

The Great Grid Upgrade

Sea Link

Sea Link

Volume 9: Examination Submissions

Document 9.52.: Statement of Common Ground Between National Grid Electricity Transmission and East Suffolk Water Management Board.

Planning Inspectorate Reference: EN020026

**Version: B
April 2026**

nationalgrid

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Version

Date	Version	Status	Description / Changes
17/02/2026	A	Final	Submission at Deadline 1A
29/04/2026	B	Final	For Submission to the ExA Deadline 7

1. Introduction

1.1 Overview

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application (“The Application”) for the Sea Link Project (“Proposed Project”) made by National Grid Electricity Transmission Ltd (“the Applicant”). The Application was submitted to the Secretary of State for a Development Consent Order (DCO) and accepted for examination on the 23 April 2025.
- 1.1.2 A Statement of Common Ground (SoCG) is an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the Examination. It is prepared jointly between the Applicant and another party(s) and sets out matters of agreement between both parties, as well as matters where there is not an agreement. It also details matters that are under discussion.
- 1.1.3 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning and provide greater predictability for all participants in Examination. A SoCG may be submitted prior to the start of or during Examination, and then updated as necessary or as requested during the Examination Phase.

1.2 This Statement of Common Ground

- 1.2.1 This SoCG is between the Applicant and the East Suffolk Water Management Board (‘ESWMB’). It has been prepared in accordance with the guidance published by the Ministry of Housing, Communities and Local Government (Ministry of Housing, Communities and Local Government, 2024).
- 1.2.2 This SoCG will be progressed during the Examination periods to reach a final position between the Applicant and ESWMB and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the Examining Authority at relevant examination deadlines.
- 1.2.3 For the purpose of this SoCG, National Grid and ESWMB will jointly be referred to as the “Parties”. When referencing the ESWMB alone, they will be referred to as “the Consultee”.

1.3 Role of ESWMB in the DCO process

- 1.3.1 The Consultee is a Prescribed Consultee under Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and a regulator of ordinary watercourses within the Proposed Project’s order limits, where this coincides with the Consultee’s Internal Drainage District. The Consultee is ESWMB, a member Board of the Water Management Alliance (WMA). The WMA is a consortium of Internal Drainage Boards (IDBs) operating in South Lincolnshire and East Anglia (UK). The Proposed Project’s Suffolk Onshore Scheme interacts with the Consultee’s Internal Drainage District at the catchment boundaries of the Upper Alde (N) (CMT175G), and Thorpeness Hundred River (CMT164G). There are several ordinary watercourses within the Proposed Project’s order limits.

- 1.3.2 The Consultee's role during the DCO process derives from being a prescribed consultee. The Consultee should provide guidance and comments on the Sea Link proposal and co-own the SoCG between the Consultee and National Grid.
- 1.3.3 The Consultee has engaged with National Grid at the pre-application stage of the application process, providing comments on the Proposed Project and advice on consenting requirements and the relationship between the DCO and secondary consenting under the Land Drainage Act 1991. The Consultee regulates existing watercourses within the Proposed Project's Order Limits.

1.4 Description of the Proposed Project

- 1.4.1 The Proposed Project is a proposal by National Grid to reinforce the transmission network in the Southeast and East Anglia. The Proposed Project is required to accommodate additional power flows generated from renewable and low carbon generation, as well as accommodating additional new interconnection with mainland Europe.
- 1.4.2 National Grid owns, builds and maintains the electricity transmission network in England and Wales. Under the Electricity Act 1989, National Grid holds a transmission licence under which it is required to develop and maintain an efficient, coordinated, and economic electricity transmission system.
- 1.4.3 This would be achieved by reinforcing the network with a High Voltage Direct Current (HVDC) Link between the proposed Friston substation in the Sizewell area of Suffolk and the existing Richborough to Canterbury 400 kV overhead line close to Richborough in Kent.
- 1.4.4 National Grid is also required, under Section 38 of the Electricity Act 1989, to comply with the provisions of Schedule 9 of the Act. Schedule 9 requires licence holders, in the formulation of proposals to transmit electricity, to:
- 1.4.5 Schedule 9(1)(a) '*...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;*' and
- 1.4.6 Schedule 9(1)(b) '*...do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*'.
- 1.4.7 The Proposed Project would comprise the following elements:

The Suffolk Onshore Scheme

- A connection from the existing transmission network via Friston Substation, including the substation itself. Friston Substation already has development consent as part of other third-party projects. If Friston Substation has already been constructed under another consent, only a connection into the substation would be constructed as part of the Proposed Project.
- A high voltage alternating current (HVAC) underground cable of approximately 1.9 km in length between the proposed Friston Substation and a proposed converter station (below).

- A 2 GW high voltage direct current (HVDC) converter station (including permanent access from the B1121 and a new bridge over the River Fromus) up to 26 m high plus external equipment (such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, similar small scale operational plant, or other roof treatment) near Saxmundham.
- A HVDC underground cable connection of approximately 10 km in length between the proposed converter station near Saxmundham, and a transition joint bay (TJB) approximately 900 m inshore from a landfall point (below) where the cable transitions from onshore to offshore technology.
- A landfall on the Suffolk coast (between Aldeburgh and Thorpeness).

The Offshore Scheme:

- Approximately 122 km of subsea HVDC cable, running between the Suffolk landfall location (between Aldeburgh and Thorpeness), and the Kent landfall location at Pegwell Bay.

The Kent Onshore Scheme:

- A landfall point on the Kent coast at Pegwell Bay.
- A TJB approximately 800 m inshore to transition from offshore HVDC cable to onshore HVDC cable, before continuing underground for approximately 1.7 km to a new converter station (below).
- A 2 GW HVDC converter station (including a new permanent access off the A256), up to 28 m high plus external equipment such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, and similar small scale operational plant near Minster. A new substation would be located immediately adjacent.
- Removal of approximately 2.2 km of existing HVAC overhead line, and installation of two sections of new HVAC overhead line, together totalling approximately 3.5 km, each connecting from the substation near Minster and the existing Richborough to Canterbury overhead line.

1.4.8 The Proposed Project also includes modifications to sections of existing overhead lines in Suffolk (only if Friston Substation is not built pursuant to another consent) and Kent, diversions of third-party assets, and land drainage from the construction and operational footprint. It also includes opportunities for environmental mitigation and compensation. The construction phase will involve various temporary construction activities including overhead line diversions, use of temporary towers or masts, working areas for construction equipment and machinery, site offices, parking spaces, storage, accesses, bellmouths, and haul roads, as well as watercourse crossings and the diversion of public rights of way (PROWs) and other ancillary operations.

1.5 Format of Document and Terminology

1.5.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Proposed Project.

1.5.2 Section 3 of this SoCG summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’. ‘Not agreed’ indicates a final position where the Parties have agreed to disagree, whilst ‘Agreed’ indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.

1.5.3 Abbreviations used within the SoCG are provided in Table 1.1 below.

Table 1.1. Abbreviations

Abbreviation/Term	Definition
DCO	Development Consent Order
ESWMB	East Suffolk Water Management Board
EA	Environment Agency
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
IDB	Internal Drainage Board
LDA	Land Drainage Act
NPPF	National Planning Policy Framework
PRoW	Public Right of Way
SPR	Scottish Power Renewables
TJB	Transition Joint Bay
WMA	Water Management Alliance
WMB	Water Management Board

2. Record of Engagement

2.1 Summary of pre-application discussions

- 2.1.1 Table 2.1 summarises the consultation and engagement that has taken place between the Parties.
- 2.1.2 There have been a number of emails and conversations over the SoCG between the Consultee and The Applicant however we have not managed to get a final version agreed. Some of the positions in the tables below will have been superseded by updates to the drainage strategy and the draft DCO following representations during the DCO examination, these have not been reflected in this document.

Table 2.1 Record of meetings and correspondence with ESWMB

Date	Topic	Discussion points
05/08/2022	Initial consultation email	Initial consultation email sent to ESWMB. The email included a summary document which comprised indicative scheme drawings to help provide some context for the scheme, details of the proposal, and impact on ESWMB's assets.
26/08/2022	Initial consultation response	ESWMB responded with initial thoughts (document name: 20220826_Response), as well as highlighting that the drawings did not contain all WMB district boundary catchments and maintained watercourses. Within the email is also attached: ESWMB byelaws PDF. ESWMB asked for shapefiles of the proposal.
12/09/2022	Email response	The Proposed Project's engineering team responded with proposed dates for a meeting to discuss initial thoughts. Shapefiles of cable alignment as design is under development and to be shared at a later date.
17/10/2022	Initial consultation meeting	Initial consultation meeting between the Proposed Project's engineering and consenting teams with ESWMB.
Oct – Dec 2022	Non-statutory Consultation	A period of non-statutory consultation was held between the 24 th of October 2022 and 18 December 2022. The consultation introduced the Proposed Project and its background through documentation, including a corridor and preliminary routing and siting study.
30/11/2022	Follow up email	Design update documentation issued to ESWMB
12/12/2022	Email response	ESWMB provided feedback on draft Memorandum of Understanding
Oct – Dec 2023	Statutory Consultation	Statutory public consultation occurred from 24 October to Monday 18 December 2023. The statutory public consultation provided details of the Proposed Project, along with supporting environmental information, and an update on how

Date	Topic	Discussion points
		<i>the proposals have developed since the last consultation in 2022.</i>
July 2024	Targeted Consultation	<i>Proposed Project update since the close of statutory consultation in December 2023, and further technical and environmental assessments. As a result of this work, changes to the plans were shared.</i>
09/08/2024	Consultation response	<i>ESWMB provided feedback on Targeted consultation; highlighted areas of ESWMB's internal drainage district overlapping with the Proposed Project, noted activities likely to require Board consent. Highlighted environmental sensitivities in Thorpeness area. Queried environmental enhancement proposals at River Fromus and interactions with wetland enhancement work at Benhall meadows.</i>
09/01/2025	Proposed project update email chain	<p data-bbox="539 712 1294 813"><i>Memorandum of Understanding (SEAL-MMD-SEAL-ENG-REP-0478) issued to ESWMB alongside a design update document 'SEAL-MMD-SEAL-ENG-TCN-0758' for review.</i></p> <p data-bbox="539 835 1347 1003"><i>Receipt of information was received on the 27/01/2025 (from the Planning team at Water Management Alliance (WMA), working for our member East Suffolk Water Management Board) with a request for grid references for each of the interfaces. These were subsequently provided on 30/01/2025.</i></p> <p data-bbox="539 1025 1347 1294"><i>On 03/02/2025, the WMA confirmed they received the grid references and that they will provide feedback on the documents. Additionally, it was noted that the WMA (on behalf of ESWMB) is currently undertaking a review of protective provisions for other projects, with a view to developing a protective provisions template to propose to other projects. WMA will soon be in a position to present this template to the project for inclusion in the draft DCO.</i></p>
14/03/2025	Proposed project Update response (feedback)	<p data-bbox="539 1317 1347 1585"><i>The ESWMB highlighted that the Board is now called the ESWMB rather than the East Suffolk Internal Drainage Board. The ESWMB commented directly on the issued MOU (SEAL-MMD-SEAL-ENG-REP-0478) and design interface document (SEAL-MMD-SEAL-ENG-TCN-0758). Their comments were responded to and addressed in the following revisions of the documentation. However, some notable comments are included below.</i></p> <p data-bbox="539 1608 1238 1641"><i>Draft Memorandum of Understanding version P02</i></p> <ul data-bbox="547 1664 1347 1798" style="list-style-type: none"> - <i>SoCG to be progressed over the MoU.</i> - <i>Comments to be addressed on edited attached copy.</i> - <i>Some of the contents in sections 4 and 5 will be superseded by protective provisions if that route is taken.</i> <p data-bbox="539 1821 1334 1888"><i>Sea Link Design Interface (SEAL_MMD_SEAL-ENG-TCN-0758)</i></p> <ul data-bbox="547 1910 1310 2036" style="list-style-type: none"> - <i>Request that Table 1 is updated to include the relevant regulator.</i> - <i>S/WA/0004, 0005 and 0006 (all trenchless) are in ESWMB district (catchment CMT164G)</i>

Date	Topic	Discussion points
		<ul style="list-style-type: none"> - S/WA/0068 and 0070 (permanent access over River Fromus) are in ESWMB district (catchment CMT175G) - Some crossings are outside ESWMB district; therefore, the WMB will not regulate these. - Request for Suffolk Cable Route Drainage Strategy referred to within document 0758.
12/02/2026	Meeting Sea Link Update – Suffolk Drainage	<p>Meeting attended by the Proposed Project, Suffolk County Council, East Suffolk Council, and the ESWMB. The purpose was to review and provide feedback on the Suffolk Drainage Strategy that was issued at deadline 3 (Document 9.17.1: Suffolk Drainage Strategy).</p> <p>During the meeting, stakeholders sought further clarification on specific aspects of the Drainage Strategy, including the assessment of non-potable water reuse, the level of detail provided for operational drainage features, and the approach to construction drainage management. The Applicant confirmed that additional explanatory detail would be provided on non-potable water reuse, including how reuse options have been considered for construction and operation, and that further information would be included on typical drainage features such as ponds and outfalls, aligned with LLFA guidance. It was also confirmed that a Construction Drainage Management Plan will be secured prior to works commencing, and that the wording relating to pre-commencement activities would be reviewed and clarified.</p> <p>Stakeholders also identified minor reference inaccuracies within the Drainage Strategy, including the need to update references from LLFA/IDB to the East Suffolk Water Management Board where appropriate. The Applicant confirmed that these references would be corrected. The matters discussed are being progressed through updates to the Drainage Strategy and associated application documents, with actions targeted for submission at Deadline 5.</p>
17/02/2026	Meeting with ESWMB	<p>Meeting to review the Suffolk Drainage Strategy and SoCG. The main points raised by the ESWMB are as follows.</p> <ul style="list-style-type: none"> • Their responses provided on the SOCG had not been incorporated into the latest revision. The Applicant identified the source of this and discussed updating the documents accordingly. • Inconsistencies in wording within the draft DCO. Noting that the definition of the watercourse was not the same as that provided in the Land Drainage Act. Also, Article 20 was inconsistent with the position of not disregarding the Land Drainage Act. • Inconsistencies in the role of the ESWMB and the consents that they can grant (they are not a water authority but a drainage authority).

3. Areas of Discussion Between the Parties

3.1 Suffolk Drainage Strategy

Table 3.1 Suffolk Drainage Strategy

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.1.1	Application Document 9.17.1 Suffolk Drainage Strategy [REP3-060]	Land Drainage Consent Requirements	The updated Suffolk Drainage Strategy version B March 2026 [REP 5-083] better reflects the roles and consent requirements for different water regulators than the previous version [REP3-060]. However, paragraph 4.2.7 still states “there is a single outfall proposed in an IDB watercourse”, whereas there are three proposed outfalls into watercourses within the Internal Drainage District, which will require IDB consent – as shown in Appendix A, Drainage Design Summary.	Application Document 9.17.1 Suffolk Drainage Strategy [REP3-060] to be updated to correct inconsistencies in the discussion of IDB consent where it related to ESWMB.	Agreed
3.1.2	Application Document 9.17.1 Suffolk	Buffer Zones	ESWMB does not regulate works adjacent to ordinary watercourses within its Internal	Noted that ESWMB does not regulate works adjacent to the watercourses within	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
	Drainage Strategy [REP3-060]		<p>Drainage District, unless they are designated as an Arterial Watercourse (Maps Available Online at https://wlma.org.uk/mapping/)</p> <p>ESWMB emphasises that it does regulate works adjacent to Arterial watercourses within the Internal Drainage District.</p>	the Drainage District, unless they are designated as an Arterial Watercourse Agree with ESWMB position.	
3.1.3	Application Document 9.17.1 Suffolk Drainage Strategy [REP3-060]	Design Criteria for proposed permanent works.	ESWMB supports the developer guidance supplied by the Lead Local Flood Authority.	Noted	Agreed
3.1.4	Application Document 9.17.1 Suffolk Drainage Strategy [REP3-060]	Design Criteria for proposed temporary works.	ESWMB supports the developer guidance supplied by the Lead Local Flood Authority.	Noted	Agreed
3.1.5	Application Document 9.17.1 Suffolk Drainage	Reinstatement	Works to ordinary watercourses within the Board's Internal Drainage District will be the subject of a Land Drainage	Reinstatement to be like-for-like, with original levels reestablished or as agreed with landowners and the	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
	Strategy [REP3-060]		<p>Consent from the Board under the Land Drainage Act 1991.</p> <p>Following works, the reinstatement of the watercourse in a like-for-like manner with original levels reestablished will be required as a condition of any Land Drainage Consent. The Applicant's comment regarding enhancement is noted.</p>	<p>ESWMB. Correspondence with land/riparian owners required. In some instances, enhancements may be proposed which would alter the existing levels. These would only be used with agreement under the consent.</p>	

3.2 Consents and regulation


Table 3.2 Consents and regulation

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.2.1		Watercourse ownership	Ordinary watercourses that are designated as Arterial Watercourses are generally maintained by ESWMB using permissive powers, but this designation does not change the ownership or liability associated with the watercourse (they remain owned by the private / riparian landowner). As per the Board's Byelaws, no works may be undertaken within 9 metres of edge of any arterial watercourse without Board consent. This needs to be reflected in the Consents and Agreements Position Statement [REP4-009].	Byelaw 10 – Any intervention within 9m radius from maintained WMB watercourse requires consent.	Not Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.2.2		Works to alter ordinary watercourses (works within the watercourse cross-section, including to divert / temporarily dam or culvert a watercourse)	Consent is required from the Board under section 23 of the Land Drainage Act 1991 and the Water Management Board's Byelaw 4 for any works to alter an ordinary watercourse within the Board's Internal Drainage District. This needs to be reflected in the Consents and Agreements Position Statement [REP4-009].	TBC Legal	Not Agreed
3.2.3		Trenchless cable crossing	<p>No consent is required from the Board for trenchless crossing (HDD) crossing underneath ordinary watercourses within the Board's Internal Drainage District which have not been designated as an arterial watercourse watercourses within the Board's Internal Drainage District. Consent will still be needed from land/riparian owner.</p> <p>ESWMB is happy that the strike plate is not used for trenchless crossings.</p>	Warning tape and strike plates can only be installed at the transition points of each side of the crossing from ground level. But not beneath the watercourse.	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
			Markers required at watercourse edges		
3.2.4	Discharges of Surface Water or Dewatering	<p>Land Drainage Consent is required from the Board for any temporary or permanent discharge of surface water or groundwater into watercourses within the Board's internal drainage district under WMB byelaws (Byelaw 3) pursuant to s.66 of Land Drainage Act 1991. This needs to be reflected in the Consents and Agreements PositionStatement [REP4-009]..</p> <p>As per 3.1.3, ESWMB supports the developer guidance supplied by the Lead Local Flood Authority. This includes discharge rates.</p>	<p>Byelaw 3 to be used. There is no fixed rate of discharge provided by ESWMB, but recommend following National Planning Policy Framework (NPPF). Instead, the proposed rate is given to WMB internal engineer for judgement. Therefore, continued communication is required during process.</p>	Not Agreed	
3.2.5	Third party agreements	<p>ESWMB will not be a third party for any landowner agreement.</p>	<p>Separate land/riparian owner consenting required.</p>	Agreed	

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.2.6		Working within floodplain permission	No Land Drainage Consent is required from the Board for working in the floodplain within the Board's Internal Drainage District.	Applicant to approach other regulators including Environment Agency (EA) consents permission for working in floodplain.	Agreed
3.2.7		Open cut cable crossings	<p>The Board seeks confirmation that there are no open-cut crossings proposed through watercourses within the WMB internal drainage district.</p> <p>Any open cut cable crossings will require warning tape/stakes and a strike plate above the cable.</p>	There are no open-cut watercourse crossings within the WMB internal drainage district.	Agreed
3.2.8		Haul Road Watercourse Crossings	The watercourse crossing schedule at section 2 of design interface document (SEAL-MMD-SEAL-ENG-TCN-0758) includes only one crossing (S/WA/0070) that would require regulation	Where a new access (haul road) crosses a watercourse, a temporary or permanent box culvert or flume will be installed. The culvert is to have a minimum internal area	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
			<p>by ESWMB. [Of the remaining 17 crossings, 4 are within the ESWMB internal drainage district but would not require Board consent¹, and 13 are outside of the internal drainage district and would therefore be regulated by the Lead Local Flood Authority.]</p> <p>Whilst ESWMB agrees with the high-level methodology proposed for works at S/WA/0070, the Board will require detailed designs within a bespoke application before it can issue consent under the Land Drainage Act 1991.</p> <p>ESWMB support the type of crossing outlined in the design interface document (SEAL-MMD-SEAL-ENG-TCN-0758), but noted that most crossings are not under IDB regulation. Should any Board consent be required,</p>	<p>1200 x 2700 mm - to be agreed with WMB once flow modelling is completed. Mammal ledges are to be included on both banks and the invert of culvert is to be installed below the bed of the watercourse.</p>	

¹ Three are proposed trenchless crossings under non-arterial watercourses, and one is a proposed clear span bridge over a main river (River Fromus)

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
			the Board will require detailed designs within a bespoke application prior to issuing consent.		
3.2.9	Application Document 6.6 (F) Habitats Regulations Assessment Report [REP4-057]	Consenting Process	The Board seeks confirmation that the project's shadow Habitats Regulation Assessment will specifically include the required works to or adjacent to ordinary watercourses, which will require additional Land Drainage Consents from the Board as outlined above.	TBC LEGAL	Not Agreed

3.3 Draft DCO

Table 3.2 Draft DCO

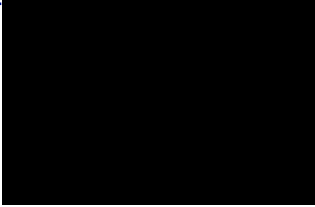
Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.3.1.	Application Document 3.1 (G) draft Development Consent Order [REP4-217], Part 1, Article 2	Definition of watercourse	<p>The Board suggests that the draft DCO is amended to ensure the definition of watercourse reflects the definition used in the Land Drainage Act 1991 to avoid unnecessary conflict between the Land Drainage Act 1991 and the DCO.</p> <p>The suggested interpretation of watercourse within the DCO includes, then excludes, a drain as being a watercourse.</p> <p>Notably there is no such thing as a public drain in the Water Industry Act 1991.</p> <p>A drain is a watercourse under the Land Drainage Act 1991.</p>	TBC LEGAL	Not Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.3.2.	Application Document 3.1 (G) draft Development Consent Order [REP4-217] , Part 4, Article 20, Paragraph 7	Recognition of Land Drainage Act 1991	<p>The Board requests that the draft DCO is amended to include the following wording of additional wording (in bold italics) into Paragraph 7:</p> <p>“Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016(a) or for consent under Section 23 of the Land Drainage Act 1991 or any byelaws made pursuant to Section 66 of the Land Drainage Act 1991”.</p>	TBC LEGAL The Applicant considers it not necessary to amend the wording in Article 20(7) as it is already the case that the article does not seek to override the requirement to seek consent pursuant to section 23 of the Land Drainage Act 1991 or the byelaws.	Not Agreed
3.3.3.	Application Document 3.1 (G) draft Development Consent Order [REP4-217] , Part 4, Article 20, Paragraph 12	Definition of public sewer or drain	<p>The Board suggests that the draft DCO is amended to ensure the definition of public sewer reflects the definition used in the Water Industry Act 1991, and that drain is excluded from this definition.</p> <p>Notably there is no such thing as a public drain in the Water Industry Act 1991.</p>	The Applicant will review the DCO drafting on this point.	Not Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
3.3.4.	Application Document 3.1 (G) draft Development Consent Order [REP4-217] , Part 4, Article 20, Paragraph 2	Settlement of disputes	<p>A drain is a watercourse under the Land Drainage Act 1991.</p> <p>Alternatively the Board wishes to understand the applicant's rationale for this definition.</p>	<p>The wording in Article 20(2) which states that disputes arising from the making of connections to or the use of a public sewer or drain by the undertaker must be determined as if it were a dispute under section 106 of the Water Industry Act 1991 is well precedented wording that has been accepted on other projects.</p>	Not Agreed

Ref	Relevant Application Document	Summary of Description of Matter	ESWMB Current Position	The Applicant Current Position	Status
			<p>any temporary or permanent discharge of surface water or groundwater into watercourses within the Board's internal drainage district under WMB byelaws (Byelaw 3) pursuant to s.66 of Land Drainage Act 1991. A dispute resolution process is already established through the Land Drainage Act 1991 / Byelaws.</p> <p>Notably there is no such thing as a public drain in the Water Industry Act 1991.</p> <p>A drain is a watercourse under the Land Drainage Act 1991.</p>		
3.3.5.	<p>Application Document 3.1 (G) draft Development Consent Order [REP4-217], Part 4, Article 20, Paragraph 1</p>	<p>Wording of Draft DCO, Part 4, Article 20, Paragraph 1</p>	<p>The Board suggests the words "or drain" are removed from Part 4, Article 20, Paragraph 1 of the draft DCO.</p>	<p>The Applicant will review the DCO drafting on this point.</p>	Not Agreed

4. Approvals

Signed	
On Behalf of	NGET
Name	James Buckley
Position	Senior Project Manager
Date	29/04/2026

Signed	
On Behalf of	
Name	
Position	
Date	

5. References

Ministry of Housing, Communities and Local Government. (2024). *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. Retrieved from <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>

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