

PLANNING ACT 2008

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

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

WRITTEN SUMMARY OF ORAL SUBMISSIONS

ON BEHALF OF

nationalgrid

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Compulsory Acquisition Hearing 1 – 21 May 2024

Introduction

1. This written summary of oral submissions at CAH 1 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**”).

NGET

2. NGET owns, operates and maintains the high-voltage electricity transmission network in England and Wales (“**NETS**”). 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.
3. 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.
4. These submissions should be read in conjunction with NGET’s relevant representation, which was submitted to the Examining Authority on 6 November 2023, its written representation, which was submitted on 28 February 2024, and its response to the Examining Authority’s first written questions, which was submitted on 25 April 2024.

NESO

5. National Energy System Operator Ltd (“**NESO**”) manages the connection application and offer process in the UK between parties wishing to connect to the NETS (such as the Promoter) and the relevant Transmission Owner (such as NGET). These obligations are imposed on NESO by way of its transmission licence, Ofgem, the Electricity Act 1989 and several electricity transmission codes.

Section 127 Planning Act 2008 (“**PA 2008**”)

6. NGET is a statutory undertaker within the meaning of section 127(8) of the Planning Act 2008.
7. 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.
8. As matters stand, serious detriment to NGET’s undertaking would result from the Project and, in particular, from the matters set out below. The Promoter has not explained why it considers that the test in s.127 can be satisfied in this case.

Plot 34/28

9. Plot 34/28 is the site of the Bolney substation extension, which is required to connect the Project to the NETS. It is currently owned by NGET and NGET has undertaken to build the substation via a Transmission Owner Construction Offer (“**TOCO**”) to NESO. Once accepted by NESO, the TOCO is legally binding on NGET. NGET is obliged to conclude an Interface Agreement (“**IA**”) directly with the Promoter to support the TOCO and to grant each party the right to install, use, retain, repair, inspect, test, remove and modify its own assets on the other party’s land, subject to certain conditions and limitations. The IA will also grant each party a right of access to the other party’s land for the purpose of exercising such rights or performing such obligations, subject to certain arrangements and provisions. The IA will further provide for the sharing or provision of certain common assets and services between the parties, such as security, electricity supply, telecommunications, and metering.
10. This customer connections process is already established and will provide the Promoter with a connection to the NETS and all that it needs to install, retain and access its equipment. There is, therefore, no justification for compulsory acquisition of Plot 34/28 by the Promoter. The Promoter does not need the land, NGET does, and NGET is already the owner.

11. Further to this, compulsory acquisition of this plot would cause significant detriment to NGET's undertaking. This is because there are two other customers of NGET who will be connecting to the substation extension once it is built. NGET needs to retain control and ownership of the land in order to facilitate those connections.
12. At most, the Promoter needs a right to site its equipment on Plot 34/28 once the substation extension is completed. However, even this is not needed because the Promoter will obtain such consent through the connections process already described.
13. NGET submits that powers of compulsory acquisition should not be granted over Plot 34/28 and that it should be removed from the DCO entirely.

Plots 34/25, 34/26 and 34/27

14. The Promoter's proposal to compulsorily acquire rights and impose restrictions over the whole of these plots would make it more difficult to site other customers' cables in this area and may have the effect of sterilising the land entirely for that purpose. The plots are larger than the Promoter requires for its purposes and should be reduced. Additionally, the Promoter's ability to use powers of compulsory acquisition should be restricted so that they can only be exercised with NGET's consent.
15. The flexibility argued for by the Promoter in relation to the siting of its own cables risks being bought at the expense of flexibility for others who might subsequently wish to connect to the transmission system. Such connections are a highly valuable resource which NGET, as the relevant statutory undertaker, plays a vital role in coordinating. NGET is able, and is in fact obliged, to take a whole system view rather than considering this issue only in terms of the needs of individual applicants. Permitting the Promoter to compulsorily acquire the rights and restrictions it seeks would interfere with NGET's ability to carry out that co-ordinating role, and may prevent others from connecting to the transmission system or make such connections unnecessarily complex. It would, therefore, cause serious detriment to NGET's ability to carry on its undertaking.
16. NGET submits that Plots 34/25, 34/26 and 34/27 should be reduced in size to reflect the land actually needed by the Promoter for its cables. Such reduction should be agreed with NGET as the statutory undertaker, so that it is able to co-ordinate the connection of the Project to the transmission system with connections required by other parties. Additionally, the DCO's protective provisions should prevent the Promoter from exercising powers of compulsory acquisition over NGET land without NGET's agreement.

Promoter's Cable Design Works

17. NGET considers that the Promoter needs to meet with NGET to discuss its cable design works and how these interact with the Bolney substation extension. Following this, the parties should provide an update to the Examining Authority.