

John Wheadon
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Department for Energy Security and Net Zero
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PINS reference: EN020026

22 October 2026

Submitted by email only: SouthEastAngliaLink@planninginspectorate.gov.uk

Dear Mr Wheadon,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010
Application by National Grid Electricity Transmission plc (“the Applicant”) for an Order
granting Development Consent for the Sea Link Project

This letter has been prepared by National Grid (the Applicant) to provide an update on matters being discussed with Natural England.

It also proposes final minor amendments to the Protective Provisions for highways authorities contained in Part 5 of Schedule 15 of the draft Development Consent Order (DCO). These changes respond to change requests received from Suffolk County Council and Kent County Council.

Natural England

The Applicant is mindful that it has not been possible to resolve all issues between the Applicant and Natural England and would like to provide some reassurance to the Secretary of State that notwithstanding this position, the Secretary of State has extensive and robust information on which to base a decision. The lack of resolution of issues is, in the Applicant’s view, primarily resulting from resourcing issues at Natural England rather than substantive issues with the project or the application. Some background on the relationship between the two parties is provided below.

- The Applicant and Natural England have a Service Level Agreement (SLA) in place and the Applicant has been engaging with Case Officers at Natural England for many years. This engagement has continued throughout the DCO Examination and the decision-making stage. Through the SLA, the Applicant has provided significant funding to Natural England to enable them to resource their role in the project.

- The Applicant has a good relationship with Natural England generally and understands the capacity issues that this stakeholder experiences. The capacity issues at Natural England have been acknowledged by Natural England in various discussions, emails and letters with the Applicant since 2024, for example see page 20 of their Deadline 7 covering letter **[REP7-268]**. These resource challenges have remained in the context of the SLA.
- The Sea Link Examination was challenging for all parties due to the volume of documentation submitted and this has further stretched staff across all organisations; the Applicant acknowledges this context.
- The resourcing issues at Natural England have meant that limited feedback was received on the project prior to submission, despite numerous rounds of consultation. For example, in September 2024 the Applicant received a letter of 'no capacity' confirming Natural England was unable to provide specific advice on landscape matters, including those associated with the Suffolk Coast & Heath National Landscape (see Appendix B to this letter). This letter confirmed that *'there are no landscape issues which, based on the information received, necessitate Natural England's involvement given our current capacity issues'*. Despite this position, Natural England then raised multiple concerns relating to landscape and visual matters during the examination, including how impacts on the National Landscape have been quantified and the viability of the proposed acid grassland enhancement area during Examination. Very limited engagement was possible to ascertain what the issues were or determine what further information would resolve the issue. Even at a meeting very late in the Examination (April 2026), the Natural England Landscape Officer confirmed that not all information from the Applicant had been reviewed and it was not possible to confirm what additional information or detail was required.
- More generally, a large number of issues have been raised towards the end of Examination and after the close of Examination that had not been raised at earlier points in the project. The Applicant has frequently offered to set aside time in person or on Microsoft Teams to seek clarification of issues, help Natural England navigate documents and ultimately seek resolution. These offers have been declined because Natural England has not had sufficient capacity to attend. The Applicant views this as very unfortunate as it considers that agreement could have been efficiently reached on most topics had these discussions taken place.
- The Applicant notes that in November 2025, Natural England stated within its examination submissions **[REP1-153]** that it would not reply to comments on comments unless specifically requested to do so. Consequently, whilst the Applicant continued to provide detailed written responses to Natural England's concerns throughout the Examination, Natural England did not always review the responses provided. Therefore, there was often no substantive feedback from Natural England on whether the Applicant's responses had resolved the issue. This, together with the limited availability of Natural England's specialists to attend issue specific meetings, has limited the ability of the Applicant to close out matters through the examination process. It has also contributed to there being a number of issues remaining and recorded as outstanding despite extensive information having been provided by the Applicant. The Applicant is

confident that many issues would have been resolved if documents were reviewed in full by Natural England.

- Natural England has also not attended Examination hearings, even when their attendance was requested by the Examining Authority. This included hearings that have directly concerned issues on which Natural England is the principal statutory consultee and has statutory responsibilities for providing advice.
- All the above has meant that it has often been unclear to the Applicant what Natural England's position is on certain matters as Natural England's published position did not yet reflect the Applicant's previously submitted technical material. This has meant the Applicant has been forced to speculate on what was meant by written material and what might resolve the issue. This lack of clarity is exacerbated by the fact that the Natural England Risk and Issues log contains inaccuracies about the project, requests further information without clarifying what further information is required and references responses in previous documents where those documents do not provide the information stated. In some cases the log states that Natural England agrees to disagree, but the Applicant remains unclear on what Natural England disagrees with.
- In cases where the Applicant understands what further information is requested, it is often the case that Natural England is requesting detail that is not available at the application stage of a major infrastructure project. This information will be properly provided as part of the information to discharge requirements on the DCO and conditions on the deemed Marine Licence (dML); as secured in the DCO. For example a code of conduct for hovercraft use can be consulted on and finalised as part of the final Cable Specification and Installation Plan. The Applicant is therefore confident that the DCO documents provide sufficient information for Natural England and the Secretary of State to conclude that issues will be resolved and that detail will be provided at a later date on how this will be achieved. Detail will be subject to scrutiny, consultation and approvals as detailed in the DCO and accompanying documents.
- At Deadline 7 the Applicant updated and added several draft DCO requirements, dML conditions, outline plans and revised the Register of Environmental Actions and Commitments (REAC) in direct response to submissions from Natural England. The Applicant has also submitted further revisions to the REAC and relevant outline plans following the Secretary of State's Requests for Information (RFI) on both the 28 August and 9 October 2026. However, the Natural England Risk and Issues log has not been updated to reflect these changes and Natural England stated that it was not possible to share an updated version with the Applicant prior to their submission on 22 October.
- The Applicant requested a meeting to close out issues and Natural England agreed to attend a 30-minute meeting on 20 October 2026. Unfortunately, none of Natural England's specialists attended and Natural England confirmed that no extant issues could be resolved due to resourcing challenges.
- At the meeting on 20 October 2026, Natural England stated that a new red risk would to be added to their Risk & Issues log to be submitted on 22 October as a result of the Applicant's responses to the Secretary of State RFI and Natural England's understanding

that this meant there had be a change to the proposed installation technique at Pegwell Bay. Natural England was unable to provide any more clarity as to what their specific concerns were in the meeting. The Applicant confirmed in the meeting that the installation measures had remained consistent since the application was submitted in March 2025. The Applicant then provided a further email to Natural England on 20 October to signpost information on Pegwell Bay and provide reassurance that the installation method had not changed. Application Document 9.13 provides all the necessary detail for construction options within Pegwell Bay with Paragraphs 1.1.5 to 1.1.7 defining the worst case scenario for trenchless activities in Pegwell Bay and why Horizontal Directional Drilling has been assessed.

- It is the Applicant's view that if Natural England had been able to attend a call to talk through this issue with our engineers, this misunderstanding could have been avoided. This is illustrative of the issues being caused to the delivery of a major infrastructure project by the resourcing issues at a statutory body.

Summary

- National Grid considers that the matters identified by Natural England as outstanding in their Risk & Issues Log have been fully addressed through the extensive evidence submitted as part of the application and during Examination. This evidence includes, but is not limited to:
 - Information submitted as part of the Applicant's responses to Natural England's representations;
 - Successive updates to the HRA;
 - Terrestrial and marine ecology assessments, management plans and control documents; and
 - the substantial package of mitigation and monitoring secured through the REAC, DCO requirements and the dML conditions.
- For the Applicant's latest position on matters raised by Natural England, National Grid would like to refer the Secretary of State to:
 - **Application Document 9.149 Applicant's Comments on Other Submissions Received at Deadline 6 [REP7-257];**
 - **Application Document 9.149.1 Applicant's Comments on Natural England Risk & Issues Log [REP7-258]; and**
 - The Applicant's recent submissions in response to the Secretary of State's Request for Information dated 16 October 2026 [**Application Document 9.159 Applicant's Response to Request for Information dated 9 October 2026 and Further Comments from the Applicant**].
- National Grid remains satisfied that the Application and accompanying assessment material are robust, that the mitigation hierarchy has been applied throughout development of the project, and that appropriate and effective controls are secured to avoid, minimise, mitigate and, where necessary, compensate for potential significant effects on designated sites, protected habitats and species, and valued landscapes.

- Any remaining matters can be appropriately addressed through mechanisms embedded within the DCO, including the mechanisms to secure further detail through the discharge of requirements and implementation of management plans that require relevant consultation and approvals before construction can commence. Accordingly, National Grid considers that the matters identified by Natural England do not amount to material considerations that would prevent the Secretary of State from reaching a decision on the application. Nor do they prevent the Secretary of State from concluding that the Proposed Project's environmental effects have been appropriately assessed and are adequately controlled.

Highways Protective Provisions

The Applicant has continued to work with Suffolk County Council and Kent County Council on the highways Protective Provisions and received further comments from Suffolk on 16 October and Kent on 19 October. The Applicant has agreed to minor amendments as detailed in Appendix A to this letter, and would be grateful if these could be incorporated into the final Development Consent Order if made.

Should you have any further queries in relation to this letter then please contact me, Louise Lewin, in the first instance.

Yours Sincerely,



SENIOR PROJECT MANAGER (CONSENTS)
SEA LINK

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Appendix A: Amendments to Highways Protective Provisions as a Result of Discussions with Kent County Council and Suffolk County Council

Ref	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
1.	Paragraph 2 — Definition of "permit schemes"	Further correction to identify the applicable permit schemes.	<u>"permit schemes" means ~~as defined in Article 2 (Interpretation) of the Order~~ the relevant highway authority's permit scheme as made under the provisions of the Traffic Management Act 2004 and as in force at the date on which this Order is made, being the Traffic Management (Suffolk County Council) Permit Scheme Order 2020(c) or The Traffic Management (Kent County Council) Permit Scheme Order 2009 and The Kent County Council Permit Scheme Order 2015 (as applicable):-</u>	L
2.	Paragraph 2(3)	Inserts a standard provision clarifying that references to "including" are to be read as "including, without limitation".	<u>(3) References to "including" means "including, without limitation".</u>	L
3.	Paragraph 5(2)(a)	Correction of reference term	(a) written approval to those highway works has been obtained from the relevant highway authority (subject to the provisions of <u>paragraph 5(7)</u>);	L
4.	Paragraph 5(2)(b)	Further correction referencing submission of an application for formal approval to commencement of the works.	(b) ~~a programme of design and for the delivery of works within the highway~~ is provided by the undertaker to the highway authority at least ~~2060~~ working days in advance of ~~any application for formal approval under this paragraph 5 those works being commenced. and that programme~~ . Those highway works must not commence unless and until the <u>programme for the delivery of those works has been approved in writing by the relevant highway authority (such approval not to be unreasonably withheld or delayed)</u> . This programme is to be reviewed periodically to reflect changes. <u>For the avoidance of doubt, this programme can be provided prior to a decision on the Development Consent Order application.</u>	L

5.	Paragraph 5(4)	Corrects cross reference	(4) Where the relevant highway authority requests, acting reasonably, the provision of any additional information pursuant to sub-paragraph ~~{(2)}~~ of this paragraph, the undertaker must as soon as reasonably practicable: (a) use reasonable endeavours to address the concerns raised by the relevant highway authority and/or provide the additional information requested; or (b) notify the relevant highway authority that it disagrees with the need to comply with sub-paragraph ~~{(3)(4)(a)}~~ and intends to have recourse to the escalation process set out in paragraph ~~{6}~~ (Escalation of differences) of this Part of this Schedule below PROVIDED THAT such request is made by the relevant highway authority within 10 working days of receipt of the information provided pursuant to sub-paragraph (2) of this paragraph.	L
6.	Paragraph 14(2)	Typo correction	and prior to the expiration of the relevant period, the undertaker shall reinstate and make good any damage or defect which may have arisen from any cause whatsoever or be discovered during the <u>said</u> period (including any defect in or damage to any highway ~~the~~ surface water drainage system) so as to place the highway and the relevant highway works in a condition satisfactory to the relevant highway authority (the highway authority being obliged to act reasonably).	L
7.	Paragraph 14(4)	Amendment to more general provision	(4) After: (a) the expiration of the relevant period referred to in sub-paragraph (2) (or such ~~lesser~~ <u>other</u> period as agreed in writing by the relevant highway authority under sub-paragraph (2); and	L
8.	Paragraph 18(1)	Corrects cross reference	18. ~~—~~(1) Aside from paragraphs 17(a), (b), ~~(g)~~ and ~~(hf)~~, all funding and charging arrangements between the undertaker and the relevant highway authorities shall be in accordance with the following overarching principles:	L
9.	Paragraph 18(2)	Inserts a qualifying phrase to clarify that the invoicing principles apply to all costs and payments payable by the undertaker	(2) All invoices submitted in connection with the costs and/or payments <u>payable by the undertaker in accordance with this Part of this Schedule</u> must comply with the principles set out in sub-paragraph [(1)] and be accompanied by a written report <u>summarising</u> all tasks carried out or activities undertaken which have given rise to such costs and such other supporting information as is reasonable for the undertaker to request in the circumstances.	L
10.	Throughout	Removes square bracket placeholders		L

ate: 06 September 2024



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BY EMAIL ONLY

Dear National Grid

Consultation: SeaLink Energy Cable Pre-Application Advice – Landscape & Visual Thematic Meeting Material to Review

Thank you for your consultations on the above dated from 28 May 2024

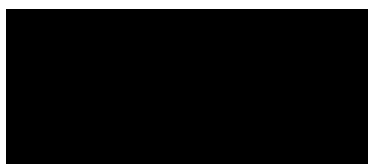
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The proposed development is for a site within or close to a nationally designated landscape namely Suffolk Coast & Heaths National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England is not able to provide specific advice on this matter and therefore has no comment to make on its details.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement given our current capacity issues.

Yours sincerely



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