

PLANNING ACT 2008 – SECTION 92

**APPLICATION BY NATIONAL GRID ELECTRICITY TRANSMISSION LIMITED FOR AN ORDER
GRANTING DEVELOPMENT CONSENT FOR THE SEA LINK PROJECT**

COMPULSORY ACQUISITION HEARING 2

WEDNESDAY 25 MARCH 2026 AT 10:00

POST HEARING NOTE

Appearances

1. The following people attended on behalf of East Suffolk Council (“ESC”):
 - (i) [REDACTED] – Francis Taylor Building;
 - (ii) [REDACTED] – Partner, Clyde & Co LLP; and
 - (iii) [REDACTED] – Principal Planner and Solar Lead, ESC.
2. ESC spoke to Item 2.2 only.

Agenda Item 2.2: section 122 and 123 of the Planning Act 2008 (PA2008)

3. The relevant land plots are: plots 6/3 [REP5-16, p.455]; plots 6/5 [REP5-16, p.456]; and plots 6/6 [REP5-16, p.456] (and there is also plots 6/1 [REP5-16, p.453] over which ESC has the benefit of a restrictive covenant). These plots comprise highway and scrub land around the Thorpe Road in the landfall location in Suffolk.
4. The ExA asked if ESC is prepared to withdraw their objection to the CA powers over its land (based on what was said in [REP3-185, p.13]). ESC confirmed that it was not yet in a position to do so. It maintains an overarching object to the scheme, which has not yet been addressed and, so although, the objection is not per se to the CA powers, it is maintained and applies to the CA powers (unless and until a negotiated agreement is reached). However, if SoS is minded to grant DCO in face of the Council’s objection then ESC has made clear, it has no *freestanding* objection to the grant of CA powers over the ESC plots.
5. As to negotiations, a summary of position is provided by the Applicant in [REP5-14] Schedule of Negotiations Tracker (in respect of ESC plots (6/3, 6/4 and 6/5): “10.03.2026 – The Applicant’s Agent held a Teams meeting with the Landowner’s Agent on 9th February 2026 where they discussed ongoing queries, in particular in relation to restrictions over the Easement width at surface level. The Applicant’s Agent issued confirmation of outstanding points and emailed the Landowner’s Agent on the 18th February 2026 to arrange a further meeting. It is anticipated that the remaining outstanding matters will be addressed in the next revision of the Heads of Terms which

are due to be issued imminently. It is anticipated that an agreement can be reached prior to the close of Examination.”

6. The meeting held on 9 February 2026 was constructive and the principal points raised by Bruton Knowles on behalf of ESC were either accepted by National Grid’s agent or taken back to the National Grid team for consideration.
7. ESC’s position is simple: (1) The Heads of Terms and any resulting deed should be bespoke to the rights that are actually required over the ESC land and should not include provisions designed for surface-level or wider infrastructure projects; (2) The subsurface nature of the cable installation should be reflected throughout the documentation, including by the creation of a defined underground corridor with minimum and maximum depth parameters; (3) Provisions that are not necessary given the specific nature and location of the installation on ESC land should be removed; and (4) The commercial consideration should reflect market rates.
8. A further version of the HoT was provided to ESC on 17 March 2026. It is clear that there remains a number of points of difference which require continued discussions including: (1) ancillary rights for utilities; (2) indemnity and insurance; and (3) commercials.
9. In order to make good its points in relation to market rates and to make progress on the commercials, Bruton Knowles has prepared and submitted a schedule of comparable evidence to National Grid.
10. In summary, issues have narrowed but there remains a number of points to resolve as well as the issue of the commercial terms. The parties remain in active negotiations.