

# REPORT OF THE CORPORATE DIRECTOR – PLANNING AND COMMUNITY

12 September 2025

## **OFFICER DECISION TO SUBMIT AN 'ADEQUACY OF CONSULTATION REPRESENTATION' IN RESPECT OF THE NORWICH TO TILBURY DEVELOPMENT CONSENT ORDER APPLICATION**

(Report prepared by Jacob Jaarsma)

### **PART 1 – KEY INFORMATION**

| <b>PURPOSE OF THE REPORT</b>                                                                                                                                                                                  |
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| To seek the Portfolio Holder's concurrence with the Officer decision to submit an 'Adequacy of Consultation Representation' in respect of the Norwich to Tilbury Development Consent Order (DCO) Application. |

| <b>EXECUTIVE SUMMARY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>The Norwich to Tilbury project is a major electricity transmission upgrade proposed by National Grid as part of <i>The Great Grid Upgrade</i>. It involves constructing a new 400kV transmission line spanning approximately 180 kilometres from Norwich to Tilbury, passing through Norfolk, Suffolk, and Essex. The route includes over 500 pylons supporting overhead lines; around 21km of underground cables; and two new substations, including the East Anglia Connection Node (EACN) which is proposed to be located in northwestern corner of the Tendring Peninsula.</p> <p>National Grid has submitted a Development Consent Order (DCO) application for the Norwich to Tilbury project. As part of the acceptance stage, PINS has invited host authorities to comment on whether the applicant has complied with its statutory pre-application consultation duties under Sections 42, 47, and 48 of the Planning Act 2008.</p> <p>Following a detailed review of the Consultation Report and associated documentation, and in liaison with Essex County Council (ECC), Officers have concluded that the applicant has met the minimum statutory requirements.</p> <p>However, the Council remains critical of the quality and effectiveness of engagement with affected communities – and this is highlighted in the proposed submission, which is attached. Furthermore, TDC will continue to uphold its objections to the scheme across multiple areas, as detailed in previous responses including our response to the final statutory consultation.</p> |
| <b>RECOMMENDATION(S)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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**It is recommended that the Council submits an Adequacy of Consultation Representation to the Planning Inspectorate, acknowledging that National Grid has met the minimum statutory requirements regarding pre-application consultation, while highlighting the Council's concerns regarding the quality and effectiveness of engagement with affected communities.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The response is required as part of the Council as host authority for a section of the project, to proactively engage in the DCO process.

### **RESOURCES AND RISK**

The response has been prepared within existing resources. There are no direct financial implications arising from the submission of the Adequacy of Consultation Representation.

Groups representing affected local residents have raised concerns about the adequacy of National Grid's consultation processes and have sought the Council's support in voicing these concerns through the Adequacy of Consultation Representation. While TDC understands these concerns, expert legal advice obtained by ECC confirms that the threshold for meeting the statutory requirements is modest, and it is the shared view of authorities in Essex that National Grid has met these minimum statutory requirements.

However, local residents, parish councils and pressure groups are likely to be dissatisfied with elements of the Council's response – and continued engagement with those most directly affected will be required to ensure the Council is best able to represent its residents' views as the Examination process continues.

### **LEGAL**

The Planning Act 2008 requires PINS to consider representations from local authorities on the Adequacy of Consultation. The Council's representation is made in accordance with Section 55(4)(b) and reflects the legal advice obtained by ECC, which confirms that National Grid has complied with its statutory duties and the relevant common law principles of consultation (Gunning Principles). The legal advice is exempt from publication under Section 42 of the FOIA – legal professional privilege.

### **OTHER IMPLICATIONS**

**Area or Ward affected:** Lawford, Manningtree & Mistley; Ardleigh & Little Bromley

**Consultation/Public Engagement:** Ward Members have not been formally consulted on the Adequacy of Consultation Representation itself. However, engagement with affected Members has been ongoing throughout the pre-application stage and will continue as the DCO examination progresses. Likewise, no public engagement has taken place on the Council's representation. However, the Council's response is critical of the quality and effectiveness of community engagement undertaken by National Grid while preparing their proposals.

**Local Government Reorganisation:** The decision to submit a representation has no direct impacts on Local Government Reorganisation (LGR). However, TDC's response is aligned with neighbouring authorities and Essex County Council – which will enable ongoing collaboration throughout the DCO examination.

### **PART 3 – SUPPORTING INFORMATION**

The Norwich to Tilbury project is a major electricity transmission upgrade proposed by National Grid as part of *The Great Grid Upgrade*. It involves constructing a new 400kV transmission line spanning approximately 180 kilometres from Norwich to Tilbury, passing through Norfolk, Suffolk, and Essex. The route includes over 500 pylons supporting overhead lines; Around 21km of underground cables two new substations, including the East Anglia Connection Node (EACN) which is proposed to be located in northwestern corner of the Tendring Peninsula.

The project is needed to support the UK's transition to cleaner, more sustainable energy by connecting offshore wind farms and low-carbon energy sources to homes and businesses; reducing reliance on fossil fuels and enhancing energy security; increasing grid capacity to meet rising electricity demand across East Anglia and beyond; and delivering power more efficiently and affordably, with pylons capable of serving up to six million homes.

National Grid has stated that alternatives such as offshore transmission or full undergrounding would be significantly more expensive and slower to deliver. National Grid argues that the onshore route is considered the most cost-effective and practical solution to meet the UK's energy goals.

National Grid has submitted a Development Consent Order (DCO) application for the Norwich to Tilbury project. As part of the statutory acceptance stage, the Planning Inspectorate (PINS) has invited host authorities, including TDC, to submit an Adequacy of Consultation Representation. This representation must address whether the applicant has complied with its statutory consultation duties under Section 42, 47, and 48 of the Planning Act 2008.

TDC has reviewed the Consultation Report and associated appendices submitted by National Grid, alongside legal advice obtained by Essex County Council (ECC), with whom TDC has worked closely throughout the pre-application process. The legal opinion confirms that the applicant has complied with the relevant statutory duties and the public law principles of consultation (the Gunning Principles), and that there is no credible legal basis to assert non-compliance.

While the Council remains critical of the quality and effectiveness of the consultation – particularly in relation to the level of engagement with affected communities and the transparency of decision-making around the East Anglia Connection Node (EACN) – it accepts that the minimum statutory requirements have been met. This position is consistent with that adopted by other host authorities and reflects the procedural reality that the threshold for statutory compliance is relatively modest.

The Council has received significant feedback from residents, parish councils, and local groups expressing dissatisfaction with the consultation process. Many have raised concerns about the perceived lack of meaningful engagement, the presentation of a predetermined scheme, and the limited opportunity to influence key decisions. These concerns are acknowledged and will continue to inform the Council's representations during the examination phase.

The submission of an Adequacy of Consultation Representation does not imply support for the scheme. TDC remains firmly opposed to the proposal in principle and will continue to raise planning, environmental, and community concerns at every appropriate stage of the DCO process.

## **APPENDICES**

1. TDC Adequacy of Consultation Representation September 2025

## **BACKGROUND PAPERS**

None.