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Dear Miss Nikki Suri

**PLANNING ACT 2008
APPLICATION FOR THE PROPOSED HINKLEY POINT C ELECTRIC LINE
CONNECTION**

1. I am directed by the Secretary of State for Energy and Climate Change (“the Secretary of State”) to advise you that consideration has been given to:
 - (a) the Report dated 19 October 2015 of the findings and conclusions (“the Report”) of the Examining Authority (“the ExA”), namely Wendy McKay, Annie Coombs, Denis McNicholl, Alan Novitzky and Richard Rees, who conducted an Examination (“the Examination”) into the application (“the Application”) submitted to the Planning Inspectorate on 28 May 2014 by National Grid Electricity Transmission plc (“the Applicant”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Hinkley Point C Connection (“the Development”); and
 - (b) representations received by the Secretary of State and not withdrawn in respect of the Application.
2. The Examination of the Application began on 19 January 2015 and was completed on 19 July 2015. The Examination was conducted on the basis of written evidence submitted to the ExA, site visits and a number of Issue Specific Hearings (“ISH”) on the following:
 - draft Order and other agreements needed to secure mitigation measures (14 April 2015 and 16 to 17 June 2015);
 - heritage and historic environment (21 April 2015);

- landscape and visual, including arboricultural matters (22 to 23 April 2015);
 - means of securing mitigation and/or enhancement for impacts on heritage and historic environment and landscape and visual impacts (23 April 2015);
 - highways and transport (28 April 2015);
 - air quality, noise, ground conditions, water quality and pollution prevention and flood risk (29 April 2015);
 - health, well-being and electric and magnetic fields, and socio-economic (30 April 2015);
 - biodiversity and Habitat Regulations Assessment (1 May 2015)
 - Avonmouth Severnside Enterprise Area and Bristol Port (19 May 2015);
 - Portbury/ Portishead optional connection alignments (22 May 2015 and then adjourned to 15 June 2015); and
 - Compulsory acquisition hearing (20 May 2015).
3. The Secretary of State notes that on 24 June 2015 the ExA issued a procedural decision to accept the change in height of five pylons within Bristol Port, Avonmouth. This is considered further below.
 4. The Order, as applied for, would grant development consent and authorise associated development for:
 - installation of a 400kV overhead line of approximately 48.5km; and
 - installation of 400kV underground cables of approximately 8.5km.
 - modifications to existing overhead line layout, including construction of additional line and pylons suitable for 400kV, at Hinkley Point, Somerset;
 - construction of three 400kV cable sealing end (“CSE”) compounds along the route of the connection;
 - construction of a 400/132kV substation at Sandford, North Somerset;
 - extension of the existing 400kV substation at Seabank;
 - the removal of existing 132kV overhead lines and the construction of replacement 132kV overhead lines and 132kV underground cables; and
 - extensions or other changes to existing 132kV substations at Churchill, Portishead, Avonmouth and Seabank;
 - temporary and permanent compulsory purchase of land necessary for the construction and operation of the project.
 5. The Development would be located within the administrative boundaries of the county of Somerset, the districts of West Somerset, Sedgemoor, North Somerset and South Gloucestershire and the City of Bristol in the South West of England.
 6. The Secretary of State notes that the Applicant currently operates the double circuit 275kV VQ Route overhead line which provides the existing connection between Hinkley Point 275kV substation and Bridgwater 275kV substation. The Applicant has confirmed that the VQ Route currently operates at 275kV *“however the existing pylons used on this route are sufficient to support operation at 400kV without significant change the route also has consent to operate at 400kV”* [para 1.3.1 of Environmental

Statement, Project Need and Alternatives, Appendices 2H to 2J]. The Secretary of State notes that the uprating of the VQ route is not the subject of the Application, (excepting necessary amendments in the area of Hinkley Point) and considers that should any further consents, such as planning permission for associated development and possible temporary structures or a temporary diversion if necessary, be required to uprate the VQ route, these will be considered on their own merits by the appropriate decision-making authority, and environmental impacts will be considered and consulted on fully at the appropriate stage.

7. Published alongside this letter, is a copy of the ExA's Report as amended by the Errata Sheet (Ref EN 020001) of corrections produced by the Planning Inspectorate and agreed by the ExA prior to the Secretary of State's decision on the Order. The ExA's findings and conclusions are set out in chapters 4-6 of the Report, and the ExA's recommendation to the Secretary of State is at chapter 10.

Summary of the ExA's Recommendation

8. The ExA recommended that the Order be made as set out in Appendix E of the report subject to:
 - the provision of a supplemental section 106 agreement to enable reasonable costs associated with monitoring of the temporary and permanent mitigation for bat Special Areas of Conservation ("SACs") incurred by Bristol City Council, North Somerset Council, Sedgemoor District Council, Somerset County Council, South Gloucestershire Council and West Somerset Council ("Joint Councils") to be recovered from the Applicant;
 - the matters relating to the potential interference with the safe operation of the high pressure fuel pipe-line owned and operated by CLH Pipelines Systems Ltd ("CLH") being resolved;
 - the provision of a supplemental section 106 agreement to secure a financial contribution from the Applicant towards the cost of the diversion of the England Coast Path (footpaths WL23/71 and WL23/61); and
 - the matters relating to Crown land being resolved;
9. The Secretary of State's consideration of each of these issues is set out below.

Summary of the Secretary of State's Decision

10. **The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in the Application.** This letter is the Statement of Reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by Regulation 23(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("2009 Regulations").
11. The Secretary of State has also had regard to the joint Local Impact Report ("LIR") submitted by Bristol City Council, North Somerset Council,

Sedgemoor District Council, Somerset County Council, South Gloucestershire Council and West Somerset Council and to the relevant local plans as well as to the environmental information as defined in Regulations 2(1) of the 2009 Regulations, the Infrastructure Planning (Decisions) Regulations 2010 (the “Decisions Regulations”) and to all other matters which the Secretary of State considers to be important and relevant to her decision as required by section 104 of the 2008 Act.

Secretary of State’s consideration

12. The Secretary of State has considered the Report and all other material considerations. The Secretary of State’s consideration of the Report is set out in the following paragraphs. All numbered references, unless otherwise stated, are to paragraphs of the Report (“ER”). (paragraph numbers in the Report are quoted below in the form “ER x.xx.xx” as appropriate).
13. The Secretary of State notes that the proposed route of the connection has been divided and assessed in sections as follows;
 - Section A – Puriton Ridge;
 - Section B – Somerset Levels and Moors South;
 - Section C – Mendip Hills;
 - Section D – Somerset Levels and Moors North;
 - Section E – Tickenham Ridge;
 - Section F – Portishead;
 - Section G – Avonmouth; and
 - Section H – Hinkley Line Entries.
14. The Secretary of State notes that the issues identified by the ExA for particular consideration were as follows;
 - air quality
 - biodiversity, biological environment and ecology
 - compulsory acquisition
 - draft Development Consent Order
 - flood risk
 - ground conditions, water quality and pollution prevention
 - health, well-being and electric and magnetic fields
 - heritage and historic environment
 - landscape and visual effects and design
 - marine and navigation works
 - noise and vibration
 - Portishead/Portbury options for overhead route connection
 - radar and air navigation
 - socio-economic effects
 - traffic and transportation.
15. The secretary of State notes that the proposed line would comprise sections supported by traditional lattice pylons, and sections supported by the new T-pylon. T-pylons resulted from a competition held in 2011 by the Royal Institute of British Architects, DECC and National Grid to explore the

potential for a new generation of pylon design and this is the first scheme in which use of the T-pylon has been proposed.

16. The Secretary of State notes that National Policy Statement for Electricity Networks Infrastructure, EN-5, states that the Holford Rules (Guidelines for the Routing of New High Voltage Overhead Transmission Lines) should be followed in the design of overhead lines. The Secretary of State agrees with the Applicant that although the Holford Rules were developed for steel lattice pylons, they are equally applicable to T-pylons and has therefore taken the Holford Rules as applicable in relation to this Development.
17. The Secretary of State has had regard to the ExA's analysis of the above issues. Except as indicated otherwise by the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the Report, and the reasons for the Secretary of State's decision are those given by the ExA. In particular, the Secretary of State agrees with and adopts the recommendations of the ExA in respect to matters not given detailed consideration below.

The secretary of State's approach to electricity transmission lines for Hinkley Point C nuclear generating station

18. The current application, for the works set out in Schedule 1 to the proposed Order, cover some of the infrastructure necessary for the export of electricity from Hinkley Point C generating station, and also, when required, the transmission of electricity to the generating station.
19. The works applied for form part of the electric lines needed for transmission. However, other lines and works are required. In particular, the existing 275kV line from Hinkley substation to Bridgwater substation will be uprated by the Applicant to a 400kV line as set out above at paragraph 6. The likely impact of this uprating is a relevant consideration that the Secretary of State has taken into account as part of her consideration of this Application.
20. In approaching environmental considerations, where possible the impact of the Development has been considered taking into account the other necessary infrastructure needed to deliver transmission lines for Hinkley Point C generating station that are not included in the Application; or, alternatively, and where possible, the cumulative effects of other works have been considered alongside those considered for the works to be authorised under the Order applied for.

Need for the Proposed Development

21. The Secretary of State notes that interested parties raised concern about the need for the Development [ER 4.1.13].
22. The Development Consent Order for Hinkley Point C, a European pressurised reactor nuclear power station with a generating capacity of 3260MW at Hinkley Point in Somerset, was granted by the Secretary of State to EDF Energy on 19th March 2013. Non-material changes to this

DCO, which primarily included changes to service buildings, was granted on 9 September 2015.

23. The ExA noted that the purpose of the Development is to reinforce the transmission network in the region and to facilitate the connection of the consented Hinkley Point C new Nuclear Power Station and other proposals for low carbon generation. The National Policy Statement for Nuclear Power Generation, EN-6, outlines the preferred locations for the development of new nuclear generating stations of which Hinkley Point C is one location. The ExA set out that the Applicant's position is that the implementation of the proposed development is essential to facilitate the export of low carbon electricity from the South West, South Wales and Gloucestershire regions and maintain the UK's energy security of supply [ER 4.2.1].
24. The Secretary of State notes that some of the projects that were set out by the Applicant as requiring a facility to export electricity [table 4.2 of Document 7.5A] have not yet received consent and that Navitus Bay stage 1 has been refused conse. The Secretary of State is also aware that although development consent has been granted for South Hook Combined Heat and Power Station, the investment decision on this has been deferred. The Secretary of State is however satisfied that this does not impact the need case for the proposed Development, which will provide critical transmission capacity necessary for the safe and secure connection of the consented Hinkley Point C nuclear power station and other new power stations in the South West, South Wales and Gloucestershire
25. The Secretary of State is satisfied that the Overarching National Policy Statement for Energy, EN-1, and EN-5 and EN-6 provide sufficient basis to allow for the forward planning of projects in order to meet the presumed transmission demands on national infrastructure.
26. The Secretary of State has had regard to the comments of the ExA set out in Chapter 7 of the Report, and in particular the conclusions set out in Chapter 10. The Secretary of State considers that in the absence of any adverse effects which are unacceptable in planning terms, making the Order would be consistent with energy National Policy Statements (NPS) EN-1, and EN-5 which set out a national need for development of new nationally significant electricity generating and network infrastructure of the type proposed by the Applicant, and assists in delivering EN-6. Accordingly, the Secretary of State is satisfied that the need for the proposed development has been established.

Ecology and Biodiversity

27. The Secretary of State notes that the ExA considered a number of issues under the above heading:
 - a) Habitats Regulations Assessment
28. Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations") requires the Secretary of State to consider whether the proposed Development would be likely, either

alone or in-combination with other plans and projects, to have a significant effect on a European site as defined in the Habitats Regulations. If likely significant effects cannot be ruled out, then she must undertake an Appropriate Assessment addressing the implications for the European Site in view of its conservation objectives. In light of any such assessment, she may grant development consent only if it has been ascertained that the project will not, either on its own or in-combination with other plans and projects, adversely affect the integrity of such a site, unless there are no feasible alternatives or imperative reasons of overriding public interest apply.

29. A total of 16 European sites were screened into an assessment by the Applicant prior to Examination; during the Examination it was agreed between the Applicant, the ExA and Natural England (“NE”) that the project would not have likely significant effect on 7 of these sites [6.3.2 and 6.3.8]. The Secretary of State agrees with this conclusion of no likely significant effects for these 7 sites and their features.
30. The Applicant concluded that likely significant effects could not be excluded for nine European sites [6.3.2]. The ExA and NE agreed with this conclusion and these sites were taken forward to an assessment of adverse effect on integrity. These sites are as follows:
 - Somerset Levels and Moors Special Protection Area
 - Somerset Levels and Moors Ramsar site
 - Severn Estuary Special Protection Area
 - The Severn Estuary Ramsar Site
 - North Somerset and Mendip Bats Special Area of Conservation
 - Mendip Limestone Grasslands Special Area of Conservation
 - Exmoor and Quantock Oakwoods Special Area of Conservation
 - Mells Valley Special Area of Conservation
 - Bath and Bradford-on-Avon Bats Special Area of Conservation.
31. The Secretary of State notes that the ExA considered evidence supplied by the relevant interested parties and examined it to conclude that there would not be adverse effects on the integrity of any of the European sites set out in paragraph 30 above either alone or in combination with other plans or projects, provided that suitable mitigation was put in place. Necessary mitigation measures have been incorporated into the Order. Natural England agreed with these conclusions [6.5.27, 6.5.13 and 6.5.17].
32. In approaching the issue, and as set out further in the Habitats Regulations Assessment the Secretary of State has considered known and assessable environmental impacts of necessary infrastructure not included in the Order cumulatively with that in the Order applied for. On that basis, the Secretary of State does not consider, for the overall purposes of the Habitats Regulations Assessment, there to be a difference between whether “project” for the purposes of Habitats Regulations Assessment is construed as either of: (a) that which is currently applied for in this application; or, (b) the complete set of transmission lines required for the export of electricity

from Hinkley Point C to the substation at Seabank in the City of Bristol. The Secretary of State has considered, whether the relevant “project” is taken to be (a) or (b), the cumulative environmental effect of known works for the export of electricity to the Seabank substation.

33. The Secretary of State has carried out a Habitats Regulations Assessment (including an Appropriate Assessment, having decided that likely significant effect could not be ruled out) in respect of the potential impacts of the Application on the integrity of the nine European sites named above. The Secretary of State notes that the ‘Report on the Implications for European Sites’ prepared by the Planning Inspectorate, only created Stage 2 matrices for the five sites designated for their bat features. The Secretary of State has assessed the other four sites to ensure that her duty as the competent authority under the Habitats Regulations is carried out. Her conclusions on habitats and wild bird issues have been informed by the ExA’s Report, the Report on the Implications for European Sites, representations made by Interested Parties, and the Applicant’s submitted information as well as responses to the DECC consultation.
34. In relation to the designated features of the sites which may be adversely effected by the Application, four of the sites features relate to birds and for the other five sites the features of concern are bats. Issues of particular discussion during the Examination related to mitigation for bats. This is discussed further below.
35. The Report stated that NE’s advice was clear that the necessary mitigation associated with bats is critical to the conclusion of no Adverse Effect on Integrity on sites designated for their bat features [6.5.24]. The ExA had concerns that the draft Order did not adequately secure the necessary mitigation and so suggested alterations to Requirements 5(1), 6(2), 10(2)(c), 14(1) and 14(2) [ER 6.5.29 and 6.5.30]. In addition the ExA considered that it would be necessary for the Applicant to agree and sign a separate section 106 agreement with the Joint Councils which covers payment for a monitoring service to cover the following:
 - Installation, use of and maintenance of temporary bay flyways;
 - Phasing of hedgerow removal and reinstatement works within the cable installation area through the Area of Outstanding Natural Beauty (“AoNB”);
 - Maintaining bat foraging habitats in accordance with the Habitat Evaluation Procedure (“HEP”) and calculations, including seeding of topsoil and subsoil piles;
 - Installation of and eight years maintenance of the reinstated permanent bat flyways (hedgerows);
 - Installation of and at least eight years maintenance of relevant plantings at Sandford substation, South of the Mendip Hills CSE compound, River Axe Cable Bridge option and Towerhead Brook Bridge; and
 - Fencing installation and eight years maintenance.
36. The Secretary of State consulted on this issue on 25 November 2015 and 9 December 2015. NE confirmed in their response to the consultation that it is

content with the additional provision and amendments to the Requirements. The Joint Councils responded that whilst they agreed to the new additional provision and had no objection to the proposed amendments to requirements 5(1), 6(2), 14(1) and 14(2), in relation to requirement 10(2)(c) although they had no objection to the inclusion of text securing an 8 year maintenance period for bat flyways they maintained that landscape maintenance should be carried out for 15 years. The Applicant stated that they do not consider it necessary or appropriate for the additional provision to be included in the Order and provided reasoning for their position. The Applicant also raised concerns with regards to the changes to the wording of the Requirements.

37. NE responded to the Secretary of State's consultation of the 9 December 2015 which requested any further comments on the responses received to the initial consultation. NE again confirmed it is content with the proposed additional provision and amendments to Requirement's. NE also noted it is content with the relevant content of the Construction Environmental Management Plan (Biodiversity Mitigation Strategy) and the related Requirements/delivery mechanisms as agreed at Examination. The Secretary of State notes that these items remain as agreed during the Examination.
38. The Secretary of State has had regard to the comments made by the Applicant but agrees with the ExA, NE and the Joint Councils that the additional provision and changes to the Requirements are needed to ensure that there is no Adverse Effect on Integrity on the bat Special Areas of Conservation. The Secretary of State does not agree with the Joint Councils in relation to requirement 10(2)(c), where they maintained that landscape maintenance should be carried out for 15 years. The requirement will refer to details of the five year maintenance regime for areas other than bat flyways and details of the eight year maintenance regime for the bat flyways [ER 6.5.35]. This is in line with the ExA recommendation.
39. On the basis of the Habitats Regulations Assessment's consideration of the issues raised, the Secretary of State agrees with the ExA's conclusions of no Adverse Effect on Integrity in relation to the European sites listed in paragraph 30 above and finds no reason in respect of this issue why she should not make the Order.
40. A copy of the Secretary of State's Habitats Regulations Assessment is published alongside this letter on the Planning Inspectorate's website (<http://infrastructure.planninginspectorate.gov.uk/projects/south-west/hinkley-point-c-connection/?ipcsection=overview>)
 - b) Effects on other protected Sites and Species
41. The Secretary of State agrees with the ExA's conclusions [ER 7.3.4] that for Sites of Special Scientific Interest and the National Nature Reserve the mitigation presented in the Biodiversity Mitigation Strategy on a site by site basis with reference to the relevant species and habitat method statements secured in the Order preserves the conservation interests of the sites.

42. It is recognised that a European Protected Species licence would be needed due to work being required on known bat roosts [ER 5.2.86]. NE has provided a letter of no impediment with regard to a bat licence for the project. Bat mitigation measures are also secured through the Order which apply to all bats, including those from Special Areas of Conservation, further discussion on this mitigation can be found above in paragraph 36-39.
43. Letters of no impediment were provided by NE in relation to required works on 22 sites where great crested newt have been identified and also where licenses would be required under the Protection of Badgers Act 1992 [ER 5.2.94 and 5.2.100]. Potential impacts on water vole were discussed during the Examination. NE and EA confirmed that they were happy with the water vole method statement [ER 5.2.106]. The ExA considers that protection from adverse effects of the Application in relation to water vole would be adequately secured and mitigated were the Development to be consented [ER 5.2.107]. The Secretary of State agrees with this conclusion.
44. Agreement between the Applicant, the ExA and NE has also been reached that the Biodiversity Mitigation Strategy is an appropriate mechanism to deliver mitigation for protected species not already covered by a NE licence or other legal agreement, this relates to hazel dormouse, otter, lesser silver beetle, reptiles, brown hare and hedgehog [ER 5.2.290, 5.2.91, 5.2.99, 5.2.110, 5.2.114 and 5.2.116].
45. The ExA considered that protection of European and other protected species from adverse effects of the Application would be adequately secured and mitigated were the Development to be consented [7.3.7]. The Secretary of State agrees with these conclusions.

CLH Pipeline

46. The Secretary of State notes that CLH Pipelines Systems Ltd's ("CLH") is the new owner of the relevant parts of the former Government Pipeline and Storage System assets and business and that the Hinkley Point C connection would cross CLH's pipeline or run close enough to it to potentially interfere with the safe operation of the pipeline. CLH therefore sought protective provisions to safeguard its assets in the Order. The Secretary of State notes that whilst these were not agreed by the close of Examination [ER 5.14.81], the Applicant has since confirmed that an Option Agreement has been exchanged with CLH and that specific protective provisions to safeguard the assets of the CLH are therefore no longer required. To protect the interests of CLH and any future operators of this pipeline, the Secretary of States considers that the protective provisions that apply to statutory undertakers should also apply to this pipeline. The Secretary of State has therefore amended the Order accordingly.

England Coast Path

47. The Secretary of State notes that the ExA highlighted that the Joint Councils raised concerns about the impact of the Development on footpaths WL23/61 and WL23/71 which currently form part of the England Coast path that has been diverted during construction work at Hinkley Point C power

station. The Joint Councils were concerned that the Development so far as its construction affects those footpaths could present a safety hazard to users of the England Coast Path and have an effect on the continuity of the England Coast path over an extended period of time following the revised construction programme for the Application in this area [5.13.165]. The Joint Councils therefore argued that a further supplementary section 106 agreement should be put in place to include reference to these pathways. The ExA agreed with these concerns and that the mitigation measures proposed by the Joint Councils should be put in place. As part of the consultation letters referred to below that were issued by the Secretary of State following the close of the Examination, the Secretary of State put forward a suggested new provision to be included in the Order to address this point.

48. The Joint Councils responded that a provision is necessary to address the need for an alternative route for the England Coast Path due to the partial use of footpath WL23/71 (the current alternative route to the coast path) as a construction haul road in addition to the potential for closure of longer duration and the Joint Councils considered that diversion of Public Right of Way WL23/61 (part) would provide this suitable alternative. The Applicant responded that footpath WL23/61 will only be required to be intermittently closed for two days and footpath WL23/71 for two weeks and that a provision in the Order to mitigate against this would be disproportionate and unnecessary.
49. The Secretary of State has had regard to the requirement in NPS EN-1 (para 5.10.16) that *"In considering the impact on maintaining coastal recreation sites and features, the IPC should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the IPC should consider the implications for development of the creation of a continuous signed and managed route around the coast as provided for in the Marine and Coastal Access Act 2009."*
50. The Secretary of State notes the safety concerns raised by the Joint Councils with regards to the partial use of footpath WL23/71 as a haul road and the ExA's analysis of this issue and agrees with the ExA that mitigation measures are necessary [ER 5.13.169].
51. The Secretary of State notes that the Joint Councils requested an amendment to the Secretary of State's proposed new provision to be added to the Order to address this mitigation to ensure that no works within Section H can commence until this mitigation has been secured. Whilst the Applicant noted that they did not consider a provision necessary, they commented that if the Secretary of State did decide to include one, the amendments proposed by the Joint Councils would be overly restrictive and unreasonably preclude a major section of the proposed development and therefore proposed an alternative version. This alternative version has the effect that no works on the electric lines between the pylons that impact the relevant footpaths can take place until mitigation is secured. The Secretary of State agrees with the Applicant that the amendments to the provision proposed by the Joint Councils would be overly restrictive and therefore considers that the amendments proposed by the Applicant in their letter of 16 December

2015 to the Secretary of State in response to the second consultation be included in the Order. The Order has therefore been updated accordingly.

Portishead/Portbury options for overhead route connection

52. The Secretary of State notes that the new 400kV overhead line between Bridgwater, Somerset and Seabank Substation, near Avonmouth, would comprise three parts. The third part would comprise the construction of a 400kV overhead line from the proposed Sandford substation to Seabank substation. In the Portishead/ Portbury area (Section F), the Applicant included two route options for this section of the overhead line within their Application, Option A and Option B.
53. The Secretary of State notes that whilst the Applicant expressed a marginal preference for Option A, the Applicant chose to leave the final decision on this to the Secretary of State noting that they considered either option acceptable in planning terms and environmental terms. The Secretary of State notes the ExA's consideration of this matter in ER 5.15-5.15.261.
54. The Secretary of State notes that the Applicant's marginal preference for option A is due to: option A being shorter and more direct; from a socio-economic perspective, option A affecting less Bristol Port Company land and therefore having less effect on Bristol Port during construction; offering the lowest negative effects on the local landscape in relation to the overhead line route options; and avoiding effects on ecological habitats and species to a greater extent than option B [ER 5.15.243].
55. With regards to Option A being shorter and more direct, whilst the ExA noted that this was the case, it was concluded that taking into account other adverse impacts such as option A requiring more lattice pylons which are taller than T-pylons, the ExA attached little weight to option A being shorter in length and more direct [ER 5.15.245].
56. With regards to the socio-economic perspective, the ExA acknowledged that during the construction phase the impact of Option B on Bristol Port Company's ("BPC") operations would be greater than that for Option A but noted that this would be for a limited period of time. During the operational phase, the ExA considered that there would not be a significant difference of impact on the efficiency of the Port's operations or its potential for future development between the two routes. The ExA concluded that in terms of the socio-economic effects of the two routes, the outcome was neutral [ER 5.15.246].
57. With regards to the effects on the local landscape, the ExA considered that the Applicant had not properly considered the effects of the two options on the M5 motorway in terms of landscape character [ER 5.15.72]. The Joint Councils considered that Portbury is the gateway to North Somerset for southbound drivers and that the T-pylons would be visible in the distance under option B but dominant for Option A. The ExA considered from driving the route that weight should be given to the significance of adverse effects that would result from Option A in relation to the M5 motorway [ER 5.15.73]. The ExA also considered that; Option B would have marginally less adverse

effect on landscape character arising from tree removal than Option A when qualitative and functional aspects of the trees to be removed were considered together [ER 5.15.51]; that option A would include more of the taller lattice pylons in views that form the setting of St Mary's Church, a listed building in Portbury [ER 5.1.5.99 and 5.15.249] and; that Option A would have an impact on the setting of other heritage assets in Portbury and whilst these effects would be slight on their own, in combination would add weight to conclusions on harm to the significance of St Mary's Church arising from Option A [ER 5.8.53]. The ExA therefore concluded that Option B would be marginally more compliant with the relevant Holford Rules, and would result in marginally fewer adverse effects on the landscape than Option A [ER 5.15.247].

58. As regards the effect on ecological habitats and species, the ExA concluded that route Option B would give rise to marginally more harm to biodiversity receptors than Option A [ER 5.15.240]. The ExA noted that more land and therefore more habitat at Portbury Wharf Nature Reserve managed by Avon Wildlife Trust would be effected by Option B. The ExA noted however that the Avon Wildlife Trust were content with the mitigation secured through the Biodiversity Mitigation Strategy [ER 5.15.239] and that the residual effects on Portbury Wharf Nature Reserve were assessed as minor adverse for both options [ER 5.15.240]. Overall the ExA considered that little weight should be attributed to the slight difference in impact between the two options in relation to biodiversity [ER 5.15.240].
59. The ExA also compared Option A and B on a number of other factors. It was noted that in relation to Public Rights of Way, the balance was in favour of Option B due to the disruption to a well-used footbridge over the M5 motorway which would require closure for around one month under Option A. With regards to noise, Option B would not run near any receptors and was therefore seen to be advantageous over Option A. The ExA concluded that on many issues such as flood risk, groundwater and pollution there was no or little difference between the two options but that there were clear differences between the impacts with regards other issues. This included the impact on the setting of St Mary's Church in Option A, the visual effects and the consequent impact on the wellbeing of residential occupants along the route where the ExA considered that Option B would give rise to the least harm to wellbeing by some margin [ER 5.15.199]. The ExA, therefore, concluded that there were strong grounds for preferring Option B over Option A.
60. The Secretary of State acknowledges that Option B has a greater cost associated with it than Option A (estimated to be £5.12m compared to £3.02m) and has a greater lifetime cost (estimated to be £15.26m compared to £9.01m), and a greater negative effect on the operation of BPC. However the Secretary of State notes the ExA's conclusion and reasons for recommending Option B and on balance agrees with the ExA that Option B should give rise to the least harm overall and should therefore be granted consent.

Green Belt

61. The Secretary of State notes that the proposed route of the Development passes through land designated as part of the Bristol-Bath Green Belt within North Somerset.
62. The National Planning Policy Framework (“NPPF”) states that although there are some exceptions (such as engineering operations), new buildings in Green Belt should be regarded as inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. It states that very special circumstances will not exist unless the potential harm to Green Belt by inappropriate development and any other harm is clearly outweighed by other considerations.
63. The ExA agreed with the Applicant's Planning Statement that the construction of an overhead line would be classified as an engineering operation but disagreed with the Applicant's assessment that the overhead lines would maintain openness and would not conflict with Green Belt purposes. The ExA considered the construction of an overhead line, and associated development, to be inappropriate development in the Green Belt but concluded that the harm to the Green Belt, and any other harm, would be clearly outweighed by the need to connect new low carbon generating capacity in order to meet the UK's energy needs and carbon reduction targets as set out in EN-1 and that this represents the very special circumstances that justify the provision of such development within the Green Belt. The Secretary of State agrees with this conclusion.

Riverview Farm

64. The Secretary of State notes that concern was raised about the use of Factory Lane as a construction access and its impact on Riverview Farm.
65. The Secretary of State notes that it is proposed that to gain access to the haul road network the surfaced public road known as Factory Lane between Church Lane B3141 and Hackmead Lane would be used. East of the junction with Hackmead Lane, it is intended that the existing unsurfaced road, that is an extension of Factory Lane as a means of connecting to the site Haul Roads be used. This unsurfaced road passes immediately in front of Riverview Farm and would become one of the main strategic haul roads serving the proposed development.
66. Concern was raised by the residents of Riverview Farm about the impact in relation to health and safety, impact on the farm, noise, dust and pollution. The ExA noted that the road is crossed to gain frequent access from the house, to tend to the animals in a barn opposite.
67. The ExA noted that the peak daily two-way traffic movements for Factory Lane would be 66 in total, 23 of which would be Heavy Goods Vehicles (“HGVs”). The duration of the use would be 24 months.
68. The ExA had regard to the adverse impacts on the occupants of Riverview Farm, including the children living at that property, in light of the degree of interference with their human rights and proposed that it be secured in the Order that a Riverview Traffic Management Plan be submitted, approved

and implemented prior to the commencement of that stage of the proposed development. The ExA considered however that even after mitigation, the unsatisfactory nature of access, which was recognised as important to the successful implementation of the proposed Development, represented a seriously harmful impact on the occupation and use of Riverview Farm [ER 5.3.120]. However, other options were explored and the ExA agreed with the Applicant that Factory Lane remains the most appropriate access point for the haul road. The Secretary of State agrees with the ExA that the adverse impact upon the occupants of Riverview Farm is an important factor to be weighed in the overall balance of considerations but has concluded that the potential benefits of the proposed development strongly outweigh its adverse impacts on the occupants of Riverview farm [ER 7.5.9].

Bristol Port Company

69. First Corporate Shipping Limited trading as BPC is the statutory harbour authority for the area. BPC's estate comprises Avonmouth Docks, to the north east of the River Avon, and Royal Portbury Dock to the south west. BPC raised concerns that where the Development crosses the river Avon it could create danger to navigation. The Secretary of State notes that existing power lines run through the Bristol Port, some of which would be removed as part of the Development, and the proposed 400kV line would take one of two alternative routes (Option A or Option B) through the Royal Portbury Dock, crossing the river and continuing through Avonmouth Docks.
70. Whilst the ExA noted that at the close of examination BPC and the Applicant confirmed that protective provisions had been agreed for the benefit of the BPC as the Port Authority but that whilst all substantive terms of the legal documentation had been agreed these had not been signed. The Applicant stated that as this was not likely to take place until after the close of Examination, the Applicant would confirm to the Secretary of State an alternative form of protective provisions for the benefit of BPC to be included at Part 5 of Schedule 15 and an alternative form of wording for Schedule 17. In letters from BPC and the Applicant of 17 August 2015, both parties confirmed that these provisions have been agreed. The Secretary of State is satisfied with these amended provisions and has amended the Order accordingly.
71. BPC also confirmed in their letter of 17 August 2015 to the Secretary of State that they withdrew their relevant representation in relation to the Application except in so far as it relates to: the need for the height of the pylons at Avonmouth Dock to be increased; preference for route Option A ; use of T-pylons rather than lattice pylons for route Option B if this is chosen; and any change to the currently proposed above ground clearances (to reduce them) at Portbury.
72. With regards to the height of the pylons at Avonmouth Dock, BPC requested a change in height of these pylons to allow for a clearance height of at least 20.7m so safe and efficient use could be made of the dock [ER 5.12.67]. The Secretary of State notes that the ExA considered that the increased clearance would significantly benefit the ports operation [ER

5.12.75]. The ExA noted the harm to the heritage significance of the Grade 1 listed Kings Weston House which the Applicant considered would move from neutral to minor adverse as a result of the increase in pylon height. The Secretary of State notes that the ExA concluded any harm would be very small in addition to that which would take place with the smaller pylons. The Secretary of State therefore agrees with the ExA's conclusion that the alternative of increased height pylons be adopted and that a minimum clearance height of 20.7m beneath the conductor spanning the pylon be specified in the Order [ER 5.12.77].

73. As stated above at paragraph 60 the Secretary of State considers that route Option B should be consented rather than route Option A. BPC raised concerns about the use of T-Pylons if Option B was chosen, in the Portbury Docks area during construction and operation/ maintenance. BPC stated a preference for lattice pylons for reasons which included: concerns that the T-pylons would take longer to construct and take up more land; T-pylons had not been tested for long term use on estuarine areas; and the T-pylons would result in a greater area of land sterilisation.
74. The Secretary of State agrees with the ExA that whilst T-pylons would take around 10-20% longer to construct than lattice pylons [ER 5.12.8], many components of the T- pylon are identical to those already in use [ER 5.12.83]. The Secretary of State also agrees with the ExA that high voltage testing would be carried out before installation and that the general use of monopole construction is well tried and tested in wind turbines and other structures many times the height of the T-pylons, in estuarine and other environments [ER 5.12.83]. The ExA concluded that if Option B were chosen, there is no compelling reason to prefer lattice pylons and that the smaller base of the T-pylons would allow the present use of the land for car storage to operate more efficiently. The Secretary of State adopts this conclusion.
75. The BPC considered that Option B would have a considerably greater intrusive and disruptive effect than Option A on the port as it would have a greater impact on the ports motor vehicle compounds and other cargo handling areas whilst it was felt that disruption arising from Option A would be confined principally to the south east boundary of BPC's land [ER 5.15.180]. The BPC also argued that construction of Option B would be more difficult with more pylons in grassed wildlife areas posing access and construction difficulties.
76. The ExA acknowledged that during the construction phase the impact of Option B on BPC's operations would be greater than that for Option A but that this would be for a limited period of time. During the operational phase, the ExA considered that there would not be a significant difference of impact on the efficiency of the Port's operations or its potential for future development. With regards to maintenance, the ExA considered that this would occur infrequently and that there was no evidence that there would be a significant difference of effect between the routes. The Secretary of State does not consider that BPC have raised any issues that outweigh the case for consent being granted, and is content that consent should be

granted for Option B, adopting and following the recommendation of the ExA for the reasons set out above and in the Report.

Compulsory Acquisition (“CA”) Powers

77. The Secretary of State notes that the ExA considered whether the evidence provided during the Examination justified the grant of CA powers sought by the Applicant having regard to the statutory and other requirements and representations made by affected parties. The Secretary of State has considered the CA powers sought for land, rights over land and the extinguishment or suspension of rights. The rights sought are of both a permanent and temporary nature, for the purposes of constructing, operating and maintaining the Development. The ExA’s detailed consideration of CA matters is set out in ER section 8.

78. The Secretary of State notes that the Order limits along the overhead line route sections of the route corridor is 80m but the Applicant would only require permanent rights over 60m. The typical width of the Order limits along the underground cable corridor is 100m but in most cases the Applicant would only require permanent rights to access and maintain the Development over a corridor width of about 40m [ER 8.1.2].

79. The Secretary of State notes that the Applicant has already acquired some land and rights in land and will continue to seek to acquire all land and rights by voluntary agreement. Notwithstanding completing voluntary agreements, the Applicant is still seeking to compulsorily acquire land and rights in land through the Order to ensure it can deliver its statutory and contractual duties without potential delay if for any reason the voluntary acquisition of land and rights in land is unsuccessful [ER 8.4.24].

80. The Secretary of State notes that there were a number of objections outstanding at the close of Examination from both individuals and statutory undertakers.

Length of Compulsory Acquisition Powers

81. The Secretary of State notes that the Applicant requested that compulsory acquisition powers are granted for eight years beginning on the day the Order is made. The Applicant states that this would be necessary due to the uncertainty as to when main construction on Hinkley Point C and Seabank 3 power station would commence and be completed. The Applicant also noted that work for such a linear development requires construction of lines and cable, and that it is necessary to ensure these are operational before the existing lines and cables are removed to ensure continuity of electricity supply. Flexibility was therefore required in the Order as too limited a time period may require the Applicant to promote another Order, adding unnecessary cost and uncertainty. The Secretary of State considers that whilst it is usual practice for compulsory purchase powers to be granted for 5 years, there is a compelling case in the public interest with regards to this Development that powers of Compulsory Acquisition be granted for 8 years, in order to ensure there is no unnecessary delay in the Development being delivered or impact on the security of electricity supply.

Crown Land

82. The Secretary of State notes that rights over Crown land are sought. The Secretary of State notes that during the examination it was unclear if land owned by the Secretary of State for Transport (care of the Highways Agency) had transferred to Highways England (“HE”). The ExA recommended that the Secretary of State seek confirmation from HE that ownership of all the relevant plots of land have been transferred to it and that it is no longer Crown land [ER 8.5.408]. Following the close of Examination, HE have confirmed to the Secretary of State that it is assumed that land identified for this scheme is now vested in HE and that the Applicant and HE are working to see if anything sits outside this assumption.
83. Section 135(2) of PA2008 requires consent from a relevant Crown Authority for inclusion of any provision applying in relation to Crown Land. The ExA noted that if it was confirmed that as all relevant plots of land had been transferred to HE, and therefore no longer Crown land, consent from The Crown Estate would only be required in relation to plots D289, D298.2, G-A142, G-A143, G-B142 and G-B143.
84. Following the close of Examination, the Applicant has confirmed that in relation to plots D289 and D289.2 The Crown Estate enjoys interest in mines and minerals only and that the Applicant is not therefore seeking to acquire any interests in these plots from The Crown Estate. The Secretary of State notes that the Crown Estate Commissioners (as the appropriate “Crown Authority” under section 227(5)(a) of the 2008 Act) have provided consent by way of a letter dated 21 December 2015 to the inclusion of 135(2) provisions in the Order subject to standard “Crown Rights” wording being included in the Order. The Secretary of State has amended the Order to include the wording requested by the Crown Estate. The Secretary of State notes that the Applicant and The Crown Estate are continuing to negotiate a Deed of Easement with regards to plots G-A142, G-A143, G-B142 and G-B143 but does not have any reason to believe that these negotiations will not be concluded or that there are any issues relating to this that would prevent the Order being made.

Common Land

85. The Secretary of State notes that the Applicant is seeking compulsory acquisition of rights over land forming part of a common or open space. Section 132(2) of the 2008 Act provides that if the Secretary of State is satisfied that one of the subsections (3) to (5) applies, Special Parliamentary Procedure authorising the compulsory acquisition of a right over a common or open space can be avoided.
86. The ExA’s analysis of this issue is set out at ER 8.5.333-8.5.352. The ExA concluded that the compulsory acquisition of rights over the common land and open space to allow the construction, operation and maintenance of the authorised development would leave that land no less advantageous than it was before to those in whom it is vested; those with rights of common or other rights, and the public. The Secretary of State agrees with the ExA’s conclusion that the Order land complies with section 132(3) of the PA2008 and the Order should not therefore be subject to Special Parliamentary Procedure [ER 8.5.406].

Section 127 and Section 138

87. Section 127(2) of the 2008 Act provides that an Order may include provisions authorising the compulsory acquisition of statutory undertaker's land and section 138 (4) provides that an Order may include provisions for the extinguishment of the relevant right or removal of the relevant apparatus. The Secretary of State notes that in relation to section 127 and section 138 at the close of Examination representations made by Wessex Water Limited, Network Rail Infrastructure Limited, Bristol Water plc, The Environment Agency, First Corporate Shipping limited, RWE Generation UK plc, Wales and West Utilities Limited, and Western Power Distribution (South West) had not been withdrawn. The Secretary of State's consideration of each of these objections is as below.

Bristol Water

88. The Secretary of State notes that since the close of Examination Bristol Water plc have confirmed that an agreement has been reached with the Applicant and that this representation has been withdrawn.

The Environment Agency ("EA")

89. The Secretary of State notes that as set out below, the EA have confirmed that subject to the inclusion/adoption of the previously agreed Requirements and Protective Provisions detailed in the draft Order remaining, the Agency has no outstanding objections/concerns. As protective provisions are included at Schedule 15, Part 7, the Secretary of State is satisfied that there are no outstanding issues with regards to the EA.

Wessex Water

90. The Secretary of State notes that since the close of Examination Wessex Water and the Applicant have confirmed that protective provisions have been agreed but that there is one principle matter outstanding with regards to the routing of the underground cable to the south east of Avonmouth sewage treatments works that could potentially fall within land safeguarded for sewage works expansion in planning policy DM39 of the Bristol City Council Core Strategy.

91. The Secretary of State agrees that the route of the underground cable should not deviate from that shown on Drawing No. 13/NG/0387 G/WP(B)/PS/5 without the prior agreement of Wessex Water in order to ensure that the safeguarded land is not subject to unnecessary sterilisation. The Secretary of State has therefore added a new Requirement (No. 46) to the Order to that effect.

Wales and West Utilities Limited

92. The Secretary of State notes that following the close of Examination the Applicant has provided a signed Statement of Common Ground which confirms that there are no outstanding issues between it and Wales and West Utilities Limited.

Western Power Distribution (South West) ("WPD")

93. The Secretary of State notes that Western Power Distribution (South West) and the Applicant have confirmed that they have both entered in to a

framework agreement and that negotiations under the framework are ongoing in relation to the acquisition of land and rights which are hoped to be concluded soon. The ExA noted that they were satisfied that there is a compelling case in the public interest for the inclusion within the Order of the acquisition powers sought and that in relation to section 138, that the extinguishment of rights and removal of apparatus sought by the Applicant in relation to WPD's land is necessary for the purpose of carrying out the Development [ER 8.5.331]. The Secretary of State agrees with this conclusion.

Network Rail Infrastructure Limited ("NRIL")

94. The Secretary of State notes that whilst no land owned by NRIL needs to be acquired, rights over NRIL land have been sought. The ExA noted that pursuant to section 127(1)(b) of the 2008 Act a representation has been made by NRIL and not withdrawn. The ExA noted that it was satisfied that the rights required by the Applicant over the operational land in question could be taken without serious detriment to the carrying out of the undertaking but only if protective provisions safeguarding NRIL's assets are included. At the close of Examination no agreement had been reached on the protective provisions with four areas of dispute remaining. This was reiterated in correspondence from NRIL and the Applicant following the consultation letter issued by the Secretary of State as set out below.

95. The first area relates to NRIL's request that provisions should be included in the Order that would ensure that the Applicant could not exercise powers of compulsory acquisition in relation to railway property without consent from Network Rail. The Applicant argued that this provision could compromise its ability to deliver the Development. The ExA noted that NRIL has not objected in principle to the proposal and not presented any evidence to suggest that the proposals would be incompatible with the efficient and safe operation of the railway. The ExA therefore concluded that this provision was not necessary or reasonable and could compromise the Applicant's ability to deliver the Development [ER 8.5.230]. The Secretary of State sees no reason to disagree with this conclusion.

96. The second relates to the Applicant's request that wording be added to the Order that permits the undertaker to specify that NRIL must also construct any adjoining part of the specified work that NRIL has given notice that it will construct itself, where it reasonably requires both parts of the specified work to be constructed in one operation. NRIL considered that it would only seek to construct part of the specified works if it considered that it was required to ensure the safe and efficient operation of the railway. The ExA agreed that it would not be appropriate for NRIL to be obliged to carry out works that would not raise such safety and efficiency concerns. The Secretary of State agrees with this conclusion.

97. The third relates to NRIL's request that wording is included in the Order to indemnify NRIL in respect of any loss it might suffer by reason of the proposed development, including claims from train operators following disruption to the network resulting from the Development. The Applicant did not consider this was necessary as they argued that adequate and proportionate protection had already been included in the Order, though

both parties acknowledged that this provision was much narrower than that being requested. The ExA agreed with NRIL that it would be in the public interest for an indemnity to be included on the face of the Order and that this should be greater in extent than that set out but that the wording proposed by NRIL was unduly onerous. The ExA therefore recommended that the amended wording proposed by the Applicant be included and the Order has been amended accordingly. The Secretary of State is satisfied with the ExA's conclusion on this issue.

98. The fourth relates to a NRIL's request that provisions are included in the Order that require the Applicant to notify NRIL before an application is made to the Secretary of State to transfer the benefit of the Order to a third party to enable them to make representations to the Secretary of State with regards suitability. The ExA considered that whilst it was necessary for the consultation to take place with the MMO with regards to the transfer of benefit of a DML, they did not believe that there was a more general need for other parties to be notified. The Secretary State agrees with the ExA that it is for the Secretary of State to adopt such procedures and seek views of affected third parties as appropriate in the particular circumstances of any application that comes forward to transfer the benefit of the Order [ER 8.5.237].

99. In addition to the above four issues, the Applicant has also proposed a minor amendment to the definition of "Railway Property" to make clear that only land held or used by NRIL which is connected with the railway will benefit from the protective provisions and not land belonging to NRIL in general. NRIL does not agree with this suggested amendment as they argue that it would have the effect of narrowing the extent of railway property to which protections are afforded. The Secretary of State considers that the current wording is preferable, on the basis as encompassing different ownership models for the protected infrastructure asset, and therefore has not amended the definition of railway property.

RWE

100. RWE Generation UK plc ("RWE") explained that land used by it for the purposes of its undertaking included infrastructure which is used to offload imported coal from ships onto the National Rail network where it is then transported as fuel to the Aberthaw Power Station. The RWE apparatus consists of conveyor belts, transfer stations, mobile cranes and coal stock areas in Portbury and Avonmouth. The Applicant does not propose to remove or reposition the conveyor but the electric overhead line would run across it. No land owned by RWE is proposed to be acquired only rights over it.

101. RWE raised concern that removal of the 132kV line would cross the primary access road to its coal stock area, a route that is utilised 24 hours a day, 7 days a week for both maintenance and by operational personnel. RWE also raised concern that there was no provision in the Order setting out a minimum vertical and lateral separation distance between the proposed overhead line and its apparatus to ensure the ongoing safety of its operation [ER 8.5.247].

102. The Secretary of State notes that RWE stated in response to a consultation issued by the Secretary of State after the close of examination that it understood that such minimum distances that they required were acceptable in principle to the Applicant and compatible with the agreement reached between the Applicant and Bristol Port provided that design drawing 13/NG/0271-01_13205_84 revision C is the version of the scheme granted and approved in the Order. The Secretary of State notes that this plan relates to the increased pylon height which, as stated above, the Secretary of State has accepted. The Secretary of State notes that the Applicant is subject to statutory requirements under other legislation governing the height of overhead lines which would guarantee minimum clearances. The Secretary of State is satisfied that there are no practical difficulties that would prevent the provision of safe separation distance between the overhead line and RWE's apparatus from being achieved.
103. The ExA noted at the close of the Examination that the Applicant and RWE were in negotiation with a view to the Applicant acquiring rights voluntarily but no agreement was reached. RWE remained concerned that the proposed development would cause serious detriment to its operations and infrastructure at Bristol Port and that specific protective provisions relating to the undertaking were required in the Order. The ExA concluded that providing protective provisions were imposed, the Secretary of State could be satisfied that the prescribed tests in section 127 were met and the Order could include provisions authorising the compulsory acquisition powers sought over this statutory undertakers land. RWE were concerned that the protective provisions submitted by the Applicant would not avoid serious detriment so proposed their own provisions. The Secretary of State notes that there were a number of areas within the protective provisions that the Applicant and RWE could not reach agreement on.
104. The Secretary of State notes that late representations were submitted by RWE and the Applicant on this matter following the close of Examination and in response to the consultation letters issued by the Secretary of State. This re-confirmed the concerns set out by RWE with regards the Development and that the protective provisions submitted by RWE at deadline 7 on 13 July 2015 should be included in the Order, if made, to ensure minimum distances from RWE's apparatus as well as adequate indemnity for losses that could arise from any damage to RWE's apparatus or interruptions to its operations. Without these protective provisions, RWE felt that there would be serious detriment to RWE's statutory undertaking and that confirmation of the Orders would be contrary to the requirements of Section 127 of PA2008 and that any interests in RWE's interests should be struck off the book of reference.
105. The Secretary of State is satisfied that all the issues raised by RWE have been addressed by the ExA and agrees with the points raised by RWE which were accepted by the ExA. RWE also raised concern that the Applicant had failed to properly engage with RWE in a timely way with regards to its objection, or meaningfully attempt to negotiate the voluntary acquisition of the temporary and permanent rights it requires. The Applicant notes that RWE has a leasehold interest in land at Bristol Port and now that matters are settled between the Applicant and the freeholder, the Applicant

is seeking to agree arrangements for the temporary possession of land in respect of which RWE enjoys an interest by agreement. With regards to the voluntary acquisition of permanent rights, the Applicant noted that it is seeking RWE's consent to its acquisition of rights from the freeholder. The Secretary of State is therefore satisfied that negotiations are taking place and that due process has been followed.

Bristol Ports Company

106. The ExA considered that, provided the revised scheme relating to the increased height of pylons within the Port area is adopted, the powers sought over its land are proportionate and necessary to complete the proposed Development. The ExA therefore concluded that there is a compelling case in the public interest for the acquisition of the land interests and rights sought and that, provided appropriate protective provisions are imposed, the Secretary of State could be satisfied that the prescribed tests set out in section 127 are met and the Order granted can include provision authorising the compulsory acquisition powers sought over this statutory undertaker's land [ER 8.5.292]. In relation to section 138, the ExA concluded that the extinguishment of rights and removal of apparatus sought by the Applicant in relation to the BPC's land is necessary for the purpose of carrying out of the proposed development [ER 8.5.293].

107. As set out above, following the close of the Examination BPC has confirmed to the Secretary of State that protective provisions have been agreed and that they have withdrawn their relevant representation in relation to the Application except in so far as it relates to: the need for the height of the pylons at Avonmouth Dock to be increased; preference for Option A route; use of T-pylons rather than lattice pylons for route Option B if this is chosen; and any change to the currently proposed above ground clearances (to reduce them) at Portbury. The Secretary of State has set out her consideration of the first three of these issues above at paragraphs 69-76. With regards to the fourth issue, the Secretary of State notes the ExA highlighted that BPC required minimum above ground clearances at Royal Portbury Docks not to be lower than those shown in the Applicants current design drawings 13/NG/0271-01_13205_84 [ER 8.4.140]. The Secretary of State is satisfied that reference to these drawings is secured through the Order.

Section 127 and Section 138 - Conclusion

108. With regards to the outstanding section 127 and section 138 representations, the Secretary of State is satisfied with the ExA's conclusion that there would be no serious detriment caused to the carrying on of the undertaking of these statutory undertakers by granting the compulsory acquisition powers sought and that the extinguishment of the relevant right, or removal of the relevant apparatus would be necessary for the purposes of carrying out the Development [ER 8.5.405].

North Somerset Council

109. The Secretary of State notes that North Somerset Council raised an objection to the compulsory acquisition powers sought due to the impact it could have on an Nationally Significant Infrastructure Project ("NSIP") application they are involved in promoting with regards to the re-opening of

the Portishead to Parson Street, Bristol Railway line (“the Portishead Railway”). The Secretary of State notes that this is due to be submitted to the Planning Inspectorate in Q2 2016.

110. If re-opened it is intended that this scheme would become part of the National Rail network and subject to the terms of NRIL’s operating licence with the title of the track bed likely passing to NRIL. It was anticipated that should Development Consent for the Portishead Railway be granted, works would start on site in late 2017 and the railway would be operational by 2019. North Somerset Council therefore objected on the grounds that the acquisition rights sought would be incompatible with an operational railway. North Somerset Council requested that it be assumed that an operational railway is in place and that protective provisions be included in the Order or in an agreement put in place outside the Order accordingly. This position was supported by NRIL and by North Somerset District Council, Bristol City Council, South Gloucestershire District Council and Bath and North East Somerset Council (“the MetroWest Councils”) in a letter to the Secretary of State following the close of Examination.
111. The Applicant highlighted that the land in question is not currently operational railway land and that the terms NRIL would ordinarily impose on crossings of existing railway would not be appropriate. The Applicant noted that if the railway is built, the protective provisions within the Order would automatically apply for its protection assuming the railway formed part of NRIL’s network. However, if the railway is not built, such an assumption would place an unduly onerous burden on the Applicant who would be required to deliver their Development around a railway that would not exist and would be required to bear the associated costs.
112. In addition, the Applicant highlighted that where a new transmission line crosses existing operational railway, National Grid would usually be expected to bear the cost and risk associated with design compatibility. In contrast, where a new railway line crosses an existing transmission line, it would usually expect the railway developer to bear the cost and risk associated with design compatibility.
113. The ExA agreed with the Applicant that if the railway is built first, the protective provisions within the Order with regards to NRIL would automatically operate for its protection, assuming the railway formed part of NRIL’s network. However, if the railway is not built first, treating it as operational railway land at this stage would place a disproportionate burden on the Applicant in terms of the design and operation of the proposed development to accommodate the railway proposal together with the associated costs.
114. Whilst the Secretary of State notes the importance of promoting new infrastructure projects and that the Portishead Railway scheme has the support of the MetroWest Councils and the Local Enterprise Partnership, consideration has been given to the stage in the planning process at which the Portishead railway line application is at and whether the Order proposed would necessarily prevent the promotion of the railway project. The

Secretary of State considers that it would be possible for a future DCO to vary an existing DCO, if necessary for the later project. That decision, though, is for consideration in the context of the later project, when all details of that later project are known. The Secretary of State agrees with the ExA's conclusion that the powers in the Order should not be restricted in the manner suggested by North Somerset Council and that new or additional protective provisions in the Order are not necessary. Consequently, the Secretary of State considers that the future promotion of the Portishead Railway scheme, and the need for that project to seek development consent under the Planning Act 2008, is not a sufficient reason to preclude the making of the current DCO as recommended in relation to this matter by the ExA.

Other Objections

115. The Secretary of State notes that there were a number of objections to the compulsory acquisition powers sought by the Applicant that remained unresolved at the close of the Examination from individuals, local councils and businesses. The grounds for objection include concerns around health, safety, environmental impact, visual impact, transport, position of specific pylons, uncertainty around the Hinkley Point C power station, impact on businesses ability to operate, and that alternative routes had not been properly considered. The Secretary of State has had regards to the objections and the ExA's analysis of the issues and is satisfied with the modifications made by the ExA in response to some of these objections and that there are no matters raised that would preclude the exercise of the compulsory acquisition powers sought.

Compulsory Acquisition Powers - Conclusion

116. The Secretary of State is satisfied with the ExA's analysis of the issues relating to CA and notes the ExA's conclusion that the CA and temporary possession powers sought by the Applicant, are necessary to enable the Development to proceed; that the land to be taken is reasonable, necessary and proportionate; that there is a compelling case in the public interest for the land to be acquired compulsorily; and that the financial provision to provide compensation for CA is adequate to meet the expected liabilities.

117. The Secretary of State is satisfied that the requirements in sections 122 and 123 of the 2008 Act and all other requirements for granting CA have been met. The Secretary of State agrees with the ExA's conclusions that the proposed interference with individuals' rights as a result of the grant of CA powers would be necessary, proportionate and justified in the public interest [ER 7.51-52].

Representations received after the close of the ExA's Examination of the Application

118. An email was received from BNP Paribas Real Estate UK on 4 August 2015 confirming that following the satisfactory completion of an agreement with the Applicant, Avon Fire Authorities had formally withdrawn their representation as submitted in August 2014. The Secretary of State is satisfied that there are no further issues relating to this objection.

119. An email was received from Sandra and Peter Read dated 20 July 2015 supporting Mark Parish Council's view that there should be no pylons across Mark Moor. The Secretary of State is satisfied that this representation does not raise any new issues not already considered by the ExA that need analysing.
120. An email was received from Michelle Boland on 7 August 2015 formally objecting to the Haul Road Construction at Factory Lane, Bason Bridge. The reasons for this are due to the expected effects of increased unsuitable HGV's through Bason Bridge, concern about the severe impact on traffic and safety, air quality/noise/vibration and associated impact on wellbeing and the environment. The email also raised concerns that the current traffic situation in Bason Bridge had not been fully assessed and urged that a 24/7 traffic survey should be undertaken to understand the magnitude of the existing traffic problem. Concern was also raised that double yellow lines are proposed outside of all of the properties along Church Road as it was argued that this would have a major impact on residential parking/use of the post box. The Secretary of State is satisfied that this representation does not raise any new issues not already considered by the ExA that need analysing.
121. An email was received from Dr Rachael Hayes on 16 August 2015 seeking clarification on proposals relating to Portbury Wharf nature reserve and raising concern about the impact of living a short distance from larger electricity pylons in terms of health and the financial impact that this change could have on property as well as the impact it would have on the surrounding natural environment. The Secretary of State is satisfied that this representation does not raise any new issues not already considered by the ExA that need analysing.
122. Letters were received from both Bircham Dyson Bell on behalf of the Applicant and Wedlake Bell on behalf of BPC on 17 August 2015 confirming that the legal agreement between the Applicant and BPC had been completed and that an alternative form of protective provision for the benefit of BPC (Part 5 of Schedule 15) and an alternative form of wording for Schedule 17 (amendment of Local Legislation) of the Draft Order had been agreed. The Secretary of State's consideration of the issues raised in these letters is set out above.
123. A letter was received from Barton Kendal Commercial on behalf of Harley International Properties Limited ("Harley International") and Harry Yearsley Ltd on 15 July 2015 setting out that they had been shown a copy of a draft agreement that BPC were seeking to agree with the Tenants/occupiers of the Dock Estate setting out the covenants, rights and limitations on land affected by the Applicant's proposals that BPC have negotiated with the Applicant. Harley International and Harry Yearsley Ltd set out that they are unable to sign up to BPC's draft agreement as it does not address their concern on the height restrictions that the Applicant's scheme imposes and the potential consequences for the future viability of the Cold Store. The Secretary of State notes the ExA's analysis of the concerns raised by Harley International and Harry Yearsley Ltd during the examination at ER 8.5.135-8.5.136 and that these were in relation to route

Option A. As set out above, the Secretary of State considers that development consent should be granted for route Option B. The Secretary of State also considers that the concerns of Harley International and Harry Yearsley Ltd do not outweigh the need for the Development considered above, including compulsory acquisition powers. Further discussions between BPC and Harley International Properties Ltd and Harry Yearsley Ltd are a private matter for which the Secretary of State is unable to comment on.

124. A letter was received from Charles Waite on behalf of Mr JR and Mr RC Tilley, owners of Tarnock Garage on 15 September 2015. This raised concerns that they had not received a proper response from the Applicant regarding the concerns raised about the impact of the Development on the value of Mr JR and Mr RC Tilley's property and that during this application process, the Applicant or their agents, had not acted reasonably and had failed to inform the Planning Inspectorate that all correspondence should be sent to professional advisors where they are instructed. This meant that notification of the relevant hearing date was not received. The Secretary of State is satisfied that all necessary proceedings have been adequately followed by the Applicant and that there has been no material disadvantage to this party with regards to the concerns raised. The Secretary of State notes that there are provisions, in Schedule 10 of the Order, which will allow for compensation to be ascertained and paid where appropriate.
125. A copy of a letter was received from Burgess Salmon on behalf of RWE Generation UK on 14 October 2015 attaching a copy of correspondence sent to the solicitors for the Applicant, relating to compulsory purchase powers sought by the Applicant with regards to RWE's land at Bristol Port. The Secretary of State's consideration of RWE's concerns is set out above.
126. A letter was received from Stogursey Parish Council on 21 October 2015 raising concern about the visual impact on landscape that was seen to already be affected by Hinkley Point power station and the need for additional planting. Concern was also raised that no measures were proposed to deal with the medium term closure of the England Coast path during the period when pylons will be erected in the Parish of Stogursey. Concern was also raised that the management plans submitted by the Applicant will be out of date by the time the development takes place and that the Applicant should be required to provide up to date measures and standards prior to the commencement of the Development. The Secretary of State is satisfied that this representation does not raise any new issues not already considered by the ExA that need analysing.
127. A petition was presented to the House of Commons by James Heappey MP for Wells on 9 December 2015 relating to the impact of the Development on the Wells constituency. This raises concern that the connection will have a significant and adverse impact on the visual amenity of the area; that it will cause significant disruption during construction; that it will damage the local tourist industry; and that it fails to employ the most recent technologies for transmitting electricity underground or under the sea. The petitioners therefore urge the Government to use the delay in construction of Hinkley Point C nuclear power station as an opportunity to re-evaluate the strategic

options available for the Hinkley Point C Electric Line Connection project and to direct that a subsea solution in the Bristol Channel be used instead. The Secretary of State is satisfied that this representation does not raise any new issues not already considered by the ExA that need analysing.

128. A letter was received from Portbury Parish Council on 20 December 2015 setting out the Council's preference for route Option B and informing the Secretary of State that the Council are in the process of creating a Neighbourhood Plan. As noted above the Secretary of State is recommending route Option B and is therefore satisfied that there are no issues relating to this representation that require further consideration.
129. A letter was received from James Heapey MP dated 5 January 2016 setting out concerns that: there was a feeling that the Applicant had failed to value visual amenity of the countryside; that the Secretary of State's decision be delayed until the T-pylons are tested in relation to resilience to a wet environment and terrorist action and; that an undersea connection be taken forward as an investment in respect of marine based energy schemes that might come forward and may also require a connection. With regards to the first and last point, the Secretary of State is satisfied that these issues have been considered by the ExA. With regards to the resilience testing of T-pylons, the Secretary of State notes that this is the first connection project that has proposed using T-pylons and that they are a new form of transmission infrastructure. The Secretary of State is however satisfied that the Applicant is mindful of their statutory duties under the Electricity Act 1989 and other guidance documents and there is adequate legislation in place that requires the Applicant to ensure the necessary precautions are taken with regards to safety of all its transmission infrastructure.
130. The Secretary of State notes that an Adjournment Debate on the subject "Hinkley Point C connection" was held in the House of Commons on 14 January 2016. The Secretary of State considers that the matters raised were similar to those issues raised by James Heapey in his letter dated 5 January 2016 of which the Secretary of State's consideration is set out above.
131. On 11 November 2015 and 9 December 2015 the Secretary of State consulted various parties to seek clarification on a number of issues as follows:
 - Request for an update from the Applicant and CLH on protective provisions to safeguard the assets of CLH. The Secretary of State notes that a response was not received from CLH. The Secretary of State's consideration of the response from the Applicant is set out above.
 - Request for views from the Applicant and Joint Councils on a new additional provision to be included in the Order to address concerns raised by the Joint Councils on the impact of the proposed development on the England Coast Path. The Secretary of State's consideration of this matter is set out above.

- Request for views from the Applicant, Joint Councils and NE on a new additional provision to be included in the Order with regards to monitoring of the temporary and permanent mitigation for Special Areas of Conservation which have bats or bat habitats as a protected feature. NE confirmed that they were content with the suggested new provisions and the proposed amendments to the existing requirements. The Joint Councils responded that they agreed to the new additional provision and had no objection to the proposed amendments to requirements 5(1), 6(2), 14(1) and 14(2). In relation to requirement 10(2)(c) although the Joint Councils had no objection to the inclusion of text securing an 8 year maintenance period for bat flyways they maintained that landscape maintenance should be carried out for 15 years. The Applicant responded that it did not consider the new additional provision and additional payment to fund a monitoring service necessary. The Applicant also did not agree with the suggested changes to the Requirements. The Secretary of State's consideration of this issue is set out above.
- Request for confirmation from HE and The Crown Estate that highways land in the ownership of the Secretary of State for Transport c/o The Highways Agency, had been transferred to HE. HE and The Crown Estate responded to state that this was a matter between the Highways Agency and HE. HE have confirmed that they are working on the assumption that land identified for this scheme is now vested in HE but are working to see if anything sits outside this assumption. The Applicant responded that they had received confirmation from Highways England and the Land Registry that land previously listed in the Book of Reference as being within the ownership of the Secretary of State (care of the Highways Agency) and which is registered at the Land Registry is now owned by Highways England Company Limited. Where land was listed in the ownership of the Secretary of State (care of the Highways Agency) but was unregistered, discussions are taking place between the Applicant and Highways England to confirm Highways England's ownership.
- Request for an update from the Applicant and The Crown Estate on negotiation of the draft Deed of Easement in relation to plot numbers D289, D289.2, G-A142, G-A143, G-B142 and G-B143. The Applicant has confirmed that with regards to plots D289, D289.2, as The Crown Estate enjoys interest in mines and minerals only, the Applicant is not seeking to acquire any interests in these plots from The Crown Estate. The Secretary of State notes that the Applicant and The Crown Estate have confirmed that discussion on a Deed of Easement are continuing. The Secretary of State's consideration of these responses is set out above.
- Request for an update from Wessex Water Services Ltd, the Environment Agency and Bristol Water Network Rail Infrastructure Limited, First Corporate Shipping and RWE Generation UK, Wales and West Utilities Ltd and Western Power Distributions (South West) on their objections to the compulsory acquisition. The responses from these parties and the Secretary of State's consideration of these are set out above.

General Considerations

Equality Act 2010

132. The Equality Act 2010 includes a public sector equality duty. This requires a public authority, in the exercise of its functions, to have due regard to the need to (a) eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic (e.g. age; gender; gender reassignment; disability; marriage and civil partnerships^[1]; pregnancy and maternity; religion and belief; and race.) and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

133. The ExA noted that some of the occupants of the Traveller site, Moorland Park, and the traveller site at St Anthony's Park who would be impacted by the Development are persons who share a protected characteristic for the purposes of the Equality Act 2010. The ExA considered the grant of development consent in relation to both Moorland Park and St Anthony's Park, and considered that additional site specific mitigation should be provided by the Order. The ExA concluded that the impact of the Development upon those communities would be proportionate and that the requirements of the Public Sector Equality Duty have been met [ER 7.5.21].

134. The Secretary of State has had due regard to the need to achieve the statutory objectives referred to in s149 of the Equality Act 2010, including having considered the ExA's findings and conclusions, and agrees with the them for the reasons given by the ExA.

Human Rights Act 1998

135. The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the Development and compulsory purchase powers.

136. The Secretary of State has considered the effect of the project on the property rights of individuals and businesses. In particular, the Secretary of State has considered whether the interference with the rights protected under Article 8, and Article 1 of Protocol 1, of the European Convention on Human Rights is necessary and proportionate.

137. The Secretary of State notes that the ExA had regard to the impact upon the occupants of the various residential properties, farms, and businesses along the proposed route. The ExA noted the concerns with regards to the perceived impact upon their private and family life and the potential interference with the peaceful enjoyment of their land and property.

138. The ExA considered that the interference anticipated would be in accordance with the law and would be necessary in the interests of the

In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

economic well-being of the country and that the relevant planning objectives could not be adequately achieved by means which would interfere less with the rights of individuals or businesses. The ExA accepted that there would be some interference with property and private and family life for certain residents but noted the grant of development consent need not result in the loss of any individual's home. The ExA concluded, having given consideration to the mitigation secured in the Order in each instance, the degree of interference with the rights of individuals would be necessary in the public interest and would be proportionate [ER 8.5.377]. The Secretary of State agrees that the ExA's rationale for reaching its conclusion and that this provides a justifiable basis for taking the view that the grant of development consent would not violate any human rights as enacted into UK law by the Human Rights Act 1998.

139. In relation to the interference with the carrying on with an economic activity, the Secretary of State, similarly, has considered the rights protected, such as the property rights where land is being taken or otherwise interfered with, and has reached the conclusion that any interference is necessary given the importance in the national interest of the project proposed and that the interference is proportionate, in not going further than the Secretary of state considers necessary to achieve delivery of the project.

Section 40(1) of the Natural Environment and Rural Communities Act 2006

140. The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006, has to have regard to the purpose of conserving biodiversity, and in particular to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when granting development consent. The Secretary of State is of the view that the Report considers biodiversity sufficiently to accord with this duty. In particular, the Secretary of State considers that, in this case, the HRA undertaken by the Secretary of State evidences the consideration given to conserving biodiversity.

Secretary of State's conclusions and decision

141. For the reasons set out in this letter, the Secretary of State considers that there is a compelling case for authorising the Application given the national need for the proposed Development and that the potential adverse local impacts of the Development do not outweigh the benefits of the proposed scheme. The Secretary of State is content that making the Order would be consistent with NPS EN-1 and EN-5.
142. The Secretary of State has therefore decided to accept the ExA's recommendation in paragraph 10.2.1 of the Report to make the Order granting development consent and to impose the requirements recommended by the ExA, but subject to the modifications described below. In reaching this decision, the Secretary of State has had regard to the Report as amended by the Errata sheet referred to in paragraph 7 above, and to all other matters which the Secretary of State considers important and relevant to the decision as required by section 105 of the 2008 Act. The Secretary of State also confirms for the purposes of regulation 3(2) of the

Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that the environmental information as defined in regulation 2(1) of those Regulations has been taken into consideration.

Modifications to the Order

143. The Secretary of State has amended the Order to take into account statutory practice for the drafting of orders and to make necessary minor and consequential changes to clarify the Order. In particular:

- Definition of “compulsory acquisition notice” in Article 2 removed as not used elsewhere in Order.
- Definition of “compulsory acquisition notice” in article 2 removed as not used elsewhere in Order.
- Definition of maintain in article 2 amended as to read in accordance with previous energy Development Consent Orders.
- Article 3(2) to (5) have been removed as unnecessary given terms of section 16 of the Planning Act 2008.
- Part of article 6(1), and article 6(5) and (6) have been removed as unnecessary or reducing the clarity of the Order.
- Article 7(5) has been removed as the Secretary of State considers it would be clearer to let the undertaker’s responsibility to follow those who have the benefit of the Order under Article 7(4).
- Article 20 removed as unnecessary.
- Article 23(7) to (9) removed as unnecessary; Article 23(7) and (8) replaced by Article 33. Article 33 and Schedule 16 have been removed as unnecessary, as covered by reference to special category land in preamble.
- New Article 33 inserted at request of The Crown Estate, who have consented to inclusion of The Crown Estate plots in the Order.
- Article 48 removed as unnecessary.
- Article 49(2) removed as unnecessary.
- The definitions at (i) and (m) removed from the extended definition of “associated development” in Schedule 1, as the Secretary of State considers the definition was overly expansive.
- Definitions of “the relevant highway authority” and “the relevant planning authority” deleted from paragraph 1 of Schedule 3 (requirements) as defined earlier in Article 2 of the Order.

- New requirement on bat conservation inserted at Requirement 44.
- New requirement on England Coast path inserted at Requirement 45. This differs from the suggested version in the Secretary of State’s letter of 11 November 2015, requiring consent from Joint Councils acting together rather than an agreement under section 106 of the Town and Country Planning Act 1990, owing to the drafting of section 106.
- New requirement for Wessex Water inserted at Requirement 46, on the possible expansion of the Avonmouth Sewage Treatment Works.
- The extended definition of the “MMO”, in the Deemed Marine Licence at Schedule 9, was removed as unnecessary.
- The definition of “licensable activity”, in the Deemed Marine Licence at Schedule 9, was removed as “licensable marine activity” defined at section 66 of the Marine and Coastal Access Act 2009. The remainder of the licence was redrafted to take into account the use of this term.
- Definitions of “maintain” and “Environmental Statement” inserted into Deemed Marine Licence.
- References to “this Schedule”, or similar, in the deemed Marine Licence were replaced by references to “this licence”, or similar, to reflect that Schedule 9 contains the Deemed Marine Licence deemed to granted under section 149A of the Planning Act 2008.
- Definition of “authorised development” amended in Deemed Marine Licence to read as follows in paragraph 4 of that licence:

4.—(1) *In this licence, “authorised development” means—*

(a) *Work No. 1G – LD, as set out in Schedule 1 to the Order, concerning the route south of River Avon to Seabank Substation, namely:*

(i) *Works to construct a 400kV overhead electric line, between pylon P-LD106 and Seabank 400kV Substation. The route is 8.3km in length commencing at pylon P-LD106 on Works Plan section G sheet 2 and terminating at Seabank 400kV Substation on Works Plan section G sheet 7 and consists of 27 pylons and the installation of conductors, insulators and fittings.*

(ii) *The works include installation and construction of a temporary site compound along the route of the overhead electric line, as shown on Works Plan section G sheet 3, containing welfare facilities, material lay down and parking areas.*

(b) *Any other development authorised by the Order, which is development within the meaning of section 32 of the 2008 Act, and more particularly the installation of a 400kV overhead electric line, in the vicinity of, and over, the River Avon as is shown hatched on Section G, Sheet 1 of the Public Rights of Navigation Plan.*

- Old paragraph 5 of the Deemed Marine Licence was removed, as unnecessary.

- Condition 6 of marine licence, which read:

For such of the licensed activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions apply to any person who for the time being owns, occupies or enjoys any use of the licensed activity.

Replaced with:

For such of the licensed marine activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions below apply to any person who for the time being owns, occupies or enjoys any use of those works.

- New Part 9 to Schedule 15 inserted so as to give the undertaker for CLH pipeline the equivalent protective provisions as those afforded to statutory undertakers.

Publicity for decision

144. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and regulation 23 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Yours sincerely

Giles Scott
Head of National Infrastructure Consents and Coal Liabilities

ANNEX

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the former Infrastructure Planning Commission or the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the date when the Order is published. The Hinkley Point C Connection Order as made is being published on the date of this letter on the Planning Inspectorate website at the following address:

<http://infrastructure.planninginspectorate.gov.uk/projects/south-west/hinkley-point-c-connection/?ipcsection=overview>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655)