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Bramford to Twinstead Reinforcement

Volume 4: Compulsory Acquisition Information

Document 4.2: Statement of Reasons

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nationalgrid

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1. Summary

- 1.1.1 This Statement of Reasons (this Statement) relates to and forms part of the application for development consent for the Bramford to Twinstead Reinforcement (the project) and has been submitted by National Grid Electricity Transmission plc (National Grid) (the applicant) to the Planning Inspectorate acting on behalf of the Secretary of State for Business, Energy and Industrial Strategy.
- 1.1.2 This document has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (Department for Communities and Local Government, 2013) (the CA Guidance).
- 1.1.3 This Statement is required because the draft Development Consent Order (DCO) (**application document 3.1**) includes powers for the compulsory acquisition of land and/or rights in land as described in chapter 5 within this document.
- 1.1.4 Paragraphs 31 and 32 of the Guidance acknowledge that the APFP Regulations requires a statement of reasons and Paragraph 32 advises that: *'The statement of reasons should seek to justify the compulsory acquisition sought and explain in particular why in the applicant's opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights'*.
- 1.1.5 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in the land. It also explains the extent of and reasons for the temporary use of land. These powers are being sought to ensure that National Grid has the requisite powers to construct, operate and maintain the project. References in this Statement to "Compulsory Acquisition" include both permanent land acquisition, and the acquisition of rights in land.
- 1.1.6 This Statement will show that there is a compelling case in the public interest for the relevant land to be subject to powers of compulsory acquisition.
- 1.1.7 It explains why the use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and why any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 1.1.8 This Statement forms part of a suite of documents accompanying the application submitted in accordance with section 55 of the PA 2008 and Regulation 5 of the APFP Regulations 2009 and should be read alongside the other DCO Application Documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the project, including:
- Navigation Document (**application document 1.4**);
 - Land Plans (**application document 2.3**);
 - Works Plans (**application document 2.5**);
 - Special Category Land Plans (**application document 2.4**);
 - Draft DCO (**application document 3.1**);

- Explanatory Memorandum (**application document 3.2**);
- Funding Statement (**application document 4.1**);
- Book of Reference (**application document 4.3**);
- Planning Statement (**application document 7.1**); and
- Environmental Statement (**application documents 6.1 to 6.4**).

2. Introduction

2.1 The Applicant

- 2.1.1 National Grid is making an application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The Project would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km (approximately 18 miles), the majority of which would follow the general alignment of the existing overhead line network.
- 2.1.2 National Grid owns and maintains the electricity transmission system in Great Britain. The system currently operates at 400,000 volt (400kV) and 275,000 volt (275kV), connecting electricity generators to substations where the higher voltages are transformed to lower voltages, enabling the power to be distributed to homes and businesses by the Distribution Network Operators (DNO).
- 2.1.3 National Grid is the only company licensed to transmit electricity in England and Wales. National Grid's Transmission Licence was granted under the Electricity Act 1989, Section 6(1)(b).
- 2.1.4 This Statement relates to the project and has been submitted by National Grid to the Planning Inspectorate acting on behalf of the Secretary of State. It relates to an application for development consent to permit and enable implementation of the project made under section 37 of the Planning Act 2008 (as amended) (PA Act 2008).
- 2.1.5 This statement explains why the powers of compulsory acquisition and other statutory powers sought in the Draft DCO (**application document 3.1**) are necessary to enable the project to proceed and why there is a compelling case in the public interest for those powers to be granted.

2.2 The Project

- 2.2.1 The project includes an above ground electric line of greater than 2km in length and hence meets the threshold for a nationally significant infrastructure project (NSIP) within sections 14(1)(b) and 16 (1) of the Act. As well as the NSIP, this application also contains elements of Associated Development, listed in more detail in schedule 1 to the draft Order.
- 2.2.2 For a full description of the project reference should be made to Environmental Statement (ES) Chapter 4: Project Description (**application document 6.2.4**), the below summarises the project.
- 2.2.3 The reinforcement would comprise approximately 18km of overhead line (consisting of approximately 50 new pylons, and conductors) and 11km of underground cable system (with associated joint bays and above ground link pillars).
- 2.2.4 Four cable sealing end (CSE) compounds would be required to facilitate the transition between the overhead and underground cable technology. The CSE would be within a fenced compound, and contain electrical equipment, support structures, a small control building and a permanent access track.

- 2.2.5 Approximately 27km of existing overhead line and associated pylons would be removed as part of the proposals (up to 25km of existing 132kV overhead line between Burstall Bridge and Twinstead Tee, and 2km of the existing 400kV overhead line to the south of Twinstead Tee). To facilitate the overhead line removal, a new grid supply point (GSP) substation is required at Butler's Wood, east of Wickham St Paul, in Essex. The GSP substation would include associated works, including replacement pylons, a single circuit sealing end compound and underground cables to tie the substation into the existing 400kV and 132kV networks.
- 2.2.6 Some aspects of the project, such as the underground sections and the GSP substation, constitute 'associated development' under the Planning Act 2008. Other ancillary activities would be required to facilitate construction and operation of the project, including (but not limited to):

Modifications to, and realignment of sections of the existing 400kV overhead line.

- Temporary land to facilitate construction activities including temporary amendments to the public highway, working areas for construction equipment and machinery, site offices, welfare, storage and access.
- Temporary infrastructure to facilitate construction activities such as amendments to the highway including bellmouths for site access, pylons and overhead line diversions, scaffolding to safeguard existing crossings, watercourse crossings and diversions of Public Rights of Way (PRoW).
- Diversion of third-party assets and land drainage from the construction and operational footprint.
- Land required for mitigation, compensation and enhancement of the environment as a result of the environmental assessment process, and National Grid's commitments to Biodiversity Net Gain.

2.3 Compulsory Acquisition

- 2.3.1 In its application for the project, the Applicant seeks powers of compulsory acquisition and temporary possession in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out by reference to the Application Documents in chapter 4 of this Statement.

2.4 Land Interests

- 2.4.1 The land which would be affected by the project is located in the East of England and crosses a county administrative boundary defined by the River Stour, with Suffolk County to the east of the river and Essex County to the west. The project area lies within three local planning authority areas: the eastern part of the project lies in Mid Suffolk District (Suffolk); the central parts of the project lie in Babergh District (Suffolk); and the proposed GSP substation and the western part of the project lie in Braintree District (Essex). Babergh and Mid Suffolk Districts have a common management structure and share some resources and planning documents. Further details can be found in the Planning Statement (**application document 7.1**).
- 2.4.2 The extent of the land interests affected by the compulsory acquisition and temporary powers sought by National Grid is described in chapter 6 of this Statement. The land

comprises a mixture of uses, being mainly agricultural land but also woodland, commercial orchard, scattered residential and farm buildings, highways and quarry.

2.4.3 The project has been split into the following sections: -

- Section AB Bramford Substation/Hintlesham (Overhead Line);
- Section C Brett Valley (Overhead Line);
- Section D Polstead (Overhead Line and Underground Cable);
- Section E Dedham Vale AONB (Underground Cable);
- Section F Leavenheath/Assington (Overhead Line);
- Section G Stour Valley (Overhead Line and Underground Cable); and
- Section H Grid Supply Point (GSP) Substation.

2.4.4 The Order Limits of the draft DCO as shown on the Land Plans (**application document 2.3**) establishes the extent of the land affected by the project. The Limits of Deviation (LoD) represent the maximum locational flexibility for permanent infrastructure such as the overhead lines, pylons and underground cables. This allows for adjustment to the final positioning of the project features to avoid localised constraints or unknown or unforeseeable issues that may arise. The LoD provides the flexibility for construction purposes only and does not determine the permanent land take or rights to be acquired

2.4.5 National Grid is not seeking to compulsorily acquire the full extent of land that falls within the Order Limits. National Grid is seeking temporary powers over an area greater than that proposed for permanent acquisition or acquisition of rights, which is identified through the Class of Rights shown on the Land Plans (**application document 2.3**). Once the project is constructed and in respect of the overhead line and underground cable sections of the project, National Grid would only require permanent rights to operate, access and maintain the development over a corridor within the LoD. If the project has been unable to secure the permanent land or rights acquisition required via a voluntary agreement, it would rely on exercising powers of compulsory acquisition to secure such land or rights on a permanent basis.

2.4.6 Further detail is shown on the Works Plans (**application document 2.5**) and General Arrangement Plans (**application document 2.10**).

2.4.7 The Applicant owns a number of plots which may be subject to the rights of others which are incompatible with the construction and operation of the project. In order to ensure that any such interests can be removed (and the persons benefitting from them are compensated for such removal), the Applicant's own land has been included within the land to which the compulsory acquisition powers sought will apply. The powers of compulsory purchase sought in the draft DCO (**application document 3.1**) are expressed to apply to all interests in such land other than those already held by the Applicant.

2.4.8 It is also necessary to seek to secure temporary possession of some land for the purposes of the construction and maintenance of the project as well as to extinguish in a limited way some rights which are incompatible or rendered incapable of use by the project.

2.4.9 National Grid have attempted to acquire and will continue to demonstrate an ongoing commitment to acquire all interests in the land through private land agreements (as shown in Appendix B of this Statement) but at this stage it has not been possible to acquire all the necessary land and rights required for the project. It is necessary to seek powers of

compulsory acquisition in the draft DCO (**application document 3.1**) in the event that ongoing negotiations to acquire land are not successful or do not conclude in a timely manner. National Grid is satisfied that all of the land interests and rights identified for compulsory acquisition are required to enable the project to proceed.

2.5 The Case for Compulsory Acquisition

- 2.5.1 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in the land. It also explains the extent of and reasons for the temporary use of land. These powers are being sought to ensure that National Grid have the requisite powers to construct, operate and maintain the project.
- 2.5.2 National Grid is satisfied that the powers of compulsory acquisition and temporary possession sought in the draft DCO are necessary, proportionate and justified. The Applicant is further satisfied that the powers sought are in accordance with all relevant statutory requirements and policy guidance.
- 2.5.3 National Grid considers that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought as set out in Chapter 6 of this Statement.

2.6 Human rights and Equalities

- 2.6.1 This statement explains why the use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and why any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 2.6.2 National Grid have had regard to the European Convention on Human Rights ("the Convention") and the Human Rights Act 1998. It has also taken into account the duties contained in the Equality Act 2010. Chapter 9 of this Statement considers how the project complies with the Convention and with this legislation.

2.7 Special Category Land

- 2.7.1 In chapter 8 of this Statement, National Grid have addressed the Special Category Land which is affected by the compulsory acquisition powers sought in the draft DCO. The only Special Category Land identified is Open Space which is shown on the Special Category Land Plans (**application document 2.4**). Section 131 and 132 of the Planning Act 2008 relates to the compulsory acquisition of land or rights over "any land forming part of a common, open space, or fuel or field garden." These sections make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of land which is categorised as any land forming part of a common, open space, or fuel or field garden. The draft DCO (**application document 3.1**) only contains provisions seeking power for the compulsory acquisition of rights over the open space, and National Grid is of the view that those rights are such that the open space would be no less advantageous because of the project, hence an exemption to SPP applies and confirmation to that effect is sought from the Secretary of State.
- 2.7.2 The Applicant has also given consideration to the application of the relevant provisions of the Act in relation to Crown land (section 135), however there is no Crown land.
- 2.7.3 National Grid is engaging with Statutory Undertakers in respect of any land or rights owned by Statutory Undertakers (with reference to sections 127 and 138 of the Planning

Act 2008). Further detail of such interests can be found in the Book of Reference (**application document 4.3**). The identities of the statutory undertakers are contained within the tables at 8.3 below. National Grid is in negotiations in respect of Statements of Common Ground as appropriate (**application document 7.3.1 to 7.3.8**). In addition, bespoke protective provisions are being progressed with Anglian Water Services, Network Rail and other protective provisions are set out in the draft DCO. In the circumstances National Grid does not consider any of these statutory undertakers would suffer serious detriment as a result of the project.

3. The need for the project

3.1 The legislative and national policy framework for the Project

- 3.1.1 For this project, there are two relevant National Policy Statements (NPS), being the Overarching National Policy Statement for Energy (EN-1, 2011) and the National Policy Statement (NPS) for Electricity Networks Infrastructure (EN-5, 2011). By virtue of Section 104 of the Act, they provide the primary basis for decisions on applications for development consent for electricity network projects. The Climate Change Act 2008 is also important and relevant, by virtue of the legal obligations it contains which pertain to climate change and hence 'net zero'.
- 3.1.2 The government has commenced a review of the energy NPS and has published consultation drafts in 2021. As set out in chapter 6 of the Planning Statement (**application document 7.1**), the relevant NPS are expected to be updated during 2023 but there is no more detailed information available on when the final versions will be published. The September 2021 consultation documents set out the transitional arrangements whilst the review is undertaken. It explains on Page 11 that the current suite of NPS remain relevant government policy. Further detail pertaining to updates to EN-1 and EN-5 is located in section 6.4 of the Planning Statement (**application document 7.1**).
- 3.1.3 More detail on the legislative and policy framework for the project can be found in the Planning Statement (**application document 7.1**).

3.2 Need for the project

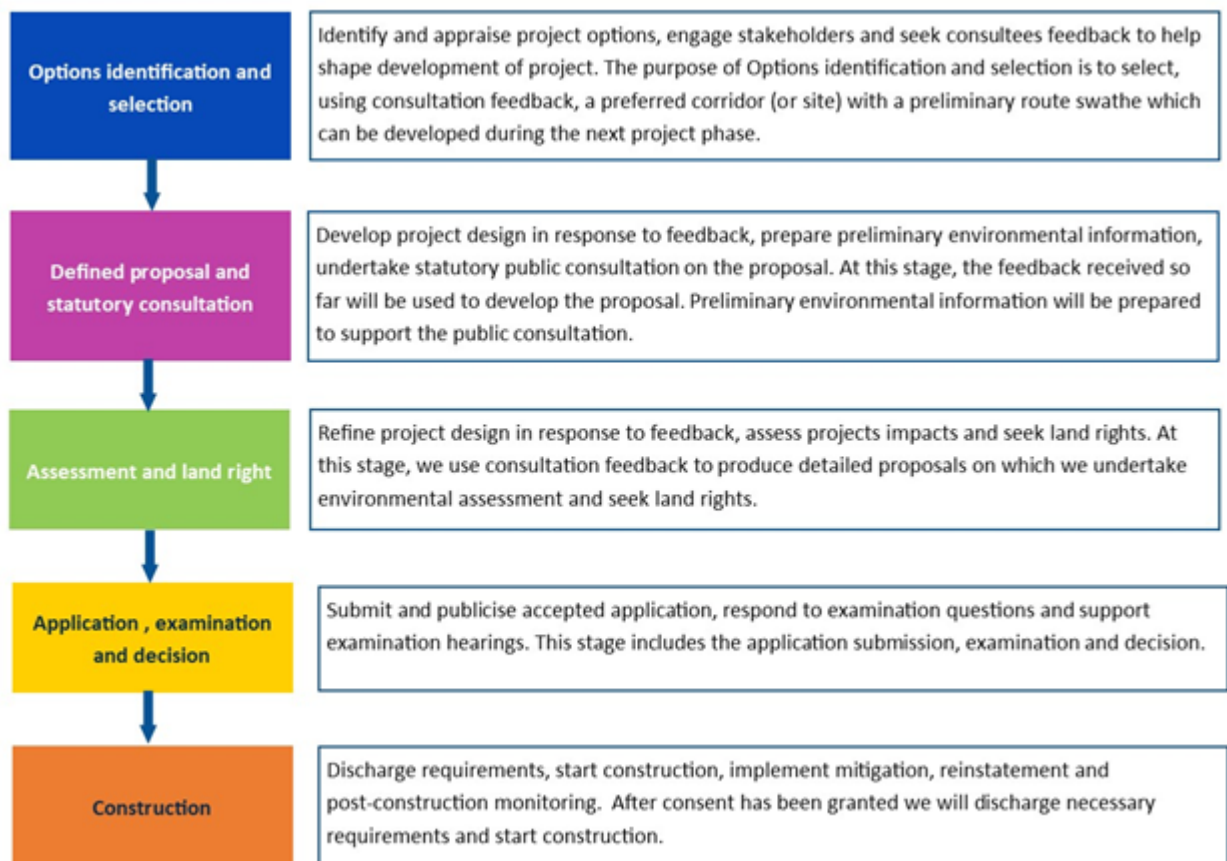
- 3.2.1 The need for the project has been established in the Planning Statement (**application document 7.1**) and the Need Case (April 2023) (**application document 7.2.1**) and is underpinned by NPS EN-1 and EN-5.
- 3.2.2 The existing electricity transmission network in East Anglia doesn't have the capability needed to reliably and securely transport all the energy that will be connected in the future, while working to the required standards. With new offshore wind generation, a new nuclear power station at Sizewell C and greater interconnection with countries across the North Sea being proposed, there will be a large increase in the amount of renewable and low carbon electricity generation connecting along the East coast.
- 3.2.3 This increased generation will play a key role in delivering the UK Government's net zero ambitions and delivering up to 50GW of offshore wind connected by 2030. To facilitate these ambitions, electricity network infrastructure is needed to ensure that energy can be transported from where it is generated to where it is used.
- 3.2.4 Whilst the transmission system in East Anglia has been sufficient until today, it will soon exceed its current capability. This includes its thermal boundary capability (the physical capacity of the circuits to carry power) and transient stability (the ability to accommodate faults without damaging generators or the network).
- 3.2.5 Increased transmission capability is therefore required in the East Anglia region, to allow National Grid to maintain a robust network, remain in accordance with its licence obligations, and to allow new sources of electricity generation to connect. This is vital to

facilitate the ambitious targets set by the Government, for secure, clean and affordable energy for the long term.

3.3 Project development process

3.3.1 The development of the design and routing of the project has followed National Grid guidance available at the time of each stage, the most recent update of which guidance is 'Our Approach to Consenting' National Grid, April 2022 as seen in the illustration below.

Illustration 1 - National Grid Project Development Staged Process (2022)



3.3.2 The approach to the design and routing of new electricity transmission lines including the consideration of alternative technology and route options has followed National Grid guidance available at the time of each stage. Steps 1 to 4 below have been completed and steps 5 and 6 are to follow (this Statement forming part of the application stage).

- Step 1: Strategic Proposal
The identification of a strategic proposal establishes the scope of the project which commences with identification and selection.
- Step 2: Options identification and selection
Identify and appraise project options, engage stakeholders and seek consultees feedback to help shape development of the project. The purpose of Options

identification and selection is to select, using consultation feedback, a preferred corridor (or site) with a preliminary route swathe which can be developed during the next project phase.

- Step 3: Defined proposal and statutory consultation

Develop project design in response to feedback, prepare preliminary environmental information, undertake statutory public consultation on the proposal. At the Defined proposal and statutory consultation phase the feedback received so far will be used to develop the proposal. Preliminary environmental information will be prepared to support the public consultation.

- Step 4: Assessment and land rights

Refine project design in response to feedback, assess project impacts and seek lands rights. Prepare application documents. During Assessment and land rights consultation, feedback is used to inform detailed proposals upon which we undertake environmental assessment and seek land rights.

- Step 5: Application, examination and decision

Submit and publicise the accepted application, respond to examination questions and support examination hearings. This phase includes the application submission, examination and decision.

- Step 6: Construction

Discharge DCO requirements, start construction, implement mitigation, reinstatement and post-construction monitoring. After consent has been granted, the necessary DCO requirements would be discharged and construction commenced.

3.3.3 ES Chapter 3: Alternatives Considered (**application document 6.2.3**) provides further details as to the main alternatives considered, including environmental factors, which is summarised in Chapter 6 of this Statement.

3.4 Considered alternatives

3.4.1 The process set out in paragraph 2.3.2 above has been followed by National Grid in developing the project. Details in respect of alternatives considered are set out in chapter 7 of this Statement.

4. The Project

4.1 National Grid and the Project

4.1.1 The project includes an above ground electric line of greater than 2km in length and hence meets the threshold for a NSIP within sections 14(1)(b) and 16 (1) of the Act. As well as the NSIP, this application also contains elements of Associated Development, listed in more detail in schedule 1 to the draft DCO (**application document 3.1**).

4.1.2 Approximately 27km of existing overhead line and associated pylons would be removed as part of the proposals (25km of existing 132kV overhead line between Burstall Bridge and Twinstead Tee, and 2km of the existing 400kV overhead line to the south of Twinstead Tee). To facilitate the overhead line removal, a new GSP substation is required at Butler's Wood, east of Wickham St Paul, in Essex. The GSP substation would include associated works, including replacement pylons, a single circuit sealing end compound and underground cables to tie the substation into the existing 400kV and 132kV networks.

4.1.3 Some aspects of the project, such as the underground sections and the GSP substation, constitute 'Associated Development' under the Planning Act 2008.

4.1.4 Other ancillary activities would be required to facilitate construction and operation of the project, including (but not limited to):

- Modifications to, and realignment of sections of the existing 400kV overhead line.
- Temporary land to facilitate construction activities including temporary amendments to the public highway, working areas for construction equipment and machinery, site offices, welfare, storage and access.
- Temporary infrastructure to facilitate construction activities such as amendments to the highway including bellmouths for site access, pylons and overhead line diversions, scaffolding to safeguard existing crossings, watercourse crossings and diversions of Public Rights of Way (PRoW).
- Diversion of third-party assets and land drainage from the construction and operational footprint.
- Land required for mitigation, compensation and enhancement of the environment as a result of the environmental assessment process, and National Grid's commitments to Biodiversity Net Gain.

4.1.5 National Grid holds the Transmission Licence for England and Wales and is the only company licensed to transmit electricity in England and Wales. It is thus obligated to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the Electricity Act 1989. National Grid is regulated by Ofgem, which sets price controls and monitors how the company develops and operates the network on behalf of consumers.

4.1.6 National Grid owns and manages the national high-voltage electricity transmission system throughout England and Wales. National Grid owns, builds and maintains the

infrastructure; overhead lines, buried cables and substations as a few examples, to allow power to move around the country. The key role of this transmission system is to connect the electricity generators' power stations with regional Distribution Network Operators (DNOs) who then supply businesses and homes. In return for the connection, users of the transmission network pay a tariff to National Grid. This revenue is then used to maintain, improve and invest in the transmission network.

- 4.1.7 As a licence holder National Grid have specific duties to uphold in relation to the desirability of preserving amenity of certain aspects of the environment and to mitigate the effects of its activities on the environment under Section 38 and Schedule 9 of the Electricity Act 1989.

4.2 Description of the Project

- 4.2.1 The project would be achieved by the construction and operation of a new electricity transmission line over approximately 29km comprising of overhead lines, underground cables and grid supply point substation. It also includes the removal of 25km of the existing distribution network and various ancillary works. The principal components and activities are summarised below.
- 4.2.2 For a full description of the project construction including construction schedule, enabling works and reinstatement reference should be made to ES chapter 4: Project Description (**application document 6.2.4**).
- 4.2.3 The General Arrangement Plans (**application document 2.10**) show the Proposed Alignment (which is subject to Limits of deviation, as shown on the Works Plans (**application document 2.5**)) and features as detailed in the Guide of the Plans (**application document 2.1**). The draft DCO would grant consent for the construction, operation and maintenance of the 'Authorised Development' as listed in Schedule 1 to the draft DCO, within those Limits of Deviation and other parameters as described in Article 5 of the draft DCO (**application document 3.1**).

4.3 Overhead Line

- 4.3.1 The reinforcement would comprise the construction of approximately 18km of overhead line comprising approximately 50 steel-lattice pylons (typically 54m tall) and aluminium conductors. It could take up to six months for the installation of pylons where there are no site constraints. There may be concurrent works in different locations and there may be periods of time between phases when no works take place. For example, there may be a gap between pylon construction and the conductor stringing, where the latter depends on a planned outage. It is assumed that PRoW affected would be reopened during any gaps in the works programme, subject to suitable safety measures being in place.
- 4.3.2 The permanent easement corridor (associated with statutory safety clearances) is based on the maximum conductor swing which is assumed to be 30m from the outer edge of the pylons or the conductors. Vegetation within this corridor would be maintained to a three-year growth to achieve the required safety clearances.
- 4.3.3 The typical lifespan of an overhead line would be at least 40 years, depending on use and location. Over this time, the overhead line would be subject to annual inspections similar to what is already undertaken for the existing 400kV overhead line. These inspections would be undertaken either from the ground (using a small van) or from the

air by helicopter to check for visible faults or signs of wear (as is already undertaken on the existing 400kV overhead line).

- 4.3.4 Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

4.4 Underground Cable (including CSE Compounds)

- 4.4.1 The project includes two sections of 400kV underground cables (Section E: Dedham Vale AONB and Section G: Stour Valley) approximately 11km in length in total. The underground cables would comprise transmission cables, each approximately 150mm diameter and it is assumed that there would also be fibre-optic cables alongside the electricity cables.

- 4.4.2 There would be at least 0.9m between the top of the protective tile and the finished ground level (Article 5 of the draft DCO (**application document 3.1**) specifies the vertical Limit of Deviation). The cables would be surrounded by an additional layer of cement-bound sand and would have a polymeric cable protection over the top and 'Danger Electric' signs on the upper surface to protect them from future excavation works. Drainage would be designed into the cable swathe to avoid ponding or surface water build up along the swathe.

- 4.4.3 Four cable sealing end (CSE) compounds would be required to facilitate the transition between the overhead and underground cable technology, one at the end of each underground cable section, i.e. Dedham Vale East, Dedham Vale West, Stour Valley East and Stour Valley West. The CSE would be within a fenced compound, and contain electrical equipment, support structures, control building and a permanent access track. Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

- 4.4.4 Underground cables and the CSE compounds have a typical life expectancy of at least 40 years. Over this time, the cables and CSE compounds would be subject to regular checks. Inspections using the fibre-optic cables that were installed alongside the underground cables during construction, would be undertaken approximately every three years. This would identify whether cable repairs were required.

- 4.4.5 The CSE compounds would contain equipment that would be monitored remotely. Site inspections would be carried out on a periodic basis, as and when required, and would include visual checks for signs of damage or wear of the condition of non-mechanical equipment, structures and buildings. Mechanical (manually operated) earth switches would require inspection and servicing as part of these visits.

- 4.4.6 Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

4.5 Removal of the 400kV Overhead Line

- 4.5.1 The temporary works for the removal of the 400kV overhead line would be similar to the 132kV overhead line (see below) other than that a crane may be required and stone access tracks being used to dismantle the pylons.

- 4.5.2 For the removal of 400kV overhead line (conductors) through woodland areas near Ansell's Grove and to the north of Henny Back Road, a commitment has been made to limit the works to the existing maintained swathe within the woodland. There would be no

temporary access route installed within the woodland and no vehicle access would be required within the woodland.

- 4.5.3 The 400kV overhead line removal would be timed as appropriate within an agreed outage window. It is anticipated that the 400kV overhead line removal would be undertaken towards the end of construction, once the new 400kV transmission line has been installed and tested.
- 4.5.4 Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

4.6 Removal of Existing 132kV Overhead Line

- 4.6.1 The 132kV overhead line removal would occur once the GSP substation is operational and generally in advance of the construction of the proposed 400kV transmission line, as the latter would use the same alignment, in a number of locations. Removal of the line may occur in phases, with the 132kV overhead line being removed in sections. Multiple sections may be undertaken concurrently.
- 4.6.2 The working area around each pylon to be removed would be cleared and, where appropriate, fenced to keep the public and any livestock away from the construction work. Fittings, such as dampers and spacers, would be removed from the pylons and lowered to the ground. The conductors would also be lowered to the ground and cut into small sections or wound onto cable drums and removed from site. Temporary back stays may need to be installed behind a couple of the pylons prior to commencement of the conductor removal works, this would be confirmed and detailed by the overhead line removal contractors.
- 4.6.3 The legs of the pylons would be cut, and the pylon pulled to the ground using a tractor or similar sized vehicle. This method is used where there is sufficient room to pull over the pylon without damaging roads, utility services, and fixed boundary features such as hedges. Where there is not sufficient room, then the pylon would be dismantled in sections with parts individually lowered to the ground. Generally, foundations would be removed to approximately 1.5m below ground level, and subsoil and topsoil reinstated, as has been undertaken on similar National Grid projects, such as Richborough Connection.
- 4.6.4 Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

4.7 Ancillary Works

- 4.7.1 There would be a need to divert or modify existing third-party services to allow safe construction and operation of the project. This may include undergrounding of low voltage power lines (on timber poles) and other local service crossings, such as existing cables in roads. These works may be undertaken by the relevant service provider as part of their permitted powers. These works would be limited in nature and are unlikely to result in any additional significant effects to those identified as part of the construction of the overhead lines and underground cables.

4.8 GSP Substation

- 4.8.1 The proposed GSP substation would include a fenced compound located between Butler's Wood and Waldegrave Wood. The proposed GSP substation would include two super grid transformers with noise enclosures, to convert the voltage from 400kV to 132kV, as well as other switchgear, modular buildings and equipment.
- 4.8.2 A 400kV single circuit sealing end compound to the west of Waldegrave Wood would be separately fenced outside of the proposed GSP substation to the south of the existing overhead line. This would connect the southern circuit of the existing 400kV overhead line back into the GSP via new underground 400kV cable. Works would be required to the existing 400kV overhead line, including the removal and replacement of a pylon.
- 4.8.3 The GSP would be connected to the existing 132kV overhead line to the south via underground cable. An existing pylon in the 132kV overhead line would be replaced with a new cable sealing end platform tower to enable this.
- 4.8.4 The construction would be facilitated by temporary overhead line diversions on both the existing 400kV and the existing 132kV overhead lines.
- 4.8.5 Further detail is located in ES chapter 4: Project Description (**application document 6.2.4**).

4.9 Bramford Substation and existing 4YL line

- 4.9.1 National Grid operates an existing substation in Bramford and an existing 400kV line which is adjacent the project, known as the 4YL line. The project requires works at the Bramford Substation as well as works to parts of the 4YL line, as detailed in ES chapter 4: Project Description (**application document 6.2.4**). Details of the location of Bramford Substation and the existing 4YL line works can be found on the General Arrangement Plans (**application document 2.10**).

4.10 Environmental Areas

Introduction

- 4.10.1 Land and rights are required to undertake planting proposals or other environmental measures on the project. Further details on the planting proposals can be found in the Landscape and Ecological Management Plan (LEMP) (**application document 7.8**). There are three categories of environmental proposals:

Embedded Measures

- 4.10.2 Land would need to be acquired to carry out the embedded measures. This includes the planting that is incorporated around the CSE compounds and the GSP substation. All land identified for embedded measures is contained within the Order Limits and therefore National Grid is seeking the acquisition of land and rights for these measures pursuant to the draft DCO.

Environmental Mitigation

- 4.10.3 Appropriate land powers are also required in order to carry out the additional environmental mitigation identified in ES chapter 16: Environmental Management and Mitigation (**application document 6.2.16**). Additional mitigation comprises any additional project-specific measures needed to avoid, reduce or offset potential impacts that could otherwise result in negative effects considered significant in the context of the Environmental Impact Assessment (EIA) Regulations 2017, and in some areas include planting to replace vegetation lost or to filter a view. Additional mitigation has been identified by environmental topic specialists, taking into account the embedded design measures. The list of all mitigation measures can be found in ES chapter 16: Environmental Management and Mitigation (**application document 6.2.16**).
- 4.10.4 All land identified for additional mitigation is contained within the Order Limits and therefore National Grid is seeking powers including rights and land acquisition in order to deliver this mitigation under the draft DCO. Whilst such mitigation is included within the Order Limits, agreement will be sought with landowners on a voluntary basis, with the fall-back of compulsory acquisition, if voluntary arrangements are not obtained.

Environmental Net Gain

- 4.10.5 The Environment Act 2021 would impose a requirement for the delivery of biodiversity net gain (BNG), once the relevant provisions are operative (which is planned for 2025). Developments or projects that result in loss of habitat must provide in return at least 10% BNG. The Department for Environment Food and Rural Affairs (DEFRA) also released a paper in March 2022 'Nature recovery green paper: protected sites and species' which sets out a new framework of environmental targets under the Environment Act following the UK's departure from the EU. Additionally, in February 2023, the government published the response to that consultation.
- 4.10.6 National Grid has made corporate commitments through the 2021-2026 Environmental Action Plan (April 2021). There are four key aims, and the one for biodiversity states *"Value nature and will protect and enhance it where possible using 'natural capital' and 'net gain' principles. By 2026 National Grid will increase environmental value of non-operational land by 10% against a natural capital and biodiversity baseline. It will also deliver net gain by at least 10% or greater in environmental value (including biodiversity) on all construction projects (including those delivered by third parties building on National Grid land)"* (Grid, April 2021).
- 4.10.7 The Environmental Gain Report (**application document 7.4**), sets out the process and principles which National Grid intends to follow in delivering 10% environmental net gain. The proposed enhancement locations are included within the Order Limits.
- 4.10.8 To ensure delivery of the enhancements, National Grid is seeking voluntary agreements with landowners in the first instance, with compulsory acquisition powers being exercised, if voluntary arrangements are not obtained.
- 4.10.9 BNG land is shown on the Land Plans (**application document 2.3**) as Class 5 (Acquisition of rights for BNG) where the BNG proposals can be secured in parallel with third party ownership subsisting. On the Land Plans (**application document 2.3**) where land is for the purpose solely of BNG delivery, it is shown in dark green, but where there is an overlap with another class (other than Class 1), then it is shown hatched green.
- 4.10.10 National Grid is of the view that in order to ensure the delivery of BNG, powers of compulsory acquisition are required.

5. Compulsory acquisition

5.1 Scope of compulsory acquisition and temporary possession powers sought

- 5.1.1 The scope of the compulsory acquisition powers sought by the National Grid is set out in full in Part 5 of the draft DCO (**application document 3.1**). Appendix A of this document includes details of the purpose for which compulsory acquisition and temporary possession powers are sought in respect of individual plots. The classes of rights (which are detailed in full at the beginning of the Book of Reference (**application document 4.3**) as seen in Table 5.1).

Table 5.1 - Land Acquisition Powers Sought

Colour of plot on Land Plans	Land use power sought	Principal relevant DCO article
Brown	Class 1 - Compulsory Acquisition of land	Article 23
Green	Class 2 – Compulsory Acquisition of Rights– Overhead Line	Article 24
Orange	Class 3 - Compulsory Acquisition of Rights– Underground Cable	Article 24
Blue	Class 4 - Compulsory Acquisition of Rights of Access	Article 24
Dark Green	Class 5 - Compulsory Acquisition of Rights for Biodiversity Net Gain	Article 24
Pink	Class 6 – Temporary Use for Construction, Mitigation, Maintenance and Dismantling of Redundant Infrastructure	Article 26,27,28, 29
Yellow	Class 7 – Temporary use for Access	Article 26,27,28, 29
Uncoloured	Class 8 – Land that is not subject to powers of acquisition	N/A

- 5.1.2 Appendix A provides further detail on the plots affected, the class of right being sought and a description of the use intended for the plot.
- 5.1.3 In the event that voluntary agreements are not reached, the DCO would grant CA powers which can then be exercised to ensure delivery of the scheme. The draft DCO also contains powers that would enable the use of land temporarily, to enable construction of the project. National Grid would not look to acquire or use any land that is not necessary for either the construction, maintenance or operation of the project.
- 5.1.4 The CA of land and rights in land is necessary to deliver this project. The rationale for the extent of the required land and rights is described below (chapter 6) within the extent of the land and rights to be acquired, as per the Land Plans (**application document 2.3**).

- 5.1.5 The Applicant seeks to acquire only such land and rights which are necessary to secure the long-term operation of the electricity transmission apparatus and required maintenance access. Where it is necessary to use and occupy land only during the construction and commissioning of the project, then the powers sought are limited to temporary use only. The combination of both land required for permanent acquisition and land required for temporary use reside within the Limits of Land to be Acquired and Used (LLAU) and captures all the land required by the project.

5.2 Compulsory acquisition and temporary use powers

- 5.2.1 The main powers authorising the compulsory acquisition of land, or interests in, or new rights over land, are contained in Articles 23 (compulsory acquisition of land) and 24 (Compulsory acquisition of rights) of the draft DCO.
- 5.2.2 Other compulsory acquisition powers are sought in the draft DCO (**application document 3.1**) (identified in section 5.3 of this Statement), and these similarly relate to land and would, or may, interfere with property, rights, and interests.
- 5.2.3 In addition, powers are sought in the draft DCO to enable the temporary possession and use of land to carry out and maintain the project.
- 5.2.4 In each case, the owner of the land, or the interest or right in the land, may be entitled to compensation.

5.3 Powers of compulsory acquisition

- 5.3.1 The compulsory acquisition powers sought by the Applicant in the draft DCO include the power to acquire existing private rights over land and extinguish existing private rights within land and are defined within the following draft DCO articles:
- 5.3.2 Article 23 (Compulsory acquisition of land): This article would allow National Grid (and UKPN in respect of the UKPN works at the GSP substation) to acquire compulsorily so much of the Order land described in the Book of Reference as is required for the construction, operation and maintenance of the authorised development or is incidental to it or required to facilitate it.
- 5.3.3 Article 24 (Compulsory acquisition of rights): This article would allow National Grid (and UKPN in respect of the UKPN works) to compulsorily acquire existing rights, create and acquire new rights and impose restrictive covenants over Order for the purposes of authorised development.
- 5.3.4 Article 25 (Acquisition of subsoil or airspace only): This article would allow the acquisition of subsoil and airspace only. The undertaker may compulsorily acquire so much of, or such rights in, the subsoil of, or the airspace of, the land referred to in article 23 and 24.
- 5.3.5 Article 30 (Disregard of certain interests and improvements): This article states that in assessing compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the Tribunal must not take into account; any interest in land, or and enhancement of the value of any interest in the land by reason of any building erected, works executed or improvement or alteration made on relevant land...”
- 5.3.6 Article 31 (Set-off for enhancement in value of retained land): Set-off for enhancement in value of retained land. This article states that in assessing compensation payable to any

person on the acquisition from that person of any land or right over any land under this Order (including any subsoil).

- 5.3.7 Article 32 (Compulsory acquisition of land – incorporating the mineral code): This article incorporates both Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 (with modifications) rather than just Part 2. Part 3 provides the procedure for the owner wishing to work the mines or minerals. By incorporating the two parts of the named Schedule, this article exempts existing rights in minerals from the scope of compulsory acquisition and deals with the situation where the owner of mines or minerals wishes to work them. This is necessary given the nature and location of the authorised development, particularly around Layham Quarry.
- 5.3.8 Article 33 (Time limit for exercise of authority to acquire land compulsorily): The time period stated is after the end of the period of five years beginning with the day on which this Order is made.
- 5.3.9 Article 34 (Acquisition of part of certain properties): This article pertains to the Notice to Treat (NTT) provision under the Land Compensation Act 1965. Within the draft DCO this is only for land forming part of a house, building or manufactory or of land consisting of a house with a park or garden. The article enables acquisition of a part, rather than the whole of, properties subject to compulsory acquisition. It contains a procedure enabling the relevant owner in certain circumstances to require the whole of the land to be taken, with disputes being determined by the Land Chamber of the Upper Tribunal.
- 5.3.10 Article 35 (Application of the Compulsory Purchase (Vesting Declarations) Act 1981): This allows the undertaker to use the 1981 Act to acquire land or rights by way of a General Vesting Declaration (GVD).
- 5.3.11 Article 36 (Application of Part 1 of the 1965 Act). This article provides for the application, with modifications, of Part 1 of the Compulsory Purchase Act 1965. The modifications are necessary to ensure that there is clarity, given the order provisions.
- 5.3.12 Article 37 (Extinguishment and suspension of private rights): This article allows the project to extinguish or suspend all private rights and restrictive covenants from the date of the acquisition of the land by the undertaker whether by private agreement or compulsorily, or on the date of entry by the undertaker. It also allows the project to extinguish or suspend all private rights and restrictive covenants from the commencement of any authorised activity by this Order.
- 5.3.13 Article 38 (Power to override easements and other rights): This article provides that extinguishment of rights is not automatic on acquisition and only where they (easements or other rights) obstruct the authorised development would they be overridden).

5.4 Temporary possession powers

- 5.4.1 The Applicant further seeks, in the draft DCO (**application document 3.1**), powers to take temporary possession of land to carry out the project, as follows:
- 5.4.2 Article 26 (Temporary use of land by National Grid): National Grid may in connection with carrying out of the authorised development, enter on and take temporary possession of; land designated for temporary land take within the Book of Reference column (I) of schedule 10; or land where no notice of entry has been served. It allows National Grid to remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land; construct temporary or permanent works (including the provision of means of access and buildings or structures

on that land); and construct any works specified in relation to that land in column (2) of Schedule 10 or any other mitigation works.

- 5.4.3 Article 27 (Temporary use of land by UKPN): Temporary use of land by UKPN. In connection with the carrying out of the UKPN works, they may enter on and take possession of; land designated for temporary land take within the Book of Reference column (l) of schedule 10; or any other land in respect of the UKPN Works where no notice of entry has been served. It allows UKPN to remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land; construct temporary or permanent works (including the provision of means of access and buildings or structures on that land); and construct any works specified in relation to that land in column (2) of Schedule 10 or any other mitigation works
- 5.4.4 Article 28 (Temporary use of land for maintaining authorised development): This article allows the entry on and the taking of temporary possession of land within the Order Limits except for houses, gardens and any other building for the time being occupied, which is reasonably required to be maintained by the authorised development.
- 5.4.5 Article 29 (Use of subsoil under or airspace over streets): This article states that the undertaker may enter on and use so much of the subsoil of, or airspace over, any street within the Order Limits as may be required for the purposes of the authorised development.
- 5.4.6 Article 40 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession): This article extinguishes the private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession.

5.5 Other Powers of Note

- 5.5.1 Rule 5(2)(h) of the APFP Regs 2009 requires a statement of reasons for seeking a DCO to authorise “the compulsory acquisition of land or an interest in or right over land”. Regulation 5(2)(h) does not therefore require the statement of reasons to extend beyond the outright acquisition of land or interests in or rights over land.
- 5.5.2 This, however, does not capture other compulsory powers sought in the draft DCO which similarly relate to land and would or may interfere with property rights and interests. These are set out below based on the draft DCO.
- 5.5.3 Additional powers which the draft DCO would confer on National Grid (or UKPN with respect to UKPN works) are:
- 5.5.4 Article 11 (Street works). The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) in order to carry out works in that street.
- 5.5.5 Article 14 (Power to alter, layout etc. of streets): The undertaker may, for the purposes of carrying out the authorised development, permanently or temporarily alter the layout of, or carry out any works in, a street specified in column (1) of Part 1 or 2 of Schedule 6 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2).
- 5.5.6 Article 15 (Temporary stopping up of streets and public rights of way): This article allows temporary stopping up of streets and public rights of way. During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter

or divert any street or public right of way shown on the Access and Rights of Way Plans or within the Order Limits and may for any reasonable time; divert the traffic from the street or public right of way; and subject to paragraph (3), prevent all persons from passing along the street or public right of way.

- 5.5.7 Article 16 (Access to works): The undertaker may for the purposes of the authorised development form and lay out means of access or improve the existing means of access, in location specified in the draft DCO, namely Column (2) of Schedule 8 (Access to works), with the consent of the relevant planning authority.
- 5.5.8 Article 17(Construction, alteration and maintenance of streets): Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.
- 5.5.9 Article 19 (Discharge of water): The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development, and for that purpose may lay down, take up and alter pipes and may, on any land within the Order Limits, make openings into, and connections with, the watercourse, public sewer or drain.
- 5.5.10 Article 20 (Protective works): At the undertaker's own expense they are permitted to carry out such protective works to any land, buildings, structure, apparatus or equipment, lying within the Order Limits or which may be affected by the authorised development.
- 5.5.11 Article 21 (Authority to survey and investigate the land). The undertaker may for the purposes of the order enter onto the land shown within the Order Limits or land which may be affected by the authorised development to survey, monitor or investigate land. To place, leave on and remove from the land apparatus in connection with surveys, monitoring and investigation.
- 5.5.12 Article 41 (Crown rights): Nothing in the Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary).
- 5.5.13 Article 42 (Special category land): This article allows National Grid to carry out the project on special category land and that rights and encumbrances over any special category land (i.e., land forming part of a common, open space or fuel or field allotment) must be discharged.
- 5.5.14 Article 43: Statutory undertakers. Subject to protective provisions, the undertaker may; acquire compulsorily the Order land belonging to statutory undertakers; and as described in the Book of Reference, extinguish or suspend rights of, remove or reposition apparatus belonging to a statutory provider; acquire existing rights; construct the authorised development in such a way as to cross underneath or over apparatus belonging to a statutory provider and construct over existing apparatus belonging to the provider, with the right to maintain or remove the same.
- 5.5.15 Article 47 (Traffic regulation): This allows National Grid to regulate traffic on the roads with the consent of the traffic authority, for the construction of the authorised development.

- 5.5.16 Article 48 (Felling or lopping): This allows any tree, shrub, hedgerow or important hedgerow that is near the authorised development to be felled, lopped or coppiced, or have its roots cut back, if it is considered to obstruct the construction, operation or maintenance of the project or endanger anyone constructing, operating or maintaining it.
- 5.5.17 Article 49 (Trees subject to tree preservation order): This allows National Grid to fell or lop trees which are subject to a TPO.
- 5.5.18 Article 50 (Temporary closure of, and works in, the River Stour): This allows the project to temporarily close the relevant part of River Stour during construction of the authorised development. It is necessary so works adjacent to, above and beneath can be completed safely.

5.6 Conclusions

- 5.6.1 The Applicant considers that the powers sought in the draft DCO as set out in this chapter are reasonable, proportionate and necessary to deliver and thereafter maintain the Scheme.

6. The Order land and Persons with an interest in land

6.1 The extent of the land subject to compulsory acquisition powers

- 6.1.1 The Land Plans (**application document 2.3**) and the Works Plans (**application document 2.5**), provide a visual aid of the land required for the project. The project is further described in the ES chapter 4: Project Description (**application document 6.2.4**). The Book of Reference (**application document 4.3**) contains plot numbers, title descriptions and proposed land take areas in square meters. Reviewed together, these documents provide a holistic view of the land required for the project.
- 6.1.2 National Grid is seeking temporary powers over an area greater than that proposed for permanent acquisition or acquisition of rights, which is identified through the Class of Rights shown on the Land Plans (**application document 2.3**). National Grid is not seeking powers of compulsory acquisition for any more land than is necessary and to provide a necessary and proportionate degree of flexibility as to the final alignment of the works.
- 6.1.3 It is in the public interest to obtain the appropriate security for the electricity supply network through the grant of permanent land rights and not temporary land rights.
- 6.1.4 The Order Limits include LoD, which represent the maximum locational flexibility for permanent infrastructure, such as the overhead line, pylons and underground cables. This allows for adjustment to the final positioning of project features to avoid localised constraints or unknown or unforeseeable issues that may arise. The LoD are shown on the Works Plans (**application document 2.5**) and the General Arrangement Plans (**application document 2.10**). National Grid will only acquire land or rights permanently, based on the end position of the permanent infrastructure such as overhead line, pylons and underground cables. The LoD provides the flexibility for construction purposes only and does not determine the permanent land take or rights to be acquired.
- 6.1.5 National Grid would first use temporary possession powers to construct the project. Once each stage is complete and if the project has been unable to secure the permanent land or rights acquisition required via a voluntary agreement, it would rely on exercising powers of compulsory acquisition to secure such land or rights on a permanent basis. This approach offers a proportionate approach to the land powers sought.
- 6.1.6 Voluntary rights in land for the underground cables and overhead lines including pylons will be sought by way of an easement under the terms of a Deed of Grant as opposed to the grant of temporary wayleaves.
- 6.1.7 For major infrastructure projects undertaken by National Grid, longevity and security of rights is essential in the context of National Grid's ability to create new and upgrade existing infrastructure networks and to support major power generation infrastructure projects. Therefore, National Grid considers it essential to secure the grant of permanent easements rather than wayleaves whether by negotiation or through powers of compulsion project.

6.2 Location

6.2.1 The project is sited in Suffolk and Essex, with the most easterly components approximately 3km from Bramford and approximately 8km west of Ipswich. The westerly components of the project are approximately 5 miles south of Sudbury.

6.2.2 The project falls within the boundaries of several authorities:

- Suffolk County Council;
- Essex County Council;
- Mid Suffolk District Council;
- Babergh District council; and
- Braintree District Council.

6.3 Existing Land Use

6.3.1 The following section sets out both land use and also notable built features or designations. The local area is predominantly rural, with much of the land used for arable crop production.

6.3.2 The project crosses a landscape which comprises a low-lying topography of flat to gently undulating landform, and wide, flat river valleys. Topography becomes more rolling to the west of the River Stour, around Twinstead. Major watercourses within the study area typically flow north to south, including the River Brett, River Box, and River Stour, with topography gently rising between these river corridors.

6.3.3 The majority of the project runs adjacent to existing 400kV and / or 132kV infrastructure.

6.3.4 For the purposes of describing the project location it has been split into seven sections. The Planning Statement (**application document 7.1**) provide additional details on the status and impact of the project on each of them.

Section AB Bramford Substation/Hintlesham (Overhead Line);

6.3.5 The majority of Section AB is characterised as farmland for varying uses, predominantly agricultural. To the very east of the scheme at Bramford there is an existing National Grid substation, situated on Bullen Lane.

6.3.6 The project runs in parallel to Hintlesham Golf Club and Hintlesham Hall Hotel. Immediately to the west/south of the Hotel is parkland.

6.3.7 The project also runs parallel to the village of Hintlesham, which is predominately residential and to Hintlesham woods, which is a Site of Special Scientific Interest (SSSI).

Section C Brett Valley (Overhead Line);

6.3.8 Hadleigh Railway Walk forms the boundary between Section AB: Hintlesham, and Section C: Brett Valley and is identified as Open Space.

6.3.9 Section C is largely agricultural with some residential in proximity to the project.

Section D Polstead (Overhead Line and Underground Cable);

- 6.3.10 This section is predominately agricultural. Layham Quarry is located within the Polstead section and is an existing safeguarded quarry site which is also allocated for an extension to extract minerals.

Section E Dedham Vale AONB (Underground Cable);

- 6.3.11 The vast majority of the Dedham Vale AONB section falls within Section E; this includes a belt of woodland called Dollops Wood. The Section also includes land in agricultural use.

Section F Leavenheath/Assington (Overhead Line);

- 6.3.12 The project runs between the villages of Leavenheath and Assington. The land impacted is predominately agricultural with some wooded areas.

Section G Stour Valley (Overhead Line and Underground Cable);

- 6.3.13 In this section the project is still running alongside the existing 400kV line through mainly agricultural land. There is a belt of woodland called Ansell's Grove.

Section H Grid Supply Point (GSP) Substation

- 6.3.14 The land in this Section is agricultural banded by ancient woodland north and south. .

Public Rights of Way

- 6.3.15 There are several PRoW running through the areas identified as Order Land, shown on the Access, Rights of Way and Public Rights of Navigation Plans (**application document 2.7**) and listed at Schedule 2 Part 1 of the draft DCO (**application document 3.1**), which shows the PRoW that would be affected by the project.
- 6.3.16 The draft DCO (**application document 3.1**) for the Project would grant the necessary powers to stop up temporarily PRoW affected by the project. It is however National Grid's intention to keep the majority of the PRoW effectively open via management. Further detail on the existing PRoW can be found in chapter 4 of the Transport Assessment (**application document 5.7**).

6.4 Identifying persons with an interest in the land

- 6.4.1 In preparing the draft DCO application, the Applicant has carried out diligent inquiry through the land referencing process (described in 6.4.2 below), in order to identify all persons who fall within the categories set out in sections 44 and 56 of the Act. Such persons are listed in the Book of Reference (**application document 4.3**) and have been consulted about the draft DCO application in accordance with section 42 of the Act as described in the Consultation Report (**application document 5.1**).
- 6.4.2 The categories of persons identified and the methods used to identify the persons with an interest in the land are described in the Land Referencing Methodology (Appendix J of the Consultation Report (**application document 5.1**) and summarised below. Land referencing has been undertaken throughout the pre-application period to ensure that any changes in ownership or new interests have been identified, consulted and are subject to engagement. Any changes in ownership that may occur will be identified and recorded during the draft DCO process and the Book of Reference will be updated accordingly.
- 6.4.3 The Applicant is satisfied that all of the land interests identified for compulsory acquisition are required to enable the project to proceed. National Grid holds an interest in / owns or

leases a number of plots which may be subject to the rights of others which are incompatible with the construction and operation of the project. In order to ensure that any such interests can be removed (and the persons benefitting from them are compensated for such removal), the Applicant's own land has been included within the land to which the compulsory acquisition powers sought would apply.

- 6.4.4 Under the Act diligent inquiry must be undertaken to identify the categories of persons set out in sections 44 and 57 as Categories 1, 2 and 3. These categories are described below.

6.5 Category 1 and 2 persons

- 6.5.1 Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
- 6.5.2 Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.

6.6 Category 3 persons

- 6.6.1 Category 3, comprises persons who the Applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the order sought by the application were to be made and fully implemented. A "relevant claim" is defined in the Act as meaning a claim under section 10 of the Compulsory Purchase Act 1965 or under section 152(3) of the Act, as well as under Part 1 of the Land Compensation Act 1973.

6.7 Land referencing and considered interests identification

- 6.7.1 Identification of Category 1, 2 and 3 interests was undertaken during the initial stages of the project, in order to undertake consultation and engagement with category 1, 2 and 3 interests, to inform the Book of Reference and to draft the DCO.
- 6.7.2 Interests were identified through a land referencing methodology incorporating publicly available desktop sources (including Land Registry updates, checks of Companies House, checks of local authority information and other online data) and contact with land interests. This included correspondence using Land Interest Questionnaires to request information on land holdings and other legal interests in land, followed up with further inquiries and site visits. Where land was unregistered or interests were unknown, further investigations were done on site and notices placed on the land requesting information.
- 6.7.3 In order to identify potential Category 3 persons who may have a claim pursuant to section 10 of the Compulsory Purchase Act 1965, or section 152(3) the Planning Act 2008, an initial 500m buffer was applied to the proposed land requirements to ensure adjacent landowners, frontage interests and potential relevant claims under section 10 of the Compulsory Purchase Act 1965 and section 152(3) of the Act were included, as well as carrying out a desk-based assessment to identify properties outside the buffer with a potential claim. In addition, site visits were used in order to assess properties that were not evident from the desk-based assessment.
- 6.7.4 Potential claims under Part 1 of the Land Compensation Act 1973 were also identified using the outcomes of environmental assessment to identify those properties that may have a claim as a result of physical factors which are noise, vibration, smell, fumes,

smoke, artificial lighting and discharge of solid or liquid substances on the land. This is set out within the Planning Statement chapter 12, 13 and 14 (**application document 7.1**)

6.7.5 Furthermore, National Grid considered proposed new developments, identifiable from the Local Plan, or from local authority information on developments with the benefit of planning permission.

6.7.6 Appendix J of the Consultation Report (**application document 5.1.10**) sets out in greater detail the land referencing methodology including Special Category Land.

6.8 Negotiations to acquire by agreement

6.8.1 It is the preference of National Grid that all land and rights should be acquired through negotiation and agreement. National Grid have attempted and will continue to demonstrate its ongoing commitment to acquire all interests in the land through private land agreements. It is necessary to seek powers of compulsory acquisition in the draft DCO application in order to ensure that, in the event that the ongoing negotiations to acquire land by agreement are ultimately unsuccessful in relation to any part of the land, the project is not precluded from being delivered.

6.8.2 Since the start of the project and through the statutory consultation periods, National Grid have engaged or endeavoured to engage with all owners and occupiers of the land required for or affected by the project. The engagement formed part of the consultation process, to obtain feedback on the proposals and where appropriate, discussions have been held about the potential implications of the project.

6.8.3 National Grid have also undertaken extensive consultation with all persons with an interest in the relevant land in order to avoid the need for the exercise of powers of compulsory acquisition. It has offered terms for securing the rights and land needed through voluntary means.

6.8.4 Where appropriate for the overhead lines and towers and with the underground cable, terms have been based upon National Grid's Land Rights Strategy. The general approach set out in the Land Rights Strategy has recently been reviewed and revised, and to increase the prospects of reaching voluntary agreement terms have been offered on the new and revised basis of the Land Rights Strategy.

6.8.5 In respect of the land identified for the GSP substation site at Twinstead and the four sealing end compounds at Dedham Vale East, Dedham Vale West, Stour Valley East and Stour Valley West the Applicant needs to acquire freehold interests due to the permanent facilities required.

6.8.6 The applicant has offered terms to 6 parties for the freehold acquisitions of land for CSE Compounds between November 2022 and December 2022 and are in active negotiations with these parties. The Applicant agreed terms for the GSP substation in June 2022 and exercised the option to purchase which has been drawn down and has completed.

6.8.7 In respect of voluntary agreements for option(s) to grant an easement for the overhead line and underground cables alongside rights for temporary compounds, temporary access, and permanent acquisition Heads of Terms have been offered to all 113 parties as of 18th April 2023.

6.8.8 Appendix B of this Statement outlines the ongoing negotiations to date for all voluntary agreements sought for the project.

- 6.8.9 In respect of land where agreements have been signed between National Grid and a landowner, if the agreement states that National Grid shall not use Order powers to acquire land, then National Grid shall abide by this. Where agreements do not state this or where National Grid owns land, National Grid has included the land as shown by the Land Plans (**application document 2.3**) in case of unforeseen circumstances whereby National Grid then need to rely on such powers to deliver the project.
- 6.8.10 There is one residential property known as Hill View, Nayland Road, Assington, C010 5LR, which National Grid is seeking to acquire by voluntary agreement, but which land is not subject to class 1 powers of compulsory acquisition (but which is subject to class 2 - the compulsory acquisition of rights for an overhead line). National Grid have two options for the overhead line route in the vicinity of this property;
- 1) If National Grid can purchase the property by early voluntary acquisition, it would seek to purchase the property in its entirety and have the proposed new overhead line running on an alignment which is closer to the existing overhead line to the north, which new line would then run through the middle of the title. National Grid is of the view that it would not wish to pursue this option with the residential property in situ, but equally is of the view that seeking powers of compulsory acquisition of the residential property would be unnecessary when there is an alternative to the south.
 - 2) If National Grid cannot negotiate an early voluntary acquisition of Hill View, National Grid would route the 400kV line further south, away from the residential dwelling. The LoD allows for this flexibility, over paddock land at Woodthorpe's Farm under Class 2 (compulsory acquisition of rights – overhead line).
- 6.8.11 The Order Limits allow for National Grid to pursue either option at Hill View. National Grid are currently in negotiations with the owners of Hill View with a view to securing early voluntary acquisition and hence implementing option 1, however the optionality needs to be preserved to ensure delivery.

Utilities

- 6.8.12 National Grid is negotiating and will continue to negotiate with all identified utility providers. Section 8.3 (Statutory undertakers' land) of this Statement provides more information on the compulsory acquisition of land and rights required from various statutory undertakers.

7. Justification for powers of compulsory acquisition

7.1 Sections 120 and 122 of the Planning Act 2008

7.1.1 Section 120 of the PA Act 2008 prescribes those matters which may be provided for in a DCO. Sections 120(3) and 120(4) go on to provide that an Order may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include (but are not expressly limited to) the matters listed in Schedule 5 to the PA Act 2008, for example:

- the acquisition of land, compulsorily or by agreement
- the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement
- the payment of compensation.

7.1.2 Section 122 of the PA Act 2008 provides that an Order granting development consent may include provisions authorising compulsory acquisition of land, only if the decision maker is satisfied that two conditions are met.

7.1.3 The first condition (section 122(2)) requires that one of three criteria are met, as follows:

- a) the land is required for the development to which the development consent relates; or
- b) the land is required to facilitate or is incidental to that development; or
- c) the land is replacement land to be given in exchange for land which is open space or common land.

7.1.4 The second condition (section 122(3)) is that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order.

7.1.5 Paragraph 7 of the Guidance expands on section 122 of the PA Act 2008 and makes it clear that applicants must be prepared to justify their proposals for compulsory acquisition to the satisfaction of the Secretary of State.

7.1.6 Paragraphs 8 to 19 of the Guidance provide a number of general considerations that applicants should demonstrate to the satisfaction of the decision maker:

- All reasonable alternatives to compulsory acquisition (including modifications to the project) have been explored (paragraph 8).
- The development is of legitimate purpose, necessary and proportionate (paragraph 8).
- A clear idea of how the land proposed for acquisition is intended to be used (paragraph 9).
- There is a reasonable prospect of the requisite funds becoming available (paragraph 9).

- The reasons for seeking the order are legitimate and there is justification for interfering with the human rights of those with an interest in the land affected (paragraph 10).
- There is a compelling case in the public interest for the compulsory acquisition (paragraph 12).
- Due to the high profile and potentially controversial nature of NSIP, it is useful for the applicant to be able to demonstrate their project is firmly rooted in any relevant national policy statement. It would also need to demonstrate any risks or impediment to the project have been properly managed and that they have taken account of any physical and legal matters pertaining to the application (paragraph 19).

7.1.7 In respect of paragraph 19, section 7.6 of this Statement sets out that funding is available to complete the project and should be read in conjunction with the Funding Statement (**application document 4.1**). In addition, section 8.4 of this Statement sets out that the need for other consents from bodies such as the Environment Agency, to allow certain elements of the development to proceed - but this does not therefore present any obstacle to the implementation of the project. Further reference should be made to Planning Statement which addresses Other Consents. There are therefore no known impediments to the delivery of the project.

7.1.8 The following paragraphs explain how the other stated pre-conditions to the grant of powers of compulsory acquisition are met in this case.

7.2 Tests under section 122(2)

7.2.1 Condition 1: ““The land and rights in the land are required for the development to which the consent relates, or, the land is required to facilitate or is incidental to that development.”

7.2.2 Chapter 3 of this Statement describes the national need for the provision of new energy infrastructure.

7.2.3 Chapter 4 of this Statement sets out the works comprised in the project (including UKPN related works) and which the powers of compulsory acquisition are required.

7.2.4 Chapter 5 of this Statement sets out the powers of compulsory acquisition being sought.

7.2.5 The Book of Reference (**application document 4.3**) sets out the classes of rights sought in respect of each plot. The Land Plans (**application document 2.3**) and Works Plans (**application document 2.5**) show the land that falls within the Order Limits and the works proposed on such land. The Land Plans and Book of Reference together detail the land and the rights required as well as the extent of the land and rights in land that would be affected.

7.2.6 National Grid require acquisition of land (Class 1) for the GSP substation and CSE compound sites as National Grid require possession of this area to build, operate and maintain the electricity supply which feeds into the overhead line and underground cables, which cannot be done by rights alone.

7.2.7 National Grid is also seeking rights for overhead line, underground cable, access and biodiversity net gain which are set out in Classes 2,3,4 and 5 respectively. In each case the acquisition of rights is necessary to deliver the project and are proportionate to the degree of interference with any private rights.

7.3 Tests under section 122(3)

- 7.3.1 Condition 2: “There is a compelling case in the public interest for compulsory acquisition.”
- 7.3.2 With regard to the condition set out in section 122(3), Section 3 of this Statement and the Need Case (April 2023) (**application document 7.2.1**) explains how there is a national need for the provision of new energy infrastructure. The project provides critical transmission capacity necessary for safe and secure connections.
- 7.3.3 Chapter 3 within this Statement and section 7.4 below also describe the multistage process that National Grid has followed in developing the project, which is required to transmit electricity to businesses and homes. This involved an iterative process involving appropriate environmental appraisal, consultation, consideration of alternatives and engineering design which has resulted in a project which balances the relevant matters including National Grid’s duties and government guidance.
- 7.3.4 The compulsory acquisition powers would ensure timely acquisition of the necessary land and rights needed to construct and maintain the project. Without such powers, the delivery of the project cannot be guaranteed, and there is a risk that the national need will not be met.
- 7.3.5 The land and rights sought are therefore necessary to facilitate the project. National Grid has sought to ensure that a proportionate approach has been taken in identifying the permanent acquisition powers and temporary use powers required to achieve its delivery.
- 7.3.6 There is therefore a very clear need for the project to be granted development consent and associated compelling case in the public interest for compulsory acquisition powers.

7.4 Alternatives to compulsory acquisition

- 7.4.1 The Need Case (April 2023) (**application document 7.2.1**) sets out and confirms the need for the project for which powers of compulsory acquisition are sought. There is no alternative to the project.
- 7.4.2 The strategic options which meet the need were considered and are set out in the Strategic Options Report (**application document 7.2.2**). A Bramford to Twinstead overhead connection was the alternative taken forward from that process, providing an appropriate reinforcement to the transmission network and providing a relatively direct and efficient route, which would achieve a balance between National Grid's technical, economic and environmental obligations.
- 7.4.3 As summarised in paragraph 2 above, the development of the design and routing of the project has followed National Grid guidance available at the time of each stage. The alternatives in terms of the route and construction were considered throughout that process, including in response to feedback received during the 2021 and 2022 consultations (see the Consultation Report (**application document 5.1**)).
- 7.4.4 ES chapter 3: Alternatives Considered (**application document 6.2.3**) provides further details on the alternatives considered throughout the project development process.
- 7.4.5 Having considered alternatives to the project, National Grid considered alternatives to compulsory acquisition.
- 7.4.6 In order to construct, operate and maintain the project, land and rights in the ownership of parties other than National Grid would need to be acquired. Any practicable alternative location for the project would similarly require the acquisition and/or use of third party

land. This means that acquisition and/or use of third party land cannot be avoided. The Book of Reference (**application document 4.3**) and the Land Plans (**application document 2.3**) show the land and rights in land that are required and for what purpose. In each case the rights sought are necessary to deliver the project and are proportionate to the degree of interference with the interests and rights of landowners.

- 7.4.7 National Grid have also sought powers of temporary possession, where appropriate, rather than compulsory acquisition of land or rights, as the temporary possession of land is more proportionate where the permanent acquisition of land or rights is not required.
- 7.4.8 National Grid would continue to seek all rights it needs by voluntary agreement, subject to the draft DCO being made. National Grid has undergone extensive consultation with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition.
- 7.4.9 This approach to making the application for the draft DCO in parallel to conducting negotiations to acquire rights in land by agreement wherever practicable, is in accordance with paragraph 25 of the Guidance. Paragraph 25 of the Guidance confirms that for long, linear schemes, such as the project *“it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset”* (Government, September 2013).
- 7.4.10 Part of the project relates to a UKPN line. In many cases rights currently exist for UKPN or its agent(s) to enter on and remove the UKPN lines. These rights are contained in the existing wayleaves or easements. However, in some cases current wayleaves do not exist for the UKPN assets to be removed and/or less disturbance would result from taking an alternative access to that provided in the wayleave/easement and, therefore, compulsory acquisition of the necessary rights is sought within the draft DCO for the removal of the UKPN lines where necessary to construct the project. The draft DCO also provides that National Grid (and UKPN) may temporarily occupy land, including in order to remove existing infrastructure.
- 7.4.11 The order land encompasses land for Biodiversity Net Gain (BNG). As part of the Environmental Action Plan 2021–2026 (April 2001), National Grid has committed that by 2026 it will deliver at least 10% or greater environmental value (including biodiversity) on all construction projects. This is further supported by the government’s consultation response in February 2023, which intends to commence mandatory BNG, with 30 years set as the minimum period for which biodiversity gain must be secured on Nationally Significant Infrastructure Projects accepted for examination from November 2025. The government’s guidance states the preference is that BNG should be provided on-site or in close proximity to a development site. Whilst National Grid is seeking voluntary agreements with parties, if these cannot be agreed, National Grid has identified within the project Order Limits areas for suitable BNG, and the best chance of providing BNG successfully on-site or close to the proposed development, is to seek compulsory acquisition powers.
- 7.4.12 Notwithstanding completing voluntary agreements, National Grid would still seek powers to compulsorily acquire land and rights through the draft DCO as compulsory acquisition powers would enable National Grid to deliver its statutory and contractual duties without potential delay, if for any reason the voluntary acquisition of rights is ultimately unsuccessful.

7.4.13 Without the powers of acquisition being compulsory, there is a risk that the urgent national need for the project could not be met because the land and rights required in the Order land may not be assembled.

7.5 The proposed interest in the land is legitimate, necessary, and proportionate

7.5.1 The need for the project is set out in the Need Case (April 2023) (**application document 7.2.1**) and Strategic Options Report (**application document 7.2.2**) and is underpinned by NPS EN-1 and NPS EN-5. The compulsory acquisition of land and rights in land is necessary to deliver this connection.

7.5.2 Without the compulsory acquisition of the necessary interests in land, the delivery of the project cannot be guaranteed.

7.5.3 Steps have been taken to ensure that the land and interests acquired are proportionate, including the following:

- National Grid assessed alternative options in 2009 and again in 2020 (which has been kept under review in the period since then) to deliver the necessary connection with more limited land take, but the acquisition of third party interests cannot be avoided to deliver the project.
- The Order Limits are drawn tightly to avoid any unnecessary interference with or extinguishments of third party rights but have regard to the need for flexibility to ensure project deliverability.
- Where appropriate, National Grid have sought to take powers to temporarily use land, rather than permanent acquisition of land or rights.
- Wherever possible, National Grid is seeking rights in land rather than outright acquisition.

7.5.4 Compensation is payable for the compulsory acquisition of land or rights. Compensation is also payable for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal (LCUT).

7.6 Funding for compensation

7.6.1 The Guidance indicates that an applicant “should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition” within the relevant period. The Funding Statement (**application document 4.1**) sets out how the proposed project and the acquisition of land and rights over land necessary to build the project would be funded. It demonstrates that there is a reasonable prospect of the requisite funds being available to fund all aspects of the project.

8. Special considerations

8.1 Crown land

8.1.1 Section 135 of the Act provides that a DCO may authorise, with the consent of the appropriate Crown authority, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown. No land has been identified as Crown land, as set out in the Book of Reference (**application document 4.3**). Special Category Land Plans (**application document 2.4**) have been submitted for completeness which confirms there is currently no Crown Land in any part of the Order Limits.

8.2 Special category land

8.2.1 This section addresses the issue of special category land in respect of the project. Special category land is afforded special protection by the Act. Special category land is defined in Regulation 2 of the APFP Regulations as “*land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment*”.

8.2.2 The delivery of the project requires the seeking of rights over Special Category Land, more specifically classed as ‘Open Space’, which is shown on the Special Category Land Plans (**application document 2.4**). The Book of Reference (**application document 4.3**) also specifies the plots identified as Open Space, which are further detailed in Table 2 below and in the Special Category Land Report in Appendix C.

8.2.3 Sections 131 and 132 of the PA 2008 make provision for Special Parliamentary Procedure (SPP) to apply where a development consent order authorises the compulsory acquisition of land, or rights over land forming part of a common, open space or fuel field garden allotments. SPP requires that powers of compulsory acquisition relating to the special category land be subject to further scrutiny by Parliament, before the development consent order covering the compulsory acquisition can come into effect.

8.2.4 Section 132 (3) of the PA 2008 states that there is an exemption to SPP, if the Order land, when burdened with the Order right, will be no less advantageous than it was before to the following persons: the persons in whom it is vested, other persons (if any, entitled to rights of common or other rights) and the public. If the Secretary of State is satisfied that this project would not cause the land to be less advantageous to the persons aforementioned, the Secretary of State may confirm by certificate that SPP would not apply.

8.2.5 Due to the nature of the rights sought over it, the Open Space would be no less advantageous to the users as a result as set out in Special Category Land report in Appendix C to this Statement. In the circumstances, National Grid is seeking a Certificate from the Secretary of State confirming that SPP will not apply. For the avoidance of doubt, in the case of this draft DCO application, no replacement land has been, or would be given as no Open Space is being permanently acquired.

8.2.6 Discussions are on-going in relation to agreement to acquire the necessary interests in the Open Space land by agreement. The Book of Reference Part 5 (**application document 4.3**) sets out the Special Category Land which Table 8.1 is extracted from:

Table 8.1 - Special Category Land

No.	Land description	Plot numbers	Activities to be undertaken, summary	CA classes sought in
1	Hintlesham Course	Golf 2-54, 3-06, 3-13, 3-15, 3-16, 3-17, 3-18, 3-20, 3-22, 3-23	Low voltage diversion, planting and access	3, 4
2	Hintlesham Wood	Great 6-02, 6-03, 6-04, 3-114, 3-116	Existing 4YL line over that land, to be reconducted and possibly towers to be modified. Temporary construction period.	2, 4
3	Hadleigh walk	railway 9-24, 9-25	Scaffold and remove 132 existing line; scaffold and build new OHL; very temporary interface only when pulling netting.	2
4	Assington Green	16-71, 16-76, 16-79	Access and removal of PCB tower and conductors; build new tower and OHL.	2, 4

8.3 Statutory undertakers' land

8.3.1 The draft DCO (**application document 3.1**), if made, would authorise the compulsory acquisition of statutory undertakers' land comprising of the plots as set out below and described in the Book of Reference (**application document 4.3**) and shown on the Land Plans (**application document 2.3**).

Table 8.2 - Plots owned by Statutory Undertaker(s)

Plots owned (Category 1 Persons as referenced in section 6.5. of this Statement) by Statutory Undertakers over which compulsory acquisition of land and rights are required Book of Reference Part 1 (application document 4.3)	Owned by Statutory Undertaker
6-18, 24-07, 24-08	Anglian Water Services Limited
1-04, 21-33, 21-37, 21-29, 21-34	National Grid Electricity Transmission (National Grid)
1-05, 1-07, 1-13, 1-14	Scottish Power Renewables (UK) Limited
20-28, 20-33, 20-36, 20-38, 20-39, 20-42	Network Rail Infrastructure Limited

8.3.2 In the draft DCO (**application document 3.1**), the Applicant also seeks powers to acquire rights from Statutory Undertakers, the plots of which are listed below and are set out in Book of Reference Part 3 (**application document 4.3**).

Table 8.3 - Plots where the project requires rights

Plots where the project requires rights Book of Reference Part 3 (application document 4.3)	Statutory Undertaker
1-29, 2-18, 2-26, 2-04, 2-12, 2-13, 2-28, 3-45, 3-49, 3-51, 3-54,3-85, 3-10, 3-89, 3-01, 4-29, 4-29,4-04, 4-26, 4-30, 4-31, 6-15,6-16,6-28, 6-13, 6-39,6-38, 6-27, 6-34,6-44, 6-12, 6-30, 6-47, 6-35, 6-18, 7-14, 7-15, 7-05,7-16,7-48, 7-08, 7-11, 7-07, 8-114,8-115, 8-111, 8-118, 8-117, 8-126, 8-110, 8-116,8-109, 8-65, 8-91, 8-101,6-14, 8-107, 8-63, 8-06, 8-13, 8-27, 8-31,8-35,8-41,8-50,8-62,8-37, 8-08, 8-09, 8-65, 8-91, 8-101, 8-107, 8-110, 8-126, 8-115, 8-63, 9-06,9-08, 9-11, 9-26, 10-12, 10-13, 10-04,10-16,10-17, 10-01,10-22, 10-23,10-20, 10-21,10-11, 11-10, 11-14, 11-12,11-13, 11-10, 11-14, 11-19,12-15, 12-23,12-29, 12-28, 12-32, 12-33, 12-38, 12-40, 12-03, 13-16, 13-18, 13-05,13-10,13-07,13-08, 13-12, 13-10, 15-109, 15-108,15-113, 15-108, 15-96, 15-98, 15-02, 15-05, 15-106, 15-110, 15-109, 15-108,15-113, 15-89, 15-103, 15-08, 16-20,16-22, 16-32, 16-51,16-65, 16-29, 16-27,16-04,16-21,16-18, 16-19, 16-88, 16-13, 16-15, 16-16, 16-53,16-55,16-56,16-61,16-60,16-57, 16-62, 16-04, 16-75, 16-89, 17-87, 17-89, 17-89, 17-101, 17-109, 17-88, 17-95,17-106,17-99,17-107, 17-108, 17-38, 17-38, 17-11, 17-17,17-27, 17-41, 17-58, 17-40, 17-55, 17-10, 17-87, 17-83, 17-98, 17-95, 17-99, 17-05, 17-07, 17-16,17-60, 17-04, 17-08, 17-79, 17-53, 17-77, 17-62, 20-23,20-40,20-46, 20-53, 20-47,20-50,20-58, 20-13,20-19,20-17, 20-54, 20-55, 21-01, 21-03, 21-64, 21-66, 21-12, 21-62, 21-05, 21-02,21-06, 21-10, 21-69, 21-39, 21-67, 21-14, 21-17, 21-26, 21-11,21-13,21-07, 22-18,22-20,22-21,22-22,22-04,22-01, 22-17, 22-08, 22-09, 23-04, 23-05, 23-56, 23-28, 23-08, 23-12, 23-60, 23-53,23-06, 23-09, 24-22, 24-08, 24-07, 24-11, 26-04, 26-01, 26-02, 28-26, 28-28, 28-16	Anglian Water Services Limited
20-29, 20-40, 20-53, 20-44,20-46	BT Group plc
3-45,3-51, 3-52, 3-57, 3-59,3-61,3-63,3-69,3-66, 3-70, 3-75, 3-90, 3-96, 3-100, 3-50,3-97,3-92, 3-54, 3-85, 3-83, 3-53, 3-74, 3-62, 3-67, 3-58, 3-91, 3-73, 3-71, 3-55, 3-60, 3-72, 3-56, 3-64, 3-68, 3-98, 3-99, 3-79, 3-38, 3-48, 3-41, 3-47, 5-09, 5-14, 5-08, 6-11, 7-05, 7-16, 7-48, 8-13, 8-27, 8-31, 8-35, 8-41, 8-49, 8-50, 8-64, 8-75, 8-78, 8-92, 8-32, 8-36, 8-38, 8-65, 8-73, 8-91, 8-101, 8-107, 8-48, 8-106, 8-37, 9-03, 21-73, 22-17, 22-19,21-71,22-02,22-03,22-10,22-09, 23-14, 23-15, 23-16, 23-17, 23-10, 23-13, 23-18, 23-21, 23-22, 26-04, 26-05, 26-07, 26-11	BT Limited
2-48, 2-50, 2-51, 2-44, 7-14, 7-15, 8-07, 8-10, 19-07, 19-08, 19-09, 19-10,19-12, 24-24, 24-26	Cadent Gas
	Environment Agency

2-45, 2-37, 4-08, 4-36, 10-19, 14-21, 14-25, 14-28, 14-30, 14-32, 14-22, 14-26, 14-31, 20-24, 21-41

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Openreach Limited

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Scottish Power Renewables (UK) Limited

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1-03	Virgin Media Limited
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24-05, 24-10, 1-04, 1-03, 21-33	Vodafone Limited
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8.3.3 Section 127(6) of the Act provides that if a representation has been made by the statutory undertaker, those powers of compulsory acquisition in respect of statutory undertakers' land may only be included if the Secretary of State is satisfied that:

- the rights can be acquired without serious detriment to the carrying on of the undertaking, or
- any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for acquisition by the undertaker.

8.3.4 Section 138 of the Act addresses the extinguishment of rights, and removal of apparatus of statutory undertakers. That section provides that the draft DCO can make provision for the extinguishment of certain rights, or the removal of certain apparatus, only if those matters are necessary for the purposes of carrying out the authorised development set out in the draft DCO. Article 43 of the draft DCO would permit such extinguishment or relocation. Whilst such impacts have sought to be minimised through design development, due to the nature of the project, the construction of the project would require interference with statutory undertakers' land or rights and the possible relocation of their apparatus. However, the exercise of such powers would be carried out in accordance with the protective provisions which set out constraints on their exercise with a view to safeguarding the statutory apparatus owners' interests.

8.3.5 The protective provisions are set out in detail in Schedule 14 of the draft DCO (**application document 3.1**). Part 1 of Schedule 14 includes provisions to protect electricity, gas, water and sewage undertakers and include provisions for alternative apparatus which allows the undertaker(s) to fulfil their statutory functions in a manner not less efficient than previously. Part 2 of Schedule 14 provides protection for operators of electronic communications code networks whereby if the project causes damage to that network, the undertaker shall bear and pay the costs reasonably and properly incurred and make such damage good. Part 3 protects Network Rail Infrastructure Limited specifically and Part 4 protects Anglian Water Services Limited.

8.3.6 The Applicant therefore considers that the test set out in section 127 of the Act is satisfied.

8.4 Other consents

- 8.4.1 The DCO would be the principal consent required to allow the project to proceed. In addition, there are other consents, licences and permissions that National Grid would require from authorities such as the Environment Agency and Natural England to allow certain elements of the development to proceed. Further detail is located in section 2.5 of the Planning Statement (**application document 7.1**).
- 8.4.2 National Grid is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent. The need for these other consents does not therefore present any obstacle to the implementation of the project. National Grid is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent. The need for these other consents does not therefore present any obstacle to the implementation of the project.

9. Human rights and Equalities

9.1 The protected rights

- 9.1.1 The European Convention on Human rights (the Convention) was applied within UK domestic law by the Human Rights Act 1998.
- 9.1.2 The articles of the Convention that are relevant when determining whether a DCO should be made which includes powers of compulsory acquisition are Article 1 of the First Protocol to the Convention, Article 6 and Article 8.
- 9.1.3 Article 1 of the First Protocol to the Convention protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.
- 9.1.4 Article 6 entitles those affected by powers sought for the project to a fair, public hearing by an independent and impartial tribunal. These requirements could be secured by the availability of judicial review if the decision-making is not considered to be independent within the meaning of Article 6.
- 9.1.5 Article 8 protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety, or the economic well-being of the country. As with Article 1 of the First Protocol to the Convention, any interference if justified, must be proportionate
- 9.1.6 The project has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the draft DCO are followed and a compelling case in the public interest is made for the compulsory acquisition and the interference with the convention right is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the draft DCO strikes a fair balance between the public benefit sought and the interference with the rights in question.
- 9.1.7 National Grid has weighed the potential infringement of convention rights in consequence of the inclusion of compulsory powers within the draft DCO with the potential public benefits if the draft DCO is made.
- 9.1.8 Appropriate consultation took place for the project, the latest being January 2022 to March 2022 and September 2022 to October 2022. Representations can also be made in the context of the draft DCO process which allows objections to be made which may be considered by the SoS if not resolved. Furthermore, those directly affected by the Order (i.e. the landowners and interests of the land required for the project) would in principle be entitled to statutory compensation in accordance with the 'Compensation Code'.
- 9.1.9 National Grid has concluded that the significant public benefits of the project outweigh the effects of the DCO upon persons who own property in the Order Limits such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights. The need for the project is well established and is of national importance, as detailed in the Need Case (April 2023) (**application document 7.2.1**). Second, those affected by the exercise of compulsory acquisition or temporary use powers would in

principle be entitled to compensation and the Applicant has the resources to provide such compensation.

- 9.1.10 As for Article 6, third parties have been able to make representations on the application for development consent while it is being prepared. In accordance with Part 5 of the Act, the Applicant consulted persons set out in the categories contained in section 44 of the Act. This included the known owners and occupiers of land within the Order Limits and those who might be able to make claims either under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, or under Part 1 of the Land Compensation Act 1973. The beneficiaries of restrictive covenants and other rights that would be overridden by the exercise of powers in the DCO would be capable of making claims under section 10 of the Compulsory Purchase Act 1965.
- 9.1.11 Furthermore, representations can be made by way of objections to the application in response to any notice given under section 56 of the Planning Act 2008 ('Notifying persons of accepted application'). The Act provides for a detailed examination of any application for development consent by an independent Examining Authority. The Examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. Although the Examination is a process mainly conducted in writing, where the Examining Authority receives one or more requests for a compulsory acquisition hearing from affected persons within the date specified, it must cause a hearing to be held. All affected persons are invited to these compulsory acquisition hearings and have the opportunity to make oral representations about the compulsory acquisition requests.
- 9.1.12 Should the draft DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out. In relation to disputes about compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.
- 9.1.13 For the above reasons, the Applicant considers that the inclusion of powers of compulsory acquisition in the draft DCO would not constitute any unlawful interference with Convention Rights and further that it would be appropriate and proportionate to make the draft DCO, including the grant of powers of compulsory acquisition.

9.2 Consideration of duties under the Equality Act 2010

- 9.2.1 This project seeks to limit the impact on personal and business property as set out above. Notwithstanding this, the project by its very nature would require limited permanent acquisition of land and acquisition of permanent rights, as set out in chapter 6 of this Statement. In addition to limit the impact, wherever possible National Grid is seeking temporary use powers only, for example where land required is for construction of the project only.
- 9.2.2 National Grid has taken into account the duties under section 149 of the Equality Act 2010 and has had due regard to the need to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010; (ii) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2.3 In terms of engagement with communities, various rounds of consultation took place for the project, the latest being January 2022 to March 2022 and September 2022 to October 2022. Representations can also be made in the context of the draft DCO application

process, which allows objections to be made which may be considered by the SoS if not resolved. Furthermore, those directly affected by the Order (i.e. the landowners and those with other interests in the land required for the project) would be entitled to statutory compensation, subject to a validation exercise for the appropriate element of the 'Compensation Code'.

10. Conclusions

- 10.1.1 This Statement provides an explanation and reasoning for why it is necessary and justifiable for the draft DCO to contain the rights and powers sought, referred to in chapter 5 of this Statement. The matters addressed in this Statement may be summarised as follows:
- 10.1.2 Introduction (Chapter 2) – Provides an overview of this Statement including why this project is a NSIP and why a draft DCO is being submitted to acquire land and rights.
- 10.1.3 The need for the project (Chapter 3) – EN-1 and EN-5 set out that it is critical that the UK continues to have secure and reliable supplies of electricity as part of the transition to a low carbon economy.
- 10.1.4 The project (Chapter 4) – This provides an outline of the Bramford to Twinstead Reinforcement project, including construction of a new 400kV overhead line, the removal of some 400kV and 132kV overhead lines, the installation of underground cables, Cable Sealing Ends and a Grid Supply Point. It also identifies the environmental measures that are required to enable National Grid to construct, operate and maintain the project in line with their corporate policy and government guidance.
- 10.1.5 Compulsory Acquisition (Chapter 5) - This chapter sets out the Classes of Rights to be acquired as set out in the Land Plans (**application document 2.3**) and the Book of Reference (**application document 4.3**). The chapter further explains the draft DCO articles to be relied upon if National Grid cannot obtain the land and rights required for the project by voluntary agreement. National Grid considers that the powers sought in the draft DCO as set out in this chapter are reasonable, proportionate and necessary to deliver and thereafter maintain the Scheme.
- 10.1.6 The Order Land and Persons with Interest in Land (Chapter 6) - This chapter describes the nature and extent of the Order Land, including the existing use of the land, the majority of which is agricultural land with some heritage assets and protected areas, which have been identified by the project and assessed in full in the Environmental Statement. It describes the land referencing process undertaken to identify Persons with an Interest in Land in Categories 1, 2 and 3. It also sets out what negotiations have taken place to date and identifies that further detail can be found in Appendix B of this Statement.
- 10.1.7 Justification for the powers of compulsory acquisition (Chapter 7) – identifies the tests set out in Section 122 of the Act that govern the grant of powers of compulsory acquisition and explains how those tests have been satisfied. In particular, it explains that there is a compelling case in the public interest for the inclusion of CA powers based on the need to ensure the timely delivery of the project, for which there is a national need. chapter 7 also summarises the alternatives considered, and explains how the powers sought are legitimate, necessary and proportionate. Finally, chapter 7 concludes that the Funding Statement (**application document 4.1**) demonstrates that there is a reasonable prospect of the requisite funds being available to fund all aspects of the project.
- 10.1.8 Special Considerations (Chapter 8) - The project would affect land categorised as Special Category Land in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. In this case, only Open Space is affected. There is however no permanent land acquisition of Special Category Land, only the acquisition of permanent rights for biodiversity net gain, overhead line and/or underground cable, and

access, which rights would not make the land less advantageous to its owners or users as per Section 132 of the PA 2008, hence a certificate is sought which confirms that SPP is not triggered. Chapter 8 also sets out the affected Statutory Undertakers and the proposals to ensure their statutory operations are not detrimentally affected by the project, specifically the protective provisions set out in the draft DCO.

- 10.1.9 Human Rights (Chapter 9) – sets out the legislation that the project has consideration to in relation to the rights of the public and duties of National Grid and the SoS in making, granting, constructing, operating and maintaining the project. National Grid has concluded that the significant public benefits outweigh the effects of the draft DCO upon persons who own property in the Order Limits such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights. National Grid has also taken into account the duties under section 149 of the Equality Act 2010 and has carried out activities such as undertaking consultation exercises with stakeholders.
- 10.1.10 For the reasons set out in chapters 2 to 9, particularly the Need Case (April 2023) (**application document 7.2.1**) the inclusion of powers of compulsory acquisition within the draft DCO in respect of land and rights in land as set out in the Book of Reference (**application document 4.3**) and shown on the Land Plans (**application document 2.3**) is justified, and the draft DCO should be granted containing these powers.

11. References

Department for Communities and Local Government (2013), Planning Act 2008 Guidance related to procedures for compulsory acquisition of land. (Online) Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf

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