



**Our ref:** Sea Link SoS Request  
for Information dated  
28 August 2026

**Date:** 17 September 2026

**Please ask for:** [REDACTED] [REDACTED] [REDACTED]

**Customer Services:** [REDACTED]

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[REDACTED]@eastsuffolk.gov.uk

By email only: [SouthEastAngliaLink@planninginspectorate.gov.uk](mailto:SouthEastAngliaLink@planninginspectorate.gov.uk)

Dear Mr. Wheadon,

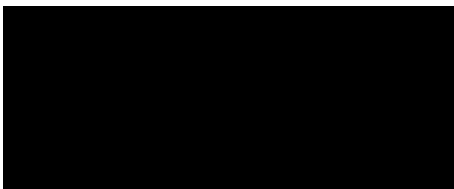
**Application by National Grid Electricity Transmission plc (“the Applicant”) for  
an Order granting Development Consent for the proposed Sea Link project**

**Response to the Secretary of State Request for Information, issued 28 August  
2026**

ESC’s responses to the Secretary of State for Energy Security and Net Zero’s Request  
for Information dated 28 August are provided in Appendix A to this letter.

ESC also wishes to take this opportunity to highlight to the Secretary of State an issue  
that has surfaced since the close of Examination in the interpretation of Requirement  
7 of the draft DCO. ESC is also engaging with the Applicant on this matter and hopes  
that the issue can be resolved through a redrafting of Requirement 7 prior to the DCO  
being made, should the Secretary of State grant consent. Further detail regarding  
ESC’s concerns is provided at the end of Appendix A.

Yours sincerely,



Head of Energy Planning and Coastal Management  
East Suffolk Council

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**The Planning Act 2008**

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

**Appendix A - East Suffolk Council's response to the Secretary of State's Request for Information**

Issued: 28 August 2026

Deadline: 18 September 2026

Application: EN020026

East Suffolk Council: [REDACTED]

## Human Health and Wellbeing

| Questions for East Suffolk Council (ESC)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | East Suffolk Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>42. The ES Health and Wellbeing chapters did not conclude that there would be significant adverse effects but the Applicant has committed to a process of recording and responding to potential welfare concerns raised in HW03 of the REAC <a href="#">[REP7-359]</a>. The Applicant and relevant councils are requested to comment on the following wording that may be added in to the REAC should the Proposed Development be consented:</p> <p>“HW03 - "The undertaker has an established process of recording and responding to potential welfare concerns raised with the undertaker. This information shall be shared with the relevant district and county councils when concerns are recorded. Where consent is given by the individual, and the potential concern is also relevant to ScottishPower Renewables (“SPR”), the undertaker will share the minimum level of detail</p> | <p>ESC welcomes the commitment to sharing potential welfare concerns with SPR (where relevant and consent is given), helping to facilitate a coordinated response from both developers. Whilst ESC also welcomes the commitment to potential welfare concerns being shared with relevant district and county councils, ESC will not be able to assist in the process of resolving such concerns unless sufficient detail is provided by the undertaker, which would give rise to data protection considerations. Therefore, ESC considers that similar caveats regarding consent being sought from the individual and the minimum level of detail being shared should also be included in the commitment to sharing information with the councils. ESC also queries what this “established process” entails and requests that further detail is provided in this regard.</p> |

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| necessary with SPR, to allow both developers to respond accordingly. This process also applies in reverse." |  |
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### Compulsory Acquisition and Temporary Possession

| Questions for East Suffolk Council                                                                                                                                                                                                                                                                                                                       | East Suffolk Council Response                                                                                                                                                                                                                                                    |
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| 45. Several Affected Parties ("APs") who objected to the compulsory acquisition or temporary possession of land had not signed an agreement with the Applicant by the close of the Examination. The Applicant and APs are therefore requested to provide an update on the outstanding agreements and to submit them if they have been agreed and signed. | The Heads of Terms as drafted are acceptable to ESC for the proposed use of ESC's land, although this has not yet been formally agreed. ESC also remains in negotiations with the Applicant regarding the financial compensation ESC will receive in return for use of its land. |

### Cumulative Impacts

| Questions for East Suffolk Council                                            | East Suffolk Council Response                                                                                                                                                                                                                                                                                                                                                                       |
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| 53. ESC is also invited to provide its comments on the UU in relation to BNG. | The Applicant provided ESC with a draft unilateral undertaking (UU) in relation to biodiversity net gain (BNG) on 10 April 2026. ESC has consistently maintained (including in section 4.7 of <a href="#">[REP7-176]</a> ) a position that a Section 106 unilateral undertaking is an entirely inappropriate mechanism for securing BNG, and a bilateral Section 106 agreement is instead required. |

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|  | <p>A unilateral undertaking would not allow ESC to:</p> <ol style="list-style-type: none"> <li>1) agree the precise performance standards which will apply for the long-term management and maintenance of the BNG over the 30 year period;</li> <li>2) specify the monitoring methodologies to be used (for consistency in assessing the performance of the BNG across the 30 year period);</li> <li>3) specify the precise control timing, review points and contingencies (e.g. regarding remediation if required) to apply for the duration of the 30 year period – thus providing a clear path and structure for review of the performance of the BNG; and</li> <li>4) enter into obligations itself in respect of the above, relating to the mechanics of the necessary processes, mechanisms, triggers and enforcement options.</li> </ol> <p>These are essential constituent elements of a legal agreement dealing with the creation, monitoring and management of BNG for a period of over 30 years. The Applicant's refusal to recognise that this is the case, underlined by the fact that none of National Grid's Obligations in Schedule 1 of the UU are "subject to the written approval of ESC", simply places a question mark against the Applicant's genuine intentions. A legal undertaking with no provision for enforceability as to its implementation is of very little value.</p> <p>In Paragraph 2.2 of the Applicant's 'Sea Link Explanatory Note relating to Development Consent Obligations' <a href="#">[REP7-352]</a>, the Applicant attempts to justify the provision of a BNG UU by referencing the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 as a precedent. ESC does not consider this to be relevant in the context of what is being proposed by the Applicant for Sea Link, noting that (a) the Thames Tideway Tunnel Order 2014 did not secure a unilateral undertaking for BNG, and (b) other projects, including those promoted by NGET such as The National Grid (Yorkshire Green Energy Enablement Project)</p> |
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|  | <p>Development Consent Order 2024, have secured BNG via a bilateral s106 agreement.</p> <p>ESC noted in Paragraph 5.9 of its Closing Statement <a href="#">[REP7-198]</a> that there is no reason that negotiations with the Applicant could not have continued in respect of a bilateral s.106 agreement following the close of examination. This offer has been ignored by the Applicant.</p> <p>ESC provided comments on the draft UU at Deadline 7 of the Examination (29 April 2026) (see section 4.7 of <a href="#">[REP7-176]</a>), in response to the Examining Authority's Rule 17 Letter dated 21 April 2026. ESC has reviewed the UU that was submitted into the Examination by the Applicant at Deadline 7 <a href="#">[REP7-352]</a> and notes that it is largely unchanged from the draft UU that was shared with ESC on 10 April 2026. ESC's original comments provided in section 4.7 of <a href="#">[REP7-176]</a> therefore still apply, save for ESC's concerns about the Outline Landscape and Ecological Management Plan not including any commitment to monitoring of habitats within the Order Limits for BNG purposes, which was addressed in Paragraph 1.2.7 of the OLEMP submitted at Deadline 7 <a href="#">[REP7-140]</a>:</p> <ol style="list-style-type: none"> <li>1) Paragraph 3.3 of Schedule 1 (National Grid's Obligations) of the UU submitted at Deadline 7 <a href="#">[REP7-352]</a> suggests that a BNG deficit in Suffolk could be compensated through an overprovision in Kent (or vice-versa). This is not acceptable to ESC, and the calculation of final onsite BNG delivered needs to be in Suffolk for the part of the Order Limits within Suffolk and in Kent for that part of the Order Limits within Kent – separately, not combined.</li> <li>2) Paragraph 3.4.1 of Schedule 1 (National Grid's Obligations) of the UU submitted at Deadline 7 <a href="#">[REP7-352]</a> states that the Biodiversity Offsetting Scheme could be implemented, at least in part, within the Order Land. ESC queries how this would work if the Biodiversity Net Gain Assessment has</li> </ol> |
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|  | <p>already identified that the BNG delivery within the Order Limits is delivering less than a 10% Biodiversity Gain. If the necessary gain could have been delivered within the Order Limits, then this would have been done before the Biodiversity Offsetting Scheme had been triggered. Additionally, Paragraph 3.4.2 states that the Biodiversity Offsetting Scheme could be implemented, at least in part, on land within National Grid's control. ESC queries how the delivery, management and monitoring of this will be secured in the long term.</p> <p>ESC queries the prescribed five working days' notice referred to in Section 4 of the draft UU, and considers that the notice periods should be a minimum of 20 working days.</p> <p>Paragraph 5.2.3 of the draft UU states that the UU will be of no further effect if the Order is "<i>varied or revoked or otherwise withdrawn otherwise than with the consent of National Grid</i>". Whilst ESC can accept "<i>revoked or otherwise withdrawn</i>", ESC does not accept that the agreement should cease to have effect if the Order is "<i>varied</i>", for example through a material or non-material change to the Order approved by the Secretary of State.</p> <p>Additionally, ESC notes that the definition of 'Biodiversity Metric' in Paragraph 1.1 of Schedule 1 refers to version 4.0 of the metric. This is out of date, and the reference must be updated to the Statutory Biodiversity Metric Calculation tool (<a href="https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides">https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</a>). Version 4.0 of the metric ceased to be the most up to date version on the publication of the Statutory Biodiversity Metric by the Secretary of State in 2024</p> <p>Paragraph 3.3 of Schedule 1 incorrectly refers to paragraph 2.2, and should instead refer to paragraph 3.2.</p> |
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## Development Consent Order

| Questions for East Suffolk Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | East Suffolk Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p>55. The Secretary of State invites the Applicant and relevant IPs to comment on the proposed insertion of the final wording in Requirement 18 (Control of operational noise) of the DCO, should the DCO be made, which is shown in italics below:</p> <p>18 –(1) No part of Work Nos. 1B, 3B, 9B and 11 shall come into operation until an operational noise assessment has been submitted to and approved in writing by the relevant planning authority. The assessment shall—</p> <p>(a) be based on the final specification and layout of plant and equipment;</p> <p>(b) demonstrate compliance with the rating levels set out in sub paragraph (3); and</p> <p>(c) identify any mitigation measures required to achieve compliance.</p> | <p>Throughout the Examination, ESC consistently requested that the Applicant propose an operational noise rating level, secured via a DCO Requirement, that is the lowest that can reasonably be achieved, with full justification as to why that is the case. ESC also required that the Applicant demonstrate that this rating level satisfies relevant national policy in terms of significance of impact.</p> <p>In its Operational Noise Levels – Technical Note <a href="#">[REP6-128]</a>, the Applicant failed to confirm and fully justify that its proposed 34 dB operational noise rating level for the Suffolk converter station is the lowest noise level that can currently be reasonably achieved based on the current generic design, as has been continually requested by ESC. ESC considers that the Applicant should use the method in note 1 of section 11 of BS4142 to demonstrate that its proposed operational noise rating level accords with policy, as has been the case for all other comparable projects in the District. This provides that ‘a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context’. This provides a clear and reasonable pathway to satisfy NPS EN-1 policy tests, but the Applicant in its technical note is relying on other policy, such as the Planning Practice Guidance – Noise (which has mostly been withdrawn), rather than the recently updated specific National Policy Statements.</p> <p>The ExA’s schedule of changes to the draft DCO <a href="#">[PD-024]</a> also appeared to indicate that the ExA is not satisfied with 34dB as an operational noise rating level for the converter station. Based on the BS4142 significance criteria which dictate that</p> |

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| <p>(2) The development shall be operated in accordance with the approved assessment and any mitigation measures therein, which shall be implemented prior to operation and maintained for the lifetime of the development.</p> <p>(3) The rating level (LAr) of noise from the normal operation of the authorised development shall not exceed—</p> <p>(a) 34 dB LAr for any fifteen-minute period between 23:00 and 07:00; and</p> <p>(b) 34 dB LAr for any one-hour period between 07:00 and 23:00, determined one metre free field external to any window or door of any existing permanent residential premises using the definitions and methods described in BS4142:2014+A1:2019.</p> | <p>&gt;+10dB is indicative of significant adverse effect and the fact that the worst affected receptor (R_5764) has been assessed to have a night-time background sound level of 22 dB (see Table 1.3 of <a href="#">[AS-119]</a>), a 34 dB operational noise rating level would be greater than the significant observable adverse effect level (SOAEL). Whilst ESC remains concerned about adverse effects arising from operational noise from the converter station, ESC acknowledges that the ExA's proposed operational noise rating level of 32 dB at the converter station site would satisfy policy based on the BS4142 significance criteria.</p> <p>Furthermore, ESC is extremely concerned by the proposed 34 dB rating level for the Kiln Lane Substation (Work No. 1B), in the event that this is delivered under the Sea Link DCO. REAC Commitment NV12 commits to rating levels of 22 dB at 1 Woodside Cottages and Woodside Barn Cottages, and 21 dB at Little Moor Farm (equivalent to 5 dB below background noise levels) <a href="#">[REP7-359]</a>. A 34 dB rating level would therefore create a significantly worse scenario for local residents than the Applicant has already committed to in the REAC (albeit ESC has been requesting that this is secured by way of a DCO Requirement), and than the ExA has recommended in Amendment 20 of its Schedule of Changes to the draft DCO <a href="#">[PD-024]</a>.</p> <p>ESC therefore strongly objects to the proposed Requirement 18 wording which would secure a rating level of 34 dB for the Suffolk Converter Station and the Kiln Lane Substation.</p> <p>ESC has also been consistently requesting that the Operational Noise DCO Requirement secures schemes for monitoring compliance with the prescribed rating levels, including compliance with the noise rating levels set out in Requirement 27 of the East Anglia TWO DCO in the event that the Kiln Lane Substation (Work No. 1B) is delivered under Work No. 2. These monitoring schemes are not secured in</p> |
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|  | <p>the provided wording, but was secured in the ExA's recommended Amendment 20 of its Schedule of Changes to the draft DCO [<a href="#">PD-024</a>].</p> <p>Furthermore, as has been consistently requested by ESC, the ExA's recommended wording for an Operational Noise DCO Requirement (Amendment 20 of its Schedule of Changes to the draft DCO [<a href="#">PD-024</a>]) included a requirement that the undertaker demonstrates to the relevant planning authority that the lowest reasonably practicable operational noise levels have been achieved, thus ensuring that the operational noises levels are further reduced at detailed design stage if it is reasonably possible to do so. ESC is disappointed to see that this requirement is absent from the Secretary of State's proposed Requirement 18 wording.</p> <p>ESC provided its suggested wording for an operational noise DCO Requirement in response to ISH3 Action Point 1 [<a href="#">REP6-161</a>], and provided comments on the ExA's suggested wording for an operational noise DCO Requirement in its comments on the ExA's Schedule of recommended amendments to the draft DCO [<a href="#">REP7-308</a>].</p> |
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As noted in the cover letter to this response, ESC wishes to take this opportunity to highlight an issue with the drafting of Requirement 7 of the draft Sea Link DCO [\[REP7-002\]](#) which has been identified through the implementation of another project in the District. Requirement 7 provides the core construction working hours for the project and sets out the “essential” activities that can be undertaken outside of these core working hours. Requirement 7(9) sets out the implementation of the process for the local planning authority approving the carrying out of these “essential” activities. ESC has found that, in practice, the wording in Requirement 7(9) is very much open to interpretation, and clearer drafting is required to clarify the intention of this wording, what it allows to be undertaken and when, and to what extent local planning authority approval is required. This is particularly important as it influences the way in which the Control of Pollution Act Section 61 process is used. Requirement 7 forms the foundation of the s61 process in terms of hours of work, what activities are permitted to occur outside of them, and how they are controlled.

Requirement 7 must clearly set out what activities are allowed and what approval processes must be administered in order to allow them to be carried out. ESC’s recent experiences have found that drafting comparable to that in Requirement 7(9) of the draft Sea Link DCO does not provide sufficient clarity in this regard, and this has created significant issues at implementation when investigating “essential” activities continuing outside core of working hours. In the case of activities such as Horizontal Directional Drilling, ESC appreciates that there is a clear intention that these activities can and absolutely will occur for significant periods of time outside core working hours, but it is essential that the DCO clearly reflects this intention and that the processes for approving the carrying out of these “essential” activities are clearly defined.

ESC also queries why Requirement 7(9) only applies to “essential” activities carried out in relation to Works No. 1A and 1B (and those elements of Work No. 4, Work No. 13, Work No. 15 and Work No. 17 insofar as they are works required to construct, operate and/or mitigate the environmental impacts of Work No.1A and Work No.1B), and not those carried out in relation to other works (i.e. the list in Paragraph (4) of Requirement 7).

ESC is also engaging with the Applicant on this matter, and hopes that the issue can be resolved through a redrafting of Requirement 7 prior to the DCO being made, should the Secretary of State grant consent.

**18 September 2026**