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Your ref: BC080001

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By Email to: LondonResort@planninginspectorate.gov.uk

Dear Sirs

Application of London Resort Company Holdings for an Order Granting Development Consent for the London Resort

Response to Procedural Deadline A (15 March 2022)

1 Introduction

- 1.1 We act on behalf of National Grid Electricity Transmission Plc ("**NGET**"), an Interested Party, in respect of the application by London Resort Company Holdings (the "**Applicant**") for an Order granting Development Consent for the London Resort (the "**Proposed Development**").
- 1.2 NGET submitted a Relevant Representation in this matter on 29 March 2021. An additional written submission, concerning the timetable for Examination of the application for the Proposed Development, was made on 6 January 2022 in response to the Examining Authority's (the "**ExA**") letter of 22 December 2021.
- 1.3 This further written submission is made at Procedural Deadline A (15 March 2022) with reference to the Rule 6 Letter of 14 February 2022 and also to the ExA's Procedural Decision of 1 February 2022.

2 NGET's Position

- 2.1 NGET owns and operates the electricity transmission network in England and Wales, with day-to-day responsibility for balancing supply and demand. NGET operates but does not own the Scottish networks. NGET is required to comply with the terms of its Electricity Transmission Licence in the delivery of its statutory responsibility. Under Section 9 of the Electricity Act 1989, NGET has a statutory duty to maintain 'an efficient, co-ordinated and economical' system of electricity transmission.
- 2.2 NGET's rights to retain its apparatus in situ and its rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the draft Order limits for the Proposed Development must be maintained without restriction at all times.
- 2.3 Within this context, and as previously noted, NGET does not object in principle to the Proposed Development.
- 2.4 NGET does, however, object to:

- (a) the Proposed Development being carried out in close proximity to its apparatus in the area unless and until suitable protective provisions and related contractual commitments have been secured to its satisfaction; and
- (b) any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect NGET's land interests, rights apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any necessary related amendments have been agreed and included in the Order.

2.5 NGET maintains that without an agreed set of measures in place to protect its existing apparatus and a qualification on the exercise by the Applicant of compulsory purchase and/or temporary use powers, the following consequences are highly likely to arise from the construction, operation and future maintenance of the Proposed Development:

- (a) a failure on the part of the Applicant to comply with industry safety standards, legal requirements and Health and Safety Executive standards, thereby creating an unacceptable health and safety risk;
- (b) a risk of strike to existing electricity cables and overhead lines if elements of the Proposed Development take place within the easement zone which otherwise seeks to protect those cables and overhead lines from development; and
- (c) a risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to NGET's assets and the integrity of the wider electricity transmission system; and
- (d) an inability for qualified personnel acting on behalf of NGET to access apparatus for its maintenance, repair and inspection, meaning that any damage to such apparatus could have potentially serious hazardous consequences for individuals located in the vicinity of the apparatus if it were to fail.

2.6 NGET contends that it is essential that protective provisions on NGET's standard terms are incorporated in the proposed draft Development Consent Order (the "**draft Order**") to its satisfaction so as to ensure adequate protection for NGET's Apparatus and existing and future property rights.

2.7 It is noted that the draft Order does not yet contain protective provisions expressed to be for the specific protection of NGET. The draft Order is therefore currently deficient from NGET's perspective.

3 **NGET's Specific Concerns**

3.1 NGET has had an opportunity to review the documentation and plans submitted with the application for the Proposed Development. NGET's specific concerns and/or operational requirements relating to the Proposed Development, which have already been raised with the Promoter, are summarised in the following paragraphs of this written submission.

3.2 As set out in its Relevant Representation, the following existing assets are within, or in close proximity to, the draft Order limits for the Proposed Development:

Overhead Lines

ZR 400kV Overhead Line

YN 400kV Overhead Line

YL 400kV Overhead Line

Substations

Northfleet East 400kV Substation

Northfleet East 132kV Substation

Associated 132kV cable

- 3.3 Each of the overhead lines and associated towers forms an essential part of the electricity transmission network in England and Wales. Therefore, and at this preliminary stage, NGET's primary concern is to understand the extent of likely interaction between the Applicant's proposals and the existing electricity infrastructure noted above.
- 3.4 Subject to the Applicant providing all relevant further information, NGET may, in addition to the protective measures which will need to be included on the face of the draft Order, therefore also require the Applicant to enter into crossing agreements in respect of any instances where elements of the Proposed Development will intersect with those overhead lines.
- 3.5 For current purposes, and based on a review of publically available information, NGET has identified the following specific areas of concern:

Tower ZR011

- 3.6 In particular, the existing ZR 400kV overhead line (including Towers ZR011, ZR010 and ZR010A) is noted to be of critical strategic importance to the national electricity transmission network.
- 3.7 Tower ZR011 is approximately 180 metres in height and forms one half of the Thames Crossing. It is the tallest electricity tower in the United Kingdom.
- 3.8 NGET will therefore require a development exclusion area of 100m by 100m around the base of Tower ZR011 (measured from the base of the Tower) in order to safeguard the operational integrity of the Tower and to ensure that essential routine maintenance activities as well as any emergency repairs can be carried out.
- 3.9 The anchor towers for ZR011 (being Towers ZR010 AND ZR010A) will require a development exclusion area of 30m beyond the base on three sides, but with 60m required on the south east and east sides respectively. In addition to ensuring operational integrity, the enhanced development exclusion area is necessary to accommodate the equipment required for any maintenance works to the Thames Crossing, Tower ZR011 and these two towers.
- 3.10 In addition, the area directly underneath the overhead line conductor span between Tower ZR011 and Towers ZR010 and ZR010A must be kept clear of all obstruction and above ground

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development or vegetation in order to enable future reconductoring works to take place. This development exclusion area must be sufficient to accommodate the maximum lateral 'swing' of the existing overhead line conductors. For reasons of public and operational safety, any future development must also adhere to prescribed minimum distance requirements from live overhead line conductors (currently 3.1m from 400kV conductors, and 5.3m to any object).

- 3.11 A plan (Ref: AP2001_TLR_NG_05) showing the required development exclusion area in relation to Towers ZR011, ZR010 and ZR010A has been prepared to support this Written Submission and is included at Appendix A.
- 3.12 NGET also wishes to place on record the fact that Tower ZR011 is, and must continue to remain at all times, subject to stringent security requirements, including those designed to prevent unauthorised public access to the physical structure itself as well as to the immediate surrounding area. NGET is concerned that the proximity of the Proposed Development could give rise to additional security concerns which it is essential to address from the outset.
- 3.13 NGET may therefore require the Applicant to incorporate additional security-led preventative measures within the design and layout of the Proposed Development in the area surrounding Tower ZR011. As matters currently stand, NGET anticipates that the installation of a security compound and security fence is likely to be required around the base of Tower ZR011. NGET would expect the Applicant to secure all land rights and other consents required to facilitate the installation and use of any such security compound.
- 3.14 From an access perspective, NGET is concerned that the existing access route to Tower ZR011 (in addition to Towers ZR010 and ZR010A) will be materially impacted by the Proposed Development. NGET also notes that the recent designation of the Swanscombe Peninsula as a SSSI may practically limit the availability of alternative means of access to these towers.
- 3.15 If the Applicant does intend to re-route all or part of NGET's existing access route to Towers ZR011, ZR010 and ZR010A, NGET wishes to place on record that any such repositioned route of access must be capable of ensuring access, as a minimum, for large heavy goods vehicles and abnormal indivisible loads. NGET also requires that any alternative means of access is commissioned to agreed specifications before the existing access route is temporarily or permanently stopped-up.
- 3.16 In addition to the above, NGET also requires the existing local power supply for the obstruction lights affixed to Tower ZR011 to be maintained at all times. At present, this power supply is provided through a low voltage wooden pole overhead line situated near to the base of Tower ZR011.

Towers ZR003A and ZR004

- 3.17 It is noted that Towers ZR003A and ZR004 are situated within the areas of land within the draft Order Limits on which are proposed to be constructed the "Resort Access Road" (Work No. 11) and the dedicated terminal building for visitors and staff arriving by rail at Ebbsfleet International Station (Work No. 17a).
- 3.18 NGET is concerned that the existing access route to Towers ZR003A and ZR004 will be materially impacted by these elements of the Proposed Development.

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- 3.19 If the Applicant does intend to re-route all or part of NGET's existing access route to Towers ZR003A and ZR004, NGET wishes to place on record that any such repositioned route of access must be capable of ensuring access, as a minimum, for large heavy goods vehicles and abnormal indivisible loads. NGET also requires that any alternative means of access is commissioned to agreed specifications before the existing access route is temporarily or permanently stopped-up.
- 3.20 In the first instance, NGET would welcome clarification from the Applicant as to the extent to which either of Towers ZR003A and ZR004 are likely to be impacted by the Proposed Development, including Works Nos. 11 and 17a.

Northfleet East 400kV and 132kV Substations

- 3.21 It is noted that both the Northfleet East 400kV and Northfleet East 132kV Substations fall within the draft Order Limits for the Proposed Development.
- 3.22 NGET understands that no connections are intended to be made (or sought to be made) by the Applicant into either of those Substations for the purposes of the Proposed Development.
- 3.23 On that basis, NGET wishes to understand in the first instance why the draft Order Limits have been drawn in such a way as to include both of those Substations, and what powers and/or rights the Applicant proposes to seek to exercise or acquire in respect of those parcels of land.
- 3.24 To the extent that there is no clear justification, NGET would expect that the draft Order Limits should be re-drawn by the Applicant to exclude both of the existing Substations and all other surrounding land which is in the ownership or control of NGET.

4 Response to the ExA's Procedural Decision of 1 February 2022

- 4.1 Taking account of the above, NGET has sought to engage with the Applicant and its consultant team on numerous occasions since November 2020 in order to obtain reassurances as to how the Proposed Development will ensure protection for those NGET assets which will remain in situ, alongside facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations.
- 4.2 Although a preliminary meeting took place with the Applicant's consultant team on 24 June 2021, no further engagement has been forthcoming. Despite repeated written requests, NGET is yet to receive a substantive response from the Applicant in respect of any of the matters raised during the meeting of 24 June.
- 4.3 In response to the ExA's Procedural Decision of 1 February 2022,¹ NGET has sought again to engage with the Applicant and a summary of that engagement is set out in the following table:

¹ See Page 4 of the ExA's Letter of 1 February 2022: "*IPs and APs are also requested to submit their own list of list of engagements (consultation and meetings) with the applicant undertaken between 1 February and 10 March 2022, recording the attendance, purpose, scope and method of each engagement and summarising conclusions and agreements reached. If prepared, these lists should be submitted to the ExA by 15 March 2022.*"

Date	Event	Response
1 February 2022	Email from Bryan Cave Leighton Paisner LLP (on behalf of NGET) to Eversheds Sutherland LLP (on behalf of the Applicant) requesting an update in respect of matters of concern regarding the impact of the Proposed Development on NGET's apparatus (further to concerns originally raised by email on 24 June 2021).	Holding response received from Eversheds Sutherland on 1 February 2022. Instructions awaited from the Applicant.
8 February 2022	Email from NGET to Buro Happold (on behalf of the Applicant) requesting an update in respect of matters of concern regarding the impact of the Proposed Development on NGET's apparatus (further to concerns originally raised by email on 24 June 2021, and articulated again on 9 July 2021, 18 August 2021 and 23 November 2021).	Response received from Buro Happold on 8 February 2022 confirming that Buro Happold had no instructions from the Applicant to progress matters.
17 February 2022	Email from Bryan Cave Leighton Paisner LLP to Eversheds Sutherland LLP requesting an update further to correspondence on 1 February 2022 (see above).	Holding response received from Eversheds Sutherland on 17 February 2022. Instructions awaited from the Applicant.
1 March 2022	Email from Bryan Cave Leighton Paisner LLP to Eversheds Sutherland LLP requesting an update further to correspondence on 1 February and 17 February 2022 (see above).	Response received from Eversheds Sutherland on 7 March confirming instructions to review NGET's draft protective provisions, and acknowledging that the Applicant's consultant team are not in a position to respond to matters of technical concern originally raised in June 2021.
8 March 2022	Email from Bryan Cave Leighton Paisner LLP to Eversheds Sutherland LLP providing a copy of NGET's draft protective provisions.	Response received from Eversheds Sutherland on 8 March confirming a review of NGET's draft protective provisions was underway.

4.4 Without further and immediate engagement, NGET is particularly concerned that the emerging proposals for the Proposed Development will fail to take full and proper account of NGET's existing apparatus and other land rights. From experience, and noting also the extent

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of identified interactions in this instance, NGET recognises that these are invariably complex matters to resolve and document.

- 4.5 NGET contends that it is essential that protective provisions on NGET's standard terms are incorporated in the draft Order to its satisfaction so as to ensure adequate protection for NGET's apparatus and existing and future property rights.
- 4.6 Despite NGET's best efforts, negotiations between the parties in respect of the form of the protective provisions to be included within the draft Order have not yet commenced and there remain a number of other outstanding issues (as explained in detail in this written submission).
- 4.7 Should it not be possible to reach agreement on these matters with the Applicant, NGET reserves the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the protective provisions and other related matters.
- 4.8 If this is necessary, NGET reserves the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.
- 4.9 In addition, and given both the scale and nature of the potential impact of the Proposed Development on NGET's undertaking and strategic assets (including in respect of the Thames Crossing) and the Applicant's lack of substantive engagement to date, NGET requests that the ExA please include NGET within the list of statutory undertakers specifically referenced at Annex C, Item 16(i) of the Rule 6 Letter (in relation to the adequacy of protective provisions in the draft Order).

We trust that the contents of this written submission are helpful to the ExA, but would be pleased to provide any further clarification as required.

Yours faithfully



Bryan Cave Leighton Paisner LLP

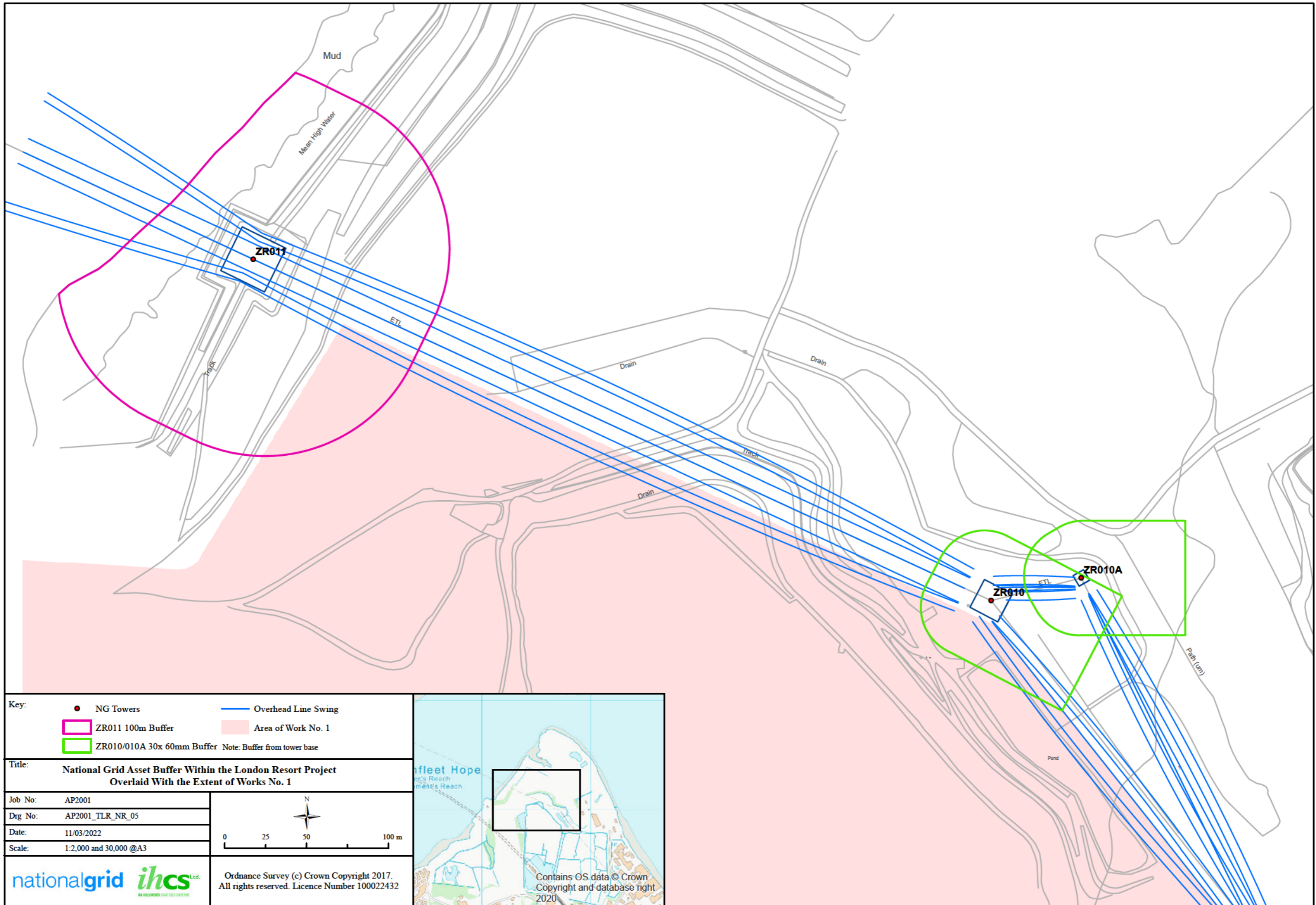
On behalf of National Grid Electricity Transmission Plc

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Appendix A:

Plan Ref: AP2001_TLR_NG_05



Key:	● NG Towers	— Overhead Line Swing
	◻ ZR011 100m Buffer	◻ Area of Work No. 1
	◻ ZR010/010A 30x 60mm Buffer Note: Buffer from tower base	

Title: **National Grid Asset Buffer Within the London Resort Project Overlaid With the Extent of Works No. 1**

Job No:	AP2001
Drng No:	AP2001_TLR_NR_05
Date:	11/03/2022
Scale:	1:2,000 and 30,000 @A3

