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Dear Sirs

**Application by National Grid Gas plc for an Order Granting Development Consent for the River Humber Gas Pipeline Replacement Project ("the DCO Application")
The Land to the North & South of East Marsh Road, Goxhill, Barrow Upon Humber, North Lincolnshire ("the Property")**

We write with reference to our previous letters, dated 26 October, 17 November and 21 December 2015 respectively, to report on the progress of the private treaty negotiations that are ongoing between our client and National Grid Gas plc ("**National Grid**").

As indicated previously, our client agreed final heads of terms with National Grid on 7 October 2015. Our client has separately agreed corresponding terms with its tenant farmer of the Property, but cannot formalise these arrangements without legal documents first being agreed with National Grid.

Negotiations with National Grid remain ongoing and we have made significant progress to date. However, National Grid is now looking to renege on the agreed heads of terms in relation to the operation of the break option in the lease and the requirement that restoration of the Property be completed prior to service of a break notice by National Grid. Clearly restoration is one of the most important aspects of this deal for our client and discussions are taking place between the parties to negotiate a way forward.

Notwithstanding the above issue, we feel confident that the deal can and will be completed by private treaty. Should National Grid act in accordance with the agreed heads of terms then the deal can be achieved with expedition. As such, our view is that there is no compelling need in the public interest for the compulsory powers sought within the DCO Application. Indeed, the grant of DCO powers in respect of these interests would clearly be inappropriate, given the ability and willingness of both parties to entertain and complete private treaty negotiations.

Our suggestion is therefore that the applied for powers in respect of the Property are removed from the DCO Application. This is in line with government guidance on the compulsory acquisition of land, which provides that authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement have failed ('Planning Act 2008 –



Guidance relating to procedures for the compulsory acquisition of land', paragraph 25 (September 2013)).

Yours faithfully

Forsten LLP

Forsters LLP

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