

Dear Mr Dunshea

Norwich Tilbury Early Construction Funding (ECF) must be refused.

We welcome the opportunity to respond to this consultation.

We disagree in the strongest possible terms with the “minded to approve” decision on this request for Early Construction Funding (ECF) by National Grid Electricity Transmission (NGET) to commence front end engineering on two new bays at the Norwich Main in advance of the Norwich to Tilbury (N2T) project.

We set out our comments below in relation to Gunning Principles, recognised in consultation law:

1. Proposals should be at a formative stage with no decision made.

We disagree with the NGET lawyers opinion that Early Construction Funding for two bays at the Norwich Main does not represent pre-determination. A rational interpretation by anyone viewing this decision will be that if construction has commenced then the project has also commenced. It is blatantly obvious to the man on the street that construction of an initial phase (for which a Development Consent Order (DCO) has not even been submitted) gives the appearance that other doors have been closed. NG is seeking to essentially pay a 1% option price in order to close off other project options since this would create 'regret costs' on this initial sum.

2. There should be sufficient information for a stakeholder to respond.

In this instance there is insufficient information for us to submit a considered response. We cannot ascertain the impact of the decision on consumers. The ASTI submission is confidential and without access to it, we cannot analyse it.

We do not know what the impact on NGET would be if ECF is not granted and we believe that Ofgem must challenge the argument that it would drive higher expenditure towards the end of the programme (why?) or that it would lead to higher levels of delivery risk (why?).

It should not be assumed that because NGET seeks ‘only’ 1% early funding, this request does not merit robust scrutiny. Therefore, we are concerned that Ofgem notes that it will not

undertake a detailed cost assessment nor form a view whether expenditure is efficient (because this comes later under the ASTI Project Assessment Stage).

You will be aware already that our group has been raising concerns about NGET's Norwich to Tilbury (N2T) project since 2022 and that we continue to seek robust scrutiny of the proposals by Ofgem. Please see in the Appendix our submission to another of Ofgem's current consultations (Proposed regulatory funding and approval framework for onshore transitional Centralised Strategic Network Plan 2 projects), which reiterates some of these concerns.

We maintain that for Ofgem to approve any funding without full scrutiny would be a clear and obvious dereliction of its duties to consumers.

For a highly contentious project that may not gain planning approval, this could be viewed as "throwing good money after bad".

### 3. Adequate time

This is a very short consultation which commenced in the peak holiday season, running 13 August to 10 September. It is consequently very difficult for a group to respond in these timescales.

### Conclusion

Individuals and groups have a legitimate expectation that the system and public bodies will ensure fairness. Awarding funding for this ECF gives rise to an appearance of pre-determination and opens the door to construction of N2T by stealth, incrementally.

This ECF funding request must be refused.