

Response to the Ofgem consultation on: Norwich Tilbury – Early Construction Funding (ECF).

Sir Bernard Jenkin MP

I disagree with your "minded-to" decision to approve the ECF application by National Grid Electricity Transmission (NGET) for the Norwich to Tilbury project for the following reasons:

1. Risk of predetermination and legal challenge

The design of the Norwich to Tilbury project is highly contentious, and to date, no application for a Development Consent Order (DCO) has been submitted to the Planning Inspectorate. By approving the ECF for the project, Ofgem may be seen as predetermining the outcome of the DCO process, effectively endorsing NGET's proposal before a formal review and public consultation have occurred.

This concern is underscored by the acknowledgement in Section 2.15 of Ofgem's consultation document:

“Against this, NGET have flagged that there is a potential risk from public perception of predetermining the DCO decision.”¹

If the ECF is approved at this stage, it could lead to legal challenges on the basis that the decision unlawfully predetermines the outcome of the DCO process. These challenges could significantly delay the project and create further increased costs.

2. Risk of wasted funding due to premature commitment

Given the ongoing uncertainty surrounding the final design of the Norwich to Tilbury project, and the recent request by the Government for the ESO to produce a holistic spatial study for 2030, committing any resources at this stage seems premature. The new study may propose alternative designs or routes that could impact the project. In such a scenario, the funding committed under the ECF may be rendered redundant, leading to potential wasted financial resources.

In light of these considerations, I strongly urge you to reconsider your "minded-to" decision on approving the ECF for the Norwich to Tilbury project. This would prevent potential legal challenges and ensure that funding is used efficiently.

Sir Bernard Jenkin MP
House of Commons, London. SW1A 0AA
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¹ Norwich to Tilbury ECF Consultation, P.14: <https://www.ofgem.gov.uk/sites/default/files/2024-08/2024%2008%2013%20Norwich%20to%20Tilbury%20-%20ECF%20Consultation.pdf>