

## Sample of Public Responses

The following section presents a selection of responses that we received from members of the public. These examples are representative of the responses received during our consultation process.

From,  
Baroness Coffey

My submission is rather simple on this issue.

Ofgem should not grant ECF to NGET for the Sealink proposal.

The planning process has only just got started and, indeed, the opening phase has been extended due to an issue of the application and its consideration by the relevant authorities and the public. This makes a mockery of the planning process and further undermines public confidence in the planning system.

Just this process happening leads members of the public to consider that the planning application is a foregone conclusion. I would not be surprised if this very consultation leads to a judicial review of proceedings.

It should be clear to Ofgem that no planning consent has been granted either in Kent nor Suffolk for the substations and other connection works at this point.

There are plenty of planning reasons why this should not go ahead. There are several economic reasons – for the taxpayer and bill payers – why this should not go ahead. One of those is extra cost for effectively what is considered to be insurance on electricity resilience.

There is already a connection from Grain to Tilbury which I think has already received ECF or at least considered. If necessary, this interconnection should be considered for expansion, recognising both that the works have already been considered and that both are greenfield sites.

This is in contrast to the proposed Sealink. Both are trying to connect in areas with considerable environmental protection.

I remind Ofgem that it has an enhanced duty towards biodiversity, including via regulations in place as a consequence of the Environment Act 2021.

<https://www.gov.uk/government/publications/environmental-principles-policy-statement/environmental-principles-policy-statement>

The prevention principle particularly is pertinent in the consideration. When there is significant cost of living challenges across the country, the extra costs to be burdened by bill payers also needs to be considered.

I am highly concerned by 2.38 which allows NGET to recover costs from the taxpayer/billpayer in case the DCO is not granted. This reinforces the need for Ofgem not to grant funding and for NGET to take the risk of proceeding at pace ahead of any planning consent for this project.

As part of this process, I would like to submit a FOI and EIR request to see the evidence that leads to your assessment as set out in 2.22 of the consultation. I would also like to request on FOI or EIR grounds, whichever is appropriate, for the total expected costs of this project – for both construction and the cost to billpayers and taxpayers. Furthermore, I would like to FOI or EIR the expected consumer benefits and consumer protections to be put in place. If I need to make this request in a different format or to a different person, please let me know.

In direct response to your questions,

Q1. No

Q2. No

Yours sincerely,

Thérèse

The Rt. Hon. Lady Coffey DBE PhD

FAO Amy Freund:

It was brought to Aldeburgh Town Council (ATC)'s attention yesterday, 20th August 2025, that OFGEM 'is minded to' approve considerable up-front investment into the Sea Link project. As a small Council, having had no previous notice of this process, we trust that you will accept this as our submission into the Consultation rather than via your questionnaire.

ATC, representing tax payers and residents of Aldeburgh is dismayed at OFGEM's consideration to provide funding from the public purse in advance of the Planning Process's completion. Should OFGEM approve funding ATC believes OFGEM is in effect pre-determining the Planning Process in favour of acceptance of this project.

ATC also believes that this undermines the spirit of the Energy Act 2023 particularly CHAPTER 52 (i) (c) as follows:

Principal objectives and general duties of Secretary of State and economic regulator

(1)The principal objectives of the Secretary of State and the GEMA in carrying out their respective functions under this Part are to—

- (a)protect the interests of current and future transport and storage network users;
- (b)protect the interests of any consumers whose interests the Secretary of State or the economic regulator (as the case may be) considers may be impacted by the exercise of their respective functions under this Part;
- (c)promote the efficient and economic development and operation of transport and storage networks, having regard to the need for licence holders to be able to finance their licensable activities.

<https://www.legislation.gov.uk/ukpga/2023/52/2024-10-01>

OFGEM's responsibilities include protection of customer interests; in this case the interests of the customer (public) are not in our opinion safeguarded as NGET's 'workings' are not publicly available for scrutiny. ATC is of course not formed of experts, however from this application, OFGEM appears to depend exclusively on NGET's calculations to judge whether investment is value for money for the public purse.

National Grid, being a monopoly by definition has no competitor. ATC trusts that OFGEM, as the regulator of this organisation will consider refusing consideration of any funding at least until the decision re: the Planning Process for Sea Link has been arrived at. At this point ATC would also hope that OFGEM requires independent verification of the cost/benefit analysis.

A considerable number of unanswered questions relating to the Sea Link application are outstanding, as pointed out by PINs, Suffolk County Council and East Suffolk Council. As a Statutory Consultee representing an area significantly impacted should Sea Link proceed, it is extremely disappointing that ATC was not contacted and requested to feed into this statutory consultation.

In connection with the statutory consultation, we must disagree with your statement as follows:

‘We particularly welcome responses from consumer groups, stakeholders impacted by the project, stakeholders with an interest in the costs of electricity transmission infrastructure, and transmission owners. We would also welcome responses from other stakeholders and the public.’ We disagree as it requires knowledge that consultation is ongoing in order for any of these bodies to respond. This appears to be a clear case of democratic deficit and lack of transparency, albeit we would hope, possibly inadvertent.

Going forward, please may we strongly request that ATC is kept informed to avoid an potential lack of trust issue.

ATC requests that this response is treated as NON-CONFIDENTIAL throughout.

Kind Regards,

Dear Amy Freund,

We’re writing as concerned residents and campaigners in Suffolk, who care deeply about our communities, landscapes, and the fairness of decision-making.

Ofgem’s proposal to hand over £1.6 billion for NGET Sea Link before it’s even been through planning feels wrong.

It sends a message that the outcome's already decided - and that local voices don't matter.

We've seen no clear evidence that this level of early funding is justified, and we worry it puts bill-payers at risk if the project doesn't go ahead.

Please don't undermine the planning process. Let it run its course before committing public money. We ask you to delay funding, publish the full cost-benefit analysis, and protect consumers from unnecessary risk.

Dear team,

Early financial commitment to a high-risk site contradicts the core purpose of ASTI: delivering fast, efficient, and secure infrastructure investments that are genuinely ready to proceed.

There are fundamental environmental, construction and logistical concerns that have not been addressed.



By email: [MajorProjects.LTPD@ofgem.gov.uk](mailto:MajorProjects.LTPD@ofgem.gov.uk)

14/08/2025

**Reference:** Statutory consultation on National Grid’s Sea Link Early Construction Funding (ECF) application and corresponding proposed modification to Special Condition 3.41 of NGET’s electricity transmission licence

Sir/Madam

We are responding to the consultation on OFGEM’s “minded-to position on the Early Construction Funding (ECF) application by National Grid Electricity Transmission Plc (NGET) for the Sea Link project”

Succinctly you are consulting on the ASTI ReOpener and a change to ASTIAt in the licence documentation to make it possible to approve a change to the funding threshold for ECF from 20% to 48% of total project cost for National Grid’s SeaLink project.

The following sets out the reasons why the member of Save Minster Marshes (SMM) (representing over 2.5 k people) submits that this is a bad idea for taxpayers.

1) Because the SeaLink project cannot de-risk late delivery or cancellation - NG are transferring all the risk to Consumers through this change. This effectively means that should SeaLink not get DCO approval there is a potential for 48% of the total project cost to be picked up by the government (taxpayers) and not paid back for 45 years! SMM believe that a private company that made £4.9b profit in 2023/2024<sup>1</sup> should not be transferring risk to British taxpayers and electricity consumers in this way and that OFGEM are the organisation that should be protecting taxpayers from unnecessary risk in the energy ‘market’.

2) NESO is finalising and consulting on the Strategic Spatial Energy Plan (SSEP)<sup>2</sup>. The results of this will not be finalised for some time. The plan to coordinate large projects with justifiable need is stated as follows “Rather than the SSEP focusing on specific projects, the energy market or other processes will decide which projects to build and where. The SSEP works with and supports other important energy transition programmes, like the Centralised Strategic Network Plan (CSNP) and Regional Energy Strategic Plans (RESP)”. Does it not therefore make

<sup>1</sup> [National Grid\\_ARA24\\_web PDF\\_030625\\_0.pdf](#) accessed 13/08/2025

<sup>2</sup> [Strategic Spatial Energy Planning \(SSEP\) | National Energy System Operator](#) accessed 13/08/2025

sense for changes to ASTI to be made in line with the publication of the final SSEP? Please defer for this and do not let NG bully OFGEM into jumping the gun.

3) Because of 'commercial sensitivity' there is a Confidential Appendix OFGEM refers to that outlines the detailed costs. Members of the public who are consulted on this change to the rules cannot review this to make a judgement on whether a cost hike from 20% to 48% is justifiable. This is unacceptable and renders the consultation invalid in our opinion.

4) In the Executive Summary OFGEM states “As part of our assessment of this ECF application we have undertaken a high-level analysis of the proposed early construction activities to determine whether they are justified and eligible.” Why has this report been provided so that consultees can see the information on which the decision will be made?

5) This Consultation document refers to SCD1 (the NOA code for SeaLink) option1. Option 1 as far as we can see was the Suffolk to Sellindge route. In which case NG are calling for a 28% increase in allowance for a route that is not being applied for in the current DCO. At Save Minster Marshes (SMM) we would be delighted if the Sellindge route becomes the final choice of route – but that is not what is currently being applied for in the DCO. Should the DCO stop and reconvene or is OFGEM’s documentation wrong? Either way, OFGEM cannot consult effectively without this being clarified.

6) Specific problems SMM has found with the consultation document as follows:

- Para 2.11 states that NG’s “Land Rights Strategy and Payment Schedule for Assets” contains information about timing of payments and resale of purchased land”<sup>3</sup> and it does not as far as we can see. NG must be clear about how they intend to return compulsorily purchase land if necessary.
- 2.14 states the need to upgrade the line between Canterbury and Richborough and suggests that this would be re-used for future projects if SeaLink does not go ahead at this location. This argument is specious, since *if SeaLink did not go ahead in this location* the rationale for the DCO refusal would hold for future projects too. And also, on this same point, there appears to be no NOA code for this upgrade, which is either being decoupled from the SeaLink project and should have a NOA code and be listed at page 26 onward or should appear as an amendment/addendum to the SeaLink project. It appears to be neither. And finally, this line was already upgraded as part of the NEMO project in 2021 and surely does not already need another upgrade? This would not represent good use of taxpayers’ money.
- 2.17 indicates that ground investigations have not completed. However, we can see from the work already completed at Minster Marshes that it has found a high water table and soft alluvial soil that is totally unsuitable for a construction of this type. What would NG hope to get from further surveys? Where else have surveys not been sufficient on

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<sup>3</sup> [NGT Land Rights Strategy and Payment Schedule for Assets.pdf](#) accessed 13/8/2025

land? 170 hectares of land within the Draft Order Limits for Kent alone have not been completed.

- 2.21 is simply a reiteration of 2.14 - suggesting that the money would not be wasted. SMM dispute this if the project were not to gain approval from the SoS. Early indications are that the Inspectors are finding much of concern in the project.
- 2.23 NG seem to have realised quite late that there will be Unexploded Ordnance in the sea off Kent (very probably on land around Pegwell Bay and the marshes) that will need specialist investigation and possibly careful disposal. They propose to do this work themselves. Has the Health & Safety Executive agreed to this plan of work? They seem to be concentrating on unexploded ordnance in the Channel and North Sea, but there are considerable risks on land through Pegwell and Minster Marshes too that contributed to NG's failure to complete the agricultural surveys.
- 2.29 The Government's Clean Power 2030 Action Plan is quoted – but selectively. NG and OFGEM should also note the opening paragraphs of page 41, which state *"We should therefore ensure delivery of our climate and nature targets wherever possible, in an integrated and joined up way. This means ensuring habitats like peatlands store rather than emit greenhouse gas emissions; or restoring salt marshes and sea grasses so that they are sequestering carbon as well as protecting our coastal communities from rising sea levels and extreme weather. This means that new energy infrastructure should be built in a way that protects the natural environment by following a "mitigation hierarchy" to do what is possible to avoid damage to nature, and then minimising, restoring and delivering compensation when damage is impossible to avoid."*<sup>4</sup> OFGEM should therefore note that you should not be enabling projects that irreparably damage just such habitats - salt marsh and fresh water marsh at the Kent end of the Sea Link project.
- 2.3 states *"The project will reduce network constraints on the heavily utilised network on the east coast. NESO's Clean Power 2030 advice identified the project as an investment required in order allow the Government's clean power objectives to be reached."* Once we found NESO's Clean Power 2030 document that wasn't actually linked to, we could not find any mention of the 'heavily utilised network on the east coast'. The only mention of the east coast is in Scotland and Lincolnshire. Neither of those regions are heavy users of electricity. There is no evidence of the 'heavily utilised network'.
- 2.3 goes on to state: *"It was highlighted as needing to accelerate further due to the risk of it not being delivered by 2030. NESO has estimated that failure to accelerate Sea Link*

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<sup>4</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-10182/#:~:text=By%202030%2C%20the%20government%20aims%20to%20meet%20Britain%E2%80%99s,of%20its%20manifesto%20for%20the%202024%20general%20election>. Accessed 13/8/2025

*to 2030 could cost consumers up to £1,400m in constraint costs.*" Have there been any figures provided? If there have, they haven't been shared. If there is a higher figure £1.4b, what is the lower figure – there must be one? What are the drivers of the higher and lower figures. All of this is opaque and not fitting for a full and openly transparent consultation.

- 2.35 Cancellation costs have been given to OFGEM - but have not been made public. NG have explained that it would be impossible to give confirmed costs for cancellation. However, a decent contract discussion will include ball-park percentages on a sliding scale for cancellation and these could be built into the submission to OFGEM. Not disclosing these figures - even in ball park scenarios - is an opportunity for NG to walk off with taxpayer's cash at no risk to themselves.
- 2.39 The mechanism for a robust efficiency assessment needs to be at the heart of what OFGEM are doing already. Why is this written as 'would' and not 'will'? Will is definitive whereas Would is conditional and allows for opt out. This does not provide the confidence that tax payers should expect from OFGEM.
- 2.41 states that NESO have identified SeaLink as one of the priority projects for 2030 delivery to alleviate predicted constraint costs (note the date and see note 7 below). Where is the reference to the NESO document in which this can be found? Constraint costs as a driver for the project are hardly mentioned in the SeaLink documentation submitted to the DCO.
- 2.42 The NESO Clean Power report (when we accessed it) does not mention individual projects (see once again our point made in 2 above).
- 2.45 Finally we see the price hike to 48% cap disclosed. This is a colossal hike when little detail is provided for the consultation and NG's costs. And those provided to the DCO are on a 2018/19 base-line<sup>5</sup>. Costs will have massively increased by now.

7) Appendix 1 (ASTI Price Control Deliverables) the SeaLink project is listed as "New Offshore HVDC link between Suffolk and Kent **option 1 (NOA Code: SCD1)** - this appears to be Suffolk to Sellindge and not Suffolk to Richborough as submitted in the DCO.

8) Appendix 1 (Ibid) the project date is marked as 2031 and not 2030 - so it appears that NG are applying for funding to speed up deliverables to Net Zero 2030 - knowing that the project will not be delivered by 2030. What is going on if the project is already slipping? Will this be another HS2 Fiasco and waste of taxpayer's money?

9) Appendix 2: 1.1.12 - states "the licensee may only apply for an ASTI Project Assessment Decision after submission of all material planning consent applications".

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<sup>5</sup> 4.1 Funding Statement [EN020026-000165-4.1 Funding Statement.pdf](#)

However, it appears that by asking for the Reopener mechanism and a change to the rules now NG will be able to manufacture a favourable ASTI Project Assessment Decision.

Changing the rules one wishes to play by halfway through the game is not acceptable.

And this is NOT a game to taxpayers.

Yours faithfully

Save Minster Marshes

*East Anglian Alliance of Amenity Groups*

20/8/25

Amy Freund  
Major Projects, Ofgem

**Sealink; Early Construction Funding consultation**

We disagree with Ofgem's minded-to position to approve NGET's request for ECF to the value of 48% of the total forecast project cost on two main grounds.

Firstly, NESO's current methods of monitoring progress provide insufficient information for Ofgem to use as the basis for its decision.

Secondly, the flaws in the Sea Link DCO application gravely undermine NGET's case for early funding.

Insufficient information

Although NESO's Clean Power 2030 advice identified the project as an essential investment, this high level advice needs to be seen in the context of the status of several major generation projects and of NESO's recently published Queue Management Process. In future this process should allow NESO to improve transparency across the region's development of generation and key infrastructure. However, at present the Conditional Progression Milestones for the generation projects that will impact the need timetable for Sea Link are not publicly available. Ofgem has given no indication it has access to this important information, even at a high level that could be achieved without compromising commercial sensitivity.

Instead, Ofgem appears to be making its decision on the basis of the 'wish list' promoted by NGET. The Bramford to Twinstead reinforcement provides an excellent example of how infrastructure plans based on anticipated delivery of generation can be found wanting. At the time of its first consultation, beginning in 2009, National Grid claimed the Bramford to Twinstead line was its "strongest

need case” and that delivery was required in the next few years. By 2012 it was clear NG was mistaken. The need case was not established for another decade. Today, delays in generation projects along the east coast are self-evident. It is imperative these are measured against realistic milestones so that Ofgem can award early funding using the ASTI process with a reasonable degree of certainty it can be used efficiently.

### DCO application highlights inaccurate information and inadequate preparation

Flaws in NGET’s DCO application have been well documented by the ExA<sup>1</sup> and by a range of consultees.

For example, in its letter of 5 August the ExA states:

*The ExA has also identified potential errors where the applicant is seeking the permanent acquisition of land or permanent rights over plots identified on the works plans for works associated with temporary uses...*

If there are such errors, how can Ofgem consider “strategic land purchases” to be acceptable grounds for NGET’s funding request.

According to the ExA, NGET is also unclear about what should be built at Friston. There are currently two scenarios for the Kiln Lane substation and no clear idea about when a decision will be made on which to adopt. NGET’s request for early funding for specific equipment therefore requires further explanation at the very least.

In conclusion, the rationale for ASTIRt funding at the level proposed is not supported by sufficiently strong evidence. It is not clear that the need case for early completion is sound and the large number of errors undermine confidence in the proposal and thus in Ofgem’s minded-to position.

*John Foster*

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<sup>1</sup> [EN020026-000649-SeaLink s89\(3\) Letter Tuesday 8 July 2025.pdf](#)  
[EN020026-000722-SeaLink s89\(3\) August 2025.pdf](#)





Suffolk Energy Action Solutions' response to  
Ofgem Statutory Consultation on NGET's Sea Link E C F application, 24/07/2025

**Statutory questions:**

- Q1. Do you agree with our minded-to position set out in chapter 3?
- Q2. Do you agree with our proposed modification to adjust ASTIA<sub>t</sub> in Appendix 1 of SpC 3.41?

**Introduction:**

NGET's Sea Link DCO application has attracted nearly 6,000 requests for Relevant Representation, largely, as we are aware, from members of local communities seeking urgently to make their voices heard publicly on this controversial application.

Evidence from the start and throughout the course of the project consultation process shows that:

- there has been a comprehensive failure by NGET to include rational, efficient and cheaper alternatives to those chosen in their initial strategic optioneering, *and*:
- there has been a continuing failure to acknowledge the force of consultation responses from the local community as well as statutory consultees, nor to incorporate this into ongoing project planning.; *and*
- The Application itself contains very significant and wide-ranging errors, pointed out by PINS section 51 and 89(3) notices that are putting at risk the integrity of this DCO process, and which at the very least are placing serious, unfair pressure on consultees and stakeholders. We set out further information on these issues in Appendix A below.
- The issues of cumulative impact, Sea Link's Needs Case and value for money have not been addressed, and therefore it is quite unreasonable to expect that those representing the impacted communities will give any support to a further unbalancing of the risks being borne by local consumers and their local environment and ecologies.

In this context, the decision by Ofgem to support the early funding of nearly half of the project costs (two and a half times the default. limit on early funding) cannot possibly be to the benefit of the present and future consumer, as is legally required, and our answer to each of the consultation questions will be **NO**, in line with the detailed arguments set out briefly in the following 6 sections.

Specific Issues that support our objection to the Ofgem ‘minded to’ position.

## 1 Would the grant of Early Construction Funding represent a fair balance of risk between the developer and the consumer?

1.1 The answer is clearly that it would not – if 48% of the project’s costs are guaranteed in advance of work starting (£1.7bn), consumers will risk paying almost half of the total project costs if the DCO application fails.

1.2 It is also quite unsatisfactory that *Ofgem’s* assurances on the safety of this early funding risk are based very largely on *NGET* ‘assurances’ – see in particular 2.21, where assurances provided by NGET are not supported by any publicly available information, and 2.22 where Ofgem (but not the public) has ‘seen evidence’ that NGET has attempted to minimize costs to the consumer, but of course no details are annexed – unless in the ‘Confidential Appendix’.

1.3 Mitigation of the risks to consumers is essential, in view of Ofgem’s responsibilities in respect of consumer protection, and the very vague assurances in paras 2.33-2.39, again unsupported by any detailed data from the Confidential Appendix, are insufficiently detailed to allow this transfer of risk to consumers.

## 2 Does the proposal for 48% Early Construction Funding have an effect on the DCO process?

2.1 **It will.** A request for the default level of 20% ECF might in certain circumstances seem reasonable to members of the public as a ‘standard’ mitigation against avoidable contract or supply chain delays. An extreme upscaling of this to 48%, about half of the entire project costs, and the use of this early bonanza to carry out perfectly standard enabling works and land agreements is a very different affair.

The application has been brought forward without any prior notice (excepting the required statutory eight weeks’ notice of ‘intent to apply’ to Ofgem), and without details of the expenditure or the cancellation mitigation methodology. The anticipated ‘consumer benefits’ required by Ofgem’s responsibilities under s3A of the 1989 Electricity Act are stated in general terms but not set out in detail; nor has the methodology for the calculation of these benefits (perhaps the Treasury Green Book?) been disclosed. Perhaps it is assumed?

2.2 In these circumstances, it is inevitable that this unanticipated and very expensive vote of confidence in the Sea Link project will lead the public to assume that the planning process presently in train is merely a rubber stamp on a decision already made for the public by the regulator and its regulated corporation.

At the very least, local communities will see that Ofgem is proposing to approve funding for one particular solution to the Grid upgrade requirement, thus removing or reducing the incentive to consider other alternatives or sub-options in any serious way. This is a disastrous precedent to set in a decade where multiple NSIPs in East Suffolk and East Anglia as a whole are placing huge stress on local democratic planning processes already, and it will destroy what remaining

confidence the public has in clean energy planning and its balance against destructive social and environmental impacts.

### 3 Does the ECF application meet the relevant criteria in Ofgem's ASTI Guidance and Required Submissions Documents?

#### 3.1 Would the grant of ECF funding accelerate or de-risk delivery?

The case is not made in the consultation document that the ECF funding is **accelerating** anything at all, as the ECF rules require; nor would it 'de-risk' the delivery of the project by the implicit 2030 target date<sup>1</sup>.

The Sealink *delivery* date (in Appendix 1) is presently 31/12/31<sup>2</sup>, and there is no commitment to bring this forward anywhere in the document, which refers throughout to mitigating the risk of delay, and not accelerating any single process. In 2.3 '...it was highlighted as needing to accelerate further due to the risk of it not being delivered by 2030...;', but the plan is to deliver by 31/12/31, and no commitment has been made in the application to bring this date forward. In any case, accelerating an element of the plan that does not accelerate the overall delivery outcome is not 'acceleration', by definition.

As to **de-risking** timely delivery:

- **Strategic Land Purchases** – NGET's 'Land Rights Strategy and Payment Schedule for Assets', in force since 2010, states that 'All affected landowners are offered Option Agreements to enable National Grid to acquire land, permanent rights over land or to obtain temporary land rights, before the DCO/CPO is granted'. This is business as usual therefore for NGET, and there is no reason why consumers should in this case be at risk for land purchases made before DCO, nor is there any additional risk in this case. If there *were* additional specific risks requiring a specific Sea Link Land Rights Strategy, then where is it, and why is it not in the public domain?
- **Early Enabling works** – paras 2.13 to 2.23 contain numerous references to the benefits of work starting as early as possible, but no specific arguments for the funding of these at consumer risk, nor that they are (with one exception<sup>3</sup>) in any way extraordinary or unforeseen costs that would not be present in any similar programme of work. For example, para 2.17 states that '*Completing the ground investigation early is important to identify ground issues and solutions to help ensure the project is delivered on time.*' That is undeniably true, if rather obvious, but not any sort of basis for an early payment of 48% of

<sup>1</sup> Cf 2.37 – 'a delivery programme compatible with the earliest possible delivery, targeting a date in 2030,'

<sup>2</sup> In practice, the final confirmation of the ASTI minded-to decision refers to delivery of ASTI outputs (i.e. Completion of infrastructure elements or operational availability of those elements) '...no later than twelve months *after* the delivery dates specified...' [appendix 2, 1.1.5] which means that in the case presented to the public, **the 48% early project cost funding is intended to 'accelerate' delivery by 2030, but the funds can be used to *confirm* delivery by the end of 2032.**

<sup>3</sup> The upgrades proposed to the Friston substation; but in this case the request for early funding is designed surely to anticipate not the DCO, but the approval of NGET's RIIO-3 business plan, a similarly unfair risk transfer to the consumer. See also section 5 for the unresolved Consent issue for the substation.

the overall project costs. The Ofgem argument reveals simply that there is a compelling policy commitment to complete this project sooner than it had originally been planned to deliver; and that therefore earlier funding will facilitate that commitment. Without the materials we assume are in the Confidential Appendix, we cannot say whether there is anything further to justify the claims for early funding.

- **Early Procurement Commitments** – in 2.26, Ofgem refers to the ‘...earliest possible delivery of Sea Link, targeting a date in 2030...’ as a reason to transfer 48% of the risk of the *bulk of the ECF requested* to the consumer. The proposed delivery date of the project is in fact 31/12/2031, which allows ‘targeting a date in 2030’ to mean almost anything. Most of this section (2.24-2.32) suffers from this vagueness of delivery requirement, and this seems to make it reasonable that a project without a specific rather than ‘targeted’ delivery date should bear the early cost risks itself.
- 3.2 Is the application for funding over and above the 20% default level justified as being ‘exceptional’?

Very little of the requested funding which Ofgem has found to ‘fall within the permitted activity categories as set out in the ASTI guidance’ seems on the face of it to be extraordinary or exceptional, as noted above. There is a matter of degree here, naturally, but land purchase or lease, surveys (of any kind) and engagement with UKPN or equipment OEMs in advance of purchase contracts are all standard activities. Without any costing information or comparison being available, it is impossible to judge whether the ECF will enable Sea Link to manage ‘exceptional’ circumstances other than the national *policy* pressure to meet a 2030 deadline that the project is in fact (and in writing) not planned to achieve – or perhaps, *planned not to achieve*.

#### 4 Is it Value for Money, and on what methodology?

4.1 Ofgem has statutory responsibilities under the Electricity Act 1989, s3A, as noted above (2.1), which include *Protecting the interests of existing and future consumers* (especially in respect of prices, quality of supply and sustainability); *Ensuring that licence holders can finance their activities in a manner consistent with those duties*; and *Promoting efficiency and economy in licence holders’ activities*.

4.2 These requirements mean that Ofgem can approve advance expenditure in order to create or protect future benefits for consumers, especially in cases where essential repair or upgrade or new installation of transmission elements are concerned. The question is whether the costs of so doing are efficient, and where the risks of early investment are carried – there must be a balance to protect the interests of future consumers. It is quite clear also that there must be *transparency* in the performance of these responsibilities from a consumer perspective.

There is no attempt in the consultation document to show in any detail how and why this extraordinary 48% ECF is justified in these consumer interests; nor is there any detail of the methodology used to quantify either the risks to consumers or the potential benefits to consumers – there is no Cost Benefit Analysis or Risk Analysis on Green Book principles. Instead, we have oddly general assertions, as in 2.34 – ‘In the case of project cancellation, under the terms

of the NGET contracts for Sea Link, NGET *is likely to pay some* cancellation costs to its contractors.' How can we judge on this basis whether and to what extent funding this risk is in consumers' interests?

4.3 In 2.37, Ofgem (again in oddly general terms) '...recognise that some level of cancellation costs will be an integral condition of the Sea Link contractual arrangements.' This freedom from risk for NGET is justified, again in very broad terms, as part of the attempt to remodel a project so that it can be characterized as likely to be '...compatible with the earliest possible delivery, targeting a date in 2030'. This is assertion rather than justification.

## 5 Route Corridor – Is Option 1 in fact the correct route?

5.1 On reviewing the NOA Assessments for ASTI programmes, we suggest that the references in the ECF consultation document to the 'Option 1' route for Sea Link are incorrect.

In the DCO application documents APP-044 (chapter 6, Environmental Statement, Main options considered) and APP-320 (Strategic Back Check document Version A dated March 2025), the first option, referred to as SL1, is the Sizewell-Sellindge option. NOA assessment documents from 20/21 onwards all refer to SCD1 as 'Option1'.

That being the case, it would appear that the consultation refers throughout to a route which is not in fact in the current DCO application, which is for the Sizewell to Richborough route, the *second* option in the original documents.

This being the case, it seems that the entire ECF application is based on a route which is not the one submitted as preferred option in the DCO, and there is therefore no case made for the ECF.

## 6 SEAS' Conclusions.

6.1 Whilst Ofgem has the right in principle to approve this application for ECF, it cannot do so without showing that the balance of risk (including DCO refusal) is equitable to the present and future consumer. To do this, the recommendation should show that there is little chance of the DCO application being refused, and on the other hand, that the increased probability of the project delivering sooner than planned brings with it cost savings that more than offset the costs of the risks.

6.2 The document fails to show substantial evidence for either of these criteria, and the strength of opposition to acceptance of the DCO itself as it presently stands is increasing from week to week as the Additional Submissions increase (73 documents so far, with substantive responses still to be delivered by the applicant). Added to this evidence of uncertainty, the failure to set out clearly and transparently in the ECF case any of the cost benefit and risk calculations that would support it adds to the poverty of the argument, and suggests that Ofgem is also failing in its duty to promote properly informed public participation. This is required, of course, by

Ofgem's own consultation policy - whereas the 'Confidential Appendix' places commercial sensitivity ahead of public confidence.

6.3 The transfer of risk to consumers at this level (48%) is extremely unusual, and sends a message to communities affected that the planning process cannot be equitable – which is reasonable, in the case that the Regulator has in all practical senses 'approved' half the funding of the project before the Examination process has even started.

6.4 SEAS therefore suggests that Ofgem withdraw their Minded To decision; supply clear and detailed calculations of the assessed risks, benefits and costs to stakeholders; and consult again on the basis of a transparent and informed debate over the necessity of this early funding. We respond 'No' to both Q1 and Q2.

[REDACTED]

21/08/2025

## Appendix A

General issues with the Sea Link DCO application that further weaken the case for Early Construction funding.

### A1 A premature and potentially unsound application

It has become clear since the publication of the DCO Application and the Document Library that there are some quite fundamental problems with the documents submitted and the methods used to construct the application case. These are inevitably leading to requests from the ExA for further or better information, which of course in turn adds yet more, unfair pressure on the individuals and organisations consequently forced to review and respond to multiple versions of DCO documents that were clearly inadequate at the time of submission – see for example *EN020026-000728-4.2.1 (B) SoR Appendix A Compulsory Acquisition and Temporary Possession Powers (Tracked Changes).pdf* – a document re-submitted by NGET on a very sensitive topic, in which exactly *half* of the original line items submitted are now deleted and substituted – for re-study by consultees and stakeholders *after* the acceptance of the original documents.

This has led to a very high level of local opposition to the present proposals, which will apply *a fortiori* to this application for ECF. It is highlighted by the near-unanimous belief of County, District and Parish Councils, supported by a wide range of local environmental, ecological and community NGOs and organisations, that the Sealink DCO application is premature and unsound. This is in turn reflected in the majority of the Relevant Representations, which can be found in the Examination Library at [EN020026 Relevant Representations](#), and specifically in the SEAS Relevant Representation RR-5210 at: [EN020026 SEAS Relevant Representation](#).

The plain fact that these concerns are well-justified is indicated by the numerous section notices issued by the Planning Inspectorate immediately following the acceptance of the Sea Link DCO application<sup>4</sup>, requesting information (and entire documents) omitted from the application, reporting missing appendices and incorrect references, and noting errors of procedure – for example surveys having been carried out at the wrong season or time of year, or otherwise in breach of the EIA Regulations (2017). Many of the ecological surveys that were omitted or inadequate in the submission will now need to be carried out in the next (2026) survey window, to the frustration of organisations that have been raising these concerns in earlier consultation, and quite possibly disqualifying the Application from consideration owing to the lack of full information required to make decisions that affect the environment. There are other significant errors that will prevent or delay resolution of legal issues – for example the National Trust's Additional Submission (AS-075), pointing out that the Application contains proposals to compulsorily purchase land over which the Trust has inalienable rights, and therefore registering a formal objection to the Application. None of this can give consumers or local communities any confidence that the project is yet ready for Examination, much less Early Construction Funding.

### A2 Archaeological evaluation – additional information

In Additional Submission AS-074, Suffolk County Council report (18/08/2025) that '*During phase 2b of the archaeological trial trench evaluation work (Oxford Archaeology report 2864), a Neolithic*

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<sup>4</sup> For example, their letters of 08/07/2025 and 05/08/2025)

*hengiform monument has been identified in the Parish of Friston, and which is a previously unknown site of high archaeological significance.'* The site lies within the area identified at Friston for cable trench and substation works, and the high, national significance of the site will preclude these works taking place either in the short or long term. Further evaluation works to explore the extent of the site will now be required.

We draw attention this is issue partly because it is one of the few obstacles to early progress of the project that is *not* within NGET's powers to have foreseen or make allowance for in their timetable. What it does entail is a compulsory delay that all parties could legitimately agree to recognise as a signal to halt the Application process for a period that will allow not only the further archaeological excavations and consequent amendments to the scheme, but also a thorough refresh of the needs case and the strategic optioneering process. It shows very clearly that the case for ECF for the present scheme is insubstantial and should be withdrawn.

### A3 Unproven Needs Case

Fundamental to many of the Relevant Representations, and specifically stressed in our own, is the blunt fact that there is not now enough power coming into Friston or the Sizewell group to warrant Sea Link. The claims in the needs case that substantial, damaging constraint payments can only be avoided through the completion of Sea Link will not be justified until Sizewell C is online in 2035/2040 – even in the more optimistic forecast, three years after Sea Link is required to have delivered its ASTI outputs. The case for reinforcement through Sea Link 'targeting a date in 2030' is simply unsupported by the facts elsewhere, and so the case for *accelerating* progress to that unrealistic and unnecessary target by 2030 is insubstantial and cannot possibly justify an enormous transfer of risk from NGET to the consumer. SEAS joins, through this response, the groundswell of informed local opinion that the Sea Link project should instead be halted until 2030 when a fresh and more accurate assessment of the needs and benefits and costs can be conducted.

It is clear, then, that this DCO application is unusually poor in matters of detail and process. In addition, it fails to make a complete case for the specific sites chosen for onshore infrastructure, just as the original 'optioneering' failed to consider more cost effective and efficient offshore-and-brownfield solutions at the outset. The present muddle over which consent is to be sought as the basis for the construction of the Friston substation (see below) is indicative of the results of this failure, and of the needless and inequitable pressure on local communities that will inevitably follow.

### A4 The Friston Substation 'Scenarios'

On July 8<sup>th</sup> 2025 the Examining Authority for the Sea Link DCO wrote to NGET requesting clarification on matters set out in chapter 4 of the Sea Link Environmental Statement as regards the two 'scenarios' for the substation north of Friston – in the first scenario, the DCO consent granted to SPR would be used to build the substation, and in the second, the Sea Link DCO, if granted, would justify the installation. It is not yet<sup>5</sup> clear, despite further correspondence between Sea Link and the Examining Authority, which consent, actual or putative, will be used.

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<sup>5</sup> 18/08/2025

On the other hand, Friston Parish Council and SASES have written to the Examining Authority (14/08/2025, AS-073) to point out that ‘..contractors have been appointed to carry out some of the construction works which start in 2026’, and requesting that the ExA clarify with NGET on what terms and on what works (EA2 substation, EA1N substation or substation/connection hub) these contractors have been engaged. The Friston letter goes into some detail on the inconsistencies (especially as regards mitigation areas) between various statements from NGET and what is now happening on the ground in respect of EA2.

This confusion in Sea Link’s Application document itself is indicative of the numerous flaws that have been apparent throughout the consultation and DCO process thus far. The ExA has now asked for certainty on which of the two scenarios will be chosen, with a default of *both* scenarios proceeding to Examination if no adequate response is received. This will increase the pressure on stakeholders yet again.

It seems unconscionable to SEAS that an application for extraordinary and unprecedented Early Construction Funding should be approved for a project that is not yet able to determine whether it requires, or does not require, consent for a major part of its infrastructural investment.

End

21/08/2025

Date: 12<sup>th</sup> August 2025

**CPRE Kent - The Countryside Charity**  
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By email: [MajorProjects.LTPD@ofgem.gov.uk](mailto:MajorProjects.LTPD@ofgem.gov.uk)

■■■■ Sir/Madam,

**Statutory consultation on National Grid's Sea Link Early Construction Funding (ECF) application and proposed modification to Special Condition 3.41 of NGET's electricity transmission licence**

CPRE Kent are the Kent branch of CPRE, the national countryside charity, and we represent over 1,100 members and 170 affiliated parish councils and civic societies. Our primary charitable purpose is to protect the beauty, tranquillity and diversity of the Kent countryside. We are an Interested Party in the Sea Link Development Consent Order (DCO) examination, and our full Relevant Representation is appended to this letter for ease of reference.

**CPRE Kent objects to Ofgem's minded-to position to grant Early Construction Funding for the Sea Link project and therefore urges reconsideration.**

Our main concern is that funding and carrying out facilitation works now would pre-empt the outcome of the statutory DCO examination and could create infrastructure that is never needed if the scheme fails to get consent or is significantly changed. Approving Early Construction Funding at this stage would mean committing public money before the project's basic need, cost-benefit, legal compliance and environmental acceptability have been established.

As set out within the Examining Authority's recent letter of the 5<sup>th</sup> of August 2025, there are already multiple areas where further information, revised assessments or additional surveys are required before the application can be properly examined. These include unresolved issues on drainage mitigation, the need for further protected species surveys, errors and omissions in compulsory acquisition documentation, and uncertainty over which converter station delivery scenario will be pursued. The letter also highlights technical and procedural deficiencies such as the absence of an outline navigation installation plan, inconsistencies in the Statement of Reasons, and the need for further consultation and assessment on matters including horizontal directional drilling, culvert design, and Water Framework Directive compliance.

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Registered charity (number 1092012), limited company registered in England (number 4335730)

It is our firm belief that this “to-do” list is only going to get longer. Despite the DCO examination having not yet started, we have already identified ecological baseline surveys that are incomplete, mitigation measures that are insufficiently specified and technically untested, and flood risk and drainage proposals already challenged as inadequate. Each of these matters has the potential to increase costs, introduce design changes or delay the programme, and taken together they point towards substantial and escalating cost risk to consumers. As it is, we note that the estimated £1.1 billion cost of the project is currently based upon 2018/19 price-base which will have already increased substantially by now.

As set out within our Relevant Representation, a key failing of the Sea Link proposal is the fact that it is being advanced alongside numerous other strategic transmission projects under the “Great Grid Upgrade” without a finalised integrated delivery plan. Clearly such a piecemeal approach risks over-provision, duplication and stranded assets and cannot be seen as good value to consumers. With the National Energy System Operator’s strategic spatial energy plan still in preparation, there is a real danger that the design, route or even the need for Sea Link could change materially.

It is therefore quite telling that the Early Construction Funding request includes upgrading the Richborough to Canterbury overhead line, a line which was only completed in 2021. To us, this is a clear sign of the absence of coordinated, long-term planning. With proper strategic oversight, such rework and its cost to consumers could have been avoided. Instead, the rush to accelerate invites further costly changes as environmental or technical constraints emerge.

Overall, we see no convincing benefit in accelerating Sea Link at this stage. If the project does not go ahead as planned, consumers will still be left to cover cancellation fees, wasted procurement and other non-recoverable costs. The Planning Inspectorate has already warned that major changes, extra surveys and even design alterations may still be required, making it even more likely that early funding would be money wasted. Given the current uncertainty over consent, design, mitigation and even the need for the project in its present form, pressing ahead now would be an unacceptable gamble with billpayers’ money.

It is therefore our view that Ofgem should hold off on any decision until the DCO examination is complete, consent is secured, the design is finalised, all key mitigation measures are agreed and costed, and the scheme clearly fits within a coordinated national energy plan.

Yours faithfully,



CPRE Kent - The Countryside Charity

Phone [REDACTED] Email [REDACTED]

[REDACTED] CPRE Kent Relevant Representation on Sea Link (as submitted to PINS)

## **CPRE Kent's Relevant Representation.**

CPRE Kent would like to register as an Interested Party in the examination of the Sea Link Development Consent Order (DCO) and make this relevant representation. While the below represents CPRE Kent's currently-held views on the application documents reviewed so far, they are made without prejudice to any future representation we may make about the DCO Application throughout the examination process

### **Introduction**

CPRE Kent is an independent charity that forms part of the national CPRE, the countryside charity. Across Kent, we represent 1,173 individual members and 173 parish councils, local amenity groups and civic societies. Our primary objective is to protect and enhance the beauty, tranquillity and diversity of the Kent countryside, ensuring it remains a thriving environment valued by everyone.

As a Kent-based countryside charity, our primary focus naturally lies on the Kent landfall elements of the project. However, this should not be taken to imply that we are indifferent to the wider impacts of the scheme elsewhere. We remain equally concerned about the effects of the proposals on Suffolk, as well as the substantial marine impacts arising from the scheme as a whole. In particular, we fully support and endorse the representations being made by our sister organisation, the Suffolk Preservation Society. While our representations may not directly address these matters, our silence should not be read as agreement or acceptance of these aspects of the scheme.

CPRE Kent recognises and strongly supports the need to 'rewire' the UK to achieve rapid decarbonisation of the energy sector. We appreciate the urgent priority placed on delivering nationally significant infrastructure projects (NSIPs) that will enable the transition to a sustainable, low-carbon energy system. However, it is crucial that this process prioritises the best overall net-zero solutions for the countryside, not merely those which are quickest or most economically convenient.

At a national level, CPRE is actively engaged with the Aldersgate Group and Renewable UK in advocating for a new, more integrated and strategic approach to energy infrastructure. We particularly welcome the ongoing development by the National Electricity System Operator (NESO) of a strategic spatial energy plan, which we believe is essential to ensuring future projects are genuinely coordinated and sustainable.

We do not, however, believe that the present approach being taken to energy infrastructure is being genuinely coordinated. Rather, CPRE Kent remains significantly concerned that an overly accelerated delivery approach risks placing excessive pressure on landscapes and ecosystems. Many areas of natural capital are already severely degraded, and further unmitigated environmental pressures threaten irreversible damage to the countryside's landscape and ecological assets. While the necessity of new energy infrastructure to support low-carbon lifestyles is evident, this must be progressed thoughtfully and in a comprehensively joined-up manner.

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For CPRE Kent, it is essential that infrastructure decisions are balanced with ecological considerations. That is, while we accept the urgency of delivering net-zero infrastructure, we emphasise that this cannot justify bypassing rigorous environmental scrutiny. Currently, there remains insufficient strategic oversight to clearly understand optimal locations and actual infrastructure needs. CPRE Kent considers that the present approach risks significant overplanning, potentially resulting in unnecessary grid connections that could ultimately be avoided through a more considered and strategic timeline.

Against this context, CPRE Kent considers the submitted Development Consent Order (DCO) application fundamentally flawed.

Specifically, and in the context of Section 104 of the Planning Act 2008, it is our view that the application as submitted is not in accordance with the relevant National Policy Statements (primarily NPS EN-1, EN-3 and EN-5) and that the adverse impact of the Proposed Development would outweigh its benefits.

As will be demonstrated in this representation and through the examination process, CPRE Kent and others have identified multiple serious concerns regarding the Sea Link project in Kent. While each individual harm to the environment, landscape and local communities must individually be weighed against the scheme, it is only when these impacts are considered cumulatively that the full scale of harm becomes apparent. Taken together, the nature, extent and significance of these harms in our view render the choice of this single site wholly incapable of credible justification. It is therefore clear to CPRE Kent that the applicant has not undertaken any genuine or robust assessment of reasonable alternatives to the proposed Kent site. All our detailed concerns that follow must therefore be considered in light of this primary objection.

A summary of these concerns are as follows:

- 1) A failure to adequately justify the needs case
- 2) A failure to genuinely consider alternatives
- 3) A failure to apply the mitigation hierarchy correctly
- 4) Ecological and biodiversity impact
- 5) Use of overhead lines
- 6) Landscape impact
- 7) Loss of Best and Most Versatile Agricultural Land (BMV)
- 8) Amenity Impact
- 9) Impact upon an area of Dark Skies

We set out our detailed concerns on these issues below:

### **Failure to justify needs case**

It remains our view that insufficient detailed information has been provided by the applicant to robustly justify the needs case for the Sea Link project at the proposed location in Kent. That is, while we acknowledge the overarching national policy framework provided by the National Policy Statements (NPS EN-1, EN-3, and EN-5), which broadly supports the development of critical national infrastructure to enable the UK's transition to low-carbon energy, it is our firm view that the applicant has not adequately evidenced why this particular location is the most suitable or necessary to meet this national priority.

In its Planning Statement (APP-319 Document 7.1) and Strategic Options Back Check Report (APP-320 Document 7.2), the applicant sets out a generalised narrative focused primarily on the urgent need for reinforcement of the electricity transmission network to support the transition away from fossil fuels and accommodate increased generation from renewable sources. Specifically, it is highlighted that electricity demand is predominantly concentrated in large urban areas, including significant centres such as those within the M62 corridor, the Midlands, the M4 corridor and, critically, the South East. Given this context, it would logically follow that transmission infrastructure should, where possible, be located close to these major demand centres to maximise efficiency and reduce environmental impacts associated with extensive transmission lines.

Despite the general assertions regarding network reinforcement needs, the applicant's specific justification for selecting the specific location remains limited. To CPRE Kent, this is particularly problematic given the significant environmental sensitivities associated with the chosen site. Pegwell Bay, the Minster Marshes and surrounding areas contain highly sensitive ecological habitats with national and international designations (SSSI, Ramsar, SAC and SPA). As set out below, these sites support substantial populations of protected species, including numerous Red- and Amber-listed birds and other critical wildlife populations. Put simply, as the potential for significant environmental impacts at this very specific location is exceptionally high, the need to be able to robustly justify the need for this specific location must also be exceptionally high.

Despite CPRE Kent raising similar concerns at each stage of the pre-submission consultation, it remains that the applicant's documentation continues to provide little more than broad references to the constraints of existing transmission networks. We still cannot see any detailed analysis or comparative assessments that really justify why it has to be the precise location that has been chosen. Where it is assessed, we get vagaries around alternative sites not being available or not cost-effective. What we don't have is the applicant convincingly demonstrating why the proposed Kent landfall, with its associated infrastructure, represents the best or indeed only viable option available. This is only adding to our concern that the applicant has not fully considered the broader cumulative environmental impacts or appropriately applied the mitigation hierarchy, particularly the fundamental step of avoidance.

Overall, it remains that the applicant still needs to provide robust and detailed justification for the selection of this highly sensitive Kent location. Without such justification, particularly regarding the proximity of infrastructure to significant urban demand centres as identified in paragraph 3.1.6 of the Strategic Options Back Check Report (APP-320 Document 7.2), we consider that the needs case for the project, as currently presented, is incomplete and insufficient.

### **Failure to consider alternatives**

As set out in our introduction, CPRE Kent's overarching opposition to the proposed Sea Link project rests primarily on the basis that the applicant is still failing to provide a transparent, rigorous and fully justified explanation of why the option of landfall at Pegwell Bay with a converter station at Minster Marshes is the only option that has been **genuinely considered** for Kent.

While the applicant is right in its assertion that NPS EN-1 does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option, it does still explicitly require applicants to rigorously consider alternatives where significant environmental impacts are likely.

This policy position reflects legal position as reflected within the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). Specifically, Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 clearly requires that the Environmental Statement includes:

*“A description of the reasonable alternatives studied by the developer which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.”*

This is reinforced by the mitigation hierarchy articulated in the National Planning Policy Framework (NPPF) paragraph 180, which prioritises avoidance of impacts above mitigation and compensation.

Instead, it has been clear to CPRE Kent from the outset that the applicant’s decision to progress this specific location was a predetermined decision with lip-service at best being paid to any actual alternative options or locations. Our consistent representations from 2023-2025 have sought to raise this as a concern. However, National Grid has persistently failed to provide transparent or robust assessments of potential brownfield sites, alternative landfall points or offshore grid integration options. Also, and as set out above, it remains that the applicant has provided very little by way of specific analysis explaining the need for this particular project in this location, with the technologies proposed.

CPRE Kent has considered the detail of the applicant’s case, as set out within the Applicant’s Planning Statement (APP-319 Document 7.1) and Strategic Options Back Check Report (APP-320 Document 7.2), However, it remains that there is a clear absence of credible justification for rejecting lower-impact alternatives, including options such as K1a (Broadstairs), identified by National Grid’s own assessments as potentially preferable. Further, it remains that the applicant’s reasoning is not substantiated by any meaningful cost-benefit analysis. It is also still the case that there is an inconsistent application of environmental constraints such as flood risk.

Likewise, and as previously stated, all north Kent coast landfall options (K2-K5) were seemingly ruled out on the basis of cost and complexity grounds more than environmental constraints. There are, however, no details provided as to the extent of these additional costs. It is stated that there are “few brownfield sites that could accommodate the technical parameters required for the converter station”. What brownfield sites were considered but ruled out? What were the “technical parameters” used to rule out consideration of other potential brownfield sites? We asked these questions within our response to the statutory consultation, though it is the case they remain unanswered.

Instead, we have a proposed development that threatens significant damage to nationally and internationally protected sites, including Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), Ramsar sites and areas classified as Best and Most Versatile (BMV) agricultural land. As set out in more detail below, we firmly believe that the applicant has failed to properly apply the mitigation hierarchy by not prioritising avoidance of impacts. Instead, they have jumped straight to reliance on mitigation and compensation has been prioritised.

Also as set out in more detail below, the ecological sensitivity of Pegwell Bay and Minster Marshes has been significantly underestimated, as evidenced by incomplete pre-application surveys and inadequate viability assessments of proposed mitigation. CPRE Kent is not alone in highlighting serious flaws and gaps in the ecological data supposedly underpinning the

decision to go with landfall option K1 at Pegwell Bay. Notably, Suffolk's Energy Action Solutions ecologist notes that the applicant has failed to provide a comprehensive assessment of impacts on Habitats and Species of Principal Importance, in particular for hedges, ponds, Harvest Mouse, Brown Hare, Great Crested Newt and other species, which applies equally for the Kent scheme. Kent Wildlife Trust, meanwhile, points to suppression of ecological data, including significant under-reporting of Golden Plover counts, resulting in substantial underestimation of compensation requirements.

Likewise, and as set out in more detail below, we consider that the applicant's approach to flood risk is contrary to NPS EN-1 and EN-5. The sequential test has not been properly applied, with no clear evidence that sites in lower flood risk areas have been genuinely assessed. Instead, the applicant relies on engineered mitigation to justify development within areas that are known to flood, including access routes, which remain exposed to residual risks. In our view, this falls short of the policy requirement to demonstrate that flood risk has been avoided wherever possible and that safe operation can be maintained throughout the project's lifetime

Given these considerable deficiencies, CPRE Kent is of the view that National Grid has materially failed to meet its statutory obligations under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and national policy under NPS EN-1 and EN-5.

### **A failure to apply the mitigation hierarchy correctly**

Underpinning CPRE Kent's overarching objection is our firm view that the applicant has failed to apply the mitigation hierarchy. As set out above, this is required under the Overarching National Policy Statement for Energy (NPS EN-1), the National Planning Policy Framework (NPPF) and Regulation 14(3)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Instead of demonstrating that harm has been genuinely avoided wherever possible, it is our view that the applicant is defaulting prematurely to mitigation and compensation.

At its core, NPS EN-1 requires that applicants *"include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development"* (para. 5.4.35). Where significant harm cannot be avoided, it must be adequately mitigated or, only as a last resort, compensated for. This sequential approach lies at the heart of the mitigation hierarchy, placing avoidance as the principal first step.

In reality, and for the reasons set out above, we really cannot agree that avoidance has genuinely been pursued by the applicant. The applicant asserts that the design has been shaped by "careful attention" to ecological constraints, but, again for the reasons set out above, this claim is not borne out by the evidence.

Further, even within the Order Limits themselves, it is our view that the applicant has failed to apply avoidance at the local scale. As we explore further below within our ecology and biodiversity comments, while the Limits of Deviation are sufficiently wide to allow repositioning of elements of the converter station, substation and associated infrastructure to avoid harm to key features, such as priority hedgerows, watercourses and open mosaic habitats, no such avoidance has been demonstrated

Equally troubling is the applicant's approach to protected species. Great Crested Newt (GCN), European Eel, Hazel Dormouse and several bat species have all been inadequately surveyed,

or in some cases not surveyed at all, with the applicant instead proposing to rely on licensing schemes or “precautionary working methods” in lieu of properly evidencing the ecological baseline. Again we go into more detail about this below.

However, even on the basis of the deficiencies in the baseline surveys alone, it is already evident that the extent of harm is not being properly assessed or quantified. This failure directly undermines the proper application of the mitigation hierarchy. As required by Regulation 14(3)(b) of the EIA Regulations, sufficient data must be gathered to enable a reasoned conclusion to be reached on the likely significant effects. It is our view that the applicant’s approach of seeking to bypass detailed surveys in favour of generic management plans at a later stage cannot substitute for proper assessment of avoidance at this application stage.

Where mitigation is proposed, we have serious concerns as to how effective it is likely to be. For example:

- The chosen site for Functionally Linked Land (FLL) compensation west of the A256 is demonstrably unsuitable, as Kent Wildlife Trust and others have detailed extensively. Its proximity to major roads and urban infrastructure introduces light, noise and human disturbance entirely incompatible with the foraging and roosting requirements of target SPA species such as Golden Plover
- The applicant has materially under-reported Golden Plover numbers, using out-of-date baseline figures despite higher counts being recorded in subsequent surveys
- In relation to the four permanent culverts, the applicant has wholly failed to consider viable design alternatives such as bottomless or baffled culverts that would allow passage of European Eel – a critically endangered species whose full lifecycle requirements have not been assessed
- Similarly, there is an absence of any clear assessment or avoidance of impacts on ground-nesting birds from the converter station heightening, which will exacerbate raptor predation

Even if mitigation were to succeed – which remains highly uncertain – the project would still result in permanent, cumulative losses of Functionally Linked Land in combination with other nearby projects such as Solar Farms. As it stands, we are not convinced that this cumulative harm has been properly assessed or factored into the applicant’s ecological balance.

It is also the case that several proposed mitigation measures rely on management commitments that are yet to be defined, secured or funded, and that offer no certainty of delivery. The use of such deferred management plans contradicts the clear requirements of NPS EN-1, which states at paragraph 5.3.18 that “development consent should not be granted where significant harm would result after applying the mitigation hierarchy”.

Overall, it is CPRE Kent’s view that the applicant’s approach represents a wholesale failure to correctly apply the mitigation hierarchy. Its application of avoidance is superficial and selective, mitigation measures are speculative or unsubstantiated, and compensatory proposals are both ecologically inappropriate and legally non-compliant. Without proper baseline data, evidence-led avoidance and robust mitigation design, the applicant has not discharged its obligations

under NPS EN-1, the EIA Regulations 2017 or the Conservation of Habitats and Species Regulations 2017.

### **Ecological and Biodiversity Impact**

CPRE Kent has concerns about the robustness of the mitigation proposed for some features of the Sea Link project. We also have concerns about the robustness of the protected species surveys and the adequacy of the Environmental Statement (ES) in relation to the proposed environmental protections, which we have listed below.

- The removal of 300m of hedgerow
- Destruction of a water ditch
- Permanent culverts
- Construction of a bridge
- Overhead cabling
- The spine road route
- Redacted and withheld protected species surveys
- Lighting
- Permanent outlets
- Environmental Statement is suboptimal

The Environmental Statement (APP-062 document 6.2.3.2 Chapter 2 Ecology and Biodiversity) does not fully address the environmental risks and plays down the significance of the development's impacts on this internationally protected site with its nationally and internationally protected fauna.

### **Hedgerow Removal**

It is noted that impacts on hedgerows were assessed as temporary and therefore to be scoped out for the purposes of EIA assessment. This was on the basis that the converter station would be located within an arable field so would therefore not result in permanent loss of notable habitats. However, the Environmental Statement itself confirms that the construction of the Minster Converter Station and associated substation will result in the permanent loss of hedgerow.

Such linear features are important habitat corridors and form part of the wider ecological network functionally linked to the Thanet Coast and Sandwich Bay SPA, SAC, Ramsar and SSSI designations. The loss of these features, particularly given their connectivity value, cannot properly be regarded as insignificant or readily mitigated

### **Great Crested Newts (GCN)**

While it is noted that it has been agreed with Natural England (NE) that any impacts on GCN are to be addressed through the District Licensing Scheme, we have serious concerns about the position that no surveys are to be conducted.

GCN is a protected species in the UK and protected under European law Annex IV of the European Habitats Directive – it is illegal to kill, injure, disturb or damage its habitat; this refers to all life stages, including eggs. This species is in continuous decline and while the district-level licencing is to allow for habitat creation the scheme is designed to balance the need for development with the protection of the species and therefore the developer is still required to

demonstrate that all reasonable measures have been taken to avoid or minimise harm to GCN. Without having carried out any GCN surveys to establish presence/absence of this protected species, how can the applicant demonstrate that all reasonable measures have been taken?

### **Phase 1 Habitat Survey**

No botanical survey has been conducted as far as we are aware.

The Phase 1 habitat survey has been heavily redacted, so it is very difficult for us to assess the Badger situation on site. We requested an unredacted version of this survey and were met with a rebuttal despite our assurances that the information would remain confidential. We are well used to receiving unredacted Badger reports, as we did for the Lower Thames Crossing NSIP, where we were asked to sign a non-disclosure agreement. We therefore request to see an unredacted Phase 1 habitat report and any subsequent report involving Badgers.

### **Terrestrial Invertebrates**

Surveys were conducted in May, June and September for both terrestrial invertebrates and aquatic invertebrates. The optimal time to survey aquatic invertebrates is January to March and October to December. Therefore, the aquatic surveys are suboptimal and should be repeated at the correct time of year.

The applicant fails to recognise the defunct Hoverport as being a priority habitat. The Hoverport, being open mosaic habitat on previously developed land, is likely to support a diverse assemblage of invertebrates including the Fiery Clearwing and Sussex Emerald, yet no terrestrial invertebrate survey has been carried out at this site as far as we are aware. Due to the high potential biodiversity value of this site, we would expect it to be assessed accordingly.

The Hoverport also supports several orchid species such as Man orchid, Southern Marsh Orchid and Bee Orchid; therefore we would expect a botanical survey to have been conducted by a suitably experienced surveyor.

### **Breeding Bird Survey**

The Breeding Bird Survey report states that four suitably qualified surveyors surveyed the area, whereas the Environmental Statement claims that only two suitably qualified surveyors were utilised. This needs clarification.

Table 1.3 of the Environmental Statement Appendix 3.2D (APP-150 document 6.3.3.2.D ES Appendix 3.2D Breeding Bird Survey Report 2023) detailing high tides and weather conditions are all morning times; there are no details for the evening survey. The report states that six visits in total were carried out, with one evening survey, yet all six listed are morning surveys. This needs clarification.

Table 1.3 of the Environmental Statement Appendix 3.2E (APP-151 6.3.3.2.E ES Appendix 3.2E Breeding Bird Survey Report 2024) details the date of the fourth visit as being 02/05/24, yet Annex 2.E.1 Detailed Survey Data (APP-151) lists visit four as having been carried out on 03/05/24. This needs clarification.

## **Bird Vantage Point Survey**

One of the key target species is Golden Plover. The graph entitled Total Flightlines Recorded (Target Species) below paragraph 14.5 (APP-152 document 6.3.3.2.F ES Appendix 3.2.F Vantage Point Survey Report) does not list Golden Plover, which therefore was not observed. Could this be because the two vantage point locations were not adequate to record a qualifying species of the SPA?

It is also worth noting that this survey was carried out only with existing overhead cables; the proposed development would place a further 3.5km of overhead lines that the birds would need to navigate.

## **Existing Overhead Line Bird Mortality Survey**

The contents of the Overhead Line Mortality Monitoring Survey Report are noted (APP-153 document 6.3.3.2G Appendix 3.2G).

It is highly likely that there would be under-recording of the mortality of birds due to scavenging and the difficulty of locating the birds' carcasses; for instance a portion of killed birds is likely to have landed in the water and either been scavenged from there, sunk or been carried away by the current. The heterogeneity of the surveys can also be a contributing factor.<sup>1</sup> Studies have suggested a survey effort of more than once a week. Furthermore, this survey would not account for injured birds that could still fly and therefore might die elsewhere.

Detection methods not adopted for this survey include technologies such as loggers, sensors and automated collision detection methods such as lidar, radar and cameras placed at strategic points along a fixed transect.

## **Limits of Deviation (LoD)**

Under Table 2.10 Flexibility assumptions (APP-062) the lateral LoD for the converter station and substation states that in practice these two constructions could be laid anywhere within the lateral limit of deviation and as the LoD is a single, large arable field this does not materially affect the ecological assessment. If this is so, then why the need to remove 300m of hedgerow and a ditch? Could the two structures not simply be moved somewhere less damaging where removal of priority habitat is not necessary?

The Vertical LoD has been scoped out as not relevant to ecological assessment. We disagree; the height of the converter station and substation is of material concern due to the proximity of ground-nesting birds and the vantage point it provides for raptors.

## **Non-breeding Birds**

At paragraph 2.7.28 (APP-062) the peak count of Golden Plover in the 2022/23 survey was 370 individuals and the peak count in the 2023/24 survey was 421 individuals. Therefore, why has the lesser figure from the older survey been taken as the baseline for mitigation? Both of these peak figures were counted on one particular day, with high numbers of foraging individuals counted on all other days at low tide. Therefore, the mitigation should be appropriate to

accommodate at least 421 individuals taken from the most recent survey data of 23/24 and if we add the 13 inland individuals counted this takes the figure to 434.

### **Hazel Dormouse Survey**

The various reports (APP-062 and APP-159 document 6.2.3.2.M Appendix 3.2.M Hazel Dormouse Survey Report) state that no records in the past 10 years were returned by the Kent and Medway Biological Records Centre (KMBRC). This is likely to be because of restricted access to private land. If there is no access or permission to carry out surveying, then no historical records would be created. Absence of evidence is not evidence of absence.

We find the Hazel Dormouse survey report to be less than transparent and it seems despite the surveyors being sure when they found a Wood Mouse nest, they became less sure when encountering a 'possible' Dormouse nest. A competent and suitably licensed Dormouse surveyor should be sure with the majority of the nests they encounter, whether they are created by Dormice or not. We feel this is an attempt to run down the site as a possible habitat supporting Dormice. We find it highly unlikely that there would be no Dormice, or even very few Dormice, present on a site as large as this with excellent connectivity.

When we visited the site, we found a lot of Dormouse nesting tubes had been damaged or incomplete. Furthermore, July, while within the optimal window for surveying, is late in the season to set out nesting tubes or boxes. Nesting tubes should be checked from April to November and thus set out ideally at the end of the previous season to bed in over winter. By July, any Dormice would have been likely to have created nests; therefore, it is highly unlikely the tubes would be utilised in the first season of surveying. This means that the only two months that are optimal for surveying were the following season's checks in 2024, providing only two months' worth of optimal checks. By November, Dormice are beginning to look for somewhere to hibernate; thus, any Dormice likely to be found are dispersing adolescents.

### **Badger**

In order that we can fully assess the situation with Badgers across the Site we would need to see sight of the unredacted version of the Badger Reports (APP-062).

### **Bats**

Within the Environmental Statement (APP-062), five trees were identified as having the potential to support roosting bats, with none earmarked for felling. However, the ES goes on to mention that three boxes will be provided for each tree with moderate bat roost potential to be felled and five boxes for each tree with high bat roost potential to be felled. Are trees with bat roost potential to be felled or not? This needs clarification.

Bats quite clearly utilise the whole of the Site, especially along both sides of the river. This puts them at significant risk of collision from OHL. The mitigation proposed for birds such as deflectors would not necessarily work for all bats, which use echo location to navigate and not sight.

The lighting is highly likely to negatively affect bats' foraging behaviour and activity. With today's modern AI cameras, lighting is not an essential requirement and if it was absolutely necessary then motion-sensitive lighting would be preferable.

## Eels

Anguillid Eels are a diverse taxonomic group consisting of 19 species and subspecies, including the European Eel. This unique species relies on inland waters to grow and mature into adult Silver Eels, at which stage they migrate back to the Sargasso Sea to spawn. Eels play a vital ecological role as predator, prey and indicator species for freshwater biodiversity.

The International Union for the Conservation of Nature (IUCN) has found that six of the Anguillid Eel species have undergone rapid decline in recent years and are threatened with extinction. European Eel populations have fallen even more than other species and it is the only one listed as Critically Endangered. Barriers to migratory routes, such as culverts, are cited as one of the contributing threats to this rapid decline, along with pollution, over-exploitation, climate change and other factors.

Eels only reproduce once in their lifetime, making them especially vulnerable.

In relation to culverts specifically, Cutts *et al* 2024 (Eel Conservation in Inland Habitats: Global evidence for the effects of actions to conserve anguillid eels) cite the following: *"The greatest threats to anguillid eels from residential and commercial development tend to be from habitat destruction, pollution, and impacts from activities related to energy production and transportation"*. They continue: *"A culvert is a structure built to channel water beneath roads, railways or other infrastructure. Culverts can pose significant barriers to anguillid eel migration, due to factors like high water velocities, debris accumulation, and elevated outlets that prevent eels from entering or escaping (Larinier 2002). In some cases, the complete removal of culverts may be the most effective solution for restoring natural water flow and re-establishing uninterrupted migration routes for eels."*

It has been suggested in a study by Balkham *et al* (2010) and Feurich *et al* (2011) that using a bottomless or three-sided culvert, or placing substrate or baffle within a culvert to reduce water velocity and provide refuge, may aid the Eels. Whatever adaptations developers make to culverts to facilitate the passage of migrating Glass and Silver Eels, work should be timed to avoid the annual elver run (February through June).

## Mitigation

The clearing of ditches to instal the culverts would need to address several faunal, namely Water Vole, nesting birds, reptiles, Eels and macrophytes, needs at certain times of the year and inevitable clashes with timings. Certain months of the year are more sensitive for some species than for others. So, for vegetation clearance the ES suggests September to October is best for nesting birds and Water Voles but then suggests February to April, which would clash with the nesting bird season. It then goes on to say if none of the above are present then vegetation clearance can take place outside of these windows. While Water Voles and nesting birds have been considered here, the migratory times for Eels apparently have not.

Glass Eels migrate from February through June, peaking around April from the sea upstream to fresh waters. Silver Eels migrate downstream towards the ocean from August to December. To create the culverts, the river or ditch would need to be dammed.

The ES suggests at the section on Embedded Measures at paragraph 2.8.5 (APP-062) that *"drainage outfalls will be designed to exclude eels from accessing the Drainage Systems*

(SuDS), for example by having outfall pipes situated above the receiving water level". However, the water level is likely to fluctuate depending on tide and rainfall and Eel behaviour has not been considered. More mitigation such as screens and appropriate bar spacing should be designed to prevent Eels from being entrained.

No timings have been offered for clearance of hedgerows in relation to Dormouse activity, only that a precautionary method would be followed, which is meaningless. There should be more information in relation to considering the activity of Dormice, hibernation and breeding, with method of hedgerow removal and timings laid out in full.

The ES states at paragraph 2.9.31 (APP-062) that to minimise the area of the SSSI subject to noise disturbance in any season, the site preparation, earthworks and foundation creation for both the converter station and substation and permanent access are "programmed" to avoid the March to June period and, in so doing, avoid the nesting season. The nesting season runs from March through to the end of August, with peak times during March and July. We therefore disagree with the assessment of "minor adverse" and it being not significant.

The ES goes on to say at paragraph 2.9.85 (APP-062) that the construction for the converter station and substation would occur late February 2029 and late April 2030 and would therefore coincide with the Cetti's Warbler nesting season. However, the applicant states that if Cetti's Warbler chooses to nest in ditches adjacent to the construction works it can be "assumed" they are not disturbed by the ongoing works.

This demonstrates a misunderstanding of this bird's behaviour. Cetti's warblers are known to have strong attachments to their territories and nesting areas. They often return year on year to the same nesting site, where the males will re-establish their territories.

The Golden Plover mitigation, paragraph 2.9.185 (APP-062), includes the use of insecticides with the statement that "*Insecticides that affect soil invertebrates will not be applied*". We are unaware of any insecticide that would not affect insects that reside in the soil. The whole point of insecticides is that they negatively affect insects.

The insecticides intended to be used are listed below, along with their negative effects on biodiversity.

**Amidosulfuron:** A broad-spectrum herbicide that can be toxic to aquatic and terrestrial species. It has a high potential to leach into groundwater.

**Clodinafop-propargyl:** Can affect the environment and human health, with possible carcinogenic links. Poses a severe risk to aquatic life and has moderate toxicity to biodiversity, especially mammals.

**Fenoxaprop-P-ethyl:** A post-emergence herbicide. Can affect aquatic life and potentially humans, with moderate effect on mammals, fish and aquatic invertebrates. <sup>2</sup>

**Tri-allate:** Can have significant effects on the environment, especially aquatic invertebrates and small mammals. It can persist in the environment so accumulate over time with consistent use. It is classed as toxic to aquatic life with long-lasting effects. Potential for the metabolites to affect ground water.

It is clear that these herbicides and insecticides, while legal to use, are likely to have a negative effect on the surrounding environment. We do not feel convinced that the use of any herbicide or insecticide would be beneficial within this sensitive habitat, especially in a known wetland area. Therefore, we would like there to be assurances that no herbicide or insecticide will be utilised

## Use of Overhead Lines

CPRE Kent strongly objects to the proposed overhead lines and associated pylons as currently proposed at Minster Marshes, primarily in terms of landscape and environmental harm. As set out within the planning statement, some 3.5 km of new HVAC overhead line is proposed, comprising two separate sections totalling this distance, replacing about 2.2 km of existing overhead lines.

CPRE Kent simply cannot comprehend why the applicant is not taking the wholly reasonable and straightforward step of undergrounding the cables at this location, particularly given the relatively short length involved and the sheer scale of public concern that the proposed overhead lines at this highly sensitive location are rightly causing

Despite repeated requests for clarification, the applicant continues to assert that undergrounding this section of cables has been discounted due to unspecified “*technical issues*” relating to flooding or hydrological constraints. To date, these claims remain unexplained. If such technical constraints are genuinely insurmountable, this once again raises questions regarding the appropriateness of siting the converter station and substation at such an ecologically sensitive location.

As we have consistently stated in earlier submissions and set out in detail below, the proposed converter station and substation alone are likely to result in significant landscape impacts across a number of identified viewpoints. The addition of the overhead lines and pylons would clearly exacerbate these impacts, creating further visual intrusion and substantially altering the character of this valuable and sensitive landscape. Given the nature of the marshland setting, introducing such industrial-scale infrastructure at height would significantly compromise the tranquil and open character of the surrounding countryside.

In terms of environmental harm, our overriding concern remains that the proposed overhead lines and pylons, specifically in this chosen location, would significantly increase the risk of bird strikes and fatalities, far exceeding what could otherwise reasonably be expected. It is acknowledged in the Government’s National Policy Statement EN-5 that overhead lines present a known collision and electrocution risk to large birds, particularly swans, geese, gulls and waders, especially near coastal and riverine areas. This risk is markedly higher during periods of poor visibility and throughout spring and autumn migration periods.

Specifically, NPS EN-5 para 2.10.1 states:

*The applicant should consider and address routing and avoidance/minimisation of environmental impacts both onshore and offshore at an early stage in the development process.*

NPS EN-5 para 2.10.2 goes on to state:

*Careful siting of a line away from, or parallel to, but not across, known flight paths can reduce the numbers of birds colliding with overhead lines considerably.*

Given this acknowledged risk, the decision by the applicant to propose overhead lines at Minster, a site directly within a known and critical migratory bird flyway, seems particularly ill-judged.

This specific location would include the construction of a double-circuit overhead line crossing directly over the River Stour. Such infrastructure would effectively create a hazardous barrier or 'fishnet' of overhead lines and pylons precisely at a point where many thousands of birds move between feeding, roosting and migratory stopover areas. The devastating incident at nearby Monkton in January 2003, when at least 177 Mute Swans were killed after colliding with overhead power lines, provides a stark, real-world indication of the potential catastrophic outcomes of installing overhead lines at this location.

Additionally, the proposals indicate that these overhead lines and pylons would cross a grass meadow left uncultivated for the past two decades, enhanced by wetland scrapes created in 2018 as part of Higher-Level Stewardship. This habitat is functionally linked to the nationally and internationally significant Sandwich and Pegwell Bay National Nature Reserve (NNR) and is critically important in providing refuge for waterfowl displaced from these nearby designated areas during high tides or adverse weather conditions. To jeopardise the viability of this meadow by installing pylons and overhead lines represents an environmentally irresponsible approach that contradicts statutory conservation objectives.

Further upstream, the ecologically rich Stour Valley, including Stodmarsh NNR, lies within the regular commuting corridor for a wide variety of birds. The cumulative impacts arising from installing overhead lines along such an important ecological corridor would clearly be significant and unacceptable.

Under the Electricity Act 1989 (Section 38 and Schedule 9), National Grid has explicit duties regarding environmental protection and is required to conserve flora and fauna and to mitigate, as far as reasonably possible, any adverse impacts resulting from its projects. In our view, pursuing overhead lines at Minster, without providing detailed evidence of comprehensive consideration of feasible alternatives, including undergrounding, constitutes a clear breach of this statutory obligation.

To date, no publicly available documents demonstrate sufficiently that a genuine assessment or evaluation has taken place in relation to undergrounding at Minster. CPRE Kent remains unconvinced that this vital stage of the process has been properly conducted.

Given the substantial and demonstrable landscape and ecological harms associated with the overhead line proposals at Minster, combined with what must surely represent only a modest cost differential for undergrounding this relatively short section, we reiterate our view that undergrounding must be urgently reconsidered. If it is genuinely the case that technical issues preclude undergrounding, these must be clearly evidenced and transparently communicated. Should this remain impossible, alternative locations for the substation and converter station, outside of this ecologically sensitive corridor, must be fully explored and presented.

## **Landscape and Visual Impact**

We believe that the proposed development will have significant effects on the local landscape in its own right, and on views and visual amenity.

The proposed converter station and Minster substation are to be located in adjoining buildings, which will be read in the landscape as a single, large-scale slab of a development. It is understood that the buildings have been raised 2m to mitigate against the risk of flooding.

These buildings are to be 28m (converter station) and 20m (Minster substation) in height, as set out in the Environmental Statement (APP-243 document 6.4.3.1 ES figures Kent Landscape and Visual Part 4 of 4). It is noted, however, that the drawings set out in the Environmental Statement (APP-240 document 6.4.3.1 ES figures Kent Landscape and Visual Part 1 of 4) indicate that both buildings will be 28m high. These buildings are shown at figure 6.4.3.1.3 of the Environmental Statement (APP-240) to be located in the National Character Area 113 (the North Kent Plain).

This includes the Kent Character Area of the Wantsum and Lower Stour Marshes.

The Kent Character Area of the Wantsum and Lower Stour Marshes is subdivided locally to include the Thanet District Council Landscape Character Areas B1 (Wantsum North Slopes) and E1 (Stour Marshes) and the Dover District Council Landscape Character Assessment area A2 (Ash Levels) – see figure 6.4.3.1.4 of the Environmental Statement (APP-240 document 6.4.3.1 ES figures Kent Landscape and Visual Part 1 of 4).

The Wantsum and Lower Stour Marshes Character Area (Ash Levels) wraps around Landscape Character Area H1 (Richborough Bluff). This is the site of the Roman fort and amphitheatre at Richborough Castle, a Scheduled Monument.

The Minster Marshes and the Ash Levels are open low-lying marshland landscapes where development is typically sparse. Figure 6.4.3.1.1 in the Environmental Statement (APP-240) confirms that the site lies 1.87m below sea level.

There will be significant effects on the Landscape Character Areas of the Wantsum North Slopes (B1), which looks out across the Stour Marshes (E1), and on the Landscape Character Area of the Richborough Bluff (H1) which looks out across the Ash Levels (A2).

The effects of the converter station and Minster substation will be exacerbated by the provision of high-voltage overhead lines, which will be in addition to the existing concentration of pylons in the area.

The proposed works will dominate the local landscape. It is not accepted that by virtue of the alleged proximity to the Richborough Energy Park that the impact of the proposed development will be lessened. The Richborough Energy Park is located some distance to the south-east, such that the siting of the proposed energy infrastructure will appear as an isolated form, in a distinctive low-lying, sparsely developed area.

Figure 6.4.3.1.6 of the Environmental Statement (APP-240) sets out on a map base the location of the 14 representative viewpoints described by the applicant at Table 1.10 of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual).

Table 1.10 notes that there will be high impacts from viewpoints 2 (Pegwell Bay) and 8 (the viewing tower at Richborough Roman Fort).

In our opinion there will also be high impacts from the Wanstum north slopes, which includes viewpoints 4 (from the PRoW east of Minster), 5 (the junction of Grinsell Hill/Ebbsfleet Lane) and 11 (Thorne Hill, south of the A299).

Photo montages (visualisations) in the Environmental Statement (APP-241, document 6.4.3.1 ES figures Kent Landscape and Visual Part 2 of 4 and Part 3 of 4) demonstrate this visual impact:

- Viewpoint 4: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 5: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 8: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development
- Viewpoint 11: the year 15 summer visualisation demonstrations that proposed planting north of the buildings will have little impact on reducing the significant effect of the proposed development

Figure 1 of Outline Landscape and Ecological Management Plan (APP-349 document 7.5.7.2) provides an aerial photograph showing proposed plant/landscape mitigation to the margins of the proposed buildings. This provides the context for the year 15 summer visualisations.

At paragraph 1.8.3 of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual) it is stated native planting will be used to provide structural screening to the converter station and substation, “whilst providing containment to the converter station and substation site so that it appears visually connected to the Richborough Energy Park rather than the wider marsh landscape”.

We are of the firm view that by virtue of the large-scale nature and location of the proposed energy infrastructure, its impact is incapable of being mitigated. It speaks neither to the Richborough Energy Park nor to the marshland landscape of Minster Marshes or Ash Levels.

A further disservice is given to these Landscape Character Areas by virtue of the impacts being considered on an individual District character area by District character area basis, rather than as a whole in the context of the Kent Character Area of the Wantsum and Lower Stour Marshes.

The applicant sets out its assessment of the likely significant impacts of landscape and visual receptors at Appendix 3.1.C of the Environmental Statement (APP-145). A summary is provided at Table 1.11 for construction/decommissioning, Table 1.12 (operation and maintenance, year 1) and Table 1.13 (operation and maintenance, year 15) of the Environmental Statement (APP-061 document 6.2.3.1 Part 3 Kent Chapter 1 Landscape and Visual).

It should be noted that the summaries provided are just that: summaries. There is a risk that the understanding of impacts will be unwittingly underplayed – although commentary is provided for landscape receptors within the Environmental Statement (APP-061 document 6.2.3.1 Part 3

Kent Chapter 1 Landscape and Visual) from paragraph 1.11.2 (construction), 1.11.6 (year 1) and 1.11.9 (year 15); and for visual receptors from paragraph 1.11.10 (constructions), 1.11.14 (year 1) and 1.11.18 (year 15) for visual receptors in terms of the magnitude of the likely significant effect and the significance of that effect (significant/not significant).

For instance, it is claimed that for Landscape Character Area B1 (Wantsum North Slopes) construction traffic is not considered to be dissimilar to typical agricultural machinery on arable fields. We would query whether the nature of agricultural traffic movements has been quantified in terms of size of vehicle and frequency of movement. Without knowing this or the nature of the proposed construction vehicles, it is impossible to make such a claim – see page 3 of Appendix 3.1.C of the Environmental Statement (APP145) – before concluding that there would be a minor adverse/not significant impact.

This comparison/underplaying of the impact of construction vehicles is repeated in the consideration of the landscape impacts across other LCAs.

Furthermore, it is claimed that for Landscape Character Area E1 (Stour Marshes) and at other LCAs at year 1 there would be a moderate adverse/significant impact where the converter building and substation would be located – including permanent loss of vegetation and loss of openness as a result of the addition of energy infrastructure. It is then claimed that this impact would be lessened by proximity to, among other things, Richborough Energy Park. In essence, adding more energy infrastructure to the existing energy infrastructure will result in a lesser landscape impact – see page 12 of Appendix 3.1.C of the Environmental Statement (APP145). This doesn't make sense.

There is also a claim at page 12 of Appendix 3.1.C of the Environmental Statement (APP145) that “the raised platform associated with Minster Converter Station and Substation would not be dissimilar to the bunded topography associated with the small, embanked reservoirs which are a feature within arable fields”. We query whether this is a generalisation or whether there is actually evidence of such reservoirs within this particular landscape character area.

With regard to the proposed towers and HVAC OHL, it is noted that these “affect long uninterrupted views; however, this concentration of wirescape would be within the context of the existing towers and OHL which comparatively lessens the effect”.

Again, a case of more energy infrastructure apparently resulting in less of an impact to the landscape.

At page 13 this section continues that the overhead lines would bring pylons closer to the River Stour and Saxon Shore Way, which is dismissed as a localised perceptual change on this recreational route. This cannot be a true representation of the facts. There will be a massive change to the enjoyment of this route because of the increased concentration of wirescape in the locality, which will be exacerbated by the use of higher towers.

Rather bizarrely, by year 15 we're told that the landscape effect will be minor adverse/not significant – see page 14 Appendix 3.1.C of the Environmental Statement (APP145) – by virtue of the fact that “the landscape planting once established would provide a degree of containment to the permanent infrastructure... ensuring that the overall sense of identity and distinctives of the marshland landscape is retained”.

We cannot agree that the landscape impact will not be significant by year 15, as the photo visualisations clearly tell a very different story – see APP-242 document 6.4.3.1 ES Figures Kent Landscape and Visual Part 1 of 4.

It is noted that the applicant does not consider the temporary diversion, or permanent footpath diversion of footpaths (TE37 and TE39), to affect recreational access (see page 11 of APP-145 document 6.3.3.1.C Landscape Designation and Landscape Character Assessment). However, any temporary (or permanent diversion) will by its very nature have a deleterious impact on users' enjoyment of these routes.

In fact, there is a whole series of PRowWs that will be impacted by the proposed development. These are:

- TE39 – Brook Lane, running south from the railway line (temporary or permanent diversion)
- T37 – south of the railway line (temporary diversion during construction works)
- TE40 – north of the railway line to Minster; in addition
- the Grinsell Hill road north of the railway line is promoted by Kent County Council as a PRow route (which runs from Cliffs End via Cottingham Road to Minster and then Monkton, St Nicholas and up to the coast and then back round in a loop via Birchington, Margate, Broadstairs and Ramsgate). This is the Viking Coast Trail stretching 27 miles from Sandwich to Reculver and the East Coast Path National Trail (King Charles III England Coast Path) from Ramsgate to Whitstable <https://explorekent.org/activities/viking-coastal-trail/> .
- TE26/EE2 - Saxon Shore Way to the south (being the closest PRow to the proposed buildings).

In terms of the impact on visual amenity, it is noted that the applicant concludes there will be a likely significant effect on viewpoints 3, 4 and 5 (construction); 4, 6 and 11 (year 1); and 4, 5 and 6 (year 15).

In none of the scenarios is the impact on viewpoint 8 (Richborough Castle) considered likely to be significant, when the impact of the proposed development will have a very similar impact as that documented for the northern viewpoints

### **Loss of Best and Most Versatile Agricultural Land (BMV)**

CPRE Kent maintains that the loss of Best and Most Versatile Agricultural Land (BMV) arising from the Sea Link project should carry significant weight in the decision-making process. The applicant's Planning Statement acknowledges that approximately 50.11% (85.01 hectares) of the land within the Kent onshore scheme is categorised as BMV, primarily comprising Grade 3a land (53.36 hectares), and that some 12.21 hectares will be permanently lost, which it accepts is significant (Planning Statement, APP-319 – Document 7.1 paragraph 7.9.12).

As previously outlined, the applicant has failed to demonstrate that alternative sites – especially those on lower-grade agricultural land – have been adequately considered or dismissed. This omission runs counter to the national planning mitigation hierarchy, which mandates that avoidance of environmental harm must take precedence over mitigation or compensation.

CPRE Kent has consistently objected to the loss of Best and Most Versatile Land (BMV) in planning applications in Thanet, reflecting our firm belief that Grade 1 and other BMV land should

be safeguarded as a strategic national asset contributing significantly to food security. CPRE research confirms a loss of more than 14,000 hectares of prime agricultural land since 2010, seriously undermining the UK's ability to maintain domestic food production (CPRE Report Back to the land: rethinking our approach to soil). Further, CPRE policy emphasises that Grades 1-3a are the country's most valuable farmland and should be protected unless no lower-grade alternatives exist.

The impact extends beyond direct land-take given the indirect consequences of severance and fragmentation on surrounding agricultural enterprises. More fundamentally, the location of the proposed converter station and substation near Minster could act as a catalyst for further energy infrastructure such as solar farms and battery storage, which will exacerbate pressures on BMV land. CPRE nationally advocates for a strategic land-use framework to prevent piecemeal encroachment on agricultural resources. This framework supports integrated decision-making to protect agricultural capacity in the face of infrastructure expansion.

In the specific context of Thanet, the permanent loss of Best and Most Versatile Land (BMV) must be given significant weight in the planning balance. Thanet is uniquely constrained, being surrounded by the sea on three sides, and contains some of the country's most exceptional Grade 1 agricultural soils. These soils, coupled with Thanet's maritime, relatively frost-free, climate, create a rare agricultural resource of national significance that is irreplaceable in food production terms. As CPRE Kent has consistently highlighted, much of the country's remaining BMV land is increasingly threatened by flooding, making Thanet's remaining high-grade land all the more precious and strategically important.

The pressures on Thanet's BMV land have already reached unsustainable levels, with very substantial areas of greenfield, predominantly BMV land, already allocated for development within the adopted Local Plan. Moreover, incremental losses, even where individually small, collectively erode this finite resource with profound consequences for national food security, a concern CPRE's national 'Building on our Food Security' report has repeatedly emphasised. Once such high-quality land is developed, it is lost forever to productive agriculture.

In the National Policy context, NPS EN-1 and EN-3 explicitly require developers to "*minimise impacts on the best and most versatile agricultural land... and preferably use land in areas of poorer quality*". Indeed, paragraph 2.10.30 of EN-3 reaffirms that the use of Grade 1, 2 and 3a land must be avoided "*where possible*" and only justified with compelling evidence. Simultaneously, the NPPF is unequivocal: "*where significant development of agricultural land is necessary, areas of poorer-quality land should be preferred to those of a higher quality*" and BMV land must be recognised for its ecosystem services and food security importance.

Accordingly, it is CPRE Kent's firm view that the loss of BMV must weigh significantly against the proposal.

### **Failure to undertake a sequential approach to flooding**

NPS EN-1 (Section 5.8) and EN-5 (Section 3.7) both require applicants to assess flood risk comprehensively, addressing all potential sources of flooding over the entire lifetime of the proposed nationally significant infrastructure. In this instance, the applicant is seemingly relying on a site-specific Flood Risk Assessment (FRA), which focuses primarily on engineered mitigation measures to demonstrate that the site can be made safe.

However, CPRE Kent believes that this is contrary to the NPS policy framework, which makes it clear that the preferred approach is to avoid areas at risk of flooding wherever reasonably practicable, in line with the sequential approach advocated by EN-1 paragraph 5.8.13, which states:

*“The applicant should seek to avoid flood risk through sequential site selection. Preference should be given to locating projects in areas of lowest flood risk (Flood Zone 1). If there is no reasonably available site in Flood Zone 1, then sites in Flood Zone 2 can be considered, applying the sequential test as appropriate. If, following application of the sequential test, there is no reasonably available site in Flood Zones 1 or 2, then sites in Flood Zone 3 can be considered, applying the exception test as appropriate. Where flood risk cannot be avoided through site selection, applicants will need to demonstrate that appropriate mitigation measures are in place and that residual risk is acceptable.”*

As per our comments above in relation to failure to consider alternatives, we feel that lip-service at best has been given to genuinely demonstrating alternative locations with a lower risk of flooding have been properly considered.

Even where mitigation might reduce on-site flood risk, EN-1 paragraph 5.8.17 requires applicants to demonstrate that the development would remain safe and operational under flood conditions for its full lifetime, taking account of climate change, and that any residual risks can be safely managed. This includes ensuring that safe access and egress can be maintained during flood events, and that any impacts on emergency services would be acceptable. In this instance, elements of the proposed development, including access routes and ancillary infrastructure, remain exposed to identified flood hazards, with no satisfactory evidence that safe access can be secured throughout the project’s lifetime.

From our review of the documents, we can see no substantive evidence that any meaningful engagement has taken place with the Local Planning Authority or Environment Agency to establish appropriate search areas, nor is there any comparison with lower-risk sites located within Flood Zone 1 or outside high-risk flood areas. Instead, the application appears to treat flood risk as a technical matter to be managed through design mitigation alone, bypassing the policy requirement to locate development, so far as reasonably possible, away from areas subject to flood hazard.

### **Amenity Impact**

As set out within our response to the Statutory Consultation, CPRE Kent previously raised significant concerns regarding the Applicant’s failure to provide meaningful detail on the likely amenity impacts arising from the construction phase of this development. Instead, we were told that much of the relevant information, including specific construction methods, programme detail and mitigation proposals, was deferred to future stages via Construction Method Statements and similar documents to inform the Environmental Statement (ES) only at the DCO submission stage.

In the event, it now seems to be the case that the application relies solely upon high-level Outline Construction Environmental Management Plans (APP- 340 Documents 7.5.3 and 7.5.2) and a generalised Code of Construction Practice (APP-341 Document 7.5.3.1 Appendix A to the CEMP), with all material detail deferred to future approval following consent. As confirmed at paragraph 4.6.1 of the Planning Statement (APP-319 Document 7.1) full Construction Method Statements will only be prepared after grant of consent, at the detailed design stage, pursuant

to DCO Requirements. Consequently, critical matters such as construction phasing, site layouts, traffic routing, amenity protection measures and site-specific working methods remain unknown, meaning that the full scale of amenity impacts during construction cannot be properly assessed at this stage

That the applicant does confirm that construction working hours are now proposed to extend to include Sundays and Bank Holidays probably, however, tells us all we need to know as to what the attitude to amenity impact would be when it did come to the post-consent discharging of details. That is, to CPRE Kent this seems to confirm the absence of any meaningful regard for the significant amenity and well-being impacts that this project would impose on the local community for what would be a sustained and prolonged period. In practice, what is now proposed would result in virtually continuous construction activity throughout the week, removing entirely the limited degree of respite that might otherwise have existed for local residents, visitors and indeed wildlife.

Clearly removing the single bit of respite being offered to the local community and wildlife is going to exacerbate the already significant negative impact of the project, but seemingly the trimming of profit margins is more important than this.

## **Dark Skies**

CPRE has long been a leading voice in the campaign against light pollution. We have a special interest in this issue: darkness at night is one of the key characteristics of rural areas and represents a major difference between what is rural and what is urban. NPPF 185(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes and nature conservation, and to limit the impact of light pollution from artificial light on local amenity. This duty has been further reinforced by statutory guidance, which requires local planning authorities to assess not just where light falls, but when and how much, with particular care in areas of intrinsic darkness or ecological sensitivity.

The application site lies within one of the few remaining enclaves of dark skies in Thanet District, as clearly shown in CPRE's interactive map and CPRE Kent's 2016 analysis, which identifies Thanet as experiencing some of the county's darkest rural legacy.

It is therefore deeply concerning that, despite this acknowledged sensitivity, the Planning Statement (APP-319 Document 7.1, para 7.15.21) offers only a cursory acknowledgment of light pollution risks, referring vaguely to future detailed design and mitigation to be secured at the Discharge of Requirements stage under the DCO. Indeed, the Planning Statement accepts that final lighting designs would not be produced until after the grant of consent and are entirely reliant on later approval of post-consent Construction Environmental Management Plans (CEMP) and Operational Environmental Management Plans (OEMP) pursuant to Requirements 8 and 24 of the Draft DCO (APP-007 Document 3.1).

In short, there is no firm commitment within the application documents to any specific lighting controls. Neither the Outline CEMP (APP-340 Document 7.5.3) nor the Outline Design Principles (APP—367 Document 7.12.2 for Kent) contain binding commitments. Therefore, without firm control through DCO requirements, CPRE Kent is concerned that the proposal would permit the introduction of extensive lighting columns, floodlighting and security lighting across both the converter station site and the new substation compound, causing irreversible degradation of Thanet's remaining dark sky resource, to the detriment of local amenity, tranquillity and wildlife.



**Our ref:** Ofgem Sea Link Early  
Funding Consultation  
**Date:** 21 August 2025  
**Please ask for:** [REDACTED]  
**Customer Services:** [REDACTED] 162 000  
**Direct dial:** [REDACTED]  
**Email:** [REDACTED]

By email only: [MajorProjects.LTPD@ofgem.gov.uk](mailto:MajorProjects.LTPD@ofgem.gov.uk)

[REDACTED] Ms Freund,

### **Response of East Suffolk Council to the Ofgem Sea Link Early Construction Funding Consultation**

East Suffolk Council (ESC) welcomes the opportunity to comment on this consultation.

This letter is ESC's response to Ofgem's Early Construction Funding assessment of the Sea Link project under the Accelerated Strategic Transmission Investment (ASTI) re-opener and provides ESC's answers to the two questions posed in this consultation.

ESC is responding as a stakeholder with an interest in new transmission infrastructure and meeting the net zero challenge as one of the host authorities for the Sea Link project, for the infrastructure proposed in East Suffolk only.

The Council objects to the Sea Link project. This objection has been set out in ESC's response to the project's non-statutory and statutory consultations and will continue to be represented as the project approaches the examination period, to be administered by the Planning Inspectorate.

ESC recognises the value of timely delivery of the Sea Link project under the government's Net Zero ambitions and that the Sea Link project is an ASTI project, with an energisation target date of 2030. ESC recognises the importance of delivering the project within timeframes that would support the objectives of the Government's Clean Power 2030 Action Plan.

ESC understands the scope of this consultation is for Ofgem to consult on the minded-to position on the Early Construction Funding application by National Grid Electricity Transmission Plc (NGET) for the Sea Link project as governed by NGET's electricity transmission licence, Special Condition (SpC) 3.41 'Accelerated strategic transmission investment Re-opener and Price Control Deliverable term (ASTIRt)', and the corresponding proposed modification to adjust the term ASTIAt referenced in Appendix 1 of SpC 3.41.

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LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

We understand from the consultation material that Ofgem can authorise Early Construction Funding to enable permitted early construction activities that are required to accelerate projects before an ASTI Project Assessment Decision is made. Early Construction Funding would allow NGET to carry out activities ahead of full Project Assessment up to September 2026 that can help accelerate the delivery of the project and that Ofgem only allow those if Ofgem considers them to be in the consumers' interest.

It is understood that NGET is seeking Early Construction Funding above the default 20% threshold of total project cost and is seeking 48% of total project spend as per ASTI decision. Furthermore, it is also understood that Ofgem is permitted to allow Funding in excess of 20% where the Transmission Owner has demonstrated to Ofgem a clear and strong benefit to acceleration of the project and that the consumer is protected in the event the project did not proceed as envisaged, and that Ofgem's current 'minded to' position is to approve the full expenditure request.

This 'minded to' position is informed, as set out in paragraph 2.42, by the acceptance of the project's DCO application, its designation in the NESO Clean Power 2030 report as a priority project for acceleration to help deliver Clean Power 2030 objectives, and the strong needs case for transmission network reinforcements in the area due to significant growth in generation.

The consultation states NGET seeks funding for the following activities: strategic land purchases, early enabling works, early procurement commitments, purchase of land, lease of subsea land, Canterbury to Richborough overhead line refurbishment, Friston Substation bays, ground surveys, UKPN engagement, marine UXO survey, early archaeological work, cable and converter original equipment manufacturing (OEM), and cancellation risk exposure of OEM.

While ESC appreciates the benefits to the project's programme of securing Early Construction Funding ahead of any Development Consent Order decision being made, ESC has significant concerns about the prematurity of such works ahead of such a decision. The Sea Link project does not have planning consent. As a Nationally Significant Infrastructure Project, the project is proceeding through the Development Consent Order process, and while an application for Development Consent has been made, any decision on the application will not be made until later in 2026.

ESC sees a risk to consumers should the project not ultimately secure planning permission. By providing early access to funding under ECF, there is a risk that Sea Link could be cancelled or fail to gain development consent, after significant levels of project funding have been spent by the Transmission Owner prior to confirming the project's DCO application outcome (which the consultation states is expected in September 2026). Appropriate protections must be put in place for the project for this eventuality.

Paragraph 2.15 details the proposal to use Early Construction Funding for the Friston substation. Paragraph 2.15 states the Friston substation was originally funded under RII02 as an Air Insulated Substation, and that upgrades to the substation in Friston have been proposed within NGET's RII03

business plan as a Gas-Insulated Substation. The paragraph states Ofgem recognises that purchasing the bays for Sea Link at the same time as the rest of the substation is likely to be more efficient than revisiting the site later, regardless of technology type. Ofgem considers this benefits the consumer by maximising economies of scale, as well as minimising the impacts of the construction on the local community.

Paragraph 2.21 states NGET has provided assurances to Ofgem that some network upgrades proposed as early enabling work will deliver enduring benefits for the consumer, as they can be repurposed and continue to deliver value, even if the Sea Link project were to be cancelled. Paragraph 2.21 goes on to say NGET is also confident that it could make use of the substation bays provided on other projects, were Sea Link not to proceed.

ESC supports the principle of minimising the impact of the project, should it be consented, on local communities, but has significant concerns about the potential delivery of works ahead of any DCO decision being made or consent given.

Further, ESC is conscious of the potential optics of this consultation and decision. By approving the Early Construction Funding request in line with the current Ofgem 'minded to' decision, Ofgem may be seen as pre-determining the outcome of the Development Consent Order process.

Lastly, we note that paragraph 2.32 states the final project assessment decision will be made around the same time as the DCO decision, which is expected in late 2026. ESC will engage on the project assessment consultation with Ofgem, when that is held.

This letter, and the responses contained in it, are not confidential.

[REDACTED]



[REDACTED] **MRTPI**  
Head of Energy Planning and Coastal Management  
East Suffolk Council

## Consultation Questions

Q1: Do you agree with our minded-to position set out in chapter 3?

ESC does not agree with the minded-to position set out in the consultation. ESC has significant concerns about the delivery of Early Construction Funding funded works ahead of any DCO decision being made. ESC is also concerned about the proposed optics of the minded-to position ahead of DCO examination and any decision being made, and the risk to the consumer should the project fail to gain development consent, or not go ahead.

Q2: Do you agree with our proposed modification to adjust ASTIAt in Appendix 1 of SpC 3.41?

As the proposed modification relates to including the Early Construction Funding details, ESC does not agree, for the reasons set out in answer to Q1 above.

██████████ [MajorProjects.LTPD@ofgem.gov.uk](mailto:MajorProjects.LTPD@ofgem.gov.uk)

19 August 2025

**Re: Statutory consultation on National Grid's Sea Link Early Construction Funding (ECF) application**

██████████ Sir/Madam,

About RWE

RWE is the leading power generator in the UK, with a diverse portfolio of onshore wind, offshore wind, solar, hydro, biomass and gas. We produce enough energy to power the equivalent of around 12 million UK homes.<sup>1</sup>

We are investing today, with 2.2GW of new renewable projects currently in construction. This includes our 1.4GW Sofia offshore wind farm, four new onshore wind farms totalling 231MW, 10 new solar farms totalling ~500MW and four co-located battery storage sites totalling 105MW.

We have ambitious plans to expand our UK footprint even further, with over 15GW of renewables at various stages of development. This includes nine new offshore wind farms totalling nearly 10GW, and a GW scale pipeline of onshore wind and solar projects. Complementing our renewable pipeline, we have over 3.6GW of battery storage under development and we are in the early stages of developing four gas carbon capture and storage (CCS) projects across the UK, totalling up to 4.6GW. In addition, as a key component in the energy transition, RWE is developing ~500Mwe green hydrogen opportunities across the UK. We directly employ over 3,100 people across the UK and our planned investment will continue to create green jobs, developing green skills up and down the country.

We are committed to working in partnership with the government to deliver its 2030 clean power mission, and to deliver clean, secure and affordable energy for the UK.

RWE welcomes the opportunity to respond to this consultation regarding ECF for SeaLink.

Please find our response to Ofgem's Consultation questions below.

Yours Sincerely,

██████████

██████████

*Senior Regulatory Affairs Manager*

## **1) Do you agree with our minded-to position set out in Chapter 3?**

We fully agree with the minded-to position outlined in this statutory consultation. SeaLink has long been recognised as a priority project. As highlighted in the consultation, there are clear benefits to allowing NGET to undertake early procurement activities to maintain the accelerated timeline for the SeaLink project.

The Clean Power  report identified key transmission infrastructure required to enable offshore wind farms to connect and export power by 2030. Among these critical projects is the SeaLink scheme. NESO highlighted in the report that if SeaLink is not delivered until 2031 this would result in constraints costs ranging from £1.1 billion - £1.4 billion. The potential impact on GB consumers and offshore wind farm developers from not expediting the project's delivery is evident.

If the ECF request is not approved, NGET will be unable to undertake strategic land purchases or perform early enabling works necessary to mitigate delays and reduce projects risks. Additionally, NGET would be unable to make procurement commitments, potentially losing vital manufacturing slots that need to be secured for the project.

We support the additional funding requested by NGET, which exceeds the ECF threshold of 20%, as it is justified in the case of SeaLink to ensure its timely delivery, targeting completion in 2030.

Furthermore, we agree that Ofgem should ensure there are suitable mechanisms to protect consumers from unnecessary costs in the event of project cancellation, while ensuring that NGET's legitimate cancellation costs are adequately covered.

## **2) Do you agree with our proposed modification to adjust ASTIA<sub>t</sub> in Appendix 1 of SpC 3.41?**

Yes, we agree with the proposed modification to ASTIA<sub>t</sub> to reflect the award of ECF.

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<sup>1</sup> [NESO](#) Clean Power 2030 Annex 2 Networks

15<sup>th</sup> August 2025

By email: [MajorProjects.LTPD@ofgem.gov.uk](mailto:MajorProjects.LTPD@ofgem.gov.uk)



**Kent**  
Wildlife Trust

■■■■ Sir/Madam,

**RE: Statutory consultation on National Grid's Sea Link Early Construction Funding (ECF) application and proposed modification to Special Condition 3.41 of NGET's electricity transmission licence**

Kent Wildlife Trust (KWT) is the leading conservation charity in Kent, working to protect and restore wildlife and wild places for over 60 years. We manage over 9,000 acres of nature reserves and work across land and sea to tackle the twin crisis of biodiversity loss and climate change. We are one of several landowners at Sandwich and Pegwell Bay, alongside the National Trust, Thanet District Council and Kent County Council, with overall management of the National Nature Reserve led by KWT. We have engaged extensively with the Sea Link project, including during the pre-application stage, and are registered as an Interested Party in the Development Consent Order (DCO) process.

KWT **object** to Ofgem's minded-to position to approve Early Construction Funding (ECF) for the Sea Link project. In our view, releasing 48% of total forecast project cost before the DCO examination has concluded (at the time of writing this letter the DCO is still at the pre-Examination stage) is premature, environmentally risky, and not in the consumer interest.

**Premature funding undermines statutory scrutiny**

The Examining Authority's (ExA) letters dated 8<sup>th</sup> July ■■■■ and 5<sup>th</sup> August 2025<sup>2</sup>, confirms that the DCO application is incomplete in multiple key respects, including:

- Ongoing factual errors in environmental reporting and impact assessments;
- Insufficient ecological survey information to support the application;
- Untested and inadequate mitigation measures;
- Unresolved design parameters;
- Alternative siting not properly justified;
- Missing or inconsistent documentation;
- Land acquisition inconsistencies; and
- Water Framework Directive (WFD) concerns including lack of consultation with drainage boards.

We note from page 8 of Ofgem's consultation report that National Grid has applied for ECF to fund:

- Purchase of land
- Lease of subsea land
- Canterbury to Richborough overhead line refurbishment
- Friston Substation bays
- Ground surveys
- UKPN engagement

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<sup>1</sup> [EN020026-000649-SeaLink s89\(3\) Letter Tuesday 8 July 2025.pdf](#)

<sup>2</sup> [EN020026-000722-SeaLink s89\(3\) August 2025.pdf](#)

- Marine Unexploded Ordnance (UXO) surveys
- Early archaeological work
- Cable and converter original equipment manufacturing

Paragraph 2.7 states that National Grid believes the Sea Link project has “*sufficiently progressed*” to justify this ECF submission and that no further ECF requests are anticipated. KWT strongly disagrees. As set out above, the ExA has identified numerous deficiencies in the DCO application, including significant land acquisition inconsistencies.

Ofgem’s paragraph 2.9 states:

*“NGET is proposing to fully acquire certain parcels of land required for development of the project. It intends to secure land option agreements for the required area to minimise costs, prevent delays and derisk the project.”*

Yet the ExA’s August letter raises fundamental concerns:

*“The ExA notes several plots on the land plans where acquisition of land or rights is proposed and where no corresponding works are shown on the works plans [...] The ExA has also identified potential errors where the applicant is seeking the permanent acquisition of land or permanent rights over plots identified on the works plans for works associated with temporary uses, for example, temporary construction compounds.”*

In addition, the ExA highlights the complete absence of Statement of Reasons (SoR) Appendix A for the Kent Scheme of the project, which details the purpose for which compulsory acquisition and temporary possession powers are sought. This omission is particularly serious given that two residential caravan sites have been identified within the land interests of the Kent Scheme but are not referenced in any DCO documents. It is unknown whether the occupants have been contacted or consulted, raising the real possibility that their legal rights to notice, representation, and due process have not been upheld. Such an oversight is not only procedurally unacceptable but risks breaching statutory requirements for compulsory acquisition and undermining public trust in the fairness of the process.

Approving ECF now would therefore mean Ofgem is authorising public money for land acquisitions that may later be judged excessive, unjustified, or procedurally flawed and unlawful. This risks locking in unnecessary costs, setting a precedent for overreach in compulsory acquisition, and enabling avoidable environmental harm before the DCO process has determined the project’s lawful scope and design.

The absence of a finalised, integrated delivery plan for the “*Great Grid Upgrade*” compounds these risks. Sea Link is being advanced in parallel with numerous other strategic transmission projects without the benefit of the National Energy System Operator’s Strategic Spatial Energy Plan, which is still in preparation. This piecemeal approach risks over-provision, duplication, and stranded assets, outcomes that cannot be considered good value for consumers. Indeed, National Grid’s ECF request includes upgrading the Richborough to Canterbury overhead line, infrastructure only completed in 2021. This alone demonstrates a lack of coordinated long-term planning. With proper strategic oversight, such costly rework could have been avoided entirely; pushing ahead now risks further expensive redesigns as environmental, technical, or policy constraints inevitably emerge. This concern is amplified by National Grid’s own *Beyond 2030*

*Strategy*<sup>3</sup>, which sets out plans for yet another future offshore electricity cable between Scotland and Kent, also making landfall at Pegwell Bay, a proposal that could in turn require further upgrades to the Richborough to Canterbury overhead line, even after the costly works now being sought through the current ECF request. Approving ECF now, in advance of the Strategic Spatial Energy Plan and without integrating these known future projects, risks committing public funds to infrastructure that may need to be redesigned, relocated, or even rendered redundant. This undermines both environmental stewardship and value for money and is a key reason why KWT opposes the ECF request at this stage.

Likewise, funding and undertaking early enabling works now would pre-empt the DCO process, risking construction of infrastructure that may need re-design, relocation, or abandonment. For example, the ExA have requested additional ecological and water assessments for the proposed Horizontal Directional Drilling (HDD) under the saltmarsh, which forms part of the Thanet Coast and Sandwich Bay SPA/Ramsar. If these assessments identify significant risks, or conclude that HDD cannot be undertaken, the project may have to resort to open cut trenching – as occurred with National Grid’s previous Nemo Link project in the same area. This would necessitate a scheme re-design and reconsideration of the route location, resulting in material changes to the DCO application. Proceeding before consent is granted is inconsistent with the precautionary approach required under National Policy Statement (NPS) EN-1, EN-3 and EN-5 and the Habitats Regulations 2017.

### **Failure to prioritise avoidance over mitigation**

National Grid’s own Corridor and Preliminary Routeing Study (2022) identified lower-impact landfall and substation options (e.g. K1a Broadstairs) but discounted them with inadequate justification. The selected K1 Pegwell Bay / Minster Marshes route directly impacts multiple statutory designated conservation sites, including the direct loss of Functionally Linked Land (FLL) for Thanet Coast and Sandwich Bay SPA.

Sea Link’s Environmental Statement (ES) relies on mitigation and compensation rather than avoidance, contrary to NPS EN-1 Section 4.3 – Environmental Effects/Considerations, and EN-5 Section 2.10 – Mitigation. For example, the proposed mitigation site for the loss of FLL is:

- Adjacent to the A256 with constant traffic noise
- Subject to light spill from Discovery Park
- Flanked by two large solar farms, creating ~160ha cumulative loss of FLL
- No baseline ecological surveys have been undertaken of the proposed mitigation site; it appears to have been selected arbitrarily and out of convenience, rather than guided by robust baseline ecological data or adherence to the Mitigation Hierarchy.

These issues cast fundamental doubt on the effectiveness, enforceability, and long-term viability of the proposed mitigation strategy. KWT and other Interested Parties maintain that identifying genuinely suitable mitigation sites, particularly for FLL and other sensitive habitats, requires robust ecological data, full consideration of alternatives, and proper testing of mitigation feasibility, none of which can be achieved under the compressed timetable of the current DCO process. The additional ecological, hydrological, and land acquisition information requested by the ExA in its July and August letters is extensive and complex; it cannot be produced, consulted on, and integrated to a legally defensible standard within the current examination window. The Sea Link project is therefore demonstrably not at the “*sufficiently*

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<sup>3</sup> <https://www.neso.energy/document/315516/download>

*progressed*” stage claimed by the applicant, and approving ECF now would pre-empt the statutory process, undermine environmental safeguards, and expose consumers to unnecessary financial risk.

### **Incomplete and inconsistent ecological baseline data**

The DCO submission omits or downgrades key survey findings:

- Golden plover counts in the Preliminary Environmental Information Report (PEIR) recorded more than 700 individuals in a single visit; the ES submitted with the DCO however uses a 370 peak count baseline, reducing compensation requirements by almost 50%.
- Protected species surveys such as bats, reptiles, amphibians, dormice, otter and beaver are incomplete, with only one survey season of data collected. This breaches the EIA Regulations requirements for robust baseline evidence.
- Marine mammal impacts are downplayed; no adequate baseline field surveys have been undertaken, with surveys conducted outside the optimal survey period.
- Poor habitat mapping of known Sabellaria spinulosa reefs, a designated feature of Goodwin Sands Marine Conservation Zone (MCZ), with no proposed mitigation for benthic ecology, despite direct impacts to designated marine habitats.

This is emphasised within Kent County Council’s (KCCs) recently published letter (7<sup>th</sup> August 2025) Principal Areas of Disagreement<sup>4</sup>, which outlines extensive unresolved issues with the Sea Link proposals, including ecological survey gaps for all protected species, inadequate drainage and flood risk mitigation, insufficient assessment of marine and benthic habitats and poor Biodiversity Net Gain (BNG) assessment, with no BNG metric or detail on how the Applicant has reached their conclusions. These assessments reinforce what has been a remarkably consistent message from Interested Parties and statutory bodies, that the Sea Link DCO application is fundamentally flawed and unfit for Examination.

Without a complete and robust ecological baseline, early enabling works such as vegetation clearance or ground disturbance must not proceed. To do so would risk irreversible harm to sensitive habitats and protected species, undermine the integrity of the DCO process, and render subsequent mitigation or compensation ineffective. Proceeding before impacts are properly understood would be reckless, unlawful, and incompatible with the precautionary approach required under the Habitats Regulations and NPS EN-1, EN-3 and EN-5.

### **Risks to consumers and public money**

Approving ECF now exposes consumers to:

- Cancellation fees and sunk costs if consent is refused or designs materially change;
- Cost escalation from committing to early procurement before final cost assessment (Ofgem notes supply chain cost pressures); and
- Stranded assets if integrated national grid planning changes the project’s scope or need.

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<sup>4</sup> [EN020026-000725-KCC - Sea Link Principal Areas of Disagreement.pdf](#)

Given the £1.1bn cost baseline is from 2018/19 prices, actual costs will already be significantly higher. Committing nearly half the total forecast spend before consent is an unacceptable gamble. KWT therefore urge Ofgem to:

- Defer any ECF decision until the DCO examination is complete and consent is secured, in line with NPS EN-1, EN-3 and EN-5, which require robust assessment of environmental effects before decision-making.
- Require full completion and publication of ecological surveys, with updated mitigation based on accurate, current, and detailed survey data, as required under the Conservation of Habitats and Species Regulations 2017, which mandate the use of up-to-date and comprehensive baseline information.
- Ensure compliance with the Mitigation Hierarchy, avoiding harm to designated sites wherever possible, in accordance with NPS EN-1 and EN-5, which require applicants to prioritise avoidance over minimisation, mitigation, and compensation.

Only then can Ofgem be confident that Sea Link delivers genuine consumer benefit without sacrificing Kent and Suffolk's irreplaceable wildlife habitats, internationally designated sites, and vital natural carbon sinks. In light of the clear and consistent position from Interested Parties and statutory bodies, that the Sea Link DCO application is fundamentally flawed, procedurally incomplete, and unfit for Examination, Ofgem should refuse the current ECF request in its entirety. Any financial commitment must be withheld until a fully revised, legally compliant, and environmentally sound application has been submitted, rigorously examined, and granted consent through the statutory DCO process.

[Redacted]

[Redacted]

Planning & Policy Officer

**Kent Wildlife Trust**





To: Akshay Kaul  
Director General for Infrastructure  
Office of Gas and Electricity Markets (Ofgem)  
10 South Colonnade  
Canary Wharf  
London E14 4PU

20 August, 2025

Email: Akshay.Kaul@ofgem.gov.uk

■ Mr Kaul,

**Re: Early Construction Funding for Sea Link – objection on basis minded-to decision is ultimately contrary to Ofgem’s principal objective, and that by it Ofgem is stepping outside its lawful role, raising inference of Government pre-determination, and reflecting misunderstanding of appropriate test and material misunderstanding/lack of awareness of (a) the undermining of the Sea Link need case (b) the shift in the DCO timetable.**

### **Introduction**

1. We write on behalf of **Offshore4Sure**, a non-partisan campaign group representing residents and stakeholders concerned about the lack of strategic and spatial planning for offshore and onshore energy infrastructure.
2. This letter has been written with the benefit of advice from specialist counsel.
3. Our concerns include the proposed, ill-advised, **Sea Link** project being promoted by National Grid Electricity Transmission (NGET).
4. NGET has made an application for a Development Consent Order (DCO) for Sea Link, but that application is currently still pre-examination due to omissions and errors identified by the Examining Authority.
5. We are submitting this letter in response to the **Ofgem statutory consultation** on NGET’s request for **Early Construction Funding (ECF)** for Sea Link, under the **Accelerated Strategic Transmission Investment (ASTI)** mechanism (“the Consultation”).
6. Ofgem published its overarching ASTI decision on 15 December 2022 (<https://www.ofgem.gov.uk/decision/decision-accelerating-onshore-electricity-transmission-investment>) (Overarching ASTI Decision). We are unaware of any material amendment to the Overarching ASTI Decision subsequently.
7. The Consultation was published on 24 July 2025 and closes on 21 August 2025.
8. In the Consultation, Ofgem sets out its “minded to” decision to *‘approve NGET’s request for ECF to the value of 48% of the total forecast project cost listed in the ASTI Confidential Annex’*.

This document is Offshore4sure’s formal submission to Ofgem’s statutory consultation on Sea Link Early Construction Funding, August 2025

[Offshore4sure.com](https://www.offshore4sure.com)



9. Ofgem's minded-to decision is a remarkable one, and in our view highly questionable legally, given that the expectation (see below) is that ECF of no more than 20% will be granted, and the needs case for Sea Link has been irrevocably undermined since the Overarching ASTI Decision, not least by the removal of Nautilus (see below).
10. While we recognise the importance of timely grid reinforcement to support the UK's energy transition, we are deeply concerned about the early funding proposed for Sea Link, both in terms of lawfulness, and good sense.
11. **We object to the minded-to decision set out in the Consultation. Ultimately, it is contrary to Ofgem's principal objective (as is any early funding for Sea Link, in the circumstances).**
12. We elaborate on our reasons for objection below.
13. Note that we are aware of additional points from Consultation responses we have seen from others, such as whether Ofgem has even considered the right version of the Sea Link project, or considered the "correct" Sea Link budget.
14. For now, we do not repeat those (which is not to suggest we disagree with them), and we concentrate on what we consider the key points of principal.

**Ofgem's role, as opposed to the Secretary of State's role on the DCO application, Overarching ASTI Decision and subsequent guidance regarding the relevant test**

15. Ofgem's principal objective is as set out at s.3A(1) of the Electricity Act 1989, namely to:  
*...protect the interests of existing and future consumers in relation to electricity conveyed by distribution systems or transmission systems*
16. Ofgem's role is not to *de facto* decide on whether a DCO should be granted.
17. As regards ASTI and ECF, the Overarching ASTI Decision explains, ASTI projects were identified with a view to their ability to make early contribution to net zero, by being in place, operational and delivering before 2030.
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  - *The expenditure is justified and necessary in order to accelerate project delivery*



- *Not investing will increase risk of project delay*
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  23. This is, moreover, in the context of projects that are to be operational by 2030.

### **Ofgem is stepping outside its lawful role and raising inference of Government pre-determination**

24. Granting 48% ECF is a radical step. Ofgem is essentially underwriting half the project costs, even if the budget NGET has presented to Ofgem is the correct one (see below). The Overarching ASTI Decision set **20%** as the non-exceptional circumstances test **limit** for a reason.
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*...We do not assess the efficiency of the cost at this stage – this will be done during the PA stage. In the event of cancellation, the project will still be subject to a PA to ensure they only recover efficient costs. Any unspent ECF will be returned to the consumer.*
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29. Moreover, this level of pre-consent financial commitment is also inappropriate because it essentially **creates a financial fait accompli**. It is not an easy thing for a decision-maker to put from their mind such massive “sunk costs”. To take one hypothetical, if the Planning Inspectorate were to recommend refusal, the Secretary of State would be faced with an unpalatable financial reality when considering whether to accept or reject the recommendation: of acceptance meaning writing off a large sum of consumer-funded expenditure.



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34. The inappropriateness of what Ofgem proposes by the minded-to decision, is underlined by the misunderstandings that have informed it, set out below.

### **Misunderstanding of appropriate test**

35. Despite the test set out in the Overarching ASTI Decision, and subsequently, the Consultation states as follows, at p.4:

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*does not secure planning consent and start construction as anticipated (i.e. is delayed, amended or cancelled).*

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**Ofgem's failure to take into account that the Sea Link needs case as advanced can no longer be sustained**

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### **Ofgem's failure to take into account additional time now built into the Sea Link DCO application timeline**

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52. At various other points in the Consultation, Ofgem makes clear that delivery by 2030 is a key part of its justification for the ECF proposed. See e.g. Consultation 2.27 ('a 2030 energisation date'), 2.29 ('the importance of delivering the project within timeframes that would support the objectives of the Government's Clean Power 2030 Action Plan').
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54. Please visit the Planning Inspectorate's webpage for the Sea Link DCO application for the relevant materials.
55. As regards the 14 July 2025 announcement, due to basic errors in NGET's application, the period for relevant representations has not even been completed. It runs until 18 August 2025.
56. In addition, the Examining Authority has also requested a raft of further necessary information from NGET, additional to its earlier requests, by its letters of 5 August and 12 August 2025.
57. In bald terms, despite submission of the DCO application in April 2025, due to deficiencies in the application, it is still at pre-application stage, and will be for a while yet.
58. Again, Ofgem should have regard to the reality of this particular project, rather than simply apply the generic approach of the Overarching ASTI Decision as if nothing has changed since December 2022.

### **Ultimately, Ofgem's minded-to decision not in the interests of existing and future consumers**

59. Ofgem is proposing to take a striking and unjustified gamble on a flawed project, in circumstances where there is understandable concern Ofgem has misunderstood relevant matters (quite aside from the risk Ofgem is stepping outside its role and into de facto determination of DCO matters).



60. This cannot be in the best interests of existing and future consumers.
61. Whilst the ASTI programme makes sense on a broad level, when confronted with individual project reality, good sense must and should prevail,
62. We also note that Ofgem’s “minded-to” position relies on “expected consumer benefits and protections” yet no transparent, project-specific cost–benefit analysis has been provided to support this claim. Without such evidence, stakeholders cannot meaningfully assess whether these benefits outweigh the substantial risks being transferred to consumers.
63. Recent pauses and cancellations of related projects, such as the Belgian Government’s halt to Nautilus and delivery risks to LionLink and other projects, heighten the danger that Sea Link could become a stranded or redundant asset — leaving consumers with huge sums in sunk costs for infrastructure that may never deliver its intended benefits.
64. Also by the various statements in the Consultation that make clear Ofgem is providing minimal if any scrutiny, but essentially relying on NGET’s assertions, with next to no public transparency, e.g. Consultation 2.11 *‘NGET has provided assurances that its Land Rights Strategy includes mitigations relating to the timing of payments and future resale of the land purchased, should it no longer be required, with land rights options providing protection to the consumer from full cost exposure’* (the Land Rights Strategy and Payment Schedule for Assets linked to is generic document that falls well short of protecting consumers if Sea Link does not progress), or 2.21 *‘NGET has provided assurances that some network upgrades proposed as early enabling work will deliver enduring benefits for the consumer as they can be repurposed and continue to deliver value, even if the Sea Link project were to be cancelled, although some early work such as surveys may have limited residual value...’* or 2.31 *‘Should risks of project delays, design changes or cancellation emerge, NGET has assured us it will notify Ofgem immediately and take appropriate action to limit the risk of further cost to consumers’*, or 2.43 *‘NGET has outlined that it is putting in place a range of consumer protections to mitigate consumer risks in the event the project was delayed, amended or cancelled’*.
65. This is the thinnest possible gruel, and Ofgem’s seemingly incurious acceptance of these threadbare ‘assurances’ from a company that is, ultimately, driven by its bottom line, is deeply troubling.
66. We consider the minded-to decision cannot be consistent with Ofgem’s principal objective under section 3A of the Electricity Act 1989 to protect the interests of existing and future consumers.
67. For the avoidance of doubt, just as we see no justification for the ECF proposed for Sea Link (or any ECF), we also see no justification for the apparently related proposed changes to NGET’s licence, which have the potential to have consequences beyond Sea Link.

**In the circumstances, we urge Ofgem to take the following actions:**

- (1) Not to make the minded-to decision a final decision.**



- (2) **Publish a transparent, project-specific cost–benefit analysis** for Sea Link before committing any consumer funds.
- (3) **Defer any funding approval for Sea Link** until after the DCO process concludes, given the particular nature of (and risks inherent in) the Sea Link DCO application.
- (4) **Confirm that consumer risk is fully safeguarded** in the event Sea Link does not receive consent, or if its planned capacity is no longer required in part or full — recognising the danger of sunk costs and stranded or redundant assets.
- (5) **Ensure all actions align with Ofgem’s principal purpose** avoiding disproportionate risk transfer.

68. We are copying this letter to the Department for Energy Security and Net Zero, as well as to relevant media and stakeholders, to ensure transparency and public awareness of these concerns.

69. We request that this letter be treated as part of the official consultation record. We remain open to further dialogue and would welcome any opportunity to meet or brief Ofgem on the community impacts of this proposal.

[REDACTED]

[REDACTED]

On behalf of **Offshore4sure**

[REDACTED]



## The Rt Hon Sir Roger Gale M.P.

House of Commons  
London, SW1A 0AA

21/08/2025

Jonathan Brearley, Esq., - Chief Executive  
OFGEM  
10 South Colonnade  
Canary Wharf  
LONDON E14 4PU.

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[suzy@galemail.com](mailto:suzy@galemail.com)

Sent by email only: [Parliamentary.Correspondence@ofgem.gov.uk](mailto:Parliamentary.Correspondence@ofgem.gov.uk)

Dear Mr. Brearley,

**Statutory Consultation on National Grid's Sea Link Early Consultation Funding (ECF) application and corresponding modification to Special Condition 3.41 of NGERT's electricity transmission licence.**

My attention has been drawn to the 'consultation' (above) which was launched on 24<sup>th</sup> July and closes today.

I have also been afforded sight of the very thorough submission made by the Save Minster Marshes campaign group, the contents of which I endorse wholeheartedly.

I am concerned that this 'consultation' has been insufficiently publicised and also that it was launched after the House of Commons rose for the Summer Recess and conveniently closes before the House sits again on 1<sup>st</sup> September, denying Members of Parliament the opportunity to raise concerns, in a timely manner, on the floor of the House.

You are fully aware that the Sealink project is highly controversial, contested and will be the subject of a public inquiry. It has also yet to be approved by NESO. That being so I find it extraordinary that OFGEM should even be considering investing further sums of taxpayer's money in support of a private company promoting the cause of a project the future of which is at best uncertain and which will not be decided for many months.

I further note that the OFGEM 'minded to' position is based upon an 'a high-level analysis of the proposed early construction activities'. Why has this analysis not been made public as part of the 'public consultation' exercise?

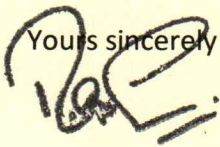
.....Cont/

Additionally, the National Grid application would appear to relate to SCD1 which sadly does not appear to be the Grid's preferred option – rendering the Grid's submission to OFGEM and the consequent 'consultation' meaningless!

National Grid have in my view failed to thoroughly assess the alternatives to a proposal that if implemented would have disastrous environmental consequences, have blundered ahead with the pursuit of a project the costs of which were not properly assessed and are now seeking to ask the taxpayer to bear, through OFGEM, inappropriate land purchase, the risks incurred directly as a result of poor research (including a belated realisation that marshland is wet and unsuited to the kind of proposed construction!) and arrogant management.

I shall take the earliest available opportunity to raise this matter in the House and will welcome the opportunity to discuss the issues arising with you personally before so doing. In the interim I trust that the National Grid application for further taxpayer support for Sealing will be rejected.

Yours sincerely



Sir Roger Gale MP  
Herne Bay and Sandwich

cc MajorProjects.LTPD@ofgem.gov.uk  
Pippa Southorn (Pippa@dhclifton.com)  
SMM@saveminstermarshes.com



To: Akshay Kaul  
Director General for Infrastructure  
Office of Gas and Electricity Markets (Ofgem)  
10 South Colonnade  
Canary Wharf  
London E14 4PU

20 August, 2025

Email: Akshay.Kaul@ofgem.gov.uk

■ Mr Kaul,

**Re: Early Construction Funding for Sea Link – objection on basis minded-to decision is ultimately contrary to Ofgem’s principal objective, and that by it Ofgem is stepping outside its lawful role, raising inference of Government pre-determination, and reflecting misunderstanding of appropriate test and material misunderstanding/lack of awareness of (a) the undermining of the Sea Link need case (b) the shift in the DCO timetable.**

### **Introduction**

1. We write on behalf of **Offshore4Sure**, a non-partisan campaign group representing residents and stakeholders concerned about the lack of strategic and spatial planning for offshore and onshore energy infrastructure.
2. This letter has been written with the benefit of advice from specialist counsel.
3. Our concerns include the proposed, ill-advised, **Sea Link** project being promoted by National Grid Electricity Transmission (NGET).
4. NGET has made an application for a Development Consent Order (DCO) for Sea Link, but that application is currently still pre-examination due to omissions and errors identified by the Examining Authority.
5. We are submitting this letter in response to the **Ofgem statutory consultation** on NGET’s request for **Early Construction Funding (ECF)** for Sea Link, under the **Accelerated Strategic Transmission Investment (ASTI)** mechanism (“the Consultation”).
6. Ofgem published its overarching ASTI decision on 15 December 2022 (<https://www.ofgem.gov.uk/decision/decision-accelerating-onshore-electricity-transmission-investment>) (Overarching ASTI Decision). We are unaware of any material amendment to the Overarching ASTI Decision subsequently.
7. The Consultation was published on 24 July 2025 and closes on 21 August 2025.
8. In the Consultation, Ofgem sets out its “minded to” decision to *‘approve NGET’s request for ECF to the value of 48% of the total forecast project cost listed in the ASTI Confidential Annex’*.
9. Ofgem’s minded-to decision is a remarkable one, and in our view highly questionable legally, given that the expectation (see below) is that ECF of no more than 20% will be granted, and the



needs case for Sea Link has been irrevocably undermined since the Overarching ASTI Decision, not least by the removal of Nautilus (see below).

10. While we recognise the importance of timely grid reinforcement to support the UK's energy transition, we are deeply concerned about the early funding proposed for Sea Link, both in terms of lawfulness, and good sense.
11. **We object to the minded-to decision set out in the Consultation. Ultimately, it is contrary to Ofgem's principal objective (as is any early funding for Sea Link, in the circumstances).**
12. We elaborate on our reasons for objection below.
13. Note that we are aware of additional points from Consultation responses we have seen from others, such as whether Ofgem has even considered the right version of the Sea Link project, or considered the "correct" Sea Link budget.
14. For now, we do not repeat those (which is not to suggest we disagree with them), and we concentrate on what we consider the key points of principal.

**Ofgem's role, as opposed to the Secretary of State's role on the DCO application, Overarching ASTI Decision and subsequent guidance regarding the relevant test**

15. Ofgem's principal objective is as set out at s.3A(1) of the Electricity Act 1989, namely to:  
*...protect the interests of existing and future consumers in relation to electricity conveyed by distribution systems or transmission systems*
16. Ofgem's role is not to *de facto* decide on whether a DCO should be granted.
17. As regards ASTI and ECF, the Overarching ASTI Decision explains, ASTI projects were identified with a view to their ability to make early contribution to net zero, by being in place, operational and delivering before 2030.
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21. To our knowledge, subsequent guidance from Ofgem has endorsed that test, rather than altering it. See para.4.8 of Accelerated Strategic Transmission Investment Guidance and Submission Requirements Document, 25 August 2023.
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23. This is, moreover, in the context of projects that are to be operational by 2030.

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57. In bald terms, despite submission of the DCO application in April 2025, due to deficiencies in the application, it is still at pre-application stage, and will be for a while yet.
58. Again, Ofgem should have regard to the reality of this particular project, rather than simply apply the generic approach of the Overarching ASTI Decision as if nothing has changed since December 2022.

#### **Ultimately, Ofgem's minded-to decision not in the interests of existing and future consumers**

59. Ofgem is proposing to take a striking and unjustified gamble on a flawed project, in circumstances where there is understandable concern Ofgem has misunderstood relevant matters (quite aside from the risk Ofgem is stepping outside its role and into de facto determination of DCO matters).
60. This cannot be in the best interests of existing and future consumers.
61. Whilst the ASTI programme makes sense on a broad level, when confronted with individual project reality, good sense must and should prevail,
62. We also note that Ofgem's "minded-to" position relies on "expected consumer benefits and protections" yet no transparent, project-specific cost-benefit analysis has been provided to support this claim. Without such evidence, stakeholders cannot meaningfully assess whether these benefits outweigh the substantial risks being transferred to consumers.
63. Recent pauses and cancellations of related projects, such as the Belgian Government's halt to Nautilus and delivery risks to LionLink and other projects, heighten the danger that Sea Link could



become a stranded or redundant asset — leaving consumers with huge sums in sunk costs for infrastructure that may never deliver its intended benefits.

64. Also by the various statements in the Consultation that make clear Ofgem is providing minimal if any scrutiny, but essentially relying on NGET's assertions, with next to no public transparency, e.g. Consultation 2.11 *'NGET has provided assurances that its Land Rights Strategy includes mitigations relating to the timing of payments and future resale of the land purchased, should it no longer be required, with land rights options providing protection to the consumer from full cost exposure'* (the Land Rights Strategy and Payment Schedule for Assets linked to is generic document that falls well short of protecting consumers if Sea Link does not progress), or 2.21 *'NGET has provided assurances that some network upgrades proposed as early enabling work will deliver enduring benefits for the consumer as they can be repurposed and continue to deliver value, even if the Sea Link project were to be cancelled, although some early work such as surveys may have limited residual value...'* or 2.31 *'Should risks of project delays, design changes or cancellation emerge, NGET has assured us it will notify Ofgem immediately and take appropriate action to limit the risk of further cost to consumers'*, or 2.43 *'NGET has outlined that it is putting in place a range of consumer protections to mitigate consumer risks in the event the project was delayed, amended or cancelled'*.
65. This is the thinnest possible gruel, and Ofgem's seemingly incurious acceptance of these threadbare 'assurances' from a company that is, ultimately, driven by its bottom line, is deeply troubling.
66. We consider the minded-to decision cannot be consistent with Ofgem's principal objective under section 3A of the Electricity Act 1989 to protect the interests of existing and future consumers.
67. For the avoidance of doubt, just as we see no justification for the ECF proposed for Sea Link (or any ECF), we also see no justification for the apparently related proposed changes to NGET's licence, which have the potential to have consequences beyond Sea Link.

**In the circumstances, we urge Ofgem to take the following actions:**

- (1) Not to make the minded-to decision a final decision.**
- (2) Publish a transparent, project-specific cost–benefit analysis** for Sea Link before committing any consumer funds.
- (3) Defer any funding approval for Sea Link** until after the DCO process concludes, given the particular nature of (and risks inherent in) the Sea Link DCO application.
- (4) Confirm that consumer risk is fully safeguarded** in the event Sea Link does not receive consent, or if its planned capacity is no longer required in part or full — recognising the danger of sunk costs and stranded or redundant assets.
- (5) Ensure all actions align with Ofgem's principal purpose** avoiding disproportionate risk transfer.



68. We are copying this letter to the Department for Energy Security and Net Zero, as well as to relevant media and stakeholders, to ensure transparency and public awareness of these concerns.
69. We request that this letter be treated as part of the official consultation record. We remain open to further dialogue and would welcome any opportunity to meet or brief Ofgem on the community impacts of this proposal.

[REDACTED]

[REDACTED]

On behalf of **Offshore4sure**

[REDACTED]

Mr [REDACTED]

19/08/2025

[REDACTED] Amy Freund,

I am writing regarding the Statutory Consultation on National Grid's Sealink Early Consultation Funding (ECF) application and corresponding proposed modification to Special Condition 3.41 of NGET's electricity transmission licence.

I strongly object to both of the proposed questions raised in your Consultation document. I am all for Green Energy, but the Sealink Project Proposal is too environmentally damaging to our natural environments and wildlife habitats which we should be protecting as well!

It is ethically and morally wrong to allow National Grid to receive so much advance funds before the Sealink project has received DCO approval! There are so many reasons why the Sealink project may be rejected that it would be an extremely risky and foolhardy gamble that could lead to a massive waste of the public and consumers' money!

Early financial commitment to a high-risk site contradicts the core purpose of ASTI: delivering fast, efficient, and secure infrastructure investments that are ready to proceed. National Grid is trying to offload the financial risks of this project and because there are so many of them it should not be allowed, and advance funding must not be granted!

National Grid wants a massive rise from 20% to 48% of the funding threshold for ECF. This is a colossal increase and must not be granted! National Grid and Ofgem must not presume that this Sealink project will get the go-ahead because there are so many reasons why it should not! The Planning Inspectorate should be able to see the detrimental effects that it will have on our natural environments and all the wildlife that we should be protecting, and recommend that it is not given the DCO, and also recommend that Ed Miliband does not give it the go-ahead! As a result, cancellation fees and costs if ECF is granted will be a colossal waste of money! So I am appealing to you to decline ECF for this proposed Sea Link project!

Ofgem should be protecting the interests of its energy consumers, and therefore, I strongly object to any advance funds being granted until, at the very least, the Development Consent Order outcome has been decided!

[REDACTED]  
Mr [REDACTED]

