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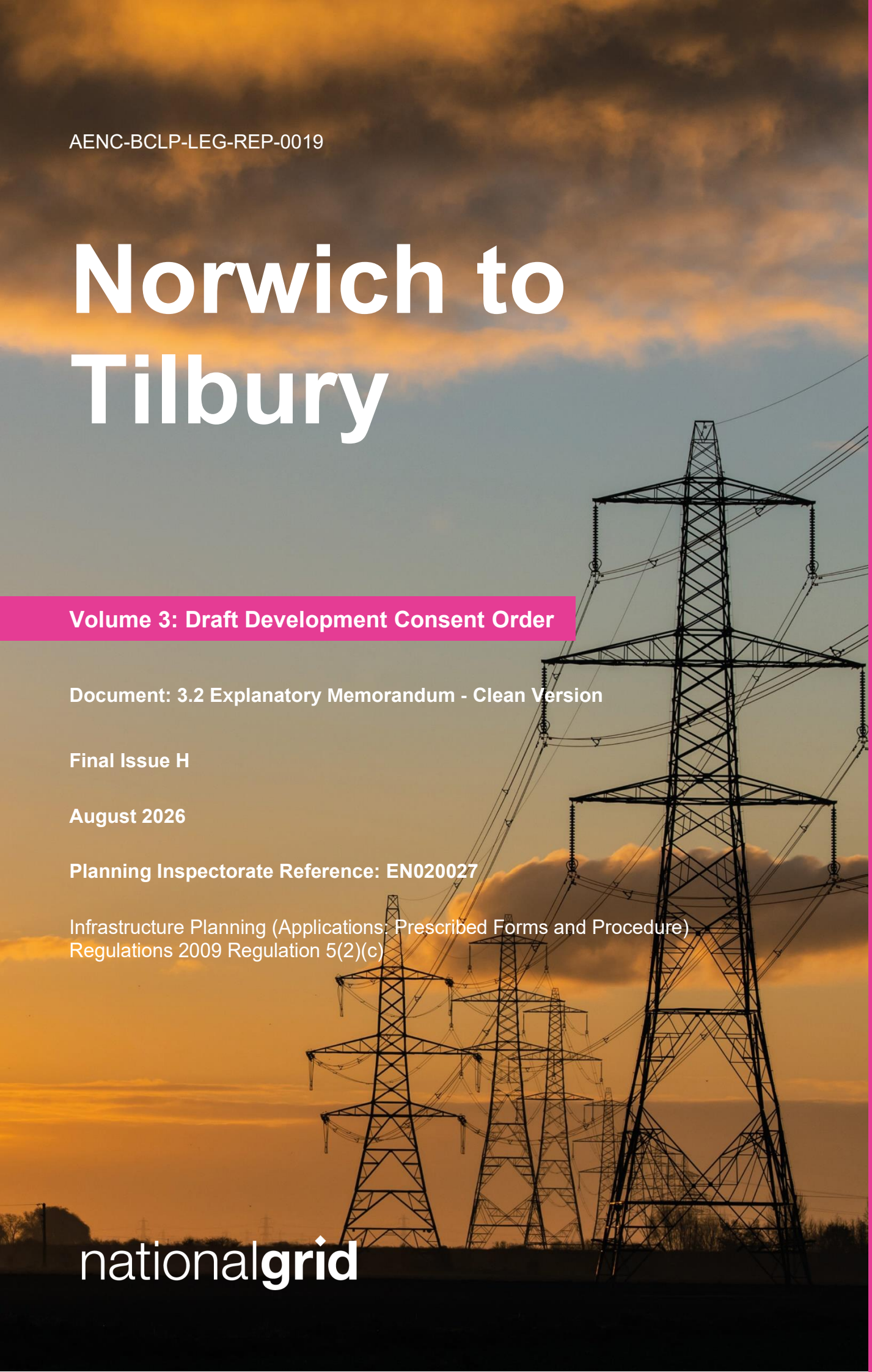

nationalgrid

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1. Introduction

1.1 Purpose of the Explanatory Memorandum

1.1.1 This Explanatory Memorandum explains the purpose and effect of each article of, and the Schedules to, the draft National Grid (Norwich to Tilbury) Order ("the Order"), as required by regulation 5(2)(c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)[1].

1.1.2 This Explanatory Memorandum is intended to assist the Examining Authority, Interested Parties and the Secretary of State in understanding the rights and powers sought within the Order.

1.1.3 In particular, it sets out (as per the Planning Inspectorate's *Advice Note 15: Drafting Development Consent Orders*[2]):

- the source of the provision within the Order (whether it is bespoke or based on a made Order);
- the section/Schedule of the Planning Act 2008[3] (the "Act") under which it is made; and
- the reasons why the Article is relevant to the project and considered important and/or necessary to the delivery of Norwich to Tilbury.

1.2 Genesis of the Order

1.2.1 The Order is based on the General Model Provisions (the "general model provisions") in the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (the "Model Provisions Order 2009"[4]), unless otherwise stated[5]. The general model provisions were followed because there are no model provisions for electric lines.

1.2.2 The Localism Act 2011 removed the requirement for the decision maker to have regard to the general model provisions in deciding applications, and with the repeal of section 38 without the Model Provisions Order 2009 being 'saved', they have formally 'lapsed'. Secondary legislation under the Localism Act also removed the requirement on an applicant to explain in the Explanatory Memorandum divergences from the Model Provisions.

[1] S.I. 2009/2264.

[2] Planning Inspectorate's Advice Note 15 (published in July 2018 and most recently updated in March 2025).

[3] c.29.

[4] S.I. 2009/2265.

[5] Although the Model Provisions Order 2009 lapsed on the repeal of the enabling power in section 38 of the Planning Act, and the Planning Inspectorate's Advice Note 15 (published in July 2018 and most recently updated in March 2025) removed the requirement to append to the Explanatory Memorandum a comparison of the draft DCO showing departures from the model provisions, the model provisions continue to provide a helpful guide to drafting.

1.2.3 Paragraph 1.5 of the Planning Inspectorate's Advice Note 15 states that "*If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the relevant consented NSIP and the Project… the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for. Any divergence in wording from the consented DCO drafting should also be explained*."

1.2.4 Where there is a departure from the general model provisions, or an article is based on other precedent orders, an explanation of the new provision is provided.

1.2.5 In general, the precedents followed for the Order are other development consent orders for onshore high-voltage electricity transmission lines, primarily the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. Other precedents drawn upon include the National Grid (Richborough Connection Project) Development Consent Order 2017[6], the National Grid (Hinkley Point C Connection Project) Order 2016[7] as well as development consent orders and Transport and Works Act Orders for other linear schemes, such as the A122 (Lower Thames Crossing) Development Consent Order 2025[8], the Southampton to London Pipeline Development Consent Order 2020[9] and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014[10].

1.2.6 The Order does not include model provisions which are not relevant or applicable to the project and this Explanatory Memorandum does not seek to explain further their omission.

[6] S.I. 2017/817 (as corrected by S.I. 2018/572).

[7] S.I. 2016/49 (as corrected by S.I. 2017/786).

[8] S.I. 2025/462.

[9] S.I. 2020/1099.

[10] S.I. 2014/2384.

2. Purpose of the Order

2.1 Nationally Significant Infrastructure Project – installation of above ground electric line

2.1.1 National Grid Electricity Transmission plc ("National Grid") is applying to the Secretary of State for a development consent order ("DCO") for Norwich to Tilbury ("the Project") which would authorise reinforcement of the high voltage power network in East Anglia between the existing substations at Norwich Main in Norfolk, Bramford in Suffolk, and Tilbury in Essex, as well as connect new offshore wind generation.

2.1.2 The Project forms part of The Great Grid Upgrade, the largest overhaul of the grid in generations.

2.1.3 The Project is a proposal by National Grid to upgrade the electricity transmission system in East Anglia between Norwich and Tilbury, comprising:

- A new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node Substation and a new Tilbury North Substation, including:
  - Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End ("CSE") compounds or existing or proposed substations
  - Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty
- Up to seven new CSE compounds (with permanent access) to connect the overhead lines to the underground cables
- Modification works to connect into the existing Norwich Main Substation and a substation extension at the existing Bramford Substation
- A new 400 kV substation on the Tendring Peninsula, referred to as the EACN Substation (with a new permanent access). This is proposed to be an Air Insulated Switchgear substation
- A new 400 kV substation to the south of Orsett Golf Course in Essex, referred to as the Tilbury North Substation (with a new permanent access). This is proposed to be a Gas Insulated Switchgear substation
- Modifications to the existing National Grid Electricity Transmission overhead lines to facilitate the connection of the existing network into the new Tilbury North Substation to provide connection to the Tilbury Substation
- Ancillary and/or temporary works associated with the construction of the Project.

2.1.4 In addition, third party utilities diversions and/or modifications would be required to facilitate the construction of the Project. There would also be land required for environmental mitigation and biodiversity net gain ("BNG").

2.1.5 As well as the permanent infrastructure, land would also be required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.

2.1.6 A more detailed description of the Project is provided at Chapter 4 of the Environmental Statement (document reference 6.4).

2.1.7 The project lies wholly within England and includes the installation of an electric line with a nominal voltage of more than 132kV above ground for more than two kilometres. It is therefore a nationally significant infrastructure project ("NSIP") for the purposes of sections 14(1)(b) and 16 of the Act.

2.1.8 As the Project comprises an NSIP, development consent must be obtained to authorise it[11], and any application for a development consent order must be made to the Secretary of State under section 37 of the Act.

2.1.9 Schedule 1 to the Order contains a list of numbered works comprising the Project. The Project includes works of a description in section 14(1)(b) of the Act (the installation of an electric line above ground), Associated Development, and other matters that are included as ancillary to the development as described in sections 120(3) and (4) and Part 1, Schedule 5 of the Act.

2.1.10 In line with the approach taken in other development consent orders,[12] Schedule 1 does not specify which elements of the Project are considered to be part of the NSIP pursuant to section 14(1)(b) and which are Associated Development. National Grid considers that because it is clear that all elements of the proposals put forward are necessary for the construction and operation of the Project, and meet the legislative and guidance tests for being (as applicable) part of the NSIP or Associated Development, it is not material whether they are stated on the face of the Order to be one or the other.

2.1.11 National Grid considers that all elements of the Project are, or form part of, an NSIP, or are Associated Development. To assist, an Associated Development Document is provided (document reference 5.14) which explains the division of NSIP and Associated Development.

2.2 Ancillary matters

2.2.1 The Order also contains powers that are relating to or ancillary to the authorised development in accordance with section 120(3) of the Act.

2.2.2 The main such matter is a power to acquire land or create or interfere with rights compulsorily or by agreement, in accordance with section 120(4) and Part 1, Schedule 5 of the Act. The Order also contains powers of compulsory acquisition for land required for the authorised development, or to facilitate, or that is incidental to

[11] S.31 of the Act.

[12] See, for example, The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958) as well as The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648) and The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853).

the authorised development under section 122 of the Act. It also seeks associated powers including the acquisition of rights necessary to operate and maintain the authorised development. A justification for the powers of compulsory acquisition is set out in the Statement of Reasons which accompanies the application (document reference 4.1).

2.2.3 The Order seeks to apply and modify statutory provisions, including in relation to the compulsory acquisition of land. In such cases, sections 117 and 120(5) of the Act require that the Order is made by Statutory Instrument. The Order is, therefore, drafted in that form.

2.2.4 Other ancillary matters include the diversion and stopping up of lengths of existing highway and private means of access within the vicinity of the Project, the temporary and permanent closure of streets and public rights of way, the application of speed limits, the regulation of vehicular traffic, the temporary use of land for constructing and maintaining the Project, the felling or lopping of trees and hedgerows, and the application and disapplication of legislation relating to the Project.

2.2.5 National Grid considers that these powers are required for the development to which the Order relates or are required to facilitate or are incidental to that development.

3. Draft Order

3.1 Introduction

3.1.1 The draft Order is substantially based on the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. The draft Order also draws upon the National Grid (Richborough Connection Project) Development Consent Order 2017[13], the National Grid (Hinkley Point C Connection Project) Order 2016[14], with certain provisions also drawing on other linear schemes, such as the A122 (Lower Thames Crossing) Development Consent Order 2025[15], the Southampton to London Pipeline Development Consent Order 2020[16], and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014[17].

3.1.2 The draft Order is also based on the general model provisions and reference is also made to the railway model provisions within the Model Provisions Order 2009, given the linear nature of the Project.

3.2 Authorised development

3.2.1 The general model provisions refer to "the authorised project" which comprises "the authorised development" and "the ancillary works". The Order does not use the term "ancillary works" and therefore the Order does not require a definition of "the authorised project" which is distinct from "the authorised development". Accordingly, references in the model provisions to "the authorised project" have been replaced in the Order by references to "the authorised development".

3.3 Deemed approvals

3.3.1 Previous Orders (for example, the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the National Grid (Bramford to Twinstead Reinforcement) Order 2024, the National Grid (Hinkley Point C Connection Project) Order 2016, the National Grid (Richborough Connection Project) Development Consent Order 2017 and the Southampton to London Pipeline Development Consent Order 2020) have included articles which contain a provision by which the promoter must obtain consent, agreement or approval from a third party before it may do something and that such consent, agreement or approval shall not be unreasonably withheld. They, and other made orders, have also included a default longstop provision to the effect that, if the relevant third party fails to respond within a specified period, certain consents, agreements or approvals shall be deemed to have been given.

[13] S.I. 2017/817.

[14] S.I. 2016/0049 (as amended).

[15] S.I. 2025/462.

[16] S.I. 2020/1099.

[17] S.I. 2014/2384 (as amended).

3.3.2 In this Order, National Grid has also included provision requiring that consent is not unreasonably delayed. The underlying purpose of both mechanisms is to ensure the timely delivery of this critical national infrastructure (CNI) project. The deemed consent element provides a clear timeframe for the decision to be made, with scope to extend subject to agreement e.g. for more complex applications. The '*unreasonably withheld and delayed*' wording is to ensure that where matters are quick and easy to resolve then the decision makers should not use the full time for a time period for a determination.

3.3.3 National Grid considers this approach to be necessary to remove the possibility for undue delay and to provide certainty that the authorised development can be delivered in a timely fashion. In this respect, the inclusion of deemed approvals provisions aligns with the objectives of the Act to ensure efficient delivery of nationally significant infrastructure projects and is of utmost importance to this Project given its status as one of Critical National Priority. This approach is also considered to be proportionate in that, having undertaken extensive pre-application consultation and the Order having been rigorously examined, the delivery of the authorised development should not be held up unreasonably, if it has been approved by the Secretary of State.

3.3.4 The draft Order includes, therefore, at articles 11(3) (street works), 14(5) (power to alter layout, etc. of streets); 16(8) (temporary closure of streets and public rights of way); 17(2) (access to works); 20(9) (discharge of water); 22(8) (authority to survey and investigate land), 49(9) (traffic regulation) and 50(5) (felling or lopping), a deemed consenting regime. This applies whereby if a consent etc. is required, and no such consent etc. is provided within 25 business days of receiving an application for consent or approval, the consenting authority is deemed to have granted consent. A 28 day period is used in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Richborough Connection Project) Development Consent Order 2017 and a longer 35 day period is used on the National Grid (Bramford to Twinstead Reinforcement) Order 2024. National Grid has had regard to feedback received from host authorities and the Examining Authority both on the duration of the decision period and the consistency of the use of 'days' and 'business days' and has revised its proposed 28 day decision period to instead allow 25 business days. This new decision period was selected to provide a 'business day' equivalent to the 35 day period on the National Grid (Bramford to Twinstead Reinforcement) Order 2024, ensuring that decision periods are not curtailed over bank holidays. National Grid considers that this revised decision period to be adequate, proportionate and appropriate to each of the applications proposed to be made in this case, whilst ensuring that the delivery of the Project, which is of critical importance to the UK government's Net Zero Target of 2030, is not unnecessarily delayed by means outside the control of National Grid. National Grid's position remains that extending the decision-making period beyond what it proposes would not be proportionate or appropriate given the Project's programme constraints, the nature of the applications proposed to be made, and in the context that Annex 2 of the NESO Clean Power 2030 Report identifies that if National Grid delivers the Project by the end of 2031 instead of by the end of 2030, the consumer would be exposed to additional constraints costs in excess of £2.5 billion. This equates to £7 million for every day that the energisation of the Project is delayed into 2031.

3.3.5 The draft Order makes clear that, in each case, the deemed approval provisions will only have effect where the application for consent, agreement and/or approval includes a clear statement that consent etc. must be provided within 25 business

days otherwise the consenting authority or person is deemed to have granted consent. This is intended as a safeguard to ensure that the consenting authority is placed on notice that the deemed approvals provisions will apply and, is considered helpful where the consenting authority may be required to determine a number of applications concurrently.

3.3.6 In each case, the draft Order also makes clear that an alternative period of time may be agreed on a case by case basis with the relevant authority. It is anticipated that this will provide greater flexibility.

3.3.7 The provisions of the draft Order are now explained in sequence, giving reasons for any departure from the precedents noted above.

Part 1 – Preliminary

3.4 Preamble

3.4.1 The Order, in common with all statutory instruments, is introduced by a preamble.

3.4.2 The preamble to the Order also includes the wording necessary to give effect to the conclusions reached in the Special Category Land Report which forms Appendix C to the Statement of Reasons (document reference 4.1), namely that the special category land identified within the Order limits, when burdened with the rights sought to be compulsorily acquired over it for the purposes of the Project, will be no less advantageous than it was before to (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights, and (3) to the public and, hence, special parliamentary procedure ("SPP") is not engaged. The Special Category Land Report lists other exemptions under s132 of the Planning Act 2008 which are also considered to apply to the special category land. These are not noted in the preamble to the Order on the basis that the no less advantageous exemption which the Special Category Land Report identifies as applying to each parcel of special category land is sufficient. However, were any of the other s132 exemptions noted in the Special Category Land report to be relied upon in place of the no less advantageous exemption then the preamble would need to be amended accordingly.

3.5 Article 1 (Citation and commencement)

3.5.1 Article 1 sets out the name and commencement date of the Order.

3.6 Article 2 (Interpretation)

3.6.1 Article 2(1) defines terms used in the remainder of the Order. The definitions used in the general model provisions are amended and supplemented to reflect the particular circumstances of the Project and changes to the Act which have been made since it was originally enacted.

3.6.2 A number of definitions are added, including: "the 1981 Act"; "the 2016 Act", "access, rights of way and public rights of navigation plans"; "commence", "electric line", "electronic transmission"; "limits of deviation"; "maintain"; and "traffic".

3.6.3 Several of these additional definitions are the same as those in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the National Grid (Bramford to Twinstead Reinforcement) Order 2024, National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Richborough Connection Project) Development Consent Order 2017. These precedents are relied on as they are examples of recently consented National Grid projects which consented similar linear, high-voltage electricity transmission lines and associated infrastructure.

3.6.4 The "undertaker" for the purposes of the Order is defined as National Grid Electricity Transmission plc in relation to the authorised development; UK Power Networks Holdings Limited and/or its affiliate, Eastern Power Networks plc, in relation to the UKPN works (which are defined in Article 2 as those works to UKPN assets or equipment forming part of the authorised development, including Work Numbers 25 to 36 and, for the avoidance of doubt, such associated development as is necessary

or expedient for the purposes of, or in connection with, the construction or maintenance of those works numbers); and UKOP in relation to the UKOP protective works (which are defined in Article 2 as the works specified in Work No. 17A of Schedule 1 and such associated development as is necessary or expedient for the purposes of, or in connection with, the construction or maintenance of that work number). This approach was adopted in the National Grid (Hinkley Point C Connection Project) Order 2016, the National Grid (Richborough Connection Project) Development Consent Order 2017 and the more recent National Grid (Bramford to Twinstead Reinforcement) Order 2024. In this Explanatory Memorandum, the terms "National Grid" and UKPN are also used. Save where both National Grid and UKPN are mentioned in the same paragraph, a reference to "the undertaker" in this document also applies to UKPN in so much as the provisions of the Order have effect for the benefit of UKPN in respect of the UKPN works (see article 6 (Benefit of Order)) as well as National Grid in respect of the authorised development. In respect of Work No. 20 (LTC compensatory habitat works), the LTC undertaker, being National Highways Limited (or any other party to whom the benefit of the A122 (Lower Thames Crossing) Development Consent Order 2025 has been transferred) has the benefit of the Order.

3.6.5 The definition of "commence*"* is used to clarify what material operations (being works forming part of the authorised development) must be carried out for the authorised development to have 'commenced' within the time period set by Requirement 2(1). It incorporates the definition of a "material operation*"* under section 155 of the Act, but makes clear that certain "pre-commencement operations" are excluded.

3.6.6 The carve out of "pre-commencement operations" from the definition of "commence" allows certain minor set up operations to be carried out before the discharge of the pre-commencement requirements in Schedule 3. These are engineering investigations and surveys, environmental (including archaeological) investigations and monitoring, listed building surveys, surveys and monitoring investigations for the purpose of assessing ground conditions, diversion and laying of services, protection works comprising utilities protection works or fencing and protection slabs, demolition of existing buildings, site clearance, environmental (including archaeological) mitigation measures, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds and temporary laydown areas, receipt and erection of construction plant and equipment, temporary accesses, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements . These operations are either *de minimis* or have minimal potential for adverse impacts, and by virtue of Requirement 4 of the Order, must be carried out in accordance with the outline management plans. Indeed, they may, in some cases, need to be carried out in order to comply with pre-commencement requirements (for example, to inform assessments and proposals required to be submitted for approval) or to implement environmental mitigation or other measures required pursuant to European Protected Species licences.

3.6.7 The additional items contained in the definition of 'pre-commencement operations' beyond those in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 are:

- Listed building surveys – these have been included at the request of Essex County Council in paragraph 5.2.8 of its Local Impact Report [REP1-161];

- Protection works comprising utilities protection works or fencing and protection slabs – these works are included to account for any such works that may be necessary to enable either pre-commencement or commencement works to be carried out safely and without damaging existing utilities apparatus. There is precedent for this inclusion in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.
- Set up works associated with the establishment of temporary laydown areas – this simply extends the ability to carry out set up works to temporary laydown areas in addition to construction compounds. National Grid does not consider its inclusion to be materially beyond the scope already set out.
- Receipt and erection of construction plant and equipment – this is required to enable construction materials to be brought to site and construction plant and equipment to be erected ahead of commencement of development. This is necessary to enable construction works to begin as soon as the relevant pre-commencement Requirements have been discharged which, in turn, will put National Grid in a favourable position to deliver the Project by the target date. There is precedent for this inclusion in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.

3.6.8 For clarity, the term “environmental mitigation” has been updated to include the words “(including archaeological)”. This brings the terminology into line with the environmental investigations activity, which is listed earlier in the definition.

3.6.9 Whilst noting the Planning Inspectorate's comments in Advice Note 15 regarding the use of the term "commence" within draft Orders, the ability to undertake these “pre-commencement operations” ahead of main construction is of great importance in the context of the anticipated construction programme for this Critical National Priority project which is geared towards achieving energisation by 2030 to facilitate the aims of Clean Power 2030. The pre-commencement operations have been assessed in the Environmental Statement and are controlled by Requirement 4(3) of Schedule 3 to the Order which requires all pre-commencement operations to be carried out in accordance with the outline management plans. The scope of pre-commencement operations does not offer flexibility beyond what has been assessed in the Environmental Statement.The Environmental Statement does not indicate that the excluded works and operations would be likely to have significant environmental effects. For this reason, National Grid considers that the exclusion of these works and operations from the definition is appropriate.

3.6.10 A definition of “detailed written schemes of investigation for mitigation areas” has been added. This describes seven detailed written schemes of investigation for specific mitigation areas that have been submitted into the Examination and that will be certified under article 60 (certification of documents). Carrying out of archaeological mitigation in accordance with these detailed written schemes of investigation as part of the pre-commencement operations is secured under Requirement 5 (archaeology) of Schedule 3 (requirements).

3.6.11 A detailed definition of the “environmental statement” has also been given to reflect any subsequent submissions of supplemental or additional environmental information certified under article 60 and any environmental statement submitted for the purpose of complying with and/or discharging the Requirements. Whilst the approach to this definition is adopted from the National Grid (Hinkley Point C Connection Project) Order 2016, the Order extends this definition to include any environmental statement that may be submitted for the purpose of complying with and/or discharging the

Requirements. This will ensure that the authorised development is constructed in accordance with any such approved submissions.

3.6.12 Government has indicated a new unit will be established within DESNZ to coordinate post-consent discharge functions for electricity network projects. At Deadline 5, National Grid provided proposed drafting in Appendix A to the 8.4.12 Applicant's Comments on Post-Hearing Submissions and Interested Party Action Points **[REP5-194]** to provide a mechanism for that DESNZ unit to have jurisdiction in respect of the discharge of requirements. As part of this proposed drafting, a definition of "DESNZ unit" has been provided which means a group or body set up by or on behalf of the Secretary of State for the purpose of providing any consent, agreement or approval required by requirements in the Order.

3.6.13 A definition of "electric line" has been added, which cross refers to the meaning specified in the 2008 Act (which itself refers to section 64(1) of the Electricity Act 1989), and which provides examples of the types of apparatus which form part of an electric line.

3.6.14 The definition of "maintain" has been amended from the definition contained in the National Grid (Hinkley Point C Connection Project) Order 2016, to add the ability to dismantle, refurbish, decommission, or improve the authorised development. This is to take into account the range of works that National Grid considers it may reasonably need to carry out over the lifetime of the authorised development to ensure a safe and efficient connection. The Order restricts this definition such that the ability to maintain does not vary the Project beyond the definition of the authorised development by ensuring that these maintenance works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement. Reference has been included to enable National Grid to use technology, such as drones, in its maintenance activities. This is appropriate to ensure that National Grid can maintain the authorised development using the most efficient and least disruptive methods available to it. The context in which National Grid can (or is required to) maintain is set out in the relevant article.

3.6.15 In terms of the definition of "operational use":

- The definition has been adapted from the National Grid (Bramford to Twinstead Reinforcement) Order 2024. Whilst this precedent refers to a voltage of 400kV or higher, the Order refers to:
  - 275kV in respect of the transmission electric line, which is the minimum voltage at which the transmission infrastructure would operate; and
  - 132kV in respect of the distribution electric line.
- So as to 'futureproof' the Project, rating values (kV) for the transmission electric lines and substations have not been specified within Schedule 1 of the Order. This approach to drafting has been taken because positive future developments, which allow an increase in output from renewable energy sources, may necessitate higher transmission values to ensure that reaching carbon reduction targets are not inhibited by the transmission network. Future developments in electric line technology may also allow for this increase without any material changes to infrastructure, or therefore consequent material changes to likely significant effects.
- The environmental impact assessment has been conducted on the basis of the intended transmission value of 400kV for overhead lines, 400kV for substations,

and 132kV for the UKPN works. It is not considered necessary to specify the transmission value in the Order as a parameter in order to control environmental effects, as these are properly controlled by all other parameters of the Order.

- For these reasons, the description of development at Schedule 1 of the Order has been drafted so as not to specify a transmission value or, therefore, inhibit the operation of a different transmission value than currently envisaged in the future.

3.6.16 The definition of "Order land" refers to land shown on the Land Plans (document reference 2.2) and described in the Book of Reference (document reference 4.3) excluding the uncoloured (white) land identified as "Class 8 – Land not subject to powers of temporary acquisition nor temporary use" on the land plans and in the Book of Reference. The definition of Order land, therefore, must be understood as what is shown on those plans but also what is described in the Book of Reference (document reference 4.3), which at Table 2.1 includes the land use power sought, the colour of the land on the Land Plans (document reference 2.2) that is associated with the power sought, the principal relevant article in the Order to which the power relates, a description of the powers afforded by each Class and a list of any subordinate powers which can also be exercised on land to which the primary power relates. The Order land is not limited to land which is to be acquired. It also includes third party land over which the undertaker is seeking to acquire rights and land of which temporary possession is required for the construction, operation and maintenance of the Project.

3.6.17 Other amendments have been made to the definitions used in the general model provisions, including that "relevant planning authority" has been amended to refer to the local planning authority for the areas to which the specific provision relates, and the successors to their relevant functions. This is necessary as the authorised development passes through several local planning authority areas. National Grid has deviated from wording contained in Article 2(2) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 following feedback from host authorities requesting clarity throughout the Order as to who the relevant authority in each instance would be. National Grid has, therefore, provided a new two-limb definition of 'relevant planning authority' which:

- removes any ambiguity by making clear that in a two-tier area, the district planning authority is the primary discharging body; and
- includes a separate definition of "relevant county planning authority" who is named as a consultee where county-level expertise is relevant.

3.6.18 Consequential amendments have been made to the definition of "relevant planning authority" to account for the proposed establishment of the DESNZ unit for the discharge of requirements.

3.6.19 A definition of "statutory undertaker" has been included by cross reference to the 2008 Act (being the salient primary legislation). This mirrors the definition in Article 2(2) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.6.20 A number of additional definitions of locationally specific landscape compensation, offsetting and enhancement area plans have been added to the Order on a 'blue pencil' basis. These relate to the corresponding 'blue pencil' drafting of Article 63 (landscape compensation, offsetting and enhancement) and Schedule 20 (landscape compensation, offsetting and enhancement in relation to specified locations). Article 63 and Schedule 20 are explained later in this Explanatory Memorandum at paragraphs 3.67 and 4.20 respectively.

3.6.21 Article 2(2) clarifies that references in the Order to rights over land include the rights to do anything in, on or under the land or in the airspace above. The provision further clarifies that "restrictions in respect of land" means restrictions over land which interfere with the interest or rights of another and which are for the benefit of land or rights acquired. This wording is identical to the wording in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 except it further clarifies that restrictions imposed by the Order are not just for the benefit of land or rights acquired under the Order but for all land within the Order limits (reflecting article 2(2) of The Associated British Ports (Immingham Green Energy Terminal) Order 2025[18]). Otherwise it would not benefit land within the Order limits which is acquired voluntarily instead of compulsorily.

3.6.22 Article 2(3) defines measurements as approximate, in line with the general model provisions. Article 2(3) confirms that this applies to all distances, directions, levels and lengths referred to in the Order and, in addition, to any plans and documents certified under article 60 (certification of documents). The purpose of this is to ensure that if, upon construction of the works, it transpires that the distances are marginally different to those listed in the Order, or any plans and documents certified under article 60, there is no issue over whether the works are permitted by the Order or any certified plans and documents. This provision allows for a small tolerance with respect to any distances and points, although all works will take place within the Order limits. It is commonplace to include such a provision in an Act or instrument authorising linear infrastructure[19] and similar wording is included in the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024, with the addition at Article 2(3) of the wording relating to any plans and documents certified under article 60 (certification of documents). The Order further provides that distances for linear works are to be measured along the centre line for those works, and that pylon identification numbers are identified by reference to the centre line of those works and are subject to the limits of deviation for those works. It is specified that the number of pylons, pylon numbering and location of pylons may adjust in accordance with the limits of deviation. Additional wording has also been added at Article 2(3) to clarify that unless otherwise specified in Schedule 1 (authorised development), heights and depths in this Order or on the work plans are measures from the proposed final ground level. The tables of parameters in the works plans note the ground level, being the existing ground level along the centre line shown on the works plans. Those levels may vary within the limits of deviation, and hence Article 2(3) makes clear that those levels are existing and are subject to horizontal limits of deviation.

[18] S.I. 2025/165.

[19] See, for example, section 56(5)(c) of the Crossrail Act 2008. Also, see article 2(3) of the Southampton to London Pipeline Development Consent Order 2020.

3.6.23 Articles 2(4) to (7) are not in the general model provisions. Article 2(4) provides that areas given in the Book of Reference are approximate since the Book of Reference is outside the scope of Article 2(3).

3.6.24 Article 2(5) explains that points identified by letters or numbers are to be construed as references to corresponding points on the relevant plans.

3.6.25 Article 2(6) explains how references in the Order to numbered works are to be construed.

3.6.26 Article 2(7) confirms that any reference to Documents in the Order are references to documents submitted by National Grid in support of the application for the Order. Substantially similar wording is included in the National Grid (Hinkley Point C Connection Project) Order 2016 and The National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.6.27 Article 2(8) clarifies that references to statutory bodies include successors to the functions as relevant to the Order.

3.6.28 Article 2(9) provides that any references to legislation include amendments to such legislation.

3.6.29 Article 2(10) clarifies that any references in the Order to materially new or materially different environmental effects to those identified in the Environmental Statement are not be construed so as to include the avoidance, removal or reduction of an adverse environmental effect or positive environmental effect, or the increase of an assessed positive environmental effect, that was identified in the Environmental Statement as a result of the authorised development. The inclusion of this provision is intended to offer further certainty as to the proper interpretation of the "materially new or materially different" test which is used (in the definition of "maintain" (Article 2(1)), as well as in Article 5(4) and Schedules 3 and 4) to constrain the exercise of certain powers or activities undertaken pursuant to the Order. National Grid considers it important to emphasise that the Order does not seek to prevent the future delivery of the Project in a manner which is more environmentally advantageous than the reasonable worst case scenario outlined in the Environmental Statement. An equivalent provision is included in the recent A122 (Lower Thames Crossing) Development Consent Order 2025.

Part 2 – Principal Powers

3.7 Article 3 (Development consent etc. granted by the Order)

3.7.1 Article 3 grants development consent for the authorised development within the Order limits. The authorised development is described in Schedule 1. The development consent is subject to the Requirements set out in Schedule 3. The wording of article 3 is similar to, and has the same effect as, the wording in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.7.2 There are no "ancillary works" for the Project within the meaning given in article 1 of the general model provisions, and so this term has been removed from article 3 and also from article 2 of the Order. This follows the position in a number of made

National Grid development consent orders, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.7.3 Article 3 grants development consent to National Grid to carry out any of the authorised development. Article 3 also grants development consent to UKPN to carry out the UKPN works, subject to those works having been carried out by UKPN without National Grid needing to step in. This article also grants development consent to UKOP to carry out the UKOP protective works (paragraph (4)).

3.7.4 Paragraphs (2) and (3) of article 3 reflects section 141 of the Act, and provide that National Grid and UKPN have authority to install and keep installed the authorised development. This paragraph also allows National Grid and UKPN to remove or replace any electric line, including pylons, that requires removal as part of the authorised development. In particular, this power relates to transpositions which are designed to enable National Grid to swap the line over from one route to the other, and also to the exercise of the maintenance power at Article 4. As part of the transposition works, and as part of the exercise of the maintenance power, pylons will need to be removed and replaced.

3.7.5 Paragraphs (5) and (6) of article 3 allow the operation and use, by National Grid of the authorised development (excluding the UKPN works and UKOP protective works), and by UKPN of the electric line and any other elements of the UKPN works, as part of the electricity transmission and distribution network in England and Wales. The provision is necessary to allow the undertaker to operate and use the authorised development for the purposes for which it was designed, in accordance with the provisions of the Order and the attached Requirements.

3.7.6 Paragraph (7) specifies that the development consent granted by the Order allows works (including demolition of buildings or other structures) within the Order limits to the extent that they are required by or incidental to the carrying out of the authorised development, as permitted by section 120(3) of the Act. There is precedent for this in the North Killingholme (Generating Station) Order 2014. Although this provision was removed from the National Grid (Bramford to Twinstead Reinforcement) Order 2024, the scope of the power is not inconsistent with the works authorised in Schedule 1 (authorised development) and is clearly stated to apply for the purposes of the authorised development only. National Grid considers it appropriate to include this provision in this Order taking into consideration the scale and urgency of the Project.

3.7.7 Paragraph (8) of article 3 confirms the limits of deviation within which the works described in Schedule 1 must be carried out. Further commentary on the limits of deviation is provided below in relation to article 5. Paragraph (8) also makes clear that the authorised development must be constructed and installed in the lines and situations shown on the works plans, subject to article 5 (limits of deviation) and the requirements.

3.7.8 The principal parts of the numbered works in Schedule 1 (authorised development) must be carried out within their respective limits of deviation (which themselves are within the Order limits). The introductory wording of the Associated Development section of Schedule 1 (authorised development) authorises associated development “within the Order limits”. Together, these provisions ensure that the authorised development is carried out within the Order limits.

3.7.9 Paragraph (9) gives effect to Schedule 3 (Requirements).

3.8 Article 4 (Maintenance of authorised development)

3.8.1 This article sets out the scope within which National Grid may maintain the authorised development (excluding the UKPN works and the UKOP protective works) and UKPN may maintain the UKPN works. Article 4 grants UKOP powers to maintain the UKOP protective works (unless specified otherwise in the Order or an agreement made under the Order). The wording in article 3 of the general model provisions is replicated. “Maintain” is defined in article 2.

3.8.2 It is appropriate that these powers are not mandatory obligations. As a transmission licence holder, National Grid already has statutory duties to maintain its apparatus in order to ensure a safe, effective and efficient electricity transmission system. Adding an additional layer of control increases the likelihood of confusion and uncertainty surrounding enforceability of two statutory regimes.

3.8.3 The powers contained within article 4 (maintenance of the authorised development) are consistent with those powers on previous National Grid development consent orders, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024, the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the National Grid (Richborough Connection Project) Development Consent Order 2017 and the National Grid (Hinkley Point C Connection Project) Order 2016.

3.9 Article 5 (Limits of deviation)

3.9.1 Article 5 allows for horizontal (i.e. lateral and longitudinal) and vertical limits of deviation in respect of both the overhead electric line works and the underground electric line works.

- horizontal (i.e. lateral and longitudinal) and vertical limits of deviation in respect of both the overhead electric line works and the underground electric line works; and
- Horizontal (i.e. lateral and longitudinal) and vertical limits of deviation in respect of other permanent (non-linear) above ground structures forming part of the authorised development, including the CSE compounds and the substations.

3.9.2 The ability to include such a power is contained in section 120(3) of the Act, which enables an Order granting development consent to make provision relating to, or to matters ancillary to, the development for which consent is granted.

3.9.3 The purpose of Article 5 is to provide the necessary flexibility when constructing the authorised development, reducing the risk that the Project as approved cannot later be implemented for unforeseen engineering or geological reasons.

3.9.4 Article 5 should be read alongside the work plans (document reference 2.3) and Chapter 4 of the Environmental Statement (document reference 6.4). Chapter 4 of the Environmental Statement explains how the limits of deviation set out in Article 5 have been applied in the context of the environmental impact assessment undertaken for the Project. Further obligations in relation to the limits of deviation are contained in Schedule 3 (requirements) following engagement with the Defence Infrastructure Organisation (DIO).

3.9.5 In the context of the overhead electric line works and the underground electric line works, the limits of deviation included in Article 5 allow for:

- horizontal (i.e. lateral and longitudinal) deviation from the lines or situations of the authorised development anywhere within the limits of deviation (shown on the Work Plans[20]). Construction activities for those works may take place within the Order limits. It should also be noted that the horizontal limits of deviation in respect of the underground electric line are influenced by the nature of the ground conditions. Hence, the horizontal limits of deviation are wider so that, whatever ground conditions are encountered, there is sufficient flexibility to deliver the underground electric line section within the horizontal limits of deviation;
- the vertical upwards deviation of the pylons, not exceeding 6 metres upwards, except for certain specified pylons whose vertical upwards deviation must not exceed 18 metres upwards. Six metres is the same upward deviation as was allowed for in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, and is intended to provide a necessary but proportionate degree of flexibility in the construction of the authorised development and to reduce risk. It allows the addition of two standard pylon sections. The inclusion of an 18 metre vertical upwards deviation for certain pylons is necessary for the Project to allow a change from proposed low height pylons to standard height pylons in carefully selected locations and following consultation feedback and engagement with airfield operators;
- the vertical downwards deviation of the pylons to any extent as the undertaker considers necessary or convenient. This is adapted from the wording in the DCO general model provisions and also the TWA model provisions and is common in linear projects including the National Grid (Richborough Connection Project) Development Consent Order 2017 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. Flexibility in downwards deviation is required so that any construction can reflect extant ground conditions when the works are carried out. Clearance regulations contained in the Electricity Safety, Quality and Continuity Regulations 2002[21] will restrict the downward limits of deviation of the pylons because the conductors must always maintain the minimum clearance;
- the vertical deviation (both upwards and downwards) of the overhead conductors and fibre-optic earth wires to such extent as the undertaker considers necessary or convenient. This is necessary because the height of the conductors and fibre-optic earth wires are functions of the position and height of the pylons. This means that if, for example, a pylon height changes, or the pylons are placed closer together or further apart, the height of the conductors and fibre-optic earth wires will also change. The upwards limits of deviation will be restricted by the upwards limits of deviation for the pylons. Clearance regulations contained in the Electricity Safety, Quality and Continuity Regulations 2002[22] will apply to the overhead conductors and fibre-optic earth wires and, hence, will restrict the downward limits of deviation because that clearance must always be maintained; and
- the vertical upwards deviation in respect of the underground electric line is such that the minimum distance that will be kept between the top of the protective tiles or the top of the cable ducts (where there are no protective tiles) and the top of

[20] For the avoidance of doubt, horizontal limits of deviation for the overhead electric line works are shown as orange dashed lines on the Work Plans. Horizontal limits of deviation for the underground electric line works are shown as blue dashed lines on the Work Plans. Where scenarios exist and there is potential for overhead electric line or underground electric line works, the limits of deviation for these works are shown by green dashed lines.

[21] S.I. 2002/2665.

[22] S.I. 2002/2665.

the finished ground level is 0.9 metres. For the avoidance of doubt, and because the underground electric line needs to connect to above ground apparatus this 0.9 metre minimum distance is disapplied in relation to link pillars, chambers and within substations and converter stations. Vertical downwards deviation of the underground cables is to such extent as the undertaker considers necessary or convenient. This flexibility is necessary to ensure that any localised changes in landform, geology or agricultural practices can be taken into account during construction, as well as enabling a safe distance to be maintained relative to any existing buried utility apparatus.

3.9.6 It should be noted that when each of the limits of deviation for the overhead electric line works and the underground electric line works are viewed as a whole, the overall flexibility is more limited because the combination of these limits of deviation restricts each of the individual limits of deviation.

3.9.7 A similar approach to the limits of deviation was adopted on the National Grid (Bramford to Twinstead Reinforcement) Order 2024. National Grid has adopted a similar approach to the draft Sea Link Order in connection with its disapplication of the minimum depth of the underground electric line.

3.9.8 The limits of deviation described in Article 5(1) are subject to the provisions of paragraphs (4), (5) and (6) of that Article, which are explained in paragraph 3.9.1 and 3.9.13.

3.9.9 Article 5(2) provides that the removal, clearance, decommissioning and demolition of any existing electric line may take place within the Order limits.

3.9.10 In respect of other permanent above ground structures, erections and apparatus including substations and sealing end compounds forming part of the authorised development, the limits of deviation included in Article 5(3) allow for:

- horizontal (i.e. lateral and longitudinal) deviation anywhere within the parameters shown by the pink dashed lines on the Work Plans; and
- vertical upwards deviation not exceeding 10% above the maximum height shown on the table of parameters which forms part of the Work Plans and vertical downwards deviation to such extent as the undertaker considers necessary or convenient. Once again, flexibility in downwards deviation is required so that construction can reflect extant ground conditions when the works are carried out.

3.9.11 Article 5(4) also allows a potential extension to the limits of vertical deviation specified in paragraphs (1)(b) (pylons), (1)(d) (underground electric line) and (3)(b) (permanent above ground structures) where the undertaker is able to demonstrate to the Secretary of State's satisfaction (and the Secretary of State has certified accordingly following consultation with the relevant planning authority) that such extension would not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement. This provision allows for unexpected ground conditions which would otherwise make it dangerous, impracticable or unduly complex to install the overhead electric line works and/or the underground electric cable works and/or any other non-linear infrastructure forming part of the authorised development within the limits of vertical deviation stated in paragraphs (1)(b), (1)(d) and 3(b) respectively. Article 5(4) (which does not disapply the limits of deviation, but gives a discretion to the Secretary of State, would be engaged in these circumstances to avoid a scenario whereby a minor departure from the stated vertical limits of deviation would otherwise lead to a disproportionate and/or onerous delay. The adverse consequences of such a delay

would be particularly acute in the context of the Project given its status as a project of critical national priority, including the additional constraint costs identified in Annex 2 of the NESO Clean Power 2030 Report as being £2.5 billion should National Grid deliver the Project by the end of 2031 instead of by the end of 2030 (equating to £7 million for every day that the energisation of the Project is delayed into 2031). In all instances, the Secretary of State would first need to be satisfied that such a departure would not give rise to any materially new or materially different environmental effects to those reported in the Environmental Statement.

3.9.12 A substantially similar provision appears in other made Orders – see for example Article 6 of the Testo's Junction Alteration Development Consent Order 2018, Article 6 of the Southampton to London Pipeline Development Consent Order 2020 and Article 4 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.9.13 Following engagement with the DIO, National Grid has included a bespoke restriction on the vertical upwards limits of deviation in article 5 and set out in the table of parameters in Section B of the works plans. This restriction forms a new paragraph (5) which prevents certain works and structures forming part of Work No. 2 (overhead transmission electric line (Route RG) from Norwich Main Substation to Bramford Substation) that are fully or partially located within specified grid references from benefiting from the vertical upwards limits of deviation. These restrictions are essential for the purposes of Wattisham Station Precision Approach Radar Safeguarding.

3.9.14 Article 5 has been amended, following discussion with UKPN, to make it clear that the temporary diversions for the works listed in Article 5(6) shown on the works plans are the 'worst case' in each case, and that those temporary diversions may be more limited such that they are closer to the asset being diverted, subject to UKPN Engineering Construction Standard ECS 01-1002, in conjunction with Energy Networks Association (ENA) Technical Specification 43-8 which sets out the minimum distances between overhead electric lines.

3.10 Article 6 (Benefit of Order)

3.10.1 This article is a departure from the general model provisions (article 4) and overrides section 156(1) of the Act (as permitted by section 156(2)) which, if applied, would confer the benefit of the Order on anyone with an interest in the land). Statutory powers may usually only be exercised by the body on whom they are conferred.

3.10.2 It is appropriate in this case for the Order powers, subject to article 7 (Consent to transfer benefit of Order), to be exercised only by:

- National Grid in respect of the authorised development;
- UKPN in the case of the UKPN works (unless UKPN fails to carry out the UKPN works and National Grid serves notice that it intends to carry out the UKPN works instead under Article 6(4));
- National Grid and UKOP[23] in respect of Work No. 17A (being works for the protection of UKOP apparatus); and

[23] "UKOP" means United Kingdom Oil Pipelines Ltd and British Pipelines Agency Limited as agent for United Kingdom Oil Pipelines Ltd, and includes their respective successors in title and assigns and successors in function.

- LTC undertaker in respect of Work No. 20 (being the LTC compensatory habitat works).

3.10.3 By this means, UKPN enjoys the benefit of the Order as well as National Grid, so far as the UKPN works are concerned, including the powers to obtain the necessary interests in land and to take possession of land temporarily. This approach also safeguards National Grid's ability to carry out the UKPN works itself (if required) as part of the authorised development.

3.10.4 The Order also gives the benefit of the Order to UKOP in respect of the works described in Work No. 17A only. UKOP is not a statutory undertaker and these works are necessary to allow UKOP to access the land and carry out works to protect critical infrastructure for the delivery of airline fuel to international airports. It is therefore essential to give the benefit of the necessary powers to UKOP.

3.10.5 Article 6(2) excepts (from the benefit of the Order conferred by Article 6(1)) works which are carried out by the undertaker for the benefit or protection of persons or land (including statutory undertakers) affected by the authorised development. In these cases the benefit of the "planning permission" equivalent of the Order (i.e. development consent) for those mitigation works is not personal to the undertaker but also for the users of the relevant land. This provision mirrors that in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 at Article 6(2).

3.10.6 By article 6(3), UKPN or UKOP may not exercise the development consent for the UKPN works or the UKOP protective works (as the case may be) conferred on it without the consent of, and subject to such reasonable conditions imposed by, National Grid. This, again, follows the approach taken in the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.10.7 Articles 6(4) and (5) confirm the position that, if UKPN fails to carry out the UKPN works (or part of them), National Grid can carry out the UKPN works (or the relevant part of them), on giving notice to UKPN and the Secretary of State, and that UKPN is to cease to have the benefit of articles 3(1)(b) and 6(1)(b) on the date specified in the notice and National Grid can benefit from UKPN's temporary possession powers under article 28. This termination of UKPN's ability to rely on articles 3(1)(b) and 6(1)(b) does not affect its ability to keep installed the electric line and other works included in the UKPN works, nor to maintain the UKPN works. Works done and actions undertaken before the issue of the notice by National Grid would therefore still be appropriately authorised. The wording of article 6(5) closely follows the Richborough Connection Project Development Consent Order 2017and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.10.8 Article 6(6) is added to clarify that no person is liable for breach of a term of the Order except where they are the person who (as applicable) has carried out, or cause to be carried out, that part of the authorised project to which the breach relates or has exercised, or caused to be exercised, the provision of the Order to which the breach relates. This clarification reflects the wording and principle in section 161 of the Act that it is only the actual person who has failed to comply with the terms of an Order who can be held liable for committing an offence. That provision was enacted by Parliament in the context that under section 156 of the Act, the standard position is that an order granting development consent, if made, would have effect for the benefit of the land and all persons for the time being interested in it. So Parliament wished to be clear that criminal liability was not to be joint and several between all those persons, or this would impede delivery of the infrastructure in question. Article 6(6) is therefore included to be absolutely clear as to the scope of liability (in the

event of arbitration pursuant to article 62 and not just in the event of criminal proceedings pursuant to section 161 of the Act) for the benefit of National Grid, UKPN, UKOP, landowners and authorities (including the beneficiaries of any protective provisions) seeking to enforce relevant provisions in the event of any breach. This provision is adopted from the Associated British Ports (Immingham Green Energy Terminal) Order 2025.

3.11 Article 7 (Consent to transfer benefit of Order)

3.11.1 This article allows any or all of the benefits of the provision of the Order to be transferred, with the consent of the Secretary of State, to others. The wording of Article 7 is based on Article 5 of the general model provisions, with minor Project-specific amendments, and is substantially similar to Article 7 of the National Grid (Richborough Connection Project) Development Consent Order 2017 and Article 7 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.11.2 Article 7(3) ensures that any other party that exercises any benefits of rights conferred on it by any transfer or grant, is subject to the same restrictions, liabilities and obligations as would apply if those benefits and rights were exercised by National Grid, UKPN or UKOP.

3.11.3 In relation to rights or benefits transferred or granted by UKPN in respect of the UKPN works, or by UKOP in respect of the UKOP protective works, Article 7(4) requires that these will be subject to provisions of Article 6(3) to 6(5), as if they have remained exercisable by UKPN or UKOP (as the case may be).

3.11.4 The relevant planning authority must be notified of any transfer or grant made under this Article, except where such a transfer or grant falls within the remit of Article 7(6) and 7(7).

3.11.5 Openreach Limited ("Openreach") has been specified under Article 7(7) as an entity to whom the benefit of the DCO can be transferred without prior consent of the Secretary of State. Openreach is a statutory undertaker and licence holder with associated duties to install or maintain a safe supply in relation to its relevant licence and apparatus/equipment. Accordingly, Openreach has been judged as fit and proper to undertake the corresponding works identified and would normally undertake their own diversions and installations in the course of their usual operations. In addition, and by virtue of its relevant statutory rights, Openreach is also an 'undertaker' entitled to carry out installation, inspection or ongoing maintenance of its apparatus/equipment within a 'street' for the purposes of section 48(5) of the New Roads and Street Works Act 1991.[24] As a statutory undertaker, Openreach is also authorised to make a compulsory purchase order for the purposes of its undertaking.

3.11.6 Notwithstanding the inclusion of powers for Openreach to carry out works to its apparatus under the transferred benefit of the DCO, it is still possible that it could carry out these related works under its own statutory powers outside of the DCO. These related works to statutory undertaker apparatus have been included within the DCO to ensure there is no inhibition to the implementation of the Project. However, this does not mean that all works would necessarily be required to be carried out under the powers of the DCO. The drafting of Article 7(6) and 7(7) has precedence in the National Grid (Yorkshire Green Energy Enablement Project) Development

[24] 1991 c.22.

Consent Order 2024, albeit some tweaks have been made to paragraph (7) for clarity.

3.12 Article 8 (Application of the 1990 Act)

3.12.1 Article 8(1) applies to specified works which, though temporary in nature, would be in place for a considerable period of time. The article applies section 57(2) of the Town and Country Planning Act 1990 to those works to clarify that planning permission is not required for the resumption, at the end of that period, of the purpose for which that land was normally used before the development consent was granted. A similar provision is included at Article 8 of the National Grid (Hinkley Point C Connection Project) Order 2016 and Article 7 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and is appropriate in this case to avoid disproportionate administrative burden on both landowners and the relevant planning authority once these temporary construction works have ceased.

3.12.2 Article 8(2) follows article 36 of the general model provisions and provides that for the purposes of section 264(3)(a) of the Town and Country Planning Act 1990, the development consent granted by the Order shall be treated as specific planning permission. This means that the land subject to the authorised development will be the operational land of the undertaker as a statutory undertaker and, therefore, is land on which National Grid and/or UKPN is permitted to carry out its undertaking. Statutory undertakers can make an application for planning permission on their operational land under section 266 TCPA 1990 and that application will be dealt with by the Secretary of State and the appropriate Minister. In addition, in respect of operational land certain permitted development rights may apply. This is appropriate and proportionate for inclusion in the draft Order as it will mean that, once constructed and into their operational phase, the works are treated as part of the wider network of which they will be part, on an equivalent legal basis. This provision is also included at Article 37 of the National Grid (Hinkley Point C Connection Project) Order 2016, Article 36 of the National Grid (Richborough Connection Project) Order 2017 and Article 8 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024

3.12.3 Additional provision has also been made at paragraph (3) to provide for planning permission in relation to powers to carry out certain street works (pursuant to article 11(2)). This is because such matters may be outside of the Order limits, and hence the article provides that such works are not deemed to constitute development. Article 8(2) and (3) adopt the provisions of Article 51(1) and (2) of The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014. Article 8(3) can also be found at Article 8(3) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.12.4 Article 8(4) clarifies that the UKOP protective works are deemed not to involve the development of land requiring planning permission under the 1990 Act. This is consistent with section 5(2) of the Pipe-Lines Act 1962.

3.13 Article 9 (Application of the Community Infrastructure Levy Regulations 2010)

3.13.1 Article 9 clarifies that, for the purposes of the Community Infrastructure Levy Regulations 2010, any buildings within the authorised development fall within the

exemption under regulation 6 and will not to be considered as "development" for the purposes of the Community Infrastructure Levy (CIL).

3.13.2 The rationale for this disapplication is that the authorised development, in its own right, comprises nationally significant infrastructure, and the undertaker will be obliged to provide all of the mitigatory infrastructure to mitigate its effects. Therefore, it would not be justifiable for CIL to be charged in respect of the development on top of this, for further infrastructure to mitigate impacts.

3.13.3 Identical wording is included in the Silvertown Tunnel Order 2018[25], the Southampton to London Pipeline Development Consent Order 2020 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.14 Article 10 (Planning permission)

3.14.1 Insofar as National Grid needs to obtain any other planning permission for anything relating to the authorised development (i.e. to facilitate its completion, construction, use or operation), this article seeks to avoid any question as to the interface between any such planning permission and this Order (i.e. these planning permissions will not constitute a breach of the terms of this Order). Substantially similar wording is included at Article 40 of the Southampton to London Pipeline Development Consent Order 2020 and Article 10 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.14.2 Given the size of the Project, it is inevitable that there will be planning permissions that are granted, or have already been granted, within the Order limits. Likewise, there are close interactions between some existing and proposed development consent orders, including North Falls, Five Estuaries and Lower Thames Crossing.

3.14.3 Article 10(2) further confirms that any other planning permissions or development consent orders which conflict with the authorised development can proceed without the risk of enforcement action being taken notwithstanding any incompatibility between the Project and the development authorised under that planning permission or development consent order. In light of the Supreme Court's ruling in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30, this provision is considered necessary to ensure that developments under such planning permissions or development consent orders are not prohibited. Substantially similar wording is included at Article 10 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, however, reference to development consent orders has been included given the known proximity and interfaces with a number of development consent orders.

3.14.4 Article 10(3) deals with the converse situation and confirms that development within the Order limits which is constructed or used under a standalone planning permission or development consent order does not prevent the carrying out of any development authorised under the Order. Again, substantially similar wording is included at Article 10 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, with the exception of the reference to development consent orders.

[25] S.I. 2018/574

3.14.5 As noted, both Articles 10(2) and 10(3) seek to address salient points arising from the Supreme Court's recent decision in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30.

3.14.6 Article 10(4) was added at the request of the Examining Authority and emphasises that nothing in the article prevents any enforcement action under the 1990 Act or the 2008 Act from being taken in relation to any breach of that permission or consent where that breach is not an inconsistency for the purposes of article 10(2). Identical wording is included in the draft Sea Link DCO.

Part 3 – Streets

3.15 Article 11 (Street works)

3.15.1 This article confers authority on the undertaker to interfere with and execute works in or under certain streets, which are specified in Schedule 5 (*streets subject to street works*) within the Order Limits and on other streets within or outside of the Order limits for the purposes of (or for purposes ancillary to) the authorised development. This article follows the general model provisions except in the following respects:

- Article 8(3) of the general model provisions is deleted as it is believed that the model provision may cause confusion. The intention, it is assumed, behind paragraph (3), which applies sections 54 to 106 of the New Roads and Street Works Act 1991 (the "1991 Act") to any street works authority, is to ensure that the relevant provisions of the 1991 Act which apply to street works apply also to other works in streets authorised by this article. However, it seems more sensible to extend article 13(5) of the Order which applies selected provisions of the 1991 Act to the temporary closure of streets even if no street works (within the meaning of the 1991 Act) are being carried out.
- The list of the types of works that the undertaker is authorised to carry out has been expanded from article 8(1) of the general model provisions.
  - Article 11(1)(a) is extended to enable the breaking up or opening of any sewer, drain or tunnel within the street.
  - Article 11(1)(b) is adapted to add drilling and the carrying out of any works to strengthen or repair the carriageway.
  - Article 11(1)(c) has been included to reflect the street works powers available to National Grid in paragraph 1(b)(iii) of Schedule 4 to the Electricity Act 1989[26].
  - Article 11(1)(d) is included to allow the placement and retention of apparatus or furniture (including signage) in or on the street.
  - Article 11(1)(e) permits the maintenance, renewal or alteration of apparatus or furniture (including signage) in or on the street, or a change to its position.
  - Article 11(1)(f) authorises the reinstatement or construction of pavement.
  - Article 11(1)(g) includes the right to provide or improve sight lines required by the highway authority.

[26] c. 29.

- Article 11(1)(h) includes the right to provide, maintain, renew or alter hard or soft landscaping measures in the street, drainage and any other works for the benefit or protection of the environment
- Article 11(1)(i) includes the right to carry out re-lining and the placement of temporary or permanent markings.

- These additional provisions relate to the authorised development, as permitted by Sections 120(3) and (4) together with item 15 of Part 1 of Schedule 5 to the Act, namely carrying out civil engineering or other works. They are also necessary and expedient to give full effect to the power to carry out the development authorised under article 3 of the Order (*development consent etc. granted by the Order*), as permitted under Section 120(5) of the Act. Save for reference to the reinstatement or construction of new pavement, the placement of furniture (including signage) and the addition of permanent markings, Article 11(1) follows Article 11(1) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.
- Article 11(2) adapts the wording at Article 11 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024. This provision allows the undertaker (with the consent of the street authority, such consent not to be unreasonably withheld or delayed) to enter onto any other street (i.e. one not listed in Schedule 5 and whether or not it is in the Order limits) for the purposes of the authorised development and, in this instance, for purposes ancillary to the authorised development, to carry out the street works authorised by Article 11(1). The rationale for the inclusion of this ability to carry out street works on streets not listed in Schedule 5 and/or outwith the Order limits, is to cover off any instance where the undertaker, in delivering the authorised development, finds it necessary to seek to carry out additional street works which are not set out in the schedule and/or are not within the Order limits. It allows flexibility for the street authority to consent to such street works within the scope of the Order, rather than necessitating a separate standalone consent. This allows for such works to be delivered further to the same set of controls as set out within the Order, given that such street works would be directly linked to the delivery of the authorised development. The draft Order requires the street authority's consent under this Article not to be "unreasonably withheld or delayed". Although this wording is not included in the National Grid (Bramford to Twinstead Reinforcement) Order 2024, it is included in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. Given the pressing programme for delivery of this project of Critical National Importance, National Grid considers the inclusion of this wording here to be proportionate and appropriate to minimise risks to programme delay.

- Article 11(3) provides that if a street authority fails to respond to an application for consent within 25 business days of the application being made, that street authority is deemed to have given its consent. The rationale for such deemed consent provisions is set out above in paragraph 3.3. Substantially similar wording is included in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. The 25 business day time frame is longer than that approved under the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and represents a business day equivalent of the 35 day period approved in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. Given the strategic importance of, and programme for, the delivery of the Project, National Grid considers 25 business days to be proportionate and appropriate in the circumstances.
- Paragraph (7) has been included to make it clear that any powers conferred by article 11 do not limit those granted under the Electricity Act 1989. An identical provision is included in the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.15.2 General model provision 8(2), as reflected in article 11(6), provides that the authority given by paragraphs (1) and (2) is a "statutory right" for the purposes of the New Roads and Street Works Act 1991[27]. The authority given by this article is a statutory right for the purposes of section 48(3) (Streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the New Roads and Street Works Act 1991, which means that the Order replaces the need to apply for a street works licence under that Act.

3.16 Article 12 (Application of the Permit Schemes)

3.16.1 This article deals with the relationship between the Order powers and the traffic management permit schemes operated by Norfolk County Council, Suffolk County Council, Essex County Council and Thurrock Council (together "the Permit Schemes").[28]

3.16.2 Article 12(1) confirms that the Permit Schemes apply and will be used by National Grid (or, where appropriate, UKPN) in connection with the construction and maintenance of the authorised development, subject to the provisions of the article.

3.16.3 Article 12(2)(d) relates to the grant of provisional advance authorisations and clarifies that a permit may not be granted for works in a location and time which one relates to (save for immediate works). It is essential that this provision is included within the Order, as without this the undertaker will not be able to forward plan works. In certain locations, albeit more generally also, controls on when works may be undertaken in the highway, including in proximity to one another, are provided for to minimise environmental impacts. The undertaker therefore must be able to forward plan by

[27] c. 22.

[28] The Order defines permit "scheme" by reference to any Part 3 of the Traffic Management Act 2004 (c.18) that are in force at the date on which the Order is made and gives the following examples: The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (as varied by The Norfolk County Council (Traffic Management (Norfolk County Council) Permit Scheme Order 2014) (Traffic Management Act 2004) Variation Order 2015, the Traffic Management (Suffolk County Council) Permit Scheme Order 2020, The Essex County Council Permit Scheme Order 2015 (S.I. 2015/37) (as varied by the Essex County Council (Permit Scheme) (Variation) Order 2015 or The Traffic Management (Thurrock Council) Permit Scheme Order 2017.

reserving road space in this manner and obtaining permits at the appropriate time in closer proximity to works being undertaken, as the Permit Schemes provide for.

3.16.4 New sub-paragraph (e) is added to include a deemed consent for the communication of a decision on an application for a permit. It provides that the decision period is the lesser of the period set out in the permit scheme or the period of 20 business days from receipt of the application. Scope is provided for an alternative time period to be agreed between the parties. New sub-paragraph (f) further clarifies that that any timings for decision-making set out in the Order take precedence over any such timings set out in any permit scheme that are inconsistent with the Order, unless otherwise agreed between the parties. This drafting is bespoke and is necessary to ensure that both the undertaker and the relevant highway authority are clear as to the process and expected timescales.

3.16.5 Articles 12(3) and (4) address the approval process provided for by the Permit Schemes, which requires a permit application to begin again should proposed conditions not be agreed with. The potential consequence of this is in the absence of the Order provisions is a delay to the delivery of elements of the authorised development by significant periods, potentially years in areas where the available window for undertaking works is significantly constrained, for instance in proximity to schools. To address this significant delivery risk, Articles 12(3) and (4) provide a process for agreement to be reached on the appropriate conditions, ensuring adequate controls are provided for, and that the Project is able to be delivered within programme.

3.16.6 Paragraph 8 clarifies that the procedure for appeals in Schedule 4 of the Order is capable of applying to any refusal to grant a permit, or to any decision to grant a permit subject to conditions, but not so as to limit any other appeal mechanism available to National Grid or UKPN under the Permit Schemes or otherwise.

3.16.7 Similar wording is included in the Southampton to London Pipeline Development Consent Order 2020, and the National Grid (Bramford to Twinstead) Development Consent Order 2024, save that National Grid has added some further wording in article 12(8) of this Order to clarify that if an appeal is commenced under a permit scheme and then an alternative appeal relating to the same matter is submitted under Schedule 4 (discharge of requirements), the appeal process under the permit scheme and any decision arising from it ceases to have any effect upon the commencement of an appeal under Schedule 4 (discharge of requirements).

3.17 Article 13 (Application of 1991 Act)

3.17.1 This article sets out how the 1991 Act will apply to the authorised development.

3.17.2 Article 13(1) clarifies that specific works such as the reconstruction, widening or substantial alteration of the highway, carried out by the undertaker on the highway, will be treated as if they are "major highway works" carried out by a highway authority for the purposes of Part 3 of the 1991 Act (street works in England and Wales). This provision ensures that the cost sharing provisions under section 85 of the 1991 Act (sharing of cost of necessary measures) apply to the Order. It is also intended to apply the co-ordination measures under section 84 of the 1991 Act (measures necessary where apparatus affected by major works) to such works whereby the undertaker and other statutory undertakers must co-operate to secure the efficient implementation of the works.

3.17.3 Article 13(3) provides that certain provisions of the 1991 Act as listed will not apply when the undertaker is carrying out any street or highway works under the Order. The provisions of the 1991 Act as listed comprise the following:

Provision	Purpose
Section 56	Allows a street authority to direct an undertaker as to the time at which street works can be carried out, in instances where the street authority believes that the works would otherwise cause serious disruption to traffic.
Section 56A	Enables a street authority to direct an undertaker not to use a proposed street to place its apparatus, if it appears to the street authority that this is likely to cause disruption to traffic, and there is another street in which the apparatus could be placed instead.
Section 58	Provides that where a street authority intends to carry out substantial road works in a highway, the street authority may by notice restrict the execution of street works during the twelve months following the completion of the road works.
Section 58A	Confers a power on a street authority to impose a restriction following the carrying out by an undertaker of substantial street works. It is similar to the corresponding provision in Section 58, and is given further effect by Schedule 3A (to which see further below).
Section 73A[29]	Provides for a 'resurfacing notice' to be given by a street authority to the undertaker specifying the resurfacing work which the undertaker is required to carry out in certain circumstances.
Section 73B	This provision enables the street authority to specify in a 'resurfacing notice' the times, stages and dates for beginning, executing and completing any resurfacing works.
Section 73C	Provides that the new road surface must conform, for a prescribed period after resurfacing, to any prescribed standards in terms of the materials and workmanship as well as any performance standards.
Section 78A	Requires an undertaker executing street works to contribute to the costs incurred or likely to be incurred by a street authority in reconstructing or resurfacing the street.
Schedule 3A	Establishes the process to be followed where a restriction is to be imposed by a street authority pursuant to Section 58A following the carrying out of substantial street works.

3.17.4 The disapplication of the provisions listed in Article 13(3) (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of works proposed under the Order, the specific authorisation given for those works by the Order (particularly Article 3

[29] Sections 73A, 73B, 73C and 78A of the 1991 Act have not yet been enacted via the relevant provisions (sections 55 and 57) of the Traffic Management Act 2004. Sections 55 and 57 of the Traffic Management Act 2004 are not yet in force, and no date for their enactment is currently specified. Sections 73A, 73B, 73C and 78A of the 1991 Act are therefore included in the Order on a pre-emptive basis.

and Schedule 1), and the specific provisions in the Order which would regulate the carrying out of the Order works.

3.17.5 Comparable provisions have been included at Article 13 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and similar provisions are also included in Article 12 of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. The provisions are widely established in a wide range of other made Orders, including the Southampton to London Pipeline Development Consent Order 2020, the Silvertown Tunnel Order 2018, and the Sizewell C (Nuclear Generating Station) Order 2022. The power to apply and disapply sections of the 1991 Act is provided for under section 120(5) of the Act.

3.17.6 Article 13(4) provides that further provisions of the 1991 Act as listed will not apply where the undertaker makes use of the Permit Schemes in connection with the construction and maintenance of the authorised development. The provision gives effect to Appendix B of the various permit schemes (referred to in footnote 27 above), each of which confirms that the provisions of the 1991 Act as listed in Article 13(4) are expressly disapplied.

3.17.7 Article 13(5) departs from the general model provisions to provide that relevant provisions of the New Roads and Street Works Act 1991 shall apply to a temporary closure of a street under Article 15, even if no street works (within the meaning of the 1991 Act) are being carried out. This would, for example, require National Grid to make arrangements, so far as practicable, for utilities to gain access to their apparatus. Comparable provisions are commonly included in Transport and Works Act Orders, and have also appeared in Development Consent Orders with identical wording being included in the National Grid (Hinkley Point C Connection Project) Order 2016 and similar wording in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. In a departure from the National Grid (Bramford to Twinstead Reinforcement) Order 2024, reference to section 75 (inspection fees) has been removed, as per the draft Sea Link Order. Applying section 75 (inspection fees) would be appropriate for substantive street works (where apparatus is place and reinstatement carried out) but its application to temporary closures that do not constitute street works, and would by their nature be cleaner and simpler operations, would be disproportionate on a project of this scale.

3.17.8 This article prevents confusion as to whether works in respect of a temporarily closed street are ‘street works’ for the purposes of the 1991 Act and also simplifies the implementation of those works by providing for a single process in respect of streets which are stopped up and those which are not.

3.18 Article 14 (Power to alter layout, etc. of streets)

3.18.1 This article permits the undertaker to alter, either permanently or temporarily, the layout of the streets listed in Part 1 (permanently) and Part 2 (temporarily) in Schedule 6 (*streets subject to alteration of layout*) to the Order for the purpose of the authorised development.

3.18.2 Article 14(2) provides a broader power to alter the layout of any street within or outwith the Order limits (i.e. where the street is not listed in Schedule 6) and the layout of any street having a junction with such a street. The consent of the street authority must be obtained, such consent not to be unreasonably withheld or delayed.

3.18.3 Article 14(3) provides that any street altered temporarily under this article must be restored to the reasonable satisfaction of the street authority.

3.18.4 As explained earlier, a street authority that fails to respond to an application for consent within 25 business days of the application being made is deemed to have given its consent. The rationale for such deemed consent provisions is set out above in paragraph 3.3.

3.18.5 This provision falls within the ambit of Section 120(3) of the 2008 Act, which provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted and the provision is necessary and expedient to give full effect to the power to carry out the authorised development as is provided for under section 120(5) of the Act.

3.18.6 This article is not included in the general model provisions, however, such provision now has longstanding precedent in development consent orders made in respect of linear projects, including more recently in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.19 Article 15 (Permanent stopping up of streets and public rights of way)

3.19.1 This Article enables the permanent stopping up of any streets or public rights of way (PRoWs). Since the definition of a 'street' in section 48 of the 1991 Act includes highways, footways and footpaths, such ways can be stopped up under this Article as well as vehicular accesses.

3.19.2 Paragraph (1) provides the undertaker with powers to stop up the streets and PRoWs as specified in columns 1 and 2 of Schedule 7 to the extent provided in the Schedule. The street or PRoW must not be wholly or partly stopped up until the new street or PRoW to be substituted for it is completed to the reasonable satisfaction of the street authority or a temporary alternative route is first provided and maintained available until the completion and opening of the new street or public right of way.

3.19.3 Paragraph (3) provides that where a public right of way is truncated by the widening of a highway, no diversion or substitute public right of way needs to be provided before the stopping up takes effect.

3.19.4 Paragraph (4) makes clear that where a street is stopped up under the article, all rights of way over or along the street so stopped up are extinguished.

3.19.5 Paragraph (5) provides a right to compensation for any person suffering loss due to the suspension or extinguishment of a private right of way under this article.

3.19.6 This article is subject to Article 45 (Apparatus and rights of statutory undertakers in stopped-up streets). This ensures that there are sufficient protections in place for statutory undertakers as Article 45 prescribes specific processes which the undertaker must follow in respect of the removal, relocation or substitution of statutory undertakers' apparatus within streets it is seeking to stop up and allows the streets and public rights of way identified in Schedule 7 to be stopped up (i.e. the legal right of way along them to be extinguished).

3.19.7 With the exception of paragraph (3) which is necessary to account for a very small number of instances whereby the widening of a highway causes the truncation of a

public right of way, this article broadly follows precedented wording in recent made development consent orders requiring the permanent closure of streets and public rights of way such as Article 17 of the M42 Junction 6 Development Consent Order 2020 and Article 16 of the Sizewell C (Nuclear Generating Station) Order 2022.

3.20 Article 16 (Temporary closure of streets and public rights of way)

3.20.1 This article provides for the temporary closure, alteration or diversion of streets or public rights of way shown on the access and rights of way plans or within the Order limits. In relation to those streets and public rights of way listed in Schedule 8, National Grid must first consult with the relevant street authority. In relation to streets and public rights of way not listed in the Schedule, the consent of the street authority (which may impose reasonable conditions) must be obtained (such consent not to be unreasonably withheld or delayed).

3.20.2 This article, and Schedule 8 to which it relates, departs from the general model provision in a number of ways. In particular, it has been expanded to deal also with public rights of way (the general model provisions only provide for the permanent stopping up of footpaths). This approach was adopted the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. These precedents are relied on as they are recently consented schemes which consented similar linear, high-voltage electricity transmission lines and associated infrastructure, which took a similar approach to temporarily closing streets and public rights of way as is proposed in this draft Order.

3.20.3 Paragraph (2) confers a power on National Grid to use a street or public right of way, which has been temporarily closed, altered or diverted, as a temporary working site. This is considered appropriate and necessary to facilitate construction of the authorised development without the undertaker needing to acquire further interests to accommodate additional construction laydown or compound areas. The wording is identical to Article 15(2) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save that the Order makes clear that the consent of the street authority is also required (such consent no to be unreasonable withheld or delayed).

3.20.4 Paragraph (4) amends Article 14(3) of the general model provisions to make it clear that National Grid, when closing streets or public rights of way, must provide temporary diversions in relation to the streets and public rights of way listed in Part 1 of Schedule 8.

3.20.5 Paragraph (6) confirms that any temporary diversion provided under paragraph (4) in respect of the streets or public rights of way closed, diverted or altered listed in Schedule 8, is not required to be of a higher standard than the temporarily closed street. This is a departure from Article 11 of the general model provisions, but is included to ensure that the undertaker is only required to provide a like-for-like replacement. The same approach was adopted in the Southampton to London Pipeline Development Consent Order 2020 and the National Grid (Bramford to Twinstead Reinforcement Order 2024.

3.20.6 In a slight departure from the National Grid (Bramford to Twinstead Reinforcement) Order 2024, Article 16 of the Order does not include wording requiring the undertaker to remove all temporary works and restore the street or public right of way to the reasonable satisfaction of the street authority because there are known instances

where temporary works will remain in place for some time (for example, bellmouths and highway mitigation works) and will be removed and the street or public right of way restored once those temporary works are obsolete.

3.20.7 Paragraphs (8) to (10) have been added (for the reasons set out in paragraph 3.3 above) to impose a time limit of 25 business days after which a street authority which fails to respond to an application for consent is deemed to have granted consent, so as not to delay the Project unnecessarily. This provision has been used in other development consent orders such as the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. As the works proposed under paragraph (5)(b) are temporary in nature, and this provision will provide greater flexibility and certainty in delivering the authorised development in accordance with its urgent need, it is considered that this approach is justified.

3.21 Article 17 (Access to works)

3.21.1 This article is based on article 12 of the general model provisions and confers upon the undertaker powers for the purposes of the authorised development to provide or improve both permanent and temporary accesses at the locations specified in Schedule 9 (access to works).

3.21.2 Similar powers are conferred in relation to any other locations within the Order limits reasonably required for the authorised development so long as the relevant planning authority consents, following consultation with the highway authority (such consent not to be unreasonably withheld or delayed).

3.21.3 The rationale for the inclusion of this ability to establish accesses elsewhere within the Order limits is to address any instance where the undertaker, in delivering the authorised development, finds it necessary to seek additional accesses which are not set out in the schedule. It allows flexibility for the street authority to consent to such accesses within the scope of the Order rather than necessitating a separate, standalone consent. This allows for such accesses to be delivered further to the same set of controls as set out within the Order, given that such accesses would be directly linked to the delivery of the authorised development.

3.21.4 If the authority fails to respond to an application for consent within 25 business days (for the reasons set out in paragraph 3.3 above), it will be deemed to have granted consent under articles 17(2) – 17(4). This article closely follows article 16 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save that the relevant authority for the purposes of the article in this Order is the street authority.

3.22 Article 18 (Construction, alteration and maintenance of streets and other structures)

3.22.1 Article 18 replicates the drafting of recent development consent orders such as article 17 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.22.2 Article 18 creates a mechanism for any street constructed or area of street altered or diverted under the Order to be adopted for maintenance at public expense, if it is completed to the reasonable satisfaction of the local highway authority and after a set maintenance period.

3.22.3 This provision is necessary to facilitate the adoption of new street further to the proposed alterations to streets as a result of article 14 (power to alter layout, etc. of streets) of the Order.

3.22.4 This provision may be included as an incidental provision to the consent for the authorised project at article 3 of the draft Order (development consent etc. granted by the Order) under section 120(5)(d) of the Act.

3.22.5 Article 18(2) provides that streets altered or diverted under the Order must be completed to the reasonable satisfaction of the local highway authority and maintained to the same condition by and at the expense of the undertaker for a period of 12 months from completion. After this period, the street will be maintained at the expense of the street authority.

3.22.6 As per a number of recent precedents, including Article 17(3) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, the article goes further than the Model Provision in that it also seeks to clarify (article 18(3)) that at the end of the 12 month maintenance period, the altered street where the alterations have led to the creation of new public highway is deemed to have been dedicated as public highway (which otherwise is insufficiently implied by prior paragraphs referring only to maintenance at the expense of the street authority).

3.22.7 Further incidental provision is made for the undertaker to have a defence against claims for loss or damage resulting from failure to maintain any street under this article if it can prove that it took all care reasonably necessary in the circumstances to ensure that the relevant part of the street was not dangerous to traffic. The article sets out factors which a court can take into account in considering this defence. No offence is created.

3.22.8 Article 18(6) provides that in determining who is the street authority in relation to a street for the purposes of Part III of the 1991 Act (Street works in England and Wales) any obligation on the undertaker to maintain any street to be constructed, altered or diverted under this Order, is to be disregarded. This is to make clear that the undertaker's responsibility for maintenance of these streets is limited to a period of 12 months and that after that 12 month period, the undertaker does not take on the wider powers or responsibilities of a street authority under Part III of the 1991 Act. The wording of this paragraph is identical to wording contained in the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.22.9 The rationale for this Article's standard inclusion is to provide a process within the Order which addresses the status of new streets. However, it will always be open to the undertaker and the street authority to enter into any appropriate agreement further to article 19 (Agreements with street authorities) (see below).

3.23 Article 19 (Agreements with street authorities)

3.23.1 This article follows article 13 of the general model provisions on which the National Grid (Hinkley Point C Connection Project) Order 2016 was based and allows National Grid and the relevant street authority to enter into agreements about the street works necessitated by the Project which would (amongst other matters) allow the local authority to carry out such works under the terms of that agreement.

3.23.2 It is noted that section 278 of the Highways Act 1980 allows for agreements to be entered into in relation to the execution by or on behalf of a highway authority of any works which the authority is authorised to execute. Article 19 is necessary because it

provides for agreements in relation to the execution by or on behalf of the undertaker of specified highway works which the undertaker is authorised to execute under the DCO, which is a separate matter. In any event, as permitted by section 120(5)(d) of the Act, additional provisions at paragraphs (1)(e), (2)(c) and (2)(e) clarify that (if the highway authority in question has agreed) agreements under this section may cover street works capable of execution by or on behalf of a highway authority under sections 38 and 278 of the Highways Act 1980 together with the adoption of any street works as highway maintainable at the public expense and such other matters as are agreed. These additional paragraphs are adapted from the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (article 17) and are substantially the same as article 18 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

Part 4 – Supplemental Powers

3.24 Article 20 (Discharge of water)

3.24.1 This article sets out the circumstances in which the undertaker is entitled to discharge water into a sewer, watercourse or drain. Essentially, this can be undertaken with the consent of the owner of the sewer, watercourse or drain (such consent not to be unreasonably withheld or delayed). If the person whose consent is required for the discharge of water fails to respond to an application for consent within 25 business days (or such other period as may be agreed) of the application being made, consent is deemed to have been given. The rationale for such deemed consent provisions is set out in paragraph 3.3 above.

3.24.2 Whilst work has been undertaken to understand the likely position, it is too early to identify the location of all discharges to private watercourses, as they will be very specific to ground conditions at the time of construction. Any owner that may potentially be affected will have been consulted on the emerging proposals for the Project.

3.24.3 Paragraph (4) provides that any owner of a public sewer or drain to which the undertaker intends to make an opening must not unreasonably withhold or delay their consent to such opening. Paragraph (6) provides that the undertaker is not required to maintain a watercourse or public sewer or drain, or the drainage works. This responsibility will fall to the usual undertaker as is appropriate. The definitions of "main river" and "watercourse" have been deleted to avoid repetition with the definitions in Article 2.

3.24.4 This Article is similar to the general model provision (article 14), except, in particular:

- paragraph (8) is updated to reflect the repeal of section 85 of the Water Resources Act 1991[30] (which is referred to in the general model provisions) and its replacement by the Environmental Permitting (England and Wales) Regulations 2016[31]; and
- paragraph (9) has been added to provide that if a person fails to respond within 25 business days of an application for approval or consent under this article it shall be deemed to have been given or granted.

3.24.5 This article is thus in the same form as the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.25 Article 21 (Protective works)

3.25.1 This article sets out the circumstances in which protective works can be carried out to land, buildings, structures, apparatus or equipment, within the Order limits or which may be affected by the authorised development.

3.25.2 Except in an emergency, 10 business days' notice must be given to the owner to exercise the powers under this article, and the owner can seek arbitration to determine whether it is necessary or expedient to carry out the protective works, or to

[30] c. 57.

[31] S.I. 2016/1154.

enter the identified building or land, by serving a counter-notice. The power lasts until five years after the relevant part of the Project comes into operation. There is an entitlement to compensation, both in relation to loss or damage caused by the undertaker in carrying out the protective works and where, within a specified period, the protective works are shown not to be sufficient.

3.25.3 The article is based on article 15 of the general model provisions. Similar mechanisms are found in the National Grid (Hinkley Point C Connection Project) Order 2016 (article 17 (Protective work to buildings)), the National Grid (Richborough Connection Project) Development Consent Order 2017 (article 17 (Protective work to buildings)) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 20 (Protective works)).

3.25.4 The Order extends the power to carry out protective works from just buildings to land, buildings, structures, apparatus or equipment within the Order Limits or which may be affected by the authorised development (as per the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. Article 21(3) allows the undertaker access to land adjacent to the relevant land, building, structure, apparatus or equipment within or outside of the Order limits to exercise this power (where reasonably necessary). This is necessary given the linear nature of the authorised development and also given the range of potential items that might necessitate protective works (which are defined in paragraph (13) as being both protective and remedial works), and, in particular, the inclusion of this provision will help to mitigate the risk of unforeseen circumstances prejudicing the delivery of this nationally significant infrastructure project.

3.25.5 Paragraph (11) applies section 13 of the Compulsory Purchase Act 1965, thereby providing an enforcement mechanism (by way of a warrant) where entry onto, or possession of, land under the article is refused. The same provision is found, amongst other development consent orders, in Article 20(10) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.26 Article 22 (Authority to survey and investigate the land)

3.26.1 This article confers the power to enter land (which under the Act includes land covered with water) within the Order limits or land which may be affected by the authorised development, for the purpose of surveying, monitoring or investigating it, including a power to make trial holes, boreholes, excavations and/or take horizontal cores (e.g. inclined boreholes for the purpose of geological fault modelling), carry out ecological or archaeological investigations or monitoring, and to use and leave apparatus (including attached to buoys) on the land for these purposes.

3.26.2 The extension of this power to “land which may be affected by the authorised development” is to allow for circumstances where, for example, geological complexities are discovered within or towards the edge of the Order limits. In these circumstances, surveys and investigations may be required on land outside of the Order limits to establish whether those geological complexities extend beyond the Order limits and could give rise to any risk of damage to property outside of the Order limits or other concerns including safety and structural concerns, that the undertaker could take steps to avoid. This approach is precedented, including on the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.26.3 The power of entry under this article is subject to a requirement to give 10 business days’ notice to owners and occupiers of the land. The notice period is a business day

equivalent of the 14 day notice period that was considered acceptable on the National Grid (Bramford to Twinstead Reinforcement) Order 2024. National Grid considers the proposed notice period to be appropriate and proportionate against the backdrop of a constrained delivery programme for this project of critical national priority. Compensation is payable for any loss or damage as a result of the exercise of this power.

3.26.4 The power to make trial holes is restricted in respect of highways or streets and requires the consent of the relevant highway or street authority, such consent being subject to the deemed approval provision. Article 22(8) provides that if a highway authority or street authority fails to give notice of its decision within 25 business days then that authority is deemed to have granted consent. This deemed consent process is substantially similar to that consented in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. The 28 day deemed consent period contained in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 has been extended for the purposes of this Order following feedback from host authorities and the Examining Authority. For the purposes of the draft Order and, as noted above, National Grid considers 25 business days to be adequate, proportionate and appropriate given the strategic importance of the Project to the achievement of the UK Government's Net Zero targets and in light of the continued commitment to regular engagement and dialogue with relevant stakeholders.

3.26.5 The article is based on the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 21) and National Grid (Hinkley Point C Connection Project) Order 2016 (article 18), which in turn reflect the general model provision (with various drafting changes). Paragraph (1)(b) includes the power to survey and investigate land or buildings to establish the effect of the authorised development or to enable the authorised development to begin. Paragraph (1)(e) allows equipment used for ecological or archaeological investigations to be left on the land (along with other apparatus used in connection with the survey, monitoring or investigation of land). This is identical to the provision in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 21) save for the inclusion of security facilities in the list of example items that can be placed on, left on and removed from land. These powers are necessary to ensure that this article provides authority for the types of activities that are likely to be required in respect of the authorised development.

3.26.6 In addition, the power in the general model provisions is extended to include the ability to take, and process, samples of water, air, soil or rock, flora, bodily excretions, non-human dead bodies, or any non-living thing present as a result of human action found on, in or over the land. This wording reflects the wording of section 53(3A) of the Act which clarifies that the right to enter land for the purposes of surveying includes the power to take and process certain types of samples. This may be included in a DCO under section 120(4) and item 12 of Part 1 of Schedule 5 of the Act, which makes particular provision for the inclusion of powers for carrying out surveys or taking of soil samples.

3.26.7 Article 22(4) ensures that landowners are provided with details of the undertaker's purpose for surveying, monitoring or investigating the land before the undertaker enters the land, and authorises the undertaker to take necessary vehicles and equipment onto the land to carry out the survey, monitoring or investigations. National Grid has included a list of example items of equipment that can be taken onto land to carry out surveys, monitoring or investigations, which follows the approach taken on the draft Sea Link Order.

3.26.8 Article 22(6) has been updated to reflect that the land does not need to be restored to its original condition if the landowers are content for it not to be.

3.26.9 The provision relates to, or is ancillary to, the authorised development within the scope of section 120(3) of the Act and is a matter specifically identified in paragraph 12 of Schedule 12 of the Act, which states that a development consent order can provide for the carrying out of surveys or taking of soil samples.

3.27 Article 23 (Removal of human remains)

3.27.1 The purpose and effect of Article 23 is to replace the existing and disparate regimes for regulating the removal of human remains and consolidate the applicable provisions in a single article in the Order. It is required to ensure that human remains are recovered appropriately without causing unacceptable delay to the implementation of this nationally significant infrastructure project.

3.27.2 This article is based on article 17 of the general model provisions and article 23 of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 and found more recently in Article 51 of the A47 Wansford to Sutton Development Consent Order 2023 and Article 21 of the Associated British Ports (Immingham Green Energy Terminal) Order 2025. It requires the undertaker, before it carries out any development or works which will or may disturb any human remains, to remove those remains. Before removing any human remains, the undertaker is required to publish notice of its intention to do so. Notice is also required to be displayed near the site.

3.27.3 Any relative or personal representative of any deceased person whose remains are proposed to be removed may, at any time within 40 business days of first publication of a notice by the undertaker, give notice to the undertaker of their intention to undertake the removal of the remains themselves and arrange for those remains to be re-interred or cremated. The undertaker will be responsible for the reasonable costs incurred in responding to National Grid's notice and the reasonable costs of re-interring or cremating the remains.

3.27.4 In the event that such relative or personal representative does not remove the remains, the undertaker is required to comply with any reasonable request the relative or personal representative may make in relation to the removal and re-interment or cremation of the remains.

3.27.5 Where the undertaker is satisfied that the remains were interred more than 100 years ago and that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article, no notice is required before the removal of the remains. However, the undertaker must apply for direction from the Secretary of State as to the treatment of the remains (before, during and after removal) and must deal with the remains in the manner directed by the Secretary of State. In each case, article 23(12) provides that this must be carried out in accordance with any applicable terms of a written scheme of investigation approved under requirement 5 of Schedule 3 (requirements) unless the Secretary of State directs otherwise. Whilst the drafting of paragraph (12) is similar to the precedents referred to above, National Grid included bespoke drafting regarding the treatment of remains of more than 100 years old before, during and after removal and for these remains to be treated in accordance with any relevant written scheme of investigation to provide comfort to the host authorities that any such remains would be treated carefully, appropriately and in accordance with clear instructions.

3.27.6 In addition, paragraph (19) applies to this Order sections 238 and 239 of the 1990 Act, which ordinarily allow the use of consecrated land or burial grounds in accordance with a planning permission notwithstanding ecclesiastical law, so that land acquired for the authorised development or temporarily used or in relation to which rights are acquired, has the same benefit of those 1990 Act sections as it would have done if the Order had been a planning permission. The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 included a substantively similar provision (at Schedule 19, Part 1, paragraph 9(2)), save that paragraph (19) further clarifies the interpretation of terminology from the 1990 Act under the Order.

3.27.7 It is noted that similar provision applied for has been removed from a number of made development consent orders in recent years. It is submitted that these have very limited utility as precedents because National Grid is not aware that the matter has been considered in the relevant Examiners' Reports or that these involved any attempt to solicit the views and representations of the applicants or interested parties as to whether the provision ought to be retained during the post-examination stage. National Grid is aware, however, that the equivalent provision was included in Article 21 of The Associated British Ports (Immingham Green Energy Terminal) Order 2025. The Examiner's Report[32] recorded that Article 21 had been the subject of questioning by the Examining Authority and the applicant had provided explanation to justify why it was needed. The explanation, in summary, was that the applicant had submitted that whilst there was alternative legislation in place to allow for the removal of remains, due to its disparate nature, this could be slow and had the potential to delay the delivery of the proposed development. In the applicant's view Article 21 was needed to allow for a clear, consolidated, efficient and acceptable process for handling the removal of remains, in the unlikely event it should prove necessary. The applicant's position was that there was therefore potentially significant public interest benefit from its inclusion, and no public interest harm. No person would benefit and no public interest benefit would be realised by removal of the provision. The Examining Authority agreed with the applicant's position. National Grid considers that the same points apply in relation to the Project, more so given (i) the underground electric line works increasing the probability of encountering humans remains and (ii) that the Project is one of Critical National Priority that is needed to facilitate Clean Power 2030.

Part 5 – Powers of Acquisition and Possession of Land

Powers of Acquisition

3.28 Article 24 (Compulsory acquisition of land)

3.28.1 This article authorises the compulsory acquisition by National Grid of so much of the Order land listed in the Book of Reference as is required for the construction, operation or maintenance of the authorised development (including UKPN works) or is incidental to it or necessary to facilitate it. These powers are also afforded to UKPN, albeit limited to the extent that the land is required for the construction, operation and maintenance of the UKPN works.

[32] Paragraphs 7.4.14 – 7.4.19.

3.28.2 This article is based on Article 18(1) of the general model provisions. General model provision paragraphs (2) and (3) have not been included. The former would provide for the automatic extinguishment of any rights applying to the Order land as soon as it is vested in the undertaker. This is inconsistent with the general model provision on private rights of way, which provides for the extinguishment of such rights on entry onto the land, which may take place ahead of vesting of the land. Vesting may actually take place after works, which conflict with the rights in question, have been carried out. It has therefore been considered preferable to extend the "rights of way" model clause to deal with private rights in general. Hence paragraphs (2) and (3) are omitted from this article.

3.28.3 The inclusion in Article 24 of wording authorising compulsory acquisition of such land that is required for the authorised development or is incidental to it or required for facilitate it, is based on Section 122(2) of the 2008 Act, which makes plain that compulsory acquisition of land etc. must be that which is required for the development to which the development consent relates, is required to facilitate or is incidental to that development, or is replacement land.

3.28.4 Almost identical wording appears in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 22).

3.29 Article 25 (Compulsory acquisition of rights)

3.29.1 This article allows the undertaker to acquire rights (and impose restrictions) over the Order land, including by creating new rights for the purpose of the authorised development.

3.29.2 Paragraph (1) provides that National Grid may acquire or create rights as described in the Book of Reference (document reference 4.3) with the general nature and extent of these rights also shown in the land plans, including rights for the benefit of a statutory undertaker or any other person.

3.29.3 As well as providing for the acquisition of rights, the article enables the undertaker to impose restrictions (as described in the Book of Reference) over the Order land, including restrictive covenants for the benefit of a statutory undertaker or any other person, for the purposes of the authorised development. This power to impose restrictions on the use of land is considered a proportionate means of protecting the authorised development whilst minimising the extent of land to be compulsorily acquired. The power to impose restrictions is appropriate in the context of the authorised development to restrict use of land or airspace above or beneath the overhead electric lines or underground cables. The plots and the restrictions to be imposed are confirmed and described in the Book of Reference (document reference 4.3).

3.29.4 As per the National Grid (Bramford to Twinstead Reinforcement) Order 2024, general model provision paragraph (2) has not been included as similar provision is instead included in article 38 (Extinguishment and suspension of private rights).

3.29.5 Paragraph (3) provides that where National Grid needs only to acquire rights over land or impose a restriction on that land, it shall not be obliged to acquire any greater interest in that land.

3.29.6 Paragraph (4) and Schedule 10 impose modifications to the compulsory purchase and compensation provisions under general legislation, as updated by the Housing and Planning Act 2016. They do not affect the entitlement to compensation, but

generally ensure that the compensation procedure applies to the additional categories of acquisition covered by the Order – the creation of new rights and the imposition of restrictions in particular. This is a consequence of the extension of land acquisition powers to these categories (done to allow lesser land interests to be acquired), and is commonplace in other compulsory purchase orders made by local authorities. For the purpose of section 126(2) of the Act, the relevant compensation provisions are modified only to the extent necessary to ensure that they apply properly to the acquisition of rights, and not to affect the amount of compensation to which landowners would be entitled.

3.29.7 General model provision paragraph (4) has not been included as equivalent provision has instead been made in article 38 (Extinguishment and suspension of private rights).

3.29.8 Paragraphs (5) and (6) provide that National Grid, with the consent of the Secretary of State, may transfer to statutory undertakers its power to acquire rights or impose restrictions, where the diversion, replacement or protection of apparatus is required on Order land. The benefit of this is that it would avoid possible delay and uncertainty by statutory undertakers being required to exercise their own powers. For them to do so would be unnecessary given that the action taken would be no different than if the powers were created within this Order.

3.29.9 This Article is virtually identical to article 23 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 save that paragraph (2) of that Article is omitted as it is not considered relevant to the Order to make the powers subject to those of compulsory purchase and temporary possession (any interaction is clear on the face of the powers) and the position in relation to the Crown's preferred wording will be confirmed in due course).

3.30 Article 26 (Acquisition of subsoil or airspace only)

3.30.1 This article allows National Grid to acquire land lower than ground level or airspace above ground level, rather than having to acquire all of the land. The article is similar to the general model provision (article 24) except that it has been extended to include airspace as well as subsoil.

3.30.2 The acquisition of interests in or rights over airspace is particularly relevant in the context of overhead electricity lines, and subsoil is particularly relevant in the context of the proposed underground element of the authorised development.

3.30.3 This approach reflects that of a number of development consent orders and mirrors the wording of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 24).

Temporary Possession of Land

3.31 Article 27 (Temporary use of land by National Grid)

3.31.1 This article which applies only to National Grid, follows the principle of general model provision 28 and allows the land set out in Schedule 11 to be occupied temporarily by National Grid in connection with the carrying out of the authorised development (article 27(1)(a)(i)).

3.31.2 A modification to article 28 of the general model provisions has been made to allow National Grid also to take temporary possession of any other Order land which may be subject to compulsory acquisition of land or rights but in respect of which National Grid has not yet served a notice of entry or made a general vesting declaration (article 27(1)(a)(ii)) (other than a notice of entry or a declaration in connection with the acquisition of rights or the imposition of restrictive covenants).

3.31.3 As a generality, the wording of this article is very similar to that contained in the National Grid (Hinkley Point C Connection Project) Order 2016 (article 29) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 25). It allows National Grid to occupy land to construct the authorised development without having to permanently acquire the land, or a right over the land. Once constructed, that land, or rights in the land, may be compulsorily acquired. This means that National Grid will 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 National Grid 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.

3.31.4 A modification has been made to Article 27(1)(a)(ii) to remove the restriction that would otherwise prevent National Grid from taking temporary possession of Order land over which a notice of entry has been served or a general vesting declaration ("GVD") has been made. In its standard form, this restriction assumes a single sequential acquiring process, whereby temporary possession is taken before permanent rights are drawn down by one undertaker in relation to one set of works, minimising the area of land required for the compulsory acquisition of land or rights. However, the Project requires a more complex sequencing: because more than one undertaker (National Grid, UKPN and UKOP) may require rights over some of the same plots, exercising temporary possession first before their own permanent rights being drawn down. Without this amendment, the prior GVD or notice of entry over the same plot by one undertaker would operate to preclude the taking of temporary possession by another. As the majority of what is being compulsorily acquired under the Order comprises rights and restrictions rather than land outright, this provision in its unamended form already permits temporary possession where a GVD or notice has been served in connection with the acquisition of rights only; the amendment extends that permission to all categories of Order land in circumstances where the sequencing of works requires it. The compensation code continues to apply in the normal manner.

3.31.5 Paragraph 1(b) has extended the model provision to allow for National Grid to remove or alter equipment or any other thing from the land. This is very similar to article 25 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, although the National Grid (Bramford to Twinstead Reinforcement) Order 2024 does not include the ability to alter the equipment listed. This provision is required to give National Grid appropriate flexibility in its temporary use of the land and is considered to be proportionate in the context of the authorised development.

3.31.6 Paragraph (1)(d) has been also been added to allow for works to be constructed on the land. This is based on article 25 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save that additional wording has been included to refer to the two different categories of land mentioned in paragraphs (1)(a)(i) and (1)(a)(ii). This wording clarifies that in relation to land mentioned at (1)(a)(i) works can be carried out to construct any works listed in Schedule 11 and any other mitigation

works and in relation to land mentioned at (1)(a)(ii) works can be carried out to construct the authorised development or any other mitigation works.

3.31.7 Paragraph (2) requires National Grid to give landowners 10 business days' notice before entering on and taking temporary possession of land. This timeframe is considered to be necessary, appropriate and proportionate given the need for National Grid to construct the authorised development to meet the needs case. It is also considered to be reasonable and equitable in light of National Grid's commitment to regular engagement and dialogue with affected landowners and occupiers. The 10 business days' notice period is a business day equivalent of the period contained in other recently made orders for electricity lines, including Article 25(2) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.31.8 Paragraph (3) prevents National Grid from remaining in possession of the land after the end of the period of 21 months beginning with the date of completion of the work, or part of the authorised development, for which temporary possession was taken unless otherwise agreed with the landowner. The period of 21 months is considered to be appropriate and proportionate given the scale of the Project and to account for seasonal considerations, such as breeding seasons. There is a consequential amendment to paragraph (3) to refer to the two different categories of land mentioned in paragraphs (1)(a)(i) and (1)(a)(ii).

3.31.9 Paragraph (4) provides that National Grid must provide written notice to the landowner of the date of completion of the work for which temporary possession was taken within 25 business days of completion of the works.

3.31.10 Paragraph (5) provides that, unless otherwise agreed with the landowners, before giving up temporary possession of land listed in Schedule 11, National Grid must remove all temporary works and restore the land save for the exceptions listed in sub-paragraphs (a) to (h) which has been amended to allow works of mitigation and other works (such as the pylons) to be constructed and left on the land, without a requirement for these to be removed. This would apply, for example, where mitigation is provided but National Grid does not need to retain a permanent interest in the land. The provision would allow National Grid to leave, in place, foundations (more than 1.2 metres below ground) for the pylons which have been removed. This is because the removal of the foundations below 1.2 metres is judged, on balance, to be unnecessary when comparing the benefit of such removal as against the potential effects. In particular, it is considered a sufficient depth to ensure the safe future use of the land in question. This provision is substantially similar to article 25(5) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.31.11 Paragraph (6) is similar to paragraph (5) but relates to land not listed in the Schedule, and provides that where temporary possession has been taken over land which may be subject to compulsory acquisition, but in respect of which National Grid has not yet served a notice of entry or made a general vesting declaration, National Grid shall either acquire the land, or right, over the land or remove the temporary works. Paragraph (6) is substantially similar to Article 25(6) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024. It lists certain exclusions from the requirement to remove the temporary works, including that that National Grid is not required to remove any ground-strengthening works, nor to remove or reposition any apparatus belonging to statutory undertakers, nor to remove any drainage works, nor remove any permanent work constructed or installed as part of the authorised development. This is to ensure that in returning the land temporarily occupied, there is not a requirement to 'undo' works which have been carried out to facilitate the

authorised development. For the same reasons as in paragraph (5), this provision allows National Grid to leave in place foundations (more than 1.2 metres below ground) for the pylons which have been removed.

3.31.12 Paragraph (9) amends the general model provisions to make clear that compensation payable under this article is compensation payable for injurious affection which would normally arise under section 10 of the Compulsory Purchase Act 1965 but which, by virtue of section 125(3)(b) of the Act is payable under section 152 of the Act instead.

3.31.13 Under paragraph (10), National Grid is not required to acquire the land listed in Schedule 10 or any interests in that land, but this provision does not prevent rights in or over land, subsoil or airspace over land from being acquired. The model provision has been amended to also allow restrictions to be imposed on the Schedule 10 land and for airspace to be acquired.

3.31.14 Paragraph (12) makes clear that the power in this article can be exercised on more than one occasion. This change is intended to clarify the intention behind the model provision rather than to expand its scope.

3.31.15 Article 27(13) is a new provision allowing UKPN, UKOP and the LTC undertaker to exercise National Grid's temporary possession powers under Article 27 with National Grid's written consent (which may be given subject to conditions). This provision is required because UKPN requires the optionality not to exercise its own separate temporary possession powers under Article 28. The UKPN works form part of the authorised development. National Grid's Article 27 right therefore extends to plots associated with the UKPN works. Applicable compensation rights are unaffected by the exercise of Article 27 powers by UKPN, UKOP or the LTC undertaker pursuant to Article 27(13), and any person who suffers loss or damage as a result of the exercise of those powers remains entitled to compensation.

3.32 Article 28 (Temporary use of land by UKPN and UKOP)

3.32.1 This article is similar to article 27 (Temporary use of land by National Grid) and provides that UKPN may, in connection with the carrying out of the UKPN works (only), and UKOP may in connection with the carrying out of the UKOP protective works (only) take temporary possession of the Order land specified in Schedule 11. The extent of this provision is more limited in scope than article 27 as it need only relate to the UKPN works or the UKOP works, as relevant.

3.32.2 The ability to leave those works listed in article 27(5)(e)-(h) in situ has not been replicated in the UKPN power as these are not works forming part of the UKPN works. However, article 28(13) specifies that UKOP is not required to remove any ground strengthening works or other works of mitigation which have been placed in that land to facilitate construction or operation of the authorised development, including the UKOP protective works.

3.32.3 Article 28(12)(a) makes clear that the temporary possession power in Article 28 can be exercised on more than one occasion by UKPN. Sub-paragraph (b) provides that National Grid is also not prevented from taking temporary possession more than once in relation to any land specified in article 27(1)(a). This is included to clarify that National Grid can take temporary possession of land of which UKPN has previously taken temporary possession and is necessary to ensure the delivery of the Project.

3.32.4 The provisions contained in Article 28 are identical to those consented in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (Article 26), save that the

period of time for remaining in possession is 21 months for consistency with Article 27 (Temporary use of land by National Grid).

3.33 Article 29 (Temporary use of land for maintaining the authorised development)

3.33.1 This article provides for entry upon, and the taking temporary possession of, land within the Order limits (except for houses, gardens and any other building for the time being occupied) reasonably required to maintain the authorised development. At least 10 business days' notice must be given (save in emergencies), and compensation must be paid for any loss or damage.

3.33.2 The article follows the general model provisions save that paragraph (1)(c) extends the model provisions to include a right to enter on to the land for the purpose of gaining access to maintain the authorised development (which compliments the maintenance powers set out in paragraph (1)(a)). Paragraph (3) also reduces the notice period specified in the general model provisions from 28 days to 10 business days. The 10 business days' notice period is also considered to be reasonable and equitable in light of National Grid's commitment to regular engagement and dialogue with affected landowners and occupiers, and the status of the Project as one of Critical National Priority that is needed to facilitate Clean Power 2030. In addition, a provision removing the need for the 10 business days' notice in emergency situations has been added at paragraph (11).

3.33.3 Article 29(12) differentiates between a 'maintenance period' for maintaining the authorised development (five years beginning with the date that part of the authorised development is brought into operational use) and a 'maintenance period' for replacement or landscape planting (five years beginning with the date on which that part of the replacement or landscape planting is first completed).

3.33.4 This provision is necessary to ensure National Grid can access the authorised development for the purpose of maintenance, which National Grid considers to be necessary and proportionate. It follows the approach in Article 27 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.34 Article 30 (Use of subsoil under or airspace over streets)

3.34.1 This article, which closely follows article 27 of the general model provisions (save for the inclusion of reference to purposes ancillary to the authorised development), provides that National Grid may use streets within the Order limits for the authorised development without being required to acquire any part of the street or any easement or right in the street.

3.34.2 Provision is made in article 30(4) for the payment of compensation to persons who suffer losses as a result of the exercise of this power.

3.34.3 The inclusion of article 30(5) ensures that an undertaker whose apparatus in a street is affected by major highway works, major bridge works or major transport works is not compensated twice in respect of the same works. Section 85 (sharing of costs of necessary measures) provides that an undertaker can recover allowable costs for measures needed to be taken in relation to the apparatus in consequence of the works or to facilitate their execution.

3.34.4 The article mirrors the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 28).

3.35 Article 31 (Disregard of certain interests and improvements)

3.35.1 This article replicates article 37 of article 29 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.35.2 It provides for disregarding certain interests in and enhancements to the value of land for the purposes of assessing compensation with respect to its compulsory acquisition where the creation of the interest or the making of the enhancement was not reasonably necessary and was designed with a view to obtaining compensation or increased compensation.

3.35.3 It complies with section 126 (compensation for compulsory acquisition) of the Act. This is because it does not have the effect of modifying or excluding the application of an existing provision relating to compulsory purchase compensation.

3.35.4 The wording of this article mirrors much of the wording of section 4 (assessment of compensation) of the Acquisition of Land Act 1981 (the "1981 Act"). It is necessary to specifically apply the effect of section 4 to the draft Order. This is because the 1981 Act only applies to a compulsory purchase to which any other statutory instrument has applied its provisions (Section 1 (*Application of Act*)) and neither the Act nor the general model provisions apply Section 1 of the 1981 Act to the draft Order. Section 120(3) and 120(5)(a) and item 36 of Part 1 of Schedule 5 allow the application in an Order of statutory provisions which relate to the payment of compensation.

3.36 Article 32 (Set-off for enhancement in value of retained land)

3.36.1 This replicates article 30 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.36.2 It provides that in assessing the compensation payable to any person in respect of the acquisition of any land, the Upper Tribunal shall set off against the value of the land, any increase in value of any contiguous or adjacent land belonging to that person, arising out of construction of the authorised development.

3.36.3 In assessing the compensation payable to any person in respect of the acquisition of new rights over land, the Upper Tribunal shall set off against the value of the land, any increase in the value of land over which new rights are acquired and any increase in the value of contiguous or adjacent land belonging to that person, arising as a result of the authorised development.

3.36.4 It complies with Section 126(2) of the Act. This is because it does not have the effect of modifying the application of an existing provision relating to compulsory purchase compensation.

3.36.5 The principle in this article is established in section 7 of the Land Compensation Act 1961 *(effect of certain actual or prospective development of adjacent land in same ownership),* which needs to be applied.

3.36.6 Sections 120(3) and 5(a) and item 36 of Part 1 of Schedule 5 to the 2008 Act allow the application in an Order of statutory provisions which relate to the payment of compensation.

Supplementary

3.37 Article 33 (Compulsory acquisition of land - incorporation of the mineral code)

3.37.1 This article is based on the general model provisions (and contains minor additions, as were contained in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 31)) to substitute the words “undertaking” and “compulsory purchase order” for “authorised development” and “this Order”, respectively

3.37.2 It incorporates both Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 (with modifications) rather than just Part 2. Part 3 provides the procedure for the owner wishing to work the mines or minerals. By incorporating the two parts of the named Schedule, this article exempts existing rights in minerals from the scope of compulsory acquisition and deals with the situation where the owner of mines or minerals wishes to work them. This is necessary given the nature and location of the authorised development, and the potential for interaction with quarries and proposed mineral designations.

3.38 Article 34 (Time limit for exercise of authority to acquire land compulsorily)

3.38.1 This article gives National Grid seven years to issue ‘notices to treat’ or a ‘general vesting declaration’ to acquire the land or rights that is subject to the power of compulsory purchase. These are the two main procedural methods by which the process of acquiring land is undertaken should this Order be made. The time period is longer than the general model provisions (article 20) which will enable National Grid to construct pursuant to temporary use powers and then exercise the powers of compulsory acquisition after construction. When paired with the programme and nature and scale of the Project, National Grid is of the view that seven years is justified. A period of seven years is precedented in other Orders, including the East Anglia ONE North Offshore Windfarm Order 2022 and the East Anglia TWO Offshore Windfarm Order 2022. The Statement of Reasons (document reference 4.1) provides further details on compulsory acquisition and time limits.

3.38.2 Sections 154(3) and (4) of the Act and regulation 3 of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010[33] allow the Order to prescribe an ’other period‘ than the ‘prescribed period‘, being five years from the day on which the Order is ’made‘. This provision extends the period slightly to seven years from the day on which the Order comes into force and is, therefore, an ‘other period’ for the purposes of section 154(3)(b).

[33] S.I. 2010/105.

3.38.3 The time limit in Article 34 (time limit for exercise of authority to acquire land compulsorily) and the time within which the authorised development must be commenced (requirement 2) are extended in the event that the Order is subject to a legal challenge. This drafting is considered necessary to include within the Order given the importance of the provisions to which it relates. This mirrors the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 31(3)-(5)).

3.39 Article 35 (Acquisition of part of certain properties)

3.39.1 This article, which follows general model provision 26, and mirrors the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 33), enables acquisition of a part, rather than the whole of, properties subject to compulsory acquisition. It contains a procedure enabling the relevant owner in certain circumstances to require the whole of the land to be taken, with disputes being determined by the Land Chamber of the Upper Tribunal. The article applies as a substitute for section 8(1) and Schedule 2A of the Compulsory Purchase Act 1965.

3.40 Article 36 (Application of the 1981 Act and Modification of the 2017 Regulations)

3.40.1 This article provides for the application, with modifications, of the Compulsory Purchase (Vesting Declarations) Act 1981 (the “1981 Vesting Declarations Act”) which contains vesting procedures for land subject to compulsory purchase and provides clarity as to the procedures in place in respect of the authorised development pursuant to the Order.

3.40.2 Article 36 allows the undertaker to choose between the notice to treat procedure or the general vesting declaration procedure set out in the 1981 Vesting Declarations Act. The general vesting declaration procedure allows for title in land to pass to the acquiring authority more quickly and for several parcels of land to be acquired at the same time. It is, thus, more efficient than the notice to treat procedure and such efficiency is appropriate given the status of the Project as one of Critical National Priority that is needed to facilitate Clean Power 2030. This is done by clarification at paragraph (3) that the undertaker will be a body or person authorised to acquire land for the purposes of the vesting declaration procedure, including in this case UKOP, UKPN or the LTC undertaker. Identical provisions are included in the A122 (Lower Thames Crossing) Development Consent Order 2025 for the benefit of, amongst others, National Grid.

3.40.3 With the exception of some bespoke drafting to deal with the need to allow for more than one GVD to be served in relation to land on account of there being multiple undertakers, the approach is generally consistent with that adopted at Article 27(3) of the Southampton to London Pipeline Development Consent Order 2020, at Article 26(3) of the A303 (Amesbury to Berwick Down) Development Consent Order 2020 and at Article 34 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.40.4 The article also modifies specific provisions in the 1981 Vesting Declarations Act to ensure consistency with the provisions in the Order which relate to the exercise of compulsory purchase powers.

3.40.5 The substitution of section 4(1) of the 1981 Act by Article 36(4) serves two purposes. First, it reflects the fact that the Order authorises the acquisition of land, rights and

restrictions for the benefit of multiple undertakers (National Grid, UKPN and UKOP) each of whom may require rights over some of the same plots of land. For example UKPN may first exercise temporary possession powers and then draw down its permanent land rights by way of a general vesting declaration ("GVD") once the precise location of its apparatus within the limits of deviation is known; National Grid may then subsequently take temporary possession of the same plot (after UKPN's apparatus has been diverted) and then draw down its own permanent rights by a second GVD. The substituted section 4(1) puts the position beyond doubt by expressly providing that more than one declaration may be executed in respect of any individual plot of land in relation to which the Order authorises acquisition, whether at the same time or sequentially. Secondly, the substituted wording also updates section 4(1) to reflect the acquisition of rights and restrictions as well as land outright as anticipated in the Order, and to cater for acquisitions for the benefit of statutory undertakers, as well as UKPN and UKOP. Applicable compensation rights are unaffected by the execution of more than one declaration over the same plot.

3.40.6 Article 36(5) omits section 4(1A) of the 1981 Act as applied to the Order. Section 4(1A) prevents an acquiring authority from executing a GVD, over land in respect of which it has already served a notice to treat. That provision assumes a single acquiring process by a single acquiring authority for a single set of works. The Order, however, involves a number of different undertakers (National Grid, UKPN and UKOP) carrying out different works and requiring different rights in the same plots in a range of sequential scenarios. A notice to treat served at an early stage by one undertaker should not bar a later GVD by another in respect of the same plot. Applicable compensation rights in all such scenarios remain unaffected.

3.40.7 This article makes further amendments to the 1981 Vesting Declarations Act to enable National Grid to vest land in UKOP, UKPN or the LTC undertaker, statutory undertakers or local authorities as appropriate. A new paragraph (14) is added to apply the definitions of UKOP, UKPN and the LTC undertaker to the 1981 Act.

3.40.8 Subject to the amendments noted above, this article is based the wording of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 34) and provides for the modification of the 1981 Vesting Declarations Act to ensure consistency with the provisions in the Order which relate to the exercise of compulsory purchase powers. This takes into account the coming into force of parts of the Housing and Planning Act 2016. The 2016 Act repealed sections 3 and 5(1) of the 1981 Act so that a preliminary notice of intention is no longer required before a general vesting declaration may be executed. Instead, a prescribed statement about the effects of Parts 2 and 3 of the 1981 Act must be included in the confirmation notice under section 15 of the 1981 Act, together with an invitation for a person to provide information where that person would be entitled to claim compensation if a general vesting declaration were made.

3.40.9 The modification of the 1981 Vesting Declarations Act under Article 36 is provided for pursuant to section 120(5) of the Act which allows the Order to exclude, modify or apply any statutory provision which relates to any matter for which provision may be made in the Order (in this case, the powers of compulsory acquisition).

3.40.10 Bespoke drafting relating to the modification of the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017 has been added to ensure that Form 1 and Form 2 in those regulations accounts for land, rights or the benefit of restrictions to be vested in UKOP, UKPN or the LTC undertaker, so as to facilitate their respective works under the Order.

3.41 Article 37 (Application of Part 1 of the 1965 Act)

3.41.1 This article provides for the application, with modifications, of Part 1 of the Compulsory Purchase 1965 Act.

3.41.2 The modifications are necessary to ensure that the 1965 Act is consistent with the terminology contained in the Order and the challenge procedures to which the draft Order is subject.

3.41.3 Article 37(5) replaces the time limit for exercising compulsory purchase powers in the 1965 Act with the powers contained in Article 34 of the Order (time limit for exercise of authority to acquire land compulsorily).

3.41.4 Article 38(6) ensures that references to entering on and taking temporary possession of land under Schedule 2A (as introduced by the Housing and Planning Act 2016) do not include entering on and taking temporary possession under the Order. This reflects the fact that Schedule 2A has two processes for the serving and determination of counter-notices depending on whether or not the acquiring authority is in possession of the land. The interpretation clause makes it clear that the undertaker will not be deemed to be in possession of the land where it is exercising its power under Articles 21, 27, 28 or 29.

3.41.5 This provision mirrors the National Grid (Bramford to Twinstead Reinforcement) Order 2024, with minor updates to reflect changes made by the Levelling-up and Regeneration Act 2023.[34] Similar provisions can also be found in the Silvertown Tunnel Order 2018, and the Sizewell C (Nuclear Generating Station) Order 2022.

3.42 Article 38 (Extinguishment and suspension of private rights)

3.42.1 This article has expanded upon the general model provision so as to apply to private rights generally and not just to rights of way, which are only one type of them.

3.42.2 It provides for the extinguishment or suspension of private rights over land subject to compulsory acquisition and the extinguishment of private rights over land subject to the compulsory acquisition of rights (in so far as the continuance of the existing right would be inconsistent with the right acquired or a breach of a restriction as to the user of land arising by virtue of contract) from the date of the acquisition of the land or rights, or the date of entry, whichever is earliest.

[34] 2023 c. 55.

3.42.3 Private rights on land already owned by the undertaker within the Order limits would be extinguished on the commencement of any activity authorised by the Order which interferes with or breaches such rights. This is a longstanding approach in development consent orders to allows the undertaker to "clear title" on land it already owns (including land which it has acquired by way of private treaty). It is found in a number of development consent orders, including amongst others, in article 23(2) of the A303 (Amesbury to Berwick Down) Development Consent Order 2023[35] and article 26(2) of the Associated British Ports (Immingham Green Energy Terminal) Order 2025. .

3.42.4 All private rights over land that is temporarily occupied by the undertaker are suspended and unenforceable for the duration of the occupation (save as provided for in article 38 below), in so far as their continuation would be inconsistent with the exercise of the powers under the Order.

3.42.5 The article makes provision in relation to the payment of compensation. There is a saving for statutory undertakers. Private rights are defined in article 38(9). This builds on the definition of rights given in article 21(2) of the general model provisions and incorporates the wider definition used in a number of recent DCOs.

3.42.6 The rationale behind the inclusion of this article is the need for National Grid to be able to construct the authorised development in a timely fashion, without interference from the exercise of any private rights which conflict with the needs of the Project delivery. The wording of this article mirrors that at article 36 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.43 Article 39 (Power to override easements and other rights)

3.43.1 This does not derive from the general model provisions, but follows the approach of a number of recent DCOs and mirrors article 37 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024. It reflects the powers in section 203 of the 2016 Act (which repealed and replaced section 237 of the Town and Country Planning Act 1990 – see section 206 and schedule 19 paragraph 9 of the 2016 Act).

3.43.2 The provision allows for a proportionate approach whereby only those rights which obstruct the authorised development will be overridden, avoiding the extinguishment of rights, the continued use of which can be accommodated by the authorised development.

3.43.3 Sections 120(3) and (4) and item 2 of Part 1 of Schedule 5 to the Act enable the Order to make such provision relating to the compulsory suspension, extinguishment or interference with interests in or rights over land.This article is also supplementary (under section 120(5)(d) of the Act) to articles 24 (compulsory acquisition of land) and 25 (compulsory acquisition of rights) of the Order and is necessary and expedient to give full effect to the development consent in article 3 of the Order (as permitted by section 120(5)(c) of the Act).

3.43.4 Paragraphs (1)(a) and (b) are based on section 203(1) of the 2016 Act, with the exception that the interests and rights referred to in the Order also include trusts, incidents and wayleaves. These additional rights are included to more closely reflect the types of interests and rights that the undertaker may come across on a linear scheme of this nature.

[35] S.I. 2013/680.

3.43.5 The definition of “authorised activity” in paragraph (2) reflects in part the list of activities in section 203(1) of the 2016 Act (see previously section 237(1A) of the 1990 Act).

3.43.6 Paragraph (c) of article 39(2) clarifies that “use of any land” includes the “temporary use of land”. This gives full effect to the powers under articles 27 (temporary use of land by National Grid, 28 (temporary use of land by UKPN and UKOP) and 29 (temporary use of land for maintaining the authorised development) of the Order, which ought to be capable of use without constraint by the interests etc, rights or restrictions described in paragraph (1) of article 39.

3.43.7 Article 39(3) is based on the definition of “relevant right or interest” in section 205(1) of the 2016 Act (see previously section 237(2) of the 1990 Act). It also applies to trusts, incidents and wayleaves and can include any land forming part of a common, open space or fuel or field garden allotments. This addition reflects a number of made DCOs including The National Grid (Hinkley Point C Connection Project) Order 2016 (article 23(9)) and The National Grid (Richborough Connection Project) Development Consent Order 2017 (article 23(8)), more closely reflecting the types of rights, interest and land that National Grid, and indeed UKPN, may come across along the linear Project.

3.43.8 No drafting is included to reflect section 203(9) of the 2016 Act, because it may be necessary to alter the apparatus of statutory undertakers using the powers of the Order and the relationship between the undertaker and statutory undertakers is provided for in the protective provisions included at Schedule 1 (protective provisions) to the Order.

3.43.9 Article 39(4) is included for clarity on procedure and timing for the assessment of compensation by reference to section 204(3) of the 2016 Act.

3.43.10 Article 39(5) makes provision for compensation and is based on section 204(3) of the 2016 Act (see previously section 237(4) of the 1990 Act). It confirms that if the undertaker has acquired land, and compensation is payable by a person deriving title from that undertaker but the person does not pay it, then the undertaker assumes that liability.

3.43.11 Article 39(6) seeks to make clear that whilst paragraph (1) of this article authorises an interference with an interest or right or a breach of a restriction as to the user of land in circumstances where a specified authorised activity is carried out, it does not authorise any other interferences with interests or rights or breaches of restrictions as to user arising from any act or omission on the part of any person. The specified authorised activities are set out in paragraph (2) and are the erection, construction or maintenance of any part of the authorised development, the exercise of any power authorised by this Order, or the use of and land (including the temporary use of land).

3.43.12 Section 204(4) of the 2016 Act defines the specified or qualifying authority against whom the liability to pay compensation can be enforced as the authority in which the land to which the compensation relates was vested, or by which the land was acquired or appropriated. The undertaker cannot “appropriate” land in this way because it is not a local authority. Accordingly, no reference in this paragraph is made to “appropriation”, thus modifying the application of the compensation provision in section 203(3) to the extent necessary to apply it to the order, as permitted under section 125(6) of the Act.

3.44 Article 40 (Statutory authority to override easements and other rights)

3.44.1 For the avoidance of doubt, this article provides that, by virtue of section 158 of the Act, in carrying out or using the development authorised by the Order and doing anything else authorised by the Order, National Grid may interfere with any easement, liberty, privilege, right or advantage annexed to land and affecting other land, including any natural rights of support, or breach any restriction as to user of land arising by virtue of contract.

3.44.2 It also provides that, by virtue of section 152 of the Act, compensation may be payable under section 10 of the Compulsory Purchase Act 1965 for any such interference or breach.

3.44.3 This is not a model provision, but is added to clarify the position with regard to rights burdening land which is required for the authorised development. The wording mirrors that in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 38).

3.45 Article 41 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession)

3.45.1 All private rights over land that is temporarily occupied by National Grid or UKPN are suspended and unenforceable for the duration of the occupation insofar as inconsistent with the exercise of the Order powers. Under this article, rights in relation to apparatus which is removed from the Order land identified in Schedule 12 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession) or any other Order land are extinguished when National Grid or UKPN no longer remains in lawful possession of the land. This article is not a model provision, but is similar to article 24 of the National Grid (Hinkley Point C Connection Project) Order 2016 and mirrors article 39 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.45.2 Paragraph (3) provides that the extinguishment of any right does not give rise to a cause of action relating to any foundations save for those which lie less than 1.2 metres underground. Whilst the intention is to remove apparatus from the land, the foundations (below 1.2 metres underground) will be left in situ and this paragraph is intended to confirm that leaving the foundations in the ground would not result in a cause of action of trespass in relation to the foundations once the right to leave the foundations in the ground is extinguished.

3.45.3 Paragraph (4) gives effect to Schedule 12 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession).

3.46 Article 42 (Crown Rights)

3.46.1 This article provides that the Order does not prejudice any estate, right, power, privilege, authority or exemption of the Crown and does not authorise the undertaker to take or

interfere with any land or rights belonging to the Crown or a government department without written consent. Consent may be given unconditionally or subject to conditions.

3.46.2 This article is not a model provision, but an identical provision is included at article 32 of the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. It is considered appropriate that this article be included as a precaution.

3.47 Article 43 (Special Category Land)

3.47.1 Article 43 requires that rights and encumbrances over any special category land (i.e. land forming part of a common, open space, or fuel or field allotment) shall be discharged insofar as they would be inconsistent with the exercise of the Order rights. A similar provision is contained in the National Grid (Richborough Connection Project) Development Consent Order 2017 at article 31 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 at article 41.

3.47.2 See also Paragraph 3.4.2 of this Explanatory Memorandum in respect of the wording concerning special category land which is included in the preamble to the Order.

3.48 Article 44 (Statutory undertakers)

3.48.1 This article is based on article 31 of the general model provisions. Subject to the protective provisions in Schedule 16 of the Order, it authorises the undertaker (1) to compulsorily acquire land belonging to statutory undertakers described in the Book of Reference (document reference 4.3), (2) to extinguish rights of statutory undertakers, as well as the removal or repositioning of apparatus belonging to statutory undertakers, (3) acquire compulsorily existing rights, create and acquire new rights and impose restrictive covenants over land belonging to statutory undertakers described in the Book of Reference, (4) construct the authorised development in a way that crosses statutory undertakers' apparatus and (5) construct and maintain any necessary track or roadway over, including the power to install any necessary service media.

3.49 Article 45 (Apparatus and rights of statutory undertakers in stopped-up streets)

3.49.1 Article 45 protects the powers and rights of any statutory undertaker whose apparatus is located under, in, on, along or across any street which is stopped up under Article 15 (Permanent stopping up of streets and public rights of way). It also provides that, upon the undertaker's reasonable request, the statutory undertaker must remove or alter the position of existing apparatus or provide other apparatus in substitution.

3.49.2 Where a statutory undertaker relocates, removes or substitutes its apparatus in response to a request from the undertaker, the undertaker must reimburse the statutory undertaker's reasonable costs of doing so (except that the undertaker is not required to reimburse the statutory undertaker where the cost of providing apparatus of a better type, larger dimensions or capacity (unless it agrees to) or where the works constitute a major highway, bridge or transport work).

3.49.3 Article 45 is a provision relating to, or to matters ancillary to, the authorised development within section 120(3) and is a matter specifically identified in paragraph 14 of Schedule 5 to the 2008 Act, which states that a DCO can provide for the removal, disposal and re-siting of apparatus. Precedent for this Article can be found in other made DCOs, such as in Article 43 of the Sizewell C (Nuclear Generating Station) Order 2022, Article 32 of the Silvertown Tunnel Order 2018 and Article 36 of the Hinkley Point C (Nuclear Generating Station) Order 2013. Although these projects consented different types of infrastructure to the Project, these precedents are helpful as they demonstrate how other projects dealt with the apparatus and rights of statutory undertakers in stopped up streets, and the wording in the draft Order therefore reflects the common approach adopted by the Secretary of State.

3.50 Article 46 (Recovery of costs of new connections)

3.50.1 This article is identical to article 34 of the National Grid (Hinkley Point C Connection Project) Order 2016 and article 43 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 .

3.50.2 It provides for compensation to be paid to owners or occupiers of property whose supply is affected by the removal of apparatus in accordance with article 44 (statutory undertakers).

Part 6 – Miscellaneous and general

3.51 Article 47 (Application of landlord and tenant law)

3.51.1 This article governs the undertaker leasing any part of the authorised development for the purposes of its construction, operation or maintenance to any other person. It allows the terms of the lease to override any statutory provisions relating to landlord and tenant law. The article is almost identical to article 36 of the National Grid (Hinkley Point C Connection Project) Order 2016 and article 44 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save for an express exclusion of a lease granted to the undertaker (for example a leaseback), and is included because from the start of the DCO regime it has not been considered appropriate for NSIPs such as the Project to be constrained by landlord and tenant law where the parties in question do not consider it appropriate.

3.52 Article 48 (Defence to proceedings in respect of statutory nuisance)

3.52.1 Section 158 of the Act confers statutory authority for the purposes of a defence in statutory nuisance generally. This article amends the terms of the defence in the case of noise nuisance (other types of nuisance continue to have the general defence afforded by section 158).

3.52.2 The defence is available if the noise relates to:

- premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and the nuisance is

attributable to carrying out the authorised development in accordance with any controls imposed by the local authority under the Control of Pollution Act 1974[36];

- premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and the nuisance is attributable to carrying out the authorised development in accordance with the controls and measures relating to noise as described in the Code of Construction Practice (CoCP) or the Construction Traffic Management Plan (CTMP) approved under Schedule 3 (requirements) or requirement 14 (control of noise during operational stage) of Schedule 3 (requirements) or the noise levels set out in an environmental permit;
- is a consequence of construction or maintenance of the authorised development and cannot reasonably be avoided;
- is a consequence of complying with the Order and cannot reasonably be avoided; or
- premises used by the undertaker for the purposes of or in connection with the construction, maintenance or use of the authorised development and the nuisance is attributable to the use of the authorised development in accordance with the noise measures in the CoCP or requirement 14 (control of noise during operational stage) of Schedule 3 (requirements); or
- is a consequence of the use of the authorised development and cannot reasonably be avoided.

3.52.3 This article is based on article 7 of the general model provisions, with the removal of references to section 65 of the Control of Pollution Act 1974, following its repeal, and closely follows article 45 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.52.4 This provision is appropriate for inclusion in the Order to ensure that nuisance claims are considered in the context that the effects of the Project, as one of Critical National Priority that is needed to facilitate Clean Power 2030, if the Order is made, will have to been found to be acceptable on the terms of the Order and its Requirements.

3.53 Article 49 (Traffic regulation)

3.53.1 This article allows National Grid to regulate traffic on the roads to the extent specified in Schedule 13 or to any other extent that is expedient or necessary, with the consent of the traffic authority, for the purposes of the authorised development or for purposes ancillary to the construction or maintenance of the authorised development.

3.53.2 The article is not in the general model provisions but is common in orders granting permission for infrastructure projects[37]. This article is substantially similar to article 46 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, although the Order requires some traffic regulation measures to be implemented permanently (article 49(3) and Schedule 13) in addition to temporary measures (article 49(1)(a)-(c)). Traffic regulation measures are necessary to enable the construction, operation

[36] c.40.

[37] See article 37 of the Network Rail (Hitchin (Cambridge Junction)) Order 2011. See also article 38 of the Network Rail (Norton Bridge Area Improvements) Order 2014.

and maintenance of the authorised development to be carried out in a manner which is expedient and safe for both contractors and the public.

3.53.3 Article 49(2) permits the undertaker, in so far as it is expedient or necessary for the purposes of, or in connection with, the construction or maintenance of the authorised development to implement measures that are not specified in Schedule 13. However, this is tightly controlled as this power (which includes the powers to remove, amend or suspect any order made under the Road Traffic Regulation Act 1984 (the '1984 Act'), and permit prohibit or restrict movement and speed) is subject to the provisions of this article and the consent of the street authority.

3.53.4 Article (4) requires the undertaker to give not less than four weeks' notice in writing to the chief officer of police and to the relevant traffic authority of its intention to exercise its powers in paragraphs (1), (2) or (3) and to advertise its intention in such manner as the traffic authority may specify within five business days of the undertaker's notice. The undertaker has a further obligation in the case of the permanent measures in paragraph (3) to consult the chief officer of police and the relevant traffic authority prior to exercising its powers (article 49(8)).

3.53.5 Article 49(5) gives the traffic regulation instrument effect as if it had been made by the relevant traffic authority as a traffic regulation order under the 1984 Act or the relevant local authority as an order under section 32 of the 1984 Act (powers of local authorities to provide parking places). It also provides that the instrument is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (road traffic contraventions subject to civil enforcement). A new Article 49(13) has been added following receipt of host authority feedback which requested a copy of any instrument made under Article 49(5) to be made available upon request and to place an obligation on the undertaker to serve a copy of the instrument on the traffic authority as soon as reasonably practicable after it has been made.

3.53.6 Article 49(6) clarifies that the subsequent exercise of the powers conferred by paragraphs (1) and (2) can act to suspend, vary or revoke any prohibition, restriction or other provision that has already been made.

3.53.7 Article 49(7) reinforces the temporary nature of those traffic regulation prohibitions or restrictions permitted to be implemented pursuant to either Article 49(1) or 49(2). Article 49(7) provides that any such regulations, prohibitions or restrictions will cease to have effect after 5 years from first use of the authorised development, or in the case of landscaping, 5 years from completion of the planting. As noted above, those measures referred to in article 49(3) and Part 4 of Schedule 13 are permanent traffic regulation measures.

3.53.8 This article contains a provision such that consent from the traffic authority is deemed to have been given if the authority fails to notify National Grid of its decision within 25 business days (or such other period as is agreed) of receipt of the application (Articles 49(10)-(12)). The rationale for the inclusion of a deemed approvals mechanism is explained at paragraph 3.3 above.

3.53.9 Article 49(9) clarifies that expressions used in this article and in the 1984 Act have the same meaning in this article as they do in that Act.

3.54 Article 50 (Felling or lopping)

3.54.1 Subject to paragraph (11) and the provisions of Article 51 (Trees subject to Tree Preservation Orders), this article allows any tree, shrub, shrubbery, hedgerow or

important hedgerow that is under or within or overhanging or near any part of the authorised development to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, reduced in height or width, or to have its roots cut back, if it is considered to obstruct the construction, operation or maintenance of the Project or endanger anyone constructing, maintaining or operating it. This is necessary so that the authorised development can be brought forward expediently and safely and can be maintained in the same manner, noting in particular the need to ensure that minimum standard electrical safety clearances are maintained on an ongoing basis.

3.54.2 Compensation is payable to any person for loss or damage arising from such activities.

3.54.3 The article is based on the general model provisions article, but extends the power to include coppicing, and hedgerows and important hedgerows, and deletes reference to 'passengers' in article 50(1)(b) as it is not relevant to the development authorised by the Order.

3.54.4 Article 50 (4)-(8) extend the provision beyond the general model provision:

- Article 50(4) mirrors article 41(5) of the National Grid (Hinkley Point C Connection Project) Order 2016 and article 47(5) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, and requires highway authority consent before a tree within or overhanging the public highway may be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width.
- Article 50(5) provides that the consent of the highway authority is deemed to have been given if the authority fails to notify National Grid of its decision within 25 business days of receipt of the application. The rationale for the inclusion of a deemed approvals mechanism is explained at paragraph 3.3 above.
- Article 50(8) states that consent of the relevant highway authority is not required under Article 50(4) where the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown in the Trees and Hedgerows to be Removed or Managed Plans (document reference 2.16).

3.54.5 Articles 50(9) and (10) remove any obligation upon the undertaker to secure any consent to remove hedgerows under the Hedgerows Regulations 1997, and are based on articles 31(5) and (6) of the North Wales Wind Farms Connection Order 2016[38] and articles 47(9) and (10) of the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.54.6 A new paragraph (11) is included to clarify that paragraph (1) does not apply to any tree identified as ancient or veteran unless it has previously been agreed to be removed or managed or is agreed to be dead, dying or dangerous by the relevant planning authority and there is no alternative to its removal or management. This paragraph was inserted to provide clearer protections for ancient or veteran trees and following questions from the panel at the Issue Specific Hearing 3.

3.55 Article 51 (Trees subject to tree preservation order)

3.55.1 This article allows National Grid to fell or lop trees listed in Schedule 14 (Trees subject to Tree Preservation Orders). This article is based on article 40 of the general model provisions, with minor changes to Article 51(1)(b) to replace "using the

[38] SI 2016/818.

authorised project" with "constructing, maintaining or operating the authorised development", because it is not possible for a person to use overhead electric lines. Some other minor linguistic updates are also included.

3.55.2 Paragraph (2) of this Article clarifies that if any tree preservation orders are made after the date of receipt of the final survey data within, overhanging land within, or near the Order limits, this will not prevent the felling, lopping, pruning, cutting, trimming, coppicing, pollarding, or reducing in height or width of any tree which is made subject to a tree preservation order where it is necessary to prevent obstruction or interference with the construction, maintenance or operation of the authorised development or to prevent a danger to any person carrying out those activities. The Order includes trees "near" the Order limits in a slight departure from article 48 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 to account for any necessary works to roots that extend into the Order limits from outside. This is essential given the underground elements of the authorised development.

3.55.3 With the exception of the new paragraph (6) which is intended to further protect ancient and veteran trees and which was inserted following questions from the panel at the Issue Specific Hearing 3, this article is substantially the same as article 48 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and is necessary to ensure that National Grid can comply with its obligations under the Electricity Safety, Quality and Continuity Regulations 2002. New paragraph (6) provides that paragraphs (1) and (2) do not apply to any tree identified as ancient or veteran unless it has previously been agreed to be removed or managed or is agreed to be dead, dying or dangerous by the relevant planning authority and there is no alternative to its removal or management.

3.56 Article 52 (Temporary closure of, and works in, the River Stour)

3.56.1 This article identifies the relevant part of the River Stour that may have to be closed temporarily during the construction of the authorised development.

3.56.2 The River Stour is navigable within the Order limits. This article would enable the temporary closure of, or interference with, the relevant part of the River Stour during the construction of the works. This work is necessary so that works adjacent to, above and beneath, the River Stour can be completed safely.

3.56.3 This article is not a general model provision but has precedent in other recent made orders, including the National Grid (Hinkley Point C Connection Project) Order 2016 (Article 39), the National Grid (Richborough Connection Project) Development Consent Order 2017 (Article 38) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (Article 49).

3.57 Article 53 (Temporary suspension of public access to access land

3.57.1 This Article provides for the undertaker, in connection with the authorised development, to temporarily interfere with, or close to the public, the access land described in Schedule 15 and shown on the Open Access Land Plans (document reference 2.15) where it is affected by constructing, maintaining or decommissioning the authorised development.

3.57.2 Such temporary suspension will be required during construction of the authorised development, with rights for access and maintenance to be required when the Project is operational. Open access land is further addressed in the Outline Public Rights of Way Management Plan (document reference 7.6) and the Statement of Reasons (document reference 4.1).

3.57.3 The concept of temporary suspension of public access to access land has precedent in the Rampion 2 Offshore Wind Farm Order 2025.

3.58 Article 54 (Protection of interests)

3.58.1 This article provides that Schedule 16 (protective provisions) has effect. The protective provisions seek to protect statutory undertakers whose assets may be affected by the authorised development.

3.59 Article 55 (Procedure regarding certain approvals etc.)

3.59.1 This article contains additional provisions in respect of any approval, consent or agreement which is required to be given under the Order. It provides that any such approval, consent or agreement given by the relevant body must be given in writing and must not be unreasonably withheld or delayed. Bespoke drafting has been included to reflect the potential for requirements to be discharged by the DESNZ unit.

3.59.2 It also provides that the procedures set out in Schedule 4 (discharge of requirements) apply to any consent, agreement or refusal which needs to be obtained under the Requirements set out in Schedule 3 (requirements) and any other consents required under the Order. The article clarifies the procedure which applies in respect of these additional consents.

3.59.3 Schedule 4 (discharge of requirements) sets out the appeal process in relation to such matters and where an appeal can be made to the Secretary of State to discharge matters including the requirements in Schedule 3 (requirements) and other consents or approvals required under the Order.

3.59.4 This article and associated Schedule 4 (discharge of requirements) reflects the approach taken in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 51). However, for further clarity, the drafting in this Order states that where article 62 (arbitration) is applies to the provisions of Schedule 16 (protective provisions), the provisions of paragraphs 3, 4 and 5 of Schedule 4 (discharge of requirements) do not apply to those provisions.

3.59.5 This appeal process is considered appropriate in light of the imperative of delivering the authorised development in a timely fashion.

3.60 Article 56 (Safeguarding)

3.60.1 This article is not a model provision but the wording mirrors article 52 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save the additional wording at paragraph (5). Paragraph (5) is amended to ensure that matters raised in representations received in accordance with this article are addressed. This is essential in circumstances where proposals could affect the operational safety and security of National Grid's apparatus.

3.60.2 The principle of this provision is to safeguard the authorised development, and other infrastructure in the construction and operational phases, from adverse effects of development in the vicinity of the authorised development and to maintain the operational integrity of the authorised development. This is especially important given the immediate and pressing national need which the Project is intended to address.

3.60.3 There is no established statutory mechanism for this which would represent a sufficient safeguard to the operational integrity of the authorised development.

3.60.4 The vires for the inclusion of this provision are sections 120(3) and (5) of the Act. The safeguarding provision is a "provision relating to, or to matters ancillary to, the development for which consent is granted" by this Order (see s.120(3)); and it is also "necessary or expedient for giving full effect to" the other provisions of this Order (see s.120(5)(c)).

3.60.5 The rationale for this provision - which explains the application of the vires specified above - is that the authorisation of works by this Order would be nugatory if the safety of the works could be jeopardised by other works undertaken in close proximity. In particular, the safety of the works authorised by this Order could be at risk from as yet unknown future activities by third parties.

3.60.6 The extent of this provision falls short, however, of preventing the grant of planning permission: the right conferred is a right to be consulted (Article 56(3) and for that response to be taken into account and the relevant matters addressed (Article 56(5)). The relevant local planning authority will then be able to consider engineering evidence as to the likely effect of any new proposed works on the safety and all other parts of the authorised development within the Order limits.

3.60.7 The principal precedents for this provision are articles 16 and 17 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the "2010 Order"), which establish a precedent for requiring local planning authorities to consult before granting planning permission applications. These precedents demonstrate that there is no insuperable administrative difficulty for local planning authorities in operating a provision of this kind.

3.60.8 In order to enable local planning authorities to comply with this provision without an undue administrative burden, and in order to ensure the provision's effectiveness, paragraph (6) makes the requirement to consult, a local land charge. The result is that in the ordinary course of the early stages of handling an application for planning permission the existence of this provision will become readily apparent to all concerned. (It is standard practice for Safeguarding Directions to be revealed in response to Optional Enquiries sent with requisitions for searches of the local land charges register; the approach taken in this Order takes advantage of the Order's status as a statutory provision for the purpose of section 1(1)(e) of the Local Land Charges Act 1975 (see the definition in section 14(1)).)

3.61 Article 57 (No double recovery)

3.61.1 This is not a model provision and is based on article 44 of the Transport and Works (Model Clauses for Railways and Tramways) Order 2006. This article has precedent in numerous made DCOs, including in the recent National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.61.2 It provides that compensation is not payable both under this Order and any other enactment, contract or other rule of law. It follows the well-established principle of equivalence that a claimant is compensated for no more and no less than their loss.

3.62 Article 58 (Application, disapplication and modification of legislative provisions)

3.62.1 This article is similar in effect to article 6 of the general model provisions, which deals with the application and modification of legislative provisions and the inclusion of this provision is justified by the need to prevent conflicts in existing legislative provisions from hindering the delivery of the Project. This provision appears in the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 54).

3.62.2 Section 120(5)(a) of the Act provides that an Order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the Order.

3.62.3 In particular, a disapplication is sought in respect of the temporary possession provisions of the Neighbourhood Planning Act 2017. This disapplication is considered necessary as it enables the temporary possession regime created by this Order to be applied. This approach has been accepted by the Secretary of State in, amongst others, the Southampton to London Pipeline Development Consent Order 2020, the A303 (Amesbury to Berwick Down) Development Consent Order 2020, the Silvertown Tunnel Order 2018 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.63 Article 59 (Amendment of local legislation)

3.63.1 This article is similar in effect to article 6 of the general model provisions in that it seeks to exclude local legislation and byelaws listed in Schedule 17, and other legislation of local application, further to section 120(5) of the Act. There is precedent for the principle in the National Grid (Hinkley Point C Connection Project) Order 2016 (article 47), the National Grid (Richborough Connection Project) Development Consent Order 2017 (article 46) and the National Grid (Bramford to Twinstead Reinforcement) Order 2024 (article 55).

3.63.2 The intent is to identify local legislation – in particular legislation relating to infrastructure (e.g. railways) - which may be inconsistent with the exercise of powers of the DCO.

3.63.3 Whilst reasonable attempts have been made to identify all legislation of local application which could affect the authorised development, it is disproportionate and impracticable to ensure that all such legislation has been identified on a linear project of this scale. Therefore, this article is not limited in scope in only seeking to identify legislation of local application, which may prohibit the delivery of this nationally significant infrastructure project, but owing to the nature of the Project and the nature of potential local legislation, it also seeks to address any unidentified local legislation. It is, therefore, considered proportionate to exclude such legislation which may serve to impede the delivery of the authorised development.

3.63.4 As a safeguard, paragraph (4) provides that if National Grid is notified that anything to be done under the Order would contravene a statutory provision of local application, National Grid has to respond within 10 business days setting out whether

it agrees that there would be a contravention and the grounds on which it believes the article is excluded and the extent of that exclusion.

3.63.5 Following engagement with the Lower Thames Crossing project, National Grid has included provisions at paragraphs (5) to (6) of Article 59 to ensure that the disapplication of local legislation does not apply to the A122 (Lower Thames Crossing) Development Consent Order 2025 and which clarify that, to the extent that there is any inconsistency or conflict between (a) any works authorised under this Order or the exercise by the undertaker of its powers under this Order and (b) the provisions of the A122 (Lower Thames Crossing) Development Consent Order 2025, there is deemed to be no breach of the A122 (Lower Thames Crossing) Development Consent Order 2025. This provision is simply a bespoke version of the provisions of Article 10 of this Order.

3.63.6 A new paragraph (7) is added that amends the A122 (Lower Thames Crossing) Development Consent Order 2025 to provide further flexibility to the LTC undertaker in connection with the compliance with its obligations relating to habitat works to account for the interaction between the two projects.

3.64 Article 60 (Certification of documents)

3.64.1 This article requires National Grid to submit the final versions of the plans and documents listed in Schedule 18 for certification to the Secretary of State.

3.64.2 The principle of the article is based on article 51 of the general model provisions. In adopting the approach of the National Grid (Hinkley Point C Connection Project) Order 2016 (article 44), this article has been amended to refer to the names of the plans and documents that are part of the application, in a similar way to the National Grid (Richborough Connection Project) Development Consent Order 2017 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. The actual list of plans and documents has been placed in a schedule (Schedule 17), to follow the recent drafting convention.

3.65 Article 61 (Service of notices)

3.65.1 This article governs how any notices that may be served under the Order shall be deemed to have been served properly. In particular, it allows service by email with the consent of the recipient, and deals with the situation of service on an unknown landowner. Although the article is not in the general model provisions it is common to have such an article in an order authorising development such as this and the wording of this article replicates the wording of article 45 of the National Grid (Hinkley Point C Connection Project) Order 2016 and article 57 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024. The provision is necessary because the service of notice provisions under sections 229 and 230 of the Act would not apply to notices served under a DCO.

3.66 Article 62 (Arbitration)

3.66.1 This article governs what happens when two parties disagree over the implementation of any provision of the Order. The matter is to be settled by arbitration, and if the parties cannot agree on whom the arbitrator should be, this is decided by the Secretary of State. The article is based on the general model

provision with the insertion of the Secretary of State as the appropriate body to reflect the agreed position in made Development Consent Orders, such as the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

3.66.2 Article 62(2) is also added as a carve out to the general arbitration provision, such that any matter where the consent or approval of the Secretary of State is required will not be subject to arbitration.

3.67 Article 63 (Landscape compensation, offsetting and enhancement

3.67.1 Article 63 gives effect to Schedule 20 (landscape compensation, offsetting and enhancement in relation to specified locations). It provides that, before commencing the authorised development in any landscape compensation, offsetting and enhancement area, National Grid must pay the specified financial contribution to the local planning authority in respect of that area for the purposes of carrying out, maintaining and monitoring landscape compensation, offsetting and enhancement measures within that area.

3.67.2 Article 63 and Schedule 20 are proposed on a "blue pencil" basis as explained in paragraph 4.20 below.

4. Schedules

4.1 Schedule 1 (Authorised development)

Overview

4.1.1 Schedule 1 specifies the works comprised in the authorised development for which development consent is sought and other associated development works. Schedule 1 should be read alongside the Work Plans (document reference 2.3) and Chapter 4 of the Environmental Statement (document reference 6.4).

4.1.2 The principal works comprising the authorised development have been allocated individual Work Numbers and within each of those principal works, Associated Development (such as access roads) has been included. The Works Numbers have been further categorised as follows:

- Transmission electric line works;
- Transmission electric line reconfiguration works;
- Distribution Electric Line Works (UKPN works);
- Construction, maintenance and use – transmission electric line; and
- Construction, maintenance and use – distribution electric line.

4.1.3 Further works comprising Associated Development are listed at the end of Schedule 1.

4.1.4 The Work Plans are divided into sections (A to H) for consistency with other application documents. The individual Work Numbers are therefore described by reference to the relevant project section and the sheet number within that section (for example, Section A Sheet 1). Where the Work Number crosses a number of sheets and sections, this is described by reference to the commencement and termination points on the Work Plans.

4.1.5 As explained in paragraph 2.1 above, all elements of the Project are, or form part of, an NSIP, or are Associated Development. In summary, it is clear that all elements of the authorised development are necessary to enable the construction and maintenance of Norwich to Tilbury, and meet the relevant statutory and guidance tests, whether they are considered to be part of the NSIP or are Associated Development. Further information is set out in the Details of Associated Development, with references to documents report (document reference 5.14).

4.1.6 All of the works in Schedule 1 are subject to the limits of deviation in Article 5 of the Order.

4.1.7 The remaining sections of this paragraph 4.1 explain each of the Work Numbers in Schedule 1 in detail. To assist with that explanation, a schematic drawing showing the sequence of the Work Numbers and the interface between them is included at **Appendix A**. The schematic drawing is for illustrative purposes only and has no legal effect in the context of the Order.

Transmission Electric Line Works

4.1.8 **Work No. 1** (Work Plan Section A Sheet 1), covers modifications to apparatus within the existing Norwich Main Substation and line entries. These works include the construction and installation of two new gantries within Norwich Main Substation associated with the overhead transmission electric line on Route RG (shown as purple rectangles on the Work Plans), and the installation of (amongst other things) conductors, busbars, shunt reactors, switchgear and fittings to facilitate the connection to the equipment within the air insulated switchgear building within the substation. Landscaping, including mitigation planting, is also proposed.

4.1.9 **Work No. 2** (Work Plan Section A Sheet 1 to Section B Sheet 22), involves the installation of approximately 69 km of new overhead electric transmission line (Route RG) (shown as a purple line on the Work Plans) between the two gantries at Norwich Main Substation and the two gantries at Bramford Substation. The provision of this new overhead electric transmission line will include the provision of foundations and steelwork to construct new pylons (identified on the Work Plans as a purple square with a cross), the installation of conductors, insulators and fittings and the installation of fibre optic conductors.

4.1.10 **Work No. 3** (Work Plan Section B Sheet 20) covers modification works within the existing Bramford Substation and line entries. These works include the construction and installation of two new gantries within Bramford Substation associated with the overhead transmission electric line (Route RG) and the installation of (amongst other things) conductors, busbars, shunt reactors, switchgear and fittings, including downleads and down droppers, to facilitate the connection to the equipment within the air insulated switchgear building within the substation.

4.1.11 **Work No. 4** (Work Plan Section B Sheet 20) is concerned with extension works to the existing Bramford Substation and the construction and installation of two new gantries within that substation that are associated with the overhead transmission electric line (Route JC).

4.1.12 The proposed works include site clearance and preparation, temporary work areas and laydown areas associated with the installation of the works, and earthworks including to create platforms for the new substation equipment, structures, landscaping, roads and compounds. Accesses, drainage and utility connections will also be required.

4.1.13 This Work Number envisages the installation of foundations, support structures and steelwork to construct and install the two new gantries, together with the equipment between gantries and switchgear. It also includes the installation of (amongst other things) conductors, busbars, shunt reactors, switchgear and associated equipment, including downleads and down droppers at each gantry, to facilitate the connection to the equipment within the insulated switchgear building within the substation.

4.1.14 Other works forming part of this Work Number include the erection of substation buildings, underground electric cables and fibre optic cables and cable ducts with optical fibre terminated in joint boxes, relay rooms, battery rooms, storage rooms and other welfare and security facilities.

4.1.15 **Work No. 5** (Work Plan Section B Sheet 20 to Section C Sheet 6) is concerned with the construction and installation of approximately 9 km of new overhead electric line (Route JC) between the two gantries at Bramford Substation and the two sealing end compound gantries at the Wenham Grove CSE Compound. The works will require foundations and steelwork to construct new pylons, the installation of conductors,

insulators and fittings, including downleads and downdroppers at each gantry, to facilitate the connection to the equipment within the Wenham Grove CSE Compound. The installation of fibre optic conductors, with fibre optical fibre terminated in joint boxes is also envisaged.

4.1.16 **Work No. 6** (Work Plan Section C Sheet 6) provides for the construction of a new CSE Compound at Wenham Grove, to include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. It also includes the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

4.1.17 **Work No. 7** (Work Plan Section C Sheet 6 to Section C Sheet 14) concerns the construction and installation of a new underground electric transmission line (Route JC) of approximately 17 km in length between and including the Wenham Grove CSE Compound and the East Anglia Connection Node ("EACN") Substation. These works include cable ducts, joint bays, link pillars, fibre optic conductors and earthing, and protection and control systems.

4.1.18 **Work No. 8** (Work Plan Section C Sheet 14) relates to the construction and installation of the new EACN Substation, which will facilitate connections to Route JC and Route TB electric lines. The proposed works are, to a large degree, similar in nature to those proposed in Work Number 4 and so these works are not repeated those in full. Work Number 8 includes the construction and installation of sealing end equipment and the connection to the transmission electric line conductors and cables, including gantries. Works will also be required for the installation of up to three super grid transformers and two gantries for the termination of electric line conductors and cables into the EACN Substation.

4.1.19 **Work No. 9** (Work Plan Section C Sheet 14 to Section D Sheet 2) is concerned with the construction and installation of approximately 10 km of new overhead transmission electric line (Route TB) between the two gantries at the EACN Substation and the two sealing end compound gantries at the Great Horkesley (EACN side) CSE Compound. This Work Number also includes works for foundations and steelwork to construct pylons, the installation of conductors, insulators and fittings, including downleads and downdroppers at each gantry, to facilitate the connection to the equipment within the Great Horkesley (EACN side) CSE Compound and within the EACN Substation. The installation of fibre optic conductors, with fibre optical fibre terminated in joint boxes is also envisaged.

4.1.20 **Work No. 10** (Work Plan Section D Sheet 2) relates to the construction of a new CSE Compound at Great Horkesley (EACN side) to include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. It also includes the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers,

cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

4.1.21 **Work No. 11** (Work Plan Section D Sheet 2 to Section D Sheet 4) involve the construction and installation of a new underground transmission electric line (approximately 4 km in length) (Route TB) between and including the Great Horkesley (EACN side) CSE Compound and the Great Horkesley (Tilbury side) CSE Compound, including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems.

4.1.22 **Work No. 12** (Work Plan Section D Sheet 4) covers the construction of a new CSE Compound at Great Horkesley (Tilbury side) to include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. It also includes the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

4.1.23 **Work No. 13** (Work Plan Section D Sheet 4 to Section E Sheet 6) concerns the construction and installation of new overhead transmission electric line (approximately 25 km in length) (Route TB) between the two gantries at the Great Horkesley (Tilbury side) CSE Compound and the two sealing end compound gantries at the Fairstead (EACN) side CSE Compound. This Work Number also includes works for foundations and steelwork to construct pylons, the installation of conductors, insulators and fittings, including downleads and downdroppers at each gantry, to facilitate the connection to the equipment within the Great Horkesley (Tilbury side) CSE Compound and within the Fairstead (EACN side) CSE Compound. The installation of fibre optic conductors, with fibre optical fibre terminated in joint boxes is also envisaged.

4.1.24 **Work No. 14** (Work Plan Section E Sheet 6) provides for the construction of a new CSE Compound at Fairstead (EACN side) to include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. It also includes the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

4.1.25 **Work No. 15** (Work Plan Section E Sheet 6) concerns works to construct and install a new underground transmission electric line (approximately 0.15 km in length) (Route TB) in the section of the works between and including the Fairstead (EACN side) CSE Compound and the Fairstead (Tilbury side) CSE Compound, including

cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems.

4.1.26 **Work No. 16** (Work Plan Section E Sheet 6) provides for the construction of a new CSE Compound at Fairstead (Tilbury side) to include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. It also includes the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

4.1.27 **Work No. 17** (Work Plan Section E Sheet 6 to Section H Sheet 5) concerns works to construct and install approximately 47 km of new overhead transmission electric line (Route TB) between the two gantries at the Fairstead (Tilbury side) CSE Compound and the two gantries at the Tilbury North Substation. This Work Number also envisages works to foundations and steelwork to construct new pylons, the installation of conductors, insulators and fittings, including downleads and downdroppers at each gantry to facilitate connection to the equipment within the Fairstead (Tilbury side) CSE Compound and the Tilbury North Substation and the installation of fibre optic conductors, with optical fibre terminated in joint boxes.

4.1.28 **Work No. 17A** (Work Plan Section H Sheet 1A to Section H Sheet 1B) provides for works for the protection of UKOP apparatus, being the provision of alternating current mitigation in respect of the UKOP 14-inch Thames to Buncefield Multi Fuel pipeline. Works include the provision of anti-corrosion earthing strips, subsurface cabling, temporary construction compounds and test posts and other facilities and equipment for monitoring the alternating current mitigation works.

4.1.29 **Work No. 18** (Work Plan Section H Sheets 4 and 5) provides for works to construct and install a new substation to be known as the Tilbury North Substation. Tilbury North Substation is required to facilitate connections to the TB and YYJ transmission electric lines. This Work Number involves the construction of foundations to support all new structures, buildings and equipment, the construction of a gas insulated switchgear building and gas insulated hall annexe. National Grid also proposes the installation of high voltage equipment, support structures and sealing end equipment, including cables, ducts, protection, switchgear and connection to transmission electric line conductors and cables including gantries. Other works specified within this Work Number include foundations and steelwork to construct and install four gantries for the termination of electric line conductors and cables into the substation, the installation of switchgear and equipment, and equipment between the gantries and switchgear. Other works are substantially similar to those in Work Numbers 4 and 8 and so the detail is not repeated here.

Transmission Electric Line Reconfiguration Works

4.1.30 **Work No. 19** (Commencing on Work Plan Section H Sheet 6 and terminating on Section H Sheet 4) concerns the reconfiguration of the existing overhead transmission electric line (Route YYJ). This Work Number includes works to modify and reconfigure the overhead transmission electric line (Route YYJ) between points

indicated on the Work Plans as YYJ121 and YYJ129, such works to include the dismantling and removal of specified existing pylons, the dismantling of existing overhead transmission electric line between these points and the foundations and steelwork to construct new pylons. Temporary diversions of the existing overhead transmission electric line via existing pylons or new temporary or permanent pylons are also proposed.

Work Numbers 19(d) and (e) provide for the installation of overhead transmission electric line between YYJ121 and Tilbury North (Warley side) CSE Compound (identified as Work No. 22), and the installation of overhead transmission electric line from Tilbury North (Tilbury side) CSE Compound (identified as Work No. 24) to YYJ129.

Works that are necessary for Work Number 19 include the foundations and steelwork to construct and install two gantries at each of the Tilbury North (Warley side) CSE Compound and Tilbury North (Tilbury side) CSE Compound, and the installation of conductors, insulators and fittings, including downleads and downdroppers at each of the gantries to facilitate connection with their respective CSE Compounds.

4.1.31 **Work No. 20** (Work Plan Section H Sheets 4-6) is concerned with the implementation of compensatory habitats in connection with the Lower Thames Crossing project.

4.1.32 **Work No. 21** is not used. This is because National Grid has now committed to one of two scenarios and this Work No. has become redundant. National Grid has not re-numbered its Work Nos as this would involve considerable adjustments to the whole suite of documents submitted at application and examination stages.

4.1.33 **Work No. 22** (Work Plan Section H Sheet 5) relates to the construction of the new Tilbury North (Warley side) CSE Compound (Route YYJ).

The works include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. They also include the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

Work No. 23 (Work Plan Section H Sheet 5) concerns the construction and installation of underground transmission electric line from the Tilbury North (Warley side) CSE Compound to the Tilbury North (Tilbury side) CSE Compound as part of Route YYJ via Tilbury North Substation (Work No.18), with works including cable protection structures, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems.

4.1.34 **Work No. 24** (Work Plan Section H Sheet 5) is concerned with the construction of a new Tilbury North (Tilbury side) CSE Compound on Route YYJ.

Work Number 24 provides for the construction of the Tilbury North (Tilbury side) CSE Compound as it relates to Route YYJ.

The works include CSE equipment including switchgear and connection to overhead electric transmission line conductors, including gantries. They also include the provision of a permanent CSE compound, together with security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes, and low voltage supply inclusive of distribution network operator connection or solar panels and battery storage. Site access roads, hardstanding, car parking, footway and roadways, together with landscaping (including mitigation planting) are also proposed.

Distribution Electric Line Works (UKPN works)

4.1.35 **Work No. 25** (Work Plan Section B Sheet 2 to Section B Sheet 5) relates to the replacement of approximately 5.3 km of the existing overhead distribution electric line (Route PKF), which includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 6.9 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.36 **Work No. 26** (Work Plan Section B Sheet 13 to Section B Sheet 14) concerns the replacement of approximately 1.2 km of the existing overhead distribution electric line (Route EEPK). As per Work Number 25, this includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 1.4 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.37 **Work No. 27** (Work Plan Section B Sheet 16 to Section B Sheet 19) in relation to the replacement of approximately 5.6 km of the existing overhead distribution electric line (Route PI). This includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). In the case of pylon PI15, the CSE could be by underground cable joint and above ground cable joint housing. The work also involves the installation of approximately 6.3 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.38 **Work No. 28** (Work Plan Section B Sheet 20 to Section C Sheet 2) concerns the replacement of approximately 3 km of the existing overhead distribution electric line (Route PHB). The proposed works includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), modifications to the CSE and substation equipment with the existing Bramford Substation, and the installation of a new CSE. This new CSE could be provided either on platform pylons, by modifying existing pylons to install CSE platforms, or within a compound (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 3.2 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems to facilitate a connection between the new CSE platform pylon PHB21 and Bramford Substation) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.39 **Work No. 29** (Work Plan Section B Sheet 20 to Section B Sheet 21) provides for the replacement of approximately 1.3 km of the existing overhead distribution electric line (Route PLD). The proposed works includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), modifications to the CSE and substation equipment with the existing Bramford Substation, and the installation a new CSE. The new CSE could be provided either on platform pylons, by modifying existing pylons to install CSEs, or within a compound (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 1.6 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems to facilitate a connection between Bramford Substation and the new CSE platform pylon PLD48) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.40 **Work No. 30** (Work Plan Section C Sheet 3) in relation to the replacement of approximately 0.9 km of the existing overhead distribution electric line (Route PCB). This includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). In the case of pylon PCB5, the CSE could be by underground cable joint and above ground cable joint housing. The work also involves the installation of approximately 0.93 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.41 **Work No. 31** (Work Plan Section F Sheet 1) in relation to the replacement of approximately 1 km of the existing overhead distribution electric line (Route PSB). This includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 1.4 km of new underground distribution electric line (including cable ducts, joint bays, link pillars,

fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.42 **Work No. 32** (Work Plan Section G Sheet 4) concerns the replacement of approximately 2.1 km of the existing overhead distribution electric line (Route PUB). This includes the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new CSEs, either on platform pylons or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 2.4 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.43 **Work No. 33** (Work Plan Section G Sheet 6) concerns the replacement of approximately 1.9 km of the existing overhead distribution electric line (Route PSC) from the new CSE platform at PSC10 up to, or in the vicinity of, the existing Basildon rid Substation, via the Basildon Grid Extension Compound. The works involve dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), modifications to the CSEs and substation equipment within the existing Basildon Grid Substation, the installation of a new CSE. The new CSE could be provided either on platform pylons, by modifying existing pylons to install CSEs, or within a compound (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). The work also involves the installation of approximately 1.6 km of new underground distribution electric line (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems to facilitate a connection between the new CSE platform pylon and up to or in the vicinity of the existing Basildon Grid Substation via the Basildon Grid Extension Compound) and the temporary diversion of the existing overhead distribution line to facilitate these works.

4.1.44 **Work No. 34 (**Work Plan Section H Sheet 1) provides for the construction of a new 132kV electrical switching station, known as the Basildon Grid Extension Compound, which includes (amongst other things), groundworks and site preparation, installation of fencing, gates, accesses and drainage, civil works for equipment foundations, bunding, oil containment and fire protection systems, the installation of low voltage supply, and the installation of auxiliary buildings or enclosures for control and protection equipment. Works also include the installation of high voltage electrical infrastructure within the switching station compound, as required for five electrical disconnectors, including busbars, disconnectors, circuit breakers, current transformers, voltage transformers, surge arresters, post insulators and associated steelwork, cabling between plant items, cable trenches or ducts, and earthing systems, protection and control panels, telecommunications equipment and SCADA interfaces, together with the interconnection of equipment for functional operation, including interlocking and protection grading. The connection of the new switching station to the existing distribution network is also proposed, to include the installation of new electric lines between the switching station and existing circuits.

4.1.45 **Work No. 35** (Work Plan Section H Sheet 1) provides for works to replace approximately 0.5 km of the existing overhead distribution electric line (Route PAB) between PAB48 and the existing Basildon Grid Substation, via the Basildon Grid Extension Compound with a new underground distribution electric line. The works

proposed include the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, downleads, insulators and fittings) and modifications to the CSE and substation equipment within the existing Basildon Grid Substation. It also requires the installation of a new cable sealing end, either on platform pylons, by modifying existing pylons to install cable sealing end platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). Approximately 0.5 kilometres of new underground distribution electric line is also proposed (including cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems, to facilitate a connection between the new CSE platform pylon and the existing Basildon Grid Substation via the Basildon Grid Extension Compound). The temporary diversion of the existing overhead distribution electric line (Route PAB) is also required to facilitate the works as described above.

4.1.46 **Work No. 36** (Work Plan Section H Sheet 4 to Section H Sheet 5) concerns the replacement of approximately 0.2 km of the existing overhead distribution electric line (Route PAB) with a new underground distribution electric line. Works will include the dismantling and removal of overhead distribution electric line and pylons (including foundations, steelwork and associated conductors, insulators and fittings), the installation of up to two new cable sealing ends, either on platform pylons, by modifying existing pylons to install CSE platforms, or within compounds (such works to include foundations, steelwork and associated conductors, downleads, insulators and fittings). Approximately 0.3 km of new underground distribution electric line is proposed, which includes cable ducts, joint bays, link pillars, fibre optic conductors and earthing and protection and control systems. Temporary diversion of the existing overhead distribution electric line (Route PAB) is also required to facilitate the works as described above.

Construction, maintenance and use – transmission electric line

4.1.47 **Work No. 37** authorises the construction of temporary site compounds within the Order limits as part of the authorised development. It is envisaged that these works will include earthworks, soil stripping and storage, ground improvement works, hard standing and access roads (including construction site services and temporary bridges) and drainage works. Storage and laydown areas, assembly areas, security, cleaning and waste management facilities are proposed. This Work No. also includes the provision of office and welfare facilities, utility service connections and emergency electrical generators.

4.1.48 **Work No. 38** authorises the construction of temporary site compounds within the Order limits as part of the authorised development similar to those described in Work No. 37, but with the inclusion of batching plant.

4.1.49 **Work No. 39** covers the construction of temporary highway mitigation compounds associated with the highway mitigation works within the Order limits and required as part of the authorised development.

Construction, maintenance and use – distribution electric line

4.1.50 **Work No. 40** covers temporary construction compounds as part of the UKPN works across the length of the route. The proposed works are identical to those in Work No. 37 and so further explanation is not provided.

4.2 Schedule 2 (Plans)

4.2.1 Schedule 2 lists the work plans, land plans, access, rights of way and public rights of navigation plans, together with other plans submitted with the application and referred to in the Order.

4.3 Schedule 3 (Requirements)

Overview

4.3.1 Schedule 3 contains draft requirements corresponding to conditions which, under section 120(2) of the Act, could have been imposed on the grant of planning permission for the authorised development had it not fallen within the ambit of the Act. The requirements have a similar purpose to planning conditions. The draft requirements closely relate to the mitigation set out in the Environmental Statement and ensure that the mitigation relied upon as part of the Environmental Impact Assessment is secured.

4.3.2 Certain of the draft requirements include what is commonly referred to as a 'tailpiece'. Advice Note 15 describes a 'tailpiece' as being *"a mechanism inserted into a condition (or by analogy a Requirement) providing for its own variation."*

4.3.3 Whilst noting the Planning Inspectorate's comments in Advice Note 15 regarding the acceptability of including 'tailpiece' wording within draft requirements, National Grid considers that the careful use of such a mechanism in Schedule 3 of the draft Order allows for a proportionate and acceptable level of flexibility in the delivery of the Project. A degree of flexibility in implementation is both appropriate and necessary when delivering complex nationally significant infrastructure, and even more so given the pressing need to deliver this particular project.

4.3.4 In any event, National Grid notes the inclusion in sub-paragraph 4 of Requirement 1 (Interpretation) of a safeguard mechanism through which the necessary further approval or agreement in such circumstances may only be given where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different significant environmental effects to those identified in the Environmental Statement.

4.3.5 Such similar wording has been incorporated in equivalent circumstances in a range of other recent Orders, including the National Grid (Bramford to Twinstead Reinforcement) Order 2024, Sizewell C (Nuclear Generating Station) Order 2022, the Norfolk Vanguard Offshore Wind Farm Order 2022[39] and Associated British Ports (Immingham Green Energy Terminal) Order 2025.

- **Requirement 1**: (Interpretation) provides for the interpretation of words and phrases used in this Schedule. Paragraph (2) is very similar to model requirement 36 (Requirement for written approval). The definitions contained in Requirement 1 are broadly the same as those contained in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. The differences are that:
  - this Order includes a definition of "biodiversity metric" which refers to version 4.0 of the statutory biodiversity accounting tool published by DEFRA or Natural

[39] S.I. 2022/138.

England. The Order also defines “biodiversity offsetting scheme” by reference to a scheme which demonstrates the achievement of at least an overall percentage of 10% biodiversity net gain compared with the pre-development biodiversity value, having regard to both on-site and off-site biodiversity enhancements. Further connected definitions include the “interim biodiversity net gain assessment” and the “final biodiversity net gain assessment”.

- this Order does not include a definition of “discharging authority” following feedback from host authorities that the definition is unclear. Instead, National Grid has revised its definition of “relevant planning authority” in article 2(2) (interpretation) as explained in paragraph 3.6.17 above and such revisions negate the need for a definition of “discharging authority”.
- this Order defines a “lost tree” as one which is removed as a direct result of the construction of the authorised development during the construction period. It also defines “replacement trees“ as trees to be planted as replacement for lost trees at a ratio of 3:1.
- Further definitions include “off site planting delivery scheme” which is a written programme for the timing and delivery of off site replacement tree planting which will be prepared in accordance with requirement 9 and which will be substantially in accordance with the outline off site planting delivery scheme.
- the definition of “reinstatement planting” in this Order refers to both the outline landscape and ecological management plan (“OLEMP”) and the final landscape and ecological mitigation plan, rather than just the final landscape and ecological management plan, given relevant details are already included in the OLEMP.
- Finally, paragraph (1) includes a definition of the Wattisham Aerodrome safeguarding zone which is applicable to requirements 16 to 20 which are themselves included following engagement with the DIO.

A new paragraph 1(6) is included to provide that from the date of receipt by the undertaker of written notice that the DESNZ unit has been establishes, for the purpose of each requirement or any document referred to in any such requirement, the “relevant planning authority” and (where appropriate) the “relevant highway authority” means either (a) the DESNZ unit; or (b) the relevant planning authority or relevant highway authority, in each case identified by the undertaker under Schedule 4(1).

- **Requirement 2:** (Time Limits) accords with the model requirement in providing that the authorised development must be commenced within five years of the date of the Order. There is wide-spread precedent for a five year time limit to commence the authorised development, including the Gatwick Airport (Northern Runway Project) Development Consent Order 2025, the A122 (Lower Thames Crossing) Development Consent Order 2025, the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and the National Grid (Bramford to Twinstead Reinforcement) Order 2024. National Grid is also aware of projects whose time limit for commencement of the authorised development allows much longer time limits for commencement, for example the National Grid (Hinkley Point C Connection Project) Order 2016 allowed eight years. Given the urgency of the Project, National Grid has not sought a longer period than is standard for projects of this nature, however, given the Project is a crucial element in the drive to achieve clean power, National Grid’s position is that

a contingency for matters outside of its control is essential and that the five year period is justified and proportionate.

- **Requirement 3:** (Stages of authorised development) requires that a written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the relevant planning authority no less than five business days prior to the date on which those pre-commencement operations are first carried out. It also provides for a written scheme setting out all stages of the authorised development to be submitted to the relevant planning authority before development can commence (with any amendments to be notified to the relevant planning authority, unless otherwise agreed with the relevant planning authority), and for notice of the commencement and completion of each stage to be given to the relevant planning authority.

  Requirement 3 is relevant to this Project as it manages the sequence of delivery of the authorised development, whilst still providing appropriate oversight and control at each stage. As the Project extends over 180 km, delivering the entire project as a single phase would be logistically unmanageable and inefficient. This Requirement very closely follows Requirement 3 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024, save that:

  – paragraph (3) is broken into two parts – one which accounts for changes identified before the commencement of the relevant stage and the other which accounts for changes identified after the commencement of the relevant stage. In the latter case, National Grid must submit the revision(s) to the relevant planning authority within 10 business days of the relevant revision being implemented; and

  – the timings in paragraph (4), which relates to written notice of the commencement and completion of construction and operation of each stage are 5 business days having had regard to feedback received from the relevant planning authorities.

- **Requirement 4:** (Construction management plans) provides for the submission to, and approval by, the relevant planning authority of appropriate plans, schemes and strategies listed in the requirement with the works to be carried out in accordance with those approved plans, schemes and strategies. Sub-paragraph (3) of Requirement 4 provides that the “pre-commencement operations” (as defined in Article 2(1) of the Order) must be carried out in accordance with each of the Outline Management Plans listed in this requirement unless otherwise agreed with the relevant planning authority.

  Requirement 4 provides a coherent, enforceable framework by providing for the approval of an overarching set of management plans, with topic-specific environmental control plans appended where necessary rather than securing each of these topic-specific environmental control plans as a standalone requirement.

  This approach ensures that all management measures are coordinated and consistent, whilst avoiding unnecessary duplication. Crucially, it retains sufficient flexibility to agree a pragmatic, proportionate discharge strategy with the relevant planning authority in advance of submission of details for approval, whilst ensuring compliance with the terms of the Order.

  Whilst the approach to structuring the documents differs from the approach taken on the National Grid (Bramford to Twinstead Reinforcement) Order 2024, National

Grid considers that Requirement 4 balances the need for robust controls and mitigation with the practicalities of delivering a major project. It allows a degree of flexibility and recognises that not all details can be fixed at the outset for a project of this scale and complexity. The structure is consistent with PINS Advice Note 15, which acknowledges the need in some circumstances for flexibility and proportionality in requirements for complex schemes such as this one.

- **Requirement 5:** (Archaeology) provides for written schemes of investigation to be agreed with the relevant planning authority following consultation with the relevant county planning authority's archaeological or historic environment service and, if relevant, Historic England, before carrying out evaluation works. It also provides that these evaluation works must be carried out before detailed written schemes of investigation (which may include a preservation in situ management plan) for the relevant stage of the authorised development have been approved. No stage of the authorised development may commence until detailed written schemes of investigation (which may include preservation in situ management plans and the required content of which is specified) relevant to that stage have been submitted to, and approved by, the relevant planning authority following consultation with the relevant county planning authority's archaeological or historic environment service and, if relevant, Historic England.

  Any detailed archaeological work must be carried out in accordance with the approved details and any pre-commencement works are required to be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation (document reference 7.5) or, in the case of archaeological mitigation forming part of the pre-commencement operations, in accordance with the detailed written schemes of investigation for mitigation areas (document references 8.18 to 8.24), unless otherwise agreed with the planning authority following consultation with the relevant county planning authority's archaeological or historic environment service and, if relevant, Historic England.

  National Grid considers that the measures set out in the outline archaeological mitigation strategy and outline written scheme of investigation (document reference 7.5), together with its identification of priority areas and the extensive trial trenching that it has already carried out to date, are sufficient to ensure the adequate protection of buried archaeology during pre-commencement works and therefore does not provide for pre-commencement detailed written schemes of investigation to be prepared for intrusive site preparation works.

  Requirement 5 also sets out the process for post-excavation assessment, approval of an archaeological updated project design, post-excavation analysis publication and archiving.

  Requirement 5 is necessary to protect archaeological heritage, ensuring that any finds are properly investigated, recorded and, where appropriate, preserved. National Grid considers the wording of this Requirement to be reasonable because, baseline archaeological investigations including geophysical survey and trial trenching are ongoing across the project corridor. As a result, it was not practicable to submit a final or detailed Archaeological Mitigation Strategy (AMS) or site-specific Written Scheme of Investigation (WSI) at the time at which the application for development consent was submitted. As such, these documents must be submitted to, and approved by, the relevant planning authority following consultation with the relevant county planning authority's archaeological or historic environment service and, if relevant, Historic England.

This approach provides the necessary flexibility to respond to the results of the ongoing surveys and to agree targeted mitigation measures for each affected area, in line with national policy and guidance. It is consistent with best practice for large linear NSIPs, where the scale and complexity of the scheme mean that baseline archaeological studies often continue into the pre-examination and examination periods. This approach was adopted on the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the A122 (Lower Thames Crossing) Development Consent Order 2025.

- **Requirement 6:** (Design and Layout Plans) requires the authorised development to be carried out in general accordance with those parts of the design and layout plans that show the levels and design of pylons forming, and it is clarified that the requirement to deliver the project in "general accordance" with these plans means that it must not give rise to any materially new or materially different environmental effects from those identified in the environmental statement.

  National Grid considers that this approach provides necessary flexibility for detailed design and construction, without undermining the integrity of the assessment or the consented scheme.

- **Requirement 7:** (Construction hours) confirms the hours during which construction work may be carried out.

  - Sub-paragraph (1) defines "core working hours" as between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 17.00 on Saturdays, Sundays, bank holidays and other public holidays, unless otherwise approved by the relevant planning authority.

  - Sub-paragraph (2) restricts percussive piling works to between the hours of 07:00 to 19:00 Monday to Friday and 0700 to 1700 on Saturdays, unless otherwise approved by the relevant planning authority.

  - Sub-paragraph (3) restricts HGV deliveries to be made to site to between the hours of 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays, unless otherwise approved by the relevant highway authority.

  - Sub-paragraph (4) lists a number of activities which are not subject to the core working hours or the hours in sub-paragraph (3), as the case may be. In particular, sub-paragraph (4)(g) allows for the completion outside of core working hours of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities. Although clearly necessary to be considered relative to the particular construction activity or activities being undertaken, 'severe weather conditions' may include, for example, periods of high wind, heavy rainfall or snowfall, flooding, fog, very cold or very hot temperatures, and/or unstable atmospheric conditions (including lighting risk).

  - The core working hours exclude start up and close down activities (which are defined in Requirement 1(1)) one hour either side of the core working hours. Indeed, flexibility to undertake start up and close down activities outside of the core construction hours is both necessary and proportionate for the main works to progress on time, to programme and within defined hours (including to take account of periods of transmission network outages).

- The proposed core working hours are based on standard hours applied across major infrastructure projects, allowing for efficient delivery while maintaining

safeguards to manage noise and other impacts. For example, the core construction working hours are similar to those within the National Grid (Bramford to Twinstead Reinforcement) Order 2024.

- The construction programme has been developed under the assumption that works can be carried out using the proposed core construction working hours requested in Schedule 3, paragraph 7 (Construction hours). To ensure the construction programme remains on schedule, certain activities will require a seven-day work week and longer working hours. This approach is necessary to maintain programme certainty, take advantage of favourable weather conditions, minimise disruptions to local businesses and residents, and to align with access and possession constraints over highways and rail. The construction working hours set out in the Order define the maximum permissible envelope within which works may take place and do not imply that construction would occur continuously or routinely throughout those hours. It is not typical for construction activities to take place across the full duration of the permitted working day, nor on every day within the defined hours. The inclusion of these hours, including Sundays and Bank Holidays, provides flexibility to manage construction sequencing, including accommodating weather-related disruption, land access constraints, ground conditions and outage requirements associated with electricity transmission projects, while ensuring that works can be completed or secured safely. This flexibility is critical to maintaining programme resilience and avoiding a prolonged overall construction period, which would itself result in longer-term exposure to construction impacts. The construction works are largely linear and would not occur along the entire length of the Project for the full duration of the construction programme. Rather, there would be periods of higher and lower intensity working in each specific geographical area. Varying shift patterns for workers and construction crews means that downtime would occur at specific locations within the working week. These shift patterns would be rolling, and with workers not undertaking a five-day working week, the days on which downtime may occur would vary from week to week, and working will not take place every weekend or bank holiday.
- The assessment within Volume 6: Environmental Statement is based on a set of parameters, including the core working hours for the construction phase of the Project. The assessment provides details of mitigation and controls which will protect the amenity of local communities and avoid unacceptable disturbance. In particular, these include commitments on nuisance generating activities (GG17), traffic impacts (GG33), dust (AQ01), lighting (GG26), monitoring and compliance (GG09, GG01), applications for prior consent under Section 61 of the Control of Pollution Act 1974 (NV03) and advance community notification (GG30) within Table 6.1 of 7.2 Outline Code of Construction Practice. The mitigation measures set out within 7.2 Outline Code of Construction Practice are secured via Requirement 4(1)(a) (Construction Management Plans) of the Order.

  National Grid considers that the proposed approach therefore represents a balanced and proportionate control, providing flexibility to maintain programme resilience while retaining safeguards through other Order controls to manage impacts.

  Requirement 7(4) of the Order permits a limited range of activities to take place outside the core working hours where this is necessary to ensure public safety, engineering integrity, network reliability, or compliance with third-party requirements, and to minimise overall disruption. The activities identified are not

routine construction works but are those that are time-critical, continuous once commenced, or externally constrained, such that restricting them to core hours would increase risk or prolong impacts.

Trenchless crossings, underground cable jointing, oil processing of transformers, and certain commissioning activities may need to proceed without interruption to avoid safety, environmental, or asset integrity risks. Works affecting highways, railways and watercourses, including conductor installation and the delivery of Abnormal Indivisible Loads (AILs), are often governed by requirements of highway authorities, asset owners or the police, and are therefore routinely scheduled at nights or weekends to maintain safety and reduce disruption. Provision is also made for the continuation of works to a safe stopping point, the completion of works delayed by severe weather, emergency activities, security monitoring, and necessary survey works. Mechanical and electrical installation works undertaken within completed and enclosed buildings are expected to result in minimal external effects and can proceed outside core hours without significant effects on nearby receptors.

The inclusion of activities that may take place outside core construction hours is not an indication that construction would routinely occur throughout the day and night. It is not typical construction practice for work to continue on an extended or overnight basis as standard. Core construction activity is expected to take place within the defined working hours in the normal course of construction.

Importantly, any activities undertaken outside core construction hours remain subject to the controls and mitigation measures set out in 7.2 Outline Code of Construction Practice. These controls include provisions relating to noise management, lighting, environmental protection and monitoring, ensuring that any out-of-hours activity is appropriately managed and minimised.

The measures set out within 7.2 Outline Code of Construction Practice are secured via Requirement 4(1)(a) (Construction Management Plans) of the Order. The identification of activities outside core hours therefore reflects a pragmatic construction envelope, providing flexibility to manage safety and technical requirements, while maintaining clear control through the Code of Construction Practice.

- The start up and close down activities proposed under Requirement 7(5) do not typically involve the operation of heavy machinery, require HGV deliveries, or generate significant noise, dust, or vibration, and therefore are not nuisance generating activities. All activities taking place on-site remain subject to the application of best practicable means and appropriate mitigation to manage noise and other environmental effects as set out in 7.2 Outline Code of Construction Practice. National Grid notes in particular commitments GG17, GG26, GG09, and GG01.
- In respect of noise impacts, works during any period would be subject to assessment against the applicable construction noise threshold for potential significant effects for that period, as per the 'ABC' method described in Annex E.3.2 of BS 5228-1:2009+A1:2014 – Part 1: Noise1, and as detailed in Section 14.4 of 6.14 Environmental Statement Chapter 14 - Noise and Vibration. The Main Works Contractor(s) will identify and implement specific mitigation measures for all construction works, including start-up and close-down activities, in consideration of these thresholds to avoid significant adverse effects and reduce

adverse effects as per commitment NV05 within Table 6.1 of 7.2 Outline Code of Construction Practice.

National Grid therefore considers the provision for start-up and close-down activities 1 hour either side of the core working hours to be proportionate, justified, and consistent with established practice for Nationally Significant Infrastructure Projects, noting that all such activities remain subject to the application of best practicable means and appropriate mitigation to manage noise and other environmental effects as set out within 7.2 Outline Code of Construction Practice. The measures are secured via Requirement 4(1)(a) (Construction Management Plans).

Importantly, the core working hours permit, but do not require, working on Sundays and Bank Holidays. The flexibility to operate across seven days, including Sundays and Bank Holidays, is essential to maintain programme certainty and continuity for certain construction activities as described above and minimise disruption to local communities and businesses. Limiting the working week would inevitably prolong the overall construction period, leading to extended exposure to construction impacts and delays to the delivery of this project of critical national priority.

- **Requirement 8:** (Retention and removal of trees, woodland and hedgerows) requires a plan showing the trees and hedgerows to be removed and/or retained to be submitted to and approved by the relevant planning authority prior to commencement of a stage.
- This Requirement has precedent in the National Grid (Bramford to Twinstead Reinforcement) Order 2024. It controls the loss and protection of trees, woodland and hedgerows affected by the authorised development, ensuring that impacts on landscape character, visual amenity, biodiversity and ecological networks are managed in accordance with the Environmental Statement and associated mitigation. It is enforceable, as no stage may commence until the relevant plan has been approved, and compliance can be checked by the relevant planning authority through site inspections and monitoring.
- **Requirement 9:** (Reinstatement planting plan) requires a reinstatement planting plan to be submitted to and approved by the relevant planning authority prior to commencement of a stage.

  This Requirement secures the reinstatement of vegetation affected by the authorised development, ensuring that all trees, hedgerows, woodland, and grassland lost or disturbed during construction are replaced in a timely, appropriate, and ecologically sensitive manner. It establishes a clear obligation that no stage of the authorised development may commence until a reinstatement planting plan has been approved by the relevant planning authority, defines when planting must be carried out, and requires ongoing maintenance and replacement of any failed planting.

  This requirement is needed to ensure that all trees, hedgerows, woodland, and grassland lost or disturbed during construction are replaced in a timely, appropriate, and ecologically sensitive manner. The Environmental Statement for the Project assesses the impacts of vegetation loss on landscape character, biodiversity, ecological connectivity, and visual amenity. The acceptability of these impacts is predicated on the assumption that reinstatement planting will be delivered as mitigation and compensation. Without a robust

reinstatement planting requirement, there would be a risk of long-term or permanent loss of these features, undermining the assessment contained in the Environmental Statement and the delivery of biodiversity net gain, landscape integration, and community benefit. The delivery of reinstatement planting is fundamental to the principle of sustainable development and is a key mitigation relied upon in the Environmental Statement. Securing this through a Requirement ensures that the planning authority can control and monitor the delivery, quality, and aftercare of planting, and that the mitigation relied upon in the Environmental Statement is delivered.

Paragraphs (8) to (10) secure the off site planting delivery scheme (which must be in substantial accordance with the outline off site planting delivery scheme) which is required to be submitted to, and approved by, the relevant planning authority for the stage to which it applies before that stage is brought into operational use. Paragraph (9) sets out the required contents of each off site planting delivery scheme and paragraph (10) provides the timeframe within which a completion report must be submitted to the relevant planning authority following completion of the off site planting delivery scheme.

- **Requirement 10:** (Reinstatement schemes) provides for the reinstatement of land. This is subject to Articles 27 (temporary use of land by National Grid), 28 (temporary use of land by UKPN and UKOP) and 29 (temporary use of land for maintaining the authorised development). Work No. 17A is excluded from this Requirement to be abundantly clear that, when reinstating land that has temporarily been used for construction, the UKOP protective works can be retained in situ.

  This Requirement secures the restoration of land following temporary use for construction, ensuring that all land used temporarily for construction is properly restored to its former condition, or to a condition agreed with the relevant planning authority. It provides a clear obligation to reinstate all land used temporarily for construction within a specified period (21 months of completion of the relevant stage, unless otherwise agreed with the relevant local authority).

  This Requirement is based on Requirement 11 of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. The version of this Requirement in the Order deviates from Yorkshire Green in that it provides that reinstatement to the land's former condition is not required within 10 metres of underground cables installed as part of the authorised development. This is to ensure that National Grid does not find itself in breach of a term of the Order whilst complying with necessary safety standards and regulations. Furthermore, the reinstatement period is adjusted from 12 to 21 months to provide a proportionate timeframe for a Project of this scale.

- **Requirement 11:** (Biodiversity Net Gain) provides for an interim biodiversity net gain assessment to be submitted to each relevant authority before commencement of the authorised development. Within six months of completion of the construction of the authorised development, a final biodiversity net gain assessment must be submitted to each relevant planning authority. If the final biodiversity net gain assessment demonstrates that less than 10% biodiversity net gain has been achieved overall across the Order land, a biodiversity offsetting scheme (which must be substantially in accordance with the biodiversity net gain report certified under the Order), must be submitted to each relevant authority. The offsetting scheme must be implemented by acquiring biodiversity units with

landowners who have entered into the relevant legal agreements to secure their land for the purposes of biodiversity net gain for a minimum period of 30 years. The offsetting scheme must be delivered within 18 months of the date on which the construction period ends for the authorised development. Within two months of completion of the offsetting scheme, a report must be submitted to the relevant planning authorities, confirming completion.

- **Requirement 12:** (Design of Permanent Buildings and Link Pillars) requires any permanent buildings or link pillars to be in general accordance with the Design Approach for Site Specific Infrastructure (application document 7.16) unless otherwise agreed with the relevant planning authority.

  This requirement is essential to ensure that all permanent buildings forming part of the authorised development are designed and constructed in a manner that is consistent with the agreed Design Approach for Site-Specific Infrastructure (DASSI) (APP-354) and within the parameters assessed in the Environmental Statement.

  No works in connection with any of the matters to be agreed (being colour and materials finish for permanent buildings, and colour of control cabinet, ground surface treatment and fencing appearance for link pillars) may commence until the design details of that permanent building or link pillar (which must have been through the design review panel process) have been approved by the relevant planning authority. The authorised development must be carried out in accordance with the approve design details of the permanent buildings and link pillars.

  A bespoke definition of “permanent building” applies to this requirement in light of the broad definition of “building” used elsewhere in the Order. This definition specifies the permanent buildings forming part of the authorised development in respect of which design details can be approved and expressly excludes electrical plant and electric line, both of which are designed to industry standard specifications and which are not appropriate for external design input.

- **Requirement 13:** (Decommissioning) provides for the decommissioning of the authorised development, with details to be approved by the relevant planning authority at least six months prior to the commencement of any decommissioning works.

  The decommissioning of the authorised development is outside the scope of the Project. However, this Requirement is essential to ensure that, when the authorised development (or any part of it) reaches the end of its operational life, its decommissioning is properly planned, assessed, and managed to reduce any adverse environmental, social, and economic impacts. The Environmental Statement (Volume 6) acknowledges that, while the operational phase is long-term, decommissioning will eventually be necessary and could have significant effects such as land disturbance, waste generation, and impacts on habitats, communities, and infrastructure.

- **Requirement 14:** (Control of noise during operational stage) specifies the noise rating level for the ordinary operation of the substations of Work No. 8 (East Anglia Connection Node Substation), with certain exceptions, which must not be exceeded. Before commencement of operation of Work No. 8, a noise investigation protocol must be submitted to and approved by the relevant planning authority. This protocol must set out a process for the investigation of cumulative

operational noise from the proposed North Falls substation and the proposed Five Estuaries substations (both of which are defined in Requirement 1). Requirement 14 has been u[dated to ensure that noise evaluations are carried out at each of the EACN noise sensitive locations within 12 months of Work No. 8 (East Anglia Connection Node Substation) becoming operational and if the noise rating levels are found to be exceeded, details of further monitoring and mitigation must be agreed with the relevant planning authority.

Requirement 14 also specifies the noise rating level for the standard operation of Work No. 18 (Tilbury North Substation), again with certain exceptions, which must not be exceeded.

This Requirement controls operational noise arising from the authorised development, ensuring that impacts on nearby noise sensitive receptors are managed in accordance with the Environmental Statement. It sets specific noise limits at clearly identified receptor locations, defines how noise is to be measured by reference to a recognised British Standard (BS 4142:2014+A1:2019), and requires a detailed noise investigation protocol to establish monitoring conditions and locations.

Insofar as it relates to the East Anglia Connection Node Substation, requirement 14 has been agreed between National Grid and the developers of Five Estuaries Offshore Wind Farm and North Falls Offshore Wind Farm, given the interactions between the three projects at the East Anglia Connection Note Substation.

- **Requirement 15**: (Employment and Skills Plan) requires an employment and skill plan, which is substantially in accordance with the outline employment and skills plan, to be submitted to, and approved by, the relevant county planning authorities and Thurrock Council before the authorised development is commenced. The authorised development must be carried out in general accordance with the approved employment and skills plan unless otherwise agreed with the relevant county planning authorities and Thurrock Council.

  In response to Local Impact Reports prepared by Norfolk County Council, Suffolk County Council, Essex County Council and Thurrock Council, National Grid prepared an outline employment and skills plan. Requirement 15 responds to paragraph 5.13.12 of the Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2024) which refers to the scope for imposition of a requirement dealing with an employment and skills plan.

- **Requirement 16**: (Ministry of Defence Temporary Structure Deployment Management (Wattisham Station Aerodrome)) requires the agreement of a liaison protocol designed to provide data on the deployment of cranes and pylon installation/removal works to be agreed with the Ministry of Defence (MOD) and submitted to the relevant planning authority before works can take place within the Wattisham Aerodrome safeguarding zone. The requirement sets out the necessary contents of the liaison protocol and requires that the authorised development to be carried out in accordance with the agreed details, unless otherwise agreed.

  Requirement 17: (Cranage deployment notification) requires the undertaker to provide 40 business days notice to the Civil Aviation Authority (CAA) prior to use of cranage in accordance with the requirements of the Civil Aviation Publication CAP1096. Use of cranage must then be used in accordance with the recommendations of the CAA.

- **Requirement 18**: (East 2 Wide Area Multilateration (WAM) Network Technicals Sites Safeguarding (Honington to Mendlesham WAM Microwave Link)) restricts the height of pylons, overhead transmission electric lines, conductors, insulators, and fibre optic conductors which exceed 126m AOD within specified coordinates (but these restrictions do not apply in the 50 year return period extreme wind load event).
- **Requirement 19**: (East 2 Wide Area Multilateration (WAM) Network Technicals Sites Safeguarding (Mendlesham to Wattisham WAM Microwave Link)) restricts the height of pylons, overhead transmission electric lines, conductors and insulators which exceed 103m AOD within specified coordinates (but these restrictions do not apply in the 50 year return period extreme wind load event).
- **Requirement 20**: (Wattisham Station Aerodrome Obstacle Limitation Surfaces Safeguarding Requirements) restricts the height of pylons, overhead transmission electric lines, conductors, insulators, and fibre optic conductors which exceed 129.74m AOD within specified coordinates linked to two Obstacle Limitation Surface Safeguarding Areas.
- **Requirement 21**: (Ministry of Defence Charting and Aviation Safety Management) requires the undertaker to notify the MOD of the precise latitude and longitude and maximum height of each new or modified pylon (including temporary pylons) as built, within 5 business days of the completion of each such pylon. The undertaker must also notify the MOD within 5 business days of the removal of existing pylons. Changes to the information supplied must be notified to the MOD within 5 business days of the changes having been implemented.

  Requirements 16 to 21 (inclusive) have been added to Schedule 3 (requirements) following engagement with the DIO and are necessary and appropriate to ensure the operational safety and functionality of areas within the Wattisham Station Aerodrome safeguarding zone and in specific areas along the Project's route.

4.4 Schedule 4 (Discharge of requirements)

4.4.1 Schedule 4 sets out two mechanisms:

- the first applies to any consent, agreement or approval which needs to be obtained under the Requirements set out in Schedule 3, and specifies elements of the procedure to be followed; and
- the second part clarifies the appeal procedure which applies in respect of any consent, agreement or approval which needs to be secured pursuant to the Requirements, any document referred to in the Requirements, or elsewhere in the Order, with the exception of any provisions in Schedule 16 (protective provisions) to which article 62 (arbitration) applies.

4.4.2 Whilst it is acknowledged that the time limits included in Schedule 4 (in relation to the determination of applications made pursuant to the Requirements and any requests made by the relevant authority for further information) do differ from those recommended in Advice Note 15, National Grid considers that shorter time limits are necessary and proportionate in light of the immediate and pressing national need which the Project is intended to address. There is precedent for there being shorter time frames in the recently made National Grid (Bramford to Twinstead Reinforcement) Order 2024 and National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.

4.4.3 This schedule is based on Schedule 3 of the National Grid (North London Reinforcement Project) Order 2014, Schedule 14 of The Hinkley Point C (Nuclear Generating Station) Order 2013 and Schedule 4 of the National Grid (Hinkley Point C Connection Project) Order 2016. The principal drafting is almost identical to Schedule 4 in the National Grid (Bramford to Twinstead Reinforcement) Order 2024, however, at Deadline 5, in response to a request from the Examining Authority regarding the establishment by DESNZ of a unit to consolidate and deliver post-consent discharge functions in consultation with Local Planning Authority Departments, National Grid submitted into the Examination some drafting that would enable the functioning of the proposed DESNZ unit, if and when established, in respect of applications to discharge requirements set out in Schedule 3 to the draft DCO. National Grid has, therefore, included a new paragraph 1(1) to Schedule 4 (discharge of requirements) which allows the undertaker to select to apply for any consent, agreement or approval required by a requirement to either the DESNZ unit or the relevant authority that would have been the relevant authority if the DESNZ unit did not exist. The DESNZ unit must consult with the relevant authority as if it were a requirement consultee for the purposes of Schedule 4.

4.4.4 Other differences include that in the Order, National Grid has used 25 business days as a 'business day' equivalent to the 35 days on Bramford to Twinstead. Following feedback from host authorities, National Grid has adjusted its proposed time period for seeking further information from 5 days to 5 business days (compared to 7 business days on Bramford to Twinstead). In the circumstances of this Project of critical national priority, National Grid considers its proposed timescales in this case to be sufficient and appropriate. The fee for applications that do not have a prescribed fee has been increased to align with the current planning application fee for discharge of conditions. In line with the approach taken on the National Grid (Bramford to Twinstead Reinforcement) Order 2024, and the proposed entry into post-consent Planning Performance Agreements, National Grid does not consider it necessary for refunds of application fees to be subject to any retention. Some minor consequential drafting changes have been made to Schedule 4 following an update to article 55 (procedure regarding certain approvals, etc.) to clarify the scope of application of Schedule 4 to the rest of the Order.

4.4.5 Following feedback from host authorities, National Grid has added a new paragraph 1(2) to Schedule 4, which requires National Grid to serve a copy of any application for discharge on any requirement consultees at the same time as it makes the application to the relevant authority. This is intended to streamline the discharge process, ensuring that requirement consultees are given the maximum time to request any necessary further information.

4.4.6 Paragraph 3 provides for the payment of fees where an application is made for the one or more consent, agreement or approval required by a requirement, except where the relevant authority is the DESNZ unit. Unless a bespoke agreement is made and legally secured (for example a planning performance agreement) the fee must be the prescribed fee under either the Infrastructure Planning (Fees) Regulations 2010 or, where no fee may be charged under those regulations, the prescribed fee under the 1990 Act for the discharge of planning conditions. In the absence of a prescribed fee, the fee is £298 for each application.

4.4.7 Following engagement with the host authorities on the refund provisions in this Schedule, National Grid has adjusted the refund provisions such that the fee paid in respect of an application that is rejected as invalidly made must be retained by the

relevant planning authority and credited in respect of a future application. Other refund or retention provisions no longer apply.

4.5 Schedule 5 (Streets subject to street works)

4.5.1 Schedule 5 sets out the streets, referred to in article 11, subject to street works.

4.6 Schedule 6 (Streets subject to alteration of layout)

4.6.1 Schedule 6 sets out the streets, referred to in article 14, the layouts of which are subject to permanent or temporary alterations.

4.7 Schedule 7 (Streets or Public Rights of Way to be permanently stopped up)

4.7.1 Schedule 7 sets out the streets and public rights of way that will be permanently stopped up under article 15.

4.8 Schedule 8 (Streets or Public Rights of Way to be temporarily closed)

4.8.1 Schedule 8 sets out the streets and public rights of way which are subject to temporary closure under article 16.

4.9 Schedule 9 (Access to works)

4.9.1 Schedule 9 sets out the locations, referred to in article 17, where access would be taken from the public highway, for construction and/or operation / maintenance purposes.

4.10 Schedule 10 (Modification of compensation and compulsory purchase enactments for creation of new rights)

4.10.1 Schedule 10 sets out, pursuant to article 25, the modifications to the statutory provisions applicable to compensation and compulsory purchase under the Order where new rights are to be acquired or restrictions are to be imposed.

4.11 Schedule 11 (Land of which temporary possession may be taken)

4.11.1 Schedule 11 sets out the land referred to in articles 27 and 28 which National Grid and UKPN may (respectively) temporarily occupy (albeit noting the wider temporary occupation power in respect of the Order Land) and the purpose for which that temporary occupation may be taken. The plots of land listed in Schedule 11 correspond with those plots of land shown as on the Land Plans (document reference 2.2).

4.12 Schedule 12 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession)

4.12.1 Schedule 12 identifies land in respect of which any private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN will be extinguished following the removal of that apparatus.

4.13 Schedule 13 (Traffic regulation orders)

4.13.1 Schedule 13 sets out the streets that are subject to traffic regulation measures further to article 49.

4.14 Schedule 14 (Trees subject to tree preservation orders)

4.14.1 Schedule 14 sets out the trees subject to tree preservation orders further to article 51.

4.15 Schedule 15 (Temporary suspension of public access to access land)

4.15.1 Schedule 15 describes the areas of access land to which public access will be temporarily suspended.

4.16 Schedule 16 (Protective provisions)

4.16.1 Schedule 16 sets out the provisions for the protection of statutory undertakers affected by the authorised development.

4.16.2 Further to National Grid's engagement with affected statutory undertakers, Schedule 16 currently comprises six distinct parts:

- Part 1 sets out standard protective provisions for the protection of electricity, gas, water and sewerage undertakers;
- Part 2 sets out standard protective provisions for the protection of operators of electronic communications code networks;
- Part 3 sets out protective provisions for the protection of drainage and flood authorities;
- Part 4 sets out protective provisions for the protection of highways authorities;
- Part 5 sets out protective provisions for the protection of National Highways Limited;
- Part 6 sets out protective provisions for the protection of Five Estuaries;
- Part 7 sets out protective provisions for the protection of North Falls;
- Part 8 sets out protective provisions for the protection of Cadent Gas Limited as gas undertaker;

- Part 9 sets out protective provisions for the protection of National Gas Transmission Plc;
- Part 10 sets out protective provisions for the protection of Sheringham Shoal and Dudgeon Extensions Projco Limited (Formerly named Scira Extension Limited and referred to as SEL in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2020;
- Part 11 sets out protective provisions for the protection of Exolum Pipeline System;
- Part 12 sets out protective provisions for the protection of Affinity Water;
- Part 13 sets out protective provisions for the protection of Northumbrian Water and Suffolk and Essex Water Limited;
- Part 14 sets out protective provisions for the protection of Anglian Water;
- Part 15 sets out protective provisions for the protection of Water Management Alliance;
- Part 16 sets out protective provisions for the protection of railway interests;
- Part 17 sets out protective provisions for the protection of the LTC undertaker
- Part 18 sets out protective provisions for the protection of Tarchon Energy Limited;
- Part 19 sets out protective provisions for the protection of Scottish Power Renewables (UK) Limited;
- Part 20 sets out protective provisions for the protection of TC East Anglia One Limited;
- Part 21 sets out protective provisions for the protection of East Anglia One Limited; and
- Part 22 sets out protective provisions for the protection of East Anglia Three Limited.

4.17 Schedule 17 (Public General Legislation)

4.17.1 Schedule 17 makes provision applying, modifying and excluding statutory provisions referred to in article 58.

4.18 Schedule 18 (Amendment of local legislation)

4.18.1 Schedule 18 lists the local legislation and byelaws National Grid seeks to exclude in relation to the Project further to article 59.

4.19 Schedule 19 (Certified Documents)

4.19.1 Schedule 19 sets out all the control documents and plans that will be certified under the Order in accordance with article 60.

4.20 Schedule 20 (Landscape compensation, offsetting and enhancement in relation to specified locations)

4.20.1 National Grid does not consider that the applicable legal and national policy framework requires the provision of compensation, offsetting or enhancement for the residual landscape and visual effects of the authorised development, as set out at Issue Specific Hearing 4 and summarised in 8.5.12 Applicant's Written Summary of Oral Submissions and Response to Action Points for Issue Specific Hearing 4 (Final Issue A) [REP6-118] at 5.1(a). Without prejudice to that position, National Grid has progressed landscape compensation, offsetting and enhancement proposals with the relevant local authorities at certain locations. Article 63 and Schedule 20 are therefore proposed on a “blue pencil” basis as a matter for the Secretary of State to determine. If the Secretary of State agrees with National Grid's position, it requests that Article 63 and Schedule 20 be deleted from the made Order. If the Secretary of State concludes that they accord with the applicable legal and national policy framework, they should be retained and the square brackets removed.

4.20.2 Schedule 20 establishes a mechanism for financial contributions to be paid by National Grid to specified local planning authorities (“relevant authorities”) for the purpose of carrying out, maintaining and monitoring landscape compensation, offsetting and enhancement measures at specified locations. Each contribution must be paid prior to the commencement of the authorised development within the landscape compensation, offsetting and enhancement area to which it relates (the areas in question being delineated on plans which are defined in Article 2 (Interpretation) and listed in Schedule 19 (Certified Documents)). Schedule 20 sets out the applicable contribution for each location, the mechanism for indexing contributions and requirements for the relevant authority to hold contributions in an interest-bearing account. Up to 15% of the contribution received may be retained by the relevant authority to meet its reasonable administrative expenses.

4.20.3 The relevant authority must apply the contribution to carrying out, maintaining and monitoring landscape compensation, offsetting and enhancement measures within the relevant area, such as new planting, strengthening of landscape structure, improvement of public rights of way and other measures that contribute to the objectives of landscape compensation, enhancement or offsetting. The relevant authority must maintain accounting records and submit annual reports to National Grid. Where any part of a contribution remains unspent or uncommitted after ten years from the date of payment, provision is made for either the application of the remaining balance to revised measures approved by National Grid, or its repayment to National Grid. Disputes are referred to arbitration under article 62 of the Order.

4.20.4 Article 63 and Schedule 20 are within the scope of section 120(3) of the Planning Act 2008, which provides that a development consent order may make provision relating to, or to matters ancillary to, the authorised development. Section 120(4) provides that such provision may in particular relate to the matters listed in Schedule 5 to the Act, which it is noted in particular include matters 5 (the payment of contributions) and 11 (the imposition of obligations in respect of acts or omissions).

4.20.5 There is comparable precedent for the principle of a commitment in a development consent order to pay a financial contribution in relation to meeting the duty to seek to further the purposes under section 85 of the Countryside and Rights of Way Act 2000:

a) Article 54 (Enhancement and conservation of the Chilterns National Landscape) of the London Luton Airport Expansion Development Consent Order 2025 provides for a payment of £250,000 to the Chilterns Conservation Board for projects furthering the conservation or enhancement of the Chilterns National Landscape, having regard to the duty under section 85 of the Countryside and Rights of Way Act 2000;

b) Article 54 (Conservation and enhancement of protected landscapes) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025 provides for a financial contribution to be made by the undertaker to support delivery of the management plans for designated national landscapes and the South Downs National Park, having regard to the amended duty under section 11A(1A) of the National Parks and Access to the Countryside Act 1949 and section 85(A1) of the Countryside and Rights of Way Act 2000;

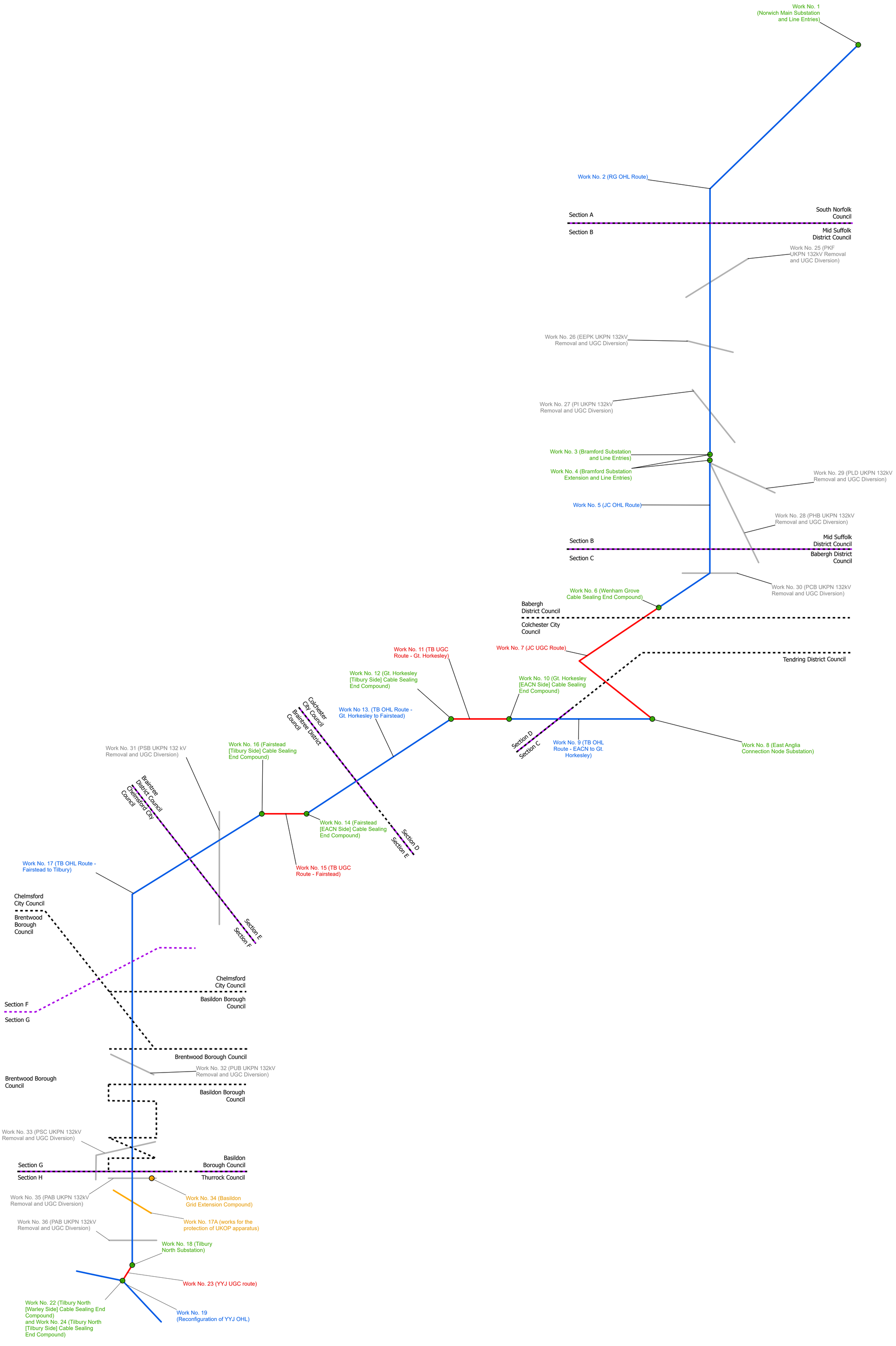
c) Article 65 (Financial arrangements for the Kent Downs National Landscape) of the A122 (Lower Thames Crossing) Development Consent Order 2025 requires the undertaker, Natural England, and the Kent Downs National Landscape Unit to agree in writing a financial contribution for the benefit of the Kent Downs National Landscape, having regard to the duty under section 85 of the Countryside and Rights of Way Act 2000, prior to commencement of the authorised development or the tunnel being open for use, whichever is the earlier, with the contribution to be used in accordance with the Kent Downs AONB Management Plan.

Appendix A. Schematic Drawing

nationalgrid

Application Document 3.2

THE NATIONAL GRID (NORWICH TO TILBURY) ORDER
EXPLANATORY SINGLE LINE DIAGRAM



Legend

- Local authority boundary
- Section and local authority boundary
- Section boundary
- National Grid substations and cable sealing end compounds
- UKPN substation extension
- National Grid overhead lines
- National Grid underground cable
- UKPN 132kV works (removal and undergrounding)
- Works for the protection of UKOP apparatus

Notes

1. This Explanatory Single Line Diagram shows, for illustrative purposes only, the sequence of the principal Work Numbers in Schedule 1 to the draft Development Consent Order (document reference 3.1) and the Works Plans (document reference 2.3), and the interface between them. It has been produced in order to assist with the interpretation of Schedule 1 as set out in the Explanatory Memorandum (document reference 3.2). It has no legal effect in the context of the draft Development Consent Order.

Issue	Date	Remarks	Drawn	Checked	Approved
C	APR-2026	For deadline three	TMH	JPC	KR
B	MAR-2026	For deadline two	TMH	JPC	KR
A	AUG-2025	For DCO submission	TMH	JPC	KR

Title

THE NATIONAL GRID
(NORWICH TO TILBURY ORDER)
EXPLANATORY SINGLE LINE DIAGRAM

nationalgrid

PINS Application Number
EN020027

National Grid Drawing Reference
AENC-BCLP-LEG-REP-0019

Scale	Sheet Size	Sheet	Issue
NOT TO SCALE	A0	SHEET 1	C

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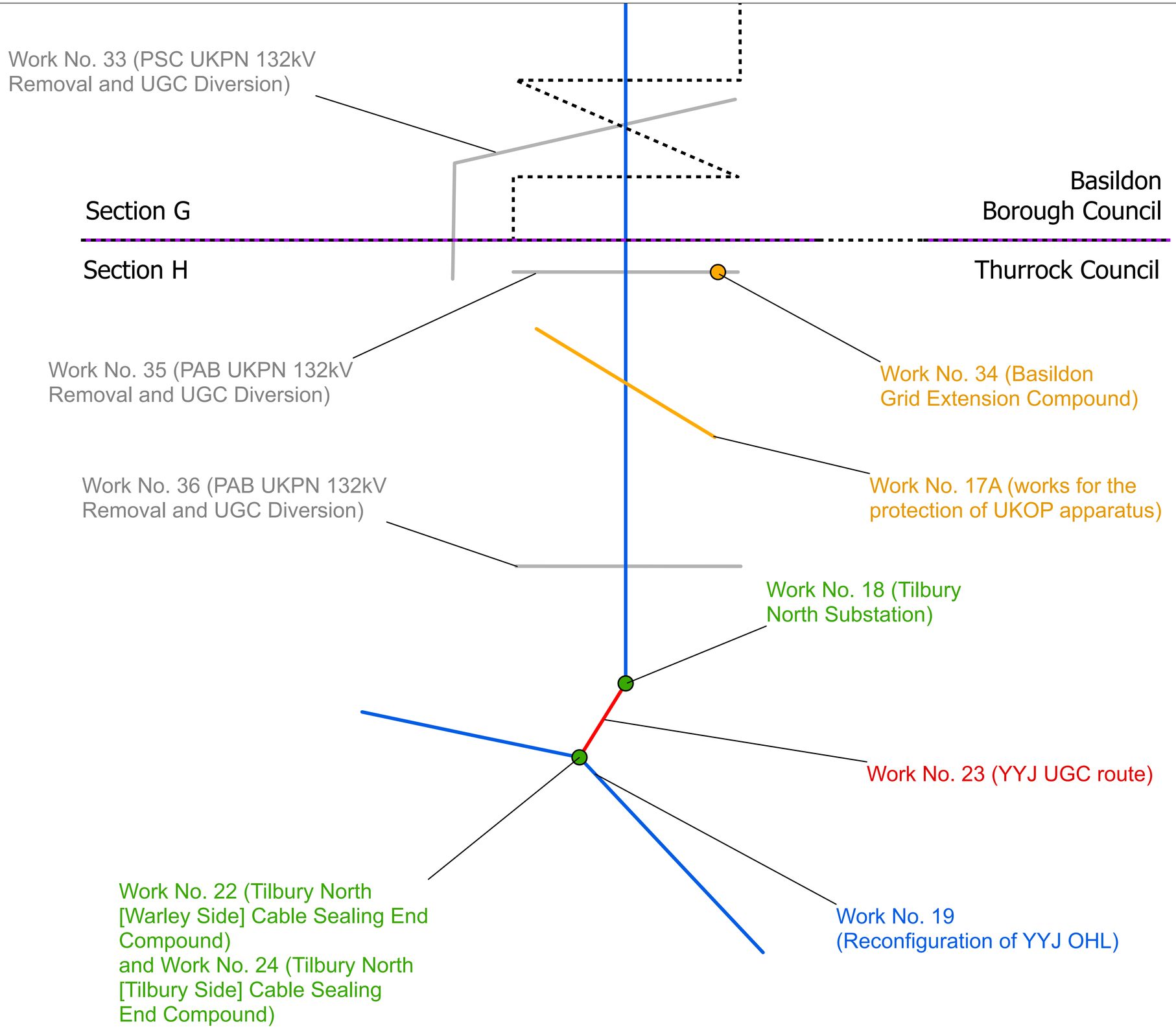
THE NATIONAL GRID (NORWICH TO TILBURY ORDER)
EXPLANATORY SINGLE LINE DIAGRAM
SECTION H



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