

## **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE SEA LINK PROJECT**

By letter to the Secretary of State received on 4 March 2022, National Grid Electricity Transmission formally requested that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 to direct that the Sea Link Project as set out in the Direction request (“the proposed Project”) be treated as development for which development consent under the Planning Act 2008 is required.

The Secretary of State is satisfied that:

- The proposed Project is in the field of energy and development will be wholly within England, waters adjacent to England up to the seaward limits of the territorial sea and the Renewable Energy Zone when completed;
- The proposed Project does not currently fall within the existing definition of a “nationally significant infrastructure project” and therefore it is appropriate to consider use of the power in section 35(1) of the Planning Act 2008; and
- National Grid Electricity Transmission’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.

Having considered the details of National Grid Electricity Transmission proposals as set out in their letter of 4 March 2022, and noting the views of East Suffolk Council, Suffolk County Council and Dover District Council that support the Direction request, the Secretary of State is of the view that the proposed Project is nationally significant, for the reasons set out in the Annex below.

However, noting the details of the proposed Project contained in the request of 4 March 2022 reflect the fact that the preliminary location of the Project is wholly within England or English Territorial waters but should feasible opportunities to coordinate with other projects be identified and progressed through the Department for Business, Energy & Industrial Strategy’s Offshore Transmission Network Review Early Opportunities Workstream, the Project may potentially extend outside of English Territorial Waters but would remain within a Renewable Energy Zone. The Secretary of State considers that, when further details are available, and before submitting any application to The Planning Inspectorate, National Grid Electricity Transmission may wish to seek confirmation from the Secretary of State that the Project and development that is the subject of the proposed application is the same as that for which the Direction is hereby given.

The Secretary of State has taken the decision within the conditions as required by sections 35A(2) and (5) of the Planning Act 2008, and issues this Direction accordingly under sections 35(1) and 35ZA of the Planning Act 2008.

THE SECRETARY OF STATE DIRECTS that the Sea Link Project is to be treated as development for which development consent is required.

The Secretary of State further directs in accordance with sections 35ZA(3)(b) and (5) of the Planning Act 2008 that:

- An application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act 2008 or similar to that described in the Request to the Secretary of State for Business, Energy and Industrial Strategy for a Direction under Section 35 of the Planning Act 2008 made by National Grid Electricity Transmission on 4 March 2022 for the Sea Link Project is to be treated as a proposed application for which development consent is required.

This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to the proposed Development.

Signed by



Gareth Leigh  
Head of Energy Infrastructure Planning  
For and on behalf of the Secretary of State for Business, Energy and Industrial Strategy

31 March 2022

## ANNEX

### REASONS FOR THE DECISION TO ISSUE THE DIRECTION

The Secretary of State is of the opinion that the Direction should be issued because:

- The proposed Project is of national significance, taking into account that it is a large-scale linear electricity transmission reinforcement project of approximately 130km in length and that it has a two Gigawatt capacity to transmit electricity.
- The proposed Project will play an important role in enabling an energy system that meets the UK's commitment to reduce carbon emissions and the Government's objectives to create a secure, reliable and affordable energy supply for consumers.
- By progressing the development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.