



**NORTH FALLS**

*Offshore Wind Farm*

## **Statement of Reasons**

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## 1. PURPOSE AND STRUCTURE OF THIS STATEMENT OF REASONS

- 1.1.1 This Statement of Reasons (the 'Statement') relates to an application (the 'Application') made by North Falls Offshore Wind Farm Limited (Company Registration Number 12435947) (the 'Applicant') to the Secretary of State under the Planning Act 2008 ('PA 2008') for powers to construct, operate (including maintenance) and decommission the North Falls Offshore Wind Farm ('North Falls' or the 'Project').
- 1.1.2 This Statement is required because the Application includes a request for provisions authorising the compulsory acquisition of land to be included within the Order, satisfying the condition in section 123(2) of the PA 2008. These powers are required to facilitate and enable build Options 1 and 2 (as further described below). The Application is seeking powers to:
- a) acquire land compulsorily;
  - b) create and compulsorily acquire new rights over land and impose restrictions; and
  - c) extinguish or override existing rights over land.
- 1.1.3 The Applicant is also seeking powers to take temporary possession of land to construct and maintain North Falls.
- 1.1.4 It is necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the North Falls Offshore Wind Farm Order (the 'Order'). This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers, in accordance with section 122 of the PA 2008.

1.1.5 This Statement explains and justifies the inclusion of the powers contained within the Order. The structure of this Statement is set out below and also addresses each of the requirements of the Compulsory Acquisition Guidance:

1.1.6 An introduction to the Applicant is contained in Section 2.3;

- a) A summary of North Falls is set out in Section 3;
- b) A brief description of the Order Land and its location is contained in Section 4;
- c) The purpose of the powers including the need for the Project and policy support is set out in Section 6;
- d) A statement of the justification for compulsory acquisition including reference to funding is included in section 7;
- e) How regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is in section 9;
- f) Any special considerations affecting the land to be compulsorily acquired, e.g. open space land and Crown land, are included in Section 10;
- g) Details of the other consents needed before North Falls can be implemented are included in Section 11; and
- h) Any other information which would be of interest to someone affected by the Order, such as an address, telephone number and email address where further information on these matters can be obtained, is included in Section 12.

## 2. INTRODUCTION

2.1.1 This Statement has been prepared by the Applicant. It forms part of the Application for a development consent order ('DCO') that has been submitted to the Secretary of State for Energy Security and Net Zero (the 'SoS') under section 37 of the PA 2008. Terms used in this Statement are defined in the Glossary of the Environmental Statement ('ES') (Document Reference: 3.1.2).

### 2.2 The Project

2.2.1 North Falls is an extension to the existing Greater Gabbard Offshore Wind Farm ('GGOW'), in the southern North Sea. North Falls is located approximately 40km (at the closest point) off the East Anglian coastline and includes up to 57 wind turbine generators and associated infrastructure. The Project will make an important contribution to UK climate change policies and Net Zero targets through the generation of clean, low carbon, renewable electricity, and is designated 'critical national priority infrastructure'.

2.2.2 The Application seeks development consent for North Falls, comprising an offshore electricity generating station with a capacity of more than 100 MW, which falls within the definition of a "nationally significant infrastructure project" ('NSIP') in section 15(3) of the PA 2008. It is, therefore, necessary for the Applicant to apply to the Secretary of State for development consent to construct, operate, maintain and decommission North Falls under section 31 of PA 2008.

2.2.3 The Application includes three options to export the renewable energy generated by North Falls: Options 1 and 2 connect onshore at a National Grid connection point within the Tendring peninsula of Essex, either alone or sharing cable route infrastructure with Five Estuaries Offshore Wind Farm project ('Five Estuaries'); and Option 3 connecting to an offshore electrical connection supplied by a third party. These options are discussed further in



Chapter 5 Project Description (Document Reference: 3.1.7). Option 3 would not require the exercise of compulsory acquisition powers; however it is subject to complex commercial, legislative and regulatory hurdles which need to be resolved to make this feasible. A decision on the selected option will therefore be made post-consent.

2.2.4 Full details of the Project, including the proposed construction methods and co-ordination with Five Estuaries, can be found in ES Chapter 5 Project Description (Document Reference: 3.1.7).

## 2.3 The Applicant

2.3.1 The Applicant is registered in England and is a joint venture and subsidiary of SSE Renewables Limited ('SSER') (a company incorporated in Scotland with Company Registration Number SC435847) and RWE Renewables UK Swindon Limited ('RWE Renewables') (a company incorporated in England and Wales with Company Registration Number 02550622).

2.3.2 RWE Renewables is, via a number of one hundred percent owned companies, ultimately owned by RWE AG, a German company, whilst SSER is ultimately owned by SSE plc.

2.3.3 RWE is one of the world's leading renewable energy companies. It has one of the largest portfolios of offshore wind farms, photovoltaic plants and battery storage facilities in the world, with a combined pro-rata capacity of approximately 9GW.

2.3.4 SSER is a leading developer, owner and operator of renewable energy across the UK and Ireland, with a portfolio of around 4GW of onshore wind, offshore wind and hydro generation. Part of the SSER strategy is to drive the transition to a net zero future through the world class development, construction and operation of renewable energy assets.

- 2.3.5 RWE and SSER (alone or as part of a developer consortium) have recently consented or are in the process of consenting a range of other offshore windfarms around the UK, and brings this experience to the development of North Falls.
- 2.3.6 Further details about the Applicant, its corporate structure and financials can be found in the Funding Statement (Document Reference: 6.4).

## 2.4 The Purpose and Structure of this Document

- 2.4.1 This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('APFP Regulations'), The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and the Communities and Local Government Guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition' ('Compulsory Acquisition Guidance').
- 2.4.2 This Statement forms part of the suite of documents accompanying the Application submitted in accordance with section 55 of the PA 2008 and Regulation 5 of the APFP Regulations and should be read together with those documents.

## 2.5 Useful documents

- 2.5.1 The following documents have been submitted as part of the Application in order to meet the requirements of the APFP Regulations and the Compulsory Acquisition Guidance:
- a) This Statement;
  - b) Draft Development Consent Order (Document Reference: 6.1);
  - c) Explanatory Memorandum (Document Reference: 6.2);

- d) Book of Reference (Document Reference: 6.3) which describes the Order Land and identifies those persons with an interest in the Order Land.
- e) A Funding Statement (Document Reference: 6.4) which explains how the development of North Falls, as well as the acquisition of land and interests, is expected to be funded;
- f) Land Plans (including Crown Land and Special Category Land Plans) showing the land over which it is intended to use the compulsory acquisition powers and temporary use powers (Document References: 5.3, 5.4 and 5.5 respectively); and
- g) The Needs Case and Project Benefits Statement (Document Reference: 2.1) and Planning Statement (Document Reference: 2.2) which set out the factors that demonstrate the compelling case in the public interest for the grant of compulsory acquisition powers.

### **3. DESCRIPTION OF THE PROJECT**

- 3.1.1 North Falls is a proposed extension to the GGOW, in the southern North Sea, and is located approximately 40km away from the East Anglian coast at its closest point. The Project includes the construction, operation and maintenance and decommissioning of an electricity generating facility consisting of up to 57 wind turbine generators; up to two offshore substation platforms ('OSP') or up to one OSP and one offshore converter platform ('OCP'); interconnector and export cables; and associated development in connection with the construction and operation and maintenance of the Project.
- 3.1.2 North Falls has worked closely with the developer of Five Estuaries in accordance with the policy to seek to co-ordinate transmission connection

works under NPS EN-5. The co-ordination work undertaken is explained in more detail in the Co-ordination Report (Document Reference: 2.5).

3.1.3 The following grid connection options are included in the Project design envelope:

- a) Option 1: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, with a project alone onshore cable route and onshore substation infrastructure;
- b) Option 2: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries; or
- c) Option 3: Offshore electrical connection, supplied by a third party.

3.1.4 Options 1 and 2 include an onshore electrical connection point at a National Grid connection point within the Tendring peninsula of Essex, either alone or sharing the cable route and cable duct installation with Five Estuaries. Option 3 includes an offshore electrical connection point supplied by a third party. A decision on the selected option will be made post-consent, once the feasibility, technical and regulatory aspects associated with Option 3 have been fully investigated. The powers of compulsory acquisition and all onshore development is required for Options 1 and 2; in the event Option 3 is selected, no compulsory acquisition powers are necessary.

3.1.5 In order to ensure that the tests for the inclusion of compulsory acquisition powers within the DCO are met, the draft DCO (Document Reference: 6.1) includes a Requirement that compulsory acquisition powers can be exercised only where the Applicant has first selected Option 1 or 2 and notified the relevant planning authority of that selection. Further information is provided at Section 7.8 below.

- 3.1.6 The draft Order authorises development which is associated with the NSIP electricity generating station. The SoS may, under the provisions of section 115 of the PA 2008, grant consent for development that is associated with the NSIP and ancillary works which are required to deliver the authorised development.
- 3.1.7 The Planning Act 2008 Guidance on associated development applications for major infrastructure projects (Department of Communities and Local Government, April 2013) describes associated development as being “typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project” (Guidance paragraph 6) and requiring “a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development” (Guidance paragraph 5(ii)).
- 3.1.8 The works to create the electrical connections from the proposed offshore generating station to the national grid are associated development. This includes the offshore cables connecting to the onshore cables at the transition joint bays (‘TJB’), the onshore cables, the new electrical substation and associated works such as the creation of accesses, the improvement of junctions, landscaping, drainage works, diversion of utilities and landscaping and environmental mitigation. A number of other works will also be required for construction and maintenance works including creating secure working areas and temporary construction compounds, creating entrance and exit pits for trenchless installation techniques and temporary drainage.
- 3.1.9 The land required for the purposes of North Falls (Options 1 or 2) is referred to as the “Order Land”. It is required for the landfall of the offshore export cable, onshore export cables within cable ducts, and the onshore substation and

connection to the National Grid, as well as associated and ancillary development.

- 3.1.10 The Order Land is described in more detail in section 4 of this Statement and shown shaded pink, blue and yellow on the Land Plans (Document Reference: 5.3). The Order Land only relates to the onshore elements of North Falls and therefore does not include all of the Order Limits referred to in the Order or shown on the Works Plans (Offshore) (Document Reference: 5.7).

## 3.2 Works Packages

- 3.2.1 The offshore generating station forms the NSIP and is described in Work No. 1 in Part 1 of Schedule 1 to the draft Order (Document Reference: 6.1). The Project also includes associated development which comprises Work Nos. 2 to 14 in Part 1 of Schedule 1 to the draft Order, and ancillary works in Part 2 of Schedule 1 to the draft Order.

**Work No. 1** consists of an offshore wind turbine generating station with a gross electrical output capacity of over 100MW, and includes a network of cables between the wind turbine generators (WTG) and Work No. 2. No compulsory acquisition is proposed for Work No. 1.

- 3.2.2 The associated development comprises:

**Work No. 2** provides for either of: a) up to two OSPs; or b) up to one OSP and up to one OCP. It also provides for platform interconnector cables. No compulsory acquisition is proposed for Work No. 2.

**Work No. 3** consists of up to two cable circuits between Work No. 2 and Work No. 4A, enabling the generated electricity to be exported to the National Grid. No compulsory acquisition is proposed for Work No. 3.

**Work Nos. 4A to 4D** consist of the landfall area and onshore cable connection works to connect to Work No. 6. The cable will be laid using horizontal

directional drilling (HDD), with up to three HDD exit pits, and provision is made for TJBs, working and laydown areas and accesses.

**Work No. 5** comprises a temporary compound, including working and laydown areas, to support the construction of the export cable at landfall.

**Work No. 6** consists of the onshore connection works between landfall (Work No. 4D) and the onshore substation compound (Work No. 12). This may involve either laying up to two cable circuits and associated ducting, or laying two cable circuits through existing ducting. Work No. 6B authorises additional ducting to be laid for two additional cable circuits to be installed at a later date. These options enable co-ordination with Five Estuaries in order to seek to minimise the environmental and social effects of both projects. Further detail on how the projects will be co-ordinated is set out within ES Chapter 5: Project Description (Document Reference: 3.1.7). Work No. 6 is proposed to be installed by open cut trenching, with trenchless techniques proposed in some locations, such as where the cable will cross existing infrastructure.

**Work No. 7** comprises temporary compounds, including working and laydown areas, to support the construction of the export cable.

**Work No. 8** enables temporary means of access to be created and/or improved in order to facilitate construction of the export cable.

**Work No. 9** comprises improvement works to widen Bentley Road and improve the junction between Bentley Road and the A120. This is required to facilitate the construction of the onshore export cable route, and the widening and improvement works will be permanently retained by the relevant highway authority.

**Work No. 10** provides for permanent means of access to be created and/or improved. These accesses are required for the operation and maintenance of the onshore elements of the Project.

**Work No. 11** comprises the onshore substation within the onshore substation compound (Work No. 12). This Work No. includes all necessary electrical equipment to facilitate the export connection into the National Grid connection point (Work No. 14).

**Work No. 12** consists of the cable circuits and associated ducting, or for the cable circuits to be pulled through existing ducting. Provision is also made as Work No. 12B for additional ducting to be laid for two additional cable circuits to be installed at a later date, enabling co-ordination with Five Estuaries. The compound works include landscaping and drainage works, and the provision of temporary and permanent ecological and environmental mitigation works, including habitat creation.

**Work No. 13** comprises further groundworks, drainage works, outfall and planting, together with working areas required for these.

**Work No. 14** consists of the electrical works required to connect the onshore substation to the National Grid, and includes connection works linking to the cable circuits installed within the onshore substation compound (Work No. 12).

3.2.3 The ancillary works comprise intrusive ground investigations, the making of temporary landing places and moorings, marking buoys and other methods of navigational warning and ship impact protection works, and temporary works for the benefit or protection of land, watercourses and structures.

3.2.4 The compulsory acquisition powers in the draft Order are required to ensure the delivery of Work Nos. 4 to 14 inclusive and, to the extent they are located onshore, the ancillary works.

### 3.3 Proposed Timing of Construction

3.3.1 The construction of the onshore elements of North Falls are planned to start in 2027 with some parts of the works being constructed in parallel. In total, the construction of the onshore elements is anticipated to take no more than 48



months. Construction of the cable route, including landfall, trenchless crossing, and pulling the export cable through ducts, is anticipated to take up to 27 months.

- 3.3.2 As set out in ES Chapter 4: Site Selection and Assessment of Alternatives (Document Reference: 3.1.6), the identification of the onshore cable route and substation location has been undertaken in co-ordination with Five Estuaries. This is to facilitate, where practicable, the co-ordination of the onshore elements of each project, to seek to minimise the environmental and social impacts of both projects, including those associated with compulsory acquisition.

## 4. DESCRIPTION OF THE ORDER LAND

- 4.1.1 The Order Land is required to construct, operate and maintain and decommission North Falls and is shown on the Land Plans (Document Reference: 5.3). It is located within the Tendring peninsula of Essex, within the administrative area of Essex County Council and Tendring District Council.
- 4.1.2 The export cable landfall location is at Kirby Brook and the cable route travels in a broadly western direction around 24km to the location of the onshore substation, west of Little Bromley. The cable will then connect into the National Grid proposed substation location, the East Anglia Connection Node.
- 4.1.3 The Project will be providing landscaping and visual screening of the onshore substation, and opportunities to deliver a minimum of 10% biodiversity net gain for the onshore elements of North Falls are being explored.
- 4.1.4 Further details on the Order Land are set out in ES Chapter 5: Project Description (Document Reference: 3.1.7).

## 5. SOURCE AND SCOPE OF POWERS SOUGHT IN THE DCO

### 5.1 Introduction

- 5.1.1 The draft Order (Document Reference: 6.1) contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Project. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Project. These powers in the draft DCO relate to the Order Land only.
- 5.1.2 The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Project. The Applicant has sent out Heads of Terms ('HoTs') to the majority of landowners and will continue to endeavour to purchase the land, the rights and other interests by agreement, wherever possible, from all affected landowners. In respect of landowners where HoTs have not yet been issued, the reasons for this are discussed in the Schedule of Negotiations (Document Reference: 6.6).
- 5.1.3 As part of a collaborative approach with Five Estuaries, tripartite HoTs have been drafted in order to avoid separate land use agreements. This approach enables landowners to negotiate only one agreement (rather than two) and ensures that a consistent approach is taken to the acquisition of the necessary land and rights in land across both projects. The approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land ('CA Guidance').
- 5.1.4 Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the

DCO so as to protect against a scenario whereby contracts are not adhered to or otherwise is set aside, for example: (i) freeholder owners of the land within the Order Land (where agreement has been reached) do not grant a lease of the land in accordance with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the public interest for the Project to proceed and the interests in question effectively converted into a claim for compensation. The Applicant also needs powers to extinguish and/or suspend rights and override easements and other rights in the Order Land to the extent that they would conflict with the Project.

- 5.1.5 The compulsory acquisition powers in the draft DCO will enable the Applicant to construct, operate, maintain, protect and decommission the Project, to mitigate impacts of the Project where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Project.

## 5.2 Enabling Powers

- 5.2.1 Section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development. These include (amongst others):

- a) the acquisition of land, compulsorily or by agreement (paragraph 1);
- b) the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
- c) the abrogation or modification of agreements relating to land (paragraph 3); and
- d) the payment of compensation (paragraph 36).

5.2.2 Section 122 of the PA 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:

- a) required for the development to which the DCO relates;
- b) required to facilitate or is incidental to that development; or
- c) replacement land for commons, open spaces, etc.

5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.

5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.

### 5.3 Permanent Acquisition of Freehold

5.3.1 The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown shaded pink on the Land Plans (Document Reference: 5.3). This land is described in more detail in the Book of Reference (Document Reference: 6.3). A list of plots over which freehold acquisition is required, with the relevant Work Number, is set out in Appendix A.

5.3.2 In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 9, 11 and 12. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights, impose restrictions or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Project. Works to widen Bentley Road (Work No. 9) require freehold acquisition of land outside the highway so that the widened sections can be designated as public highway once complete.

5.3.3 Article 21 of the draft DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the PA 2008, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Project, or such land as is required because it facilitates or is incidental to that development.

#### 5.4 Permanent Acquisition of Rights and Imposition of Restrictions

5.4.1 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown shaded blue on the Land Plans (Document Reference: 5.3). This land is described in more detail in the Book of Reference (Document Reference: 6.3). A list of plots over which new rights and restrictions are required, and the purpose, is set out in Appendix A. In summary, these are the areas required for Work Nos. 4 and 6, being the export cable corridor, Work No. 10 to facilitate permanent maintenance accesses, and Work Nos. 13 and 14 being various works associated with the substation and the National Grid connection point. Article 24 of the draft DCO is relied upon for this purpose.

5.4.2 It cannot yet be confirmed exactly where within the onshore cable route the export cables will be laid, or where only temporary possession would be sufficient, as the exact alignment will be determined following the detailed design of the Project and ground investigations and other surveys along the route prior to the commencement of the laying of the cables. Compulsory acquisition powers are therefore being sought over the entire onshore cable route to enable the Applicant to carry out the cable installation works following detailed design and to enable the construction of the Project within programme and with the minimum of disruption to landowners and the wider community.

5.4.3 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation, maintenance and decommissioning of the Project.

- 5.4.4 Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) and the Department for Levelling Up, Housing and Communities Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects (April 2024) both confirm that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. Advice Note 15 states that before deciding whether or not such a power is justified the SoS will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.
- 5.4.5 Advice Note 15 confirms that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites the Silvertown Tunnel Order 2018 as an example. The Advice Note advises that in order to enable the SoS to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.
- 5.4.6 The Applicant has had regard to this guidance in preparing its Order. Article 24 includes a power to impose restrictive covenants in relation to land that may be acquired and land over which new rights may be acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated; and ensuring that land requirements are minimised so far as possible.

5.4.7 The nature and extent of the restrictions to be imposed are consistent with the restrictions being actively negotiated with landowners in the voluntary agreements. The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the onshore elements of North Falls.

## 5.5 Temporary Possession

5.5.1 There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests, but instead be authorised to temporarily possess and use land. The land over which rights of temporary possession only are sought is shown shaded yellow on the Land Plans (Document Reference: 5.3). The Applicant is also seeking temporary use powers over all other land within the Order Land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation below). The land over which these rights are sought is shown shaded pink and blue on the Land Plans. This land is described in more detail in the Book of Reference (Document Reference: 6.3).

5.5.2 The reason for seeking temporary use powers over land shaded pink or blue is that it allows the Applicant to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Project, because, for example, the Applicant could exercise the temporary possession powers to undertake site investigation works to inform and minimise the land within the onshore cable route over which permanent rights are needed.

5.5.3 Articles 31 and 32 of the draft DCO are relied upon in respect of all land within the Order Land. Article 31 allows temporary possession of land for the

purposes of constructing the Project, whilst Article 32 allows temporary possession of land for the purposes of maintaining the Project.

5.5.4 Article 31 permits temporary use in two ways in connection with the construction of the Project:

a) First, the land identified in Schedule 7 to the draft DCO may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. In summary, these are the areas required to facilitate access to the Works and provide temporary construction compounds. These areas are shown shaded yellow on the Land Plans (Document Reference: 5.3); and

b) Secondly, Article 31 permits the Applicant to take temporary possession of any other part of the Order Land where it has not yet exercised powers of compulsory acquisition – this will allow the Applicant (for example) to initially take temporary possession of the whole width of corridors required for the onshore cable route. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cables) within the wider construction corridor, the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip where permanent rights are required. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus.

5.5.5 The Schedule of Negotiations (Document Reference: 6.6) sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations, landowners have been made aware that the DCO will seek temporary possession rights over all of their land included within the Order Land.



- 5.5.6 Article 32 provides that the Applicant may enter onto and temporarily occupy any of the Order Land that is reasonably required to maintain the authorised development during the operational period and to construct such temporary works and buildings on the land, without having to acquire a permanent interest. This article does not apply to any house or any other occupied building.
- 5.5.7 Under this article, the Applicant is entitled to occupy the land only for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

## 5.6 Other Rights and Powers

- 5.6.1 In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Project without hindrance. Furthermore, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Project. Article 25 of the draft DCO is relied upon in respect of this land and apply in relation to land in which compulsory acquisition or temporary possession are proposed (that is, land shaded pink, blue or yellow on the Land Plans). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 25(3) makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).
- 5.6.2 The draft DCO also contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference (Document Reference: 6.3):

- a) Article 8 – Street works: this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development;
- b) Article 11 – Temporary closure of public rights of way: this article permits the Applicant to temporarily close the public rights of way listed in Schedule 3 to the Order so long as a diversion is provided.
- c) Article 12 – Temporary restriction or use of streets: this article permits the Applicant to temporarily close, alter or divert streets for the purposes of the development, whilst ensuring that pedestrian access is maintained;
- d) Article 13 – Access to works: this article allows accesses to public highways to be created for the purposes of the authorised development. It gives the Applicant a power to form accesses in the locations specified in Schedule 4 and, with the agreement of the relevant planning and highway authorities, a general power to form means of access;
- e) Article 17 – Discharge of water: this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so;
- f) Article 18 – Protective works to buildings: this article provides a power to monitor certain buildings and structures (included within the Order limits) for the effects of ground movement relating to settlement arising from the construction of the authorised works; and to carry out protective works where necessary to mitigate the effects of such settlement. This power applies throughout the Order limits;
- g) Article 19 – Authority to survey and investigate the land onshore: this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days'

notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused;

- h) Article 22 – Compulsory acquisition of land: minerals: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the draft DCO as mineral rights have been identified within the Order Land and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals.
- i) Article 27 – Statutory authority to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition;
- j) Article 39 – Felling or lopping of trees and removal of hedgerows: this article would permit any tree or shrub that is near the Project to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the Project or endanger anyone using it. Compensation is payable for any loss or damage caused;
- k) Article 40 – Trees subject to tree preservation orders: this article permits the Applicant to fell, lop or cut back the roots of any tree subject to a tree preservation order within or overhanging the Order Land if it is considered to obstruct the construction, operation or maintenance of the authorised development. In doing so, the Applicant must do no unnecessary damage to the tree, and compensation is payable for any loss or damage caused.

5.6.3 Each of the above-mentioned articles in the draft DCO, which provide powers enabling the Applicant to acquire land permanently or to use land temporarily, is required to enable the construction, operation, maintenance and decommissioning of the Project.

## 6. PURPOSE OF THE POWERS

### 6.1 The Need for the Project

6.1.1 The Needs Case and Project Benefits Statement (Document Reference: 2.1) sets out the need for the Project. A summary of the need for the Project is set out below.

6.1.2 The Project was identified by The Crown Estate as an opportunity to help achieve the urgent need for renewable energy, recognising that extensions to existing offshore wind farms are a proven way of efficiently developing more offshore generating capacity. The need for secure, low carbon and renewable electricity-generating Nationally Significant Infrastructure Projects (NSIP) of this kind is established by National Policy Statements (NPS). Paragraph 3.3.58 of the Overarching NPS for Energy EN-1 emphasises the urgency for new electricity NSIP, stipulating that:

*“Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy.”*

6.1.3 The current Renewables NPS EN-3, which came into force in January 2024, introduces the concept of ‘critical national priority’ for the provision of nationally significant new low carbon infrastructure. NPS EN-3 covers offshore wind over 100MW, such as North Falls. The Project meets the criteria for critical national priority and, therefore, the need for this technology is fully covered by the NPS.

- 6.1.4 The need for the Project is built upon North Fall's expected contribution to meeting three key national policy aims of:
- a) Decarbonisation to achieve net zero and the importance of developing at-scale zero-carbon electricity generation assets;
  - b) Security of energy supply through realising geographically and technologically diverse supplies; and
  - c) Affordability of electricity generated.
- 6.1.5 North Falls proposes up to 57 wind turbines, offshore cabling, onshore cabling, onshore substation and a National Grid connection point, with an indicative lifespan of 30 years. North Falls is anticipated to have a generating capacity of approximately 850 MW.
- 6.1.6 The NPS EN-1 concludes that it is necessary to bring forward new renewable electricity generating projects as soon as possible in order to largely decarbonise the power sector by 2030 and meet the UK's energy objectives. It is noted at paragraph 3.3.20 that "*a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar*" (EN-1). Moreover, Powering Up Britain, sets a UK target of fully decarbonising the power sector by 2035. The need for new renewable electricity generation projects is therefore urgent.
- 6.1.7 The need for renewable energy including offshore wind is supported by a number of UK government strategies which all outline that low carbon energy is needed to support wider decarbonisation and meet the UK net zero targets.
- 6.1.8 The UK has an offshore wind capacity target of 50GW by 2030, as outlined in the British Energy Security Strategy (DESNZ, 2022) and upheld in Powering Up Britain. This is a substantial increase from previous commitments of 30GW set out within the Offshore Wind Sector Deal (DESNZ, 2019) and the subsequent target of a 40GW contribution from offshore wind by 2030, outlined

in the Ten Point Plan for a Green Industrial Revolution (DESNZ, 2020). The increased target follows the continued identification that more offshore wind energy is needed by 2030 to meet the UK net zero targets.

- 6.1.9 Only 11.4GW of proposed offshore wind farms have a grid connection offer on or before 2030; North Falls is one such project. There is a deficit of 26.6GW to meet the 50GW target by 2030, highlighting the need to deliver North Falls which has an anticipated generating capacity of 850MWW. If the offshore wind farms proposed for connection before 2030 were delayed, this would increase the climate change risk associated with energy security and potentially increase social inequality associated with increasing energy costs.
- 6.1.10 The meaningful, timely contributions offered by North Falls to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Project, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

## 6.2 Need Established by Legislation

- 6.2.1 A detailed explanation of the legislative and policy context of the Project is set out in Section 5 of the Planning Statement (Document Reference: 2.2).
- 6.2.2 The Climate Change Act 2008 (as amended) commits the UK to a net reduction in greenhouse gas emissions against the 1990 baseline by 2050, including a 34% reduction by 2022 and an 80% reduction by 2050. The Climate Change Act also created a framework for setting a series of interim national carbon budgets and plans for national adaptation to climate risks. The 2011 Carbon Plan is the UK's national strategy under the Climate Change Act 2008 for delivering emissions reductions through to the Fourth Carbon Budget period (2023-27) and preparing for further reductions to 2050.

- 6.2.3 Legislation also sets out the government's commitments with regards to renewable energy generation, including the Energy Act 2013, which makes provisions to incentivise investment in low carbon electricity generation, ensuring security of supply, and helping the UK meet its emission reduction and renewables targets.
- 6.2.4 The Government's Ten Point Plan for a Green Industrial Revolution (HM Government, 2020) sets out the approach the Government will take to support green jobs and accelerate the path to net zero. Point one of the plan explains how the Government will advance offshore wind as a critical source of renewable energy. By 2030 the aim is to produce 50GW of offshore wind.

### 6.3 International Obligations: United Nations Framework Convention on Climate Change

- 6.3.1 The United Nations Framework Convention on Climate Change ('UNFCCC') came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding greenhouse gas emission reduction limits and guidance on how specific treaties may be negotiated to bring further action towards UNFCCC objectives. The main objective is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."
- 6.3.2 The Conference of the Parties ('COP') reviews the implementation of the Convention. In 2021, the COP negotiated a global agreement with the key goal of limiting increases of global temperatures to "well below 2°C compared to pre-industrial levels". The parties also agreed to "pursue efforts to" limit the temperature increase to 1.5°C. This was a development of the Paris Agreement and represents a binding and universal agreement on climate from all the parties. The agreement was reached by 196 parties, seeking to prevent a "climate catastrophe" by keeping temperature rises within 1.5°C.

## 6.4 National Policy Support (NPS)

- 6.4.1 Sections 104 and 105 of the PA 2008 provide for the approach to be taken to determining DCO applications. Section 104 of the PA 2008 requires that where an NPS has effect, DCO applications must be decided by the SoS in accordance with that NPS(s), unless certain specified exceptions apply. The Planning Statement sets how the Application is in accordance with the relevant NPSs and other requirements of the PA 2008.
- 6.4.2 NPS EN-1 sets out the national policy for the need for, and delivery of, energy infrastructure, including offshore renewable electricity generation. Part 3 of NPS EN-1 explains why the UK Government sees a need for significant amounts of new large scale energy infrastructure to meet its energy objectives and why the UK Government considers that the need for such infrastructure is urgent. With regards the role of offshore wind, NPS EN-1 notes that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar, with an ambition to deliver up to 50GW of offshore wind by 2030.
- 6.4.3 Policy in this area is further informed by NPS EN-3 and NPS EN-5. NPS EN-3 makes clear reference to the target of 50GW of new offshore wind capacity by 2030. North Falls will contribute to meeting this target. EN-3 and EN-5 set out that offshore wind development, and the supporting onshore and offshore transmission infrastructure and related network reinforcements, are viewed by the government as being a critical national priority and should be progressed as quickly as possible. As above, North Falls is within the critical national priority classification and accordingly considerable policy support and an established need case for the project is provided by the NPS.



## 6.5 Conclusions

- 6.5.1 As established in the Planning Statement and Needs Case and Project Benefits Statement, North Falls would make a significant contribution to meeting national need, in accordance with policy set out in NPS EN-1.
- 6.5.2 The Applicant submits that this Application should therefore be assessed on the basis that the Government has established that there is a need for renewable energy infrastructure, that the scale of the need is significantly in excess of what is currently being promoted and that the need for renewable energy is urgent. In accordance with the NPS EN-1, substantial weight should be given to the contribution which the Project would make towards satisfying this need.
- 6.5.3 The need for North Falls and offshore wind in general is supported by NPS EN-1, in addition to wider governmental obligations and objectives relating to low carbon electricity generation, climate change and the economy.

## 7. JUSTIFICATION FOR THE COMPULSORY ACQUISITION POWERS

### 7.1 The matters to which the SoS must have regard

- 7.1.1 As noted above, under section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:
- a) the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see Section 7.2 below); and

- b) there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see Sections 7.3 and 7.4 below).

7.1.2 In respect of the section 122(2) condition, the CA Guidance (at paragraph 11) states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the SoS will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

7.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

7.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- a) that all reasonable alternatives to compulsory acquisition (including modifications to the Project) have been explored - see Section 7.5 below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;

- b) that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and Section 7.4 below;
- c) that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – Section 3 above describes the Project, and Section 5 alongside Appendix A that together provide the purposes for which areas are to be acquired or used;
- d) that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see Section 7.10 below in addition to the Funding Statement (Document Reference: 6.4); and
- e) that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 9 below.

7.1.5 7.10 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

## 7.2 Use and Quantum of the Order Land

7.2.1 At paragraph 11, the CA Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised Project and that it is no more than is reasonably required for that Project. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case.

- 7.2.2 In designing the Project and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated below, the Applicant has considered alternatives and modifications to the Project to minimise the potential land take.
- 7.2.3 Section 3 describes the Project and a summary of the Project for which land and rights over land within the Order Land are required. Appendix A summarises the purpose for which land and rights over land within the Order Land are sought.
- 7.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Project and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.
- 7.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order Land goes no further than is needed. All the land included within the Order Land is needed to achieve the identified purpose of delivering the Project. Part 1 of Appendix A shows each plot over which freehold acquisition is required, and the works for which each plot of land is required, demonstrating the assessment that has been carried out on each plot. Part 2 of Appendix A shows each plot over which new rights and the imposition of restrictions is required and the purpose of such rights and restrictions. Part 3 of Appendix A shows each plot over which temporary possession is required and the purpose of such temporary possession powers.
- 7.2.6 Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Project.

### 7.3 Public Benefits

- 7.3.1 Section 6 sets out the need for the Project which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, which is critical on the path to Net Zero. Without the Project, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 7.3.2 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Project will deliver other benefits, many of which have been maximised and will be delivered as a result of the Project's careful design. These include biodiversity net gain, and employment during the construction phase. An outline Skills and Employment Plan (Document Reference: 7.18) sets out measures that the Applicant will implement in order to advertise and promote employment opportunities associated with the Project in construction and operation locally.
- 7.3.3 Further information in relation to these project benefits can be found in the Needs Case & Project Benefits Statement (Document Reference: 2.1).

### 7.4 Impacts and Private Loss

- 7.4.1 In order to deliver the benefits of the Project set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.
- 7.4.2 Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of

land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

- 7.4.3 As shown in the Schedule of Negotiations (Document Reference: 6.6), the Applicant has taken pro-active steps to engage with these persons whose land and rights will be affected by the Project to understand the direct and indirect impacts on them and to try to reach a voluntary agreement. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- 7.4.4 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the Environmental Statement.
- 7.4.5 Whilst the Project as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low carbon energy infrastructure.
- 7.4.6 The Project is an NSIP and the public benefits associated with the Project are set out in Section 7.3 above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 7.4.7 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Project. The extent of the Order Land is no more than is reasonably necessary for the construction, operation and maintenance of the Project and therefore any interference with private rights is proportionate and necessary.

Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

## **7.5 Alternatives to Compulsory Acquisition**

7.5.1 The Applicant has considered all reasonable alternatives to compulsory acquisition. Every measure has been taken to avoid taking unnecessary rights or interests and all reasonable alternatives to compulsory acquisition have been explored, including modifications to the Project following consultation events, stakeholder responses, and negotiations with landowners. The Applicant is continuing positive engagement and commercial negotiations are ongoing with affected landowners.

7.5.2 The Applicant's use of compulsory acquisition powers is intended to be proportionate. Where practicable, lesser powers of temporary possession will be used.

7.5.3 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, the anticipated market regime, and the minimisation of environmental and visual impacts and land take.

## **7.6 Alternatives to the Project**

7.6.1 The 'no development' scenario as an alternative to the Project has not been considered. This is because 'no development' is not considered to be a reasonable alternative to the Project as it would not deliver the proposed additional electricity generation capacity which is essential to meet the urgent national need for secure and affordable low carbon energy infrastructure.

7.6.2 A number of strategic-level project location and design alternatives have been considered as part of the site selection and assessment of alternatives

process. The alternatives considered include non-radial export options, making landfall near to Sizewell, alternative landfall locations, alternative onshore substation options, and alternative onshore cable corridor options.

- 7.6.3 Further details on the consideration of alternatives are set out in ES Chapter 4: Site Selection and Assessment of Alternatives (Document Reference: 3.1.6).

## 7.7 Site Selection

- 7.7.1 The location of the onshore elements of the Project is largely constrained by the location of the offshore elements. In February 2017, The Crown Estate launched an opportunity for existing offshore wind farms to apply for project extensions. The Crown Estate defined application criteria for these project extensions, which include the need to share a boundary with the existing wind farm which it is intended to extend. The Project, an extension to the GGOW, is located to the north of that existing wind farm due to a range of existing constraints in the area.
- 7.7.2 Having identified the location of the offshore array, the first step in identifying suitable locations for the project's transmission infrastructure is to identify a area where offshore export cables can be brought ashore. To determine the optimum location for cable landfall, the Applicant commissioned a study to identify suitable areas that would enable the connection to the National Grid Connection Point. Three potential areas were identified, with a comparative assessment identifying the least constrained area. This was further refined into three locations for landfall, which were subject to additional engineering and environmental review to identify Kirby Brook as the best location for landfall.
- 7.7.3 The location of the onshore substation was identified through a broad search for areas where the substation could be situated, based on the location of the Project's grid connection point. A long list of locations was refined so as to minimise environmental impacts, with shortlisted locations subject to a detailed



technical review by engineering, environmental, planning and land professionals. The Applicant co-ordinated with Five Estuaries to identify an appropriate location having regard to that project, the identification of ancillary infrastructure, and the identification of the construction access route.

- 7.7.4 The onshore cable route was refined first through the identification of 400m wide corridors through applying principles including avoiding residential properties where practicable, avoiding direct significant impacts to designated areas and scheduled monuments, and minimising the number and length of crossings. The onshore cable route was further refined in cooperation with Five Estuaries in order to further minimise environmental and social impacts. Options that combined refined the options from both projects were identified. Further refinement was undertaken to identify the best option for the onshore cable route, included in the Application.
- 7.7.5 Further detail about how the locations and routing of the offshore and onshore infrastructure is set out in ES Chapter 4: Site Selection and Assessment of Alternatives (Document Reference: 3.1.6).

## 7.8 Construction Scenarios

- 7.8.1 The Co-ordination Report (Document Reference: 2.5) explains how the onshore cable corridor and onshore substation have been designed in co-ordination with the Five Estuaries project. This approach to design and delivery of both projects presents opportunities to minimise environmental and social disruption. Three scenarios have been identified for delivery of the onshore elements of the Project. In the event Option 3 is found to be feasible and is selected, being an offshore connection point, none of the following three scenarios will be required.
- a) **Scenario 1** –North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical

circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same temporary construction compounds for the cable installation works.

- b) **Scenario 2** – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.
- c) **Scenario 3** – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure.

7.8.2 The co-ordinated approach necessitates an increase in the width of the corridor and area of substation site over which compulsory powers are sought in order that the works can be carried out under the first DCO to be implemented. From the TJBs to the substation location, the corridor has been designed to allow the installation of cables and ducting for North Falls and cable ducts for Five Estuaries. Five Estuaries would then install and operate the cables within the buried ducts under its own DCO. Within each cable section the North Falls cables and ducts and Five Estuaries ducts are both shown as one work area, with the Five Estuaries ducts being work number 'A'

to the relevant North Falls cable works number. The inclusion of Works to enable the installation of a second set of ducts for Five Estuaries means that the width of the corridor which may be acquired is slightly wider than it would be for North Falls in isolation. However, by following this approach, the following project efficiencies, with associated reduction in overall land take and environmental impacts, can be realised.

- 7.8.3 This approach to co-ordinating the projects will help ensure that disruption and interference with land rights is minimised as far as practicable. The onshore substations for the projects have been co-located in one area and designed to co-ordinate with the National Grid substation proposals. Use of common access routes from Bentley Road, a common permanent access point and bellmouth from Ardleigh Road, and aligned screening principles and advanced planting will all help to reduce environmental impacts. Regardless of the construction scenario taken to deliver the onshore substation, co-locating with Five Estuaries allows North Falls to keep impacts to a single area when considering cumulative development effects and have a lower overall land take when compared to locating the substations in different search areas.
- 7.8.4 By seeking to co-ordinate with Five Estuaries as far as practicable, the Applicant submits that the compulsory acquisition powers in the draft Order and the extent of the Order Land is reasonable and proportionate and does not extend beyond what is required for the Project.

## 7.9 Voluntary Agreements with Landowners

- 7.9.1 The Applicant is carrying out negotiations with landowners of the Order Land. HoTs have been sent to the majority of landowners, and the Applicant continues to discuss the detailed terms of an agreement for the land and rights required with each relevant landowner. The Applicant will continue to engage with all landowners to reach agreements for the land and rights required. However, whilst the Applicant is seeking to agree the terms for all land and

rights required, it remains necessary for the Applicant to seek compulsory acquisition powers. This is to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, and to provide for any circumstance where agreements are not adhered to, as explained in paragraph 5.1.4. This approach ensures that the Project can be constructed, operated and maintained without impediment.

## **7.10 Availability of Funds for Compensation**

7.10.1 The Funding Statement confirms that the Applicant has the ability to procure the financial resources required for the Project, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

7.10.2 The Applicant is not aware of any interests within the Order Land in respect of which a person may be able to successfully make a blight claim but, in the event this did occur, the Applicant has sufficient funds to meet any compensation due.

7.10.3 The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

## **8. COMMUNICATIONS AND NEGOTIATIONS**

### **8.1 Diligent inquiry / land referencing**

8.1.1 In accordance with the requirements of the PA 2008, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the PA 2008. These include owners, lessees, tenants and occupiers of the land within the Order

Land. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Land.

- 8.1.2 The Applicant's appointed land agents, Dalcour Maclaren, prepared a methodology for undertaking diligent inquiry of persons with an interest in land to North Falls. This methodology is included as Appendix B.1 to the Consultation Report (Document Reference: 4.1.2) and was applied and followed for North Falls.
- 8.1.3 All land that could potentially be affected by North Falls was identified, and the landownership within this area was initially assessed by commissioning searches using His Majesty's Land Registry data. Based on the data, project introduction letters and landowner questionnaires were sent to those identified as having an interest in land. The questionnaires gathered basic information about landownership and occupation, contact details, and the nature of the interest in land.
- 8.1.4 Following this, landowner interest questionnaires were sent to those identified as having an interest in land to identify and confirm all land interests affected by the Project.
- 8.1.5 Unregistered land interests were identified where possible by utilising public sources of information, erection of site notices, site visits and discussions with adjoining land interests to enquire whether they could offer any information on the ownership of unregistered land parcels.
- 8.1.6 The location of adopted highways, public rights of way, common land and pending planning applications was requested from the relevant local authority, and public databases were consulted to identify land which could be classed as Special Category Land. Utility searches have been used to identify statutory undertakers with interests in the Order Land.

## 8.2 Informal and Statutory Consultation

- 8.2.1 Prior to statutory consultation under section 42 of the PA 2008, informal consultation was carried out with landowners on the proposed onshore cable route. This consultation continued throughout the formal consultation period.
- 8.2.2 All parties identified as requiring consultation under Section 42 were notified of these consultations via written correspondence and site notices were also placed at strategic locations along the route including on any parcels of unregistered land. Where required, checks were made that correct documentation relating to the consultation were publicly available at pre-determined locations.
- 8.2.3 Details of how the responses to the consultation have been taken into account are set out in the Consultation Report (Document Reference: 4.1).

## 8.3 Consultation with Landowners

- 8.3.1 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Project. The current position in relation to the Applicant's engagement and negotiations with each individual landowner affected by the Project is explained in the Schedule of Negotiations (Document Reference: 6.6). A summary of the negotiations that have taken place to date is included in Appendix B: Summary of Negotiations
- 8.3.2 It has not yet been possible to acquire all of the land, the temporary use of land and the rights required by agreement at the point of DCO Application. In addition, the Applicant requires certain rights to be suspended, overridden or extinguished within the Order Land so as to ensure there are no impediments to the construction, operation and maintenance of the Project.

8.3.3 Negotiations will continue with landowners and persons with interests in land affected by the Project. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Project can be constructed, operated and maintained.

#### 8.4 Consultation with Statutory Undertakers

8.4.1 The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Project. A summary of these negotiations and correspondence can be found within the Statutory Undertakers Schedule (Document Reference: 6.6).

### 9. HUMAN RIGHTS

9.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

9.1.2 The following Articles of the Convention are relevant to the SoS's decision as to whether the draft DCO (Document Reference: 6.1) should be made so as to include powers of compulsory acquisition:

- a) Article 1 of the First Protocol to the Convention – protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.
- b) Article 6 – entitles those affected by powers sought in the draft DCO to a fair and public hearing of any relevant objections they may have to the

granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.

- c) Article 8 – protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

9.1.3 The SoS, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

9.1.4 The draft DCO has the potential to infringe the rights of persons who hold interests in land within the Order Land under Article 1 of the First Protocol, Article 6 and Article 8. Such an infringement is authorised by law so long as:

- a) the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- b) the interference with the convention right is proportionate.

9.1.5 In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the draft DCO and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. As set out in Section 7.3 above and in more detail in the Needs Case and Project Benefits Statement (Document Reference: 2.1) and the Planning Statement (Document Reference: 2.2) the Applicant considers that there would be very significant public benefits arising from the grant of the DCO. The benefits are only realised if the DCO is accompanied by the grant of powers of compulsory acquisition, and the purpose for which the land is sought (to build and operate the Project) is legitimate. The Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those



affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.

- 9.1.6 In relation to Article 8, the Order Land does not include, and the Project does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 9.1.7 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order Land and those with an interest in the Order Land. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the PA 2008.
- 9.1.8 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.
- 9.1.9 Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- 9.1.10 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters of compensation, affected persons have the right to apply

to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.

- 9.1.11 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate, necessary and legitimate and is in accordance with national and European law. For the reasons set out in Section 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 9.1.12 The Applicant considers that the DCO strikes a fair balance between the public interest in the Project going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the SoS to make the DCO, including the grant of compulsory acquisition powers.

## **10. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

### **10.1 Special Category Land – Crown Land**

- 10.1.1 The Order Land includes Crown Land, but this land is excluded from the scope of compulsory acquisition powers – see the Crown Land Plan (Document Reference: 5.4) and Part 4 of the Book of Reference (Document Reference: 6.3). Title checks at HM Land Registry indicate that such land belongs to the Crown Estate; discussions are ongoing with the Crown Estate to confirm the extent of its land interests.
- 10.1.2 The Applicant is engaged with agents for the Crown Estate in order to voluntarily acquire the necessary interests/rights over the Crown Estate's land. This process will run in parallel with the application for development consent. Consent from the Crown Estate pursuant to section 135 of the PA 2008 will

also be sought, and there is no impediment to it being obtained prior to the Secretary of State determining the DCO Application.

## 10.2 Special Category Land – Open Space

10.2.1 The Order Land includes Open Space land at landfall, being Holland Haven Country Park (plot 01-006). Land at Frinton Golf Course (plot 01-005) has been marked as Safeguarded Open Space by Tendring District Council but is not considered to form Open Space as it is not open to ‘public recreation’ as required by the definition of Open Space. Access is restricted by the club and is not available to the public as of right. Access may be restricted to specified groups of person (such as club members) or denied to any person. Although there are two public rights of way across the course, these in themselves do not make the surrounding space Open Space.

10.2.2 For both areas, trenchless construction methods for installation of the cable will be employed, as described by Work No. 4. Alternatively, non-exclusive temporary rights of access for construction are sought, to support any works or access which may be required on the beach.

10.2.3 A further area of Open Space is the foreshore (plots 01-001, 01-002, 01-003, 01-004) which may be considered to be Open Space because it is used by members of the public for recreational purposes. It is also expected that this land will form Coastal Margin and/or part of the King Charles III coastal path in the future, formalising its status as Open Space. This area is broadly comprised of an area of beach with public access; a sea defence wall with walkway above; and a further path and cycleway between the sea defence and the golf course and country park.

10.2.4 Trenchless construction methods for the installation at the cable will be employed in this location. Access to this area by the public will continue to be available with minimal or no impact during the construction period, except in the event of a rare failure in the trenchless construction method being

employed. Should this occur, public access may need to be restricted to enable the Applicant to implement mitigation; however, any restriction would be limited to the area affected and would be removed as soon as practicable, in accordance with the Outline Horizontal Directional Drill Method Statement and Contingency Plan (Document Reference: 7.15). Following construction, the Open Space will remain unobstructed and available for the purposes for which it is currently used.

- 10.2.5 It is also not proposed to acquire the freehold title to any part of the Open Space land identified above; the Applicant proposes to acquire permanent rights to enable Work Nos. 4B and 4C, in accordance with Article 24 (Compulsory acquisition of rights) and Schedule 5 (Land in which only new rights etc., may be acquired); and temporary rights to enable Work Nos. 4B and 4C in accordance with Article 31 (Temporary use of land for carrying out the authorised development) and Schedule 7 (Land of which temporary possession may be taken).
- 10.2.6 There are no other areas which fall within a definition of Open Space within the PA 2008.
- 10.2.7 Section 132 of the PA 2008 applies to the compulsory acquisition of rights over land forming part Open Space. It makes provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of rights over such land. This means that the Order will be subject to SPP unless the Secretary of State is satisfied that section 132(3) or (4) applies.
- 10.2.8 Section 132(3) applies if the Open Space Land, when burdened with the Order right, will be no less advantageous than it was before to the persons in whom it is vested, other persons (if any) entitled to rights of common or other rights, and the public. It is considered that section 132(3) applies and that the Open Land when burdened with the Order rights will be no less advantageous to the persons to whom it is vested and the public that it currently is.

10.2.9 The Applicant is seeking rights to install cables under Open Space land. Once installed, there will be no ongoing obstruction or change of use on the surface and the current use can continue without alteration. In order to protect the cables once installed, a number of restrictive covenants are sought to be imposed over the surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger the cables. The restricted activities include construction, planting of trees over the cable area and alteration of the level of the land to such an extent that the cables would be endangered. The restrictive covenants are intended to prevent construction on the land which is entirely compatible with its designation as Open Space. Once the cables are installed under this land there will be no interference with the current uses.

10.2.10 Given all of the above the Applicant considers that once the cables have been installed there will be no ongoing impact and the acquisition of the rights sought will not render the open space less advantageous than it is at present to its owner or the public engaging the exemption under s132(3) of the PA 2008.

### 10.3 Statutory Undertakers' Land and Apparatus

10.3.1 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:

- a) the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- b) if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

10.3.2 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that matters set out in section 127(6) are satisfied. Those matters are:

- a) the right can be purchased without serious detriment to the carrying on of the undertaking; or
- b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.

10.3.3 Article 31 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 14 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. The Applicant therefore considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order Land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

10.3.4 Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Project. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 14 to the DCO. The protective provisions set out constraints on the exercise of the powers in the DCO, with a view to

safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Project (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

10.3.5 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Land. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order Land are included in the Book of Reference (Document Reference: 6.3). These include:

- a) Affinity Water Limited;
- b) Anglian Water Services Limited;
- c) Cadent Gas Limited;
- d) Centrica plc;
- e) National Grid Electricity Transmission plc;
- f) Eastern Power Networks plc;
- g) Apatura Limited;
- h) Thorpe Park Solar Farm Limited;
- i) Network Rail Infrastructure Limited;
- j) National Highways Limited;
- k) Essex County Council (as highways authority);
- l) Openreach Limited;
- m) Environment Agency;

n) Port of London Authority;

10.3.6 The Applicant has proposed protective provisions for the benefit of the relevant statutory undertakers and owners of apparatus and will engage with them to agree the form of protective provisions and, where required, side agreements and asset protection agreement with the other parties contacted. The Statutory Undertaker Schedule (Document Reference: 6.7) provides further details of the protections offered.

10.3.7 Part 1 and Part 2 of Schedule 14 to the draft DCO include standard protective provisions for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications code networks, in order to ensure the assets of those parties receive adequate protection.

10.3.8 There are no other relevant special considerations in respect of the Order Land.

## **11. RELATED APPLICATIONS AND CONSENTS**

11.1.1 Other consents are or may be required in order for the Project to be constructed and subsequently operate. The key consents are identified below and reference should be made to the document Consents and Licences Required (Document Reference: 7.28) which sets out the additional consents required and the status and timeframe for each consent. These may include:

- a) Electricity Generation Licence;
- b) Water abstraction or impoundment licence;
- c) Water discharge;
- d) Permit for Transport of Abnormal Loads;



e) European Protected Species Licence(s);

11.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Project proceeding.

## 12. FURTHER INFORMATION

### 12.1 Negotiation of Sale

12.1.1 Owners and occupiers of property affected by the Project who wish to discuss matters of compensation should contact the Project's land agent, Dalcour Maclaren on 01622 623025 or at [northfalls@dalcourmaclaren.com](mailto:northfalls@dalcourmaclaren.com).

### 12.2 Compensation

12.2.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by DCLG entitled "Compulsory Purchase and Compensation" listed below:

- a) Booklet No. 1 - Compulsory Purchase Procedure;
- b) Booklet No. 2 - Compensation to Business Owners and Occupiers;
- c) Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- d) Booklet No.4 - Compensation for Residential Owners and Occupiers.

12.2.2 Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

## 13. CONCLUSION

- 13.1.1 This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the requirements of Section 122 of the PA 2008 as well as the considerations in the CA Guidance.
- 13.1.2 A description of the intended use of the land and rights to be acquired compulsorily has been provided.
- 13.1.3 In summary, the compulsory acquisition of the Order Land or rights over the Order Land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Project and are proportionate and no more than is reasonably necessary.
- 13.1.4 Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Project to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.
- 13.1.5 The need for the Project is clearly set out in NPS EN-1, NPS EN-3 and NPS EN-5, and the Project is categorised as critical national priority infrastructure. The NPSs demonstrate that there is a compelling case in the public interest for the land, and rights over land and imposition of restrictions, to be acquired compulsorily.
- 13.1.6 All reasonable alternatives to compulsory acquisition have been explored. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Project, wherever possible.

- 13.1.7 Given the national and local need for the Project and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 13.1.8 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, i.e. the construction and operation of the Project which is an NSIP, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 13.1.9 The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 13.1.10 An explanation has been provided as to how it is expected that the construction of the Scheme and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available. More detail is provided in the Funding Statement (Document Reference: 6.4).
- 13.1.11 Articles 1, 6 and 8 of the First Protocol to the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Scheme would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.
- 13.1.12 It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.

**APPENDIX A. PLOTS OVER WHICH FREEHOLD ACQUISITION,  
NEW RIGHTS AND TEMPORARY POSSESSION ARE REQUIRED**

**Table 1 Freehold Acquisition**

PLOT NUMBER	TYPE OF ACQUISITION	PURPOSE (WORK NO.)
13-003	Freehold Acquisition	Work No. 9
13-013	Freehold Acquisition	Work No. 9
13-014	Freehold Acquisition	Work No. 9
13-015	Freehold Acquisition	Work No. 9
13-016	Freehold Acquisition	Work No. 9
13-017	Freehold Acquisition	Work No. 9
13-018	Freehold Acquisition	Work No. 9
13-020	Freehold Acquisition	Work No. 9
13-021	Freehold Acquisition	Work No. 9
13-023	Freehold Acquisition	Work No. 9
13-029	Freehold Acquisition	Work No. 9
13-031	Freehold Acquisition	Work No. 9
13-034	Freehold Acquisition	Work No. 9
13-036	Freehold Acquisition	Work No. 9
13-038	Freehold Acquisition	Work No. 9
15-014	Freehold Acquisition	Work No. 12
15-016	Freehold Acquisition	Work Nos. 11 and 12
16-001	Freehold Acquisition	Work Nos. 11 and 12

**Table 2 Purposes for new rights and restrictions**

New rights and imposition of restrictions may be required for the following purposes:

RIGHTS CLASS	PURPOSE OF NEW RIGHTS AND RESTRICTIONS
<p><b>Intertidal Zone</b></p>	<p>Rights for the purposes of the construction, installation, retention, operation, maintenance and decommissioning of the authorised development to—</p> <ul style="list-style-type: none"> <li>a) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath sea defences and existing infrastructure;</li> <li>b) to benefit from continuous vertical and lateral support for the authorised development;</li> <li>c) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, inspecting, removing and replacing the electrical infrastructure and cables;</li> <li>d) construct and install and thereafter use the Land for all necessary purposes for the commissioning, construction, repair, testing and maintenance of the cables in, on or under the Land;</li> <li>e) place and use plant, machinery, structures and temporary structures within the Land for the purposes of the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the ducting, electrical infrastructure and cables, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> </ul> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to—</p> <ul style="list-style-type: none"> <li>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>b) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of</li> </ul>

	<p>the authorised development nor make it materially more difficult or expensive to maintain the authorised development);</p> <p>c) to prevent anything to be done by way of excavation of any kind in the Land nor any activities which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development, alter, increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.6m for the purposes of arable farming) or are required to be carried out by National Grid in order to exercise their statutory functions or rights in relation to their apparatus (if any) within the Land;</p> <p>d) to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the authorised development;</p> <p>e) to prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development.</p>
<p><b>Landfall and Onshore Connection Works</b></p>	<p>Rights for the purposes of the construction, installation, retention, operation, maintenance and decommissioning of the authorised development to—</p> <p>a) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath sea defences, watercourses and highways;</p> <p>b) enter, be on, and break open and break up the surface of the Land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of installing, operating and maintaining the cables, transmitting electricity along the cables or use of electrical infrastructure and the cables;</p> <p>c) to benefit from continuous vertical and lateral support for the authorised development;</p> <p>d) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, upgrading, inspecting, removing and replacing the electrical infrastructure and cables;</p> <p>e) construct and install and thereafter use the Land for all necessary purposes for the commissioning, construction, repair, testing and maintenance of the cables in, on or under the Land;</p>

	<ul style="list-style-type: none"> <li>f) place and use plant, machinery, structures and temporary structures within the Land for the purposes of the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the electrical infrastructure and cables, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>g) erect temporary bridges and supporting or protective structures for the purposes of access to adjoining land and highway;</li> <li>h) erect fencing, gates, walls, barriers or other means of enclosure, and create secure working areas and compounds including trenchless installation technique compounds and working areas;</li> <li>i) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair or renewal or decommissioning is being carried out;</li> <li>j) to use, maintain, renew improve and alter existing accesses, roads, streets, tracks or ways over the Land, providing that such use is not exclusive and exercise of this right must not prevent or unreasonably inhibit use by other parties;</li> <li>k) effect access and egress to and from the highway;</li> <li>l) make such investigations in or on the Land as required;</li> <li>m) alter, fell, lop or cut, coppice wood, uproot trees or hedges or shrubs or other vegetation which now or hereafter may be standing on the Land or other land which would if not felled, lopped, cut or removed would obstruct or interfere with the operation of the cables and ancillary equipment including ducting;</li> <li>n) to take and use, remove and discharge water from the Land, and to lay down, install, retain, use, maintain, inspect, adjust, alter, remove, refurbish, reconstruct, upgrade, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, install, retain, use, inspect, maintain, adjust, alter, renew, repair, test or cleanse drainage schemes on the Land or reinstate the any existing drainage scheme on the Land;</li> <li>o) lay down, install, alter, re-lay, maintain, protect, adjust, use or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers and providing connection to the authorised development);</li> <li>p) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure, remove fences and structures within the Land during any period during which construction, maintenance, repair or renewal is being carried out (subject to erection of any temporary stock-proof fencing as is reasonably required and the</li> </ul>
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	<p>re-installment or suitable replacement of the fences or structures following the end of each period of exercise of the rights);</p> <p>q) store and stockpile materials (including excavated material);</p> <p>r) create boreholes and trial excavation pits for the purposes of intrusively surveying the land and monitoring the use of any trenchless installation technique, to keep in place and monitor the same through construction, maintenance repair, replacement or decommissioning and to reinstate the Land;</p> <p>s) to excavate materials below ground level, including soils, and to store and re-use or dispose of the same, and in so excavating to undertake any works, including works of protection or removal of archaeological remains as may be required by any written scheme of investigation approved under this Order;</p> <p>t) lay out and maintain temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out;</p> <p>u) to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna;</p> <p>v) carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the Land and/or in accordance with any necessary licences relating to protected species and/or wildlife; and</p> <p>w) (in an emergency only when the cables are temporarily unusable) to lay down, install, use, maintain and inspect underground cables, telephone signalling and fibre-optic cables and ancillary equipment, associated works and other conducting media together with conduits or pipes for containing the same in and under the Land.</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to—</p> <p>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</p> <p>b) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised development nor make it materially more difficult or expensive to maintain the authorised development);</p> <p>c) to prevent anything to be done by way of excavation of any kind in the Land nor any activities which may obstruct, interrupt, or</p>
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	<p>interfere with the exercise of the rights or damage the authorised development, alter, increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.6m for the purposes of arable farming) or are required to be carried out by National Grid in order to exercise their statutory functions or rights in relation to their apparatus (if any) within the Land;</p> <p>d) to prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);</p> <p>e) to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the authorised development;</p> <p>f) to prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p> <p>g) to prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of ecological mitigation areas or areas of habitat creation or reinstatement including any ploughing or grazing without the prior written consent of the undertaker.</p>
<p><b>Cable Route Onshore</b></p>	<p>Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to—</p> <p>a) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath watercourses, highways and railways;</p> <p>b) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the additional ducts for electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, allow the installation and use of electrical cables in the additional ducts, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to</p>

	<p>as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath watercourses, highways and railways;</p> <p>c) enter, be on, and break open and break up the surface of the Land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of installing, operating and maintaining the cables or additional ducts, transmitting electricity along the cables or use of electrical infrastructure and the cables;</p> <p>d) to benefit from continuous vertical and lateral support for the authorised development;</p> <p>e) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, upgrading, inspecting, removing and replacing the electrical infrastructure and cables and additional ducts;</p> <p>f) construct and install and thereafter use the Land for all necessary purposes for the commissioning, construction, repair, testing and maintenance of the cables and additional ducts in, on or under the Land;</p> <p>g) place and use plant, machinery, structures and temporary structures within the Land for the purposes of the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the electrical infrastructure and cables and additional ducts, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</p> <p>h) erect temporary bridges and supporting or protective structures for the purposes of access to adjoining land and highway;</p> <p>i) erect fencing, gates, walls, barriers or other means of enclosure, and create secure working areas and compounds including trenchless installation technique compounds and working areas;</p> <p>j) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair or renewal or decommissioning is being carried out;</p> <p>k) to use, maintain, renew improve and alter existing accesses, roads, streets, tracks or ways over the Land, providing that such use is not exclusive and exercise of this right must not prevent or unreasonably inhibit use by other parties;</p> <p>l) effect access and egress to and from the highway;</p> <p>m) make such investigations in or on the Land as required;</p> <p>n) alter, fell, lop or cut, coppice or replant wood, uproot trees or hedges or shrubs or other vegetation which now or hereafter may be standing on the Land or other land which would if not felled,</p>
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	<p>lopped, cut or removed would obstruct or interfere with the operation of the cables and ancillary equipment including ducting;</p> <p>o) to take and use, remove and discharge water from the Land, and to lay down, install, retain, use, maintain, inspect, adjust, alter, remove, refurbish, reconstruct, upgrade, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, install, retain, use, inspect, maintain, adjust, alter, renew, repair, test or cleanse drainage schemes on the Land or reinstate the any existing drainage scheme on the Land;</p> <p>p) lay down, install, alter, re-lay, maintain, protect, adjust, use or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers and providing connection to the authorised development);</p> <p>q) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure, remove fences and structures within the Land during any period during which construction, maintenance, repair or renewal is being carried out (subject to erection of any temporary stock-proof fencing as is reasonably required and the re-instatement or suitable replacement of the fences or structures following the end of each period of exercise of the rights);</p> <p>r) store and stockpile materials (including excavated material);</p> <p>s) create boreholes and trial excavation pits for the purposes of intrusively surveying the land and monitoring the use of any trenchless installation technique, to keep in place and monitor the same through construction, maintenance repair, replacement or decommissioning and to reinstate the Land;</p> <p>t) to excavate materials below ground level, including soils, and to store and re-use or dispose of the same, and in so excavating to undertake any works, including works of protection or removal of archaeological remains as may be required by any written scheme of investigation approved under this Order;</p> <p>u) lay out and maintain temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out;</p> <p>v) to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna;</p> <p>w) carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the Land and/or in accordance with any necessary licences relating to protected species and/or wildlife; and</p>
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	<p>x) (in an emergency only when the cables are temporarily unusable) to lay down, install, use, maintain and inspect underground cables, telephone signalling and fibre-optic cables and ancillary equipment, associated works and other conducting media together with conduits or pipes for containing the same in and under the Land.</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to—</p> <p>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</p> <p>b) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised development nor make it materially more difficult or expensive to maintain the authorised development);</p> <p>c) to prevent anything to be done by way of excavation of any kind in the Land nor any activities which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development, alter, increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.6m for the purposes of arable farming) or are required to be carried out by National Grid in order to exercise their statutory functions or rights in relation to their apparatus (if any) within the Land;</p> <p>d) to prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);</p> <p>e) to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the authorised development;</p> <p>f) to prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p> <p>g) to prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of ecological mitigation areas or areas of habitat creation or reinstatement including any ploughing or grazing without the prior written consent of the undertaker.</p>
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<p><b>Operational and Maintenance Access</b></p>	<p>Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to—</p> <ul style="list-style-type: none"> <li>a) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of the authorised development, the inspection, use, testing, maintenance, renewal, repair, upgrading, replacement and removal of the cables and connection into any adjacent cables and associated works, to take plant and equipment on to adjoining land and make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights;</li> <li>b) to construct, use, maintain and improve a permanent means of access including visibility splays, and retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the Land, adjoining land and highway;</li> <li>c) retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing adjoining land and highway;</li> <li>d) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair, renewal or decommissioning is being carried out;</li> <li>e) erect temporary bridges and supporting or protective structures for the purposes of access to adjoining land;</li> <li>f) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>g) alter, fell, lop, cut, coppice wood, uproot trees or hedges or shrubs or other vegetation which now or hereafter may be present on the Land for the purpose of enabling the right to pass and re-pass to adjoining land;</li> <li>h) repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</li> <li>i) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure; and</li> <li>j) lay out and maintain temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out.</li> </ul> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p>
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	<ul style="list-style-type: none"> <li>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations footings or other supporting structures thereto); and</li> <li>b) prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development).</li> </ul>
<p><b>Substation Drainage</b></p>	<p>Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to—</p> <ul style="list-style-type: none"> <li>a) remove and discharge water from the Land and to lay down, install, retain, use, maintain, inspect, adjust, alter, remove, refurbish, reconstruct, upgrade, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, to lay down, install, adjust, alter, construct, create, use, maintain, repair, renew, upgrade, inspect, remove and replace a drainage scheme on the Land (the “drainage works”);</li> <li>b) inspect, use mechanical excavation (including directional drilling and/or digging), reinstate, remove, move or alter such part or parts of any drainage system on the Land for the purposes of the drainage works (including connecting the drainage works to any land drain as at the date of the drainage works);</li> <li>c) enter, be on, and break up the surface of the Land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of the drainage works;</li> <li>d) store and stockpile materials (including excavated material);</li> <li>e) make such investigations in or on the Land as required for the purposes of the drainage works, include to create boreholes and trial excavation pits for the purposes of intrusively surveying the land;</li> <li>f) to excavate materials below ground level, including soils, and to store and re-use or dispose of the same, and in so excavating, to undertake any works, including works of protection or removal of archaeological remains as may be required by any written scheme of investigation approved under this Order;</li> <li>g) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of the drainage works;</li> <li>h) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety for the purposes of the drainage works;</li> </ul>



	<ul style="list-style-type: none"> <li>i) erect fencing, gates, walls, barriers or other means of enclosure, and create secure works areas or compounds and working areas for the purposes of the drainage works;</li> <li>j) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair or renewal of any drainage work is being carried out;</li> <li>k) effect access and egress to and from the highway;</li> <li>l) alter, fell, lop or cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be standing on the Land or other land which would if not felled, lopped, cut or removed obstruct or interfere with the drainage works;</li> <li>m) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers);</li> <li>n) to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna; and</li> <li>o) to carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the Land in accordance with any necessary licences relating to protected species and/or wildlife.</li> </ul> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to—</p> <ul style="list-style-type: none"> <li>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto); and</li> <li>b) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage drainage works).</li> </ul>
<p><b>National Grid Substation Works</b></p>	<p>Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to—</p> <ul style="list-style-type: none"> <li>a) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and</li> </ul>

	<p>replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”);</p> <p>b) enter, be on, and break open and break up the surface of the Land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity along the cables;</p> <p>c) to benefit from continuous vertical and lateral support for the authorised development;</p> <p>d) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, upgrading, inspecting the authorised development and for removing and replacing the cables;</p> <p>e) to use, maintain, renew improve and alter existing accesses, roads, streets, tracks or ways over the Land, providing that such use is not exclusive and exercise of this right must not prevent or unreasonably inhibit use by other parties;</p> <p>f) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair, renewal or decommissioning is being carried out;</p> <p>g) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</p> <p>h) fell, lop, cut, coppice wood, uproot trees or hedges or shrubs or other vegetation which now or hereafter may be present on the Land for the purpose of enabling the right to pass and re-pass to adjoining land;</p> <p>i) to take and use, remove and discharge water from the Land and to lay down, install, retain, use, maintain, inspect, adjust, alter, remove, refurbish, reconstruct, upgrade, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, to lay down, install, retain, adjust, alter, construct, create, use, maintain, repair, renew, upgrade, inspect, remove and replace a drainage scheme on the Land;</p> <p>j) lay down, install, alter, re-lay, maintain, protect, adjust, use or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including</p>
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	<p>the pipes, cables or conduits or apparatus of statutory undertakers); and</p> <p>k) effect access and egress to and from the highway.</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to—</p> <p>a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto) without the prior written consent of the undertaker;</p> <p>b) to prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);</p> <p>c) to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the authorised development;</p> <p>d) to prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development.</p>
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**Table 3 New rights and imposition of restrictions**

PLOT NUMBER	TYPE OF ACQUISITION	PURPOSE (WORK NO.)
01-001	Acquisition of rights and imposition of restrictions	Intertidal zone (Work No. 4B)
01-002	Acquisition of rights and imposition of restrictions	Intertidal zone (Work No. 4B)
01-003	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-004	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-005	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)

01-006	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-007	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-008	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-009	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works (Work No. 4C)
01-010	Acquisition of rights and imposition of restrictions	Landfall and Onshore Connection Works and Cable Route Onshore (Work Nos. 4C, 4D, 6)
01-011	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
01-012	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
01-013	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
01-015	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
01-016	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-001	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-002	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-004	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
02-006	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-012	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
02-015	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
02-016	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

02-017	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
02-018	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
02-019	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
02-020	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-001	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work Nos. 6, 10)
03-004	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
03-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
03-008	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
03-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
03-016	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-017	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-020	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-021	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-022	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
03-023	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
03-024	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-002	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)

04-003	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-004	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-005	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-006	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-010	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-011	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-012	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-013	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-014	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-015	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-016	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
04-017	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-018	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
04-022	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-008	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

05-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-010	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-016	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-017	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-018	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-022	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
05-024	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-026	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
05-027	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
06-001	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
06-002	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
06-003	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
06-007	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
06-012	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
06-014	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
06-017	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
06-018	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
06-019	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
06-020	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

07-001	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-003	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-004	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
07-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-010	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-011	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
07-012	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-002	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
08-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-006	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-010	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
08-011	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-012	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-013	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-014	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-015	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
08-020	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

08-021	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-022	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
08-023	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
08-024	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-003	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
09-006	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
09-008	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
09-009	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-010	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-011	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
09-012	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
10-003	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
10-006	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
10-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
10-008	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
10-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

10-013	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
10-019	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
10-020	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
11-001	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
11-004	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
11-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-006	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-010	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-011	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-012	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-014	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
12-020	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
12-021	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-001	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-002	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-027	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-028	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-032	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)
13-033	Acquisition of rights and imposition of restrictions	Operational and Maintenance Access (Work No. 10)



13-046	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-052	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-053	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-054	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-055	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-056	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-057	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
13-061	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-003	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-004	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-007	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-008	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-009	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-015	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-016	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-017	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-021	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
14-022	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-001	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-002	Acquisition of rights and imposition of restrictions	Substation Drainage (Work No. 13)
15-003	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)

15-004	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-005	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-010	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-011	Acquisition of rights and imposition of restrictions	Cable Route Onshore (Work No. 6)
15-012	Acquisition of rights and imposition of restrictions	Substation Drainage (Work No. 13)
15-013	Acquisition of rights and imposition of restrictions	Substation Drainage (Work No. 13)
15-015	Acquisition of rights and imposition of restrictions	Substation Drainage and National Grid Substation Works (Work Nos. 13, 14)
16-002	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-003	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-004	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-005	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-006	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-007	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)
16-008	Acquisition of rights and imposition of restrictions	National Grid Substation Works (Work No. 14)

**Table 4 Temporary possession**

PLOT NUMBER	PURPOSE
01-014	Temporary use as a construction working area and for access to facilitate construction of the authorised development at landfall (Work No. 5)
02-003	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
02-005	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)

02-007	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
02-008	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
02-010	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
02-011	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
02-013	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
02-014	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
03-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-003	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-007	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-010	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-011	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-012	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-014	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-015	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-018	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-019	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
03-025	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
04-001	Temporary use as access to facilitate construction of the authorised development (Work No. 8)

04-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
04-019	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
04-020	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
04-021	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-001	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
05-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-003	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-004	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-007	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-011	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-012	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-014	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-015	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-019	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-020	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-021	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-023	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
05-025	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-004	Temporary use as access to facilitate construction of the authorised development (Work No. 8)

06-005	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-009	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-010	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-011	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-015	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
06-016	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-005	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
07-014	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
08-001	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
08-003	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
08-004	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
08-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
08-016	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)

08-017	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)
08-018	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
08-019	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
08-025	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
09-001	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
09-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
09-004	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-001	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-004	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-005	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-010	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-011	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-012	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-014	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-015	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-016	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-017	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
10-018	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
11-002	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
11-003	Temporary use as access to facilitate construction of the authorised development (Work No. 8)

12-001	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-003	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-004	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-007	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
12-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-009	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-015	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-016	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
12-017	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
12-018	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
12-019	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)
13-004	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-005	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-006	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-007	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-008	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-009	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-010	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)



13-011	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-012	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-019	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-022	Temporary use as access and road widening to facilitate construction of the authorised development (Work No. 9)
13-024	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
13-025	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-026	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-030	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)
13-035	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)
13-037	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work No. 7)
13-039	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-040	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-041	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
13-042	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
13-043	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-044	Temporary use as a construction working area, access and road widening to facilitate construction of the authorised development (Work Nos. 7, 8 and 9)
13-045	Temporary use as a construction working area and for access to facilitate construction of the authorised development (Work Nos. 7 and 8)
13-047	Temporary use as access to facilitate construction of the authorised development (Work No. 8)



13-048	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-049	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-050	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-051	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-058	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-059	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
13-060	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-001	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-002	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-005	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-010	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-011	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-012	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-013	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-014	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-018	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-019	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
14-020	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
15-006	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
15-007	Temporary use as access to facilitate construction of the authorised development (Work No. 8)

15-008	Temporary use as access to facilitate construction of the authorised development (Work No. 8)
15-009	Temporary use as access to facilitate construction of the authorised development (Work No. 8)

## APPENDIX B. SUMMARY OF NEGOTIATIONS

Dalcour Maclaren were instructed by the Applicant to lead all negotiations on behalf of North Falls. The Applicant instructed legal advisors Pinsent Masons to support Dalcour Maclaren throughout the process in the drafting of voluntary terms and option agreements. Along with Pinsent Masons, Dalcour Maclaren reverted to the wider project team to ensure the agreements aligned with the technical, design and legal requirements of North Falls and that the agreements could be implemented in line with the draft.

### Cable Easement

#### Land Agents Group ('LAG')

- B.1 In early 2023, Dalcour Maclaren were advised that a working group of land agents, hereon known as 'LAG', would represent the majority of landowners for cable easement Heads of Terms ('HoTs') negotiations where the projects were seeking voluntary agreements. Having been made aware of LAG, the Applicant engaged with it throughout the pre-application period to ensure consistency in messaging and agreements along the full route. The same approach was adopted for negotiating HoTs as the Applicant wanted to ensure consistency in the terms offered to landowners. Landowners using a land agent who is a member of LAG represent 72% of the cable easement HoTs issued.
- B.2 On 19 April 2023 initial cable easement HoTs were issued to members of LAG for its review and comment along with an invitation to meet to discuss the terms.

- B.3 A face-to-face introduction meeting was held between Dalcour Maclaren and LAG on 4 May 2023 at Brooks Leney's office in Hintelsham, Suffolk. Dalcour Maclaren requested comments on the initial cable easement HoTs and followed up its request before a second meeting to review terms was held on 6 June 2023. LAG was unable to provide comments to the draft cable easement HoTs in response to either request.
- B.4 Between July and September 2023, Dalcour Maclaren repeatedly requested LAG's comments and feedback on the draft cable easement HoTs, before LAG advised that it would need another meeting to review them. LAG confirmed that it would be meeting without Dalcour Maclaren on 18 October 2023.
- B.5 Following the meeting on 18 October 2023, Dalcour Maclaren was advised by LAG that it would not be able to review the cable easement HoTs in depth without having prior sight of the draft DCO, however it did provide initial comments. Dalcour Maclaren responded to say that the drafting of the DCO had no impact on LAG's ability to review the cable easement HoTs, however its position would be discussed with the wider North Falls team.
- B.6 Following review of LAG's initial comments, on 20 November 2023 Dalcour Maclaren issued LAG a second draft of the cable easement HoTs with counter comments and a draft option plan to contextualise the terms within. Supplementary information regarding the substation, road works required at Bentley Road and the composition of the haul road was provided upon request.
- B.7 On multiple occasions, Dalcour Maclaren followed up with LAG for further comments and feedback on the second draft of cable easement HoTs. No response was received until 26 January 2024 when LAG

advised Dalcour Maclaren that the cable easement HoTs had been reviewed and a response was being considered by the wider LAG team before Dalcour Maclaren could be updated.

- B.8 LAG provided a response to the second draft of the cable easement HoTs on 1 February 2024, reiterating that it was not willing to advise its clients to agree cable easement HoTs without prior sight of the draft DCO. LAG also requested further clarification on a number of points within the cable easement HoTs.
- B.9 Dalcour Maclaren responded with a third draft of the cable easement HoTs on 1 March 2024, directing LAG to additions which had been made to provide comfort to landowners such as the inclusion of a construction practice addendum which would be an appendix to completed option agreements providing detail on how North Falls would be constructed. Dalcour Maclaren also confirmed that the projects were looking to issue populated cable easement HoTs week commencing 1 April 2024 and requested any final comments by 15 March 2024 to ensure these could be considered for incorporation into the final drafting.
- B.10 On 8 March 2024, Dalcour Maclaren provided LAG with a joint statement provided by the Applicant and Five Estuaries intended to provide clarity in respect of ongoing coordination and landowner engagement in respect of National Grid Electricity Transmission's Norwich to Tilbury scheme. Dalcour Maclaren wished for the statement to be acknowledged during the LAG meeting which Dalcour Maclaren understood to be taking place on 11 March 2024.
- B.11 LAG provided further comments on 26 March 2024. On 28 March 2024, Dalcour Maclaren responded to LAG advising that the Five Estuaries draft DCO would be available for public viewing should their application

be accepted for examination. Dalcour Maclaren also provided LAG with a draft construction practice addendum for their review and comment, LAG did not provide a response.

B.12 The cable easement HoTs that had been negotiated with LAG were populated and issued to all landowners on 8 April 2024.

B.13 Discussions with agents surrounding individual client requirements have continued since the HoTs were issued and will continue in an endeavour to reach voluntary agreements. Where such requirements have been fundamental to all option agreements, these have been included in the cable easement HoTs and re-distributed.

#### Landowners with land agents not part of LAG

B.14 Landowners represented by a land agent who is not a member of LAG were issued with the cable easement HoTs that had been negotiated with LAG up until the point of issue on 8 April 2024. Dalcour Maclaren have continued to liaise with these land agents and offer meetings in respect of the cable easement HoTs. Landowners who have a land agent who is not a part of LAG represent 7% of the cable easement HoTs issued.

#### Landowners with no professional representation

B.15 Landowners with no professional representation were engaged throughout the pre-application period and were advised that the Applicant would meet the reasonable costs of appointing a professional representative. Notwithstanding this, some landowners have chosen not to engage and appoint a land agent.

B.16 Landowners without a land agent were issued with the same refined cable easement HoTs that had been negotiated with LAG up until the

point of issue on 8 April 2024. This means that these landowners benefited from receiving refined HoTs that had been negotiated by a professional, despite not having appointed a land agent to represent their interests. Landowners without an agent represent 21% of the cable easement HoTs issued.

- B.17 Dalcour Maclaren has continued to engage with the unrepresented landowners directly and has offered multiple meetings to aid discussions in respect of the cable easement HoTs.

### **Substation**

- B.18 The Applicant has been in communication with the landowners of the substation land and their land agent in relation to the location of the project's substation since statutory consultation. Both landowners are represented by the same land agent. Discussions have taken place regarding the location of the substation and the surrounding landscaping and drainage works.
- B.19 On the 15 May 2024, HoTs were issued to both landowners where the project is seeking to acquire the freehold of land and rights required to construct the onshore substation. The Applicant has attempted to engage with these landowners and their land agent in respect of the HoTs, and this progress is detailed in the Schedule of Negotiations (Document Reference: 6.6).

### **Bentley Road**

- B.20 The Applicant held meetings with all landowners directly affected by the Bentley Road widening works. Three landowners subject to the proposals were met in November 2023, with the final landowner met in

January 2024. The purpose of these meetings was to discuss the principle of the works and potential impacts on existing uses of the affected land. During the meetings, it was explained that HoTs would be issued to landowners to secure the necessary land and rights.

- B.21 On 12 July 2024, HoTs were issued to all landowners where the project is seeking to acquire the freehold acquisition or temporary use of land required to widen Bentley Road including provision of a non-motorised user path. The HoTs provide the project with the flexibility to acquire the freehold of land or temporarily lease land during construction as may be required.

#### **National Grid connection works**

- B.22 HoTs have not yet been issued to landowners on whose land the project is seeking to acquire permanent rights to facilitate the connection between the project's onshore substation and NGET's substation. The reasons for this are set out within the Schedule of Negotiations (Document Reference: 6.6).





**NORTH FALLS**

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