

Bramford to Twinstead Reinforcement

Volume 4: Compulsory Acquisition Information

Document 4.2.3 (B): Statement of Reasons: Appendix C Special
Category Land Report

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1. Introduction

1.1 Project Description

- 1.1.1 This document accompanies National Grid Electricity Transmission plc's (here on referred to as 'National Grid') application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The Bramford to Twinstead Reinforcement (here on referred to as 'the Project') would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 27km comprising of overhead lines (OHL), underground cables and grid supply point substation. It also includes the removal of 25km of the existing distribution network and various ancillary works.
- 1.1.2 For a full description of the project, reference should be made to Chapter 4 of the Environmental Statement: Project Description (**application document 6.4.2**).
- 1.1.3 The project meets the threshold as a Nationally Significant Infrastructure Project (NSIP), as defined under Part 3 of the Planning Act 2008, hence the Applicant requires a development consent order (DCO).
- 1.1.4 There is a national need for the provision of new electricity network infrastructure to support the growth of housing, business premises and support the increasing usage of electricity for transport and domestic and industrial heating.
- 1.1.5 National Grid proposes to build a new connection between Bramford to Twinstead Tee to improve the capability of the electricity transmission network and carry the clean green energy that is proposed in East Anglia to homes and businesses.

1.2 Purpose of the report

- 1.2.1 This report addresses the issue of special category land in respect of the project. Special category land (SCL) is afforded special protection by the Planning Act 2008. The report outlines the requirements of the Planning Act 2008 in respect of special category land, describes the existing areas of Open Space affected by the proposed powers of compulsory acquisition of rights, and explains the basis for National Grid's view that the Open Space affected would be no less advantageous as a consequence of the exercise of the proposed powers of compulsory acquisition of rights than it is at the present time.

2. The Planning Act 2008

2.1 Sections 131 and 132 of the Planning Act 2008

2.1.1 Sections 131 and 132 of the Planning Act make provision for special parliamentary procedure (SPP) to apply where a development consent order (DCO) authorises the compulsory acquisition of land, or rights over land, forming part of a common, open space, or fuel or field garden allotment. Of these categories, only open space is affected by the powers of compulsory acquisition sought for the project, hence this report solely addresses Open Space.

2.1.2 SPP would be engaged unless the Secretary of State (SoS) is satisfied that one of a number of exemptions can be shown to apply. The potential exemptions are (as defined in section 132):

2.1.3 The following guidance has also been taken into account:

- That the land, when burdened with the Order right, will be no less advantageous than it was before;
- That replacement land has been, or will be, given in exchange for land being compulsorily acquired;
- That there is no suitable alternative land, save at a prohibitive cost;
- That the land is needed only for temporary purposes;
- That the land in question is less than 200sqm.

2.1.4 In this case only powers of compulsory acquisition of rights are being sought over land identified as Open Space. The exemption upon which National Grid proposes to rely is that set out in section 132(3). Section 132 (3) requires that the Order land, when burdened with the Order Rights, be no less advantageous than it was before, to the following persons: (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights and (3) the public. National Grid considers that the SoS can be satisfied that this project would not cause the land to be less advantageous to the persons aforementioned, and hence the SoS may confirm by certificate that SPP would not apply.

2.1.5 In this case only powers of compulsory acquisition of rights are being sought over land identified as Open Space. The exemption upon which National Grid proposes to rely is that set out in section 132(3). Section 132 (3) requires that the Order land, when burdened with the Order Rights, be no less advantageous than it was before, to the following persons: (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights and (3) the public. National Grid considers that the SoS can be satisfied that this project would not cause the land to be less advantageous to the persons aforementioned, and hence the SoS may confirm by certificate that SPP would not apply.

3. Areas of Open Space

3.1 Open Space

- 3.1.1 Open Space within the Order Limits and in respect of which powers of compulsory acquisition are sought, is shown shaded blue on the Special Category Land Plans (application document 2.4) and listed in Table 1 below.
- 3.1.2 Open Space is defined in the Acquisition of Land Act 1981 as “any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.”
- 3.1.3 The project has taken a precautionary approach to include all land that could be considered to be Open Space.

Table 3-1 Compulsory acquisition powers sought over Open Space

No.	Land description	Plot numbers	Activities to be undertaken, in summary	CA classes sought
1	Hintlesham Golf Course	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 Great Wood	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 railway walk	9-24, 9-25	Scaffold and remove existing line; scaffold and build new OHL; very temporary interface only when pulling netting.	132 2
4	Assington Green	16-71, 16-76, 16-79	Access and removal of tower and conductors; build new tower and OHL.	2, 4

4. Assessment of powers of compulsory acquisition sought in respect of Open Space

4.1 Assessment

4.1.1 Hintlesham Golf Course (Plots 2-54, 3-06, 3-13, 3-15, 3-16, 3-17, 3-18, 3-20, 3-22, 3-23)

4.1.2 This piece of land is part of a golf course and has been included on a precautionary basis.

4.1.3 The project requirement is that the land be used for a low voltage diversion from overhead line to underground cable, access and there will be planting put in place. These works are to be located at the western side of the golf course, in the vicinity of the Club House and maintenance yard, utilising an existing access road. Whilst there will be short term disruption from the proposed works, due to the remoteness to the main course greens and fairways the activity will not change the ability of those who enjoy the golf course, to continue to do so.

4.1.4 The land will be no less advantageous when burdened with the rights sought.

4.1.5 Hintlesham Great Wood (Plots 6-02, 6-03, 6-04, 3-114, 3-116)

4.1.6 This land has been included on a precautionary basis. The current land use is that of a private, mixed deciduous woodland, which is owned and managed by the RSPB. It is a SSSI that extends to 118.1 hectares. There are public rights of way and bridleways passing through. There is signage and information boards informing the public where they can access; along with private paths, that are not open to the public but used for operational purposes.

4.1.7 There is already an operational 400kV overhead steel lattice electric line that crosses this land and the land is encumbered with the land rights which already exist in respect of that asset. This apparatus is transmitting electricity and is accessed regularly for inspections and any other works that might be necessary.

4.1.8 The project activities proposed relate to the reconductoring of the overhead power line, and potentially modification works to the existing pylon here. Both activities will be temporally limited, as part of the construction process.

4.1.9 Hence once the existing rights are modified, the land will continue to have an overhead electric line across / over it, and this line will be in the same position as previously and the ability to enjoy that land will not have materially changed by virtue of the rights sought.

4.1.10 The land will be no less advantageous when burdened with the rights sought.

4.1.11 Hadleigh Railway Walk (Plots 9-24, 9-25)

4.1.12 The railway walk is regularly used by walkers. It is currently crossed by the existing 132kV Distribution Network Operator (DNO) line and National Grid's existing 400kV line (4YL).

4.1.13 The project activities proposed are the removal of that existing 132kV overhead electric line, and the construction of a new transmission overhead line which would follow the

same north-east to south-west direction, in a similar location (around 50m south of the existing 132kV line) oversailing the railway walk.

- 4.1.14 The oversail would be conductors only (no pylons would be situated on the railway walk), and the only activity which would impact the usage of the walk at grade, would be a short periods (of approximately 5 days each period) whilst a scaffold is constructed (and then at a later date, removed), to ensure safety for users of the railway walk whilst conductors are pulled across from pylon to pylon, on both the DNO and National Grid lines.
- 4.1.15 Hence the impact would be temporally limited.
- 4.1.16 The land will be no less advantageous when burdened with the rights sought.
- 4.1.17 Assington Green (Plots 16-71, 16-76, 16-79)
- 4.1.18 This land has been included on a precautionary basis. The land is currently a mixture of pastoral grassland and mixed deciduous woodland The Mill Farm Land is designated in the Assington Neighbourhood Plan as 'Local Green Space'. The land is privately owned grazing land, orchard and wet woodland. A public right of way borders both the southern and western extents of the designated land, outside of the designation. The land itself is not publicly accessible.
- 4.1.19 There is currently the existing 400kV overhead line which oversails the northern boundary of this property, as well as the 132kV DNO overhead electric line which oversails the land, with towers in situ on the property.
- 4.1.20 The project activities proposed are to access and remove the existing DNO pylon (PCB 67) and conductors, and then to build a new transmission tower and install conductors, in a similar location (around 50m to the south) and direction. The proposed new transmission overhead line would run broadly parallel to the existing transmission overhead line and a new pylon may be sited within the designation, subject to the LoD implemented in this location, although this is likely to be within the arable field. Those construction activities of both removal of the existing DNO line and installation of the new National Grid line, would be temporally limited in nature. They would be at different times and it is envisaged that each period would be in the region of 6 weeks.
- 4.1.21 The conductors do not (and would not) impact the usage of the open space (being space used and enjoyed at ground level only). The pylon would replace an existing pylon. The pylon would only make contact with the surface at its four corners, and hence in context would not materially alter the ability of the open space to be enjoyed as such.
- 4.1.22 The land will be no less advantageous when burdened with the rights sought.

5. Conclusion

5.1 Conclusion of report

- 5.1.1 As set out in Chapter 7 of the Statement of Reasons (application document 4.2) and as described above in this Report, the proposed development by National Grid is only seeking rights (overhead lines, underground cables, access and for BNG) across land and no compulsory acquisition of land. These rights would not materially impact the use of the open space as compared to their current use and therefore the land is no less advantageous when so burdened.
- 5.1.2 Therefore, there is no requirement for the draft DCO to be subject to the SPP because the SoS can be satisfied that the requirements of section 132 of the Planning Act 2008 have been met.

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