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Norwich to Tilbury

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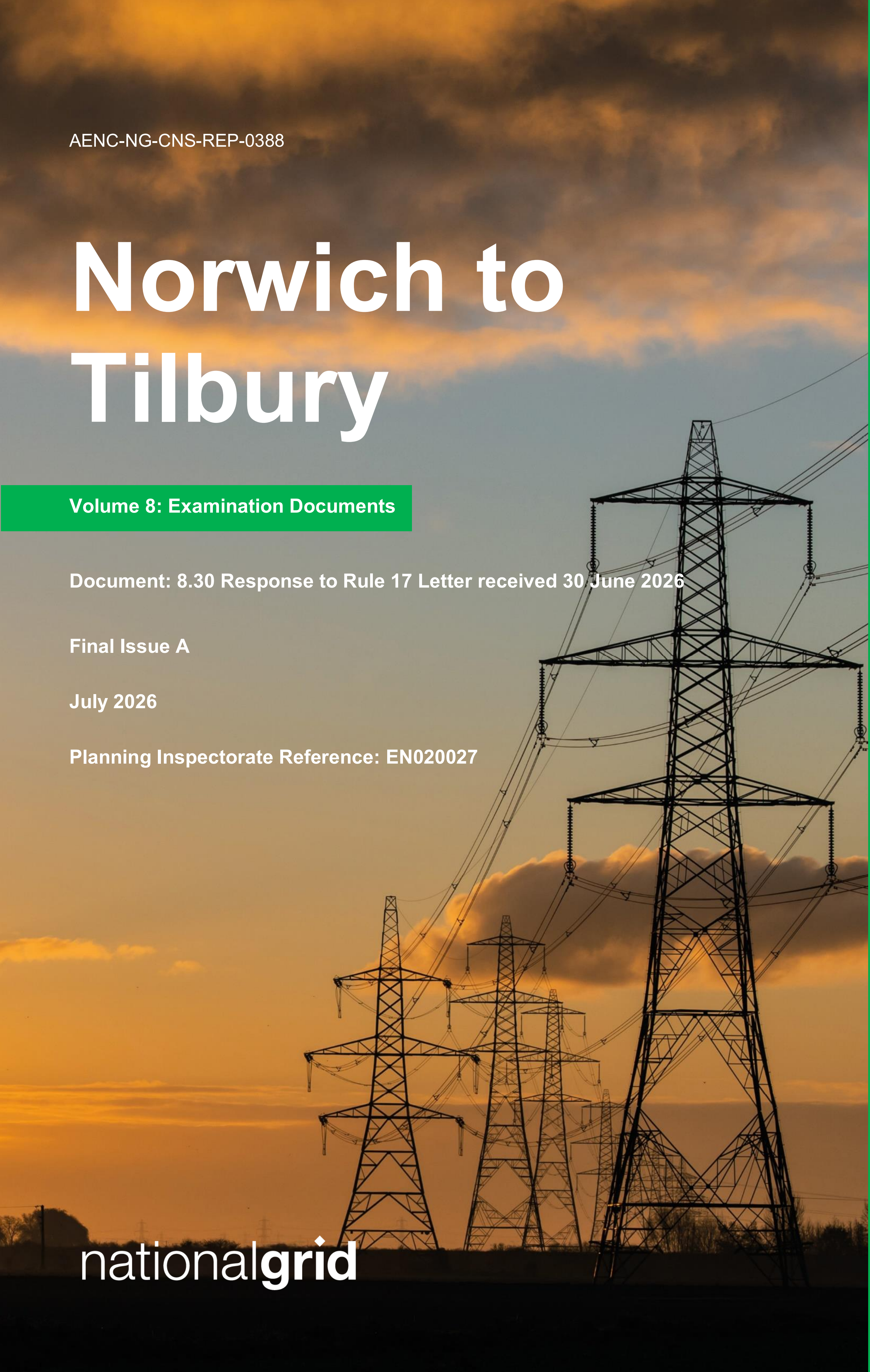

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1. Introduction

1.1.1 On the 30 June 2026, the ExA issued a **Rule 17 Letter [PD-029]** with a Request for further information from the applicant and all local authorities relating to matters deferred from issue specific hearing 3 (draft development consent order) and issue specific hearing 4 (socio-economic matters). This document is the Applicant’s response to that letter.

2. Applicant's Response to Rule 17 Letter 30 June 2026

Table 2.1 Applicant's Response to Questions in the **Rule 17 Letter [PD-029]** dated 30th June

Section	Question	Updated Applicant's Response
Draft development consent order (DCO) matters deferred from issue specific hearing 3		
Agenda item 5.2 (Schedule 3 requirements and Schedule 4 discharge of requirements)		
1a	The examining authority (ExA) notes that there are requirements contained within other DCOs which specifically relate to: • stages of the authorised development • management plans and commitments, including in relation to the employment and skills plan (ESP) • management plans to be approved • the provision of as-built details to relevant local authorities, especially in relation to underground cable corridors The applicant is asked to explain why similar requirements are not to be incorporated into the draft DCO?	**3.1 Draft DCO [Revision F]** contains the following requirements: • Requirement 3: Stages of authorised development • Requirement 4: Construction Management Plans (including management plans to be approved) • Requirement 15: Employment and Skills Plan. Summaries of each of these requirements is set out in section 4.3 of **3.2 Explanatory Memorandum [Revision F]**. **3.1 Draft DCO [Revision F]** does not include a requirement relating to the provision of as-built details to relevant planning authorities, including in relation to underground cable corridors, except in the National Highways protective provisions in Part 5 of Schedule 16 where the provision of as-built details is a prerequisite for a provisional certificate to be issued. The Applicant notes that the protective provisions in the draft Sea Link DCO contain an obligation to provide as-built drawings, however, the Applicant notes that in Sea Link, this obligation relates to cables in the marine environment where the Marine Management Organisation, Trinity House, the Port of London Authority and London Gateway Port Limited would require these as-built details to ensure marine and navigational safety. Likewise, the North Falls DCO contains obligations in protective provisions to provide as-built details for underground cables to the relevant marine or port authorities, the Environment Agency and the relevant highway authorities.

Section	Question	Updated Applicant's Response
		On the basis that the Norwich to Tilbury Project does not propose sub-sea cables, the Applicant does not consider a requirement to provide details of cable corridors to be appropriate for inclusion in **3.1 Draft DCO [Revision F]**.
1b	The outline code of construction practice submitted with the Sea Link DCO application makes reference to 'mitigation of intra-project cumulative effects' (GG40). The ExA questions why the submitted outline code of construction practice, submitted in relation to the proposed development, does not contain a similar commitment bearing in mind the number of consented DCOs and other major developments, including potential emerging developments, that are or would be located close to order limits of the proposed development. The schedule of modifications for Sea Link proposes a requirement related to securing the commitments to mitigation required arising from the intra-project cumulative effects. The ExA seeks the applicant's considered response in regard to this matter.	To further assist the ExA, the Applicant considers it would first help to distinguish intra-project cumulative effects from inter-project cumulative effects. Intra-project cumulative effects (referred to as 'inter-relationships between aspects' in the Planning Inspectorate's Advice Note: Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment (Planning Inspectorate, 2024) are those that may arise when several different effects resulting from the same Project have the potential to affect a single receptor (the cumulative effects referred to in the Sea Link commitment and Requirement). Inter-project cumulative effects are those that arise from the interaction of the Project with 'other developments'. Commitment GG40 on the Sea Link Project states: '*Once detailed design is complete and detailed construction and programme information is available, the undertaker commits to undertaking a review of the intra-project cumulative effects assessment submitted with the application (as amended during the Examination) to consider: 1. if the significant intra-project cumulative effects are still considered likely to occur; and 2. if they are still considered likely to occur, what additional appropriate mitigation measures may be applied to reduce their significance in line with the mitigation hierarchy*' The commitment and securing Requirement in their DCO was included as the Project team reported some potentially significant intra-project cumulative effects relating to residential amenity, road users, and PRoW users. They did not identify any additional mitigation to address the potential cumulative effects - this was because the contributing effects (visual, noise, traffic/severance) could either not be mitigated any further (visual) or were already mitigated to minor (traffic/severance and noise) and it was considered unlikely that proportionate measures could be added to reduce these sources of effect further. The team also identified uncertainty with their assessment. On Norwich to Tilbury, the Project and circumstances are materially different to those on Sea Link. Although we have identified some similar significant intra-project cumulative effects on a limited number of receptors during the construction phase, largely driven by landscape and visual effects and some on pedestrians,

Section	Question	Updated Applicant's Response
		cyclists and horse riders driven by visual and noise and access and delay). Impacts to pedestrians, cyclists and horse riders resulting from noise, access and delay are already mitigated for within **7.2 Outline CoCP [Revision F]** and the **7.3 Outline Construction Traffic Management Plan [Revision E]**. Landscape and visual effects cannot be mitigated further owing to the nature of the Project. Therefore, following the mitigation hierarchy this leads to offset / compensate which feeds into existing discussions and agreements currently being sought around landscape compensation. Unlike Sea Link, the Applicant has not identified any need to justify a post-consent requirement to revisit the intra-project cumulative assessment. The assessment has been undertaken on the basis of a set of design parameters, secured mitigation and a comprehensive understanding of likely construction and operation (and maintenance) effects. The Applicant therefore does not consider that a requirement or commitment to review the assessment is considered necessary. Mitigation put in place for impacts on pedestrians, cyclists and horse riders resulting from noise, access and delay has already been secured through the Project's management plans and agreements on landscape compensation are in progress.
1c	At issue specific hearing 2 the applicant referred to the possible use of development validation checklists with the relevant local authorities and/ or other bodies for the discharge of their requirement submissions. The applicant is asked to provide an update on discussions regarding such a checklist.	The Applicant confirmed in its response to Action Point 10(b) in **8.5.8 Applicant's Response to Issue Specific Hearing 2 Action Points [REP4-303]** that it agrees a validation checklist (or similar) could be helpful, and that it would be most appropriate for the drafting to be proposed by the host authorities for consideration by the Applicant. No drafting has yet been proposed however the Applicant will continue discussions on this matter with the host authorities as it progresses ways of working for the discharge of requirements.
Socio-economic matters deferred from issue specific hearing 4		
Employment and Skills Plan		
2a	The ExA asks all local authorities for their comments on the outline ESP **[REP5 215]**, including whether they consider the applicant has adequately addressed the matter of supply chains within the document bearing in mind the number of other	This question is not addressed to the Applicant.

Section	Question	Updated Applicant's Response
	Nationally Significant Infrastructure Projects consented in the vicinity of the proposed development. If not, do they suggest any measures the applicant could consider, if any, to address any concerns raised.	
2b	Views are sought from the applicant, as well as all local authorities, as to whether approval of the submitted document should be secured within the wording of the new requirement (requirement 15) in schedule 3 of the draft DCO **[REP5 060]** relating to the ESP.	The **8.13 Outline Employment and Skills Plan [REP5-215]** for Norwich to Tilbury is a standalone, benefit-led document, rather than a mitigation measure required to address an identified adverse effect. The socio-economic assessment in the Environmental Statement (see **6.15 Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [Revision B]**) identifies and assesses impacts such as employment generation and training opportunities but does not rely on an Employment and Skills Plan to mitigate significant adverse effects. Instead, the Plan represents the proactive delivery of additional socio-economic benefits arising from the Project. This distinction is important: unlike other management plans (such as the CoCP or NVMP), which are necessary to control environmental impacts, the Employment and Skills Plan is not required to make the development acceptable in planning terms. The approach aligns directly with the National Policy Statement for Energy (EN-1) (para 5.13.10), which states that the Secretary of State during its decision making "may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS)." Para 5.13.11 goes on to state that: "The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts." Paragraph 5.13.12 provides discretion for the Secretary of State to secure an Employment and Skills Plan by requirement where appropriate. The applicant considers that in circumstances where the Plan is not relied upon to mitigate an identified adverse effect, a lighter-touch mechanism such as submission for

Section	Question	Updated Applicant's Response
		information and delivery in general accordance is consistent with the flexibility envisaged by the NPS. The NPS does not mandate that such benefits must be secured through enforceable mitigation or subject to formal approval. Instead, it treats these matters as part of the overall socio-economic balance, recognising that major infrastructure projects can deliver positive economic outcomes, including employment, skills development and supply chain opportunities. Accordingly, Employment and Skills Plans sit within the category of benefit realisation, not impact mitigation. Given this policy context, the Applicant considers it appropriate that Requirement 15 is framed as a submission requirement, ensuring transparency and engagement with host authorities rather than a discharge requirement, which would imply regulatory control necessary to mitigate harm. Requiring formal approval would conflate benefits with mitigation, which is not supported by the NPS framework. Requirements in a DCO are intended to control impacts that are necessary to make development acceptable, whereas the Employment and Skills Plan goes beyond policy requirements by setting out how additional benefits will be delivered. The drafting of Requirement 15 appropriately ensures that host county authorities and Thurrock Council are informed of the final Plan and the Project is delivered in general accordance with that Plan. The Applicant considers that this strikes the correct balance between recognising the legitimate interest of local authorities in socio-economic outcomes and avoiding an unnecessary or disproportionate approval mechanism for a non-mitigation document.
Community Benefit Funding		
The ExA notes caselaw such as Newbury District Council v Secretary of State for the Environment [1981] AC 578, which relates to the fundamental principles of the planning system and the tests set out therein, and R (Wright) v Forest of Dean District Council [2016] EWHC 1349 (admin), as upheld in the Supreme Court in [2019] UKSC 53, which relates to community benefit funding. Notwithstanding that community benefit funds are primarily delivered outside the development consent process, the applicant is asked to:		

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a	Provide a clearer explanation of its current consultation on its community benefits strategy, including in relation to the process of creating community benefit funds and the objectives of such funding. The ExA asks that it gives interested parties a better understanding of why such funding falls outside of the development consent process.	The Applicant agrees with the ExA’s statement that community benefit funding for electricity transmission infrastructure is delivered outside the development consent process. The **Newbury District Council v Secretary of State for the Environment [1981] AC 578** set the fundamental principle that a condition must serve a proper planning purpose and **R (Wright) v Forest of Dean District Council [2016] EWHC 1349 (admin), as upheld in the Supreme Court in [2019] UKSC 53** found the proposed community benefit payments of a proposed new wind turbine development did not pursue “any proper planning purpose” and is not a material planning consideration that can be taken into consideration. The Community Fund would be delivered in line with UK Government guidance, which sets out that: • Community Funds are voluntary and policy-led (non-planning) • They sit outside the planning and consenting regime • They are not mitigation and are not used to justify or secure consent They are therefore distinct from: • Planning mitigation and obligations, and • The Employment and Skills Plan, where any employment or skills impacts and opportunities arising directly from the development would be considered through the planning process National Grid does have a long-standing commitment to the communities it works alongside, and wants to ensure that the areas hosting National Grid infrastructure see lasting and meaningful benefits. If the Project is granted development consent, a dedicated Community Fund worth more than £30 million will be available when construction begins. Community Funds are intended to recognise the role communities play in hosting new electricity transmission infrastructure. They are designed to deliver positive, long-term benefits for those areas. The Norwich to Tilbury Community Fund is being developed in line with government guidance[1], and would be invested in two ways, a Local Fund, with grants available

[1] https://assets.publishing.service.gov.uk/media/692826dace50d215cae960f2/community-funds-for-transmission-infrastructure-2025.pdf

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		for grass-roots projects and a Strategic Fund, supporting bigger, longer-term projects. Community Funds provide additional, discretionary benefits, over and above what would ordinarily be delivered as part of the project. The Norwich to Tilbury Community Fund could support projects such as investing in skills and training, improving community spaces, supporting physical health and wellbeing, enhancing green spaces or creating partnerships with charities or service providers. To give an indication for what types of projects can be awarded funding via the Community Fund, here are a few examples: • Burnmoor Cricket Club was awarded £19,500 for a project to install solar panels on a well used community building, by the Eastern Green Link 1 Project. • Wilberfoss, Kexby and Newton Playing Fields Association was awarded £8,000 by the Yorkshire Green Project, to install an outdoor gym for ages 12 and over to encourage exercise and use of the green space for 250 existing users and the broader local community. • Friends of St Nicholas Fields was awarded £9,996 by the Yorkshire Green Project to run a conservation group for a rotating membership of 40 disadvantaged people over 12 months in a nature reserve, involving tending to fruit trees, wildflower planting, gardening, and woodworking. Community fund payments to support such projects identified above are unlikely to: • serve a valid planning purpose; • meet the 3 tests set out in CIL regulation 122; and • qualify as a material consideration. By falling outside of the development consent process, this helps to promote public trust in and the integrity of the Planning Act 2008..
b	Provide details of timings of and the methods used for consultation.	The Applicant will start to consult with the local community and stakeholder from July 2026 to hear their views on what is important locally and how the fund could make a difference to where they live.

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		We are keen to take as much time as possible to consult on the project's Community Fund, so while the consultation will begin in July, most of the engagement will be carried out after the close of the Examination, in order to maintain a clear separation from the planning process. The following is either underway or is anticipated shortly: • Initial information sharing has started, beginning with stakeholder briefings with local authorities, community representatives and key organisations • Followed by wider public engagement in early July. This will be in the form of an information update via the project's communications channels, together with a public survey, open to residents, charities, businesses and community groups. Through the survey, we will seek views on local priorities and funding themes to better understand what communities would like to see from a Community Fund. • And a second phase of more targeted engagement to refine priorities after close of examination. This will be informed by what survey responses tell us but is likely to include: – Workshops and roundtables with local stakeholders • Topic-specific discussions with charities and sector representatives • Potential one-to-one engagement if additional insight is needed.
c	Provide details of how the applicant would decide what is to be included within the community benefit fund strategy and how that will then inform the creation and delivery of community benefit funds.	Community input will be central to shaping the strategy and funding priorities. National Grid will establish the fund in line with Government guidance and regulatory expectations. However, funding decisions will be made through clear governance arrangements, designed to be: • Fair • Transparent • Independent In practice: • The Local Fund will be administered by independent, third-party grant bodies, using local insight and agreed criteria to assess applications.

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		• The Strategic Fund will be shaped with input from local and regional stakeholders, through an Independent Advisory Network, bringing together individuals with relevant expertise and local knowledge These structures ensure that: • Decisions are not predetermined • Funding reflects genuine local need and priorities • There is appropriate independence and accountability We encourage involvement from residents, community groups, charities and elected representatives to help inform how community funds are designed and delivered. We will explain how community input has influenced decisions and will also publish information on funding decisions and outcomes, and support wider monitoring and evaluation requirements.

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