



CABINET
Tuesday, 02 January 2024

Subject	Sea Link Nationally Strategic Infrastructure Project – Statutory Consultation Response
Cabinet Member	Councillor Tom Daly Cabinet Member with responsibility for Energy and Climate Change
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to	Not Applicable
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disclose the exempt information.	
Wards Affected:	Aldeburgh & Leiston Kelsale & Yoxford Saxmundham

Purpose and high-level overview

Purpose of Report:

To provide a response to the statutory consultation for this nationally significant infrastructure project (NSIP). To get agreement that the Head of Planning & Coastal Management be given delegated authority, in consultation with the relevant Cabinet Member(s) to undertake all further activities in relation to the Sea Link project during the pre-application, examination and post examination/consent phases including the signing of any legal agreements/memorandum of understandings.

Options:

To not agree the consultation response. To not agree to provide the requested delegated authority.

Recommendation/s:

1. That the consultation response as set out in Appendix A be agreed.
2. That authority be delegated to the Head of Planning & Coastal Management, in Consultation with the relevant Cabinet Member(s), to act on behalf of the Council in all activities associated with the pre-application, examination and post examination/consent phases of the project including the signing of any legal agreements/memorandum of understandings.

Corporate Impact Assessment

Governance:

The constitution is such that a response to the statutory consultation is made via Cabinet. However, for NSIPs such as Sea Link, the consultation deadlines are short and can be frequent such that it is not considered feasible in the future to provide timely responses and engage appropriately with the project in addition to meeting the timelines associated with Cabinet meetings. It is essential that the Council can respond in an agile way to the project, to enable the views and position of East Suffolk Council (ESC) to be represented, therefore additional delegation is being sought.

ESC policies and strategies that directly apply to the proposal:

The applicant has stated that the project is required to reinforce the national grid network and in part to accommodate the additional anticipated generation coming to the region, some of which includes renewable energy. The potential benefits of grid reinforcement alongside some temporary economic benefits must be considered against the disbenefits involving the impact on the ecology, landscape, heritage, coastal management, amenity and quality of life in the district and well as tourism.

Environmental:

The impacts of the proposal are considered in the report.

Equalities and Diversity:

Currently there is insufficient information to determine if the proposal impacts disproportionately on any groups in the district.

Financial:

Engagement with the project during the pre-application, examination and post consent phases will have implications for the Council's resources. Negotiations are currently taking place with the applicant to secure a Planning Performance Agreement.

Human Resources:

ESC officers will be engaged in future consultations on the project, at the examination and during the post consent phases with the implementation of the project, if consented.

ICT:

None

Legal:

The Council will require legal representation when the project reaches examination stage. The project may result in the Council being party to a legal agreement in respect of securing adequate mitigation or compensation for the impacts of the proposal.

Risk:

None

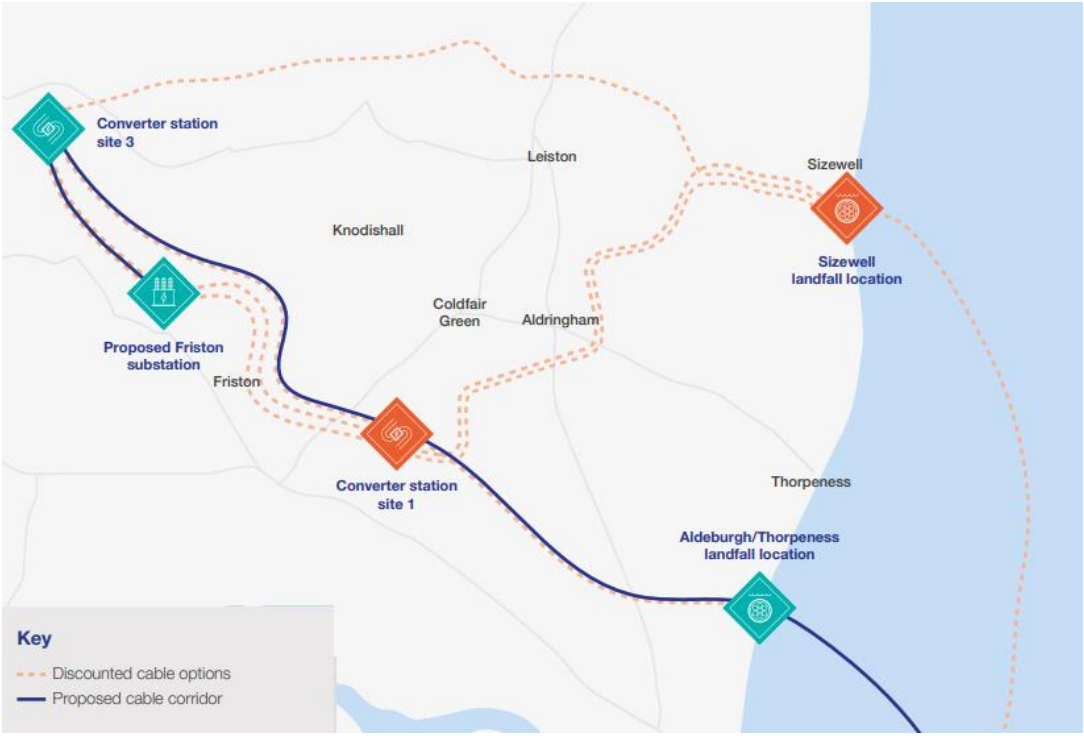
External Consultees:

The applicant is the body responsible for consulting on the project rather than ESC. However, officers held a virtual meeting with the directly affected Parish and Town councils so that an understanding of their concerns could be heard and considered as part of the drafting of the Council's response. A note of that meeting has been included in the consultation response to the applicant.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
T06	Governance		
	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<p>How does this proposal support the priorities selected?</p> <p>The applicant has stated that the project is required to reinforce the national grid network, and in part to accommodate the additional anticipated generation coming to the region, some of which includes renewable energy. The potential benefits of grid reinforcement and with it some temporary economic benefits must be considered against the disbenefits involving the impact on the ecology, landscape, heritage, coastal management, amenity and quality of life in the district and well as tourism.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The Council has received a statutory eight week consultation (24 October to 18 December 2023) from National Grid Electricity Transmission (NGET) for the Sea Link NSIP. The project proposes:</p> <ol style="list-style-type: none"> 1. An above ground connection from the overhead electricity lines near Friston to a proposed new substation near Friston (if the substation already consented under the East Anglia One North and East Anglia Two projects is constructed then this can also serve Sea Link). 2. Below ground HVAC connection from the substation to a proposed converter station near Saxmundham. 3. Below ground HVDC connection from the converter station to the coast near Aldeburgh. 4. Undersea cable to Kent <p>The project is said to be required in order to be able to transfer energy to and from Suffolk and to and from Kent.</p> <p>It should be noted that the submitted consultation material indicates the potential to site/co-locate converter stations for the Lionlink and Nautilus interconnectors adjoining the site to the east of Saxmundham</p>  <p>The map displays a proposed cable corridor (solid blue line) and several discounted cable options (dashed orange lines). Key locations marked include Friston, Saxmundham, Aldeburgh, and Sizewell. Specific sites identified are Converter station site 3, Proposed Friston substation, Converter station site 1, and Aldeburgh/Thorpeness landfall location. A key in the bottom left corner defines the line styles: a dashed orange line for 'Discounted cable options' and a solid blue line for 'Proposed cable corridor'.</p> <p>See Appendix B for a more detailed map of the proposals.</p>
1.2	<p>As an NSIP, the Council is a statutory consultee in the process. The Secretary of State for the Department of Energy Security and Net Zero is the decision maker following an examination and the consideration of a report from an appointed Examining Authority which is provided and managed by the Planning Inspectorate.</p>

1.3	This consultation is the opportunity to make the applicant aware of the Council's views on the proposal and the work undertaken by the applicant so far on the Environmental Impact Assessment.
1.4	The Council had to provide a response to the eight-week consultation by 18 December 2023 due to that being the close of the consultation period. A draft response (see Appendix A) was prepared by officers, having been agreed by Councillor Tom Daly, as the relevant Cabinet Member and submitted. This report is seeking the confirmation of Cabinet that response submitted is acceptable or to be agreed with amendments. The applicant has agreed that the final response can be provided by 5 January 2024 to allow for consideration at this Cabinet meeting.

2 Current position

	National Plan for / Co-ordination of Energy Projects
2.1	<p>Members will be aware that there are a number of energy projects, either consented (Sizewell C, East Anglia One North, East Anglia Two, East Anglia Three), or proposed (Nautilus, Lion Link – both interconnector schemes, North Falls and Five Estuaries) as well as Sea Link, being considered/delivered in this part of East Suffolk. The Council has previously stated following the Motion to Full Council in September 2023 that the government should seek :-</p> <ul style="list-style-type: none"> • To intervene to bring long-term stability and security for future plans for all off and on-shore energy generation • To carry out a full cost-benefit analysis of options for connecting all electricity generation to users in the UK rather than the current piecemeal approach
2.2	The Secretary of State has not yet responded to that letter sent following Full Council but this proposal amplifies again that there is the need for better national planning and co-ordination of all these energy projects such that the best possible decision and outcome for communities, and the environment, can be achieved having regard to the need to upgrade our energy infrastructure.
2.3	It is acknowledged that the principle of subsea interconnectors is a key part of an offshore focused approach. However, the full outcomes of the Offshore Coordination Support Scheme (OCSS), and the review of connections in East Anglia, which is to be undertaken by National Grid Electricity System Operator, are unknown. Therefore, the proposals related to this project could be subject of significant change.
2.4	On 5 December 2023 it was announced that North Falls, Five Estuaries and Sea Link had been successful in receiving grant funding from the OCSS. The purpose of the funding from the OCSS is to enable the exploration of coordination between the two offshore wind farms and Sea Link. Given the association between Sea Link, LionLink and Nautilus, the opportunity for co-ordination created by the funding has been significantly limited. Whilst the Sea Link proposal has endeavoured to plan for a degree of co-location, there remains the concern regarding the lack of co-ordination and strategic planning, not least as each of the projects is being

	proposed by different organisations on the basis of different timetables. The Council's objections and disappointment on these issues therefore remains.
2.5	<p>Need For The Project</p> <p>The project is said to be required in order to be able to transfer energy to and from Suffolk and to and from Kent. However, in respect of exporting energy from Suffolk and Suffolk grid reinforcement, the need for the project only arises once Sizewell C, LionLink and Nautilus all come online (the latter two are not yet consented). Therefore, and notwithstanding the concerns the Council raises if Sea Link is consented, its implementation should be conditional on the other three projects all being committed for implementation. With regard to the Kent perspective, Sea Link serves to reinforce the south coast grid but it is not considered that it has been adequately demonstrated that reinforcement by a means other than Sea Link is not possible. It is also considered that alternatives to the project, such as an offshore grid and use of brownfield sites, have not been considered. Again, the Council remains disappointed that there has been no real demonstrable approach by the government or the energy companies to address the many issues highlighted affecting the east Suffolk communities.</p>
2.6	<p>Overview of ESC's position on Sea Link</p> <p>ESC currently objects to the Sea Link project as it would result in further unacceptable harm to the communities, environment and economy of East Suffolk and it is not yet considered that the timing of the need for the project is currently proven, and with Sizewell C potentially at least 10 years away from generation, it is requested further consideration of alternative offshore solutions is undertaken and consider that the project does not currently include sufficient levels of coordination in all areas of the NSIP process. In reaching this position the submitted plans showing the possible siting of converter stations adjacent to the proposed converter station for this project amplify the coordination/cumulative impact concerns.</p>
2.7	<p>Preliminary Environmental Information Report (PEIR)</p> <p>Notwithstanding the concerns with the principle of the proposal as already stated, there is the need for the Council to consider the technical aspects of the scheme. PEIR's are often included in the first statutory consultation document on an NSIP proposal. It is usual for the assessments to have some gaps within them. This has been the case here. As such officers have not been able to form a full and final opinion on whether the various environmental impacts of the proposal are within acceptable limits or not. Below are the main points that officers wish to make in relation to the PEIR. A very high level summary of the comments on the project has been provided in the following paragraphs, full details are available in Appendix A of this report.</p>
2.8	<p>Coastal processes</p> <p>The impact of the cables arriving to shore have not been assessed. This is a significant omission within the environmental information provided. This is hugely</p>

	<p>disappointing, especially given the sensitivities of the East Suffolk coastline and the erosion rates that have been seen recently. This section of coast is managed by the Environment Agency but as ESC has responsibility for managing the coastal frontages to the north and south of the landfall, it is essential that we are informed of the findings of coastal change/management impact assessment.</p>
	<p>Operational Noise & Vibration</p>
2.9	<p>Officers are working with the applicant to ensure that the impacts are appropriately assessed. The starting point for ESC at the converter site is to seek a below background sound rating level, it is welcomed that the applicant has stated that it is their intention for the development to achieve this. Due to the low background sound levels in this area, particularly at night, it is extremely important that noise levels from the development are prevented, mitigated or minimised to ensure these background sound levels are not subject to “noise creep”.</p>
2.10	<p>ESC does not agree with the scoping out of the substation at Friston on the basis that the switchgear noise emissions would be impulsive in character and operation would be infrequent. Insufficient justification has been provided to support this decision. This substation is subject of a site rating level imposed by East Anglia One North and East Anglia Two DCOs, therefore NGET needs to be very confident that the introduction of a further or different equipment will not impact that constraint.</p>
2.11	<p>ESC will be engaging further with the applicant on operational noise to ensure the amenity of the area and local residents is protected. Significant more technical detail has also been provided in Appendix A.</p>
	<p>Construction Noise & Vibration</p>
2.12	<p>The use of BS5228 – Code of practice for noise and vibration control on construction and open sites along with the ABC methodology within that code, is accepted. The working hours however set out in the Outline Code of Construction Practice (OCoCP) identify Saturday working at 07:00-17:00. ESC does not currently consider that Saturday afternoon working is acceptable. Saturday working hours of 07:00-13:00 were set as part of the East Anglia One North and East Anglia Two projects and should be complied with on the Sea Link project. It is welcomed that the applicant intends to use Best Practicable Means (BPM) which is a critical control point and therefore any noise mitigation carried out with BPM will ensure noise and vibration is kept to a reasonable minimum. ESC would however welcome further discussions with the applicant on the impact methodology utilised in the environmental assessments.</p>
	<p>Interproject cumulative effects</p>
2.13	<p>ESC is concerned that only the peak year has been used as a basis for assessment and so there may be impacts from Sea Link prior to the cumulative peak predicted year which should be considered and also the impact of timeline slips in regard to the project’s overlap with other NSIPs. It is already evident that some of the dates provided for the commencement of NSIPs in the cumulative assessment are not</p>

	accurate. The methodology utilised for the scope of the projects included within the cumulative impacts assessment needs to be reconsidered.
2.14	<p>Air Quality</p> <p>ESC notes that a detailed air quality assessment will be carried out at the Environmental Statement (ES) stage once further data is available. It is understood that at this stage Non Road Mobile Machinery (NRMM) will be considered further, however the Council would like to see a commitment to reduce emissions from this source which should include commitments to use renewable energy sources alongside Stage 4 NRMM as a minimum and Stage 5 where possible. Further specific details are provided within the Council's response in Appendix A.</p>
2.15	<p>Landscape</p> <p>There are clear concerns in relation to the potential landscape impacts of the converter station site to the east of Saxmundham. Regarding the identified visual receptors, the Council has concerns about some of the value assessments given to some of the selected viewpoints as the rationale for attributing 'medium value' to some public rights of way and 'high' and 'very high' to others is not wholly clear. It is recommended that the developer discusses these issues with the Council before the Landscape and Visual and Impact Assessment is progressed any further.</p> <p>The applicant should engage with officers to ensure a collaborative ongoing dialogue in respect of landscape mitigation matters. The preliminary assessment is not clear on the role of mitigation planting in moderating the magnitude of effects over time. Photomontages/wireframes will need to include depictions of mitigation planting at Year 1, Year 5 and Year 15 post planting.</p> <p>Multiple different access options have been set out in the consultation material. In term of the proposed accesses and their impact on landscape:</p> <ul style="list-style-type: none"> • Southeastern Access 1 Redhouse Farm - This option would seem likely to be of least landscape impact, but it still carries risk to hedgerows and landscape character. • Northern Saxmundham Access 2 off B1121 - This option will have direct impacts on Carlton Park which is a locally listed historic parkland, on Tree Preservation Orders, roadside hedgerows and the setting of the Saxmundham Conservation Area. • Southern Saxmundham Access 3 off B1121 - This option will have direct impact on the Fromus valley landscape, willow woodland block, and roadside hedgerows. <p>With regard to any proposed accesses onto the highway, these will need to be presented with accurate and realistic visibility splay requirements.</p>
2.16	<p>Design & Heritage</p> <p>The heritage assessment is considered incomplete as several heritage assets have not been considered or assessed. Notwithstanding this, there are clear concerns regarding the potential impact of the converter station in relation to the setting and appreciation of a number of heritage assets. Where assets have been assessed</p>

	it is considered that in a number of cases the setting of heritage assets has been underplayed.
2.17	<p>Ecology</p> <p>There is still a great deal of survey and assessment to be undertaken by the applicant. A trenchless technique for laying the cable at the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) and RSPB North Warren Reserve is proposed but there are doubts over the deliverability of this given the nature of the environment. If it is deliverable, the risk of ‘frack out’ of the drilling compound/material (e.g., bentonite) and the associated impacts need to be assessed. It has been stated that the Leiston-Aldeburgh SSSI is in the same location as Sandlings SPA which is not the case, and it cannot be assumed that measures potentially suitable for avoiding or mitigating impacts on SPA qualifying features are also suitable for SSSI features. ESC is also concerned about the applicant’s assumption that replanted hedges will deliver their mitigation within a 2-year timeframe and therefore consider the operational impacts of the development on ecology have potentially been underplayed.</p>
2.18	<p>Tourism & Economy</p> <p>The proposal has the potential to significantly impact on the tourism economy of the district as an individual project but also in combination with proposed and consented schemes promoting energy infrastructure. Equally, the project has the potential to provide jobs and skills advancement for residents. More information needs to be provided so that the Council can consider the issue appropriately.</p>
2.19	<p>Community Compensation</p> <p>In the event that the development is consented by the Secretary of State, then it is important that the communities impacted are appropriately compensated. The Council would welcome an early discussion with the applicant on this matter. It is important to stress that whilst the Government is looking at putting in place a formal system for providing community compensation this does not excuse the need for projects to be both environmentally acceptable and have the impacts adequately mitigated in the first instance.</p>

3 How to address current situation

3.1	The Council has been formally consulted by the applicant on the Sea Link proposal as part of the NSIP process. The Council should, and needs, to respond to the consultation especially given its status as a “host authority”. Given the deadline for submitting comments (18 December 2023) being prior to the Cabinet meeting (2 January 2024), officers have sent the response in Appendix A, in consultation with Councillor Daly as a preliminary response pending confirmation by Cabinet.
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3.2	Officers will seek to engage the applicant in relation to the concerns which have been identified within the PEIR and seek to ensure that these are addressed within the development consent application if it is subsequently submitted.
3.3	Due to the short timeframes and frequency of deadlines provided for NSIP consultations and responses during the consenting process, the recommendation includes a request for full delegation going forwards during the pre-application, examination and post consent phases of the project for the Head of Planning and Coastal Management to make decisions in consultation with the relevant cabinet member. This will ensure that the Council is able to fully engage with the applicant and project in order to minimise the disbenefits of the project and seek the best outcomes for east Suffolk.

4 Reason/s for recommendation

4.1	<p>The Council objects to the proposed grid reinforcement proposals because:</p> <ul style="list-style-type: none"> • There are concerns in respect of the principle of the proposal in that there continues to be a piecemeal approach to what is a nationally important issue. Whilst the proposal includes some elements of co-location, a greater degree and certainty of coordination is necessary. • It is not satisfied that there is not a technically deliverable solution for establishing reinforcement opportunities through better offshore coordination, and notwithstanding this the proposal of itself and in combination with other projects would have a detrimental impact on the communities, environment and economy of this part of the district. <p>The need for the Sea Link scheme is triggered when three other schemes are implemented (two of these do not actually have consent). The project is predicated on the delivery of Sizewell C and other works which would not be generating/transmitting collectively for at least 10 years. In this regard, and notwithstanding the objections to the proposal if Sea Link is consented, the implementation should be conditional on the other projects being committed. In this way there is a greater chance that Sea Link is implemented at the same time as the other projects so that the communities and environment are disrupted a single time rather than on three separate occasions.</p> <p>Another reason why Sea Link is needed is to reinforce the grid on the South Coast. It is not considered that alternative options for reinforcement have been considered.</p>
4.2	The consultation material published by the applicant has been reviewed by the relevant specialist teams within the authority and the comments that were forthcoming have formed the basis of the technical elements of the proposed response. As the project progresses through the consenting process, it is appropriate for the Council to engage with the applicant to ensure that in the event the scheme is consented by the Secretary of State, the impacts of the project are appropriately mitigated and if appropriate compensation provided in addition to ensuring the community is appropriately compensated.

4.3	There will be a future time for comments in the form of Relevant Representations on the proposal when it is submitted to the Planning Inspectorate for examination. In addition to this during the examination there will be multiple unrelenting deadlines to meet and if consented, requirements to discharge during the post consent phase. By virtue of the number and frequency of deadlines it is not possible to present reports to Cabinet seeking agreement on each occasion. Delegated authority is therefore being sought to allow the Head of Planning & Coastal Management to respond and fully engage in the pre-application, examination, and post consent phases of the process, including the signing of any legal agreements/memorandums of understandings in consultation with the relevant portfolio holder on behalf of Cabinet.
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Appendices

Appendices:	
Appendix A	Response to the statutory consultation
Appendix B	Locations plans for the cable route, substation and converter station

Background reference papers:		
Date	Type	Available From
24 October 2023	National Grid Sea Link Consultation Material	Sea Link National Grid ET