

The Great Grid Upgrade

Sea Link

Sea Link

Volume 9: Examination Submissions

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1. Rationale

1.1.1 In light of the likely establishment of a DESNZ unit, the Applicant will propose amendments to the draft DCO to provide a mechanism for that DESNZ unit to have jurisdiction in respect of the discharge of requirements. The Applicant is sharing this as an early Deadline 7 submission, to enable other parties to provide their comments on this proposal at Deadline 7.

1.1.2 Turning then to the background to this proposal, the Applicant notes that the Nuclear Regulatory Review 2025 (known as the “Fingleton Review”) is a report prepared by an independent taskforce (appointed by the Prime Minister), led by John Fingleton, looking at where radical reforms could be proposed to regulate nuclear energy in a way that promotes better delivery without compromising safety. The Fingleton Review made various recommendations, including some with wider applicability to development consent orders for nationally significant infrastructure projects. Under the heading “Establishment of Central Government Discharging Function for DCOs”, the Fingleton Review states the following in relation to the discharge of DCO requirements and includes Recommendation 30:

“DESNZ should establish a unit which discharges DCO Requirements. Guidance issued by MHCLG should be updated to endorse the use of this unit as the discharging authority for DCOs relating to nuclear development. Local authority involvement in the discharge of conditions can be secured through a requirement for consultation prior to submission to the Department.”

1.1.3 The Government published a policy paper on 13 March 2026, entitled “Building our nuclear nation: government response to the Nuclear Regulatory Review 2025” (“**Fingleton Response**”) in which it formally responded to the Fingleton Review. In relation to Recommendation 30 from the Fingleton Review the Response stated:

“The government accepts this recommendation. DESNZ will establish a new unit within its Infrastructure Planning Delivery team to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments. This will speed up decisions on the meeting of post-consent requirements. This will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion.”

1.1.4 Given the endorsement of Recommendation 30 of the Fingleton Review by the Government, and the commitment for DESNZ to establish a new unit to deal with post-consent discharge functions for electricity networks projects, the Applicant considers that it is prudent to seek to anticipate the establishment of this DESNZ unit by providing for it in the drafting of DCOs granting consent for electricity networks.

- 1.1.5 In this note, the Applicant has set out proposed drafting that will be included in the draft DCO for Sea Link (to be submitted at Deadline 7) to facilitate the discharge of requirements by a DESNZ unit, should it be established in the future, in respect of terrestrial aspects controlled by DCO requirement.
- 1.1.6 In summary, the proposed drafting below would enable the functioning of the DESNZ unit, if and when established, in respect of applications to discharge requirements set out in Schedule 3 to the draft DCO. The drafting then provides that it would be at the selection of the Applicant in each case. Where DESNZ is the determining body, then the body named in the Requirement would become a requirement consultee.
- 1.1.7 The Applicant notes that it has provided that the DESNZ unit would deal with approvals needed pursuant to the requirements in Schedule 3 or any document referred to in those requirements (for example, approval of a further sub-plan secured via a plan approved by requirement).

2. Proposed Drafting Amendments

Table 2.1 Proposed drafting amendments to Sea Link draft DCO to facilitate discharge of requirements by DESNZ unit

Sea Link dDCO ref (REP6-005) (version I, April 2026)	Sea Link current drafting (as at Deadline 6) of potential relevance to discharge of DCO requirements	Proposed new or amended drafting (based on the draft Order submitted at Deadline 6) (New wording shown in green)
Article 55 (procedure regarding certain approvals etc)	<p>Procedure regarding certain approvals etc.</p> <p>55.—(1) Where an application or request is submitted to a relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval, if given, must be given in writing and must not be unreasonably withheld or delayed.</p> <p>(2) Schedule 4 (discharge of Requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the Requirements, and any document referred to in any requirement, and any other provisions of this Order.</p> <p>(3) The procedure set out in paragraphs 3, 4 and 5 of Schedule 4 (discharge of Requirements) has effect in relation to any other consent, agreement or approval required under this Order where such consent, agreement or approval is granted subject to any</p>	<p>Amend sub-paragraph (1) as follows:</p> <p><i>(1) Where an application or request is submitted to a relevant planning authority (including where the relevant planning authority is the DESNZ unit for the purposes of a Requirement), a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval, if given, must be given in writing and must not be unreasonably withheld or delayed.</i></p>

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	condition to which the undertaker objects, or is refused or is withheld.	
Schedule 3 (requirements)	<p>Paragraph 1 (interpretation)</p> <p>1.-(1) In this Schedule unless the context requires otherwise-</p> <p>...</p> <p>“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order, or further to any document referred to in any requirement, or the local authority in the exercise of functions set out in sections 60 or 61 of the Control of Pollution Act 1974;</p> <p>...</p> <p>(2) Where under any of the Requirements the approval or agreement of the relevant planning authority or the relevant highway authority is required, that approval or agreement must be given in writing.</p> <p>(3) Where any Requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority, those matters are to be taken to</p>	<p>Add to paragraph 1(1):</p> <p><i>“DESNZ unit” means a group or body set up by or on behalf of the Secretary of State for the purpose of providing any consent, agreement or approval required by requirements contained in development consent orders including the Requirements;</i></p> <p>Insert a new sub-paragraph (6) in paragraph 1:</p> <p><i>(6) From the date of receipt by the undertaker of written notice from the Secretary of State that the DESNZ unit has been established, for the purposes of –</i></p> <p><i>(a) each Requirement in this Schedule 3 (requirements) or any document referred to in any requirement, the “relevant planning authority “ or as the case may be the “relevant highway authority” shall mean either the DESNZ unit or the body that would otherwise have been the relevant planning authority or relevant highway authority if not for the establishment of the DESNZ unit; and</i></p> <p><i>(b) Requirements 5 (management plans and commitments) and 6 (management plans to be approved) or any document referred to in those requirements, in respect of onshore works the “discharging authority” shall mean either the DESNZ unit or the body that would otherwise have been the discharging authority if not for</i></p>

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	<p>include any amendments that may subsequently be approved in writing by the relevant planning authority.</p> <p>(4) Where an approval or agreement is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning authority, such approval or agreement may only be given in relation to minor or immaterial changes and where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.</p> <p>(5) Unless otherwise provided in this Order, where a Requirement relates to a specific site or work and it specifies “commencement of development”, it refers to the commencement of development on that site or in relation to that work only.</p>	<p><i>the establishment of the DESNZ unit; for offshore works the “discharging authority” will be the relevant body stated in those requirements.</i></p> <p><i>in each case as identified by the undertaker pursuant to paragraph 1(1) of Schedule 4 (discharge of requirements).</i></p>
Schedule 4 (discharge of requirements)	<p>Schedule 4 – discharge of requirements</p> <p>Paragraph 6 (interpretation of Schedule 4)</p> <p>“relevant authority” means the body responsible for giving any consent, agreement or approval under this schedule or relevant owner of a watercourse, sewer</p>	<p>Schedule 4 – discharge of requirements</p> <p>Amend Paragraph 1 as follows:</p> <p><i>1.-(1) Where notice has been received by the undertaker pursuant to paragraph 1(6) of Schedule 3 (requirements)</i></p> <p>–</p>

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	<p>or drain as may be appropriate to the consent, agreement or approval sought;</p> <p>“requirement consultee” means any body named in a Requirement which is the subject of an appeal as a body to be consulted by the relevant authority in discharging that Requirement.</p> <p>Paragraph 1 (Applications made under requirements)</p> <p>1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 35 days beginning with—</p> <p>(a) where no further information is requested under paragraph 2, the day immediately following that on which the application is received by the authority;</p> <p>(b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker; or</p> <p>(c) such longer period as may be agreed in writing by the undertaker and the relevant authority.</p> <p>(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application</p>	<p><i>(a) the undertaker may make an application for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement) or any document referred to in any requirement to either, at the undertaker’s discretion, the DESNZ unit or the body that would otherwise have been the relevant authority (being either the relevant planning authority, relevant highway authority or discharging authority pursuant to the Requirements, as appropriate) if not for the establishment of the DESNZ unit; and</i></p> <p><i>(b) in the case of Requirements (including part of a Requirement) pursuant to which the undertaker has made such application to the DESNZ unit as the relevant authority the DESNZ unit must consult with the body that would otherwise have been the relevant authority as though it was named as a body to be consulted in that Requirement and such body shall be treated as a “Requirement consultee” for the purposes of this Schedule 4 (discharge of requirements).</i></p> <p>(1) <i>(2) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 35 days beginning with—</i></p>

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draft Order submitted at Deadline 6)
(New wording shown in green)**

within the period set out in sub-paragraph (1), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

(a) an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order;

(b) the relevant authority does not determine such application within the period set out in sub-paragraph (1); and

(c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, then the application is taken to have been refused by the relevant authority at the end of that period.

(a) where no further information is requested under paragraph 2, the day immediately following that on which the application is received by the authority;

(b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker; or

(c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

~~(2)~~ *(3) Subject to sub-paragraph ~~(3)~~ (4), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph ~~(1)~~ (2), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.*

~~(3)~~ *(4) Where—*

(a) an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order;

(b) the relevant authority does not determine such application within the period set out in sub-paragraph ~~(1)~~ (2); and

(c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison

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		<p><i>with those reported in the environmental statement, then the application is taken to have been refused by the relevant authority at the end of that period.</i></p> <p>(further consequential amendment in 4(1)(b) to the cross ref to paragraph 1(3))</p>
	<p>Paragraph 3 (Fees)</p> <p>3.—(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows—</p> <p>(a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or</p> <p>(b) a fee of £145 per request.</p>	<p>Amend paragraph 3 (fees) as follows –</p> <p>3. —(1) <i>Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), other than when the relevant authority is the DESNZ unit, a fee must be paid to the relevant authority as follows—</i></p> <p>(a) <i>such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or</i></p> <p>(b) <i>a fee of £145 per request.</i></p>

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