

PLANNING ACT 2008

**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010**

**APPLICATION BY RAMPION EXTENSION DEVELOPMENT LIMITED FOR
A DEVELOPMENT CONSENT ORDER**

WRITTEN REPRESENTATION

ON BEHALF OF

nationalgrid

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Introduction

1. This written representation is submitted on behalf of National Grid Electricity Transmission Plc (“**NGET**”) in respect of the Development Consent Order (“**DCO**”) application for the proposed Rampion 2 Offshore Windfarm (“**Project**”) made by Rampion Extension Development Limited (“**Promoter**”). This document should be read in conjunction with National Grid’s relevant representation, which was submitted to the Examining Authority on 6 November 2023.
2. The Project adversely affects National Grid’s existing infrastructure and there are proposals to permanently acquire National Grid’s land and rights in its land. While National Grid has, and will continue, to liaise with the Promoter to resolve these issues, it objects to the Project in its current form.

NGET

3. NGET owns, operates and maintains the high-voltage electricity transmission network in England and Wales. The transmission system transports large amounts of energy across the country, connecting energy generators such as wind farms, nuclear or combined cycle gas turbine facilities with distribution systems which take energy on to the homes and businesses across England and Wales.
4. NGET operates under a transmission licence issued by the Office of Gas and Electricity Markets (“**Ofgem**”). NGET is subject to regulation by Ofgem and to its duties under the Electricity Act 1989.
5. NGET is a statutory undertaker within the meaning of section 127(8) of the Planning Act 2008 (“**PA 2008**”). All the land in respect of which the Promoter proposes to secure powers of compulsory acquisition (of interests or rights) or of temporary possession was acquired by NGET for the purposes of this undertaking.
6. In these circumstances, section 127(2) and (5) provide that any order granting development consent for the Project may only include provision authorising the compulsory acquisition of NGET’s land or rights therein if this can be done without serious detriment to the carrying on of NGET’s undertaking (whether by the provision of replacement land or otherwise) or any detriment in consequence of the acquisition of a right can be made good. The Promoter has made no case in this regard. As matters stand, serious detriment to NGET’s undertaking would result from the Project.

Affected Infrastructure

7. NGET has a number of substations and a high voltage electricity overhead transmission line within or in close proximity to the proposed Order Limits, including the following:
 - a. Bolney 400kV Substation, together with associated cables and apparatus;
 - b. 4VM 400kV overhead line (Bolney – Ninfield 1 and Bolney – Ninfield 2), together with associated cable fibre; and
 - c. 4VF 400kV overhead line (Bolney – Lovedean 1 and Bolney – Lovedean 2), together with associated cable fibre.
8. These assets form an essential part of the electricity transmission network in England and Wales.

9. As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not adversely affect its ability to meet those obligations. As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits.
10. NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits must be maintained at all times and access to inspect and maintain such apparatus must not be restricted.
11. NGET will require protective provisions to be included within the draft DCO for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. NGET is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required.

Powers of Compulsory Acquisition

12. NGET objects to any compulsory acquisition or temporary possession of its land (including rights in its land). In particular, NGET objects to the proposed acquisition of rights in its land to deliver the environmental mitigation works contained in Work No. 17 and of all interests in its land (identified as Plot 34/28 in the Book of Reference and on the Land Plans) to carry out the substation extension works contained in Work No. 20.

Work No. 17

13. NGET does not accept that its land should be used for the Project's environmental mitigation. As a statutory undertaker, NGET must retain its operational land in its ownership so that it is able to fulfil its own statutory purpose. The current proposals have the potential to hamper any future expansion of the substation and/or prevent additional connections to it. The ability to connect new projects to the national transmission network is of the utmost importance in delivering the additional capacity required to meet the Government's Net Zero targets. As such, NGET submits that there can be no compelling case in the public interest for acquiring NGET's land to facilitate such environmental mitigation works.

Work No. 20

14. The design of the substation extension is still subject to change. In any event, since the substation works are to be carried out by NGET on land it already owns, acquisition of the land by the Promoter is not required.

Restriction on Compulsory Powers

15. In order to prevent serious detriment to the carrying on of NGET's undertaking, protective provisions in the DCO must prevent the exercise of compulsory powers by the Promoter without NGET's consent. Powers of compulsory acquisition over plot 34/28 should be removed from the DCO entirely.

Benefit of the Order

16. The Promoter's Statement of Reasons acknowledges at paragraph 9.9.5.6 that NGET will carry out the substation extension works described in Work No. 20. While it is accepted that Article 5(7)(a) of the draft DCO allows the Promoter to transfer the benefit of the Order to NGET without any requirement for consent from the Secretary of State, NGET considers that the DCO should expressly grant it the power to carry out those works. Further, the DCO should also provide for

NGET to consent the works under the Town and Country Planning Act 1990 or (to the extent these are available) permitted development rights if it considers that this would be preferable.