

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Grid Electricity Transmission Plc for an Order granting Development Consent for the National Grid Norwich to Tilbury Project

Planning Inspectorate Reference Number: EN020027

Deadline 5: Comments on any further information or submissions made by the Applicant and received by Deadline 4 and notification of wish to attend hearings on week commencing 22 June 2026 submitted on behalf of National Highways Limited

1. INTRODUCTION

- 1.1. This document is submitted on behalf of National Highways Limited ("NH") in respect of the application by National Grid Electricity Transmission Plc ("the Applicant") for an order granting development consent for the National Grid Norwich to Tilbury Project ("the DCO"). The purpose of this document is to comment on further information received by Deadline 4 in relation to:
 - (a) the draft Book of Reference and to reiterate why compulsory acquisition powers over NH's land are neither necessary nor proportionate.
 - (b) The latest draft DCO.
 - (c) The latest statutory undertaker tracker.
- 1.2. In addition, NH wish to attend CAH3 and ISH3 on 24th June and ISH4 on 25/26 June.

2. BOOK OF REFERENCE SUBMITTED AT DEADLINE 4

- 2.1. As the Examining Authority are aware, the Book of Reference includes approximately 154 plots of land owned or occupied by NH in respect of which compulsory acquisition powers are sought. Those plots constitute land acquired by NH for the purpose of maintaining its statutory undertaking and are subject to section 127 of the Planning Act 2008. NH have undertaken a detailed plot-by-plot review and have discussed this with the Applicant. It is noted that three new NH interests have been added to the revised Book of Reference submitted at Deadline 4. NH are reviewing these plots and will liaise with the Applicant.
- 2.2. Within the land over which rights are sought, there are plots where NH's ownership is historic and the relevant roads have been detrunked, with ownership having passed to the local highway authority but the transfer not yet been registered at the Land Registry. The Applicant acknowledged that it would update the Book of Reference accordingly. Despite this acknowledgement, the Book of Reference submitted at Deadline 4 does not contain this update.
- 2.3. In addition, NH has consistently requested the removal of operational highway land from the Book of Reference for the reasons set out below. Discussions in relation to all items above are on going.

Compulsory Acquisition Is Not Necessary or Proportionate

- 2.4. Notwithstanding the on-going discussions, NH's position remains that compulsory acquisition of NH's operational land is not necessary or proportionate. NH's detailed review demonstrates that the proposed permanent land take falls into two categories where compulsory acquisition is not required. First, land which is NH's managed highway required for highway works or widening — such works are authorised by the DCO subject to protective provisions ensuring NH approves the detail of those works. Second, land owned by NH required for Strategic Road Network ("SRN") widening which does not need to be acquired only to be transferred back to NH; access can be granted through protective provisions and by agreement.
- 2.5. The plots in both categories are either part of the SRN or land which NH owns that will become part of new SRN. Their inclusion in the Book of Reference is not necessary or proportionate as required by the Planning Act Compulsory Acquisition Guidance.

NRSWA Provides Adequate Statutory Powers

- 2.6. In relation to the acquisition of rights, the Applicant has statutory powers under section 50 of the New Roads and Street Works Act 1991 ("NRSWA") to install, maintain and repair apparatus in a public highway, including carriageway, verge and footway. Section 105 of the NRSWA confirms that references to "in" a highway include works, apparatus or other property under, over, across,

along or upon it. The Applicant can therefore undertake the overhead line works without compulsory acquisition, and the inclusion of these plots is not necessary or proportionate.

- 2.7. At the Compulsory Acquisition Hearing, the Applicant indicated that the issue of use of powers under section 50 of the NRSWA remains outstanding and that further discussions are required. As indicated above, this remains the case.
- 2.8. To the extent that any underground cable crossings may require an easement, NH is prepared to grant that by consent. Compulsory acquisition is not necessary.

Serious Detriment to the SRN

- 2.9. Compulsory acquisition of NH's operational land could cause serious detriment to its undertaking. NH controls the freehold beneath the highway to the centre of the earth and to the heavens above, held for the benefit of its statutory undertaking. Without appropriate protections, any damage to the SRN or highway estate would require funding to rectify that is not within NH's budget, with no recourse to public funding for emergency works. It is not acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying the statutory protections available to NH.

Relief Sought

- 2.10. NH respectfully requests that the Examining Authority:
 - (a) finds that compulsory acquisition is neither necessary nor proportionate given the Applicant's existing statutory powers under the NRSWA and the availability of access through protective provisions and agreement;
 - (b) records that NH maintains its objection until satisfactory protective provisions and a side agreement are in place.
- 2.11. NH remains committed to engaging constructively with the Applicant and is prepared to assist in whatever way is reasonable to ensure the Authorised Development proceeds efficiently. However, the safety and integrity of the SRN must be protected, and the statutory tests for compulsory acquisition must be met.

3. DRAFT DCO SUBMITTED AT DEADLINE 4

- 3.1. It is noted that the draft DCO has not been updated to address NH's concerns raised in its Relevant Representations **[RR-2657] (paragraph 6)**, Written Representations **[REP1-192]** as further supplemented by its Deadline 2 comments **[REP2-043] paragraph 2.5 and Table T1.2 (page 24 onwards)** and nor have any amendments been made to reflect the discussion at ISH2 on 28 and 29 April **[REP-343]** save for the amendment to Requirement 4(1) which is welcomed (see page 2 and 4 of **[REP-343]**). NH's objections are not set out again to avoid repetition. NH's objections as previously stated remain.

4. COMMENTS ON LATEST STATUTORY UNDERTAKER TRACKER SUBMITTED AT DEADLINE 4

- 4.1. It is noted that the latest statutory undertaker tracker submitted for Deadline 4, sets out the recent meetings between the Applicant and NH. By way of an update, the Applicant shared updated draft protective provisions and a draft side agreement on 29 May. A further meeting is scheduled for 18 June. NH note the comment in the tracker that "*The parties are continuing to work together to resolve issues and arrange future meetings. As these protective provisions are under*

negotiation, the Applicant anticipates including them in the draft Order at Deadline 6". It is assumed that an updated Book of Reference will also be submitted at Deadline 6.

5. NOTIFICATION TO ATTEND HEARINGS ON THE WEEK COMMENCING 22 JUNE 2026

5.1. Please note that NH wish to attend CAH3 and ISH3 on 24th June and ISH4 on 25/26 June.