely with SPR on the design and management plans for the site, the Applicant is also not in control of the process to discharge requirements on the SPR DCOs in terms of content or programme. There is also a requirement on the EA1N and EA2 DCOs (requirement 43) that specifies that works on Friston Substation cannot be commenced until the offshore works associated with the wind farms have commenced or the undertaker has submitted evidence to the Secretary of State to commence.
- 4.2.16 For all the above reasons, if SPR decided not to construct the wind farms for any reason, or the programme was delayed, the Applicant would have no ability to construct or complete Friston Substation. Given that the Proposed Project cannot operate without the Friston Substation (the project would have no connection into the transmission network in Suffolk without it), it is necessary to include the substation in the DCO for the Proposed Project. This has been made clear throughout the Pre-Examination and Examination period but has not necessarily been well understood by all parties.
- 4.2.17 The Applicant has committed to mirroring the key parameters for the substation as consented in the SPR DCOs, this includes the horizontal limits of deviation (see Works

Plans [REP4-006]), the vertical limit of deviation for the substation and the footprint for the substation (see Article 5 in the draft DCO, **Application Document 3.1**). The impacts of Friston Substation must be assessed as part of the Proposed Project, in the context of the need, environmental impacts, proposed controls and proposed mitigation for the Sea Link project. These are all different to the need, impacts and controls for the offshore wind farms. However, it is noteworthy that the environmental impacts of a substation of the same dimensions in the same location have already been assessed and considered to be acceptable during the decision making process in both previous applications and the additional impacts associated with underground cable connections in this location are very limited.

4.2.18 There has been significant pressure from Interested Parties and the Examining Authority for there to be further alignment between the SPR applications and the Proposed Project in ways the Applicant considers to be unnecessary and inappropriate. Where possible, the Applicant has nevertheless accepted requests for alignment to reassure Interested Parties and reduce complexity for all parties. However, some requests could not be accepted because:

- **they directly conflict with the Proposed Project:** for example, the Applicant could not align the landscaping scheme with the detailed one developed by SPR because SPR has proposed tree planting over the location of the cables (see [REP3-070] Appendix D). It is important to note that the outline design secured by the SPR DCO would allow the Proposed Project cables through, and the minor adjustment necessary to the detailed SPR landscaping necessary to facilitate this will be achieved via requirement 40 of the SPR DCOs (an approach directed by ESC).
- **they require adherence to plans or documents over which the Applicant has no control:** for example the Examining Authority suggested a change to the draft DCO for the Proposed Project that would require alignment with documents submitted to discharge requirements on the EA1N and EA2 projects [see PD-024]; the Applicant has explained why this is not appropriate in the previous response to 3GEN11 [REP6-111]).
- **where a different mechanism has been proposed to achieve the same outcome:** for example the Proposed Project has proposed planting in a slightly different location and cannot adopt the SPR location as it is outside the Proposed Project's Order limits; or
- **where it is inappropriate because it applies to aspects of the development or impacts associated with the EA1N/ EA2 projects but not the Proposed Project:** for example, during Examination SCC requested controls over the cable sealing end compounds (these were included in the EA1N and EA2 applications but not in the Proposed Project) and the adoption of cumulative noise limits that were designed to apply to the two windfarm substations.

4.2.19 Notwithstanding the fact that complete alignment is not possible, the Applicant has been working closely with SPR and National Grid Ventures (see below) to develop solutions to mitigate cumulative effects where the three projects interact at Friston Substation. This has included developing cable alignments early so that the Applicant can commit to not affecting areas of planting necessary to mitigate effects; working on the drainage design to minimise interactions, committing to measures that limit the impact on Public Rights of Way at the site and developing holistic design solutions.

LionLink and Saxmundham Converter Station

- 4.2.20 The Saxmundham Converter Station site was selected on the basis that it could also accommodate the converter station for the LionLink project being developed by NGV. This key principle of collocating converter stations was driven by requests from ESC and SCC, who considered that cumulative impacts would be minimised through selecting a site that could accommodate both projects and, in the earlier stages, a third converter station proposed as part of the Nautilus project. The Applicant agreed with and adopted this approach.
- 4.2.21 SCC and ESC were fully involved in the site selection process for the Saxmundham Converter Station site. The Nautilus project has since evolved so will not require a converter station in the Saxmundham area, but the LionLink project progressed to statutory consultation in January 2026 identifying the Saxmundham Converter Station site as the location for their converter station. This demonstrates the length of time the parties have been working closely together to minimise cumulative impacts, and how embedded coordination is in the optioneering and design of the Proposed Project.
- 4.2.22 Alongside working with NGV on the alignment of cables at the Friston site, the two parties have also been working together on the design of the Saxmundham site, including regular meetings and joint working on how the converter stations will align and develop a holistic design for the site. The LionLink project is still evolving, so it is not possible for a joint plan for the site to be finalised at this stage, but the framework for the site has been considered since the early stage of the Proposed Project.
- 4.2.23 Further information on the coordination between the Applicant, NGV and SPR is provided in **Application Document 7.10 Coordination Document [APP-363]**.

Inter Project Cumulative Effects

Methodology

- 4.2.24 The Applicant's approach to the Cumulative Effects Assessment (CEA) process is based on a structured methodology that distinguishes between inter-project effects (combined impacts with other developments) and intra-project effects (combined impacts of different types from the same project on a single receptor, see below). The methodology adopted follows The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Planning Inspectorate's (PINS) guidance (Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment).
- 4.2.25 The Applicant has followed the four-stage process for inter-project cumulative assessment as prescribed by the PINS guidance:
- Stage 1: Establishing the Zone of Influence (ZOI) and Long List: A 20 km ZOI was established (based on doubling the largest topic-specific study area, which was 10 km for ecology) to identify an initial "long list" of other existing or approved developments.
 - Stage 2: Shortlisting: Developments were screened from the long list into a "short list" based on their temporal scope (overlap in construction/operation), scale, nature, and potential for significant interactions.
 - Stage 3: Information Gathering: The Applicant gathered additional details on the shortlisted projects, including design, programme, and reported environmental effects.

- Stage 4: Technical Assessment: Technical specialists assessed the potential for significant cumulative effects based on the gathered information, using the same significance criteria applied in the individual topic chapters of the Environmental Statement.

4.2.26 Following PINS guidance, the Applicant assigned "certainty" to other developments using a three-tier system (noting that certainty relates to the certainty of project information, not certainty that the project will happen):

- Tier 1: Projects under construction, permitted, or submitted for determination.
- Tier 2: Projects on the PINS programme of projects with a scoping report submitted.
- Tier 3: Projects registered with PINS, but with no scoping report or other development identified in development plans or other programs where development is "reasonably likely" but less detail is available.

Challenges of the Assessment

4.2.27 Throughout the Examination, requests have been made for the Applicant to undertake further inter-project cumulative effects assessments of speculative projects, such as the Aberdeenshire to Richborough link, Helios, and Kulizumboo, for which no information is available and which do not meet the criteria for a meaningful assessment. Whilst the Applicant understands concerns about future impacts, the Applicant is not able to assess impacts where insufficient information is available to do so; and to attempt a speculative assessment would not be in line the PINS guidance.

4.2.28 Where project information has been available for the other existing or approved developments, this has largely been extracted from Environmental Statements. The Applicant has been challenged for assuming that the legally binding mitigation committed to by the developers of other existing or approved developments will be put in place and will be effective. However, this is a plainly reasonable approach and is supported by the PINS guidance. The alternative would be to assume that all unmitigated effects (if reported in the Environmental Statements – they often are not because the measures are legally binding so can be relied upon) are going to happen, which would, of course, not be a reasonable worst case to assess.

4.2.29 Inter-project cumulative effects assessment also does not mean undertaking EIA from scratch on behalf of other developments, either to re-test their findings (e.g. to reassess Sizewell C on the basis of more recent data on their traffic numbers) or to provide assessment outputs that the projects themselves have not yet provided. A particular example of the latter was during the Pre-Examination period the Applicant was asked by the Examining Authority to produce cumulative photomontages showing the Proposed Project from 12 different viewpoints alongside the LionLink Converter Station (see Section 89(3) letter issued on 8 July 2025 [PD-005], with a response requested by 24 July 2025). Given that LionLink had not produced a model showing the size and location of their converter station, had not produced photomontages and did not start statutory consultation until January 2026, the Applicant had no ability to produce such documents. This request would require the Applicant to effectively design another developer's converter station and produce a visualisation of it alongside the one for the Proposed Project; which would not be appropriate or helpful to understand cumulative effects (given it would be speculative and potentially misleading). The Applicant responded to this request in [AS-061] explaining this point, but this was not accepted and the Applicant was further pushed to produce visualisations showing the physical extent of LionLink in later submissions to attempt to address the point.

- 4.2.30 The inter-project cumulative effects assessment concludes that the significant adverse cumulative effects of the Proposed Project are limited. In particular, no significant cumulative effects were identified associated with traffic, tourism or health and wellbeing, although these topics were frequently discussed by Interested Parties as topics where cumulative effects will occur. On all three topics, some Interested Parties appear to be of the view that there simply must be significant effects, without having undertaken any form of counter assessment to demonstrate why or how they would occur. The Applicant remains of the view that the cumulative assessment is robust, and cumulative effects have been reduced in accordance with the mitigation hierarchy through significant collaboration and mitigation measures adopted by the Proposed Project.
- 4.2.31 During the Examination there were also requests that the Applicant agree to ‘mitigate’ or ‘compensate’ for cumulative effects, particularly through the provision of funds to local authorities to administer, for example through a tourism fund. These requests were levied despite the fact that significant cumulative effects on tourism were not predicted, and although in discussions it was acknowledged that if there were cumulative effects, they would mostly result from the construction of Sizewell C. It is plainly not appropriate for the Proposed Project to make financial contributions to mitigate the effects of other, much larger projects. The Applicant would emphasise that whilst there was significant speculation, there was also no robust evidence presented of adverse effects of Sizewell C on tourism.

Intra-Project Cumulative Effects Assessment

- 4.2.32 The Applicant’s approach to the intra-project cumulative assessment is based on a structured methodology but there is no guidance available for intra-project cumulative effects assessment. The Applicant undertook intra-project cumulative effects assessment to evaluate how multiple impacts (e.g., noise, traffic, and visual effects) may combine to affect a single receptor, such as a residential property or a Public Right of Way (PRoW) user.
- 4.2.33 The Applicant has confirmed on a number of occasions that this type of assessment is necessarily qualitative and relies largely on professional judgement. Several groups have challenged the approach to this assessment on the basis that it simply combines separate topics; however, this is precisely what intra-project cumulative effects assessment is – a combination of the individual topics (hence the other term used to describe the process – ‘combined assessment’). If this information were not considered, there would be no other information upon which to base the assessment and any attempt to identify effects would be entirely subjective and unsubstantiated.
- 4.2.34 It is inherent within this type of assessment that there will be uncertainties as to the assessment of effects, which calls for the exercise of professional judgement. Such uncertainty is not a failure in assessment and the criticisms made along such lines is misguided. Those challenging the Applicant’s approach to the process of intra-project cumulative effects assessment do not have proper regard to how such assessments are undertaken and have been undertaken in support of all previous DCO applications.
- 4.2.35 Further, in light of the inherent uncertainties in how combined effects may manifest, particularly for any individual receptor, the Applicant took a precautionary approach and initially reported several intra-project effects as significant. However, subsequent technical reviews have clarified that these effects may not be significant at all, but if they were, the effects would be likely to be moderate rather than major.

4.2.36 It is notable that, despite the criticisms levied at the Applicant's assessments for alleged want of sufficiency or certainty, no alternative assessment has been provided to the Examination. In circumstances where the Applicant has repeatedly justified its approach to its assessment, it seems that the criticisms from objectors are, in truth, merely a disagreement in opinion with the outcome reached. The Applicant considers its assessment to be robust and no error in its approach has been made out.

4.3 Design

4.3.1 National policy recognises that there may be limited flexibility in the design of infrastructure projects in general and electricity transmission infrastructure in particular (e.g. see NPS EN-1 paragraph 4.7.6. and NPS EN-5 paragraph 2.4.3). The majority of the project comprises undersea cabling and underground cables on land, so the design issues at the examination focused on the limited above-ground components.

4.3.2 The amount of time, effort and resource put into the design of the infrastructure that is part of the Sea Link project is greater than has been invested in any other National Grid DCO consented to date and is considered by the Applicant to present a best practice approach to early consideration of design for this type of infrastructure. Even objector groups commented positively about the design documents submitted by the Applicant at hearings.

4.3.3 The design framework before the Examining Authority is set out in the following primary documents: **Application Document 7.12.1 Design Principles — Suffolk, Application Document 7.12.2 Design Principles — Kent, Application Document 7.11.1 Design Approach Document — Suffolk and 7.11.2 Design Approach Document — Kent.** These documents were developed through numerous meetings with key stakeholders prior to submission of the Application, including involvement of an independent design review panel and driven by the project design champion.

4.3.4 The points of contention during the Examination were therefore not the content of the design documents or any issues with the design per se, but queries over whether more design information could be provided and the extent of control over the design that local planning authorities should have in the context of a project where the flexibility over the design was limited. The focus was on the above ground elements of the project, namely the substations, converter stations and Fromus bridge.

4.3.5 In terms of the substations, the Applicant submitted plans showing typical elevations and layouts of substations alongside the design documents above (see Application Document 2.13 Design and Layout Plans **[APP-037]**). The substation plans show that substations comprise a narrow building in the centre of the site of a maximum height of 16m in Suffolk and 20m in Kent; but with the majority of the substation comprising external equipment surrounding the building on both sides. The external equipment has a maximum height of 14m so is not significantly lower than the buildings and the building will only be seen in the context of and largely obscured by the equipment. There is no flexibility over the external appearance, layout, scale or materials associated with the external equipment and the whole compound needs to be surrounded by a fence of 2.4 m (either palisade or wire mesh) designed to a tight specification for safety and security reasons.

4.3.6 The substations are likely to be similar to the designs in the typical plans, but will need to be finalised during detailed design, which is largely an electrical engineering process. This means that in terms of the substations themselves, the only real influence a local authority can have is over the building, and even then there are limits given the scale

and function is fixed. Flexibility largely relates to the colour and materials of the cladding and, to a limited extent, the roofline. For this reason, the Applicant initially resisted local authority approval of the designs of substations within the perimeter fence because it would add an additional process to occur before construction, whilst being unlikely to significantly affect the final construction. This is important for a programme critical project. The Applicant has agreed to develop Friston Substation in alignment with details of design, such as cladding colour, that have been specified through the discharge of requirements on EA2. The Applicant also agreed that given the Minster Converter Station and Substation were part of a single site, that the building that is part of the Minster Substation would be subject to approval.

- 4.3.7 The largest converter station buildings are much larger than substation buildings, having a height of up to 28m in Kent or 26m in Suffolk. Other buildings on site will be of a lower height, and over half the converter station will still comprise external equipment, but because the building is larger than the equipment and occupies a larger proportion of the footprint, the design is more important than for substations. The Applicant has also agreed to local planning authorities approving the design of buildings, although as the scale and sequencing will be driven by the electrical design, again the design elements that can be influenced will predominantly be associated with the external appearance of the buildings, including the roofline to a limited extent.
- 4.3.8 The Examining Authority suggested in their Schedule of Changes to the draft DCO [**PD-024**] that all above ground elements in converter stations should be subject to approval rather than just buildings. The Applicant has resisted this change because this would then mean the Applicant cannot progress with programme critical aspects of construction such as the platform in Kent without agreement on details of, for example, building cladding (construction of buildings is much later in the programme). Widening the scope of approvals in this manner significantly increases programme risk, but would encompass aspects of the development over which local planning authorities would be able to exert no influence, such as the 'design' of the platform (which comprises groundworks) or external equipment such as busbars. This additional control is not necessary.
- 4.3.9 The Applicant has also agreed to a detailed design requirement for the Fromus Bridge because whilst there are engineering specifications and accepted a large number of comments on this requirements, particularly from ESC, SCC and the Environment Agency. These controls are considered reasonable given the location of the bridge within the landscape and scope for the design to make a difference to how it is experienced. The Fromus Bridge is very early in the construction programme, forming part of the access to Saxmundham Converter Station, so the Applicant is already planning discussions with SCC and ESC to work on the bridge design before a decision is made on the application to minimise the programme risk associated with the design approval.
- 4.3.10 The Applicant has also agreed to involve an independent design review panel in the formulation of all designs. All the above is set out in Requirement 3 of the draft DCO and the Applicant is of the view that these changes make significant concessions to concerns raised about the ability of parties to influence the design process.
- 4.3.11 Amendments made to the design requirements towards the end of Examination include:
- Amending requirement 3a such that it now refers to the full design of the buildings being approved by the local planning authority rather than only the external colour and finish of the buildings;

- Specifying that the design of the Fromus Bridge will now be approved by relevant planning authorities;
- Amending wording so that designs should be ‘substantially’ in accordance with Key Design Principles rather than in ‘general accordance’ with them;
- Committing to the provision of an Operational Lighting Management Plan to be approved by relevant planning authorities; and
- adding Dover District Council as a consultee for design details relating the Kent Converter and Substation.

4.3.12 Similarly, the Applicant has made a range of REAC commitments on design which reflect best practice.

4.3.13 Given the programme critical nature of the project, whilst the Applicant considers that it is critical that the project delivers good design and is fully committed to this aim, care should be taken to make sure that any additional approvals or controls over the design should meet the tests set out in NPS EN-1 paragraph 4.1.16 and do not inadvertently and unnecessarily delay delivery of a critical infrastructure project.

4.4 Air Quality

4.4.1 The air quality effects of the Proposed Project during the construction, operation and decommissioning phases have been assessed as not significant, as set out in Application Document 6.2.2.8 Part 2 Suffolk Chapter 8 Air Quality [APP-055] and Application Document 6.2.3.8 Part 3 Kent Chapter 8 Air Quality [APP-068]. Once constructed, the substations, converter stations and cable routes require only infrequent, small-scale maintenance, limited to inspections, testing and minor repairs, none of which generate meaningful dust or emissions. Any more substantial maintenance works would be rare and far smaller in scale and duration than construction, and therefore unlikely to give rise to significant air quality effects.

4.4.2 In response to Natural England’s advice provided at Deadline 3, the Applicant has demonstrated how the air quality assessments above comply with Natural England’s Standard Advice for Air Quality Impacts in Nationally Significant Infrastructure Projects, with regards to impacts on designated sites (Appendix A: Natural England Air Quality Technical Note in Application Document 9.86 (B) Applicant’s Comments on Other Submissions Received at Deadlines 3 and 3A [REP4-082]). This is with specific reference to construction dust emissions, Non-Road Mobile Machinery (NRMM) emissions, back-up generator emissions and emissions from construction and operational traffic.

4.4.3 A key discussion during Examination considered the impact of diesel-fuelled back up generators. Diesel-fuelled back-up generators proposed at the Minster Substation and Converter Station within the Kent Onshore Scheme have been re-assessed to determine the setback distance from Sandwich Bay to Hacklinge Marshes SSSI required to ensure effects would not be significant (Appendix B: Back-Up Generator Emissions Assessment Update in **Application Document 9.123.1 (B) Applicant’s Responses to Second Written Questions – Appendices [REP6-103]**). This re-assessment assumed that the generators would operate at least 100 m apart and determined that an offset of 100 m would be required – this is secured through measure AQ11 within **Application Document 9.84 Register of Environmental Actions and Commitments (REAC)**. There are no human or ecological receptors within 200 m of the Saxmundham Converter Station LoD or Friston Substation LoD, where the back-up

generators are proposed. As such, no equivalent measure is required for the Suffolk Onshore Scheme.

4.5 Ecology

- 4.5.1 The assessment of impacts on ecological receptors resulting from the Suffolk and Kent Onshore Schemes (**Application Document 6.2.2.2 (E) Part 2 Suffolk Chapter 2 Ecology and Biodiversity [REP6-018]** and **Application Document 6.2.3.2 (G) Part 3 Kent Chapter 2 Ecology and Biodiversity [REP6-025]**) has considered construction, operational and decommissioning phases including habitat loss, disturbance, collision risk (with the proposed new section of overhead line in Kent), as well as water and atmospheric pollution. It is concluded that there will be no significant adverse long-term residual effects on ecological and biodiversity receptors as a result of the Proposed Project. There would be a number of significant positive residual effects in the long-term for receptors such as bats, water voles and birds due to the habitat creation around the Saxmundham Converter Station and Friston Substation and the Minster Converter Station and Substation.
- 4.5.2 There has been a persistent challenge on whether trenchless techniques are viable in Pegwell Bay (though not in relation to the Suffolk landfall). These challenges have largely arisen due to concerns about the impacts of Nemo Link (an interconnector project delivered by NGV and installed using open cut trenching) on Pegwell Bay.
- 4.5.3 The use of trenchless techniques has been assessed as feasible as detailed in **Application Document 7.3 Design Development Report – Appendix A Landfall HDD Feasibility Technical Note [APP-321]**. There are no proposals in the Proposed Project DCO to allow open-cut trenching, even as a fall-back position, with the exception of the area required for the limited installation of the marine cable(s) from the Mean Low Water Springs (MLWS) to the trenchless crossing exit pits within the intertidal mudflats. This is different from Nemo Link which we understand included open trenching within its Marine Licence application. No alternative technique is capable of being used without a formal amendment to the Proposed Project DCO, with a new supporting environmental assessment and HRA. The Applicant can confirm that if trenchless landfall was theoretically not achievable (noting that this is not the case), the Proposed Project would therefore not be implementable, as it would not be legally possible to ‘fall back’ to a position of open trenching under the DCO as applied for.
- 4.5.4 There have been challenges around the amount of ecological survey undertaken to support the application. This was often due to a significant misunderstanding of the purpose of the surveys, which is not to cover every square inch of every field, but rather to generally characterise wildlife populations in an area and determine their overall value. In this respect, it is the Applicant’s view that survey coverage was absolutely fit for purpose and has enabled good characterisation of habitats and species likely to be affected by the Proposed Project. Survey proposals were shared with Natural England and the Councils early in the survey work, and agreed in thematic meetings, including numbers of seasons of survey. The assessment of the impacts from the Suffolk and Kent Onshore Schemes on ecology has been based on extensive ornithology survey (including two seasons of wintering bird survey, two seasons of breeding bird survey and 12 months of vantage point survey) and detailed surveys for dormouse, reptiles, fish, freshwater plants, riparian mammals, terrestrial and freshwater invertebrates, badgers, roosting and foraging/commuting bats and trees and hedgerows. It also includes specific consideration of impacts on locally, nationally and internationally important wildlife sites, including their role regarding the East Atlantic Flyway. There is

no requirement in law or guidance for multiple seasons of species surveys to be undertaken. It is standard practice for projects of all scales for a single season of surveys to be undertaken (particularly when most impacts are temporary) except for birds. The Applicant undertook over 1500 hours of surveys over a two-year period for both Suffolk and Kent Onshore Schemes.

4.6 Kent Onshore Scheme

4.6.1 Throughout the Examination, there have been persistent suggestions that the Kent Onshore Scheme is wrongly located and that avoidance of impacts was not considered, particularly in respect of the landfall at Pegwell Bay. These submissions ignore the robust and transparent options identification and selection processes undertaken by the Applicant to all its projects, set out in full in **Application Document 8.1 Corridor Preliminary Routeing and Substation Siting study (October 2022) [APP-368]**. In Kent, two network connection points, six landfall areas of search, seven broad cable route corridors, and two converter station site areas were appraised.

4.6.2 The sensitivity and ecological value of the relevant sites in Kent are readily acknowledged. These formed part of the Applicant's consideration of constraints and opportunities when deciding on the preferred option areas for the Proposed Project. Nonetheless, it was also necessary for the Applicant to account for other important criteria such as distance from connection point, traffic and access, physical environment etc. In determining the appropriate location for the elements of the Proposed Project, the Applicant also explored opportunities for co-location with existing infrastructure and/or other major infrastructure projects.

4.7 Offshore Ornithology

4.7.1 The Applicant has engaged heavily with Natural England in regard to Red Throated Diver in the Outer Thames Estuary (OTE) Special Protection Area (SPA) during pre-application submission and also during Examination. Due to the extent of this SPA across the Thames Estuary, the Proposed Project has been unable to avoid it in its entirety. The Applicant has, however, applied the mitigation hierarchy and applied a Seasonal Restriction to cable installation, routine operation and maintenance for works inside the OTE SPA. Additionally, the Applicant has developed the Red Throated Diver Protocol which lists the best practice requirements.

4.7.2 The Applicant has engaged with Natural England and other stakeholders and has agreed that the pre-lay grapnel run and all routine operational and maintenance works will be undertaken in accordance with seasonal restrictions in the interest of avoiding impacts on Red Throated Divers.

4.7.3 The Examining Authority raised queries during Issue Specific Hearing 3 emergency repair works and how these were to be approached in the context of Habitat Regulations Assessment (recognising that part of the cable route is located within the OTE SPA), and whether a Derogation Case might be required.

4.7.4 Emergency repair work however does not form part of the Proposed Project. The Applicant has further clarified its definition of emergency repair work, in order to make clear that this does not fall within the scope of routine operational and maintenance activity.

- 4.7.5 Unlike routine operational and maintenance repair work, an emergency may mean a serious, unexpected, often dangerous situation requiring a time-critical intervention. The scope of any damage or associated repair cannot be effectively anticipated in advance. An emergency is inherently unpredictable, is very improbable, and the Proposed Project is specifically designed to avoid such occurrences.
- 4.7.6 Notwithstanding that they do not form part of the Proposed Project, these scenarios would nonetheless be incapable of meaningful assessment for these reasons.
- 4.7.7 The position is further supported by the fact that such works are not being licensed by the Development Consent Order, not being licensable activities within the Deemed Marine Licence in the Schedule 16 to the Development Order (indeed offshore cable repairs are exempt from requiring a Marine License by reason of art. 34 (“Cables and pipelines – authorised emergency inspection and repair”) of the Marine Licensing (Exempted Activities) Order 2011.
- 4.7.8 This reflects the industry-wide position and advice received from Natural England and the Marine Management Organisation. This has been reflected in statutory advice received at Deadline 6 from relevant SNCBs which confirmed that a Derogation Case is not required at this stage with the appropriate mechanisms already appropriately secured within the Red Throated Diver Protocol.
- 4.7.9 The Applicant, National Grid Electricity Transmission, is a competent authority for the purposes of the Habitats Regulations by reason of being a statutory undertaker (reg. 7 of the Habitats Regulations). The Applicant is therefore itself subject to duties under the Habitats Regulations (including under reg. 9 and 63 of the Habitats Regulations). In the unlikely event that any exempt emergency works are ever needed and require an appropriate assessment under the Habitats Regulations, the obligation to assess would fall on the Applicant as competent authority at that future point in time. That would be the appropriate time for any assessment. The existence of these legislative duties further emphasises the absence of need for assessment now.

4.8 Benthic and Intertidal Ecology

- 4.8.1 The impacts of the Offshore Scheme on benthic ecology are presented in **Application Document 6.2.4.2 (F) Part 4 Marine Chapter 2 Benthic Ecology**, which concludes that there are no likely significant effects to benthic ecology as a result of the Proposed Project.
- 4.8.2 The Applicant has provided the information necessary to meet the requirements of the Habitats Regulations and the Marine and Coastal Access Act 2009 (MCAA) in respect of benthic receptors. This includes detailed, comprehensive and precautionary ecological assessments as set out in the updated Habitats Regulations Assessment and Marine Coastal Zone (MCZ) Assessment which identify, quantify and evaluate the potential impacts of the Proposed Project.
- 4.8.3 Routeing and siting of the Offshore Scheme has avoided designated sites for the protection of benthic features as far as practically possible, including the Goodwin Sands MCZ following statutory advice from Natural England pre-submission. The Applicant identified, through pre-application surveys, limited evidence of protected benthic habitats and concluded that there would be no significant impacts in EIA terms. Commitments have been made to avoid where possible, through micro siting, benthic habitats of principal importance (qualifying as Habitats Regulations Annex I habitats; Natural Environment and Rural Communities (NERC) Section 41 habitats and species)

that may be identified during pre-construction surveys. Specific monitoring, if required, following the 'as built' location of the Offshore Scheme in relation to sensitive habitats have been secured within the Deemed Marine Licence and also the Outline In Principle Monitoring Plan.

- 4.8.4 The Applicant has taken a proactive approach in its design to commit early on in the DCO process to Trenchless Techniques at both the Suffolk and Kent Landfalls to cross sensitive habitats in the intertidal such as the saltmarsh and further offshore such as the Coralline Crag. Throughout the Examination process, the Proposed Project has been compared to Nemo Link which became fully operational in 2019 and also made landfall in Pegwell Bay, Kent. The nature of works proposed in Pegwell Bay for Sea Link are very different in terms of their environmental impacts compared to the open cut trenching techniques used by Nemo Link to cross the Saltmarsh habitats which have been observed as causing long lasting effects.

4.9 Water Framework Directive

- 4.9.1 The interaction of the Proposed Project with main rivers is limited to the River Fromus, in Suffolk, which is crossed via a permanent access bridge, and the River Stour in Kent, which is crossed via a temporary bridge during construction.
- 4.9.2 The main concern expressed by the Environment Agency related to the soffit height of the Fromus bridge and its potential to impact riverfly species including mayflies. The scientific evidence for the Environment Agency's position was based on a single paper published in 2011, which was based on a single survey undertaken on 25 June 2009 of the giant mayfly (*Palingenia longicauda* – the largest mayfly species in Europe which is substantially bigger than any UK species) at one crossing of the river Tisza in Hungary. It should be noted that many, if not all, of the existing bridges on the Fromus are under 6 m in height, including a bridge less than 500 m upstream within the grounds of Hurts Hall that appears to be at grade. The Applicant is confident that the vegetation clearance occurring in this location will mean an increase in riverfly species is more likely than a decrease as a result of the project, regardless of the bridge.
- 4.9.3 Notwithstanding the above, the Applicant has agreed to a requirement that involves the monitoring of the impact of the bridge on riverfly species if constructed at height below that. The Applicant has always maintained the position that a bridge over the river with a soffit height of 4m would not adversely affect riverfly species but in order to reach agreement has agreed to the imposition of a clause in Requirement 3(3) to monitor the impact of the bridge on riverfly species if a bridge is constructed at a height before 6m and, in the highly unlikely event that there is an adverse effect occurs, a contingency fund will be delivered. The Applicant and the Environment Agency have agreed the wording of this requirement and that it will ensure compliance of the project with the Water Framework Directive.
- 4.9.4 It should be noted that the Proposed Project will deliver enhancement of an approximately 500 m stretch of the riparian corridor along the River Fromus from approximate grid reference TM 38806 62412 to TM 38825 61847 the River Fromus. The Applicant is confident this section of the river will be in a much better condition as a result of the Proposed Project, and may potentially improve its WFD status in the longer term.

4.10 Landscape: National landscapes

- 4.10.1 In both the Suffolk and Kent Onshore Schemes, the landscape and visual assessment (**Application Document 6.2.2.1 (B) Part 2 Suffolk Chapter 1 Landscape and Visual [REP4-023]** and **Application Document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual [APP-061]** indicates that the construction phase would result in significant adverse landscape and visual effects, especially due to large construction compounds, drilling rigs at landfalls, task lighting and security fencing and hoarding. However, these effects are temporary. At Year 15 of operation, following the maturation of mitigation planting, a small number of limited and localised significant adverse effects would remain as a result of both schemes. This aligns with the expectation that adverse landscape and visual effects may be minimised but cannot be entirely avoided in virtually all nationally significant energy infrastructure projects, as set out in paragraphs 5.10.5 and 5.10.13 of NPS EN-1.
- 4.10.2 The Suffolk Onshore Scheme lies partially within the Suffolk and Essex Coast and Heaths National Landscape (SECHNL), as the Suffolk Landfall and a section of the High Voltage Direct Current (HVDC) cable route (approximately 2.47 km) would lie within this National Landscape. Following the application of the mitigation hierarchy (avoidance of siting permanent infrastructure within or in the setting of the SECHNL, reduction of effects by use of trenchless construction techniques and limiting the temporary compound and working areas within the SECHNL, followed by their restoration including monitoring), no significant adverse effects are likely to arise on the SECHNL at any stage for the Proposed Project alone or, at operation, cumulatively. A temporary significant adverse cumulative effect is reported during construction, and all mitigation options have been explored.
- 4.10.3 In response to Natural England, a detailed assessment of the effects of the Suffolk Onshore Scheme in relation to the SECHNL's Natural Beauty Indicators and Sub-factors and on the SECHNL's Special Qualities Indicators and Sub-factors is presented in **Application Document 9.73.1 Applicant's Responses to First Written Questions – Appendices [REP3-070]** and **Application Document 9.94 Planning Statement Addendum [REP4-092]**, respectively. On the basis of these assessments, it is concluded that the effects of the Suffolk Onshore Scheme on the SECHNL's Natural Beauty and Special Qualities are not significant.
- 4.10.4 The Suffolk Onshore Scheme proposes c. 6 ha of acid grassland enhancement to be located within the SECHNL. Information regarding the acid grassland enhancement is contained within **Application Document 7.5.7.1 (D) Outline Landscape and Ecological Management Plan – Suffolk [REP6-078]**, including the requirement for the parcel of land to be secured and managed for 10 years. The enhancement of this area of land would contribute to and align with the aspirations of the Suffolk & Essex Coast & Heaths National Landscape Management Plan 2023-28, as well as the Natural Beauty and Special Beauty Indicators of the SECHNL (see Tables 3.2 and 3.3 in **Application Document 9.47 National Landscape Section 85 Duty Technical Note**).
- 4.10.5 As explained in **Application Document 9.47 National Landscape Section 85 Duty Technical Note**, the acid grassland enhancement measures are considered to compensate for the short-term and temporary significant adverse cumulative effects on the SECHNL. The measures also provide further enhancement for the SECHNL during the operational phase, as required by paragraph 5.10.34 of NPS EN-1, which states that development proposals located within designated landscapes should provide “*measures which seek to further purposes of the designation*” that are “*sufficient, appropriate and proportionate to the type and scale of the development*”.

- 4.10.6 The requirement set out in paragraph 5.10.34 of NPS EN-1 is consistent with Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling Up and Regeneration Act 2023, which imposes a duty on “relevant authorities” (including statutory undertakers and the Secretary of State) to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.

4.11 Flood Risk

- 4.11.1 The Applicant, in accordance with Sequential Test described in NPPF and EN-1, has sought to situate development in areas at low risk of flooding. This is achieved for all operational above ground infrastructure that form part of the Suffolk Onshore Scheme, and, apart from a small number of new pylons, for the Kent Onshore Scheme. There are no reasonably available alternative sites for the new pylons in a lower risk zone, however, they are inherently flood resilient by design, and mitigation is secured in the DCO to prevent any flood risk impacts associated with this element of the Project.
- 4.11.2 During construction, temporary works within medium and high flood risk zones could not be wholly avoided given the linear nature of the Project. However, following the sequential approach, temporary works of higher vulnerability to flooding, such as construction compounds, have been sited in low risk zones. Mitigation measures are secured in the DCO to embed flood resilience and to prevent any flood risk impacts associated with other elements that cross higher risk zones e.g. the temporary bridge over the River Stour, and temporary construction access routes. Following Issue Specific Hearing 3, the Applicant made a change in the design of the Suffolk Onshore Scheme to remove a temporary drainage basin which was located in Flood Zone 3a (a location that prior to the 2025 update to the Flood Map for Planning was in Flood Zone 1). An alternative, linear, drainage feature, situated in Flood Zone 1 (with the exception of a small outfall into the receiving watercourse), is proposed to replace this basin, as committed to in the updated **Application Document 9.17.1 Suffolk Drainage Strategy**, submitted at Deadline 7.
- 4.11.3 At Deadlines 5 and 6 the Applicant submitted additional flood risk information to address outstanding matters raised by Suffolk County Council and the Environment Agency (see in the form of **9.122 Surface Water Flood Risk and Climate Change - Technical Note [REP5-134]** and **6.8 (B) Flood Risk Assessment [REP6-052]**). to address concerns raised by the Environment Agency These provided additional information to address all outstanding flood risk matters. In the most recent correspondence between the Applicant and the Environment Agency, it has been confirmed that the information provided has successfully resolved nine of the flood risk matters that were unresolved at Deadline 6. The remaining five matters are being resolved between the parties via final updates to commitments W06, W07 and the addition of one new commitment within the Onshore Construction Environmental Management Plan. The FRA demonstrates that the requirements of EN-1 and EN-5 and the NPPF, as they apply to flood risk, have been met. It is hoped that these matters will be agreed by the close of Examination.
- 4.11.4 The Applicant has engaged extensively with the Environment Agency, Kent and Suffolk County Councils in their role as Lead Local Flood Authority, and the Stour (Kent) Internal Drainage Board to shape an outline drainage strategy that will be further developed by the appointed contractor(s) into a detailed drainage plan. The Outline Drainage Strategy addresses management of construction and operational surface water runoff, proposing a range of Sustainable Drainage measures that are suitable for prevailing topographical and ground conditions. Drainage solutions to serve the Kent Onshore Scheme do not rely on infiltration, given the impermeable nature of the soils

and geology, instead providing for storage that will allow rainfall runoff to be attenuated prior to controlled release to the surrounding network of IDB watercourses. The Applicant has also liaised closely with SPR to align operational drainage designs for the Suffolk Onshore Scheme. Marine Physical Processes.

- 4.11.5 The assessment of the impacts of the Proposed Project on marine physical processes concluded that there are no significant adverse residual effects. Cable burial is the primary method of cable protection for the Proposed Project. The Applicant is committed to applying the burial hierarchy during construction to ensure target burial depths of lowering of 1 m–2.5 m are achieved as far as possible along the Offshore Scheme.
- 4.11.6 The Applicant's predictions indicate that changes to physical processes due to construction, operation, and decommissioning are minimal. The Applicant has provided evidence that any changes would be very minor and localised. The natural processes and features of the seabed are expected to continue evolving without measurable impact from the Proposed Project. Additional surveys and monitoring at landfalls will be conducted post consent to inform the final design, ensuring minimal impact on the environment as outlined within the In Principle Monitoring Plan. An example of such monitoring includes the River Stour, whereby the Applicant has worked collaboratively with the Environment Agency to ensure the appropriate mechanisms for any further interventions are secured.

4.12 Traffic and Transport

- 4.12.1 The assessment of the likely significant traffic and transport effects that could result from the Proposed Project is provided in **Application Document 6.2.2.7 Part 2 Suffolk Chapter 7 Traffic and Transport [APP-054]** and **Application Document 6.2.3.7 Part 3 Kent Chapter 7 Traffic and Transport [APP-067]**. Both assessments conclude that no likely significant effects have been identified as a result of the Proposed Project on transport and access during any phase with the proposed mitigation in place, as all effects have either been categorised as minor adverse or negligible.
- 4.12.2 It is acknowledged that the Proposed Project, in particular the Suffolk Onshore Scheme, will be under construction alongside other schemes in the area. The assessment of inter-cumulative effects set out in **Application Document 6.2.2.13 Part 2 Suffolk Chapter 13 Inter-Project Cumulative Effects [APP-060]** concludes that no significant cumulative effects are expected upon the Strategic Road Network or local road network as a result of construction traffic generated by the Suffolk Onshore Scheme when combined with construction / operational traffic associated with other developments (more than 25 developments including Sizewell C Nuclear Power Station, East Anglia One North Offshore Windfarm, East Anglia Two Offshore Windfarm and LionLink Interconnector). **Application Document 9.26 Traffic and Transport Cumulative Assessment (Suffolk) [REP1-110]** was submitted during the examination to provide more detail about the methodology and findings of the cumulative assessment, in consideration of various construction programmes and potential overlaps of different projects.
- 4.12.3 Given the Applicant's conclusions above of no likely significant effects on traffic flows, no detailed capacity modelling is considered to be necessary. Nevertheless, over the course of the Examination the Applicant has engaged with National Highways and the relevant local highway authorities (Kent County Council and Suffolk County Council) for the purpose of producing an appropriate analysis to show the impact at key junctions. In

relation to National Highways, it was agreed no detailed analysis was required at all. As for local highway authorities, the Applicant agreed to undertake junction capacity modelling for six junctions: three in Kent (Minster roundabout, Severnscro roundabout, and Ebbsfleet roundabout) and three in Suffolk (A12/B1121, A1094/B1069, and B1121/A1094) respectively. The conclusion for all the junctions assessed is that peak construction traffic will not materially affect their operation (see **Application Document 6.3.3.7.A (B) ES Appendix 3.7.A Transport Assessment Note [REP5-029]** for Kent and **Application Document 6.3.2.7.A (B) ES Appendix 2.7.A Transport Assessment Note [REP6-039]** for Suffolk).

- 4.12.4 A concern often raised around cross-country infrastructure is the potential impact on small rural roads. Conscious of this likely concern the Applicant has selected sites in both Suffolk and Kent that are easily accessed from main traffic routes (the A12 in Suffolk and the A256 Richborough Way in Kent).
- 4.12.5 During the Examination, the Applicant has set out its proposed use of Benhall Railway Bridge as part of construction access to the Saxmundum converter station site. It should be noted that whilst preliminary assessments for Abnormal Indivisible Load routes are conducted at the application stage, detailed assessments and the design of mitigation measures (such as the dimensions of an overbridge) are carried out post consent. The reason that these detailed assessments are carried out post consent is both because the condition and nature of the highway network change over time so would rapidly become out of date, and because the dimensions of vehicles to carry loads is not known with certainty until the construction period. It is therefore not standard practice to carry out structural assessments at the Application stage; indeed, many of the points made by SCC about the condition of structures is based on information gained through the post consent assessments carried out recently by Sizewell C, during the construction period.
- 4.12.6 Benhall Railway Bridge was known to be subject to a weight limit for some time, but the weight limit was reduced shortly before the application was submitted. The Applicant did not and still does not consider the weight limit of the bridge to be an issue for the project; the Applicant moves AILs over structures with weight limits applied on a regular basis due to the need to transport transformers and other large loads around the country for maintenance and construction purposes. Navigating Benhall Bridge is therefore a business as usual activity. The Applicant carried out an initial review of the structure prior to submission of the application, in liaison with both a structural bridge engineer and delivery company, and concluded that a simple mini-bridge solution was implementable. The Applicant's position on this point is unchanged.
- 4.12.7 It should be emphasised that the 46-tonne weight limit would not be an impediment to the majority of construction traffic, with only 15 vehicles above this limit. However, given the interest from the local highway authority and other stakeholders on this structure, the Applicant has carried out investigations about mitigation measures (and assessed their resultant environmental effects) at greater detail than is typical for a DCO application: see **Application Document 9.112 (A) Benhall Railway Bridge - Crossing Feasibility Study [REP4-101]**. The Applicant emphasises this does not indicate any issues with routing or design – the highway network is not typically designed to accommodate AIL vehicles and it is common for the need for mitigation measures to arise. In any event, the Applicant is confident that the amendments sought under the Change Request will enable the necessary mitigation measures for an AIL solution.
- 4.12.8 Notwithstanding the above, the Applicant worked with local authorities and identified an opportunity to deliver long-term benefits to the highway network through repairing the bridge rather than installing the overbridge. This solution would require a closure for the

period when the bridge is repaired, but would not then require closures for each ALL movement. This would also be beneficial in the event that Lionlink also used this access route in the future, avoiding future closures associated with that project. This measure has been welcomed by SCC and the Applicant is committed to its delivery provided it can be undertaken within a reasonable programme and cost. The Proposed Project will not result in any permanent closures of public rights of way and diversion routes will be in place before any temporary closures. The majority of the temporary diversions are to enable the installation of underground cables and/ or haul routes across Public Rights of Way, so would be very short in duration and distance, enabling construction of the small section of cable, before the Public Right of Way is reopened and as the cable construction moves onto the adjacent land parcel. Where haul routes interact Public Rights of Way, priority will always be given to walkers, with gates in place so that vehicles will need to open them to cross. Despite these limited effects, the Applicant has committed to the provision of significant new permissive paths, including at Saxmundham Converter Station. These are planned to be permissive paths because they may need to be temporarily closed in the future where significant maintenance works are required or construction of the Lionlink project, but are firmly secured in Application documents so cannot be easily removed.

4.13 Shipping and Navigation

- 4.13.1 The assessment of the likely shipping and navigation effects that could result from the Proposed Project is presented in **Application Document 6.2.4.7 (E) Part 4 Marine Chapter 7 Shipping and Navigation**. It determined that all risks to shipping and navigation associated with the Offshore Scheme are either “Broadly Acceptable” or “Tolerable if ALARP” (As Low As Reasonably Practicable). As such, the risks and therefore any significant effects are considered to be tolerable and ALARP, provided that the recommendations for further risk reduction (contained in **Application Document 6.3.4.7.A (D) Environmental Statement Appendix 4.7.A Navigational Risk Assessment [REP6-042]**) are implemented or otherwise closed out satisfactorily. Broadly, the assessment identifies the need for a well-coordinated communication strategy, and proactive planning of operations, to ensure safe and efficient operations with minimal disruption to shipping and navigation.
- 4.13.2 During Examination the Applicant has navigated the challenge of appropriately securing the required shipping and navigation commitments for stakeholders through DCO Requirements, dDML Conditions, Outline Plans and Protective Provisions. Throughout Examination, the Applicant has sought to undertake the appropriate engineering feasibility studies prior to securing commitments to ensure that they can be successfully delivered as part of the Proposed Project.
- 4.13.3 The content of the outline mitigation plans, specifically the Navigation and Installation Plan and Cable Specification and Installation Plan has been agreed with Interested Parties (IPs) as far as practicable, noting that further detailed design would be conducted post consent prior to MMO approval. The Applicant has committed, in agreement with the relevant IPs, to install cables in the Areas of Safeguarded Water Depths that allows for future dredging, which thereby secures the long-term commercial viability of the ports.
- 4.13.4 Residual matters for London Gateway Port Limited relate to the approval of final mitigation plans, however, these do not impact the security or deliverability of key mitigations and commitments. In summary the Applicant has demonstrated compliance

with NPS EN-3 in terms of both reducing navigational risk to ALARP and limiting the impacts to commercial shipping to an acceptable level.

- 4.13.5 Residual matters for Harwich Haven Authority (HHA) relate to HHA's request for protective provisions, for which the ExA sought clarity on in Issue Specific Hearing 3. The request for Protective Provisions from HHA related to Concurrent Restricted in Ability to Manoeuvre (RAM) operations in the Sunk region and the securing of future water depths. The Applicant's position is that both of these elements are already suitably protected either within the Outline Navigational Installation Plan under Condition 4 of the dDML (Concurrent RAMS) or as a Requirement in the DCO (Areas of Safeguarded Water Depth). This approach follows the same applied to the Five Estuaries and North Falls Offshore Wind Farms in the wider area.

4.14 Ground conditions and contamination

- 4.14.1 The geology and hydrogeology assessment set out in **Application Document 6.2.2.5 Part 2 Suffolk Chapter 5 Geology and Hydrogeology [APP-052]** and **Application Document 6.2.3.5 Part 3 Kent Chapter 5 Geology and Hydrogeology [APP-065]**, has considered the potential impacts that construction, operation and decommissioning of the Suffolk Onshore Scheme and the Kent Onshore Scheme (respectively) may have on existing geological and hydrogeological receptors. This includes an assessment of the potential for existing contamination and pollutant linkages, in relation to sensitive receptors such as human health and groundwater. The assessment has concluded that, with mitigation measures in place, there are no likely significant residual effects in relation to geology and hydrogeology receptors during construction, operation and maintenance, and decommissioning of the Suffolk Onshore Scheme and Kent Onshore Scheme. Good practice measures are contained within **Application Document 9.83 (B) Outline Code of Construction Practice [REP4-232]** to address potential temporary impacts on human receptors (construction workers) from exposure to existing potential contamination and potential for exposure of groundwater receptors from mobilisation of existing contamination through the creation of new pathways. With these measures in place, these effects would not be significant.
- 4.14.2 During examination, Natural England raised concerns about the release of contaminants and debris arising from use of the hoverport for access to the intertidal area, including the potential to affect designated sites and their qualifying features. It is acknowledged in **Application Document 6.2.3.5 Part 3 Kent Chapter 5 Geology and Hydrogeology [APP-065]** that the hoverport represents a potential source of contamination. However, in the context that the hoverport site is only proposed for access and given that there will be no ground disturbance from the Proposed Project, it was concluded (in **Application Document 9.76.5 Change Request: Addendum to Volume 6 Environmental Statement [CR1-055]**) that it does not represent a likely significant effect. This is based on the presence of hardstanding across the hoverport, which overlies any made ground and potential sources of contamination.
- 4.14.3 The Proposed Project is seeking to prevent any interactions with potential contamination through avoiding ground disturbance and conserving the existing overlying hardstanding barrier. The Applicant is committed to undertaking a Structural Integrity Assessment of the hardstanding at the hoverport to ensure it is suitable for the limited construction and maintenance access proposed. This is included within the highway condition surveys outlined in section 7.4.7 of **Application Document 7.5.1.2 (B) Outline Construction Traffic Management and Travel Plan – Kent [REP6-064]**.

- 4.14.4 The Applicant has also committed to preparing a hoverport condition monitoring plan post-consent to monitor the hoverport during construction, which will include measures for identifying and managing any potential contamination risk (measure W37 in **Application 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134]**).
- 4.14.5 The Applicant considers that these condition surveys will ultimately be helpful to Thanet District Council, by providing valuable information to enable it to consider the future of the hoverport and any consequences of its likely continued structural deterioration beyond the lifetime of the Proposed Project.

4.15 Mental health

- 4.15.1 A complete health and wellbeing assessment of the Proposed Project has been undertaken and is set out in **Application Document 6.2.2.11 Part 2 Suffolk Chapter 11 Health and Wellbeing [APP-058]** and **Application Document 6.2.3.11 (B) Part 3 Kent Chapter 11 Health and Wellbeing [AS-003]**. These conclude that there are no anticipated significant residual effects as a result of the Proposed Project. The assessments consider health and wellbeing determinants and adhere to the latest best practice guidance from the IEMA (Institute of Environmental Management and Assessment) on “Effective Scoping of Human Health in EIA” (IEMA, 2022) and “Determining Significance for Human Health in Environmental Impact Assessment (IEMA, 2022), as well best practice methodology used on other major infrastructure schemes.
- 4.15.2 The health and wellbeing cumulative effects assessments (**Application Document 6.2.2.13 Part 2 Suffolk Chapter 13 Suffolk Onshore Scheme Inter-Project Cumulative Effects [APP-160]** and **Application Document 6.2.3.13 Part 3 Kent Chapter 13 Kent Onshore Scheme Inter-Project Cumulative Effects [APP-073]**) conclude that there are no significant adverse effects on mental health due to community severance, reduced visual amenity, noise disturbance, or physical health outcomes such as levels of physical activity or respiratory health. These assessments also consider vulnerable groups, such as children, the elderly and individuals with pre-existing health conditions. In conclusion, the overall inter-project assessment of cumulative effects has been assessed as ‘not significant’.
- 4.15.3 The Applicant acknowledges the concerns of local residents regarding disruption and inconvenience during construction and the potential for impacts on mental health that could arise from activities on site and surroundings. There are measures set out in **Application Document 9.83 (B) Outline Code of Construction Practice [REP4-233]** and **Application Document 9.84 (D) Register of Environmental Actions and Commitments (REAC) [REP6-134]** to reduce or avoid adverse human health and wellbeing related impacts. These measures address concerns regarding core working hours and the impact of construction traffic on mental health.
- 4.15.4 No party has provided robust evidence that mental health impacts would occur as a result of the Proposed Project or from other projects. The Applicant is aware that the DCO process can be stressful for all parties, and noted that this was in evidence for individuals speaking at Open Floor Hearings. However, which the Applicant understands that proposals for future works may be causing distress, this is not evidence that the Proposed Project, in construction, operation or decommissioning, would have an adverse effect on mental health, either individually or cumulatively.

- 4.15.5 Interested Parties then requested that the Applicant ‘monitored’ mental health impacts. However, no party provided a satisfactory answer to question of how you would monitor health effects, particularly given the Applicant’s evidence that significant effects would not occur. Reference was made to working hours leading to adverse mental health and wellbeing issues, but not how this would arise given the limited effects associated with noise, traffic etc. Suggestions raised in meetings included gathering data from doctors on mental health referrals or asking people living close to the project whether it affected their mental health. The first of these suggestions would have obvious issues in terms of obtaining data, patient confidentiality and significant issues with establishing causality; if referrals go down it is unlikely any objector group would determine that the Proposed Project is beneficial to mental health. There is obvious bias with asking neighbours if the Proposed Project is leading to mental health issues.
- 4.15.6 Even in the highly unlikely event that data could be gathered, the challenge of separating out the effects of Sea Link from the much larger Sizewell C project would be very difficult.
- 4.15.7 Even if effects were monitored and impacts identified, no party has provided any robust ideas about how the Applicant could then address them, particularly given the perceived effects would be cumulative. Given there is no evidence that effects would happen, no clear way of monitoring them and no way of addressing effects even if they were identified contrary to the Applicant’s assessment, a monitoring plan would likely be impossible to develop, deliver or get discharged. The topic seems more appropriate for an academic study than something the Applicant could easily ‘monitor’ in line with a Requirement.
- 4.15.8 Notwithstanding the above, the Applicant does empathise with the concerns of communities and concerns about future construction projects and has carefully considered how impacts might be further addressed. The Applicant has therefore introduced an additional commitment to the REAC under HW02, which sets out measures that the Applicant will implement to reduce the likelihood of mental health impacts, including provision of a community liaison officer, community contact phone line and participating in the Sizewell Health and Wellbeing Working Group.

4.16 Tourism

- 4.16.1 The Proposed Project will have no significant effects on local tourism, as set out in the assessments conducted in relation to both Kent and Suffolk in the Socioeconomics, Recreation, and Tourism chapters of the ES (Application Document 6.2.2.10 (B) Part 2 Suffolk Chapter 10 Socioeconomics, Recreation and Tourism [REP1A-005] and Application Document 6.2.3.10 (B) Part 3 Kent Chapter 10 Socio-economics, Recreation and Tourism [REP1A-007]).
- 4.16.2 The concerns raised about the Proposed Project primarily relate to the landscape and visual impacts of its limited above ground components, including the converter station and substation infrastructure, and the impacts of construction activities, including traffic and noise. No persuasive evidence has been put before the ExA to substantiate the claims or to counter the assessment provided by the Applicant in the ES. In reality the effects of construction work are naturally temporary, often sporadic, and will not plausibly deter tourists from either Kent or Suffolk. Operationally, the landscape and visual impact of the above-ground infrastructure is highly localised. Significant impacts are assessed as being limited to an approximate 2 km area from the Saxmundham Converter Station site and in Kent to an approximate 2.4 km area from the Minster

Converter and Substation. These above-ground components have also been subject to a rigorous design process, and their design is subject to controls by Local Planning Authorities.

- 4.16.3 To the contrary, the evidence strongly supports the view that tourism will be unaffected by the Proposed Project. The Applicant has undertaken a review of other NSIPs and their potential effects on tourism and visitor activity as detailed in **Application Document 9.40 Visitor and Tourism Assessment Technical Note - Suffolk [REP3-065]** and **Application Document 9.41 Visitor and Tourism Assessment Technical Note – Kent [REP3-066]**, both submitted at Deadline 3. These other NSIPs concluded that there would be no significant effects on tourism or visitor numbers. Sizewell C, Bramford to Twinstead, and East Anglia ONE North, each adopted methodologies comparable to those used for the Proposed Project, and all concluded that the developments will not result in significant effects on tourism or visitor numbers. The Applicant's review of published monitoring reports of actual impacts on tourism observed from Sizewell B and Hinkley Point C found that initial concerns observed in surveys have not translated into measurable reductions in visitor numbers or tourism-related employment. Indeed, the local tourism sector remained confident and continued to grow during the construction period.

4.17 Working Hours

- 4.17.1 There has been substantial focus during the examination on the issue of core working hours and there have been requests to limit working hours at the weekend to provide respite from construction activity. The request for respite suggests that stakeholders have envisaged work on the cable routes being constant from 7am to 7pm for a period of four years, however this is not the case at all. Constructing a cable route requires a series of sequential activities, rather than constant activity, as various teams move down the route. This starts with a vegetation clearance team moving along the route, then a fencing team will move through to install construction fencing. Stripping topsoil off the cable corridor progresses at a rate of hundreds of metres per day. As such the nature of cable installation means that there are natural lulls in activity that will provide regular periods of respite. For a receptor located within 50 m of the cable route, each of the sequential activities may only endure for 5-10 days. Beyond these more intense activities, activity is likely to be limited to intermittent vehicle and plant movements.
- 4.17.2 An indication of this of this natural respite can be seen in aerial photography on Google Earth that shows the construction of National Grid Ventures' Viking Link interconnector cable in Lincolnshire. The images, taken on Tuesday 20 April 2021 (noting construction commenced in 2020 and the project was energised in 2023, so 2021 was a key construction season), show a long section of the cable route under construction; however, most of the route has no activity taking place and there are very few construction vehicles along the route. The main exceptions are the HDD locations, though noting there is only one terrestrial HDD proposed for the Proposed Project, which is the cross under the A256 Richborough Way.
- 4.17.3 There is a similar concern that the duration of the landfall works has been misunderstood. These works will not endure throughout the entire five year construction period; for example, the HDD works would take approximately 120 days to complete and the pull-in etc would be c. 65 days all in in Kent. For Suffolk the pull in it will be significantly less, as the operation should be a marine and could be as short as 4 weeks depending upon the weather.

- 4.17.4 The Applicant has also agreed to exclude bank holidays (including entire “bank holiday weekends”) from the core working hours at the Suffolk Saxmundham converter station site and the Kent Minster converter and substation site. This has been done in recognition of views from stakeholders and communities, despite such measures not being required for the purpose of mitigation (since the Environmental Statement identifies no effects to be mitigated). Not only does this demonstrate Applicant’s willingness to make reasonable concessions following positive engagement with stakeholders, but it also reflects the reality that works will not take place in all areas of the project at all times in any case. The Applicant is confident that this reduction in flexibility will not compromise its ability to meet the NESO Clean Power 2030 objectives.
- 4.17.5 The working hours included in the Proposed Project DCO are necessary to facilitate the working patterns of teams working on transmission projects and have been included in other recent made Development Consent Orders such as the Bramford to Twinstead DCO. The urgency of the project means that working hours should not be reduced without clear necessity and this necessity has not been demonstrated in this case. The Applicant has agreed to adopt the working hours proposed by SPR for construction of Friston Substation and has incorporated this concession into Requirement 7 of the draft DCO.

5. Compulsory Acquisition

- 5.1.1 The Applicant has provided a suite of documents that set out the case for the Compulsory Acquisition (CA) needed to deliver the proposed project, and the detailed information about the land affected, and the rights sought.
- 5.1.2 These documents include, **Application Documents 4.2 The Statement of Reasons, 4.3 Book of Reference, 2.3 Land Plans and Schedules to the dDCO**, plus **7.1 Planning Statement and 6.2.1.4 Description of the Proposed Project**.
- 5.1.3 The Applicant has set out why the CA is required, how it is proportionate and necessary and also that the Applicant has the necessary resources to deliver the project.
- 5.1.4 **Application Documents 4.2 The Statement of Reasons** outlines the rationale for the application for CA of land. It summarises the need for the project and how the Applicant believes it has met the necessary tests including the consideration of Reasonable Alternatives and that the rights sought are necessary, reasonable and proportionate.
- 5.1.5 **Application Document 7.2 The Strategic Options Back Check Report** addresses in detail the need for the Proposed Project, and the alternative strategic options considered, including the reason for the selection of a HVDC link between the Sizewell area in Suffolk and the Richborough area in Kent as the preferred option.
- 5.1.6 The relevant tests set out in Section 122 of the Planning Act 2008 (PA 2008) are met as the Applicant has demonstrated that: (1) all of the order land is either required for the Proposed Project or is required to facilitate, or is incidental to the Proposed Project; and (2) there is a compelling case in the public interest for the land to be acquired compulsorily in order to ensure the Proposed Project can be delivered.
- 5.1.7 The Applicant has a strong preference on all projects to acquire rights voluntarily in order to start what will be a long relationship, on the best possible terms. The Applicant has sought to engage with all affected landowners and occupiers throughout the development of the proposed project to incorporate their feedback where possible in order to mitigate any impact of the scheme. National Grid has a Land Rights Strategy that seeks to set payment levels at a point that represents fairness for both the Landowners and for the Consumers. This strategy is periodically reviewed and benchmarked and ensures consistency across the business.
- 5.1.8 The Applicant has set out the case for the CA needed to deliver the proposed project within the **Statement of Reasons [D7 Ref]**. Explanation has been given for the land included, how it is proportionate and necessary, and that the Applicant has the necessary resources to deliver the project. **Application Document 7.1 Planning Statement** sets out the compelling public interest case based on the urgent need to accommodate growing renewable and low-carbon energy generation, meet government offshore wind targets, and strengthen the national electricity network.
- 5.1.9 The provisions in NPS EN-5 recognise that Compulsory Acquisition of land may be needed for onshore electrical infrastructure such as new substations and for associated mitigation effects such as for landscape enhancement. It also acknowledges that where rights in land cannot be acquired by agreement, the developer may seek to acquire necessary rights through a DCO, and that permanent rights are preferable to voluntary wayleaves.

- 5.1.10 The Applicant has taken a cautious approach of seeking powers of CA, or temporary possession (TP), in respect of all plots of land required for the Proposed project. This approach is supported by paragraph 25 of the Department for Communities and Local Government (DCLG), Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (CA Guidance). These powers are needed in order to ensure that the Applicants are able to acquire the relevant interests in the Order Land which are required to deliver the scheme, in the event that (i) a voluntary land agreement in relation to any particular area of land, despite best efforts, cannot be reached; or (ii) any unidentified owner later asserts an interest in the Order land.
- 5.1.11 The Applicant acknowledges that reliance on powers of CA should be a last resort and will continue to prioritise securing voluntary agreements with landowners even beyond the examination phase. However, the Applicants maintain that the approach of seeking CA and TP powers across the Order Limits as set out above is endorsed by Sections 2.6.1 - 2.6.6 (inclusive) of NPS EN-5 and that there should be no concern in awarding the powers.
- 5.1.12 The Applicant submits that the powers sought are proportionate, using a strategy that prioritises temporary possession during construction and securing only the smallest necessary permanent land and rights afterwards. This approach reduces long-term impacts on landowners while retaining construction flexibility. Permanent acquisition is limited to areas where land use will permanently change, including for the principal permanent assets such as the converter stations and substations. The draft DCO seeks powers of temporary possession, and the power to compulsorily acquire land and rights that are required to carry out or to facilitate the construction, operation, maintenance and decommissioning of the Proposed Project.
- 5.1.13 There are in most projects, circumstances where detail pertaining to ownership of some land parcels is not registered or not forthcoming from enquiries and therefore the CA powers set out in Article 24 of the **draft Development Consent Order** are necessary to ensure the project can proceed and the Applicant is able to deal with the risk of any potential impediments to the projects from unknown land interests.
- 5.1.14 The Applicant has identified less than 2% of the project's Order Limits as Unknown Unregistered Freehold land. **Application Document 9.16 Land Rights Tracker (REP6-124)** identifies the freehold plots which are unknown and unregistered and the noticing dates where notices were erected to identify any potential owners. The **Land Referencing Methodology [APP-315]** sets out a series of criteria to identify interests in land, starting with desktop assessments, Noticing and submission of Land Interest Questionnaires.
- 5.1.15 The Applicant is seeking TP powers over all of the Order Land (save where Class 10 where no land powers are sought) to undertake the construction of the Proposed Project. CA of permanent rights would then be secured over the area where the cables are laid, in addition to any areas required for access during the operational phase. Any land which is only required during the construction phase will therefore not be subject to any permanent CA of land or rights, which significantly reduces the extent of land over which those CA powers are needed.
- 5.1.16 CA of the freehold, rather than of rights in land, is only required in relation to the converter and substation sites and the associated permanent accesses and land which is required for permanent environmental mitigation. These are areas of land where the nature of the works involves a permanent change of land use where the Applicant will require full control of the land on a permanent basis. In order to minimise disruption to landowners, the Applicant has sought to acquire permanent rights only, along the

entirety of the cable route, which means that -the land along the cable corridor can return to its previous use (in most cases farming) post-construction alongside the adjacent areas of land which have been unaffected and where the existing use has continued.

- 5.1.17 The Applicant has engaged with and responded to those landowners who have formally objected to powers being sought over their land through the Examination and outside that process. The Applicant submits that the objections raised do not undermine the Applicant's case made in the Statement of Reasons and by way of its specific responses in written and oral submissions.
- 5.1.18 The Applicant has reached Heads of Terms agreement with 3 affected landowners, including The Crown Estate. For those land interests where agreements are not yet in place, the Applicant will continue to engage in negotiations with the aim of securing voluntary arrangements wherever possible beyond the close of examination. A comprehensive update on the status of these negotiations is provided in the **Application Document 9.16 Land Rights Tracker** submitted at Deadline 7.
- 5.1.19 While the Applicant acknowledges there are objections outstanding, this is not an unusual position to be in. There are many DCOs where the objections remain all the way through and landowners do not remove their objections. The Applicant is hopeful negotiations will be concluded over the coming months, but some of these may well run on beyond the close of examination, something that is again not uncommon in the delivery of linear infrastructure projects. The Applicant notes by way of example the Bramford to Twinstead project, where the Applicant is continuing to secure voluntary land agreements over a year after the DCO was made. For those land interests who are willing to engage, the Applicant remains committed to progressing discussions with the aim of reaching mutually acceptable agreements. It is recognised that certain practical matters - particularly those relating to construction - will continue to evolve through the detailed design phase. The Applicant will maintain open dialogue with affected parties throughout beyond the Examination period, to seek resolution of any outstanding issues wherever possible.
- 5.1.20 If the land needed to bring forward the Proposed Project cannot all be acquired through voluntary agreement, then without the ability to use compulsory acquisition powers it may not be possible for the Proposed project to be developed. In such case the need for the project and significant public benefit would not be realised.
- 5.1.21 Those land interests who are affected also have the right to claim compensation in accordance with the statutory Compensation Code. Compensation has been factored into consideration of funding for the Proposed Project (see the Funding Statement)
- 5.1.22 The Applicant considers it has met the tests of the Planning Act in that the land within the order limits is required for the development and that there is a compelling case in the public interest for the land to be acquired. It confirms the compulsory acquisition of land and rights in land is reasonable, proportionate and necessary to deliver the proposed development.

5.2 Special Category Land

The National Trust

- 5.2.1 The Applicant confirms the National Trust's interest in land is Inalienable. Negotiations to secure rights voluntarily are progressing well and The Applicant and National Trust are confident that Special Parliamentary Procedure can be avoided.
- 5.2.2 The parties have made substantial progress on discussions on the Statement of Common Ground and expect to agree Heads of Terms before the close of Examination, or shortly afterwards, enabling National Trust to remove their objection to the project before a decision is made on the application.

Open Space

- 5.2.3 The Applicant has identified land in its order limits it considers to be Open Space. It is the Applicants assertion that the Open Space identified would be No Less Advantageous as a result of the proposed project as the works will not interfere with the surface of the land and Open Space is enjoyed at grade.

The Crown Estate

- 5.2.4 In relation to Crown Land, Heads of Term for the necessary land rights have been agreed with The Crown Estate and are progressing to Legals for completion of the binding agreements.
- 5.2.5 Crown rights are covered at Section 41 of the draft DCO. A request for S135(1) consent has been requested from the Crown and is in negotiation. Significant progress has been made and it is anticipated that the S135 consent will be obtained shortly after the close of examination. The Applicant continues to actively liaise with The Crown Estate in respect of the S135 consent.

Statutory Undertakers

- 5.2.6 **Application Document 4.2 Statement of Reasons** sets out where the Proposed Project interferes with Statutory Undertaker land and how the Applicant proposes to ensure the proposed project will not cause serious detriment to the undertaking or can be made good.
- 5.2.7 The draft Development Consent Order [REP6-004] (draft DCO) includes provision for the compulsory acquisition of rights in land, including the acquisition of interests and rights in "statutory undertakers' land", as defined by s.127 of the Planning Act 2008, as amended (the 2008 Act). As the draft DCO will affect statutory undertakers' interest in land, the Applicant believes that s.127 is engaged by the draft DCO.
- 5.2.8 The draft DCO also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to, statutory undertakers, and as such the Applicant believes that s.138 of the Planning Act 2008, as amended (the 2008 Act), is engaged by the draft DCO.
- 5.2.9 The Applicant's case for the application of sections 127 and 138 is set out in **Application Document 9.106.1 The Applicant's Section 127 and Section 138 Statement**.
- 5.2.10 **Application Document 9.75 Status of Negotiations with Statutory Undertakes and Schedule of Protection Provisions**. The Applicant confirms that progress is being made in relation to PPs and agreements with Statutory Undertakers. At Deadline 7 the draft DCO contains draft Protective Provisions, however wherever not agreed, the

Applicant will continue to negotiate with a view to reaching agreement wherever possible, in advance of the decision-making stage.

- 5.2.11 Twelve statutory undertakers and other stakeholders have requested bespoke protective provisions.

6. Response to Criticisms of the Sea Link Application

6.1 Introduction

- 6.1.1 The Applicant and the Sea Link application has been the subject of criticism from Interested Parties. The Applicant's strong view is that those criticisms are unfair and unfounded. Very significant demands have also been placed on the Applicant by the Examining Authority. While the Applicant fully recognises the importance of the Examining Authority having all the information it requires to examine the application and the challenges that the Examining Authority faces in examining the application, the Applicant considers that it is necessary to maintain focus on what is important and relevant. It is also necessary to treat the Applicant fairly. While the Applicant has responded fully and conscientiously on these matters prior to and during the examination, the Applicant here summarises its position.
- 6.1.2 It is important to set the application and the examination in context.
- 6.1.3 First, the Sea Link application is a large, complex major infrastructure project. It needs to have two distinct onshore locations, one in Suffolk and another in Kent, and a long section of offshore cable. The constraints and opportunities for the three project sections are different and this, coupled with particularly the differences between onshore and offshore works, led to the Applicant agreeing to the production of effectively three separate Environmental Statements for the project and, in many cases two or three different versions of management plans. This approach was broadly welcomed by all parties as it aided stakeholders and communities in locating information relevant to them, but resulted in a large and complex application.
- 6.1.4 Secondly, the Sea Link project is urgent, as discussed above. It is completely proper that the Applicant seeks the efficient and effective delivery of the project and this efficient delivery is in the public interest. It is therefore right that the Applicant carefully considers requests for measures that may not be necessary and could impact the programme.
- 6.1.5 Thirdly, the Sea Link project addresses key community concerns by design. It delivers an offshore solution, with almost the entirety of the new 130 km connection being either offshore or installed underground. It addresses a key criticism of onshore overhead line projects, where most communities and consultees ask why the connections cannot be installed offshore or underground; and minimises the number of onshore communities and receptors affected by the project.
- 6.1.6 Fourthly, as with all major applications, there are genuine issues for the Applicant to work through. For example, the majority of the coast is subject to international ecological designations so any offshore connection would need to traverse these sites and navigating these constraints and applying the mitigation hierarchy to manage these effects has been key to development of the project, right from the conceptual stage. The issue of navigating internationally designated offshore sites is present for a large number of consented and proposed offshore infrastructure projects.

- 6.1.7 Finally, the Application in Suffolk has taken place in the wake of a significant number of other NSIPs and in Kent the experience of the Nemo Link project. In Suffolk, this has resulted in the establishment of dedicated departments in local planning authorities to deal with NSIP applications and well established and well-funded opposition groups who are experienced in objecting to and launching judicial reviews against NSIPs. This has both positive and negative consequences; but a key consequence has been the sheer amount of information submitted by all parties during the Examination. This has led to challenges for all parties.
- 6.1.8 All of these factors contribute to the challenges associated with the project and the Application. However, the Applicant's experience has been one of extensive criticism from a number of angles, that has seemed disproportionate to the project and the Application. The Applicant below outlines some of the key criticisms and the Applicant's responses to enable an understanding of the Applicant's position. The Applicant does not here comprehensively respond to every such criticism, which would be impractical; the Examining Authority and Secretary of State is referred to the full responses provided by the Applicant during the examination. Rather, the Applicant identifies a number of prominent criticisms and responds in a thematic way.

6.2 Volume of Material and Relevant Representations

- 6.2.1 The Sea Link application is a large and complex application, as set out above. The application material was necessarily extensive.
- 6.2.2 Following submission of the Application, the Sea Link application attracted 6,042 Relevant Representations (RRs); which is the second⁸ highest number of Relevant Representations ever received on an infrastructure project proceeding under the Planning Act 2008. At both ends of the project, Sea Link is in an area that has previously been subject to contentious NSIPs, with Sizewell C, EA2 and Manston Airport all subject to significant opposition and Judicial Review processes. The Applicant considers that the large number of RRs for the Proposed Project could therefore be as much a feature of the mass mobilisation of experienced objector groups and the fact that Sea Link follows in the wake of other projects, as it is about the project or Application. The broad response has been 'not another one'; and this is evident in the broad and nature of many of the objections, and the focus on the impacts of Sizewell C in many of the open floor hearings.
- 6.2.3 This context – the necessary volume of application material, the very high number of Relevant Representations, and the location of the project in areas with a number of previous contentious NSIPs – is important when considering criticism from Interested Parties of the Application. It has led to many criticisms which do not identify any alleged deficiency in the application but rather object to the Planning Act 2008 process itself, the fact that applications such as Sea Link will be necessarily complex and paper-heavy, and the fact that if the UK is to meet its goals for energy security and the urgent need for new electricity generation and transmission infrastructure, NSIPs will be necessary in areas of Suffolk and Kent where Sea Link is located. Similarly, it has led to challenges for all parties in digesting and responding to all representations and thematic approaches being taken.

⁸ The highest number ever received was for the Brig y Cwm energy from waste project near Merthyr Tydfil withdrawn in 2011, which attracted approximately 10,000 relevant representations.

6.3 Allegation that the application was not ready for examination

6.3.1 This allegation, which has been raised by a number of Interested Parties, is without substance. The starting point is that the Planning Act 2008 includes a mechanism for ensuring that an application is ready for examination. By section 55, the application may only be accepted if the application is of a standard that the Secretary of State deems satisfactory. That test was passed, as confirmed in the Notification of Decision to Accept Application **[PD-001]** issued on behalf of the Secretary of State on 23 April 2025. The fact that the Examining Authority made further requests of the Applicant does not in any way provide any contrary indication. Such requests are entirely usual and indeed one of the purposes of the examination for the Examining Authority to obtain any additional information which it considers necessary to inform its recommendation.

6.3.2 In particular, the Applicant refers to and relies upon its letter dated 16 September 2025 **[AS-106]** in which it responded in detail to the concerns relating to the readiness of the application for examination raised in the Kent Wildlife Trust letter dated 27 August 2025 **[AS-077]**.

6.4 Allegations of insufficient engagement and consultation

6.4.1 A number of Interested Parties have also raised concerns alleging insufficient engagement, which are often generalised and in all cases without substance. The majority of issues raised about consultation and engagement have been raised on topics that have been extensively discussed (e.g. the alternative access at Saxmundham) but where the parties disagree with the outcome. These objections often raise matters that have been key issues throughout the examination period, but the Applicant strongly disagrees that this is because there was insufficient engagement.

6.4.2 The Applicant has conscientiously and fully complied with its legal obligations in respect of consultation and publicity. Such criticisms have been rebutted in detail during the examination by reference to the relevant legal principles in statute and case law, including in the Applicant's Responses to Legal Submissions from Objector Groups **[REP6-113]** and the other Applicant submissions cross-referred to therein, and the Applicant's 16 September 2025 letter responding to submissions by Kent Wildlife Trust **[AS-106]** at pages 2 – 4 and the documents cross-referred to therein.

6.5 Allegation of high number of errata

6.5.1 Ideally, and in a perfect world, all applicants would want to submit applications with no errata. However, this is not possible and a large application with a large number of documents is likely to have a larger number of errors than applications with fewer numbers of documents.

6.5.2 It is common practice in DCO applications to create an errata schedule that capture minor amendments such as references to incorrect sections and more significant errata such as the incorrect residual effect being recorded in tables or statements in an Environmental Statement. Given this approach, it is possible to see in one location how many errata might be present in an application. For example, see:

- Cory Decarbonisation Project (EN010128) Errata Schedule: 9.1 (September 2024) **[AS-042]** 63 pages of errata.

- M25 Junction 10/A3 Wisley Interchange (TR010030) 9.5 DCO Application Errata Schedule (March 2020) [REP8-034] 34 pages of errata.
- Luton Airport Expansion DCO 8.26 Errata Report (November 2023) [REP5-036] contains 11 pages of errata.
- Lower Thames Crossing (TR010032) 1.6 Errata Report [REP9-004] 28 pages of errata.

6.5.3 With the exception of Lower Thames Crossing, the above applications were all relatively simple applications focused on a single site so did not have the requirement of the same volume of material as Sea Link, cover such an extensive geographic area, or have the same complexity. It would therefore be expected for the errata to be proportionately much less on these applications, but they provide examples of how even much simpler applications contain a significant number of errata at the point of submission.

6.5.4 In the Sea Link application, the Examining Authority has been critical of errata and requested replacement documents be submitted even where errata amount to minor typographical errors. The Applicant was content to take this approach but would note that this somewhat piecemeal approach inevitably drew more attention to minor errata than would be typically done in an approach with a single errata document. In the Applicant's view, this has led to a perception amongst Interested Parties that there were a larger number of errors than there were, and / or that the number of errata was disproportionately high compared with other applications. That is certainly not the case.

6.5.5 In the Applicant's experience it would be unusual if an NSIP of Sea Link's complexity, comprising hundreds of documents even at submission and many thousands of pages, were not to contain at least some errors, which is one of the reasons why the DCO process has well-established mechanisms for correcting and updating documents. The Applicant cannot accept that any party has been disadvantaged by the reasonable process of correcting errata during the pre-examination and examination stages of the DCO process.

6.5.6 The Government's agenda to speed up the delivery of infrastructure projects will not be realised if there is a pressure for perfection in DCO applications. It is absolutely the case that longer pre-application periods can mean fewer errata, but this needs to be balanced against the very significant costs of delays to delivery. The Applicant is of the view that the errata spotted were correctly rapidly and efficiently, and have not materially affected the ability of any party to understand or participate in the Examination; or the ability of the Examining Authority to examine and make a recommendation on the project.

6.6 Engagement with Certain Stakeholders

Natural England

6.6.1 The Applicant has been engaging with Natural England for many years, including throughout the DCO Examination.

6.6.2 However, it is noteworthy that Natural England has at times struggled to keep pace with the Examination, and to make available sufficient resource to meet with the Applicant on issue-specific matters, to review technical material submitted by the Applicant in sufficient time to reflect the progress made in its own submissions, and to maintain an up-to-date record of the issues and risks that require the focus of the Applicant and

ExA. This has been compounded by Natural England's decision not to attend any examination hearings, even when their attendance has been requested by the Examining Authority and when those hearings have been directly concerned with issues on which Natural England is the principal statutory consultee and has statutory responsibilities for providing advice.

6.6.3 This resulted in frequent misalignment between Natural England's written submissions and the material presented by the Applicant in response to those submissions. There have therefore been periods of the Examination when it has been unclear to the Applicant (and indeed the ExA) what Natural England's positions was on certain matters, or to what extent Natural England's published positions simply did not yet reflect the Applicant's previously submitted technical material.

6.6.4 The Applicant has a good relationship with Natural England generally and appreciates the resource and capacity issues that this stakeholder at times experiences (acknowledged by Natural England itself in various discussions with the Applicant). However, these points provide important context for the late emergence of certain issues, and the apparent late resolution of others, which have not been due to any actions taken or not taken by the Applicant.

Suffolk County Council and East Suffolk Council

6.6.5 There have been a number of large energy projects progressed in the East Suffolk area of Suffolk in recent years, with further projects currently at various stages of their consenting processes and construction. There is a history of recent and strong opposition by both SCC and ESC to many of these energy NSIPs, and this has also been the case for the Proposed Project.

6.6.6 The Applicant is concerned that this political opposition from the councils has influenced the approach taken by officers in certain technical discussions and in its written publications, making it more difficult for officers at ESC and SCC to acknowledge where progress has been made and where concessions by the Applicant have resolved matters of disagreement.

6.6.7 Both SCC and ESC have been heavily critical of the core principles of the Sea Link project for many years and have been vocal objectors of the Proposed Project since 2024. This has focused particularly on the relationship between the Proposed Project and other energy projects in the area, including the approach to the co-located converter station site at Saxmundham, the choice of and approach to cable corridors, the relationship between the Proposed Project and the extant EA1N and EA2 DCO, construction working hours, and coordination more generally.

6.6.8 The Applicant recognises that significant infrastructure projects have local impacts and that the authorities wish to take clear positions. However, in the Applicant's view the opposing stance has led to a number of key in-principle areas of disagreement between the Applicant and SCC and ESC being characterised as evidence of insufficient engagement or technical work on the part of the Applicant. This is fundamentally not the case.

6.6.9 The Applicant has aimed to arrive at balanced judgments based on assessment, consultation, and ongoing engagement with stakeholders. The Applicant has funded officer resource at both authorities throughout to ensure timely and effective engagement. It is not correct nor fair to suggest that absence of agreement on 'in principal' areas of disagreement is evidence of a failure to properly engage on the part

of the Applicant. As the Applicant we remain committed to working closely with both authorities to resolve issues and build a positive working relationship.

7. Conclusion

7.1 Principle of the Project

- 7.1.1 There is an urgent and critical need to bring forward low carbon infrastructure to meet targets for decarbonisation and net zero. There is a compelling case and established need for the Proposed Project, with the urgent and critical need for the project explicitly recognised in Clean Power 2030 (NESO, November 2024). The need for the Proposed Project is recognised by the NESO and National Grid Electricity Transmission; and funded by Ofgem. The key bodies responsible for planning, operating and regulating the transmission network are therefore unequivocally convinced of the critical need for the project. The Applicant has submitted extensive evidence in the Application and during the Examination on the need for the project.
- 7.1.2 The Proposed Project will facilitate the transition to net zero, ensure power generated and transmitted through interconnectors can be transmitted to areas of demand, provide vital network security and reduce electricity bills by reducing constraint costs. The constraint costs resulting from every day the project is delayed are very significant and mean there is a compelling case in the public interest not only for the project to be delivered, but for it to be delivered as quickly and efficiently as possible.
- 7.1.3 Notwithstanding the need and urgency of the Proposed Project, the Applicant has also been dedicated to the development of a well-designed project that minimises adverse impacts and maximises benefits. The extensive optioneering and back checking process undertaken in the development of the project has resulted in a holistic, multi-disciplinary approach to project development, with the lowest impact sites and routes identified and embedded into the project. The project has frequently evolved in response to consultation responses and to minimise impacts where further evidence has indicated the benefits of doing so.
- 7.1.4 The Proposed Project has been developed with greater input from architects than on any previous large scale transmission project, with significant consideration given to design. Independent design review panels have been undertaken and input taken into account when developing design documents.
- 7.1.5 The Proposed Project is delivering new, permanent permissive paths that provide significant new footpath links. This is despite the fact that there will be no permanent public rights of way closures without permanent diversions, and most impacts on public rights of way amount of temporary diversions of up to four weeks for the installation of underground cables under existing footpaths. The benefits far outweigh the impacts.
- 7.1.6 The Proposed Project has committed to delivery of 10% Biodiversity Net Gain, despite it not yet being mandatory and known challenges associated with delivery of biodiversity net gain in linear projects. This is being secured through a Unilateral Undertaking.
- 7.1.7 The Proposed Project is also delivering significant new habitats as part of the project itself, including significant more woodland, grassland and wetland areas than are affected by the project.
- 7.1.8 The Proposed Project will result in socio-economic and employment benefits during the construction phase.

- 7.1.9 The Applicant has even committed to repairing a bridge owned by the local highway authority to provide an additional benefit to the project.
- 7.1.10 The adverse impacts of the project are limited in number, extent and nature. These relate to onshore heritage effects, landscape and visual effects, agricultural land and inter and intra project cumulative effects. The mitigation hierarchy has been robustly applied to minimise effects and reduce them to the limited number of residual effects remaining. All residual effects have been robustly revisited in line with the mitigation hierarchy.
- 7.1.11 There are no significant adverse effects in terms of the water environment, geology and hydrogeology, traffic and transport, air quality, noise and vibration, socio-economics, recreation and tourism, health and wellbeing, marine ecology and biodiversity, marine archaeology, shipping and navigation.

7.2 Examination Issues

- 7.2.1 The project has been subject to extensive criticisms and objections, in part due to its location in the context of larger, contentious projects (e.g. Sizewell C in Suffolk) and due to the effects of previous interconnector projects leading to scepticism over the Proposed Project (i.e. Nemo Link in Kent). However, the Proposed Project is neither comparable to Sizewell C, nor proposed to be installed using the same techniques as Nemo Link.
- 7.2.2 A significant proportion of the areas of disagreement between parties, particularly local authorities, have arisen from expectations of the controls that should be placed on documents because of what was imposed on entirely different projects in the area. Whilst precedents are useful, requirements should only be imposed where they meet the tests set out in NPS EN-1 paragraph 4.1.16, which states that:
- ‘The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects’.*
- 7.2.3 A requirement meeting these tests on one project does not mean it would do so on another.
- 7.2.4 Many issues arising during the Examination from key stakeholders had not been raised in the four years prior to the application being submitted so have resulted in rapid actions from all parties. However, most issues have been resolved through intensive collaboration between parties during the Examination. The Applicant is grateful to key stakeholders in working positively with the team on these issues. However, the majority of these issues have been relatively peripheral to the project as a whole, focusing on elements of the project like the detailed design of attenuation ponds. In the Applicant’s view, these are all solvable issues that can be effectively managed through management plans and commitments embedded into the DCO and associated secured documents.

7.3 Policy Compliance

- 7.3.1 The Proposed Project is in accordance with NPS EN-1, NPS EN-3 and NPS EN-5. Paragraph 4.1.3 of NPS EN-1 sets out a presumption in favour of granting consent for energy NSIPs. There is also a presumption that the urgent need for CNP infrastructure, such as the Proposed Project, will:

‘in general outweigh any other residual impacts not being addressed by the application of the mitigation hierarchy’ (paragraph 4.1.7).

The Proposed Project will help meet the urgent need for CNP infrastructure to meet *‘energy objectives, together with the national security, economic, commercial, and net zero benefits’* (paragraph 3.3.63 of NPS EN-1).

- 7.3.2 None of the limited exceptions in Section 104(4)-(8) of the PA 2008 apply to the decision to be made by the SoS to grant development consent for the Proposed Project. In particular, the adverse impacts that should be afforded weight against the Proposed Project relate to less than substantial harm to heritage assets, localised significant effects upon landscape and visual receptors, loss of BMV land and intra- and interproject cumulative effects. These impacts are significantly outweighed by the very substantial public interest benefits of the Proposed Project. The extent of residual effects are limited given the nature of the project and the principle that all NSIPs will result in significant adverse effects.
- 7.3.3 The analysis of planning policy compliance demonstrates that the need for the Proposed Project is supported by national planning policy, marine policy and other national energy and environmental policy, and that the Proposed Project addresses relevant national, marine and local planning policies through its design, avoiding sensitive areas and limiting adverse impacts where practicable.
- 7.3.4 In terms of the overall planning balance, the clear and substantial benefits of the Proposed Project clearly outweigh any adverse impacts. The presumption in favour of consent in NPS EN-1 sets out that these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure and that any tests set out in the NPS or other planning policy are to be treated as if they have been met.
- 7.3.5 The Proposed Project is in accordance with the relevant national policy statements and local policy considered to be important and relevant and that substantial weight should be given to need when considering applications for consent under the PA 2008. Given the above, there is a clear and compelling case for the Sea Link DCO to be made.

Since there are national policy statements which have effect in relation to the Proposed Project, this Application is considered against Section 104 of the Planning Act 2008. This section requires the Secretary of State to decide the Application in accordance with the relevant NPSs, except if doing so would result in adverse impacts from the development outweighing the benefits (Section 104(7)). To determine this, a balance of the Proposed Project’s adverse impacts against its benefits is presented in the table below.

Table 0.1 Planning balance

Weighing against				Does not affect the balance	Weighing for				
Substantial	Significant	Great	Limited	Neutral	Limited	Moderate	Great	Significant	Substantial
	Landscape and visual	Cultural heritage	Agriculture	Water environment	Employment	Ecology			Need
		Inter project cumulative		Geology and hydrogeology					
		Inter project cumulative		Traffic and transport					
				Air quality					
				Noise and vibration					
				Socio-economics					
				Health and wellbeing					
				Marine ecology					
				Marine archaeology					
				Shipping and navigation					
				Commercial fisheries					
				Other sea users					
				Climate change					

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