

APPENDIX 2  
NATIONAL GRID  
RICHBOROUGH CONNECTION PROJECT  
UPDATE ON AGENT AND PERSONS WITH AN INTEREST IN LAND (PIL) NEGOTIATIONS

Richborough Land Agents

The collective of firms referred to as the 'Richborough Land Agents' represent 38 of 64 PILs from whom new rights are sought (including occupiers) for the project and comprise of the following organisations:

- Finn's
- Elgars
- BTF Partnership
- Strutt & Parker
- Savills

Of the 38 PILs represented, 24 are landowners from whom rights are sought (the remaining 14 are occupiers), and 4 out of the 24 landowners have exchanged options or are close to doing so.

The remaining 26 PILs are not represented by a land agent (17) have minimal or no agricultural interest, are not NFU members, or are represented by an internal department. National Grid and their agents have continued to contact these PILs to seek to progress the negotiation of voluntary agreements, and the current status with those 26 PILs is as follows:

- 9 have refused to discuss terms or otherwise engage with NG;
- 3 are occupiers where terms have not been agreed with the owner;
- 11 have exchanged options or are close to doing so;
- 3 are in ongoing discussions.

Schedules 1 and 2 of Appendix 1 provides an update on the progress of voluntary agreements for National Grid and UK Power Networks apparatus.

The majority of outstanding agreements involve those PILs represented by agents, largely being those identified as the Richborough agents during the hearings. Dialogue has continued with agents and PILs to identify not only the concerns of individual PILs but also the key issues affecting all PILs as represented by this group of agents.

Mark Chandler of Finn's, who represents 28 PILs has been the main spokesman for the Richborough Agents, however National Grid have maintained individual contact with all the agents throughout the examination phase of the project and beyond. The main obstacles to completing voluntary agreements are issues that affect all PILs represented by the Richborough Agents and fall largely into two categories:-

- A) Payments for the rights being sought;
- B) The wording of the legal documentation.

The timeline below provides the sequence of communication between National Grid, the Agents and PILs since the latter stages of the examination phase of the Project:-

21 November 2016 – National Grid project manager called Finns for an update on the latest position with regards to the voluntary agreements. Discussed concerns over payments being offered,

progress with those agreements and concern about surveys, restrictions within the legal documentation and that a drainage consultant was not yet on the ground.

7 December 2016 – National Grid Lands Officer emailed a reply to Finns, NFU, BTF and Savills responding to points raised in November following a group meeting earlier in the autumn, relating to surveys, drainage, construction access and voluntary agreements.

23 December 2017 – The agents and NFU had been requesting details of how the voluntary payments for the rights sought and restrictions required had been calculated. National Grid had explained that its Land Rights Strategy (LRS) has been designed to ensure all PILs are in a more advantageous position with regards compensation than they would be should a reference to the Upper Tribunal be made. To demonstrate this National Grid wrote to the NFU, Finns, BTF and Savills with an opinion on how the payments for rights might be calculated at the Upper Tribunal, and with a comparison of the terms offered under the voluntary agreement compared to those included in the DCO.

30 January 2017 – Finns progress meeting at Fisher German offices, covering: surveys, UK Power Networks low voltage diversions, UK Power Networks payments, haul road trials, construction programme, terms for voluntary agreements.

8 February 2017 – Fisher German emailed Savills in response to queries over the extent of land required for the various works and in the longer term under the rights being sought. Savills emailed by return confirming understanding of explanations over extent of land, but still considering the voluntary payments offered.

9 February 2017 – Fisher German offered a meeting with Elgars to update and discuss the latest position of their clients with respect to the project.

17 February 2017 – National Grid Lands Officer met with BTF to run through survey requirements and requests.

1 March 2017 – Letter sent to all PILs (copies to agents), explaining that the Examining Authority was now writing to the Secretary of State to determine the Order and enclosing a Frequently Asked Questions document covering issues such as timing, payments and how National Grid will progress the scheme where voluntary agreements have not been secured. There was no direct response to this letter from the PILs and only minor interest from the representing agents.

8 March 2017 – National Grid senior surveyor spoke to Finns about agreements and National Grid's Land Rights Strategy. Requested reasoning for rejecting the Land Right Strategy and the advice provided on how calculations are approached.

9 March 2017 – Fisher German met with Elgars to update on progress, run through survey requirements and seek update on the position of clients in relation to voluntary agreements. One client awaited outcome of any further NFU discussions.

10 March 2017 – Finns progress meeting at Fisher German office, to discuss surveys, RPA notification, construction programme, UK Power Networks low voltage diversions, haul road routes, and notification of when legal documents are sent to solicitors

31 March 2017 – Finns call with National Grid Lands Officer in response to offers to meet. Finns did not think a meeting worthwhile with the Land Rights Strategy remaining unaltered.

7 April 2017 – Fisher German offered meeting to Finns for a catch up. Finns advised there was little point in meeting while there were a number of queries outstanding, and provided a list. Some issues were referred on to National Grid with answers subsequently provided, and others confirmed as matters that would only be addressed once final designs were completed, such as where temporary fences would go.

13 April 2017 – Finns sent a draft claim to Fisher German in order to discuss how various heads of claim would be considered.

3 May – Meeting with Finns and the Headleys to discuss surveys, construction queries, fencing, and principals of severed land, maintenance and haul road crossing points.

11 May 2017 – National Grid has undertaken a review of its Land Rights Strategy which is used across the business, with the new strategy ratified for use on new projects from May 2017. A decision was made that it would be inappropriate not to offer the revised payments retrospectively to the Richborough Connection project, so a letter was sent to all PILs (copies to agents), explaining that National Grid has reviewed its national Land Rights Strategy and that as a result revised payments are now available on the Richborough Connection Project. The timescales by which PILs were required to exchange voluntary agreements by was also lengthened. No direct responses were received in relation to the letters, although some PILs queried the payments in subsequent discussions on site.

12 May 2017 – Fisher German emailed Finns with a response to the draft claim, dealing with issues including the value of the easement strip, severance and injurious affection.

15 May 2017 – National Grid met with Finns, Savills and Strutt & Parker (BTF were unable to attend) to discuss outstanding concerns including terms in the documents and the revised LRS payments. Finns explained that two key issues were the wording in the Deed preventing any 'plants' around the pylons, and concern about the potential inability to claim for injurious affection under the voluntary process as worded in the documents. National Grid assured the agents again that their clients would not be prevented from normal cropping around the pylons (the intent of National Grid is clearly demonstrated across the country where landowners are able to crop around towers), but would revert their concerns back to National Grid's legal department, and they would check the documents in relation to the concern over injurious affection, a review of which is currently being undertaken by National Grid and Finns have been kept aware of this. Revised wording of the Deed to remove any ambiguity over compensation is being drafted. It was also clarified that the revised national LRS was as a result of a periodic review, and that NG considered it would not be fair to exclude the Richborough PILs from any improved terms of payments resulting from it.

16 May 2017 – National Grid (legal and senior surveyor), met with the NFU to discuss the revised Land Rights Strategy.

26 May 2017 – During a site meeting with Finns clarity was requested on the injurious affection concern. Finns stated that under the voluntary agreement National Grid can call for the deed to be completed, cutting off any injurious affection claim which has yet to be agreed. Fisher German confirmed that the concern was understood, it was clarified that this certainly wasn't National Grid's intention, and the wording would be referred back to National Grid's legal department. A review of this is currently being undertaken, and Finns have been kept aware of this. Revised wording of the Deed to remove any ambiguity over compensation is being drafted.

Over and above these specific points of contact, two National Grid lands officers, overseeing pre-DCO site surveys, have been in regular contact on an almost daily basis with the PILs and the Richborough Agents and have assisted with answering any questions raised.