

1. NGET's (the applicant) existing sub-station at Bramford, which forms part of its NSIP project, is located to the west of and immediately adjacent to a Battery Energy Storage System ("BESS") project which is being developed by Pivoted Power LLP ("Pivoted Power"). Part of the land comprised in Pivoted Power's BESS project (the "BESS Site") is included in the Order Land.
2. Pivoted Power has a lease dated 16 June 2023 (the "Lease") in respect of the BESS Site and the Lease includes rights over an access road to the north of and abutting the BESS Site. The access road together with a small parcel of land to the south of it, being a verge separating the access road from the main BESS Site, comprise plots 1-01, 1-02 and 1-03 (the "Plots") of the Order Land (as identified on drawing A1/L P/21847/001). Pivoted Power's interests were not identified in the Book of Reference submitted with its DCO application.
3. NGET's draft DCO provides compulsory purchase powers to acquire rights over the Plots. This may involve extinguishing the rights of access to the BESS Site granted to Pivoted Power under the terms of the Lease. It is understood that NGET also has existing rights of access along the access road for the benefit of its sub-station. There is currently no conflict between the exercise by NGET of its rights of access and the exercise by Pivoted Power of its rights of access. It is further understood that the inclusion of the Plots in the Order Land and the compulsory purchase powers in the DCO, in so far as they relate to the Plots, is as a fallback in case NGET is impeded in its use of the access road.
4. Pivoted Power is a statutory undertaker as it has an electricity generation licence. It also has planning permission (reference DC/19/03008 and dated 23 September 2019) for its BESS project and has commenced construction of the BESS project. It expects to have practically completed its BESS project before NGET's DCO application is determined and well in advance of commencement of the NSIP project. It will, therefore, likely be exercising its rights of access for the purpose of maintaining and inspecting the BESS project at the time that NGET will be in a position to exercise compulsory purchase powers.
5. It is imperative, in the interest of the safety of Pivoted Power's BESS project and the wider public interest in the role of the BESS project as a frequency response mechanism relevant to maintaining the stability and reliability of the grid and meeting demand for electricity at times of high demand, that Pivoted Power should not be impeded in accessing the BESS Site. A loss of or interference with its' access rights could lead to a serious impact on the BESS project and to the nationally important grid infrastructure that it will be connected to. This could, in fact pose a direct risk to those works proposed to be carried out as part of the NSIP project.
6. Pivoted Power believes that NGET's requirement for the use of the access track can exist in tandem with its own access requirements and that NGET should continue to engage in full and meaningful negotiations with Pivoted Power to document such arrangements. Pivoted Power acknowledge that NGET has entered into discussions with it and that this has resulted in the agreement of the heads of terms of an agreement to be between NGET and Pivoted Power as to the shared use of the access road. However, at the date of this Written Representation Pivoted Power has not received a draft agreement documenting these heads of terms (despite requesting such a draft from NGET). Such an agreement is critical to this matter as the use of compulsory purchase powers that could remove Pivoted Power's rights of access would be wholly inappropriate as set out above.
7. Pivoted Power will continue to engage with NGET regarding its concerns throughout the DCO examination process in order to seek to resolve its concerns amicably.