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Your Ref:

Our Ref: EN020017

Date: 9 June 2017

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Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended)**

**Application by National Grid Electricity Transmission plc ("the Applicant") for  
an Order Granting Development Consent for the Richborough Connection  
Project**

**REQUEST FOR COMMENTS FROM THE APPLICANT AND THE NATIONAL  
FARMERS UNION**

Following the completion of the examination on 8 December 2016, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Business, Energy and Industrial Strategy ("the Secretary of State") on 8 March 2017.

The Secretary of State identified a number of matters on which he requested comments from interested parties by way of a letter dated 31 March 2017. There are additional issues set out below on which the Secretary of State would be grateful if the **Applicant and the NFU** could provide an update or further clarification as necessary.

**Compulsory Acquisition**

The Secretary of State requests comments on matters raised by the National Farmers Union ("NFU") in its letter to the Secretary of State of 2 June 2017 ("the NFU letter") (on the Planning Inspectorate web-site) in respect of the Applicant's request for restrictive covenants over land underneath the proposed overhead line elements of the Richborough Connection Project. In particular, the Secretary of State would be grateful for views on the rationale for the scope of the covenants sought in the terms set out in Part 1 of the Book of Reference (REP8-005 in the Document Library), in particular the specific power:

*"to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the authorised development or interfere with the undertaker's access including without limitation impose clearance restrictions to the authorised development, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land".*

The Secretary of State notes the matter raised by the NFU and others in relation to the potential extent of the power.

In addition to comments on the rationale for the covenants, the Secretary of State requests comments on including an additional protective provision in any Order he might make, in the following terms:

*"...The power contained in restrictive covenants for the Applicant to require landowners to do or not do something on the land can only be exercised with the landowner`s consent, such consent not to be unreasonably withheld."*

The Secretary of State also requests a report from the **Applicant** on the status of its negotiations for voluntary agreements with landowners in respect of the acquisition of interests in land along the route of the proposed Development.

### **Other Matters**

The Secretary of State invites the **Applicant to** offer any other comments on the matters raised in the NFU letter.

**The deadline for any response is 17.00 on 19 June 2017.**

Responses to the matters outlined in this letter should be submitted by email to [richborough@pins.gsi.gov.uk](mailto:richborough@pins.gsi.gov.uk). Please send any hard copy response to the Richborough Connection Project Team, Secretary of State for Business, Energy and Industrial Strategy c/o the Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the project page for the Richborough Connection Project Planning Portal website as soon as possible after **19 June 2017** at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/richborough-connection-project/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Richborough Connection Project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

**Giles Scott**

Giles Scott

Head of Energy Infrastructure Planning and Coal Liabilities