

Sea Link DCO

Response to Secretary of State's request for information of 28 August 2026, and formal representation to the Secretary of State concerning revelations in Ofgem's 1 September 2026 report on Sea Link, on behalf of Suffolk Energy Action Solutions (SEAS)

To: The Rt Hon Miatta Fahnbulleh MP, Secretary of State for Energy Security and Net Zero

c/o: Energy Infrastructure Planning Delivery Team, Department for Energy Security and Net Zero (DESNZ)

Via Email: SouthEastAngliaLink@planninginspectorate.gov.uk

PINS Project Reference: EN020026 (Sea Link)

Submission Category: Formal response to the Secretary of State's Request for Information (RFI) of 28 August 2026, and additional representations

Interested Party Reference: SEAS (IP Ref: [REDACTED])

Date: 17 September 2026

1. Introduction

1.1 Suffolk Energy Action Solutions (SEAS) provides this document in response to the Secretary of State's 28 August 2026 request for information (RFI), and in particular to draw the Secretary of State's urgent attention to adverse revelations regarding the Sea Link project that have now come to light. These not only confirm that Sea Link's purpose might not be achievable, as well as making no economic sense, but also reveal failure to comply with the environmental impact assessment (EIA) regime. SEAS respectfully considers the Secretary of State must seek further information from the applicant, National Grid Electricity Transmission plc (NGET), in accordance with her *Tameside* duty of inquiry.

1.2 As regards the revelations, these are found in Ofgem's 1 September 2026 Sea Link - Project Assessment (Ofgem PA).¹ Ofgem PA is subsequent to the final evidence to the examination, and to the examination authority's report. The Ofgem PA reveals, for the first time, an unresolved "Harmonics Issue" that it warns might render Sea Link's objectives undeliverable, and provides information regarding the cost of Sea Link that shows it to be even poorer value for bill payers, and even less justifiable, than SEAS had thought. SEAS takes this opportunity (as it is not aware of any other opportunity) to urgently update the Secretary of State accordingly. It is clear that these matters in the Ofgem PA not only go directly to the Secretary of State's decision-making under s.104 of the Planning Act 2008, but reveal a failure of EIA and a pressing need for answers. They are also to be viewed in the context of the 11 September 2026

¹ <https://www.ofgem.gov.uk/sites/default/files/2026-08/Sea-Link-minded-to-decision-FINAL-redacted.pdf>

National Audit Report *Upgrading the electricity transmission network* (NAO Report),² which shines important light on why it is Sea Link has been allowed to roll on to this point without proper challenge from Ofgem, NESO or, indeed, DESNZ.

1.3 As regards the RFI, SEAS is conscious that the Secretary of State has not directed requests for information to it. However, to the extent the RFI relates most immediately to the issues flagged above, SEAS picks that up also.

1.4 SEAS confirms that this document has been prepared with input and overview from specialist counsel ([REDACTED])

1.5 SEAS does not repeat its evidence and representations to the DCO examination, and refers to them only where strictly necessary to guide the reader. We continue to use the DCO examination library document references as appropriate.

2. Legal Framework

2.1 The Secretary of State will be well aware of the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs) and the Planning Act 2008 (the Act), so we will not labour the points, only sketch them in order to provide the context for what we say below.

2.2 The fundamental purpose of the EIA Regs is to ensure that a project's likely significant environmental effects are assessed *prior* to a grant of consent. The “salami-slicing” or splitting of a project must not frustrate assessment of the environmental effects of the project *as a whole*, nor of cumulative effects, whether intra-project or inter-project cumulative effects (see, for example, the decision of the Court of Appeal in *R (Brown) v Carlisle City Council*³ and *Bowen-West v Secretary of State for Communities and Local Government*⁴). Further, whilst details of a project may be deferred to a subsequent process of approval, that is on the proviso that: (1) the likely significant effects of the project are evaluated at the outset by adequate environmental information encompassing: (a) the parameters within which the proposed development would be constructed and operated (the so-called “Rochdale envelope”); and (b) the flexibility to be allowed by that consent; and (2) the ambit of the consent granted is defined by those parameters. See *R v Rochdale Metropolitan Borough Council, ex p Milne*,⁵ (per Sullivan J, as he then was), and for a pulling together of the threads see *Pearce v Secretary of State for Business, Energy and Industrial Strategy*⁶ (per Holgate J, as he then was) in particular at paras 113–114 (approved by the Court of Appeal in *R (Substation Action Save East Suffolk Ltd) v Secretary of State for Energy Security and Net Zero & others*, at para 55⁷). Note, though, that the extent to

² <https://www.nao.org.uk/wp-content/uploads/2026/09/Upgrading-the-electricity-transmission-network.pdf>

³ [2010] EWCA Civ 523, [2011] Env LR 5.

⁴ [2012] EWCA Civ 321, [2012] Env LR 22.

⁵ [2001] Env LR 22, (2001) 81 P & CR 27.

⁶ [2022] Env LR 4.

⁷ [2024] EWCA Civ 12, [2024] PTSR 561.

which “effects” are a matter of judgment is more tightly constrained than those earlier decisions recognised, as explained by the decision of the Supreme Court in *Finch*.⁸

2.3. As regards the Act, we highlight the s.104(3) requirement to ‘*decide the application in accordance with any relevant national policy statement*’, and the s.104(7) balance. We refer below in particular to NPS EN-1, and its requirement that projects demonstrate economy and efficiency.

2.4 The Secretary of State, as with any public decision-maker, is under a duty of reasonable inquiry, in that they must ask the right question/s and take reasonable steps to acquaint themselves with the relevant information: *Secretary of State for Education v Tameside MBC* [1977] AC 1014, 1065B *per* Lord Diplock, as further explained by the Court of Appeal in *R (Balajigari) v Secretary of State for the Home Department*.⁹

3. What has been revealed by the Ofgem PA

3.1 The Ofgem PA raises, so far as SEAS is aware for the first time, a major technical obstacle to the delivery of Sea Link’s objectives, which obstacle NGET has signally failed to recognise and address in its explanation of the Sea Link project or the assessment of the likely significant environmental effects, or even acknowledge during the DCO examination process. This is what the Ofgem PA refers to as “the Harmonics Issue”, and it is something the Ofgem PA puts front and centre (to the extent it devotes multiple paragraphs of its short introduction/overview to the Harmonics Issue).

3.2 The Ofgem PA also now spells out the staggering amount of money that is being allocated to Sea Link, much of it “up front”, which is particularly shocking given the “need” case for Sea Link collapsed even before the application was made, as SEAS has set out in its evidence and representations to the examination.

3.3 These are taken in turn, but there is a relationship between the two.

The Harmonics Issue

3.4 To quote Ofgem PA, paras. 1.15-1.16:

‘1.15 Harmonics are electrical waveform distortions that can affect the secure and reliable operation of the transmission system if not appropriately managed. During the detailed design and procurement of Sea Link, NGET identified power quality challenges associated with connecting the Project in an area of the network with significant connection activity. The harmonic studies undertaken indicated that, even with the largest filter solutions proposed by bidders on the Project, compliance with applicable harmonic limits was unlikely to be achieved under all system conditions.

1.16 NGET has therefore identified the need for additional harmonic system studies to inform what mitigation measures are required beyond those currently

⁸ *R (Finch) v Surrey County Council* [2024] UKSC 20, [2024] PTSR 988.

⁹ [2019] EWCA Civ 673, [2019] 1 WLR 4647 (at para 70).

included within the EPC contract proposals. Further investigations are ongoing to determine the appropriate specification and location of further harmonic filters or other solutions as may be identified. We understand that the activities proposed by NGET in this PA do not fully resolve the harmonics issue. NGET anticipates that additional activity is required elsewhere on the transmission network to resolve this issue and ensure compliance with applicable requirements following Sea Link's energisation at its intended 2GW operating capacity, although the precise scope and location will depend on the solution identified. Such actions may include wider reinforcement or additional harmonic mitigations. NGET expects to identify the appropriate solution through ongoing studies and has committed to take these forward using alternative funding mechanisms to ensure this where appropriate.'

3.5 The Ofgem PA explains elsewhere that:

'the Project must operate at its designed specification of 2GW full capacity, while ensuring network compliance with applicable Grid Code requirements in relation to harmonics, to be considered successfully delivered. Any derating of the circuit due to related wider or localised harmonic issues as a result of the Project will result in Outputs of the Project under its licence not being achieved.' (para.1.12),

'addressing the identified harmonics issue is a necessary component of delivering the Outputs and consumer benefits associated with Sea Link' (para 1.17),

and, importantly, that the Sea Link "scope of work" includes (para 1.11):

'Such further work as may be required to ensure NGET's compliance in respect of Sea Link with Grid Code CC.6.1.5 (including Engineering Recommendation 5/5) which outlines the technical, design and operational criteria which licensees must meet regarding voltage waveform quality in respect to harmonic content and phase unbalance and ensure the link can work at its designed full capacity of 2GW.'

3.6 So the stark position, which we emphasise has been revealed only *after* the DCO examination, and after the examining authority's report, is that NGET will need to carry out "additional activity", which *'may include wider reinforcement or additional harmonic mitigations'*, but NGET presently has not said what, seemingly because it presently does not know what.

3.7 It was and is entirely down to NGET to understand and work up what is needed to deliver the Sea Link project, as with any project, timeously. NGET cannot hide behind its own failure to do so at an appropriate point in time to excuse its failure to comply with the EIA regime (there is an echo here of the position regarding the Benhall Bridge).

3.8 The Sea Link environmental statement does not identify the need for steps to address the Harmonics Issue, whether as part of the project or as an associated activity, let alone consider whether they will give rise to significant environmental effects.

3.9 Whilst NGET claimed during the DCO examination that the approach taken in the ES complied with the “Rochdale envelope”, such that all significant environmental effects of the projects had been assessed, and in reality the effects would be less than those assessed, this plainly does not apply to whatever will be needed to address the Harmonics Issue, that NGET has only just disclosed.

3.10 The ES is defective, the EIA is defective, and SEAS considers the Secretary of State can go no further, other than to refuse the DCO sought, on the basis of the environmental information presently before her.

3.11 It is also staggering that we are hearing about the Harmonics Issue only now, and not from NGET, but from Ofgem. Surely NGET knew of it during the life of the DCO examination? Why did NGET not alert the examining authority, and the participants to the examination?

3.12 The Harmonics Issue has obvious knock on effects for the transmission boundaries at issue. SEAS has already demonstrated why NGET’s claims of boundary transmission deficits to justify Sea Link are an outdated legacy from the position before Nautilus shifted to the Isle of Grain, which, bizarrely, NGET failed to acknowledge when making the application for the DCO. The other boundary “issues” that NGET sought to rely upon when it was forced to acknowledge the Nautilus position, have also fallen away (and see below). But in any event, under a post-fault (N-1) contingency on the Sizewell–Bramford corridor, network impedance increases, worsening harmonic resonance. If NGET’s Sea Link cannot maintain Grid Code CC.6.1.5 / ER G5/5 limits under all conditions, it risks automatic tripping or forced throttling during the exact network fault it is built to secure. It cannot guarantee compliance with the fundamental NETS-SQSS standard relating to the EC5 boundary.

Cost of Sea Link, set against the legislative and EN-1 requirements of economy and efficiency

3.13 SEAS has already explained in its DCO examination representations and evidence that NPS EN-1 (see eg paras. 4.2.5 and 4.2.16) requires that network solutions be ‘efficient’, and ‘economical’ (and see the mandatory statutory duty under s. 9(2) of the Electricity Act 1989 and Standard Licence Condition C1). Paragraphs 4.2.4 to 4.2.11 of NPS EN-1 also make clear that the presumption in favour of CNP infrastructure applies only where the mitigation hierarchy has been fully demonstrated, residual impacts are justified, and the scheme delivers an efficient network design.

3.14 We have demonstrated in the DCO examination that the Sea Link “need” case (APP-320) was predicated on a claimed c.1,852MW “Sizewell export group” deficit which *assumed* the 1,400MW Nautilus interconnector would be sited within the Sizewell export group (at Friston). This was the basis on which Sea Link was included in the Holistic Network Design (HND), which then led to Clean Power 2030, and the Accelerated Strategic Transmission Investment (ASTI) framework. Clean Power 2030 itself claimed a requirement for Sea Link to connect Five Estuaries wind farm and Rampion Extension wind farm.¹⁰ However, Ofgem formally relocated Nautilus on 14

¹⁰ CP30R Annex 2 states that Sea Link is “required for connection of Five Estuaries OWF and firm connection of Rampion Extension”.

November 2024, 19 weeks prior to NGET submitting its DCO application for Sea Link on 27 March 2025, and the Five Estuaries and Rampion Extension “requirements” for Sea Link asserted in Clean Power 2030 have also both been met by other means. Despite this, no-one, including NESO, Ofgem and certainly not NGET revisited matters (the Holistic Network Design, ASTI and Clean Power 2030 should all have been revisited regarding Sea Link). NGET in particular failed to revisit the project or even update its baseline, even though the “deficit” was now at most only 352MW, and even that would not arise until c.2040 and only if LionLink, which is presently pre-application, proceeds (REP6-256A). Without LionLink, existing circuits maintain a 1,582MW export surplus out to 2040 (REP6-256A).

3.15 SEAS also checked all the NGET “in progress” and consented OHL improvements along the Sizewell to Bramford line plus Bramford to Twinstead plus down to Tilbury etc and for south of Tilbury, and demonstrated that all the “boundary deficits” that NGET claimed in APP-320, and which it asserted Sea Link was to assist with, had either already been resolved, or were in the process of being resolved. See REP6-256A, in particular the systematic boundary critique at Section 6 (page 15), and the granular, mathematical project-by-project breakdown set out in Section 7 (specifically paras 7.4.1 to 7.6, pages 17–19). NGET has attempted to sidestep this, and avoided providing the examining authority (or the Secretary of State), with a transparent, unredacted, assessment of the boundary transfer position (covering EC5, LE1, SC2) reflecting the removal of Nautilus and assessing updated network requirements.

3.16 By comparison, SEAS has demonstrated an alternative solution of a fully SQSS-compliant onshore overhead line (OHL) upgrade, which SEAS has fully costed at less than £300m (REP5-147, REP6-256A, REP7-292).

3.17 In the context of the already-collapsed “need” case, the Ofgem PA has now confirmed our worst fears of just what a colossal waste of billpayers’/taxpayers’ money SeaLink will be. NGET’s 2018/19 capital expenditure baseline of £1.154bn (APP-320) has been replaced by Ofgem PA’s updated consumer cost exposure of £3.2bn (at 2023/24 prices, so the actual cost will inevitably be greater). By contrast, as noted, SEAS evidenced the alternative solution costs for a fully SQSS-compliant onshore OHL upgrade of less than £300m (REP5-147, REP6-256A, REP7-292). Consenting the deliverable OHL alternative secures a saving in excess of £2.9bn for consumers (equivalent to c.£100 per UK household).

3.18 Thanks to the Ofgem PA, the Secretary of State now has an authoritative, regulator-confirmed outturn cost for the Sea Link project, of over £3bn. In circumstances where (as explained above) the Ofgem PA also identifies, for the first time, the Harmonics Issue that could prevent Sea Link delivering its objectives, and for which no solutions have yet been identified.

3.19 SEAS respectfully submits that putting the two together, it cannot possibly be concluded that Sea Link represents “economy” or “efficiency”.

3.20 In this context, it becomes ever more pressing that the Secretary of State commissions a formal, independent comparative assessment of the <c.£300m OHL alternative before any decision is taken whether to consent Sea Link. The sums of

money at stake for what has every appearance of a white elephant are too great to ignore (even before all the other issues are brought to bear).

3.21 Committing £3.2bn without independently testing and verifying the deliverable £300m alternative would be contrary to both EN-1 and the legislative requirements and without rational basis.

3.22 Moreover, this is all even before we consider the impact of the collapse of the Sea Link “need” case on the claimed “constraint costs” that have apparently persuaded Ofgem that NGET should be granted vast amounts of money for Sea Link. The asserted “constraint costs”, which are put in the order of £billion/s, derive from the self-same overtaken “need” case that placed Sea Link in the HND, ASTI and Clean Power 2030. But the “constraint costs” have not been revisited in light of the collapsed needs case, certainly not by Ofgem. The NAO Report sheds important light on all of this, as discussed below.

3.22 We would add that there is already an unfortunate operational precedent in terms of de-rating and delay: Western Link is Great Britain's sole operational subsea HVDC link connecting major transmission boundaries. Its operational history of commissioning delays, trips, and recurring capacity restrictions demonstrates that subsea HVDC cannot simply be assumed to operate at nameplate capacity. Even in the absence of the obstacles that SEAS and others have identified for Sea Link through the DCO examination, and to which Ofgem has now added the Harmonics Issue, the Secretary of State could not rely on a claimed 2GW capacity on paper translating into 2GW in practice. Plainly, in the circumstances that pertain to Sea Link, the claimed benefits are highly uncertain, which itself bears on the s.104 test.

4. The important light shed by the NAO Report

4.1 The NAO Report bears on two points of particular relevance:

- (1) The lack of any coherent planning behind Sea Link's inclusion in the HND, ASTI and Clean Power 2030.
- (2) Why it would be wrong to rely on any cost benefit case made by Ofgem (or NGET or NESO) for Sea Link.

4.2 These underline the importance of the Secretary of State inquiring closely into the Sea Link case, and demanding the necessary information to do so.

4.3 The NAO Report makes a total of 21 “key findings”, which are set out within the “Summary” under different headings. Of interest are “key findings” number 18 and number 20 under the heading ‘Upgrade oversight’.

4.4 Key finding number 18 is this:

‘18 The chosen upgrades reflect the projects NESO considered would best deliver Clean Power 2030 within the time available, rather than the outcome of a whole-system assessment of alternatives. Grid upgrades are funded through electricity bills rather than public expenditure and are not supported by a full

business case, options appraisal, or assessment of overall value for money. Instead, DESNZ has supported new renewable generation, NESO has recommended the grid upgrades needed to support it, and Ofgem has approved investment largely by reference to reducing constraint costs. Most of the recommended grid upgrades were chosen because they were already in development. In the absence of an integrated spatial plan or whole-system appraisal, the government has not demonstrated that these projects represent the best way of achieving its objectives...'

4.5 There we have, pithily spelled out, what SEAS has been saying throughout the examination: Sea Link was treated as “baked in” by NGET by virtue of its inclusion in Clean Power 2030, but that was a legacy inclusion, based on a need case that has fallen away.

4.6 Key finding number 20 is this:

‘20 Ofgem has adapted its regulatory approach to support rapid expansion of the grid, reducing its emphasis on detailed scrutiny of construction costs. Ofgem’s historical approach was designed for a relatively stable asset base. It is now being applied to a period of unprecedented growth in network investment. The increased volume, pace and complexity of approvals place pressure on Ofgem’s capacity. This requires faster and more flexible decision-making. For its price control regime for April 2026 to March 2031, Ofgem aims to (paragraphs 3.7 to 3.17):

- *Approve project funding in phases: Many projects are at too early a stage to provide all the funding for the five-year price control period upfront. Ofgem has therefore approved projects in principle, with upfront funding of £17.7 billion out of the total £70 billion investment that Ofgem considers may be required from 1 April 2025 to 31 March 2031. Ofgem will make its final decisions through staged phases.*

- *Focus on faster approvals over detailed scrutiny: The phased approach still requires Ofgem to scrutinise project costs and risks over time. Volatile prices and the bespoke nature of many projects reduce Ofgem’s ability to rely on benchmarks, requiring it to make broader judgements about whether Transmission Owners are managing and procuring projects efficiently. This places greater demands on Ofgem’s capacity. However, any delays could increase constraint costs for consumers. It has therefore changed its risk appetite to prioritise faster funding decisions, where possible, over more detailed scrutiny of project costs and risks.*

- *Reduce duplication with NESO’s assessment of need: Ofgem introduced a streamlined project approval process in 2022, the Accelerated Strategic Transmission Investment (ASTI) framework. This seeks to reduce duplication in its project approval with NESO’s assessment of strategic need. Twenty-six of the 88 projects use this process.*

- *Place increased reliance on incentives: Ofgem’s current price control relies on incentive payments and penalties for Transmission Owners to control costs and*

deliver upgrades on time. However, these reward delivery ahead of regulatory target dates, which are often later than NESO's assessment of when projects would be optimally delivered.'

4.7 In short, Ofgem has not scrutinised the “need” for Sea Link, and nor has Ofgem asked itself whether Sea Link represents value for money. We know that neither NGET nor NESO have revisited the cost/benefit of Sea Link in light of the collapsed “need” case. As Ofgem have not either, that means it is left to the Secretary of State to do so.

5. Requests that the Secretary of State expand her requests for Rule 17 information in light of the above

5.1 The position outlined above is compounded further, as SEAS has explained to the DCO examination, because not only will Sea Link cause the various significant adverse environmental effects NGET's ES itself recognises, but those understate matters (and in particular, to single out one key point, NGET has failed to conduct an integrated cumulative EIA across concurrent East Suffolk NSIPs, hence applying the precautionary principle the range of significant adverse environmental and socio-economic harm must be assumed as a matter of law). We respectfully suggest that when the assumed cumulative harms are balanced against a collapsed need case and an uneconomic scheme, s.104 of the Act decisively bars the grant of consent, and to SEAS, it seems obvious that the Sea Link DCO application must be refused. However, if the Secretary of State is not to do so without more, then further information is plainly required (in accordance with *Tameside* properly understood, as information that no reasonable decision maker could do without).

5.2 First, a dynamic network capability audit is needed from NESO. NESO must be asked to provide transparent, unredacted boundary transfer data (EC5, LE1, SC2) reflecting the removal of Nautilus and assessing updated network requirements, alongside full NETS-SQSS compliance assessments for both grid reinforcement options (see below).

5.3 Second, an independent comparative cost-benefit and impact analysis of Sea Link compared to the OHL alternative is required. This would be commissioned by DESNZ and would independently audit (independent of NGET) and verify the deliverability and capital costs of the SQSS-compliant onshore OHL alternative (<c.£300m), and benchmark it directly against the confirmed c.£3.2bn Sea Link outturn costs, across capital cost, whole-life consumer expenditure, and comparative environmental/landscape impacts.

5.4. SEAS formally requests that the Secretary of State exercise powers under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (and, if necessary, extend the determination timetable under Section 107(3) of the Planning Act 2008) to require these.

6. Knock on from above for specific parts of the RFI

6.1 First, the Harmonics Issue potentially affects most if not all of the environmental impact “topic” areas covered by the RFI. We will not know which and to what extent until NGET detail these as-yet-undescribed aspects of the project.

6.2 Second, in terms of the constituent components of the proposed development, as regards the “design” part of the RFI (questions 13 and 14), plainly questions of design will need to be revisited in light of whatever NGET ultimately proposed to address the Harmonics Issue. We imagine the same would be true of “compulsory acquisition and temporary possession” (RFI questions 45-51). It might also be that different access arrangements are required, which is relevant to the RFI “traffic and transport topic” (and as regards the specific question there, question 39 concerning the Benhall Bridge, SEAS considers it a further indictment of NGET’s poor planning of Sea Link, that not only had it not considered the Benhall Bridge issue ahead of making the application, but that it had not, by 28 August 2026 the date of the RFI, submitted a survey of the Benhall Bridge to the Secretary of State).

Respectfully submitted,

Suffolk Energy Action Solutions (SEAS)