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# Norwich to Tilbury

## Volume 5: Reports and Statements

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Legislation

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**nationalgrid**

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# Executive summary

This document outlines National Grid Electricity Transmission Plc's ('National Grid's') strategy for securing consents and associated agreements under other legislation needed to construct and/or operate the proposed Norwich to Tilbury Project (the 'Project').

The purpose of this document is to identify at a high level the consents and licences needed to construct the Project and how these would be obtained.

This document details which consents and licences would be incorporated within the Development Consent Order (DCO) and identifies other consents needed.

The consents and agreements known at this stage of the Project, to be incorporated within the draft DCO (document reference 3.1) submitted as part of the DCO application or obtained as part of the consenting process in parallel with the DCO examination, are included in Sections 1.4 and 1.5 (respectively) within this document.

The consents and licences that would be obtained separate to the DCO are detailed in Table 2.1 of Section 2 of this document.

It is intended that the process to obtain consents and licences would be agreed with stakeholders through the Statements of Common Ground (SoCGs) and legal agreements between submission of the application and the close of the examination, as outlined in Section 1.5.

# 1. Introduction

## 1.1 Overview

- 1.1.1 This document sets out National Grid Electricity Transmission plc's ('National Grid') intended strategy for obtaining consents, licences and associated agreements under other legislation needed to construct and/or operate the Norwich to Tilbury Project (the 'Project').

## 1.2 Purpose of this Document

- 1.2.1 The purpose of this document is to identify at a high level the consents that are, or may be, required to construct and operate the Project, together with how those consents would be obtained. It forms part of the application for development consent that has been submitted to the Secretary of State under s37 of the Planning Act 2008.
- 1.2.2 S37 of the Planning Act 2008 governs the content of an application for development consent, including the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('APFP Regulations'). Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany an application for development consent.
- 1.2.3 Guidance issued by the Department for Communities and Local Government (2013) 'Planning Act 2008: Application Form Guidance' (paragraphs 45 and 46) requires that:
- 'Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.*
- The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted.'*
- 1.2.4 This Statement has been prepared in accordance with regulation 5(2)(q) of the APFP Regulations as a document which National Grid considers necessary to support the application for development consent.
- 1.2.5 This document lists those consents which National Grid currently anticipates could be required for the Project.

## 1.3 The Project

- 1.3.1 The Project is a proposal by National Grid to upgrade the electricity transmission system in East Anglia between Norwich and Tilbury, comprising:
- A new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation, including:
    - Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End (CSE) compounds or existing or proposed substations
    - Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty (AONB<sup>1</sup>))
  - Up to seven new CSE compounds (with permanent access) to connect the overhead lines to the underground cables
  - Modification works to connect into the existing Norwich Main Substation and a substation extension at the existing Bramford Substation
  - A new 400 kV substation on the Tendring Peninsula, referred to as the EACN Substation (with a new permanent access). This is proposed to be an Air Insulated Switchgear (AIS) substation
  - A new 400 kV substation to the south of Orsett Golf Course in Essex, referred to as the Tilbury North Substation (with a new permanent access). This is proposed to be a Gas Insulated Switchgear (GIS) substation
  - Modifications to the existing National Grid Electricity Transmission overhead lines to facilitate the connection of the existing network into the new Tilbury North Substation to provide connection to the Tilbury Substation
  - Ancillary and/or temporary works associated with the construction of the Project.
- 1.3.2 In addition, third party utilities diversions and/or modifications would be required to facilitate the construction of the Project. There would also be land required for environmental mitigation and Biodiversity Net Gain (BNG).
- 1.3.3 As well as the permanent infrastructure, land would also be required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.
- 1.3.4 For a more detailed description of the Project refer to Chapter 4: Project Description (document reference 6.4) of the Environmental Statement (ES) (Volume 6 of the DCO application).

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<sup>1</sup> National Landscape is the rebranded name of an Area of Outstanding Natural Beauty (AONB) from 22 November 2023

## 1.4 Consents within the Draft DCO

- 1.4.1 The principal consent for the Project will be a DCO. S33 (Effect of requirement for development consent on other consent regimes) of the Planning Act 2008 makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Project).
- 1.4.2 Part 7 of the Planning Act 2008, in particular s120 (What may be included in order granting development consent), makes it clear that the following can be included within a DCO:
- Ancillary matters (including those listed in Part 1 of Schedule 5 to the Planning Act 2008)
  - The application, modification or exclusion of statutory provisions for which the provision may be made in the DCO
  - Amendment, repeal or revocation of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO
  - Incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 1.4.3 S150 (Removal of consent requirements) of the Planning Act 2008 states that a requirement to obtain certain prescribed consents, or authorisations, under the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 can be removed by the DCO with the relevant consenting body's agreement.
- 1.4.4 From the above, it is clear that the intention of the Planning Act 2008 is for the DCO process to enable land acquisition, along with many consents and powers, to be dealt with at the same time, creating a 'one-stop shop' approach for consents.
- 1.4.5 The DCO application may need to be supplemented by applications for other consents or licences outside of the draft DCO (document reference 3.1), because:
- A particular consent cannot be contained in the DCO
  - A consenting authority declines to allow a consent to be contained in the DCO
  - It is not desirable or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.
- 1.4.6 The majority of the consents required for the Project are incorporated within the draft DCO (document reference 3.1) submitted as part of the DCO application as permitted by various provisions of the Planning Act 2008. These consents, for example, include but are not limited to:
- Consent for all permanent and temporary works for the Project, referred to as the 'authorised development' and set out in Schedule 1 to the draft DCO (document reference 3.1). Article 3 of the draft DCO (document reference 3.1) is the principal power in respect of the consent for the authorised development
  - Consent to carry out street works (Article 11 of the draft DCO (document reference 3.1))

- Consent to alter the layout of streets and permanent closure of streets and public rights of way (Articles 14 and 15 of the draft DCO (document reference 3.1))
- Consent to temporarily close streets and public rights of way (Article 16 of the draft DCO (document reference 3.1))
- Consent to form and lay out means of access, or improve existing means of access, for the works (Article 17 of the draft DCO (document reference 3.1))
- Authority to survey and investigate the land (Article 22 of the draft DCO (document reference 3.1))
- Consent to remove buried human remains (Article 23 of the draft DCO (document reference 3.1))
- Compulsory acquisition of land and rights over land and the temporary possession of land (Articles 24 to 29 of the draft DCO (document reference 3.1))
- Traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 (Article 49 of the draft DCO (document reference 3.1))
- Consent to carry out works (including felling and lopping) to trees and hedgerows (including trees subject to a Tree Preservation Order and any 'important hedgerows') (Articles 50 and 51 of the draft DCO (document reference 3.1))
- Temporary closure of and works in the River Stour (Article 52 of the draft DCO (document reference 3.1)).

- 1.4.7 A number of the above consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. Therefore, under s150 of the Planning Act 2008, the relevant consenting body must agree to the inclusion (that is, disapplication) of these consents within the DCO.
- 1.4.8 Discussions between National Grid and relevant consenting bodies are ongoing.
- 1.4.9 Consents, permits and agreements that may need to be sought separately from the DCO are identified in Table 2.1.

## 1.5 Agreements

- 1.5.1 It is recognised that as part of the consenting process, agreements with relevant stakeholders may be required in parallel with the DCO examination and these agreements may take a variety of forms, as set out below.

### Statements of Common Ground

- 1.5.2 A fundamental part of the DCO process is the preparation and agreement of SoCGs with stakeholders. The SoCGs will set out the agreed position and identify any remaining matters of difference or in dispute between the Applicant and the relevant body, so as to narrow the focus for examination, and thereby help the Examining Authority conduct an efficient examination of the application. The Applicant will progress the SoCGs during the pre-examination stage, the examination phase and potentially after the close of the examination if necessary. Environmental led SoCGs currently being progressed by National Grid for the Project are with:
- Norfolk County Council
  - South Norfolk Council

- Suffolk County Council
- Babergh and Mid Suffolk District Councils
- Essex County Council
- Colchester City Council
- Tendring District Council
- Braintree District Council
- Chelmsford City Council
- Brentwood Borough Council
- Basildon Council
- Thurrock Council
- Environment Agency
- Natural England
- Historic England
- National Highways
- Norfolk Wildlife Trust
- Suffolk Wildlife Trust
- Essex Wildlife Trust
- Sustrans
- Woodland Trust
- Dedham Vale National Landscape
- Suffolk and Essex Coast and Heaths National Landscape

1.5.3 Progress on finalising the SoCGs above together with a number of other ‘non’ environmental SoCGs, along with updated/final documents, will be reported to and issued to the Examining Authority throughout the examination.

## Other Forms of Agreement

1.5.4 Other forms of agreement may also be required, including but not limited to:

- Section 106 agreements (or similar legally binding agreements e.g. unilateral undertakings)
- Agreements with Statutory Undertakers (where these are required in addition to the protective provisions within the DCO) – discussions are ongoing with the following organisations:
  - Anglian Water
  - Essex and Suffolk Water
  - Affinity Water
  - Exolum

- Cadent
- National Gas
- Network Rail
- UK Power Networks
- Agreements with the British Pipeline Agency (where required in addition to the protective provisions within the DCO) – discussions are ongoing
- Letter of Comfort from Natural England for the use of district level licensing for great crested newts
- Letters of No Impediment (LONI) from Natural England in relation to draft Protected Species Licences – further details are listed in Table 2.1.

## 2. Other Consents and Licences

- 2.1.1 This document provides an overview of National Grid's intended strategy for obtaining consents and associated agreements, in addition to the DCO, that are needed to construct and/or operate the Project. Those consents and licences to be sought separately from the DCO are listed in Table 2.1. This reflects the current understanding of the Project and depends on finalisation of the detailed design, the detailed construction site setup and methodologies. If, during detailed design or construction, unforeseen circumstances result in the potential need to obtain consents or licences currently not considered to be required, or to obtain additional consents or licences not identified in Table 2.1, this would be discussed with the relevant consenting bodies.

Table 2.1 Other Consents and Licences

Interest feature/activity	Summary of legislative context	Consenting/ licensing body	Potential need for consent/licence	Timing of submission	Comment/status
European Protected Species Licence – Bats	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	May be required for any works with the potential to damage or disturb bats or their roosts	Post-DCO consent, informed by detailed design	Species licence likely to be required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase. Engagement with Natural England is ongoing.
European Protected Species Licence – Great Crested Newts	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	District level licensing approach would be adopted	Post-DCO consent, informed by detailed design	District level licensing approach to be taken. Letter of Comfort was obtained from Natural England (2022) to confirm the Project can be covered by a District Level Licence. A countersigned Impact Assessment and Conservation Payment Certificate would be agreed prior to the close of examination phase. Engagement with Natural England is ongoing.
European Protected Species Licence – Otter	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	May be required in relation to the disturbance or damage of otter breeding or resting places within the Order Limits, prior to and during construction of the Project	Post-DCO consent, informed by detailed design	Species licence likely to be required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase. Engagement with Natural England is ongoing.

Interest feature/activity	Summary of legislative context	Consenting/licensing body	Potential need for consent/licence	Timing of submission	Comment/status
European Protected Species Licence – Water Vole	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	May be required in relation to the disturbance or removal/translocation of water voles within the Order Limits prior to and during construction of the Project	Post-DCO consent, informed by detailed design	Species licence likely to be required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase. Engagement with Natural England is ongoing.
European Protected Species Licence – Dormouse	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	May be required in relation to the disturbance or removal/translocation of dormice within the Order Limits prior to and during construction of the Project	Post-DCO consent, informed by detailed design	Species licence likely to be required. Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase. Engagement with Natural England is ongoing.
Protected Species Licence – Badger	S10 of the Protection of Badgers Act 1992	Natural England	May be required in relation to the damage and disturbance of known badger setts within the Order Limits prior to and during construction of the Project	Post-DCO consent, informed by detailed design	Species licence likely to be required. Discussions with Natural England have confirmed the use of two types of licence for the Project: 1. Project wide licence for standard sett closures 2. Main sett bespoke licence covering all known main setts (likely 3 No. setts) Intention for the Project to obtain a LONI from Natural England to support the DCO application, prior to the close of the examination phase.

<b>Interest feature/activity</b>	<b>Summary of legislative context</b>	<b>Consenting/licensing body</b>	<b>Potential need for consent/licence</b>	<b>Timing of submission</b>	<b>Comment/status</b>
Consent to carry out works within / or adjacent to a Site of Special Scientific Interest (SSSI) under s28E and s28H of the Wildlife and Countryside Act 1981	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	Required to carry out works within/or adjacent to a SSSI	Post-DCO consent, informed by detailed design	Consent may be required for works indirectly impacting SSSI. Should this be required, discussion with Natural England would be undertaken, with agreements made as per Section 1.5.
Notification of works within a Local Wildlife Site	N/A	Relevant Local Planning Authority (and if applicable Nature Conservation Authority)	National Grid agree to inform the relevant Local Planning Authority (and if applicable Nature Conservation Authority) for any works within a Local Wildlife Site	Post-DCO consent	Notification to be made by National Grid following grant of the DCO, prior to relevant works, to inform the relevant Local Planning Authority (and if applicable Nature Conservation Authority)
Permit/authorisation for translocation of fish	Permit/authorisation under the Salmon and Freshwater Fisheries Act 1975	Environment Agency	Required if translocation of fish within watercourses affected by construction works (during drain down) is required using certain methods including electrofishing.	Post-DCO consent, informed by detailed design	Permit/authorisation may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.

Interest feature/activity	Summary of legislative context	Consenting/licensing body	Potential need for consent/licence	Timing of submission	Comment/status
Flood Risk Activity Permit (temporary)	Permit under the Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Required for the temporary, construction related activities within floodplains (defined by Flood Zone 3), and for works over or under an Environment Agency designated main river	Post-DCO consent, informed by detailed design	Permit would be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Flood Risk Activity Permit (permanent)	Permit under the Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Required for any permanent infrastructure or works within a floodplain (defined by Flood Zone 3) and over or under a main river	Post-DCO consent, informed by detailed design	Permit would be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Licence to abstract and subsequently discharge water to facilitate dewatering	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	An abstraction licence and corresponding discharge licence of certain dewatering activities to facilitate the construction works may be required.	Post-DCO consent, informed by detailed design	Licence may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Water Connections Agreement for supply of mains water	Water Industry Act 1991	Relevant Water Supply Company	It is expected that a water connections agreement may be required to supply the water needs of the Project e.g. to supply temporary construction compound welfare facilities.	Post-DCO consent, informed by detailed design	Agreement may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works

Interest feature/activity	Summary of legislative context	Consenting/licensing body	Potential need for consent/licence	Timing of submission	Comment/status
Storage of waste permit	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	It is expected that the storage of waste would be within the scope and comply with the requirements of one or more of the activities specified as exempt from waste management licensing. If this position changes, an Environmental Permit would be sought from the Environment Agency.	Post-DCO consent, informed by detailed design	Permit may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Waste Permit (soil contamination)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	The Outline Code of Construction Practice (document reference 7.2) includes a commitment for the control of earthworks and/or materials movement (including any reuse of soils) to be undertaken under the appropriate Environmental Permits, exceptions or using the CL:AIRE Definition of Waste: Code of Practice or similar. The Outline Code of Construction Practice (document reference 7.2) also includes a commitment for the Main	Post-DCO consent, informed by detailed design	Permit may be required. Application to be made by National Grid following grant of the DCO, prior to relevant works.

Interest feature/activity	Summary of legislative context	Consenting/licensing body	Potential need for consent/licence	Timing of submission	Comment/status
			Works Contractor(s) to develop a protocol for dealing with any unexpected contamination which would include the preparation of a method statement for how waste will be dealt with or remediated (as appropriate), including how it would be disposed of if required.		
Control of pollution consent (noise and vibration)	S61 of the Control of Pollution Act 1974	Relevant Local Planning Authority	Where the construction activities may generate a significant noise and/or vibration effect, a S61 prior consent application may be required.	Post-DCO consent	Consent may be sought on a case-by-case basis. Application to be made by National Grid following grant of the DCO, prior to relevant works.
Permit for the transport of abnormal indivisible loads (AILs)	Road Traffic Act 1988; The Road Vehicles (Authorisation of Special Types) (General) Order 2003	National Highways, Local Highway Authority, the police and/or structures authority (if necessary)	AILs required during the construction period to deliver / transport for example shunt reactors, super grid transformers, cable drums and mobile cranes.	Post-DCO consent	Permit needed in advance of AILs being required during construction.

Interest feature/activity	Summary of legislative context	Consenting/licensing body	Potential need for consent/licence	Timing of submission	Comment/status
Network Rail approval for ALLs and construction traffic crossing their assets	Road Traffic Act 1988; The Road Vehicles (Authorisation of Special Types) (General) Order 2003	Network Rail Abnormal Roads Team	Network Rail will require a completed structural assessment which confirms a suitable load carrying capacity compared to the weight of the ALL or construction vehicles proposed. They have also stated that they will require an up-to-date condition inspection for each overbridge.	Post-DCO consent	Approval needed prior to any ALLs and construction traffic crossing Network Rail assets.

# Abbreviations

Abbreviation	Full Term
AIL	Abnormal Indivisible Load
AIS	Air Insulated Switchgear
AONB	Area of Outstanding Natural Beauty
APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
CSE	Cable Sealing End
DCO	Development Consent Order
dDCO	draft Development Consent Order
EACN	East Anglia Connection Node
ES	Environmental Statement
GIS	Gas Insulated Switchgear
LONI	Letter of No Impediment
National Grid	National Grid Electricity Transmission Plc
SoCG	Statement of Common Ground
SSSI	Site of Special Scientific Interest

# Glossary

Term	Definition
Cable Sealing End	Structures used to transfer transmission circuits between underground cables and overhead lines.
Cable Sealing End compound	Electrical infrastructure used as the transition point between overhead lines and underground cables. A compound on the ground acts as the principal transition point.
Development Consent Order	A statutory instrument which grants consents and other rights to build a Nationally Significant Infrastructure Project, as defined by the Planning Act 2008.
Dewatering	The removal of groundwater (e.g. by pumping) to keep a below-ground works area dry.
District Level Licence	District level licensing is an alternative approach to mitigation licensing for planning applications to develop sites which could affect a protected species, e.g. great crested newt.
Environmental Statement	The main output from the Environmental Impact Assessment process, an Environmental Statement is the report required to accompany an application for development consent (under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) to inform public and stakeholder consultation and the decision on whether a project should be allowed to proceed. The Environmental Impact Assessment Regulations set out specific requirements for the contents of an Environmental Statement for Nationally Significant Infrastructure Projects.
European Protected Species Licence	The licence issued to permit an activity affecting European Protected Species that would otherwise be an offence under the Habitats Regulations.
Examining Authority	A panel of inspectors, appointed by the Planning Inspectorate, to examine the DCO application.
Flood Zone 3	Land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a

Term	Definition
	1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
Letter of No Impediment	Letters of No Impediment provide the Planning Inspectorate with confidence that Natural England, as the relevant licensing authority, has considered the issues relating to protected species.
Local Wildlife Site	Non-designated areas of land important for their wildlife and nature conservation value.
Main river	A watercourse designated by the Environment Agency as a main river and marked as such on its main river map. A watercourse should be classified as a main river if it has a significant flood consequence to people and property, or could lead to significant flooding across the river catchment.
Main Works Contractor(s)	Organisation(s) responsible for constructing components of the Project appointed by National Grid.
Ordinary watercourse	Watercourses that are not main rivers, and that Lead Local Flood Authorities, district councils and Internal Drainage Boards maintain.
Overhead line	Conductor (wire) carrying electric current, strung from pylon to pylon.
Site of Special Scientific Interest	A statutory designation under the Wildlife and Countryside Act 1981 (as amended), protecting nationally important wildlife sites, habitats and geological sites.
Underground cabling	An insulated conductor carrying electric current designed for underground installation. Underground cables link together two Cable Sealing End compounds.

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