



Preliminary Environmental Information Report Volume 1

Chapter 4 Legislation and Policy Overview

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lionlink!

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Glossary of Project Terminology

This Glossary has been provided to define terms used across a number of the LionLink Proposed Scheme documents.

Terms and Abbreviations contained herein are provided at the end of the document in the **Topic Glossary and Abbreviations**.

Term	Description
Amendment to Kiln Lane Substation Scenario	The scenario where the Proposed Scheme will comprise the amendments to Kiln Lane Substation that would be required if Kiln Lane Substation was built out pursuant to the EA1N/EA2 DCOs.
Applicant, the	National Grid Lion Link Limited (NGLLL)
Bellmouth	A flared vehicular access/egress point connecting permanent route to the public highway.
Converter Station	A converter station changes electricity between High Voltage Alternating Current (HVAC), which power our homes, and High Voltage Direct Current (HVDC) which is more efficient for transporting electricity over long distances and vice versa. The proposed Converter Station is located to the east of Saxmundham.
Converter Station Site	The Converter Station Site as a whole, allowing for the co-location of the Converter Station with the Converter Station being separately consented as part of the Sea Link project.
Co-ordination	The process of people or entities working together.
Co-location	Where different elements of a project, or various projects, are located in one place.
Construction Compound	Temporary compounds installed during the construction phase of the Proposed Scheme. Each compound is likely to contain storage areas such as laydown areas, soils storage, and areas for equipment and fuel, drainage, generators, car parking and offices and welfare areas (portacabins).
Development Consent Order (DCO)	An order made by the Secretary of State pursuant to the Planning Act 2008 (as amended) granting development consent for a Nationally Significant Infrastructure Project. It grants consent to develop the approved project and may include (among other things) powers to compulsorily acquire land and rights where required and deemed marine licences for any offshore works.
Draft Order Limits	The area of land identified as being subject to the DCO application. The Draft Order Limits are made up of the land required both temporarily and permanently to allow for the construction, operation and maintenance, and decommissioning of the Proposed Scheme. All onshore parts of the Proposed Onshore Scheme are located within England and offshore parts of the Proposed Offshore Scheme are located within English territorial waters to 12 Nautical

Term	Description
	Miles and then up to the United Kingdom (UK) Exclusive Economic Zone (EEZ) boundary at sea.
Dutch Offshore Components	Is the term used when referring to the offshore elements of the Project within Dutch waters.
Eastern Route Option	As part of the Underground HVDC cable corridor, the Eastern Route Option would facilitate a degree of co-location with the Sizewell Link Road (SLR) scheme.
Environmental Impact Assessment (EIA)	The EIA is a systematic regulatory process that assesses the potential likely significant effects of a proposed project or development on the environment.
EIA Scoping Report	An EIA scoping report defines the proposed scope and methodology of the EIA process for a particular project or development. The EIA Scoping Report for the Proposed Scheme was submitted to the Planning Inspectorate with a request for the Secretary of State to adopt a scoping opinion in relation to the Proposed Scheme on 6 March 2024.
Environmental Statement (ES)	The ES is a document that sets out the likely significant effects of the project on the environment. The ES is the main output from the EIA process. The ES is published as part of the DCO application.
Exclusive Economic Zone (EEZ)	The zone in which the coastal state exercises the rights under Part V of the United Nations Convention on the Law of the Sea. These rights relate principally to the water column and may extend to 200 nautical miles from baselines. This is distinct from territorial waters, which for the UK extend 12 nautical miles from the coast.
Full Build Out of Kiln Lane Substation Scenario	The scenario if the Proposed Scheme was brought forward first, then it would be responsible for developing Kiln Lane Substation for the Proposed Scheme, with sufficient additional capacity for other projects.
Joint Bay	Underground structures constructed at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Kiln Lane Substation	The proposed connection point for the Project to the British National Electricity Transmission System, located to the north of Friston. Formerly known as Friston Substation. The new name has recently been adopted by NGET. The substation is of the same footprint and in the same location. Friston Substation will, hereafter, be referred to as Kiln Lane Substation.
Landfall	The proposed Landfall is where the proposed offshore HVDC Submarine Cables are brought ashore and meets with the onshore proposed Underground HVDC Cables. This includes the Transition Joint Bay (TJB). The proposed Landfall will be located at Walberswick, and there will be no permanent above ground infrastructure at the proposed Landfall.
Landfall Site	The area where the Landfall may be located.

Term	Description
Limit of Deviation	A maximum distance or measurement of variation within which the works must be constructed. These are lateral (i.e. on the ground) and vertical limits (in relation to height).
Link Box Chamber	Link boxes are used at joint bays to facilitate grounding connections to ensure safety and enable maintenance. Link boxes can either be installed below ground, in a link box chamber, or in an above ground link pillar
Multi-purpose interconnector (MPI)	A project where GB interconnection is combined with transmission of offshore generation within GB (and optionally within a connecting state).
National Grid Electricity Distribution (NGED)	The local distribution network operator for the Midlands, the southwest of England and south Wales.
National Grid Electricity Transmission (NGET)	Operators of the national electricity transmission network across Great Britain and own and maintain the network in England and Wales, providing electricity supplies from generating stations to local distribution companies. National Grid does not distribute electricity to individual premises, but its role in the wholesale market is vital to ensuring a reliable, secure and quality supply to all.
National Grid Lion Link Limited (NGLLL)	The Applicant, a joint venture between National Grid Ventures and TenneT. NGLLL is a business within the wider National Grid Ventures portfolio.
National Grid Strategic Infrastructure (NGSI)	Part of NGET and responsible for delivering major strategic UK electricity transmission projects, focussed on connecting more clean, low-carbon power to England and Wales.
National Grid Ventures (NGV)	Operates and invests in energy projects, technologies and partnerships to accelerate the development of a clean energy future. This includes interconnectors (such as the LionLink Project), allowing trade between energy markets and the efficient use of renewable energy resources.
Nationally Significant Infrastructure Projects (NSIP)	Major infrastructure developments in England and Wales for which development consent is required, as defined within Section 14 of the Planning Act 2008 (as amended). This includes any development which is subject to a direction by the relevant Secretary of State pursuant to Section 35 of the Planning Act 2008.
Non-standard interconnector (NSI)	A project where GB interconnection is combined with transmission of offshore generation outside of GB.
Northern Route Option	A northern cable corridor option that would allow Underground HVAC Cable delivery for Proposed Scheme only.
Offshore Hybrid Asset (OHA)	A project that combines cross-border interconnection with the transmission of offshore generation, this is an overarching term which covers both multi-purpose interconnectors (MPI) and non-standard interconnectors (NSI).
Order Limits	The maximum extent of land within which the Proposed Scheme may take place, as consented.

Term	Description
Outline Offshore Construction Environmental Management Plan (Outline Offshore CEMP)	Describes the control measures and standards proposed to be implemented to provide a consistent approach to the environmental management of the construction activities of the Proposed Offshore Scheme.
Outline Onshore Code of Construction Practice (Outline Onshore CoCP)	Describes the control measures and standards proposed to be implemented to provide a consistent approach to the environmental management of the construction activities of the Proposed Onshore Scheme.
Overhead Lines (OHL)	Conductors (wires) carrying electric current, strung from Tower to Tower.
Planning Act 2008	The Planning Act 2008 being the relevant primary legislation for national infrastructure planning.
Planning Inspectorate (PINS)	The Planning inspectorate review DCO applications and make a recommendation to the Secretary of State, who will then decide whether to approve the DCO.
Preliminary Environmental Information Report (PEIR)	<p>The PEIR is a document, compiled by the Applicant, which presents preliminary environmental information, as part of the statutory consultation process. This is defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as containing information which “is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)” (Section 12 2. (b)).</p> <p>This PEIR describes the Proposed Scheme, sets out preliminary findings of the EIA undertaken to date, and the mitigation measures proposed to reduce effects. The PEIR is published at Statutory Consultation stage for information and feedback.</p>
Project (the)	<p>The LionLink Project (hereafter referred to as the ‘Project’) is a proposal by National Grid Lion Link Limited (NGLLL) and TenneT. The Project is a proposed electricity link between Great Britain (GB) and the Netherlands with a capacity of up to 2.0 gigawatts (GW) of electricity and will connect to Dutch offshore wind via an offshore platform in Dutch waters.</p> <p>The Project is the collective term used to refer to the proposal for all aspects (onshore and offshore) of the proposed interconnector between GB and the Netherlands.</p>
Proposed Offshore Scheme	The term used when referring to the offshore elements of the Proposed Scheme, seaward of the mean high-water springs to the EEZ boundary at sea.
Proposed Onshore Scheme	The term used when referring to the onshore elements of the Proposed Scheme, landward of the mean low water springs. Proposed Onshore Scheme components include:

Term	Description
	a) Kiln Lane Substation. b) Underground High Voltage Alternating Current (HVAC) Cables; c) Converter Station. d) Underground High Voltage Direct Current (HVDC) Cables; and e) Landfall.
Proposed Scheme	Used when referring to the GB scheme components of the Project, not including Dutch components. This includes both the onshore and offshore scheme components which are within UK territorial waters and up to the UK EEZ boundary at sea.
Rochdale Envelope	The Rochdale Envelope or Design Envelope approach is employed where the nature of a proposed development means that some details of a project are not available in advance of, or at the time of submitting the DCO application. The Rochdale Envelope approach defines a design envelope and parameters within which the final design will sit and ensures a robust and reliable EIA can be undertaken.
Scoping Opinion	<p>A scoping opinion is requested from the Planning Inspectorate on behalf of the Secretary of State, to inform the requirements of EIA process and ultimately the ES which will be submitted as part of the application for development consent. Through the scoping process, the views of the statutory consultees and other relevant organisations on the proposed scope of the EIA are sought.</p> <p>A Scoping Opinion for the Proposed Scheme was issued by the Planning Inspectorate (on behalf of the Secretary of State) on 16 April 2024. The Applicant received a separate EIA Scoping Opinion from the Marine Management Organisation (MMO) (Reference DCO/2024/00005, dated 04 September 2024) as the MMO were unable to provide opinion to the Planning Inspectorate in time for the April 2024 deadline.</p>
Scottish Power Renewables (SPR) East Anglia One North (EA1N) and East Anglia 2 (EA2) Consents (SPR EA1N and EA2 Consents)	<p>The Orders made following the Scottish Power Renewables applications for development consent for the following projects:</p> <p>a) The East Anglia ONE North Offshore Wind Farm Order 2022; and b) East Anglia TWO Offshore Wind Farm Order 2022</p>
Southern Route Option	<p>A southern cable corridor option that would allow:</p> <p>a) Underground HVAC Cable delivery for Proposed Scheme only, or b) Underground HVAC Cable delivery for Proposed Scheme and ducting for Sea Links Underground HVAC and HVDC cables in that section.</p>
Statutory Consultation	Consultation undertaken with the community and stakeholders in advance of the application for development consent being submitted to the Planning Inspectorate, on behalf of the Secretary of state, in accordance with the PA 2008.

Term	Description
Substation	Substations are used to control the flow of power through the electricity system. They are also used to change (or transform) the voltage from a higher to lower voltage to allow it to be transmitted to local homes and businesses.
TenneT	Operator of the electricity transmission network across the Netherlands.
Tower	A structure used to carry overhead electrical conductors, insulators, and fittings. Often described as a pylon.
Transition Joint Bay (TJB)	An underground structure at the Landfall Site that house the joints between the offshore cables and the onshore cables.
Underground Cable Corridors	Collective term for the corridors within which HVAC and HVDC cables are planned.
Underground High Voltage Alternating Current (HVAC) Cable Corridor	A corridor in which the underground HVAC cables are planned to be installed.
Underground High Voltage Alternating Current (HVAC) Cables	Transmission cables which connect between the Converter Station and Substation. HVAC cables are designed to manage fluctuating flow of current.
Underground High Voltage Direct Current (HVDC) Cable Corridor	A corridor in which the underground HVDC cables are planned to be installed.
Underground High Voltage Direct Current (HVDC) Cables	Transmission cables which connect the Converter Station to the Landfall Site and then offshore. HVDC cables are designed to manage current flowing in one direction.
Visibility Splay	An area of land at a road junction that ensures drivers have an unobstructed view of oncoming traffic allowing them to safely join or cross the road.
Western Route Option	As part of the Underground HVDC cable corridor, the Western Route Option would deliver the Scheme within its own corridor with no co-location with the Sizewell Link Road (SLR) scheme.

4 Legislation and Policy Overview

4.1 Introduction

- 4.1.1 This chapter of the Preliminary Environmental Information Report (PEIR) sets out the relevant strategic regulatory and planning policy context for the Proposed Scheme. It provides an overview of the legislative and national, regional, local and marine planning policy context that applies to the Proposed Scheme. A summary of key legislation and policies relevant to the environmental assessment are set out below with specific details included in **Appendix 4.1 Legislation and Policy Register**. This has been considered within the environmental topic assessments in **Chapters 6 to 28** of this PEIR.
- 4.1.2 **Appendix 4.2 Marine Plan Assessment** presents a summary of the East Inshore and East Offshore Marine Plans 2014 and how the environmental aspects are addressed with the PEIR.
- 4.1.3 As outlined in **Chapter 1 Introduction** of this PEIR, a Section 35 Direction has been issued which confirms that the Proposed Scheme is nationally significant and should be treated as a development for which a Development Consent Order (DCO) under the Planning Act 2008 (PA2008) (Ref 1) is required.
- 4.1.4 Any changes to legislation or policy between now and the submission of the application for development consent will be recorded and considered in the **Environmental Statement** (ES) to be submitted with the application for development consent.
- 4.1.5 The **Planning Statement**, which will also accompany the application for development consent, will provide a comprehensive review of planning policies, demonstrating that the Applicant has had due regard to both national and local policy, and how the Proposed Scheme complies. It will also offer a conclusion and make a recommendation for the determination of the Proposed Scheme.

4.2 Key Legislation

Planning Legislation

Planning Act 2008

- 4.2.1 The statutory framework for determining applications for a DCO is contained in the PA2008. The PA2008 sets out criteria that projects need to meet to be classed as Nationally Significant Infrastructure Projects (NSIPs). It requires that developers wishing to promote NSIPs must obtain a DCO from the relevant Secretary of State to authorise their project.
- 4.2.2 Section 14 of the PA2008 defines types of projects and works that can be classified as NSIPs, subject to the criteria and thresholds set out in Sections 15 to

30A for different types of infrastructure projects. The Proposed Scheme, as described in **Chapter 2 Description of the Proposed Scheme** of this PEIR does not fall within the existing definitions of an NSIP that are prescribed by the PA2008. However, as noted in **Chapter 1 Introduction** of this PEIR, a direction pursuant to Section 35 of the PA2008 (a Section 35 direction) was issued by the Secretary of State that the Proposed Scheme should be treated as nationally significant development for which a DCO is required.

- 4.2.3 Sections 104 and 105 of the PA 2008 sets out the factors which the Secretary of State must have regard to when determining an application for development consent.
- 4.2.4 Section 104(1) of the PA2008 notes that Section 104 *“applies in relation to an application for an order granting development consent if a National Policy Statement has effect in relation to development of the description to which the application relates”*.
- 4.2.5 National Policy Statement (NPS) EN-1 prescribes that it (along with any other relevant technology specific NPS, in this case EN-3 and EN-5) shall be the primary policy for Secretary of State decision making for energy projects which are considered nationally significant further to the grant of a Section 35 direction. On the basis that the Proposed Scheme is an energy project, for which a Section 35 direction has been issued by the Secretary of State, it is clear that EN-1 (in conjunction with relevant technology specific NPSs) shall have effect in relation to the Proposed Scheme and is the primary policy for the Secretary of State’s consideration.
- 4.2.6 The Section 35 direction for the Proposed Scheme does not explicitly state that the DCO Application should be determined pursuant to Section 104 or Section 105 of the PA2008. The Applicant is of the view that inclusion of such a statement is not required for Section 104 to apply, given the clear policy wording within NPS EN-1 and on this basis the Applicant is of the view that Section 104 applies for the Proposed Scheme.
- 4.2.7 However, if Section 105 were to instead apply, the Applicant is of the view that NPS EN-1, EN-3 and EN-5 (as the relevant NPSs) are an important material consideration for the Secretary of State, pursuant to Section 105(2)(b) which requires the Secretary of the State to have regard to, *“any matters prescribed in relation to development of the description to which the application relate”* .
- 4.2.8 The Applicant therefore considers that irrespective of whether the Proposed Scheme falls within Section 104 or Section 105, that NPS EN-1, EN-3 and EN-5 are the primary policy documents for the Secretary of State’s decision making.

Environmental Legislation

International Legislation

- 4.2.9 UK environmental law is shaped by a range of sources, including European Union (EU) directives, regulations and agreements, which are outlined in this Chapter.
- 4.2.10 Following the UK's exit from the EU's "implementation period" on 31 December 2020, as outlined by the European Union (Withdrawal) Act 2018 (Withdrawal Act 2018)(Ref 2), Sections 2 and 3 of the Act, as amended, provide that direct EU legislation and EU - derived domestic legislation continue to have effect in UK law post - Brexit. This means that any retained EU law should be interpreted as it was prior to Brexit unless modified by UK legislation or regulations (Regulation 6(3) of the Withdrawal Act 2018).
- 4.2.11 Subsequently, the Retained EU Law (Revocation and Reform Act) Act 2023 (c.28) (Ref 3) received Royal Assent on 29 June 2023. This Act revokes certain retained EU law and makes provisions relating to the interpretation of retained EU law and its relationship with other law. It also provides powers to modify retained EU law, enabling the restatement, replacement, or updating of certain retained EU law.
- 4.2.12 The following EU Directives, as provided by UK domestic legislation, are applicable to the Proposed Scheme and are referenced in the relevant sections of the PEIR as necessary:
- a. EIA Directive (2011/92/EU), as amended by EIA Directive 2014/52/EU (Ref 4)
 - b. Habitats Directive (92/43/EEC) (Ref 5)
 - c. Air Quality Directive (2008/147/EC) (Ref 6)
 - d. Birds Directive (2009/147/EC) (Ref 7)
 - e. Water Framework Directive (2000/60/EC) (Ref 8)
- 4.2.13 The purpose of the EIA Directive is to ensure that the decision-making authority (in the case of a DCO, the Secretary of State) is aware about the possible environmental implications of a development when determining the application. The EIA Directive and EIA Regulations (see **Paragraphs 2.14.4 to 2.24.4** of this document) prescribes a mandatory process for certain types of projects before they can be consented. An EIA provides for the systematic assessment of a project's "likely significant environmental effects", which must be considered by both the public and relevant competent authority before a decision is made. Further details on the EIA process can be found in **Chapter 5 EIA Approach and Methodology** of this PEIR.

National Legislation

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) (Ref 9)

- 4.2.14 The EIA Regulations govern the EIA process relevant to NSIPs. Schedule 1 of the EIA Regulations lists those projects for which an EIA is required. Schedule 2 of

- the EIA Regulations provides descriptions of development which may be classed as EIA development, dependent on whether the development is likely to have significant effects on the environment. Schedule 3 of the EIA Regulations sets out the selection criteria, which is set out to aid in screening Schedule 2 development.
- 4.2.15 The components of the Proposed Scheme (as described in **Chapter 2 Description of the Proposed Scheme** of this PEIR) are not identified within Schedules 1 and 2 of the EIA Regulations. The Applicant proposed to undertake an EIA recognising the characteristics of the Proposed Scheme, the location and potential for environmental impacts in line with Regulation 6(2) of the EIA Regulations, and following receipt of the Section 35 direction by the Secretary of State.
- 4.2.16 The Applicant submitted a request for an EIA Scoping Opinion on 6 March 2024 to the Planning Inspectorate in the form of an **EIA Scoping Report** (Ref 10) under Regulation 10(3) of the EIA Regulations. An **EIA Scoping Opinion** (Ref 11) was adopted by the Planning Inspectorate (on behalf of the Secretary of State) on 16 April 2024 under Regulation 10 of the EIA Regulations.
- 4.2.17 Regulation 5 of the EIA Regulations (Ref 12) sets out the EIA process. Regulation 5(2) states that the EIA:
- “must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors-*
- a. Population and human health;*
 - b. biodiversity, with particular reference to species and habitats protected under Directive 92/43/EEC and 2009/147/EC;*
 - c. land, soil, water, air, and climate;*
 - d. material assets, cultural heritage and the landscape;*
 - e. the interaction between the factors referred to in sub-paragraphs (a) to (d)…”*
- 4.2.18 In accordance with Regulation 5, the Applicant should consider these aspects of the environment as part of the EIA. **Table 4.1** outlines the placement of information within this PEIR corresponding to details required by Regulation 5 of the EIA Regulations.

Table 4.1: Environmental aspects within the EIA Regulations and where addressed in the PEIR

Environmental aspects within the EIA Regulations	Aspects in the PEIR
Population	Chapter 10 Health and Wellbeing Chapter 16 Socio-economics, Recreation and Tourism Chapter 17 Traffic and Transportation

Environmental aspects within the EIA Regulations	Aspects in the PEIR
	Chapter 15 Noise and Vibration Chapter 23 Shipping and Navigation Chapter 24 Commercial Fisheries Chapter 25 Other Marine Users
Human health	Chapter 10 Health and Wellbeing
Biodiversity (for example fauna and flora)	Chapter 8 Ecology and Biodiversity Chapter 19 Intertidal and Subtidal Benthic Ecology Chapter 20 Fish and Shellfish Chapter 21 Intertidal and Offshore Ornithology Chapter 22 Marine Mammals
Land (for example land take)	Chapter 6 Agriculture and Soils Chapter 8 Ecology and Biodiversity Chapter 16 Socio-economics, Recreation and Tourism Chapter 18 Marine Physical Environment
Soil (for example organic matter, erosion, compaction, sealing)	Chapter 6 Agriculture and Soils
Water (for example hydromorphological changes, quantity and quality)	Chapter 12 Hydrology, Hydrogeology and Drainage
Air	Chapter 7 Air quality
Climate (for example greenhouse gas emissions, impacts relevant to adaptation)	Chapter 28 Climate Change and Carbon
Material assets	Chapter 6 Agriculture and Soils Chapter 9 Geology and Contamination Chapter 11 Historic Environment Chapter 14 Material Assets and Waste
Cultural heritage (including architectural and archaeological aspects)	Chapter 11 Historic Environment Chapter 26 Marine Archaeology
Landscape	Chapter 13 Landscape and Visual

- 4.2.19 In addition, Regulation 5(3) requires that operational effects of a scheme are included within these assessments.
- 4.2.20 Regulation 5(4) requires the EIA to include, where relevant: “*the expected significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.*” This was considered at the scoping stage within **Chapter 28 Major Accidents and Disasters** of the **EIA Scoping Report**. The Planning Inspectorate agreed through its **EIA Scoping Opinion** that an assessment of major accidents and disasters can be scoped out, aside from matters relating to Sizewell B nuclear power

station. **Chapter 5 EIA Approach and Methodology** of this PEIR details further the treatment of major accidents and disasters.

- 4.2.21 Regulation 32(1) (Ref 13) of the EIA Regulations requires the Secretary of State to consider transboundary effects, meaning, those effects that could affect receptors in other countries. Consideration has been given to the potential for transboundary effects on European Economic Area (EEA) States as a result of the Proposed Scheme, and this is set out in further detail in **Chapter 5 EIA Approach and Methodology** of this PEIR.
- 4.2.22 In accordance with Regulation 14 (Ref 14) and Schedule 4 (Ref 15) of the EIA Regulations, the Applicant must submit an ES where it is likely significant effects may arise as a result of the Proposed Scheme. The ES, which will be submitted as part of the application for development consent, will meet the requirements of the EIA Regulations by providing the 'required information' as listed under Schedule 4.
- 4.2.23 Furthermore, Preliminary Environmental Information must be made available by the Applicant when undertaking an EIA and preparing to submit an ES as part of the DCO application. Preliminary Environmental Information is defined in Regulation 12(2)(b) (Ref 16) of the EIA Regulations as:
- "information referred to in Regulation 14(2) which - (a) has been compiled by the applicant; and (b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)"*
- 4.2.24 **Table 4.2** outlines the placement of information within this PEIR, corresponding to details required by Regulation 14 and Schedule 4 of the EIA Regulations for inclusion in an ES.

Table 4.2: Placement within the PEIR of information pertaining to EIA Regulation 14/Schedule 4

Regulation 14/Schedule 4	Placement within the PEIR
1. A description of the development, including in particular –	<p>Chapter 2 Description of the Proposed Scheme of this PEIR provides a description of the location, physical characteristics and main characteristics of the operational phase of the Proposed Scheme.</p> <p>Information regarding estimates of expected residues and emissions, as far as reasonably know at this design stage, have been described in aspect chapters (Chapter 6 to Chapter 28) of this PEIR.</p>
(a) a description of the location of the development;	
(b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;	
(c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used,	

Regulation 14/Schedule 4	Placement within the PEIR
<p>nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;</p> <p>(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases and types of waste produced.</p>	
<p>2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</p>	<p>A description of reasonable alternatives considered to date has been provided in Chapter 3 Alternatives and Design Evolution of this PEIR.</p>
<p>3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.</p>	<p>Chapters 6 to 28 of this PEIR describe the baseline (current state of the environment) and future baseline in relation to each technical receptor which is assessed within the EIA.</p>
<p>4. A description of the factors specified in Regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</p>	<p>Chapters 6 to 28 of this PEIR assess the factors specified in Regulation 5(2) which are likely to be affected by the Proposed Scheme, insofar as they are scoped into the assessment by the Scoping Opinion.</p>
<p>5. A description of the likely significant effects of the development on the environment resulting from, inter alia –</p> <p>(a) the construction and existence of the development, including, where relevant, demolition works;</p>	<p>Chapters 6 to 28 of this PEIR addresses the factors specified in Regulation 5(2) likely to be significantly affected by the Proposed Scheme.</p>

Regulation 14/Schedule 4	Placement within the PEIR
<p>(b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;</p> <p>(c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;</p> <p>(d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);</p> <p>(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;</p> <p>(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;</p> <p>(g) the technologies and the substances used.</p>	
<p>6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.</p>	<p>The methodology applied to each aspect assessment of the EIA, including assumptions and limitations to date, have been defined in technical chapters (Chapters 6 to 28) of this PEIR.</p>
<p>7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases</p>	<p>Mitigation measures identified to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements have been defined in technical chapters (Chapter 6 to 28) of this PEIR.</p>
<p>8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU (Ref 17) of the European</p>	<p>Chapter 5 EIA Approach and Methodology of this PEIR describes the expected significant adverse effects of the Proposed Scheme on the environment deriving from the vulnerability of the Proposed Scheme to risks of major accidents and/or disasters which are relevant to the project concerned.</p>

Regulation 14/Schedule 4	Placement within the PEIR
<p>Parliament and of the Council(c) or Council Directive 2009/71/Euratom(d) (Ref 18) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies</p>	
<p>9. A non-technical summary of the information provided under paragraphs 1 to 8.</p>	<p>A Non-Technical Summary is provided as part of the information available during statutory consultation as a standalone document.</p>
<p>10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.</p>	<p>A reference list has been provided at the end of each chapter of this PEIR.</p>

Marine and Coastal Access Act 2009

- 4.2.25 The Marine and Coastal Access Act 2009 (MCAA 2009) (Ref 19) sets out a spatial planning system for the management of the marine environment, which includes a requirement to obtain a marine licence for works at sea from the appropriate marine licensing authority, the Marine Management Organisation (MMO). The MMO is responsible for determining applications in accordance with the Marine Policy Statement (MPS) (Ref 20) and any applicable marine plans, unless relevant considerations indicate otherwise.
- 4.2.26 Licensable marine activities are defined under Section 66 of the MCAA 2009, and include activities related to construction or removal of any substance or object in UK territorial waters. As well as being responsible for administering marine licences, the MMO is required to regulate activities where they are undertaken outside of the UK territorial waters e.g. within the UK Exclusive Economic Zone (EEZ).
- 4.2.27 Applicants can include a provision in a DCO which deems a Marine Licence (a 'Deemed Marine Licence') to have been issued pursuant to Part 4 of the MCAA 2009 as part of the DCO process and by virtue of Section 149A of the PA2008 which was inserted by the MCAA 2009. The Applicant will include a provision for a Deemed Marine Licence to have been issued within its DCO.
- 4.2.28 The Applicant intends to apply for a Deemed Marine Licence from Mean High Water Springs to the UK/Netherlands EEZ boundary. However much of the cables will lie beyond UK territorial seas (12 NM) within the EEZ. UNCLOS provides the freedom to lay, maintain and repair cables on and off the continental shelf and further states that the coastal State (MMO and SoS in this case) may not impede the laying of such cables. The MCAA therefore includes a number of

provisions to ensure the rights conferred by UNCLOS are maintained within the marine licensing regime.

- 4.2.29 Section 81(1) of the MCAA 2009 sets out that nothing in Part 4 of the MCAA applies to any activity done in the course of laying or maintaining an offshore stretch (defined in Section 81(4) as being beyond the seaward limits of the territorial sea) of an 'exempt cable', defined in Section 81(5) as 'cables used for the transfer of electricity or data'. Furthermore, Section 81(2a), of the MCAA states that where subsection 81(1) of the MCAA has effect in relation to part (but not the whole) of an 'exempt cable', the MMO must grant any marine licence application to lay any inshore stretch (within the seaward limits of the territorial sea (12 NM) of the cable.
- 4.2.30 There are certain activities, however, associated with cable laying that this does not apply to, including the placement of cable protection and dredging activities associated with sand wave levelling. The draft DCO (and DML) to be submitted with the final ES will therefore be structured to reflect this.
- 4.2.31 Preliminary assessment of effects in **Chapter 18 to Chapter 26** for the Proposed Offshore Scheme do consider cable laying beyond 12 NM; however this is to provide a holistic view of the Proposed Offshore Scheme only, and the Applicant will not be seeking consent for the 'exempt cable'.
- 4.2.32 Section 126 of the MCAA 2009 outlines that where a public authority has the function of determining an application that is capable of affecting (other than insignificantly) the protected features of a Marine Conservation Zone (MCZ), or the processes on which those features depend, then they have a duty to consider MCZs during their decision making.
- 4.2.33 As part of the EIA process, the Applicant is obligated to assess potential impacts on MCZs to ensure that the Proposed Scheme does not adversely affect the ecological features of designated MCZs. A Marine Conservation Zone Assessment will not be undertaken as the Applicant has undertaken a screening exercise, which has not identified any relevant MCZs that intersect with the zone of influence (the spatial extent) over which direct and indirect impacts from the Proposed Scheme will likely be experienced. Findings of the marine conservation zone screening are provided in **Chapter 18 to Chapter 26** of this PEIR.

Electricity Act 1989

- 4.2.34 The Applicant was granted an Interconnector Licence on 12 July 2023 and will be subject to the duties listed under the Electricity Act 1989 (Ref 21) and prescribed within its Interconnector Licence.
- 4.2.35 Section 38 and Schedule 9 of the Electricity Act 1989 require an electricity licence holder (including an interconnector licence holder) when formulating proposals for new lines and other works, to:

“have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”

- 4.2.36 Ofgem consulted on the regulatory framework, including market arrangements, for Offshore Hybrid Assets (OHA) as new interconnector asset classes emerged. This includes Multi-Purpose Interconnectors and Non-Standard Interconnectors (with the Proposed Scheme being a Non-Standard Interconnector under the consultation definition). The consultation closed on 15 July 2023, with a decision on the summary of responses published on 14 December 2023. On 8 February 2024 a final decision was published by Ofgem stating that six principles for the regulatory framework have been identified. For assets such as the Proposed Scheme, the consultation confirms that such assets will be licenced through the interconnector licence which has been introduced through amendments to the Electricity Act 1989 via the Energy Act 2023.
- 4.2.37 In addition to the regulatory framework established through the Energy Act 2023, Ofgem conducted an Initial Project Assessment (IPA) for OHA, including the Proposed Scheme, to evaluate their potential benefits to Great Britain consumers. On 12 November 2024, Ofgem published its decision (Ref 22), granting the Proposed Scheme a Pilot OHA regulatory regime in principle. Ofgem’s decision confirmed that it considers that the Proposed Scheme demonstrates economic and system benefits to Great Britain at a reasonable cost to consumers. The decision also recognises the strategic value of OHA projects and the role of the pilot scheme in informing the development of future projects.

Countryside and Right of Way Act 2000

- 4.2.38 National Landscapes, formerly referred to as Areas of Outstanding Natural Beauty (AONB), are designated under the provisions of Part IV of the Countryside and Rights of Way (CROW) Act 2000 (Ref 23) for the purpose of conserving and enhancing the natural beauty of an area and securing its permanent protection against development that would damage its special qualities. The Applicant, as a statutory undertaker, as outlined in **Chapter 1 Introduction** of this PEIR, has a duty under Section 85 of the Act which states:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

Other Environmental Legislation

Environment Act 1995

- 4.2.39 Under the Environment Act 1995 (Ref 24), the Applicant has a duty to ensure that environmental impacts of the proposed development are suitably assessed and managed. A review of any environmental regulations must be thoroughly undertaken to understand potential adverse impacts and implement mitigation to remain compliant with these regulations.
- 4.2.40 This PEIR will outline the initial findings and proposed mitigation measures. Additionally, an ES, which will be submitted alongside the DCO application, will provide an assessment of environmental impacts and steps to address them.
- 4.2.41 The Applicant is also required by the Environment Act to engage with any applicable environmental bodies, such as the Environment Agency, to ensure that all identified environmental considerations are addressed during the decision-making process, and that the proposed development is able to meet sustainability principles.
- 4.2.42 Under the Environment Act, the Secretary of State is required to review any documents provided by the Applicant to ensure that assessments and mitigation measures are in line with legislative requirements.

Environment Act 2021

- 4.2.43 The Environment Act 2021 (Ref 25) provides a framework for Biodiversity Net Gain (BNG), whereby developers need to secure a minimum of 10% BNG, which must be maintained for a minimum of 30 years. This means that post-development, a 10% increase of biodiversity value of the onsite habitat must be evidenced. The Applicant also has the responsibility to comply with adjustments made to this percentage by the Secretary of State, as required.
- 4.2.44 The BNG framework pursuant to the Environment Act 2021 is not currently mandatory for NSIP developments, however it is anticipated that this will become mandatory for NSIPs from late 2025. The Department for Environment, Food and Rural Affairs are due to publish a consultation on the requirements for BNG and NSIPs which is anticipated to detail the submission requirements for DCO which the Proposed Scheme will be required to comply with. Evidence will be submitted alongside the DCO application, and will demonstrate how the Proposed Scheme will achieve any required net gain that may apply, and a Biodiversity Metric Calculation which will quantify the biodiversity value.
- 4.2.45 Additionally, the Environment Act 2021 mandates the production of Local Nature Recovery Strategies (LNRS) by each of 48 appointed responsible bodies covering the whole of England. LNRS are a system of spatial strategies for nature and environmental improvement, whereby each responsible body must produce a strategy which includes:
- a. priorities for nature's recovery;

- b. a map the most valuable existing areas for nature; and
- c. a map of specific proposals for creating or improving habitat for nature and wider environmental goals.

The Hedgerows Regulations 1997

- 4.2.46 The Hedgerows Regulations 1997 (Ref 26) gives responsibility to the Applicant for ensuring the protection of hedgerows deemed important from a historical, ecological, or landscape value. The Applicant is required to act jointly with the Minister of Agriculture, Fisheries and Food to effectively consult with relevant bodies, such as Local Planning Authorities (LPAs), to protect and manage hedgerows appropriately. **Chapter 8 Ecology and Biodiversity** and **Chapter 13 Landscape and Visual** of this PEIR provides preliminary findings regarding the potential impacts upon hedgerows of the Proposed Scheme.
- 4.2.47 The ES will confirm which hedgerows are Important under the Hedgerows Regulations, how these may be impacted, and any mitigation or compensation requirements. Management of reinstated and new hedgerow planting would be described within a Landscape and Ecological Management Plan.

Environmental Permitting (England and Wales) Regulations 2016

- 4.2.48 Under the Environmental Permitting Regulations 2016 (Ref 27), the Applicant must ensure that the appropriate environmental permits are secured before carrying out any activities which could impact the environment, including the impact of emissions to air quality. The Secretary of State will oversee this process, outlining conditions to mitigate potential environmental impacts and ensuring compliance with the regulations.
- 4.2.49 The Applicant is required to consult with relevant bodies, such as the Environment Agency, to ensure that all environmental considerations are addressed appropriately. For the Proposed Scheme, the process will involve preparing and submitting documents such as the Environmental Permit Application and continuing to engage with relevant parties to comply with the Regulations.

Control of Pollution (Applications, Appeals and Registers) Regulations 1996 (Ref 28)

- 4.2.50 The Applicant has a duty to follow all procedures and processes for applying for, varying, and granting pollution control consents and confirm that these have been followed in accordance with regulations. This includes ensuring that required information is recorded in pollution control registers.
- 4.2.51 The Secretary of State will review these applications, appeals, and control registers, and will guarantee that appeals processes for decisions related to pollution control are carried out and handled fairly, in accordance with regulations.

4.3 Related Assessments

- 4.3.1 In addition to the EIA, the Proposed Scheme will be assessed in accordance with other regulatory regimes, where they apply. Information on these related assessments is provided in **Chapter 5 EIA Approach and Methodology** and the technical chapters of this PEIR, where applicable.
- 4.3.2 These include: the Conservation of Habitats and Species Regulations 2017 (Ref 29), as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Ref 30), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Ref 31) (hereafter the Habitats Regulations); Flood and Water Management Act 2010 (Ref 32); and Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref 33).

Habitat Regulations

- 4.3.3 The Secretary of State is required by the Habitats Regulations to consider whether a plan or project has the potential to have a likely significant effect on the integrity and qualifying features of a site which is part of the National Site Network (NSN) or an internationally important site. 'European Sites' include Special Protection Areas (SPA) and Special Areas of Conservation (SAC). The UK Government policy states that proposed SACs, potential SPAs, areas secured as sites compensating for damage to a European Site and Wetlands of International Importance listed under the Ramsar Convention (known as Ramsar sites) are afforded the same protection as NSN sites in terms of the Habitat Regulations Assessment (HRA) required of any proposals that may affect them.
- 4.3.4 The Habitats Regulations require an Appropriate Assessment if a project is likely to have a significant effect on a NSN site or a European Site, either alone or in combination, to determine whether that project will have adverse effects upon the integrity of a NSN site or a European Site in view of its Conservation Objectives. If that Appropriate Assessment concludes that a project will have an adverse effect on a NSN site or a European Site, then a derogation case must be considered. A Report to Inform Appropriate Assessment (RIAA) will be prepared by the Applicant and submitted as part of the DCO application.
- 4.3.5 A draft **RIAA for the Proposed Offshore Scheme** only has been provided alongside the suite of documents at statutory consultation due to sufficient design and baseline data to inform the production of this document at this stage.

Flood and Water Management Act 2010

- 4.3.6 The Flood and Water Management Act 2010 (Ref 32) establishes responsibilities for the Environment Agency and local authorities in assessing and mitigating flood risk. Under this framework, flood risk assessments are required to inform decision-making and ensure that infrastructure projects consider potential flood impacts.

- 4.3.7 Given the extent of the Proposed Onshore Scheme and potential interaction with areas of flood risk, a Flood Risk Assessment (FRA) will be undertaken in accordance with the NPS, National Planning Policy Framework (NPPF), and associated Flood Risk and Coastal Change guidance. An FRA will be provided alongside the PEIR and will form part of the suite of documents published for the statutory consultation. An updated FRA will be included as an appendix within the ES and submitted as part of the DCO application. The FRA will consider flood risk both to and from the Proposed Scheme, as well as outlining how this risk will be managed in the context of climate change.

Water Environment Regulations

- 4.3.8 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WER also known as WFD Regulations) (Ref 33) places responsibilities on the Secretary of State and the Environment Agency to undertake certain assessments when determining whether to grant, vary or revoke certain permits and licenses which affect water quality. The main objective of the WER is to improve/maintain the ecological status/potential and to prevent deterioration in status of the water bodies and their associated WER quality elements.
- 4.3.9 The Environment Agency and Local Authorities/Lead Local Flood Authorities are the regulatory bodies responsible for implementing the WER.
- 4.3.10 A WER Compliance Assessment will be undertaken in accordance with the WER Regulations, and the outcomes will inform the EIA by determining the status of WER waterbodies with the potential to be impacted by the Proposed Scheme. The assessment will consider the extent to which the Proposed Scheme has the potential to impact upon the current and future target WER status of water bodies and will follow the approach set out in the National Infrastructure Planning Advice Note Eighteen: The Water Framework Directive.

4.4 National Planning and Marine Policy

- 4.4.1 This section sets out the current national planning policy documents which the Secretary of State must have regard to when determining the DCO application for the Proposed Scheme.

National Policy Statements for Energy

- 4.4.2 NPS set out the government's objectives for the development of NSIPs in a particular sector.
- 4.4.3 The following NPSs are relevant to the Secretary of State's determination of the DCO application for the Proposed Scheme:
- a. Overarching National Policy Statement for Energy (EN-1) (NPS EN-1) (Ref 34);
 - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (NPS EN-3) (Ref 35); and

c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5) (Ref 36).

- 4.4.4 The NPSs reinforce the Government's ambitions for high quality energy infrastructure set out in the British Energy Security Strategy (April 2022) and the Growth Plan (September 2022). The current NPSs (EN-1 to EN-5) came into force on 17 January 2024.
- 4.4.5 NPS EN-1, EN-3, and EN-5 set out policies aimed at balancing the need to build vital infrastructure with the potential impacts this can have on the environment and communities. They also ensure that the planning policy framework remains suitably robust to support the infrastructure required for the transition to net-zero carbon emissions. Low carbon infrastructure, including electricity grid infrastructure projects, including infrastructure identified in the Holistic Network Design and subsequent design exercises which include interconnectors are given the status as a 'Critical National Priority' to emphasise the need for critical national infrastructure.
- 4.4.6 In April 2025, the Department for Energy Security and Net Zero (DESNZ) published the consultation on the revised energy NPS's, with draft updates made to NPS EN-1, NPS EN-3 and NPS EN-5. The Applicant recognises the clarifications that are proposed in the draft NPS's, including specific reference to Offshore Hybrid Asset's directed into the NSIP regime under Section 35 of the PA2008 (draft NPS EN-1 paragraph 4.2.18 and draft NPS EN-3 paragraph 1.6.3).
- 4.4.7 The Applicant acknowledges that the draft policy is subject to change and therefore all potentially relevant references that apply to the Proposed Scheme are not recorded within this PEIR.
- 4.4.8 The Applicant will continue to monitor the progress of the designation of the draft NPS's and their applicability to the Proposed Scheme, as it progresses through Statutory Consultation and towards the submission of the application for development consent.

Overarching National Policy Statement for Energy (EN-1) (NPS EN-1)

- 4.4.9 NPS EN-1 (Ref 34) sets out the Government's overarching national policy with regards to the development of NSIPs in the energy sector. NPS-EN-1 is underpinned by the principle that there will be a need for significant amounts of new large-scale energy infrastructure to meet the Government's energy objectives. It states at paragraph 2.1.6 that largescale energy infrastructure:
- "will be required to ensure the UK can provide a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets".*
- 4.4.10 Paragraph 2.3.4 of NPS EN-1 acknowledges the significant amount of energy infrastructure is necessary to meet the Government's objectives, including *"the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport these energy carriers into and around the country"*.

- 4.4.11 Paragraph 1.3.10 states that EN-1, alongside with any relevant technology specific NPS, will be the primary policy for the Secretary of State in the decision-making process on energy projects for which a Section 35 direction has been given. Paragraphs 3.2.11 and 3.2.12 reiterate that in circumstances where the Secretary of State has given a Section 35 direction for a development to be treated as a NSIP:
- “any application for development consent would need to be considered in accordance with this NPS [EN-1]”. This includes “...where the application is for electricity network infrastructure not covered by Sections 15-21 of the Planning Act, including underground or offshore infrastructure, the Secretary of State should give substantial weight to the need established at paragraphs 3.3.65 to 3.3.83 of this NPS”.*
- 4.4.12 The need for new nationally significant electricity infrastructure is emphasised in section 3.3 of the policy.
- 4.4.13 Paragraphs 3.3.32 to 3.3.33 focus on the role that interconnectors play in facilitating a secure, low carbon electricity system at low cost and recognises that there are benefits of increasing levels of interconnection. Paragraph 3.3.34 confirms that:
- “Interconnection provides access to a diverse pool of generation, enabling the import of cheaper electricity, while also providing a route for electricity export. Interconnectors provide the system with additional flexibility, reducing the curtailment of renewable energy, and can also provide a range of ancillary services, such as voltage and black start services.”*
- 4.4.14 Paragraph 3.3.66 affirms that the delivery of this important infrastructure also needs to balance cost to consumers, accelerated timeframes for delivery and minimise community and environmental impacts.
- 4.4.15 The potential benefits specific to Multi-Purpose Interconnector projects are recognised in paragraph 3.3.76 which states that combining offshore transmission with market- to market interconnectors reduces curtailment of offshore wind, the quantity of landing points and capital expenditure. It goes to state that:
- “these benefits can be maximised if the planning of this infrastructure and the associated offshore wind farms are aligned, both domestically and with the connecting country’s planning process.”*
- 4.4.16 The reference to multi-purpose interconnectors is also applicable to non-standard interconnectors which combine offshore transmission with market to market interconnectors such as the Project.
- 4.4.17 Paragraph 3.2.11 and 3.2.12 of EN-1 confirm that where a DCO application is for electricity network infrastructure not covered by Sections 15-21 of the Planning Act, including underground or offshore infrastructure, the Secretary of State should give substantial weight to the need established in the NPS.

- 4.4.18 NPS EN-1 builds on the emphasis of need in its recognition that there is a Critical National Priority (CNP) for the provision of significant low carbon infrastructure, stating in paragraph 3.3.63:
- “Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.”*
- 4.4.19 Paragraph 4.1.7 states that this presumption, however, does not extend to residual impacts that pose an unacceptable threat to human health and public safety, defence, irreplaceable habitats, or the attainment of net zero goals. Similarly, this exception applies to residual impacts that pose an unacceptable risk to navigation offshore or to flood and coastal erosion risk onshore.
- 4.4.20 Section 4.2 states the energy generating technologies that are considered low carbon and therefore CNP infrastructure, confirming in paragraph 4.2.5 that this includes:
- “energy infrastructure which is directed into the NSIP regime under Section 35 of the Planning Act 2008... such as interconnectors, Multi- Purpose Interconnectors, or ‘boosters’ to support the onshore network which are routed offshore...”*
- 4.4.21 Part 4 of NPS EN-1 sets out the general policies for the submission and assessment of energy infrastructure applications. Section 4.3 of NPS EN-1 sets out that an applicant should identify the impacts of a proposal and these impacts, together with proposals for their avoidance or mitigation wherever possible, should be set out in an ES that should accompany each project application. Further detailed policy on ESs is set out within section 4.3 of EN-1.
- 4.4.22 Section 4.5 outlines how effects on the marine environment should be considered, highlighting the need to consult individual Marine Plans to understand the specific marine- related considerations. It also recommends engaging with the marine license regulator (the MMO in England) during the pre-application stage to determine whether any additional marine licenses may be required alongside the DCO application.
- 4.4.23 Section 4.7 of NPS EN-1 also sets out the importance of ‘good design’ for energy projects, and that taking this approach can help meet many policy objectives, for example *“the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise”* (paragraph 4.7.3).
- 4.4.24 Part 5 of NPS EN-1 considers generic impacts in respect of matters such as air quality and emissions, greenhouse gas emissions, biodiversity and geological conservation, civil and military aviation and defence interests, coastal change,

dust and odour, flood risk, historic environment, landscape and visual, land use, noise and vibration, socio-economics, traffic and transport, resource and waste management, and water quality and resources, and how these should be assessed. These impacts have been considered in the preparation of this PEIR.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (NPS EN-3)

- 4.4.25 NPS EN-3 (Ref 35) relates to renewable energy infrastructure and Part 2 provides general assessment principles and technology-specific policies relating to matters including climate change adaptation, consideration of good design, and offshore and onshore wind. NPS EN-3 also establishes a co-ordinated approach to offshore – onshore transmission.
- 4.4.26 This co-ordinated approach is affirmed in Section 1.6, which outlines the types of infrastructure covered by NPS EN-3, with paragraph 1.6.3 specifically stating that the policy applies to:
- “offshore transmission infrastructure projects in English waters which are directed into the NSIP regime under Section 35 of the Planning Act 2008. This could include interconnectors, Multi-Purpose Interconnectors (MPIs) or ‘bootstraps’ to support the onshore network which are routed offshore.”*
- 4.4.27 Paragraphs 2.8.24 to 2.8.33 places further emphasis on the use and benefits of coordinated transmission proposals, with paragraph 2.8.31 stating that:
- “MPIs will enable direct power flow from wind farms to two or more countries. They will provide the electricity network with flexibility needed to integrate the increased deployment of intermittent offshore renewable generation into the system by:*
- Allowing market-to market trading when there is additional capacity on the table; and*
- Limiting the need to curtail offshore wind generation when domestic demand had been met by providing a direct route for export to neighbouring North Sea countries.”*
- 4.4.28 These policies outlined in NPS EN-3 have been considered in the preparation of this PEIR, ensuring alignment with national strategies and goals for renewable energy infrastructure.

National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5)

- 4.4.29 NPS EN-5 (Ref 36) relates to electricity networks and Part 2 provides general assessment principles and technology-specific policies relating to matters including climate change adaptation, consideration of good design, biodiversity and geological conservation, landscape and visual and noise and vibration.

Section 2.12 of EN-5 establishes a coordinated approach to offshore-onshore transmission.

4.4.30 Paragraph 2.1.5 of NPS EN-5 reinforces Section 4.2 of EN-1 which supports the urgent need for new low carbon infrastructure and confirms that *“all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure... are considered to be CNP infrastructure.”*

4.4.31 Paragraph 2.2.10 of EN-5 reiterates the duties under Section 9 of the Electricity Act 1989, both in relation to developing and maintaining an economical and efficient network, and, in formulating proposals for new electricity network infrastructure, to:

“have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and...do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”

4.4.32 Section 2.3 of NPS EN-5 explains how electricity network infrastructure should consider climate change adaptation and resilience within the design of new schemes. Paragraph 2.3.2 details that applicants should outline the extent that the proposed development is expected to be vulnerable and how it has been designed to be resilient to: flooding, particularly for substations; higher than average temperatures leading to increased transmission losses; and earth movement or subsidence caused by flooding or drought, for underground cables.

4.4.33 NPS EN-5 includes policies on the design of electricity network infrastructure, stating at paragraph 2.9.20:

“Although it is the government’s position that overhead lines should be the strong starting presumption for electricity networks developments in general, this presumption is reversed when proposed developments will cross part of a nationally designated landscape (i.e. National Park, The Broads, or Area of Outstanding Natural Beauty).”

Marine Policy Statement

4.4.34 The MPS (Ref 20), which was adopted in 2011, provides the framework for the preparation of Marine Plans and decisions affecting the marine environment. All Marine Plans in England are prepared by the MMO.

4.4.35 The objective of Marine Plans is to ensure that marine resources are used in a sustainable way in line with the high level marine objectives and thereby: promote sustainable economic development; enable the UK’s move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects; ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine

habitats, species and our heritage assets; and contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

- 4.4.36 Section 3.3 of the MPS acknowledges the major contribution the marine environment will play in the provision of UK energy supply, distribution, and interconnections between parts of the UK and other EU countries to create a secure and stable network.
- 4.4.37 The East Inshore and East Offshore Marine Plan (April 2014) (Ref 38) has been considered in the development of the PEIR. **Appendix 4.2 Marine Plan Assessment** of this PEIR presents the details of the relevant environmental aspects and how they have been addressed within the offshore PEIR chapters.

National Planning Policy Framework

- 4.4.38 The NPPF (Ref 37) outlines the governments planning policies for England and their expected application. Revised in 2024, the NPPF aims to promote sustainable development through economic, social, and environmental objectives.
- 4.4.39 Paragraph 5 of the NPPF states the framework does not contain specific policies for nationally significant infrastructure. Rather, nationally significant infrastructure projects “are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)”.
- 4.4.40 Since the NPPF has the potential to be considered important and relevant to the Secretary of State’s consideration of the Proposed Scheme, relevant guidance from the NPPF has been considered in the development of this PEIR. This includes Schedule 11 Making effective use of land, Schedule 12 Achieving well-designed places, and Schedule 15 Conserving and enhancing the natural environment. The Applicant will have due regard for all relevant local and national policies, including those outlined within the NPPF.

4.5 Regional and Local Planning Policy

- 4.5.1 The NPSs are the primary basis for decision making, but the Secretary of State must also have regard to any other matters which they think are both important and relevant to the decision and this could include regional and local planning policies. There is the potential for identified policies to be updated throughout the evolution of the Proposed Scheme. These updates and emerging policies will be reviewed periodically to maintain compliance.
- 4.5.2 The main regional and local planning policy documents relevant to the Scheme comprise the following:
- a. Local Plans:
 - i. East Suffolk Council - Suffolk Coastal Local Plan (2020) (Ref 39); and

- ii. East Suffolk Council - Waveney Local Plan (March 2019) (Ref 40).
- b. Neighbourhood Plans:
 - i. East Suffolk Council – Wenhaston with Mells Hamlet Neighbourhood Plan (July 2018) (Ref 41);
 - ii. East Suffolk Council Saxmundham Neighbourhood Plan (July 2023) (Ref 42);
 - iii. Leiston Neighbourhood Plan (March 2017) (Ref 43); and
 - iv. East Suffolk Council Walberswick Neighbourhood Plan (Consultation December 2022) (Ref 44).
- c. Supplementary Planning Documents (SPDs)/ Supplementary Planning Guidance (SPGs):
 - i. East Suffolk Council Coastal Adaptation Supplementary Planning Document (Ref 45);
 - ii. Suffolk Coast and Heaths AONB Management Plan (Ref 46);
 - iii. East Anglia Coastal Group Shoreline Management Plan (SMP) 7 - Lowestoft and Felixstowe (Ref 47);
 - iv. Healthy Environments Supplementary Planning Document (Ref 48);
 - v. Suffolk & Essex Coast and Heaths Management Plan 2023-2028 (Ref 49);
 - vi. East Suffolk Sustainable Construction SPD (Ref 50); and
 - vii. Suffolk County Council Energy and Climate Adaptive Infrastructure Policy Public Right of Way and Green Access Supplementary Guidance Document (0).
- d. Minerals and Waste Plans
 - i. Suffolk County Council – Minerals and Waste Plan (July 2020) (Ref 52).
 - ii. Draft Suffolk LNRS (Ref 53)

4.5.3 Local planning policies contained within the above-mentioned local policy documents will be taken into consideration throughout the evolution of the Proposed Scheme design and assessments, including this PEIR.

4.6 Non-Statutory Guidance

Planning Inspectorate guidance

- 4.6.1 In August 2024, the Planning Inspectorate published a series of non-statutory advice notes to inform developers, consultees, the public and other interested parties about a range of procedural matters in relation to the PA2008 process. Not all of these Advice Notes are applicable to the PEIR, although those that are integral, and have informed the environmental assessment process for the Proposed Scheme, are discussed further below:
- a. Introduction to National Infrastructure Planning Guidance (April 2024) (Ref 53) which sets out the role and scope of the National Infrastructure Planning Guidance.
 - b. Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (April 2024) (Ref 55), which provides guidance on the pre-application stage for NSIPs.

- c. Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents (August 2024) (Ref 56), which explains how application documents and supporting information should be prepared, organised and submitted to the Planning Inspectorate for NSIPs

National Grid policy and guidance

- 4.6.2 National Grid (including all of its entities) follows its own set of policies and procedures when developing projects. The main policies relevant to this Proposed Scheme include:
 - a. National Grid's Stakeholder, Community and Amenity Policy 2016 (Ref 57): This document outlines ten key commitments made by National Grid regarding the delivery of electricity and gas works in the UK. This includes setting out how National Grid will meet its amenity responsibilities and how stakeholders and communities are involved in project development.
 - b. National Grid's Approach to Consenting (Ref 58): This document describes the process for obtaining consent for major infrastructure projects, covering all phases from initial inception through to consent and construction. The process is divided into six stages.
- 4.6.3 National Grid also has a comprehensive set of processes and guidelines that govern the design and implementation of projects, ensuring that they meet operational safety standards.
- 4.6.4 In relation to the design of substations, National Grid devised the Horlock Rules (Ref 59) in 2003 and these were subsequently updated in 2006. The Horlock Rules provide guidelines for the siting and design of new substations, or substation extensions, to avoid or reduce the environmental effects of such developments. In summary, like the Holford Rules, they facilitate consideration of environmental and amenity considerations within the design and siting of new substation infrastructure.

Topic Glossary and Abbreviations

Term	Definition
AONB	Area of Outstanding Natural Beauty
BEIS	Business, Energy and Industrial Strategy
Biodiversity Metric Calculation	is a tool used to calculate and quantify the biodiversity value of habitats ('biodiversity units').
CRoW	Countryside and Rights of Way Act
DCO	Development Consent Order
EEA	European Economic Area
EEZ	UK Exclusive Economic Zone
EIA	Environmental Impact Assessment
FRA	Flood Risk Assessment
HRA	Habitats Regulations Assessment
IPA Initial Project Assessment	is an assessment used by Ofgem to understand the impact of a Project on customers.
LNRS	Local Nature Recovery Strategies
MCAA 2009	The Marine and Coastal Access Act 2009
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
Multi- Purpose Interconnector	A Multi-Purpose Interconnector is now known as an Offshore Hybrid Asset (OHA). It is a new generation of subsea technology that supports the connection of offshore windfarms to other countries.
NGLL	National Grid LionLink Limited
Non- Standard Interconnector	is a type of asset that connects offshore wind farms to waters outside of Great Britain.
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network
OHA	Offshore Hybrid Asset is a new generation of subsea technology that supports the connection of offshore windfarms to other countries.
PA2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
SAC	Special Areas of Conservation
SoS	Secretary of State

Term	Definition
SPA	Special Protection Areas
SPD	Supplementary Planning guidance
SPG	Supplementary Planning Guidance
WFD	Water Environment Directive

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