The Great Grid Upgrade

North Humber to High Marnham

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nationalgrid

Contents

1.	**Introduction**	**1**
1.1	Purpose of the Explanatory Memorandum	1
1.2	Genesis of the Order	1
2.	**Purpose of the Order**	**3**
2.1	Nationally Significant Infrastructure Project – installation of above ground electric line	3
2.2	Ancillary matters	4
3.	**Draft Order**	**5**
3.1	Introduction	5
3.2	Authorised development	5
3.3	Deemed approvals	5
3.4	Preamble	6
3.5	Article 1 (Citation and commencement)	7
3.6	Article 2 (Interpretation)	7
3.7	Article 3 (Development consent etc. granted by the Order)	11
3.8	Article 4 (Maintenance of authorised development)	12
3.9	Article 5 (Limits of deviation)	12
3.10	Article 6 (Benefit of Order)	14
3.11	Article 7 (Consent to transfer benefit of Order)	15
3.12	Article 8 (Application of the 1990 Act)	16
3.13	Article 9 (Application of the Community Infrastructure Levy Regulations 2010)	16
3.14	Article 10 (Planning permission and other consents)	17
3.15	Article 11 (Application and modification of statutory provisions)	18
3.16	Article 12 (Street works)	19
3.17	Article 13 (Application of the Permit Schemes)	21
3.18	Article 14 (Application of 1991 Act)	22
3.19	Article 15 (Power to alter layout, etc. of streets)	24
3.20	Article 16 (Temporary closure of streets and public rights of way)	25
3.21	Article 17 (Access to works)	26
3.22	Article 18 (Construction, alteration and maintenance of streets and other structures)	27
3.23	Article 19 (Agreements with street authorities)	28
3.24	Article 20 (Discharge of water)	28
3.25	Article 21 (Protective works)	29
3.26	Article 22 (Authority to survey and investigate the land)	30
3.27	Article 23 (Compulsory acquisition of land)	31

3.28 Article 24 (Compulsory acquisition of rights) 32
3.29 Article 25 (Acquisition of subsoil or airspace only) 33
3.30 Article 26 (Use of subsoil under or airspace over streets) 33
3.31 Article 27 (Temporary use of land by National Grid) 33
3.32 Article 28 (Temporary use of land by NGED) 36
3.33 Article 29 (Temporary use of land by NPG) 36
3.34 Article 30 (Temporary use of land by BT) 36
3.35 Article 31 (Temporary use of land for maintaining the authorised development) 37
3.36 Article 32 (Disregard of certain interests and improvements) 38
3.37 Article 33 (Set-off for enhancement in value of retained land) 38
3.38 Article 34 (Compulsory acquisition of land - incorporation of the mineral code) 39
3.39 Article 35 (Time limit for exercise of authority to acquire land compulsorily) 39
3.40 Article 36 (Application of the 1981 Act) 40
3.41 Article 37 (Application of Part 1 of the 1965 Act) 41
3.42 Article 38 (Extinguishment and suspension of private rights) 41
3.43 Article 39 (Power to override easements and other rights) 42
3.44 Article 40 (Statutory authority to override easements and other rights) 43
3.45 Article 41 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid, NGED, NPG or BT removed from land subject to temporary possession) 44
3.46 Article 42 (Crown Rights) 44
3.47 Article 43 (Special Category Land) 44
3.48 Article 44 (Statutory undertakers) 45
3.49 Article 45 (Recovery of costs of new connections) 45
3.50 Article 46 (Application of landlord and tenant law) 45
3.51 Article 47 (Defence to proceedings in respect of statutory nuisance) 45
3.52 Article 48 (Traffic regulation) 46
3.53 Article 49 (Felling or lopping of trees and removal of hedgerows) 47
3.54 Article 50 (Trees subject to Tree Preservation Orders) 48
3.55 Article 51 (Temporary suspension of navigation in connection with the authorised development) 48
3.56 Article 52 (Temporary suspension of public access to access land) 49
3.57 Article 53 (Protection of interests) 49
3.58 Article 54 (Procedure regarding certain approvals etc.) 49
3.59 Article 55 (Safeguarding) 50
3.60 Article 56 (No double recovery) 51
3.61 Article 57 (Amendment of local legislation) 51
3.62 Article 58 (Certification of documents) 52
3.63 Article 59 (Service of notices) 52
3.64 Article 60 (Arbitration) 52

4. Schedules 53

4.1 Schedule 1 (Authorised development) 53
4.2 Schedule 2 (Requirements) 55
4.3 Schedule 3 (Discharge of requirements) 58
4.4 Schedule 4 (Streets subject to street works) 59
4.5 Schedule 5 (Streets subject to alteration of layout) 59
4.6 Schedule 6 (Streets or Public Rights of Way to be temporarily closed) 59
4.7 Schedule 7 (Access to works) 59
4.8 Schedule 8 (Modification of compensation and compulsory purchase enactments for creation of new rights) 59
4.9 Schedule 9 (Land of which temporary possession may be taken) 59
4.10 Schedule 10 (Land in which only new rights may be acquired) 60
4.11 Schedule 11 (Traffic regulation orders) 60
4.12 Schedule 12 (Trees subject to tree preservation orders) 60
4.13 Schedule 13 (Amendment of local legislation) 60
4.14 Schedule 14 (Protective provisions) 60
4.15 Schedule 15 (Certified Documents) 61

Table 3.1 – Sections of the 1991 Act referred to in this article 22

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 (North Humber to High Marnham) 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 Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order[2])("2026 Guidance"):

a) the reasons why the article is relevant to the project and considered important and/or necessary to its delivery; and

b) the source of the provision within the Order (whether it is bespoke or based on a made Order).

1.1.4 While the 2026 Guidance makes it clear that it is not necessary to identify where the Order differs from the Model Provisions (defined below) the Explanatory Memorandum does retain this information for context together with justification as to why the power is necessary for the Project.

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"[3]), unless otherwise stated[4]. The general model provisions were followed because there are no model provisions for electric lines.

1.2.2 The Localism Act 2011[5] 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

[1] S.I. 2009/2264.

[2] Government's Planning Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order (published in July 2026).

[3] S.I. 2009/2265.

[4] Although the Model Provisions Order 2009 lapsed on the repeal of the enabling power in section 38 of the Planning Act, and the Government's Planning Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order (and the Planning Inspectorate's Advice Note 15 (published in July 2018 and most recently updated in March 2025) before it) confirm that it is not necessary to append to the Explanatory Memorandum a comparison of the draft DCO showing departures from the model provisions, both the Guidance and the Advice Note confirm that the model provisions continue to provide a helpful guide to drafting.

[5] 2011 c. 20

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.

1.2.3 Paragraph 5.4 of the Government's Planning Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order states that “*While applicants may refer to the fact that the formulation of a particular article or requirement exists in made DCOs, a justification must be provided as to why the article or requirement is appropriate in the specific circumstances of the draft DCO. A statement that a provision has appeared in an existing DCO will not suffice*.”

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 together with justification as to why this is relevant to the Project.

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[6] and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024[7]. Other precedents drawn upon include the National Grid (Richborough Connection Project) Development Consent Order 2017[8], the National Grid (Hinkley Point C Connection Project) Order 2016[9] 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[10], the Southampton to London Pipeline Development Consent Order 2020[11] and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014[12].

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. 2024/393

[7] S.I. 2024/958

[8] S.I. 2017/817.

[9] S.I. 2016/49.

[10] S.I. 2025/462.

[11] S.I. 2020/1099.

[12] 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 North Humber to High Marnham (“the Project”). The Project is a new 400 kilovolt (kV) electricity transmission connection of approximately 90 kilometre (km) in overall length between two proposed new substations: the 400kV Birkhill Wood Substation and the 400kVHigh Marnham Substation.

2.1.2 The Project forms part of The Great Grid Upgrade, the largest overhaul of the grid in generations and has been identified as being critical to delivering a network which supports the clean power pathways for 2030 delivery.

2.1.3 The Project comprises:

a) Approximately 90 km of new overhead line (Route Code 4AF) between the proposed new 400 kV Birkhill Wood Substation and 400 kV High Marnham Substation;

b) Replacement and re-alignment of a section of the existing 400 kV overhead line (Route Code 4ZQ) between Brantingham and east of Broomfleet;

c) Replacement and re-alignment of a section of the existing 400 kV overhead line (Route Code ZDA) between Ealand and west of Keadby;

d) Line entry connections to a proposed new 400 kV Birkhill Wood Substation; and

e) Line entry connections to a proposed new 400 kV High Marnham Substation.

2.1.4 The Project would include other required works, for example, temporary diversions for works on existing overhead line routes, temporary access roads, highway works, temporary works compounds, work sites and ancillary works. The Project would also include utility diversions and drainage works. There would also be land required for environmental mitigation, offsetting, compensation 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 in **Application Document 6.4 Environmental Statement Chapter 4 Description of the Project**.

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 Planning Act 2008[13] (the "Act").

[13] 2008 c.29.

2.1.8 As the Project comprises an NSIP, development consent must be obtained to authorise it[14], 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,[15] 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.

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 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 (**Application Document 4.1 Statement of Reasons**).

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 temporary closure and/or diversion 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, the temporary suspension of navigation 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.

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[14] S.31 of the Act.

[15] See, for example, The National Grid (Bramford to Twinstead Reinforcement) Development Consent 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).

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) Development Consent Order 2024. The draft Order also draws upon the National Grid (Richborough Connection Project) Development Consent Order 2017, the National Grid (Hinkley Point C Connection Project) Order 2016 and the (draft) National Grid (Norwich to Tilbury) Development Consent Order (in the recommendation stage at the point of submission of the application for the Project), with certain provisions also drawing on other linear schemes, such as the A122 (Lower Thames Crossing) Development Consent Order 2025, the Southampton to London Pipeline Development Consent Order 2020, and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.

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) Development Consent 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.

3.3.2 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.

3.3.3 The draft Order includes, therefore, at Articles 12(3) (street works), 15(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 the land), 48(8) (traffic regulation) and 49(6) (felling or lopping of trees and removal of hedgerows), a deemed consenting regime. This applies whereby if a consent etc. is required, and no such consent etc. is provided within 28 days of receiving an application for consent or approval, the consenting authority is deemed to have granted consent. The same 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. Although a longer 35 day period is used in the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024, National Grid considers 28 days to be 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.

3.3.4 However, 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 28 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.

3.3.5 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.

3.3.6 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 **Application Document 4.1 Statement of Reasons**. 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. Hence, special parliamentary procedure ("SPP") is not engaged.

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 Regulations", "access, rights of way and public rights of navigation plans"; "commence", "electric line", "electronic transmission"; "limits of deviation"; "maintain"; "BT""BT Works", "NGED"; "NGED Works"; "NPG"; "NPG Works" 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) Development Consent 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 in relation to the authorised development, NGED, NPG and BT in relation to the NGED Works (which are defined in Article 2 as those works to NGED assets or equipment forming part of the authorised development), NPG Works (which are defined in Article 2 as those works to NPG assets or equipment forming part of the authorised development) and BT Works (which are defined in Article 2 as those works to BT assets or equipment forming part of the authorised development) respectively. 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) Development Consent Order 2024. In this Explanatory Memorandum, the terms "National Grid", "NGED", "NPG" and "BT" are also used. Save where National Grid, NGED, NPG and BT are mentioned in the same paragraph, a reference to "the undertaker" in this document also applies to NGED, NPG and BT in so much as the provisions of the Order have effect for the benefit of NGED, NPG or BT in respect of the NGED Works, NPG Works and BT Works (see Article 6 (benefit of order)) as well as National Grid in respect of the authorised development.

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 makes it clear that certain "pre-commencement operations" are excluded.

3.6.6 The carve out of “pre-commencement operations” from the definition of “commence” allows operations consisting of engineering investigations and surveys, environmental (including archaeological) investigations and ongoing monitoring, surveys and monitoring investigations for the purpose of assessing ground conditions, environmental mitigation measures and works to facilitate delivery of environmental compensation, offsetting and biodiversity net gain, vegetation clearance, diversion and laying of services, protection works comprising utilities protection works or fencing and protection slabs, demolition of existing buildings, site clearance, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds, temporary hardstanding areas and temporary laydown areas, receipt and erection of construction plant and equipment, temporary accesses including the laying down of access tracks and roads to compounds, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements to be carried out before the discharge of the pre-commencement requirements in Schedule 2. The works and operations within the definition of “pre-commencement operations” are either *de minimis* or have minimal potential for adverse impacts provided that they are carried out in accordance with the outline management plans as referred to in Requirement 4(3) of the Order and the relevant commitments in **Application Document 7.3 Register of Environmental Actions and Commitments** ("REAC") as secured by Requirement 5 of the Order. Indeed, in some cases, they may 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 Whilst noting the 2026 Guidance 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 Environmental Statement does not indicate that the excluded works and operations would be likely to have significant environmental effects as controlled by the various outline management plans and the relevant commitments from the REAC. For this reason, National Grid considers that the exclusion of these works and operations from the definition is appropriate.

3.6.8 Government has indicated a new unit will be established within DESNZ to coordinate post-consent discharge functions for electricity network projects. National Grid has proposed drafting in the Order 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.

3.6.9 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 58 (certification of documents) 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. This is the approach that has been taken on the (draft) National Grid (Norwich to Tilbury) Development Consent Order (in the recommendation stage as at submission).

3.6.10 A definition of "electric line" has been added, which cross refers to the meaning specified in the 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.

3.6.11 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. 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.

3.6.12 The definition of "operational use" refers, for the relevant part of the authorised development, to the first transmission of electricity after the date of its final commissioning.

3.6.13 The definition of "temporary construction works" has been adapted to refer to those works of a temporary nature only required for the construction of the authorised development as described in Schedule 1 (authorised development) of the Order.

3.6.14 The definition of "Order land" refers to land shown on **Application Document 2.3 Land Plans** and described in **Application Document 4.3 Book of Reference**. 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.

3.6.15 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. This is necessary as the authorised development passes through several local planning authority areas. Identical wording is contained in article 2(2) of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

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

3.6.17 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) Development Consent 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[16]). Otherwise it would not benefit land within the Order limits which is acquired voluntarily instead of compulsorily.

3.6.18 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, heights and lengths referred to in the Order and, in addition, to any plans and documents certified under Article 58 (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 58, 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[17] and similar wording is included in the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024, with the addition at Article 2(3) of the wording relating to any plans and documents certified under Article 58 (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 **Application Document 2.4 Works Plans** are measures from the proposed final ground level.

3.6.19 Articles 2(4) to (7) are not in the general model provisions. Article 2(4) provides that areas given in **Application Document 4.3 Book of Reference** are approximate since the Book of Reference is outside the scope of Article 2(3).

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

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

3.6.22 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) Development Consent Order 2024.

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

[16] S.I. 2025/165.

[17] 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.

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

3.6.25 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(3) and Schedules 2 and 3) 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 2. 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) Development Consent 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) Development Consent 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 NGED to carry out the NGED Works, NPG to carry out the NPG Works, and BT to carry out the BT Works subject to those works having been carried out by NGED, NPG and BT as appropriate without National Grid needing to step in.

3.7.4 Paragraphs (2), (3), (4) and (5) of Article 3 reflect section 141 of the Act, and provide that National Grid, NGED, NPG and BT have authority to install and keep installed the authorised development. These paragraphs also allow National Grid, NGED, NPG and BT to remove or replace any electric line, including pylons or poles, that require removal as part of the authorised development.

3.7.5 Paragraphs (6), (7) and (8) of Article 3 allow the operation and use, by National Grid of the authorised development (excluding the NGED Works, NPG Works and BT Works), by NGED of the electric line and any other elements of the NGED Works, and by NPG of the electric line and any other elements of the NPG Works, as part of

the electricity transmission and distribution network in England and Wales. Additionally, paragraph (9) allows BT to operate and use the electric line and any other elements of the BT Works as part of the telecommunications network. 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 (10) 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.

3.7.7 Paragraph (11) 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 (limits of deviation).

3.7.8 Paragraph (13) gives effect to Schedule 2 (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 NGED Works, NPG Works and BT Works) and NGED, NPG and BT may maintain the NGED Works, NPG Works and BT Works respectively. The wording in article 3 of the general model provisions is replicated. “Maintain” is defined in Article 2.

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 the authorised development.

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, geological or environmental reasons.

3.9.4 Article 5 should be read alongside **Application Document 2.4 Works Plans** and Chapter 4 of the Environmental Statement **Application Document 6.4 Description of the Project** including **Application Document 6.4.A1 Appendix 4.1 Indicative Pylon Schedules**. Chapter 4 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.

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

a) 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 Plans18);

b) the vertical upwards deviation of the overhead lines and pylons to the individual limits as set out in the indicative pylon schedules. These limits range between 3 metres and 7.4 metres to allow for two panel extensions for different pylon suites, except for certain specified pylons for the River Ouse crossing whose vertical upwards deviation must not exceed 20 metres. The majority of these have a 6 metre, or 6.335 metre limit, which is similar to the 6-metre upward deviation as was allowed for in the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.

   The inclusion of a 20-metre vertical upwards deviation for the River Ouse crossing pylons is necessary for the Project due to these structures being bespoke designs, therefore requiring bespoke upward vertical limits of deviation to ensure clearances over the river can still be met;

c) 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 general model provisions and also the Transport and Works Act 1992 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) Development Consent Order 2024. Flexibility in downwards deviation is required so that construction can reflect extant ground conditions when the works are carried out; and

d) Construction activities for the authorised development may take place within the Order limits.

3.9.6 It should be noted that when each of the limits of deviation for the overhead 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) Development Consent Order 2024.

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

3.9.9 Article 5(3) also allows a potential extension to the limits of vertical deviation specified in paragraph (1) 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 and any other persons the Secretary of State considers appropriate) 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 or unduly complex to install the overhead electric line works and/or any other non-linear infrastructure forming part of the authorised development within the limits of deviation stated in paragraph (1). A substantially similar provision appears in other made Orders – see for example article

[18] 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.

6 of the Testo's Junction Alteration Development Consent Order 2018[19], article 6 of the Southampton to London Pipeline Development Consent Order 2020 and article 4 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

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:

a) National Grid in respect of the authorised development;

b) NGED in the case of the NGED Works (unless NGED fails to carry out the NGED Works and National Grid serves notice that it intends to carry out the NGED Works instead under Article 6(4));

c) NPG in the case of the NPG Works (unless NPG fails to carry out the NPG Works and National Grid serves notice that it intends to carry out the NPG Works instead under Article 6(7)); and

d) BT in the case of the BT Works (unless BT fails to carry out the BT Works and National Grid serves notice that it intends to carry out the NGED Works instead under Article 6(10)).

3.10.3 By this means, NGED, NPG and BT enjoy the benefit of the Order as well as National Grid, so far as the NGED Works, NPG Works and BT 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 NGED Works and/or NPG Works and/or BT Works itself (if required) as part of the authorised development.

3.10.4 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) Development Consent Order 2024 at article 6(2).

3.10.5 By Article 6(3), (6), and (9) NGED, NPG and BT as relevant, may not exercise the development consent for the NGED Works, NPG Works or BT Works conferred on it without the consent of, and subject to such reasonable conditions imposed by, National Grid. This, again, mirrors the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.10.6 Articles 6(4), (7) and (10) confirm the position that, if NGED, NPG or BT fail to carry out the NGED Works, NPG Works or BT Works (or part of them), National Grid can

[19] S.I. 2018/994.

carry out the NGED Works, NPG Works or BT Works (or the relevant part of them), on giving notice to NGED, NPG or BT (as relevant) and the Secretary of State, and that NGED, NPG or BT shall cease to have the benefit of Articles 3(3)(b) ,3(4)(b) and 3(5)(b) on the date specified in the notice and National Grid can benefit from NGED's, NPG's or BT's temporary possession powers under Article 28, 29 and 30. This termination of NGED, NPG and BT's ability to rely on Articles 3(3)(b),3(4)(b) and 3(5)(b) does not affect its ability to keep installed the electric line and other works included in the NGED Works, NPG Works and BT Works as appropriate, nor to maintain the NGED Works, NPG Works and BT 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), (8) and (11) closely follows the Richborough Connection Project Development Consent Order 2017 and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.10.7 Article 6(12) 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 caused 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(12) is therefore included to be absolutely clear as to the scope of liability (in the event of arbitration pursuant to Article 60 (arbitration) and not just in the event of criminal proceedings pursuant to section 161 of the Act) for the benefit of National Grid, NGED, NPG, BT and 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 provisions 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) Development Consent Order 2024.

3.11.2 Article 7(4), 7(5) and 7(6) 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, NGED, NPG or BT.

3.11.3 In relation to rights or benefits transferred or granted to NGED, NPG or BT in respect of the NGED Works, NPG Works or BT Works, paragraphs (8),(10) and (12) require that these will be subject to provisions of paragraphs (3) to (11) of Article 6, as if they have remained exercisable by NGED, NPG or BT as relevant.

3.11.4 The relevant planning authority must be notified of any transfer or grant made under this article.

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) Development Consent 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 NGED and/or NPG and/or BT 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[20] 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 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) Development Consent 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 12). 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) Development Consent Order 2024.

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

[20] 1990 c.8

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[21], the Southampton to London Pipeline Development Consent Order 2020 and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.14 Article 10 (Planning permission and other consents)

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) Development Consent Order 2024.

3.14.2 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) Development Consent Order 2024, however, reference to development consent orders has been included given the known proximity and interfaces with a number of development consent orders.

3.14.3 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) Development Consent Order 2024, with the exception of the reference to development consent orders.

3.14.4 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.

[21] S.I. 2018/574

3.15 Article 11 (Application and modification of statutory provisions)

3.15.1 This article disapplies statutory provisions as they would apply but for this article. Section 120 of the Act makes comprehensive and wide-ranging provision about what may be included in a DCO, as part of the Act's integrated approach to consenting. Section 120(5) provides that, subject to specified limitations and requirements, a DCO may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the DCO; and make amendments, repeals or revocations of statutory provisions of local application. It is common for DCOs to contain such provisions, although the scope and content inevitably differs according to the circumstances of different projects. Precedent for most of the provisions sought for this Order can be found in the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.15.2 Article 11 provides for the disapplication of the following specified provisions:

a) section 23 of the Land Drainage Act 1991, which prohibits e.g. the obstruction and other works in watercourses without the consent of the lead local flood authority or relevant internal drainage board;

b) section 30 of the Land Drainage Act 1991 which requires separate consents for drainage works connected with ditches and watercourses;

c) section 32 of the Land Drainage Act 1991, which would inappropriately allow the provisions of the Order relating to drainage to be revisited;

d) the provisions of any byelaws made under section 66 of the Land Drainage Act 1991;

e) the provisions of any byelaws made, or having effect, under paragraphs 5, 6 or 6A to Schedule 25 of the Water Resources Act 1991;

f) section 42 of the Local Government (Miscellaneous Provisions) Act 1976 to the extent that it would make provisions of the Order authorising the authorised development subject to other provisions;

g) sections 141, 169 and 171 of the Highways Act 1980 will not apply to the extent such operations or works are required for the purposes of, or in connection with, the construction and maintenance of the authorised development; and

h) Part 1 of the Building Act 1984 with respect to building regulations and anything in any building regulations in relation to a building used, altered or demolished before completion of construction.

3.15.3 Disapplication is also sought in respect of the temporary possession provisions of the Neighbourhood Planning Act 2017. This disapplication is considered necessary as the relevant sections of the Neighbourhood Planning Act 2017 have not been brought into force and subsidiary regulations to that Act have not yet been made. There is currently no certainty as to the requirements of the new temporary possession regime. As such, this disapplication 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[22], the Silvertown Tunnel Order 2018 and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.15.4 Article 11 also provides for amendments to be made to the regimes relating to trees and hedgerows under the Forestry Act 1967, the Hedgerow Regulations 1997 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. This seeks to deal with the lacunae in these statutes where works can be undertaken to trees and hedgerows pursuant to a planning permission or a 'deemed' planning permission (such as under the Transport and Works Act 1992). However, due to the operation of section 33 of the Act not 'deeming' planning permission, but instead saying it is not required, NSIP development does not benefit from these provisions, meaning that NSIP development is left in a worse position than 'normal' planning development, which is considered inappropriate. With the controls set out in the Requirements in Schedule 2 to the DCO, the local planning authorities will still be able to consider the impacts of such works, the provisions of Article 11 simply mean that separate consents are not required to be obtained. This approach, in respect of the Forestry Act 1967, has precedent in the Great Yarmouth Third River Crossing Development Order 2020[23] and the Hedgerow and Tree Preservation provisions have precedent in The Mallard Pass Solar Farm Order 2024[24].

Part 3 – Streets

3.16 Article 12 (Street works)

3.16.1 This article confers authority on the undertaker to interfere with and execute works in or under certain streets, which are specified in Schedule 4 (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:

a) 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[25] (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 14(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.

b) 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.

   i. Article 12(1)(a) is extended to enable the breaking up or opening of any sewer, drain or tunnel within or under the street.

[22] S.I. 2020/1297.

[23] S.I. 2020/1075

[24] S.I. 2024/796.

[25] 1991 c.22

ii. Article 12(1)(b) is adapted to add drilling and the carrying out of any works to strengthen or repair the carriageway.

iii. Article 12(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], and additional powers in respect of vegetation.

iv. Article 12(1)(d) is included to allow the placement and retention of apparatus (including signage) in the street.

v. Article 12(1)(e) permits the maintenance, renewal, diversion, lowering, protection or alteration of apparatus or furniture (including signage) in or on the street, or a change to its position.

vi. Article 12(1)(f) authorises the reinstatement or construction of pavement and kerbs.

vii. Article 12(1)(g) includes the right to execute any works to install temporary footbridges or crossings of watercourses.

viii. Article 12(1)(h) includes the right to provide or improve sight lines required by the highway authority.

ix. Article 12(1)(i) 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, including the culverting of watercourses.

x. Article 12(1)(j) includes the right to carry out re-lining and the placement of temporary markings.

xi. Article 12(1)(k) authorises the execution of any works required for or incidental to the works referred to above.

c) 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 references to the reinstatement or construction of new pavement, kerbs and signage, removal of vegetation, and installation of temporary footbridges and crossings, Article 12(1) follows article 11(1) of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

d) Article 12(2) adapts the wording at article 11 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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 4 (streets subject to street works) 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 12(1). The rationale for the inclusion of this ability to carry out street works on streets not listed in Schedule 4 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

[26] 1989 c.29

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) Development Consent 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.

e) Article 12(3) provides that if a street authority fails to respond to an application for consent within 28 days of the application being made (unless the period set out in the relevant permit scheme is shorter or the parties otherwise agree), 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) Development Consent Order 2024. The 28 day time frame accords with that approved under the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. Additional wording has been added to this Order to allow for any shorter period if that is agreed between the parties or if that is what would ordinarily be applicable for that type of work under the relevant permit scheme. Given the strategic importance of, and programme for, the delivery of the Project, National Grid considers that either the period set out in the relevant permit scheme or 28 days to be proportionate and appropriate in the circumstances.

f) 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) Development Consent Order 2024.

3.16.2 General model provision 8(2), as reflected in Article 12(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. 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.

3.17 Article 13 (Application of the Permit Schemes)

3.17.1 This article deals with the relationship between the Order powers and the traffic management permit schemes operated by *East Riding of Yorkshire Council, North Lincolnshire Council and North East Lincolnshire Council, and Nottinghamshire County Council* (together "the Permit Schemes").[27]

[27] 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: East Riding of Yorkshire

3.17.2 Article 13(1) confirms that the Permit Schemes apply and will be used by National Grid (or, where appropriate, NGED, NPG or BT) in connection with the construction and maintenance of the authorised development, subject to the qualifications in paragraph (2).

3.17.3 Paragraph (4) clarifies that the procedure for appeals in Schedule 3 (discharge of requirements) 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, NGED, NPG or BT under the Permit Schemes or otherwise.

3.17.4 While this concept is contained in a number of previously consented development consent orders including, the Southampton to London Pipeline Development Consent Order 2020, and the National Grid (Bramford to Twinstead) Development Consent Order 2024, the drafting provided here has been simplified to make use of the usual processes set out in the relevant permit schemes together with any applicable requirements of the New Roads and Street Works Act 1991.

3.18 Article 14 (Application of 1991 Act)

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

3.18.2 Article 14(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.

3.18.3 Article 14(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:

Table 3.1 – Sections of the 1991 Act referred to in this article

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

Council's Permit Scheme, The North and North East Lincolnshire Permit Scheme, and the Nottinghamshire County Council Permit Scheme for street works and road works .

Provision	Purpose
	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[28]	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 74	This provision allows for a charge to be made where the duration of the highway works exceeds any prescribed period or the works are not completed within a reasonable period.
Section 74A	The provision allows for a charge to be made by reference to the duration of the works.
Section 75	This provision allows for a charge to be made in relation to the inspection of the works.
Section 76	This provision allows the relevant authority to recover from the undertaker costs incurred in connection with a temporary traffic regulation order.
Section 77	This provision requires an undertaker to indemnify a highway authority for costs incurred in strengthening a highway or repairing any damage caused to a highway in circumstances where that highway is used as an alternative route by traffic due to the closure of an existing highway which is necessary to allow street works to take place.
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.

[28] 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.

3.18.4 The disapplication of the provisions listed in Article 14(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 and Schedule 1), and the specific provisions in the Order which would regulate the carrying out of the Order works.

3.18.5 Comparable provisions have been included at article 13 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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.

3.18.6 Article 14(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.

3.18.7 Article 14(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 16 (temporary closure of streets and public rights of way), 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 the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.18.8 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.

3.19 Article 15 (Power to alter layout, etc. of streets)

3.19.1 This article permits the undertaker to temporarily alter the layout of the streets listed in Schedule 5 (streets subject to alteration of layout) to the Order for the purpose of the authorised development.

3.19.2 Article 15(2) provides a broader power to alter, either permanently or temporarily, the layout of any street within or outwith the Order limits (i.e. where the street is not listed in Schedule 5) 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.

3.19.3 Article 15(3) provides that any street altered temporarily under this article must be restored to the reasonable satisfaction of the street authority.

3.19.4 As explained earlier, a street authority that fails to respond to an application for consent within 28 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.

3.19.5 This provision falls within the ambit of Section 120(3) of the 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.

3.19.6 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) Development Consent Order 2024.

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 **Application Document 2.6 Access, Rights of Way, and Public Rights of Navigation Plans** or within the Order limits. In relation to those streets and public rights of way listed in Schedule 6 (streets or public rights of way to be temporarily closed), 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 6 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 by the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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 Order.

3.20.3 In addition to the above, the article also allows for the temporary closure, alteration or diversion of streets or public rights of way as shown on **Application Document 2.6 Access, Rights of Way, and Public Rights of Navigation Plans** during the maintenance period for the Project. This power is novel but is needed in order to allow any necessary maintenance activities to be carried out using the powers under the Order and not require the Project to use a different consenting process. This is appropriate and appropriately controlled as the Project must still obtain the consent of the street authority before any temporary closures or diversions are implemented.

3.20.4 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) Development Consent Order 2024, save that the Order makes clear that the consent of the street authority is also required (such consent not to be unreasonably withheld or delayed).

3.20.5 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 Parts 1 and 3 of Schedule 6.

3.20.6 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 6, 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) Development Consent Order 2024.

3.20.7 In a slight departure from the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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.

3.20.8 Paragraphs (8) to (10) have been added (for the reasons set out in paragraph 3.3 above) to impose a time limit of 28 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) Development Consent 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 7 (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 28 days (for the reasons set out in paragraph 3.3 above), it will be deemed to have granted consent under Articles 17(2) to 17(4). This article closely follows article 16 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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) Development Consent 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 street 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 15 (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 street 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) Development Consent 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 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) Development Consent 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 28 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.

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

a) paragraph (8) has been updated to reflect the repeal of section 85 of the Water Resources Act 1991[29] (which is referred to in the general model provisions) and its replacement by the Environmental Permitting (England and Wales) Regulations 2016[30]; and

b) paragraph (9) has been added to provide that if a person fails to respond within 28 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) Development Consent 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, 14 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 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) Development Consent 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 (12) 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.

[29] 1991 c. 57.

[30] S.I. 2016/1154.

3.25.5 Paragraph (10) 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) Development Consent 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. The power of entry is subject to a requirement to give 14 days' notice to owners and occupiers of the land. Compensation is payable for any loss or damage as a result of the exercise of this power.

3.26.2 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.

3.26.3 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 28 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 and the same 28 day deemed consent period is proposed. For the purposes of the draft Order and, as noted above, National Grid considers 28 days to be 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.

3.26.4 The article is based on the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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) Development Consent 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.

3.26.5 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.

3.26.6 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.

Part 5 - Powers of Acquisition and Possession of Land

Powers of Acquisition

3.27 Article 23 (Compulsory acquisition of land)

3.27.1 This article authorises the compulsory acquisition by National Grid of so much of the Order land listed in **Application Document 4.3 Book of Reference** as is required for the construction, operation or maintenance of the authorised development (including the NGED Works, NPG Works and BT Works) or is incidental to it or necessary to facilitate it.

3.27.2 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.

3.27.3 The inclusion in Article 23 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 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.

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

3.28 Article 24 (Compulsory acquisition of rights)

3.28.1 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.

3.28.2 Paragraph (1) provides that National Grid may acquire or create rights as described in the **Application Document 4.3 Book of Reference** with the general nature and extent of these rights also shown in **Application Document 2.3 Land Plans**, including rights for the benefit of a statutory undertaker or any other person.

3.28.3 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 **Application Document 4.3 Book of Reference**

3.28.4 As per the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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).

3.28.5 Paragraph (2) 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.

3.28.6 Paragraph (3) and Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights) impose modifications to the compulsory purchase and compensation provisions under general legislation, as updated by the Housing and Planning Act 2016[31]. 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.

3.28.7 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).

3.28.8 Paragraphs (4) and (5) 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

[31] 2016 c.22

on Order land. In respect of the NGED Works, NPG Works and BT Works the consent of the Secretary of State is not required. 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.

3.28.9 This article is virtually identical to article 23 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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).

3.29 Article 25 (Acquisition of subsoil or airspace only)

3.29.1 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.

3.29.2 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.

3.29.3 This approach reflects that of a number of development consent orders and is virtually identical to article 24 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024. Paragraph (4) of that article in relation to the acquisition of part of certain properties is omitted as it is not considered relevant to the Order.

3.30 Article 26 (Use of subsoil under or airspace over streets)

3.30.1 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. Provision is made for the payment of compensation to persons who suffer losses as a result of the exercise of this power. The article mirrors the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 (article 28).

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 Part 1 of Schedule 9 (land of which temporary possession may be taken) 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)).

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) Development Consent 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 then 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. 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).

3.31.4 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) Development Consent Order 2024, although the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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.

3.31.5 Paragraph (1)(d) has 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) Development Consent 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 9 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.

3.31.6 Paragraph 1(e) has been added to allow for the temporary diversion of vehicular traffic or temporary diversion of non-motorised traffic over public and private rights of way during the construction of the authorised development. This wording is based on article 39 of the Sizewell C (Nuclear Generating Station) Order 2022.

3.31.7 Paragraph (2) requires National Grid to give landowners 14 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 14 days' notice period is consistent with other recently made orders for electricity lines, including article 25(2) of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.31.8 Paragraph (3) prevents National Grid from remaining in possession of the land after the end of the period of 12 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 12 months is considered to be appropriate and proportionate given the scale of the Project and to account for seasonal considerations, such as breeding seasons.

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 28 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 9, National Grid must remove all temporary works and restore the land save for the exceptions listed in subparagraphs (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) Development Consent 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) Development Consent 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 9 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 9 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.

3.32 Article 28 (Temporary use of land by NGED)

3.32.1 This article is similar to Article 27 (temporary use of land by National Grid) and provides that NGED may, in connection with the carrying out of the NGED Works (only) take temporary possession of the Order land specified in Schedule 9. The extent of this provision is more limited in scope than Article 27 as it need only relate to the NGED Works.

3.32.2 The ability to leave those works listed in Article 27(5)(e)-(h) in situ has not been replicated in the NGED power as these are not works forming part of the NGED 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 NGED. 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 28(1)(a). This is included to clarify that National Grid can take temporary possession of land of which NGED 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) Development Consent Order 2024 (article 26), save that the period of time for remaining in possession is 12 months for consistency with Article 27 (temporary use of land by National Grid).

3.33 Article 29 (Temporary use of land by NPG)

3.33.1 This article is similar to Article 27 (temporary use of land by National Grid) and provides that NPG may, in connection with the carrying out of the NPG Works (only) take temporary possession of the Order land specified in Schedule 9. The extent of this provision is more limited in scope than Article 27 as it need only relate to the NPG Works.

3.33.2 The ability to leave those works listed in Article 27(5)(e)-(h) in situ has not been replicated in the NPG power as these are not works forming part of the NPG Works.

3.33.3 Article 29(12)(a) makes clear that the temporary possession power in Article 29 can be exercised on more than one occasion by NPG. 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 29(1)(a). This is included to clarify that National Grid can take temporary possession of land of which NPG has previously taken temporary possession and is necessary to ensure the delivery of the Project.

3.33.4 The provisions contained in Article 29 are identical to those consented in the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 (article 26), save that the period of time for remaining in possession is 12 months for consistency with Article 27 (temporary use of land by National Grid).

3.34 Article 30 (Temporary use of land by BT)

3.34.1 This article is similar to Article 27 (temporary use of land by National Grid) and provides that BT may, in connection with the carrying out of the BT Works (only) take temporary possession of any Order land in respect of which no notice of entry has been served and no declaration made. The extent of this provision is more limited in scope than Article 27 as it need only relate to the BT Works and there is no land over which temporary possession only powers are sought so there is not the equivalent of what is in Article 27 (temporary use of land by National Grid) 1(a)(i)).

3.34.2 The ability to leave those works listed in Article 27(5)(e)-(h) in situ has not been replicated in the BT power as these are not works forming part of the BT Works.

3.34.3 Article 30(12)(a) makes clear that the temporary possession power in Article 30 can be exercised on more than one occasion by BT. 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 30(1)(a). This is included to clarify that National Grid can take temporary possession of land of which BT has previously taken temporary possession and is necessary to ensure the delivery of the Project.

3.34.4 The provisions contained in Article 30 are similar to those consented in the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 (article 26), save that the period of time for remaining in possession is 12 months for consistency with Article 27 (temporary use of land by National Grid).

3.35 Article 31 (Temporary use of land for maintaining the authorised development)

3.35.1 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 14 days' notice must be given (save in emergencies), and compensation must be paid for any loss or damage.

3.35.2 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 14 days. The 14 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 14 days' notice in emergency situations has been added at paragraph (11).

3.35.3 Article 31(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).

3.35.4 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) Development Consent Order 2024.

Compensation

3.36 Article 32 (Disregard of certain interests and improvements)

3.36.1 This article replicates article 29 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.36.2 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.

3.36.3 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.

3.36.4 The wording of this article mirrors much of the wording of section 4 (assessment of compensation) of the Acquisition of Land Act 1981[32] (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 to the Act allow the application in an Order of statutory provisions which relate to the payment of compensation.

3.37 Article 33 (Set-off for enhancement in value of retained land)

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

3.37.2 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.

3.37.3 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.

3.37.4 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.

[32] 1981 c.67

3.37.5 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.

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

Supplementary

3.38 Article 34 (Compulsory acquisition of land - incorporation of the mineral code)

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

3.38.2 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.

3.39 Article 35 (Time limit for exercise of authority to acquire land compulsorily)

3.39.1 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[33] and the East Anglia TWO Offshore Windfarm Order 2022[34]. The **Application Document 4.1 Statement of Reasons** provides further details on compulsory acquisition and time limits.

3.39.2 Sections 154(3) and (4) of the Act and Regulation 6 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015[35] allow the Order to prescribe an ‘other period’ than the ‘prescribed period’, being five

[33] S.I. 2022/432.

[34] S.I. 2022/433.

[35] S.I. 2015/462.

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).

3.39.3 The time limit in Article 35 (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) Development Consent Order 2024 (article 31(3)-(5)).

3.40 Article 36 (Application of the 1981 Act)

3.40.1 This article provides for the application, with modifications, of the Compulsory Purchase (Vesting Declarations) Act 1981[36] (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. modification of 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. The article is consistent with the approach 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) Development Consent Order 2024.

3.40.3 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.

3.40.4 The article follows the wording of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 (article 34). This takes into account the coming into force of parts of the Housing and Planning Act 2016 (the "2016 Act"). 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.

[36] 1981 c.66

3.40.5 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).

3.41 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 36 of the Order (time limit for exercise of authority to acquire land compulsorily).

3.41.4 Article 37(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, 29, 30, or 31.

3.41.5 This provision mirrors the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024, with minor updates to reflect changes made by the Levelling-up and Regeneration Act 2023. 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, the date of entry, or commencement of any activity authorised by the Order which interferes with those rights, whichever is earliest.

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 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 41 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) Development Consent 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) Development Consent 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 23 (compulsory acquisition of land) and 24 (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 as detailed in paragraph (3) and explained further below. 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.

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 NGED), 29 (temporary use of

land by NPG), 30 (temporary use of land by BT) and 31 (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 NGED, NPG or BT, 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 14 (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 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) Development Consent Order 2024 (article 38).

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

3.45.1 All private rights over land that is temporarily occupied by National Grid, NGED, NPG or BT 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 land are extinguished when National Grid, NGED, NPG or BT 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 article 39 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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.

3.46 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) Development Consent 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) Development Consent 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 32 of the general model provisions. Subject to the protective provisions in Schedule 14 (protective provisions) of the Order, it authorises the undertaker (1) to compulsorily acquire land belonging to statutory undertakers described in the **Application Document 4.3 Book of Reference** (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 (Recovery of costs of new connections)

3.49.1 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) Development Consent Order 2024.

3.49.2 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

3.50 Article 46 (Application of landlord and tenant law)

3.50.1 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) Development Consent 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.

3.51 Article 47 (Defence to proceedings in respect of statutory nuisance)

3.51.1 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).

3.51.2 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[37];

- 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 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 2 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;
- 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
- is a consequence of the use of the authorised development and cannot reasonably be avoided.

3.51.3 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[38], following its repeal, and mirrors article 45 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.51.4 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.

3.52 Article 48 (Traffic regulation)

3.52.1 This article allows National Grid to regulate traffic on the roads to the extent specified in Schedule 11 (traffic regulation orders) 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.

3.52.2 The article is not in the general model provisions but is common in orders granting permission for infrastructure projects[39]. This article is substantially similar to article 46 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024. Traffic regulation measures are necessary to enable the construction, operation and maintenance of the authorised development to be carried out in a manner which is expedient and safe for both contractors and the public.

[37] 1974 c.40.

[38] 1974 c.40

[39] 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.

3.52.3 Article 48(6) reinforces the temporary nature of those traffic regulation prohibitions or restrictions permitted to be implemented pursuant to either Article 48(1) or 48(2). Article 48(6) 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.

3.52.4 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 28 days (or such other period as is agreed) of receipt of the application. The rationale for the inclusion of a deemed approvals mechanism is explained at paragraph 3.3 above.

3.53 Article 49 (Felling or lopping of trees and removal of hedgerows)

3.53.1 Subject to the provisions of Article 49 (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.

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

3.53.3 The article is based on the general model provisions article, but extends the power to include coppicing, and hedgerows and important hedgerows. Minor changes to Article 49(1)(b) to replace “using the authorised project” with “constructing, maintaining or operating the authorised development”, because it is not possible for a person to use overhead electric lines. Paragraph (1)(b) also deletes reference to ‘passengers’ as it is not relevant to the development authorised by the Order.

3.53.4 Article 49(4)-(9) extend the provision beyond the general model provision:

a) Article 49(4) provides that the development consent granted by this Order is to be treated as a planning permission for the purposes of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Paragraph (4) also disapplies the duty contained in section 206(1) of the Town and Country Planning Act 1990 to replace trees that are removed.

b) Article 49(5) 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) Development Consent 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.

c) Article 49(6) 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 28

days of receipt of the application. The rationale for the inclusion of a deemed approvals mechanism is explained at paragraph 3.3 above.

d) Article 49(9) states that consent of the relevant highway authority is not required under Article 49(5) where the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown in the **Application Document 2.13 Trees and Hedgerows to be Removed or Managed Plans**).

e) Articles 49(1) 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[40] and articles 47(9) and (10) of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.54 Article 50 (Trees subject to Tree Preservation Orders)

3.54.1 This article allows National Grid to fell or lop trees listed in Schedule 12 (Trees subject to Tree Preservation Orders) and identified on the **Application Document 2.13 Trees and Important Hedgerows to be Removed or Managed Plans**. This article is based on article 40 of the general model provisions, with minor changes to Article 50(1)(b) to replace “using the 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.

3.54.2 Paragraph (2) of this article clarifies that if any tree preservation orders are made or published after February 2026 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) Development Consent 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.

3.54.3 This article is substantially the same as article 48 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 and is necessary to ensure that National Grid can comply with its obligations under the Electricity Safety, Quality and Continuity Regulations 2002.

3.55 Article 51 (Temporary suspension of navigation in connection with the authorised development)

3.55.1 This article identifies the relevant part of the watercourse that may have to be closed temporarily during the construction and maintenance of the authorised development.

[40] SI 2016/818.

3.55.2 There are navigable watercourses within the Order limits. This article would enable the temporary closure of, or interference with, the relevant part of the watercourse during the construction and maintenance of the works. This work is necessary so that works adjacent to, above and beneath, the watercourse can be completed safely. In addition to this, this article would enable measures for the management of the watercourse as necessary to facilitate the exercise of the closures of, or interferences with, the relevant part of the watercourse. For example, the erection of signage to advise users of temporary closures.

3.55.3 This article is not a general model provision but has precedent in other recently 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) Development Consent Order 2024 (article 49). The power to deploy measures for the management of the watercourse is novel but is needed to enable the safe exercise of the powers granted by this article.

3.56 Article 52 (Temporary suspension of public access to access land)

3.56.1 This article provides for the undertaker, in connection with the authorised development, to temporarily interfere with, or close to the public, the access land as shown on **Application Document 2.14 Special Category Land Plans** where it is affected by constructing, maintaining or decommissioning the authorised development.

3.56.2 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 **Application Document 7.6 Outline Public Rights of Way Management Plan** and **Application Document 4.1 Statement of Reasons**.

3.56.3 The concept of temporary suspension of public access to access land has precedent in the Rampion 2 Offshore Wind Farm Order 2025[41].

3.57 Article 53 (Protection of interests)

3.57.1 This article provides that Schedule 14 (protective provisions) has effect. The protective provisions seek to protect statutory undertakers whose assets may be affected by the authorised development.

3.58 Article 54 (Procedure regarding certain approvals etc.)

3.58.1 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. In light of the likely establishment of a DESNZ unit to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments, the article provides a

[41] S.I. 2025/468.

mechanism for that DESNZ unit to have jurisdiction in respect of the discharge of requirements.

3.58.2 It also provides that the procedures set out in Schedule 3 (discharge of requirements) apply to any consent, agreement or refusal which needs to be obtained under the Requirements set out in Schedule 2 (requirements) and any other consents required under the Order. The article clarifies the procedure which applies in respect of these additional consents.

3.58.3 Schedule 3 (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 2 (requirements) and other consents or approvals required under the Order.

3.58.4 This article and associated Schedule 3 (discharge of requirements) reflect the approach taken in the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024 (article 51).

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

3.59 Article 55 (Safeguarding)

3.59.1 This article is not a model provision but the wording mirrors article 52 of the National Grid (Bramford to Twinstead Reinforcement) Development Consent 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.

3.59.2 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.

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

3.59.4 The power for the inclusion of this provision is within 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)).

3.59.5 The rationale for this provision 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.

3.59.6 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 55(3) and for that response to be taken into account and the relevant matters addressed (Article 55(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.

3.59.7 The principal precedents for this provision are articles 16 and 17 of the Town and Country Planning (Development Management Procedure) (England) Order 2010[42] (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.

3.59.8 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[43] (see the definition in section 14(1)).)

3.60 Article 56 (No double recovery)

3.60.1 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[44]. This article has precedent in numerous made DCOs, including in the recent National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.60.2 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.

3.61 Article 57 (Amendment of local legislation)

3.61.1 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 13 (amendment of local legislation), 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) Development Consent Order 2024 (article 55).

3.61.2 The intent is to identify local legislation which may be inconsistent with the exercise of powers of the DCO.

3.61.3 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

[42] S.I. 2010/2184

[43] 1975 c.76

[44] S.I. 2006/1954.

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.

3.61.4 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 14 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.

3.62 Article 58 (Certification of documents)

3.62.1 This article requires National Grid to submit the final versions of the plans and documents listed in Schedule 15 for certification to the Secretary of State.

3.62.2 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) Development Consent Order 2024. The actual list of plans and documents has been placed in a schedule (Schedule 15), to follow the recent drafting convention.

3.63 Article 59 (Service of notices)

3.63.1 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) Development Consent 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.

3.64 Article 60 (Arbitration)

3.64.1 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 DCOs, such as the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024.

3.64.2 Article 60(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.

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 **Application Document 2.4 Work Plans** and Chapter 4 of the Environmental Statement **Application Document 6.4 Chapter 4 Description of the Project.**

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

4.1.3 **Application Document 2.4 Works Plans** is divided into sections (A to F) 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 **Application Document 2.4 Works Plans**.

4.1.4 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 the Project, and meet the relevant statutory and guidance tests, whether they are considered to be part of the NSIP or are Associated Development.

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

4.1.6 The remaining sections of this paragraph 4.1 explain each of the Work Numbers in Schedule 1 in detail.

4.1.7 **Work No. 1** (Work Plan Section A Sheet 1 to Section A Sheet 6) covers construction and installation of line entries associated with the overhead transmission electric line on Route 4AF (shown as purple rectangles on the Work Plans) to the two gantries (4AF1 and 4AF2) within the proposed Birkhill Wood Substation. This work also involves the installation of new overhead electric transmission line (Route 4AF) (shown as a purple line on the Work Plans) between the two gantries at the proposed Birkhill Wood Substation and Pylon 4AF33. 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). These works also include the installation of (amongst other things) conductors, insulators, and fittings to facilitate the connection to the equipment within the proposed Birkhill Wood Substation and the installation of fibre optic conductors. The installation of one temporary construction compound is also included.

4.1.8 **Work No. 2** (Work Plan Section A Sheet 6 to Section A Sheet 9) is concerned with the construction and installation of new overhead electric line and modify existing overhead electric line (Route 4AF) between Pylon 4AF33 and Pylon 4AF52. The works will require the dismantling of existing pylons, removal of foundations, conductors, insulators and fittings.

4.1.9 These works also include the reconfiguration and modification of an existing overhead line (Route 4ZQ) between Pylon 4ZQ80 and Pylon 4ZQ63 including installation, modification and removal works. The construction and installation (and subsequent decommissioning and removal) of temporary overhead line.

4.1.10 Generally, the works will require foundations and steelwork to construct new pylons and modifications to existing apparatus and the replacement of conductors, insulators and fittings. The installation of fibre optic conductors and associated joint boxes as well as the installation of a temporary construction compound.

4.1.11 **Work No. 3** (Work Plan Section A Sheet 9 to Section A Sheet 16) is concerned with the construction and installation of new overhead electric line (Route 4AF) between Pylon 4AF52 and Pylon 4AF76. These works will include installation of new overhead line. The works will require foundations and steelwork to construct new pylons and modifications to existing apparatus and the installation of conductors, insulators and fittings. The installation of fibre optic conductors, as well as the installation of a temporary construction compound.

4.1.12 **Work No. 4** (Work Plan Section A Sheet 16 to Section B Sheet 8) is concerned with the construction and installation of new overhead electric line (Route 4AF) between Pylon 4AF76 and Pylon 4AF114. The works will require foundations and steelwork to construct new pylons, the installation of conductors, insulators and fittings and the installation of fibre optic conductors. The installation of a temporary construction compound is also envisaged.

4.1.13 **Work No. 5** (Work Plan Section B Sheet 8 to Section C Sheet 5) is concerned with the construction and installation of new overhead electric line (Route 4AF) between Pylon 4AF114 and Pylon 4AF128. The works will require foundations and steelwork to construct new pylons, the installation of fibre optic conductors and associated joint boxes. The installation of a temporary construction compound is also envisaged.

4.1.14 This Work Number also includes the reconfiguration and modification of an existing overhead electric line (Route ZDA) between Pylon ZDA116 and ZDA123. The works will require the dismantling of existing pylons, removal of foundations, conductors, insulators and fittings, and the construction and installation of new pylons. The works will also require foundations and steelwork to construct new pylons, the installation of conductors, insulators and fittings and the installation of fibre optic conductors and fibre optic joint boxes.

4.1.15 Finally, this Work Number also includes temporary diversions of the existing overhead transmission electric line via new temporary pylons and will therefore include the construction, installation, decommissioning and removal of temporary overhead electric line between Pylon ZDA117 and Pylon ZDA121.

4.1.16 **Work No. 6** (Work Plan Section C Sheet 5 to Section F Sheet 3) is concerned with the construction and installation of new overhead electric line (Route 4AF) between Pylon 4AF128 and two gantries (4AF259 and 4AF260) at High Marnham Substation. The works also include the construction and installation of the line entries associated with the overhead electric line (Route 4AF) and the two new gantries at the proposed High Marnham Substation. The works will require foundations and steelwork to

construct new pylons, the installation of conductors, insulators and fittings, including downleads and downdroppers and the installation of fibre optic conductors with optical fibre terminated in joint boxes. The installation of four temporary construction compound is also envisaged.

4.2 Schedule 2 (Requirements)

Overview

4.2.1 Schedule 2 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.

4.2.2 Certain of the draft requirements include what is commonly referred to as a 'tailpiece'. The 2026 Guidance notes that requirements should "*typically be drafted without a tailpiece mechanism that simply provide for their own subsequent variation, but at the same time should not prevent the discharging authority from approving details which would lead to environmentally better outcomes than those set out in the ES where appropriate*"..

4.2.3 Whilst noting the 2026 Guidance regarding the acceptability of including 'tailpiece' wording within draft requirements, National Grid considers that the careful use of such a mechanism in Schedule 2 of the 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.

4.2.4 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 discharging 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.

4.2.5 Such similar wording has been incorporated in equivalent circumstances in a range of other recent Orders, including the National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024, Sizewell C (Nuclear Generating Station) Order 2022, the Norfolk Vanguard Offshore Wind Farm Order 2022[45] and Associated British Ports (Immingham Green Energy Terminal) Order 2025[46].

a) **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).

[45] S.I. 2022/138.

[46] S.I. 2025/165.

This Order includes a definition of “biodiversity metric” which refers to version 1.0.4 of the statutory biodiversity metric calculating tool published by DEFRA. 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”.

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 established, 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 3(1).

b) **Requirement 2:** (Time limits) accords with the model requirement in providing that the authorised development must be commenced within 5 years of the date of the Order.

c) **Requirement 3:** (Stages of authorised development) requires that a written scheme setting out all stages of the authorised development is 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.

d) **Requirement 4:** (Construction management plans) provides for the submission to, and approval by, the relevant discharging 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 or other discharging authority.

e) **Requirement 5:** (Register of environmental actions and commitments) requires that the authorised development, including any pre-commencement operations, is carried out in accordance with the register of environmental actions and commitments.

f) **Requirement 6:** (Construction hours) confirms the hours during which construction work may be carried out.

   i. Sub-paragraph (1) defines “core working hours” as between the hours of 07.00 and 19.00 Monday to Friday and 08.00 and 17.00 on Saturdays, Sundays, bank holidays and other public holidays, unless otherwise approved by the relevant planning authority.
   ii. Sub-paragraph (2) restricts HGV deliveries to be made to site to between the hours of 06.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays, Sundays and public holidays unless otherwise approved by the relevant highway authority.

iii. Sub-paragraph (3) lists a number of activities which are not subject to the core working hours or the hours in sub-paragraph (2), as the case may be. In particular, sub-paragraph (3)(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).

iv. 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).

g) **Requirement 7:** (Retention and removal of trees, woodland and hedgerows) requires an aboricultural method statement including a tree protection 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.

h) **Requirement 8:** (Reinstatement planting plan) requires a reinstatement planting plan to be submitted to and approved by the relevant planning authority prior to any stage of the authorised development being brought into operational use.

i) **Requirement 9:** (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 NGED), 29 (temporary use of land by NPG), 30 (temporary use of land by BT) and 31 (temporary use of land for maintaining the authorised development).

j) **Requirement 10:** (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.

k) **Requirement 11:** (Approval and implementation of surface water management plan) prevents any stage of the authorised development from commencing until a surface water drainage management plan, prepared substantially in accordance with the framework construction surface water management plan, has been approved by the relevant planning authority. Thereafter, the construction of each stage of the authorised development must be in accordance with the surface water management plan as approved or as otherwise amended with the approval of the relevant planning authority.

l) **Requirement 12:** (Contamination of land or groundwater and controlled water)makes provision for dealing with any contaminated land and groundwater discovered during construction of the works. This requirement specifies actions that will apply if any unexpected contamination is encountered during construction.

m) **Requirement 13:** (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. 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.

n) **Requirement 14:** (Access Options) ensures that the optionality presented within the Environmental Statement is appropriately secured. This requirement identifies five access points each of which could have one of two alternative arrangements. The requirement ensures that National Grid only provides one such alternative so as to ensure compliance with the environmental impact assessment. The selected option will be determined through detailed design following the outcome of additional archaeology investigations and environmental surveys.

4.3 Schedule 3 (Discharge of requirements)

4.3.1 Schedule 3 sets out two mechanisms:

a) the first applies to any consent, agreement or approval which needs to be obtained under the Requirements set out in Schedule 2, and specifies elements of the procedure to be followed; and

b) 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.

4.3.2 Whilst it is acknowledged that the time limits included in Schedule 3 (in relation to the determination of applications made pursuant to the Requirements and any requests made by the relevant discharging authority for further information) do differ from those recommended in Advice Note 15[47], 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 these time frames in the recently made National Grid (Bramford to Twinstead Reinforcement) Development Consent Order 2024[48].

4.3.3 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, Schedule 4 of the National Grid (Hinkley Point C Connection Project) Order 2016[49] and is almost identical to the National Grid

[47] Planning Inspectorate's *Advice Note 15: Drafting Development Consent Orders as superseded by the 2026 Guidance. Whilst we acknowledge that Advice Note 15 has been superseded by the 2026 Guidance it is still helpful to refer to the time limits set out there as a starting point.*

[48] S.I. 2024/958.

[49] S.I 2016/49.

(Bramford to Twinstead Reinforcement) Development Consent Order 2024[50]. National Grid has included a new paragraph 1(1) to Schedule 3 (discharge of requirements) which allows the undertaker to make an application 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 3.

4.4 Schedule 4 (Streets subject to street works)

4.4.1 Schedule 4 sets out the streets, referred to in Article 12 (street works), subject to street works.

4.5 Schedule 5 (Streets subject to alteration of layout)

4.5.1 Schedule 5 sets out the streets, referred to in Article 15 (power to alter layout, etc. of streets), the layouts of which are subject to temporary alterations.

4.6 Schedule 6 (Streets or Public Rights of Way to be temporarily closed)

4.6.1 Schedule 6 sets out the streets and public rights of way which are subject to temporary closure under Article 16 (temporary closure of streets and public rights of way).

4.7 Schedule 7 (Access to works)

4.7.1 Schedule 7 sets out the locations, referred to in Article 17 (access to works), where access would be taken from the public highway, for construction and/or operation / maintenance purposes.

4.8 Schedule 8 (Modification of compensation and compulsory purchase enactments for creation of new rights)

4.8.1 Schedule 8 sets out, pursuant to Article 24 (compulsory acquisition of rights), 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.

4.9 Schedule 9 (Land of which temporary possession may be taken)

4.9.1 Schedule 9 sets out the land referred to in Articles 27, 28, 29 and 30 which National Grid, NGED, NPG and BT 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 9 correspond with those plots of land shown as on **Application Document 2.3 Land Plans**.

[50] S.I. 2024/958.

4.10 Schedule 10 (Land in which only new rights may be acquired)

4.10.1 This Schedule sets out the areas of land over which only new rights may be acquired by the undertaker and the nature of the rights that may be acquired. The plot numbers in column 1 of the table correlate with the relevant plot numbers on **Application Document 2.3 Land Plans**, with the purpose of the rights may be acquired or restrictive covenants imposed in column 2 and the relevant works listed in column 3 . The Schedule relates to Articles 24 (compulsory acquisition of rights), 28 (temporary use of land by NGED), 29 (temporary use of land by NPG) and 30 (temporary use of land by BT).

4.11 Schedule 11 (Traffic regulation orders)

4.11.1 Schedule 11 sets out the streets that are subject to traffic regulation measures further to Article 48 (traffic regulation).

4.12 Schedule 12 (Trees subject to tree preservation orders)

4.12.1 Schedule 12 sets out the trees subject to tree preservation orders further to Article 50 (trees subject to tree preservation orders).

4.13 Schedule 13 (Amendment of local legislation)

4.13.1 Schedule 13 lists the local legislation and byelaws National Grid seeks to exclude in relation to the Project further to Article 57 (amendment of local legislation).

4.14 Schedule 14 (Protective provisions)

4.14.1 Schedule 14 sets out the provisions for the protection of statutory undertakers affected by the authorised development.

4.14.2 Further to National Grid's engagement with affected statutory undertakers, Schedule 14 currently comprises seven distinct parts:

a) Part 1 sets out standard protective provisions for the protection of electricity, gas, water and sewerage undertakers;

b) Part 2 sets out standard protective provisions for the protection of operators of electronic communications code networks;

c) Part 3 sets out protective provisions for the protection of drainage and flood authorities;

d) Part 4 sets out protective provisions for the protection of National Highways;

e) Part 5 sets out protective provisions for the protection of the Canal & Rivers Trust;

f) Part 6 sets out the protective provisions for the protection of Anglian water services limited;

g) Part 7 sets out the protective provisions for the protection of Network Rail; and

h) Part 8 sets out the protective provisions for the protection of Exolum Pipeline System Ltd.

4.14.3 National Grid has included a number of bespoke protective provisions which are not yet agreed with the benefiting statutory undertakers. In some cases this is because the protective provisions are seeking to be agreed across a number of National Grid projects. In all cases, discussions are ongoing with a view to finalise the terms as soon as possible.

4.15 Schedule 15 (Certified Documents)

4.15.1 Schedule 15 sets out all the control documents and plans that will be certified under the Order in accordance with Article 58 (certification of documents).

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