

AENC-NG-CNS-REP-0281

Norwich to Tilbury

Volume 8: Examination Submissions

Document 8.5.2 Applicant's Written Summary of Oral Submission
and Response to Action Points for Compulsory Acquisition Hearing 1

Final Issue

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nationalgrid

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1. About this Document

1.1 Introduction

- 1.1.1 This document summarises the case put by National Grid Electricity Transmission plc ('the Applicant'), at the Compulsory Acquisition Hearing 1 (CAH1) on 11 February 2026 for the Norwich to Tilbury project (referred to as 'the Project'). It also sets out the Applicant's response to the action points published by the ExA on 11 February 2026 (Action Points from CAH1 [EV5-005]).
- 1.1.2 The CAH1 opened at 2pm and closed at 4.31pm. The agenda for the hearing was published on the Planning Inspectorate's website on 13 January 2026 [EV2-002].
- 1.1.3 In what follows, the Applicant's submissions on the points raised broadly follow the items set out in the Examining Authority's (ExA) agenda.

1.2 Attendees on Behalf of the Applicant

- 1.2.1 Mr Russell Harris KC, who is Counsel instructed by Bryan Cave Leighton Paisner LLP (BCLP) appeared on behalf of National Grid, the Applicant.
- 1.2.2 The following representatives were also present:
- Ms Heather Sergent, of Counsel
 - Mr Paul Reaston, National Grid.

1.3 Structure of the Document

- 1.3.1 This document has two further chapters:
- Chapter 2: This summarises the oral case made by the Applicant at CAH1;
 - Chapter 3: This sets out the Applicant's response to the action points published by the ExA on 11 February 2026 (Action Points from CAH1 [EV5-005]) and also certain additional matters which the Applicant took note of but which are not listed in the Action Points from CAH1 [EV5-005].

2. Applicant’s Summary of Case

2.1 Item 3 (The Applicant’s Case for the CA and TP of Land and Rights)

Table 2.1 Item 3 (The Applicant’s case for the CA and TP of land and rights)

Issue Discussed	Summary of Oral Case
3.1 The extent of land sought to be subject to CA	
The extent of land sought to be subject to CA	<p>The physical extent of the land sought to be the subject of compulsory acquisition (CA) is set out in full in 4.3 Book of Reference [AS-018] and shown on 2.2 Land Plans [AS-005 to AS-012]. CA or temporary possession powers are sought in relation to approximately 6,000 parcels of land, mostly associated with the construction, use and maintenance of the Project. The extent of land over which at least one form of CA is sought is approximately 38,000 square metres, a significant proportion of which would involve the acquisition of rights rather than taking ownership of the land.</p> <p>The Draft Development Consent Order [APP-056] (the ‘draft DCO’) seeks CA powers for the Applicant and UK Power Networks, together defined as ‘the undertaker’. Each part of 4.3 Book of Reference [AS-018] sets out the respective interest, right or power to be acquired, extinguished or used in relation to each parcel of land. The refinement of requirement for the class of use in relation to the infrastructure has resulted in a multi-class position here, as has been used on other Nationally Significant Infrastructure Projects (NSIPs), such as the Bramford to Twinstead Reinforcement.</p> <p><i>*(Post-hearing note: the Applicant can confirm that CA or temporary possession powers are in fact sought in relation to approximately 8,100 parcels).</i></p>
3.2 Whether the statutory tests for CA are met on all land	
Whether the purposes for which the CA powers sought comply with Section(s) 122(2) of	<p>The statutory tests are met. The land and rights sought are reasonably necessary and at all times have been sought proportionately based on the Applicant’s experience of other DCOs including the Bramford to Twinstead Reinforcement. Therefore the statutory test under Section 122(2) of the PA 2008 is met.</p> <p>The Applicant noted that this is an ongoing process, and if at any time it becomes apparent that rights are no longer required or can be proportionately reduced, applying a precautionary principle, then this will be</p>

Issue Discussed	Summary of Oral Case
Planning Act 2008 (PA2008)	reflected by removing the relevant land or right in accordance with the provisions of the DCO and in accordance with “Planning Act 2008: guidance related to procedures for the compulsory acquisition of land” (MHCLG, 2013) (the Guidance).
Whether the ‘compelling case in the public interest’ test under s122(3) of PA2008 is met on all land sought	<p>Section 122(3) of the PA 2008 requires there to be a compelling case in the public interest for land to be acquired compulsorily.</p> <p>The Guidance makes clear that the Secretary of State will seek compelling evidence that the public benefit derived from the proposal would outweigh the private loss suffered by those whose land is to be acquired. The Applicant takes the view that this is a freestanding test, which falls to be passed separate to, and independent of, the merits of the proposal, but cannot be divorced from those merits if those merits provide a compelling case.</p> <p>Meeting the need represents a public benefit, which should be afforded great weight in accordance with Overarching National Policy Statement for Energy (EN-1)¹, paragraphs 3.2.6 to 3.2.8; and meeting the Critical National Infrastructure need will outweigh private losses at a strategic level.</p> <p>A fuller answer to this question more generally is set out under Agenda Item 3.6.</p>
Section 123	<p>Section 123 of the PA 2008 provides the further procedural condition that a development consent order may only include CA powers where the Secretary of State is satisfied that one of three statutory conditions is met. The first of those conditions requires the Applicant to have included a request for powers authorising the CA of land (including rights over land) as part of its application for development consent. Other alternative conditions are: (i) that there is consent from persons with an interest in land to the inclusion of the CA provision, or (ii) that the appropriate CA procedure has been followed.</p> <p>A request for the authorisation of CA powers was made by the Applicant as part of its development consent application for the Project, and therefore Section 123 is also met.</p>
3.3 Consideration of reasonable alternatives to CA	
Alternatives to CA	The main alternative to CA is acquisition of land or rights by voluntary agreement, which has been and would always be the Applicant’s preference. Such a preference for securing land and rights by voluntary means wherever possible has led already to significant landowner engagement and this will continue in parallel to Examination.

¹ Department for Energy Security and Net Zero (2024) Overarching National Policy Statement for Energy (EN-1)

Issue Discussed	Summary of Oral Case
	<p>The Applicant is employing significant resources on the ground to contact the relevant parties recognising that the Project is the longest DCO ever sought at 180 kilometres, with 6,000 parcels of land and 1,900 points of interaction with statutory undertakers. The Project is identified as critical national infrastructure for which there is an urgent need. NESO points to the requirement to accelerate the delivery of this critical project if possible. This means that the delays associated with any requirement to complete voluntary negotiations in advance and prior to seeking powers would potentially stymie the meeting of a national need.</p> <p>The Guidance states at paragraph 25, the general rule that an applicant should only seek CA if attempts to acquire by agreement fail; but it then goes on to say: <i>‘Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.’</i></p> <p>This note is important, because otherwise an applicant could not ensure that parcels of land in series, critical for the delivery of a long linear project are genuinely going to be available and as quickly as government and the national interest requires. The failure to deliver with certainty one or a small number of parcels has a completely disproportionate effect on the delivery of a project.</p> <p>The Examining Authority on the Bramford to Twinstead DCO in paragraphs 6.6.13-14 stated that the Applicant requires the powers of CA and TP at the outset in order to provide certainty that it will have all the rights required to realise its significant public benefits:</p> <p><i>‘6.6.13 Without the powers of acquisition being compulsorily, there would be a risk that the urgent national need for the project could not be met because the land and rights required in the Order land may not be assembled.</i></p> <p><i>6.6.14, This approach to making the application for the dDCO in parallel to conducting negotiations to acquire rights in land by agreement wherever practicable, is in accordance with paragraph 25 of the CA Guidance’.</i></p> <p>The same logic applies to Norwich to Tilbury except that Norwich to Tilbury is more critical.</p> <p>Guidance on the CA process issued in 2025² on CA, also makes it clear at paragraph 2.8 that delaying the start of a CA process can mean the proper progress of a project being lost, and in those circumstances it may often be sensible, given the amount of time required, for the acquiring authority to plan a CA timetable and to initiate formal procedures, and then to undertake the issues in parallel.</p>

² Ministry of Housing, Communities and Local Government (2025) Guidance on the compulsory purchase process

Issue Discussed	Summary of Oral Case
	<p>Whilst the Applicant contends that this guidance is also relevant, the Applicant essentially seeks to rely upon Paragraph 25 of the Guidance, and also the position as set out by the Examining Authority in the context of the Bramford to Twinstead Reinforcement.</p> <p>A second alternative to CA has been to seek temporary possession of land, and, where appropriate, the Applicant has preferred the use of temporary powers rather than the CA of land or rights as this is more proportionate when the permanent acquisition of land or rights is not required.</p> <p><i>*(Post-hearing note: the Applicant can confirm that CA or temporary possession powers are in fact sought in relation to approximately 8,100 parcels).</i></p>
<p>CA in relation to alternative options</p>	<p>Representations made to the Examining Authority suggest that there are other strategic options in relation to the Project which would invariably represent an alternative from a CA perspective.</p> <p>The Applicant does not support that proposition, noting that the delivery of any alternative solution would also inevitably require the acquisition of land and rights in the ownership of parties other than the Applicant.</p> <p>For example, an increased extent of undergrounding would invariably require the authorisation of CA powers over a larger extent of land, noting that the Order limits for underground cable swathes are typically wider than those required for overhead line.</p> <p>Similarly, the Applicant's view, and with reference to its very recent experience in the context of the Sea Link Project, is that it is by no means easier or quicker to obtain, whether by compulsion or otherwise, the rights associated with subsea routeing options. Those subsea routeing options would likely interface with gas pipelines, telecommunications equipment, and other utilities infrastructure. Crown licences would also be required.</p>
<p>How feedback from the Interested Parties, and particularly those associated with CA, has been considered on the Project</p>	<p>The Applicant noted the request made by the ExA for further detail on the general approach to CA and micro-siting and how the Applicant has engaged with landowners who are suggesting that there is an alternative to taking either their element of land or micro-siting to reduce the impact on their farm business, their access to their property, the impact on their property and how this information has been taken on board in terms of reaching a negotiated settlement. The Applicant agreed to provide a written response on these matters at Deadline 1.</p> <p>In the interim, the Applicant explained that all feedback received, including from landowners, would be the subject of multi-disciplinary evaluation as part of a standardised change control process. Within that process, different technical disciplines, including design and environmental disciplines such as heritage</p>

Issue Discussed	Summary of Oral Case
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and ecology, would be expected to review each request against objective criteria in order to assess whether the change would be advantageous or disadvantageous.

Given the size of the Project, and the several thousand responses received at each consultation, the Applicant noted that it had taken an approach of not responding directly to every individual response. However, feedback on individual requests was provided to instructed land agents and reported in various documents, all of which are publicly available- ensuring those that have specifically sought changes can see and understand how their requests have been engaged with, including **5.1 Consultation Report [APP-066]**, and **5.15 Design Development Report [APP-122]**.

Please also refer to the responses to Action Items 1d and 1h as set out in Chapter 3 (Applicant’s Response to CAH1 Action Points) of this document.

3.4 / 3.5 The extent and justification of land sought to be subject to TP

The extent and justification of land sought to be subject to TP	<p>Although Section 123 does not apply to TP, regard should be had to the same principles. In each case, the Applicant has sought to minimise the extent of TP (Class 7).</p> <p>Appendix A to the Statement of Reasons [AS-014] states the purpose(s) for which powers of TP are sought over each plot of land comprised within the Order land.</p>
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3.6 Whether there is a compelling case in the public interest for the CA and TP provisions overall.

Summary of overall position	<p>The Applicant considers that there is a compelling case in the public interest for the CA and temporary possession.</p> <p>In strategic terms, the public benefits would strongly outweigh the generality of the public loss. In the case of policy, the Overarching National Policy Statement for Energy (EN-1)³ states that there is a need for infrastructure which is urgent and should be brought forward at pace (paragraph 3.3.65 of EN-1). The Project is critical national infrastructure, which is so urgent and important that it will, in general, outweigh any other residual impacts and should be progressed as quickly as possible.</p> <p>Further, the government is clear that there is a need for sufficient energy to meet demand and to avoid shortfalls and their consequences – and with a margin to accommodate unexpectedly high demand. The Government’s Net Zero commitments also support a holistic, compelling case for urgent delivery. It is this manifold and urgent need which is the main thrust of the compelling case in the public interest.</p>
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³ Department for Energy Security and Net Zero (2024) Overarching National Policy Statement for Energy (EN-1)

Issue Discussed	Summary of Oral Case
	<p>The interference with private rights has been minimised as far as possible. The general operation of the Holford Rules, the adherence to the clear policy set out in National Policy Statement for Electricity Networks Infrastructure (EN-5), and the National Planning Policy Framework ensures at a strategic level that the interference with private rights is removed or mitigated, such that the strategic need for the proposals is compelling.</p>
White land (class 8)	<p>There is no white land tally as yet, and the final tally for white land will of course come right towards the end of the Examination as the process proceeds. The Applicant acknowledged the need to provide running interim positions to help clarify the points made about land take being necessary and proportional.</p> <p><i>Please refer to the response to Action Item 2 as set out in Chapter 3 (Applicant’s Response to CAH1 Action Points) of this document.</i></p>

2.2 Item 4 (Statutory Undertakers)

Table 2.2 Item 4 (Statutory Undertakers)

Issue Discussed	Summary of Oral Case
4.1 The current position in relation to any representations made under s127 of the PA2008 and not withdrawn	<p>There are presently 10 parties identified for the purposes of Section 127 of the PA 2008, all of whom have made relevant representations. None of those representations have yet been formally withdrawn, but negotiations are continuing with them all.</p> <p>None involve the acquisition of land.* It is anticipated that apparatus belonging to only two of these parties will need to be diverted for the purposes of the Project. The remaining statutory undertakers are seeking protections in relation to existing infrastructure.</p> <p><i>*(Post-hearing note: the Applicant, as it indicated it would, has checked this position in response to a matter raised by National Highways and wishes to clarify that Class 1 (freehold acquisition) is currently proposed in respect of the following:</i></p> <ul style="list-style-type: none"> • <i>Plots C-8/34, C-8/35, C-8/36, C-8/40, C-8/45, C-8/47, C-16/46a, C-16/48, H-7/ 21, H-7/25, H-7/26, H-7/32, H-7/35a, H-7/36a, H-7/43, H-7/44, H-7/47a, H-7/53a and H-7/55a where National Highways Limited is listed as a freeholder; and</i> • <i>Plots A-1/2, B-20/221, C-14/121, C-14/122, C-14/123, C-14/124, C-14/125, C-14/126 and C-14/127 where Eastern Power Networks is listed as a freeholder.</i>

Issue Discussed	Summary of Oral Case
	<p><i>In all instances, the Applicant considers the nature and situation of the land in question to be such that the land is capable of being acquired and not replaced without causing serious detriment to the carrying on of the respective statutory undertakings. The Applicant intends to engage with both of the affected statutory undertakers in order to clarify the position as a matter of priority.</i></p> <p><i>The Applicant also intends to update Paragraph 8.4 of the Statement of Reasons [APP-059] accordingly).</i></p>
<p>4.2 The current position in relation to the application of s138 of the PA2008 to the draft DCO including the rights and apparatus and statutory undertakers involved</p>	<p>There are 25 parties in respect of which Section 138 of the PA 2008 would apply, 10 of whom are also parties to which Section 127 of the PA 2008 would apply.</p> <p>Of the 25 parties:</p> <ul style="list-style-type: none"> • 12 parties are content to rely upon the Protective Provisions (PPs) as included within Schedule 16 to the draft DCO [APP-056]; • 5 parties are seeking to include additional PPs within the draft DCO;
<p>4.3 Set out the condition of negotiations, and unresolved concerns relating to SU’s land, rights and apparatus including progress on agreement of protective provisions with the relevant parties listed</p>	<ul style="list-style-type: none"> • 6 parties are seeking to rely upon PPs included within the draft DCO in combination with a standalone legal agreement; and • 2 parties are seeking to conclude a standalone legal agreement only. <p>The Applicant noted that interfaces with Lower Thames Crossing and the British Pipeline Association are more complex.</p> <p>The Applicant confirmed its intention to submit a tracker at Deadline 1 which would: identify all affected statutory bodies, indicate whether Sections 127 and/or 138 of the PA 2008 are engaged in each instance, and provide an update on the current status of negotiations (including in respect of PPs and any legal agreements).</p> <p>There are draft Statements of Common Ground in relation to the 25 parties noted above and these will be kept up to date as the Examination proceeds.</p> <p><i>(Post-hearing note: please see Draft Statement of Common Ground – Overview Document 5.9(B) submitted for more details).</i></p>

2.3 Item 5 (Crown Land and Other Special Category Land)

Table 2.3 Item 5 (Crown Land and Other Special Category Land)

Issue Discussed	Summary of Oral Case
<p>Crown Land</p> <p>5.1 - Update on getting consent for the inclusion of any Crown land</p> <p>5.2 - Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable).</p> <p>5.3 - Likelihood and implications of agreement not reached before the close of the Examination</p>	<p>The Applicant explained that there are 58 plots in 4.3 Book of Reference [Revision C] with a potential Crown interest. The Applicant explained that there are 58 plots in 4.3 Book of Reference [Revision C] with a potential Crown interest.</p> <p>The Applicant has been dealing with these by grouping adjacent plots that relate to the same Crown entity. For example, where there are four plots in which the Ministry of Defence has an interest and they are next to each other, the Applicant has conceptualised that as one interaction. These are shown on 2.14 Special Category and Crown Land Plans [AS-013].</p> <p>At submission of the application for development consent, there were 10 interactions involving a potential Crown interest.</p> <p>Two of those were freehold Crown Estate interests where land appeared to have passed to the Crown through escheat and the other eight were interactions where Crown bodies appeared to hold an interest.</p> <p>In terms of the two freehold Crown Estate interests, it transpires that one of those actually does not involve any Crown interest because it is still in private ownership. It has not passed to the Crown, so that will be removed from Part 4 of the Book of Reference [AS-018]. The second parcel passed to the Crown after the dissolution of a company. The Applicant is engaging via the Treasury solicitor in escheat. The Crown surveyor has undertaken a site visit and the Applicant is expecting a response shortly.</p> <p>As to the other eight interactions where the Applicant is dealing with a position where Crown entities appear to hold an interest in other people’s land, at application there was one interaction with an interest held by the Department for Education and one with the Department for Transport. Neither of those parcels of land is required anymore, so these will be redesignated as Class 8 (white land). Those are not relevant from the Crown interest perspective.</p> <p>There was also one potential interaction with the Department for Health and Social Care. This is considered unlikely to be a Crown interest and the Applicant is engaging with the Government Legal Department to ascertain the position.</p> <p>That leaves just five potential interactions with Ministry of Defence interests. The Applicant considers that it is unlikely there will be a Crown interest in three of those. Engagement with the Defence</p>

Issue Discussed	Summary of Oral Case
	<p>Infrastructure Organisation’s land management services is ongoing, with the most recent meeting held on 30 January.</p> <p>In summary of the 10 originally identified potential Crown interactions, the Applicant considers that only three will ultimately require Section 135 consent, those being the single freehold Crown Estate interest and the two Ministry of Defence interests.</p>
<p>5.4 Commons (including town or village greens), open space, or fuel or field garden allotments - The position of negotiations, and whether there are unresolved concerns relating to s131, s132 and / or s139 of Planning Act 2008.</p>	<p>The ExA asked the Applicant to respond in writing to three questions about special category land.</p> <ul style="list-style-type: none"> • In 8.3 of 4.1 Statement of Reasons [AS-014], you state that Article 53 of the draft DCO allows for temporary suspension of access to open access land. How would this be moderated or approved to ensure that suspension is not for any longer than is necessary? • In Appendix C of 4.1 Statement of Reasons [AS-014], you state the Secretary of State can be satisfied that the siting of pylons would not be less advantageous to persons who it is vested in. Can you advise if those persons whom it is vested in, confirm this is the case? • In Appendix C 4.1 Statement of Reasons [AS-014], at paragraph 2.1.10, you state that recent decisions by the Secretary of State regarding how the no less advantageous test is met, have been considered in the report. Please elaborate what that actually means in practice? <p>The Applicant’s response to each of these questions is set out in Chapter 4 (Applicant’s Response to CAH1 Action Points) of this document.</p>

2.4 Item 6 (Human Rights and Equalities)

Table 2.4 Item 6 (Human Rights and Equalities)

Issue Discussed	Summary of Oral Case
<p>6.1 In respect of both the Human Rights Act and the Public Sector Equality Duty (PSED) the Applicant to set out the:</p> <ul style="list-style-type: none"> • circumstances within which these might be engaged 	<p><i>(Post-hearing note: The ExA requested the Applicant to provide a very brief response and then to elaborate in writing. Therefore, the following text should be read alongside the response set out in Chapter 3 (Applicant’s Response to CAH1 Action Points) of this document).</i></p> <p>The Applicant confirmed that it accepts that Article 6, the right to a fair hearing, is engaged.</p> <p>The Applicant has also taken the view that Article 1 of the First Protocol, which concerns peaceful enjoyment of possessions, is potentially engaged and asked the ExA to proceed on the same basis.</p>

Issue Discussed	Summary of Oral Case
<ul style="list-style-type: none"> measures undertaken and/or in process to address possible engagement 	<p>In relation to Article 8, respect for private life and home, although no dwelling is the subject of CA, the Applicant has proceeded on the precautionary basis that the right is engaged and confirmed it is content for the ExA to do the same.</p> <p>In relation to Article 6, the Applicant considered the essential question to be whether the process as a whole is fair. In that context, the Applicant relied on what the Supreme Court has said about the planning system as a whole being fair and Article 6-compliant, starting with pre-application consultation, and adequacy of consultation milestones, the acceptance of the Order, the Examination process (including public hearings), the recommendation of an independent panel and the determination of the application by a Secretary of State, whose decision is capable of being the subject of statutory challenge and judicial review.</p> <p>In terms of the First Protocol and Article 8, the Applicant has not identified any breaches because none of the rights are absolute. However, any interference with them requires justification, and if the justification is provided, then those Articles are complied with.</p> <p>In the circumstances of this case, and in line with the Bramford to Twinstead Reinforcement and other similar overhead line projects, the Applicant stated that the urgent need for the proposal and the other elements of meeting the need case across the national agenda provided the justification with the potential interference with those rights in the particular circumstances of each case.</p> <p>The Applicant has followed the provisions of the Holford Rules and the various mitigation strategies, in order to minimise any interference, as far as it is able, with individual rights under the Human Rights Act.</p>
Equality Act 2010	<p>The Applicant explained that a duty is placed on the ExA and the Secretary of State to have due regard to the Public Sector Equality Duty (PSED) in order to, amongst other things, eliminate discrimination, advance equality and foster good relations. The Applicant has submitted 7.14 Equality Impact Assessment [APP-352], 5.6 Planning Statement [APP-085] and various other documents in order to provide the ExA with the information it needs in order to be able to discharge its statutory duty.</p>

2.5 Item 7 (Funding)

Table 2.5 Item 7 (Funding)

Issue Discussed	Summary of Oral Case
7.1 The Applicant to provide any further updates to the funding statement and whether adequate funding is likely to be available to enable the CA to proceed within the statutory period should the DCO be made.	<p>The Applicant confirmed that it is now effectively obliged to deliver the Project in accordance with its statutory and regulatory duties and that adequate funding in order to do so will be obtained from various sources.</p> <p>The Applicant explained that RIIO⁴ funding has already been provided from central government, and the Project has also been designated as an Accelerated Strategic Transmission Investment project which means it is considered to be of the highest criticality from the perspective of Government, Ofgem and other stakeholders.</p> <p>The Applicant confirmed that an updated Funding Statement would be provided at Deadline 1 in order to respond to the particular queries raised by the Examining Authority.</p> <p><i>(Post-hearing note: please see (4.2 Funding Statement [Revision B]) which has been submitted at Deadline 1).</i></p>

⁴ In 2013, Ofgem introduced a new regulatory framework called RIIO (Revenue = Incentives + Innovation + Outputs). This puts in place funding arrangements to allow National Grid to discharge its duties as transmission operator and owner.

3. Applicant’s Response to CAH1 Action Points

3.1 Applicant’s Response to CAH1 Action Points on Agenda Item 3 (The Applicant’s Case for CA and TP of Land and Rights)

Table 3.1 Actions Relating to Item 3 (The Applicant’s Case for CA and TP of Land and Rights)

Action No.	ExA Description	Applicant’s Response
Agenda Item 3 The Applicant’s Case for CA and TP of Land and Rights		
1	Review the hearing recording/transcript and reply in full in writing to the points made by the Examining Authority (ExA) in introducing item 3 of the agenda.	The Applicant has responded to these points in 1a-1h below.
1a	Please can you outline the process that you’ve undertaken to test and refine the extent of land and rights required to ensure the minimum land take, and are you, through this process, continuously seeking to test and refine the extent of both land and rights required in an attempt to reduce the need for CA?	<p><u>Limits of Deviation:</u></p> <p>The Applicant considers it prudent to note the inclusion within its application of Limits of Deviation (LoD) and to reiterate the important role which LoD will play in ensuring that the extent of land and rights required on a permanent basis is minimised wherever practicable. LoD also allow reasonable flexibility to deal with unknowable constraints encountered “on the ground” without the need for further amendments to the DCO.</p> <p>Reference is made in this context to ES Chapter 4 – Project Description [APP-130] which summarises the purpose and role of LoD as follows:</p> <p><i>4.5.1 - The Order Limits are defined as the maximum extent of land within which the Project, as defined within the ES (Volume 6 of the DCO application), may be carried out, and includes both permanent and temporary land required to build and operate (and maintain) the Project.</i></p> <p><i>4.5.2 - The Order Limits include LoD which represent the maximum deviation for permanent features, such as the overhead line, pylons, CSE</i></p>

Action No.	ExA Description	Applicant's Response
		<p data-bbox="1032 188 2029 292"><i>compounds, new substations and underground cables. This allows for adjustment to the final positioning of Project features to avoid localised constraints or unknown or unforeseeable issues that may arise.</i></p> <p data-bbox="936 308 1115 339">CA Powers:</p> <p data-bbox="936 355 2067 499">The Applicant is cognisant of the fact that CA powers should be relied upon as a matter of last resort. Therefore, and in line with the approach successfully adopted on other similar projects, the Applicant has sought to mitigate the impacts by:</p> <ul data-bbox="936 515 2040 699" style="list-style-type: none"> <li data-bbox="936 515 1995 579">• Relying on powers of temporary possession as an alternative, wherever practicable; and <li data-bbox="936 595 2040 699">• Seeking to acquire permanent rights which are (a) necessary to deliver the project and (b) proportionate in terms of the degree of interference with the interests and rights of affected landowners <p data-bbox="936 715 2067 890">In order to determine the appropriate level of rights sought, the Applicant began by identifying for each plot whether the works proposed would give rise to a permanent change of use of land as a result of the installation of apparatus and/or exclusive occupation and control is required by the Applicant. <u>In either case, this would result in the plot being identified for permanent acquisition.</u></p> <p data-bbox="936 906 2067 1010">Where plots did not meet this test, the strategy went on to consider whether the plot was solely required for the construction of the project. <u>Those plots would be temporary possession rather than compulsory acquisition.</u></p> <p data-bbox="936 1026 2067 1353">The plots remaining are those for which permanent rights would be required for example to repair replace, inspect, maintain and remove. In those instances, the Applicant has sought to narrow down the class of rights sought beyond simply “rights” and, therefore, proposes 5 classes of permanent rights (as set out in Section 2.8 and Table 2.1 in the Book of Reference [AS-018]) which seek to refine the rights needed to the absolute minimum. For example, overhead line rights (Class 2) and underground cable rights (Class 3) have different impositions on the land and those are defined separately, as are rights for access routes (Class 5) and drainage (Class 6) alone.</p>

Action No.	ExA Description	Applicant's Response
		<p><u>Where there are overlapping works areas, the class of right with the highest level of interference is taken as the overriding right sought with the subordinate rights included in most cases.</u></p> <p><u>Sequential Approach to the Acquisition of Land & Rights:</u></p> <p>The draft DCO [APP-056] contains both powers of temporary use (Articles 27-29) and compulsory acquisition (Articles 24-26). The availability of both kinds of power provides the foundation for the Applicant's sequential approach to acquisition of rights.</p> <p>For the avoidance of doubt, the Applicant notes that the temporary use power is not one of compulsory acquisition but simply a power to enter on, and take temporary possession of, land in order to carry out a specified purpose.</p> <p>Of particular relevance is Article 27 (temporary use of land by the Applicant), which would enable the Applicant to occupy land to construct the authorised development without having to permanently acquire the land or a right over land. Once constructed, that land, or rights in the land, may be compulsorily acquired. This means that the Applicant would be able to compulsorily acquire rights to retain, operate and maintain the authorised development over an area of land which matches the final footprint of the authorised development. This provides flexibility to the Applicant and, for the landowner, minimises the area of land required for the compulsory acquisition of land or rights, which has a lesser impact on the landowner</p>
1b	What is the Applicant's response to representations received who raise concerns about a lack of meaningful land engagement?	<p>The Applicant is confident that there has been a high degree of meaningful land engagement and has set out that engagement has been early, ongoing, proportionate and multi-layered, extending well beyond the statutory minimum requirements.</p> <p>The Applicant confirms that it has sought to engage with all persons with an interest in land affected by the Project, with a clear preference to secure land rights by voluntary agreement wherever possible, and that this approach has been consistently demonstrated through its actions to date. Engagement has included direct contact, offers to meet, and continued dialogue even where initial responses have not been received.</p>

Action No.	ExA Description	Applicant's Response
		<p>Where representations assert limited engagement, the Applicant notes that in a significant number of cases contact has been made by it but not reciprocated, or negotiations remain ongoing. The Applicant has nonetheless kept lines of communication open and remains available to meet affected parties at their convenience. Where affected parties have not responded to invitations to meet or to correspondence, the Applicant has continued to make reasonable efforts to contact them and ensure opportunities for engagement with the Project's lands team. This has included letter drops, follow-up correspondence by email and telephone where contact details are available, and, in harder to reach cases, door-knocking and the use of site notices.</p>
1c	<p>Please could you add some further detail as to how you have implemented the Guidance on Land Rights for New Electricity Transmission Assets (England and Wales) in this case and what your strategy has been? You set out in the statement of reasons that your preference is always to secure land rights on a voluntary basis. How has that been demonstrated in your actions to date?</p>	<p>In developing the Norwich to Tilbury Project, the Applicant has implemented the Guidance on Land Rights for New Electricity Transmission Assets (England and Wales) (the "Land Rights Guidance") through a clear, structured strategy that prioritises the early identification of land requirements, minimisation of land take, and the securing of land rights by agreement wherever reasonably possible.</p> <p>From the outset, the Applicant has applied the principle that compulsory acquisition is a last resort. This is reflected in both the scheme design and the way in which land engagement has been undertaken. The Project has sought to limit permanent land take to that which is strictly necessary for the safe construction, operation and maintenance of the assets, making extensive use of temporary possession and restrictive rights where full acquisition of land is not required. This approach is consistent with the Land Rights Guidance and is reflected in the defined Classes of Rights included within the 4.3 Book of Reference [AS-018] and 2.2 Land Plans [AS-005 – AS-012].</p> <p>The Applicant's preference for voluntary acquisition has been demonstrated through early and sustained engagement with affected parties. Engagement has included the issue of letters, plans, information booklets and, follow-up correspondence, site meetings, and ongoing dialogue through land agents acting on behalf of the Applicant. This engagement has not been limited to explaining the scheme, but has been used to understand individual landholdings, operational constraints, and landowner concerns, with that information feeding back into design development and construction planning where possible.</p>

Action No.	ExA Description	Applicant's Response
		<p>Where Heads of Terms have been issued, these have been offered on a voluntary basis and in accordance with the Compensation Code, with negotiations continuing alongside the DCO process. The Applicant has allowed flexibility in these negotiations to reflect the circumstances of individual landowners, including consideration of alternative access arrangements, accommodation works, and adjustments to temporary possession areas where these could be achieved without undermining the integrity or deliverability of the scheme. The ongoing nature of these negotiations demonstrates that the Applicant has not relied on the DCO process as a substitute for engagement but has continued to pursue agreements in parallel with Examination in line with Paragraph 25 of the Guidance, as set out in response to Agenda Item 3.3 (Consideration of reasonable alternatives to CA) above.</p> <p>The Applicant has also implemented a formal design change control process to ensure that landowner-specific feedback capable of influencing land take or rights requirements is properly assessed. Where landowner feedback has identified specific and local issues such as the siting of pylons, the alignment of access routes, or the extent of temporary works these matters have been reviewed through engineering and environmental assessment before decisions are taken. This provides a clear audit trail showing how land-related feedback has been considered and, where appropriate, acted upon.</p> <p>Compulsory acquisition powers have been included where it has not been possible, at this stage, to secure all required land rights by agreement, or where the Applicant cannot be confident that the necessary rights will be available when required to deliver the project. In those circumstances, the inclusion of compulsory acquisition powers is intended to provide certainty of delivery rather than to displace voluntary negotiation. The Applicant's strategy remains to continue negotiations with all affected parties, with the objective of securing agreements wherever possible before the powers are exercised.</p> <p>Overall, the Applicant's actions to date demonstrate that the stated preference for voluntary acquisition is not merely theoretical but has been embedded in the Project's land strategy. The scheme design, the nature of the land rights sought, the early and ongoing engagement with landowners, and the continued pursuit</p>

Action No.	ExA Description	Applicant's Response
1d	We would like to understand what account you have taken of feedback from IP's and how it has impacted on the proposed development, i.e. whether you have taken on board any of the suggested alternatives and feedback.	<p>of negotiated agreements all reflect the practical application of the Land Rights Guidance.</p> <p>The Applicant has taken full account of feedback received from Interested Parties (IPs) throughout the non-statutory and statutory consultation processes, as well as through ongoing engagement during the pre-application and Examination stages. That feedback has been a material input into the evolution of the scheme and has directly informed refinements to the proposed development.</p> <p>Feedback received from IPs has been systematically reviewed, logged, and assessed through established consultation and design change control processes. Where feedback has identified specific, locatable issues (such as concerns relating to alignment, pylon siting, access arrangements, construction impacts, environmental mitigation, or effects on land use) these matters have been subject to technical, environmental, and deliverability assessment. This has ensured that the Applicant can clearly demonstrate how it has had regard to IP feedback and the reasons for accepting or rejecting suggested changes.</p>
1e	<p>There are a significant number of land interests and we need some degree of comfort that you are employing a strategy that will ensure that as many negotiations are resolved before the close of the examination as is possible. What strategy are your land agents employing to ensure the resolution of agreements?</p> <p>How many staff have they working on this?</p> <p>What resource is being put into it?</p> <p>What degree of confidence have you that you will secure agreement?</p>	<p>The Applicant recognises the scale and complexity of the land interests affected by the Project and has therefore adopted a structured, proactive and prioritised negotiation strategy, delivered through its appointed land agents and overseen by the Applicant's internal land team.</p> <p>Drawing upon the Applicant's experience in successfully delivering land rights for other significant linear energy transmission infrastructure projects, key elements of the strategy include:</p> <ul style="list-style-type: none"> • Early engagement and continuous dialogue, with negotiations commenced at pre-application stage and maintained throughout Examination rather than deferred until after consent. • Prioritisation of interests where objections have been raised or where land rights are critical to programme delivery, enabling focused effort on those agreements most likely to be capable of resolution before the close of Examination.

Action No.	ExA Description	Applicant's Response
	<p>With what timescales are you working towards to close off and secure agreements to ensure withdrawal of objections before the close of the examination?</p> <p>How are you maintaining an appropriate level of oversight of the ongoing discussions to ensure that you are tracking appropriate milestones?</p> <p>What are your contingency plans?</p>	<ul style="list-style-type: none"> • Use of appropriate agreement types (easements, licences, and lease agreements). • Active issue-resolution, with land agents empowered to address landowner concerns relating to access, timing, farming operations, mitigation and compensation, rather than limiting discussions to heads of terms only. <p>The Applicant considers this approach to represent good practice for projects of this scale and to maximise the prospect of voluntary agreements being reached wherever possible.</p> <p>The Applicant confirms that its land agents are appropriately resourced, with a dedicated project team in place to progress negotiations in parallel across the Order limits. This is supplemented by internal Applicant resource, including land, legal and consenting specialists, who provide oversight, support and escalation where required.</p> <p>The Applicant does not consider it appropriate to fix negotiations to a single static headcount; instead, resource is flexed in response to negotiation progress, complexity and risk, ensuring that sufficient capacity is maintained to progress agreements during the Examination period.</p> <p>The Applicant currently has 15 land surveyors undertaking onsite engagement with affected parties and their appointed representatives. This activity is supported by a further 10 office-based staff managing enquiries, coordinating meetings, and providing administrative support. The project team also draws, as required, on the wider Fisher German multidisciplinary organisation of over 500 specialists, including additional land surveyors and expertise in valuation, compensation, minerals, land management, and planning.</p> <p>The Applicant has a reasonable level of confidence that a proportion of agreements can be secured prior to the close of Examination, noting that:</p> <ul style="list-style-type: none"> • Negotiations are active and ongoing; • A number of landowners continue to engage constructively; and • Experience from comparable projects demonstrates that agreements are often concluded late in Examination or shortly thereafter.

Action No.	ExA Description	Applicant's Response
		<p>However, the Applicant also recognises that the outcome of negotiations ultimately depends on third-party willingness to engage and that not all objections can realistically be resolved within the Examination timetable.</p> <p>The Applicant is working towards:</p> <ul style="list-style-type: none"> • Progressing negotiations throughout the Examination period, with the aim of securing withdrawals of objections where agreement is reached; and • Continuing negotiations beyond the close of Examination, recognising that voluntary agreements may still be concluded prior to implementation even where compulsory powers are included in the Order. <p>The Applicant considers this to be a realistic and proportionate approach given the number of interests involved and the statutory timetable.</p> <p>The Applicant maintains an appropriate level of oversight through:</p> <ul style="list-style-type: none"> • Regular reporting from land agents on negotiation status, risks and next steps; • Use of land tracking schedules to monitor progress against key milestones; and • Internal governance and escalation routes to address stalled negotiations or emerging issues. <p>This enables the Applicant to identify where additional resource, senior engagement or alternative approaches may be required.</p> <p>The Applicant's contingency is provided through:</p> <ul style="list-style-type: none"> • The Applicant's ability to increase the level of resource as and when required. • The inclusion of compulsory acquisition powers in the draft Order to ensure deliverability where voluntary agreements cannot be secured despite reasonable efforts; and • Continued commitment to negotiation alongside the use of those powers, rather than reliance on compulsory acquisition as a default. <p>With reference to its oral submissions against Agenda Item 3.3 (to which see Chapter 2 of this document), the Applicant emphasises that the inclusion of</p>

Action No.	ExA Description	Applicant's Response
		<p>compulsory powers within the draft DCO is not an indication of failure to engage, but a necessary and proportionate safeguard given the scale of the Project and the public interest it serves.</p>
1f	<p>Noting the book of reference and statement of reason, is there is sufficient clarity as to the purpose for which the land or rights is required. How are you addressing these concerns from IP?</p>	<p>The Applicant considers that, when read together with the accompanying land and works plans, the 4.3 Book of Reference [AS-018] provides clear and sufficient information as to the land and rights required and the purpose for which they are sought.</p> <p>The Book of Reference identifies, on a plot-by-plot basis:</p> <ul style="list-style-type: none"> • Land required for and directly affected by the authorised development; • Land subject to permanent acquisition; • Land subject to the compulsory acquisition of rights; • Land subject to temporary possession; and • Land where existing private rights may be extinguished or suspended. <p>This is expressly cross-referenced to the 2.2 Land Plans [AS-005 – AS-012] and 2.14 Special Category and Crown Land Plans [AS-013], ensuring that the nature of the powers sought for each plot is transparent and capable of being understood by affected persons.</p> <p>The 4.1 Statement of Reasons [APP-059] (including its appendices) then explains why those land interests and rights are required. It sets out:</p> <ul style="list-style-type: none"> • The extent of land and rights subject to compulsory acquisition and temporary possession; • The purposes for which those powers are sought, namely, to construct, operate and maintain the Project; • Why the acquisition of land or rights is necessary, legitimate and proportionate; and • Why there is a compelling case in the public interest for the powers sought. <p>The Statement of Reasons is explicitly intended to be read alongside the Book of Reference and other application documents, including the Land Plans, Works Plans and Environmental Statement.</p>

Action No.	ExA Description	Applicant's Response
		<p>The Applicant acknowledges that some Interested Parties have expressed concern that the purpose for which land or rights are required is not sufficiently clear. The Applicant does not consider that this reflects a deficiency in the application documents but recognises that the interaction between multiple documents can be complex.</p> <p>To address these concerns, the Applicant has:</p> <ul style="list-style-type: none"> • Directed IPs to the correct combination of documents (Book of Reference, Land Plans, Works Plans and Statement of Reasons) which together explain both the extent and purpose of the land interests sought; • Engaged directly with affected landowners and their agents to explain, in plain terms, whether land is required permanently, temporarily, or for the acquisition of specific rights only, and how this relates to construction, operation and maintenance activities; and • Clarified through Examination submissions and hearings how different classes of land and rights relate to defined elements of the Project, including construction access, working areas, permanent infrastructure and operational rights.
1g	<p>Can you also comment on how the compulsory acquisition of those elements to the scheme e.g. EACN, CSEs etc are progressing? Can you explain how the compulsory acquisition arrangements, in general terms for such land, is likely to be secured and handled between the different schemes?</p>	<p>The compulsory acquisition of land required for key operational elements of the scheme, such as the Substations, Cable Sealing End (CSE) compounds, and associated permanent and temporary works is progressing in line with the Applicant's wider land strategy:</p> <ul style="list-style-type: none"> • The East Anglia Connection Node (EACN) Substation on the Tendring Peninsula, the freehold acquisition of this site has been completed. • The Tilbury North Substation south of Orsett Golf Course, Heads of Terms have been issued and negotiations are ongoing, with continued constructive engagement between the Applicant and affected land interests. • Seven Cable Sealing End (CSE) compounds, which connect the overhead line to underground cables, are required for the Project. Heads of Terms have been issued to all affected land interests, and negotiations are ongoing. Engagement to date has been constructive, and the Applicant considers that

Action No.	ExA Description	Applicant's Response
		<p>agreement is likely to be reached for the majority of these acquisitions ahead of the close of the Examination.</p> <p>Where land requirements interact with other nationally significant infrastructure schemes or third party promoters, the Applicant is engaging on a coordinated basis to manage overlapping interests and to avoid duplication of land take or conflicting rights. Compulsory acquisition, if required, will be implemented on a scheme by scheme basis under the relevant Development Consent Order, with the Applicant ensuring that the scope of powers exercised is limited to what is required for each individual asset and that landowners are compensated in accordance with statutory provisions.</p>
1h	<p>Please provide detail particularly around the compulsory acquisition and the possession aspect, not just the overall scheme development, but where micro siting issues.</p> <p>How do you engage with those other landowners who are suggesting that there is an alternative to taking either their element of land or micro-siting to reduce the impact on their farm business, their access to their property, the impact on their property?</p> <p>How do the IPs know whether you are taking on board what they're suggesting?</p>	<p>The Applicant recognises the importance of demonstrating to Interested Parties that their proposals have been taken seriously. Landowner suggestions and the Applicant's response are recorded through the project's land engagement processes, including negotiation records and the Detailed Land Rights Tracker. Where proposals lead to design or land take changes, these are reflected in updated plans, revised Heads of Terms or amended land rights schedules.</p> <p>In addition, where agreement cannot be reached, the Applicant's consideration of alternatives is evidenced through Examination documents, including the Statement of Reasons, responses to Relevant Representations and summaries provided at compulsory acquisition hearings. This provides transparency to both landowners and the Examining Authority as to how landowner feedback has been considered and why particular land or rights remain necessary.</p> <p>This process is ongoing. As negotiations continue and further detail becomes available, the Applicant continues to test whether compulsory acquisition and possession can be reduced or avoided, and whether micro-siting or alternative arrangements can mitigate impacts on individual landholdings. Compulsory acquisition is therefore relied upon only where, having considered reasonable alternatives, it remains necessary to ensure delivery of the scheme.</p>
2	Clarify the treatment of white land on the land plans and indicate when the updated land plans will be submitted.	As set out in Section 2.8 and Table 2.1 in the Book of Reference [AS-018] , the Applicant has made provision for a "Class 8" designation to operate in respect of land within the Order limits where no powers of compulsory acquisition or

Action No.	ExA Description	Applicant's Response
		<p>temporary possession will be sought. The land to which Class 8 relates is left unshaded on the Land Plans [AS-005 – AS-012] and, hence, is informally characterised as “white land”.</p> <p>It is not unusual for a DCO to be made whilst containing land in respect of which no powers of compulsory acquisition or temporary possession are sought. Indeed, it is noteworthy that the draft DCO [APP-056] includes, at Article 2(1), a definition of “Order land” (meaning “<i>the land shown on the land plans and described in the book of reference</i>”) which is separate to the definition of “Order limits” (meaning “<i>the limits shown on the works plans within which the authorised development may be carried out</i>”).</p> <p>On a practical level, it is noted that the principal powers of compulsory acquisition (Articles 24 and 25) and temporary possession (Articles 27 and 28) within the draft DCO are each constrained by reference to the “Order land”.</p> <p>Therefore, and in circumstances where the Applicant is in a position to commit to avoiding recourse to reliance upon compulsory acquisition or temporary possession powers, it is the Applicant’s intention to apply a Class 8 “white land” designation to the affected plot(s), both on the Land Plans <u>and</u> in the appropriate columns within Part 1 of the Book of Reference.</p> <p>The Applicant is exploring amendments to the Detailed Land Rights Tracker (and/or other interim submissions) to potentially accommodate further commitments to avoiding recourse to reliance upon compulsory acquisition or temporary possession powers that may arise throughout the Examination, by applying a Class 8 “white land” designation to the affected plot(s), and identifying these within the Detailed Land Rights Tracker at each Deadline, where appropriate.</p> <p>It is currently anticipated that a full suite of formal updated Land Plans and an updated Book of Reference will be submitted at an appropriate interim Deadline, and again at Deadline 7 (21 July).</p>

Agenda item 4: Statutory undertakers

Action No.	ExA Description	Applicant's Response
3	Submit a list of statutory undertakers including negotiations tracker and position of s127 and s138 parties.	The Applicant has submitted a Statutory Undertaker Tracker (Document 8.7) at Deadline 1, which summarises the current negotiations with Statutory Undertakers.

3.2 Applicant's Response to CAH1 Action Points on Agenda Item 5 (Crown and Other Special Category Land)

Table 3.2 Actions Relating to Item 5 (Crown and Other Special Category Land)

Action No.	ExA Description	Applicant's Response
Agenda item 5: Crown land and other special category land		
4	Provide an up-to-date summary of the position relating to crown land plots.	The Applicant refers to the summary of its oral submissions in respect of Agenda Items 5.1 to 5.3 as set out in Chapter 2 above, and also to the 2.14 Special Category and Crown Land Plans [AS-013] .
5 Respond in writing to the three questions from the ExA regarding special category land:		
5a	Open access land: In the SoR, you state that article 53 of the draft DCO allows for temporary suspension of access to open land and I'd like to know how this is moderated or approved to ensure that suspension is not for any longer than is necessary.	<p>The location, proposed management regime, and indicative duration of construction activities affecting Open Access land are set out in the Outline Public Rights of Way Management Plan [APP-329] and are illustrated in the Open Access Land Plans [APP-047].</p> <p>Under the Countryside and Rights of Way Act 2000 (CROW Act), the power to restrict or exclude public access to Open Access land normally sits with the "relevant authority." This is the National Park Authority for land within a National Park, the Forestry Commission for dedicated woodland, and Natural England for all other Open Access land in England and for all land within the coastal margin.</p> <p>The CROW Act allows applications to be made to the relevant authority to restrict access on grounds such as land management, public safety, or fire prevention. The relevant authority is then responsible for approving the extent and duration of any temporary restriction, ensuring that any exclusion of access is justified and no longer than necessary. In the case of the</p>

Action No.	ExA Description	Applicant's Response
		<p>Project, the restrictions to access are required to ensure safety and prevent unauthorised access to construction and working areas.</p> <p>Article 53 of the draft DCO [APP-056] allows for the temporary suspension of access and, once made, the DCO would provide the powers to do so, most likely in line with Section 132 of the Planning Act 2008</p> <p>Any moderation or approval to ensure suspension is not for any longer than is necessary would be progressed via Article 55 of the DCO, be subject to Schedule 4 of the DCO and be in line with the processes and approvals in the Public Rights of Way Management Plan secured by the DCO. The Outline version of the latter document includes Section 8.3 that relates to Open Access Land and includes indicative timescales for the proposed site-specific management regimes being applied to Open Access Land. The document also states, within Section 5.1.3, that all PRoWs temporarily affected during construction will be reinstated as soon as practicable after completion of construction works.</p>
5b	<p>Special category land: In the SoR, you state the SoS can be satisfied with the siting of pylons would not be less advantageous to persons who it is vested in. Can you advise if those persons who it is vested in confirm this is the case?</p>	<p>There are two locations within the open space land within the Order Limits where new rights are sought for the location of pylons.</p> <p>These are at Fordham Hall Estate and Maple Park. In respect of Fordham Hall the area over which new rights for pylons are proposed to acquired has been assessed by National Grid as Open Space under s132 of the Planning Act 2008 on a precautionary basis, irrespective of whether National Grid considers the land is genuinely open space to which s.132 of the Planning Act 2008 applies (see paragraph 6.1.11 and 6.1.24 of Appendix C of the Statement of Reasons [APP-062]). National Grid's position is that the relevant open space areas would be no less advantageous to (a) the persons in whom they are vested (b) other persons, if any, entitled to rights of common or other rights, and (c) the public for the reasons explained in detail in section 6 of Appendix C to the Statement of Reasons.</p> <p>National Grid is not aware of whether or not the persons in whom the relevant land is vested agree with their conclusion (as explained in section 6 of Appendix C) that the land is no less advantageous when burdened by the rights being acquired, having regard to the specific circumstances of the Project under which the test under s132 of the Planning Act 2008 is being applied.</p>
5c	<p>Special category land: In SoR, at paragraph 2.1.10,</p>	<p>National Grid reviewed the recent Bramford to Twinstead decision to identify factors relevant to consideration of whether the no less advantageous exemption or test is met. That work</p>

Action No.	ExA Description	Applicant's Response
	<p>you state that recent decisions by the Secretary of State regarding how the no less advantageous test is met have been considered in the report and I'd just like you to elaborate what that actually means in practice.</p>	<p>identified a number of factors that are recorded as paragraph 2.1.11 of the Special Category Land Report (Appendix C of the Statement of Reasons [APP-062] that are considered to be relevant to the question of whether open space is less advantageous or not when burdened with the new rights proposed to be acquired. That analysis is, necessarily, based on the circumstances and facts applying to that specific DCO application decision. For the avoidance of doubt, the list of factors taken from the Bramford to Twinstead decision and put forward at paragraph 2.1.11 is inclusive not exclusive. It is not suggested that those are the only factors which are relevant to the no less advantageous test under s.132 of the Planning Act 2008 or that in the case of the application of that test to the Norwich to Tilbury DCO Application that there are no further factors that are relevant to the satisfaction of otherwise of the test (emphasising and noting that the test is concerned with the effect of the right to be acquired in respect of any Open Space function of the relevant land and not the effect of the Project on the land in question more generally).</p> <p>In that context the Applicant's assessment of the open space at Fordham Hall Estate and Maple Park is set out in section 6 of Appendix C of the Statement of Reasons. This includes consideration of the factors identified from the Bramford to Twinstead decision and all other facts and circumstances in relation to the Project that are relevant to the application of the s.132 test of whether the land is no less advantageous when burdened with the rights proposed to be acquired by the Project.</p> <p>For the avoidance of doubt, the Applicant's assessment concludes that even if their assessment of the no less advantageous test is not accepted, the areas would nevertheless benefit from the exemption in s132(4A) of the Planning Act 2008 and therefore the acquisition of new rights over these areas of open space should not be subject to special parliamentary procedure.</p>

3.3 Applicant’s Response to CAH1 Action Points on Agenda Item 6 (Human rights and Equalities)

Table 3.3 Actions Relating to Item 6 (Human rights and Equalities)

Action No.	ExA Description	Applicant’s Response
6a	Human Rights	<p>Article 1 of the first Protocol 1 (A1P1) of the ECHR (as enacted and given effect in UK legislation through the Human Rights Act 1998) is engaged in instances where the Project requires compulsory acquisition of land or rights, or temporary possession during construction and or for the purposes of ongoing maintenance that may affect a person’s peaceful enjoyment of possessions (in this context primarily their land).</p> <p>The Project involves limited acquisition of rural agricultural land and temporary construction access. The main form of interference is therefore one of ‘control of use’ for a specific purpose, rather than permanent deprivation.</p> <p>The 7.14 Equality Impact Assessment – EqIA [APP-352] confirms no known equality impacts arising from land acquisition, and the Project has sought to ensure throughout the route development phases (including responses to feedback received through both general and targeted engagement) that the minimum level of land is being sought for its construction, operation, maintenance and decommissioning.</p> <p>Article 6 is engaged because the DCO process, through the acquisition of land and the potential to take power over land to deliver the project, interacts with established civil rights. The Planning Act 2008 provides a structured examination process with very clear requirements and obligations to ensure inclusive consultation, which requires the identification of groups or communities with protected characteristics or who require assistance in accessing consultation events or documentation and public access to documents.</p> <p>Article 8 may be engaged due to temporary or permanent impacts on residents’ private and family life arising from construction noise, changes to views, PRow diversions, construction traffic, and localised effects on tranquillity or perceived health risk (e.g., EMF perception). Vulnerable groups which may experience differential sensitivity have been identified where possible, and further explanation</p>

of how this has been achieved is provided in **6.10 Environmental Statement Chapter 10 Health and Wellbeing [APP-192]** and its associated appendices. Such groups include, but are not necessarily limited to, older people, disabled people, young people, and those with sensory or neurodivergent conditions.

6b	Equalities	<p>The Equality Act 2010 requires the Secretary of State to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. Although National Grid is not itself subject to the PSED when promoting a DCO, it has voluntarily adopted an approach consistent with PSED principles and has submitted a full EqIA to the Examining Authority.</p> <p>The relevant documents in the DCO Application are as follows:</p> <ul style="list-style-type: none">• The 7.14 Equality Impact Assessment [APP352] describes how protected groups were considered throughout design evolution, option assessment, consultation and mitigation planning.• The 6.10 Environmental Statement Chapter 10 Health and Wellbeing [APP-192] sets out how vulnerable populations etc have been mapped to inform the engagement process.• 6.3 Environmental Statement Chapter 3 Alternatives [APP-127] and 6.4 Environmental Statement Chapter 4 Project Description [APP-130] set out the consideration of alternatives, the routing design methodology followed and how design changes were implemented along the line of route.• The details of the Consultation process are set out in the 5.1 Consultation Report [APP-066] and the 5.1 Appendix E: Statement of Community Consultation [APP 071].• No observations or representations relating to those with protected characteristics (as defined by the Equality Act) have been received at the time of preparing this response.
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3.4 Applicant’s Response to CAH1 Action Points on Agenda Item 6 (Funding)

Table 3.4 Actions Relating to Item 6 (Funding)

Action No.	ExA Description	Applicant’s Response
7	Provide an updated version of the funding statement, which should address the ExA’s specific points regarding: Funding stream, OfGEM, Cost base (construction inflation etc since 2020/21), cost contingency, compensation, Treasury Green Book.	The Applicant has submitted an updated Funding Statement at Deadline 1 (4.2 Funding Statement [Revision B]).

3.5 Applicant’s Response to CAH1 Action Points on Agenda Item 8 (Any Other Matters)

Table 3.5 Actions Relating to Item 8 (Any Other Matters)

Action No.	ExA Description	Applicant’s Response
8	Respond to the points made by Mr Cheeseman on the compelling case and also the penalties under ECHR, particularly Article 6 and 8.	The Applicant refers to the above, including its responses to the Actions Relating to Item 6 (Human rights and Equalities) as set out in Table 3.3 above.

National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152
nationalgrid.com