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THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

EAST PYE SOLAR

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY
TRANSMISSION PLC**

&

**RESPONSE TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS [PD-
006]**

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1 INTRODUCTION

- 1.1 National Grid Electricity Transmission Plc ("**NGET**") made a Relevant Representation in this matter on 10 June 2026 [**RR-1408**] in order to protect both apparatus and operational land owned by NGET.
- 1.2 NGET owns and operates the electricity transmission network in England and Wales. NGET operates but does not own the Scottish networks. NGET is required to comply with the terms of its Electricity Transmission Licence in the delivery of its statutory responsibility. Under Section 9 of the Electricity Act 1989, NGET has a statutory duty to maintain 'an efficient, co-ordinated and economical' system of electricity transmission.
- 1.3 As set out in its Relevant Representation, NGET requires protective provisions to be included within the Order to ensure that its existing and future assets and interests are adequately protected, as well as to ensure compliance with relevant safety standards. Without inclusion of protective provisions in a form agreed by NGET, serious detriment would be caused to NGET's undertaking as well as to other third-party projects which are reliant on NGET's existing and future transmission infrastructure, including the East Pye Solar Project (the "**Project**") itself.

2 ENABLING NET ZERO

- 2.1 Demand for electricity in the United Kingdom is expected to rise as the way in which power for the country's homes, businesses and transport changes. As the nation moves towards net zero, the fossil fuels that once powered the economy will be replaced with sources of low-carbon electricity, such as offshore wind farms.
- 2.2 The UK Government has committed to reach net zero emissions by 2050. This means achieving a balance between the greenhouse gases put into the atmosphere and those taken out. Decarbonising the energy system is vital to this aim.
- 2.3 NGET's ongoing infrastructure projects in England and Wales will support the country's energy transition and make sure that the electricity transmission network is ready to connect to more and more sources of low carbon electricity generated in Britain.
- 2.4 The way in which electricity is generated in the United Kingdom is also changing rapidly. This means that NGET needs to move swiftly to build new infrastructure and to make upgrades to the electricity transmission network in order to bring this clean, green energy from where it is generated to where it is needed by homes and businesses.

3 **NGET APPARATUS**

- 3.1 NGET's Relevant Representation [**RR-1408**] specifies the extent of NGET's existing and planned future transmission apparatus situated within or in close proximity to the proposed Order Limits for the Project. This apparatus forms (or, indeed, will form) an essential part of the electricity transmission network in England and Wales.
- 3.2 As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGET has a duty to protect its position in relation to its transmission apparatus, and any other infrastructure and land which is within or in close proximity to the draft Order Limits.
- 3.3 Taking account of NGET's obligations under section 9(2) of the Electricity Act 1989 to develop and maintain an efficient, co-ordinated and economical system of electricity transmission NGET must, therefore, have regard to the need in the area as dictated by the status of the offers from NESO and offer an economic and efficient solution for all customers.
- 3.4 In order to align with this obligation, it is expected that the point of connection for the Project will also facilitate the connection of a number of other customers. There is, therefore, the potential that significant infrastructure will be delivered within the same area and within similar timescales, albeit not necessarily to the same location, size or specification proposed in the Applicant's DCO application. As such, there needs to be careful co-ordination and consultation undertaken between NGET and the Applicant to ensure that as connection offers are formalised and the scope of infrastructure to be delivered becomes clear, each connectee project (including the Project) can be delivered without unduly interfering with other connectee projects.
- 3.5 This is a matter which NGET expects the Applicant will be particularly familiar with (the same issue having arisen, most recently, in the context of the Examination of the Drovers Solar Farm). Unsurprisingly, it represents a critical aspect of the protective provisions which NGET is seeking to include in the draft Order.
- 3.6 Therefore, and in respect of the transmission apparatus, NGET will require protective provisions to be put in place to ensure that:
- (a) all NGET interests and rights, including rights of access, are unaffected by the power of compulsory acquisition, temporary possession, and the grant and/or extinguishment of rights as set out in the draft Order;
 - (b) appropriate protection for all transmission apparatus is maintained during and after construction of the Authorised Development. (This includes compliance with all relevant safety standards as further described below); and
 - (c) there is an appropriate (and precedented) safeguarding mechanism which will ensure that the protective provisions apply to third party land which will be required for future point of connection works, notwithstanding the fact that specific details regarding that point of connection are unknown.
- 3.7 NGET considers that it is reasonable, necessary and appropriate for these precedented safeguards and protections to be included in the draft Order for this Project.

4 REGULATORY PROTECTION FRAMEWORK

4.1 NGET has issued guidance in respect of standards and protocols for working near to electricity transmission equipment in the form of:

- (a) Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287. This cross-refers to statutory electrical safety clearances which are used as the basis for ENA (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets; and
- (b) Energy Network Associations Development near Overhead Lines ENA (TS) 43-8, which sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of overhead lines and working in close proximity.

4.2 Additionally, HSE's guidance note 6 "Avoiding Danger from Overhead Power Lines" summarises advice to minimise risk to life/personal injury and provides guidance to those planning and engaging in construction activity in close proximity to overhead lines.

4.3 NGET requires the protective provisions included in the draft Order to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of its electricity assets (including overhead line).

4.4 NGET seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its apparatus the following procedures are complied with by the Applicant:

- (a) NGET is in control of the plans, methodology and specification for works within 15 metres of any retained apparatus; and
- (b) appropriate surety and insurance provisions are in place to back up an uncapped indemnity to protect NGET from any damage, losses or claims arising from development associated with the proposed Project.

5 PROPERTY ISSUES

5.1 Maintaining appropriate property rights to support and protect NGET's transmission apparatus from compulsory acquisition and related powers in the draft Order is a fundamental safety issue.

5.2 Insufficient property rights would have the following safety implications in relation to that apparatus:

- (a) an inability for qualified personnel to access apparatus for its maintenance, repair and inspection;
- (b) a risk of strike to buried assets if the Authorised Development occurs within the easement zone which seeks to protect such assets; and
- (c) a risk of inappropriate development within the vicinity of NGET's apparatus, thereby increasing the risk of damage to those assets and to the integrity of the electricity transmission network.

- 5.3 NGET therefore maintains its position that without an agreement or qualification on the exercise of unfettered compulsory powers or connection to its apparatus the following consequences will arise:
- (a) failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk;
 - (b) any damage to apparatus has potentially serious hazardous consequences for individuals located in the vicinity of the apparatus if it were to fail; and
 - (c) prevention of NGET's ability to access its land or exercise its rights over land caused by the Project could inhibit NGET's ability to comply with its duties as statutory undertaker to provide electricity transmission.

Current Status

- 5.4 NGET is aware that a form of protective provisions for the benefit of NGET (the "**Protective Provisions**") have been included by the Applicant in Part 4 of Schedule 4 to the draft DCO [**AS-032**].
- 5.5 However, the Protective Provisions are not yet in a form satisfactory to NGET.
- 5.6 For the reasons given in both this Written Representation and in NGET's earlier Relevant Representation, NGET contends that it is essential that the current deficiencies in the Protective Provisions are addressed to its satisfaction in order to ensure adequate protection for its existing and intended future apparatus.
- 5.7 Should it not be possible to reach agreement with the Applicant, NGET reserves its right to attend a future Compulsory Acquisition Hearing to address the required format of the Protective Provisions and any necessary amendment to the draft Order.
- 5.8 If this is necessary NGET also reserve the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.

6 RESPONSE TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS [PD-006]

- 6.1 NGET's response to ExQ1 Q1.2.15 is as follows:

Question	NGET Response
Q1.2.15(a): NGET's relevant representation (RR-1408) states that it is NGET's understanding that the new connection agreement will not include the requirement for the applicant to secure land or consent for the National Grid substation. Can NGET provide further	The position set out in NGET's Relevant Representation (RR-1408) reflects the ongoing National Energy System Operator ("NESO") -led Connections Reform process, under which the Applicant is considered a Phase 2 customer (i.e. a customer with an anticipated connection date after 2031). NGET is in the process of finalising a new connection agreement with the Applicant which, unlike the Applicant's original 2023 connection agreement, will not require the Applicant to secure land or obtain consent for the National Grid substation. This is because NGET has determined that it will identify the site itself, acquire the necessary land and obtain the necessary consents for the substation. More broadly, NGET notes that the connection process for the Project involves both NESO, which is responsible for connection

Question	NGET Response
clarification on this 'new connection agreement', and why it will not include the requirement for the applicant to secure land or consent for the National Grid substation?	offers and the applicable queue management process, and NGET, which is responsible for delivery of the transmission network connection. These are wholly separate functions. As such, for the avoidance of doubt, should the Applicant receive consent for a new substation as part of the Order, this would not trigger or constitute any obligation for NGET to accommodate any connection to the national electricity transmission network at such a substation. The wider regulatory and commercial context, including the connection requirements of other potential customers (as set out in NESO's published Transmission Entry Capacity ("TEC") Register), need to be fully considered and worked through.
Q1.2.15(b): NGET's RR says that there is the potential that significant NGET infrastructure will need to be delivered to facilitate the project's connection to the National Electricity Transmission System and that there needs to be careful co-ordination and consultation undertaken to ensure that the scope of the infrastructure to be delivered becomes clear and is unhindered through planning and delivery. What, if any, significant NGET infrastructure would be required in this instance beyond that proposed in the application for development consent?	NGET is not currently able to confirm the scope of any additional infrastructure required. NGET has identified a need for a new electricity substation, known as North Anglia Node E. A siting study has therefore been commissioned to support the identification of a proposed location for the new substation which will facilitate a number of planned customer connections as set out in the TEC Register. An initial study area has been identified based on customer connections and proximity to the existing overhead line network. The siting study process includes an assessment of suitable sites which meet the basic requirements of a substation site and environmental appraisal to identify a suitable short list of sites. Site visits and further environmental and technical desk-based assessments will then be undertaken to refine the short list further and identify a preferred substation site option. In undertaking the siting study, NGET must act in accordance with its statutory duty under section 9(2) of the Electricity Act 1989 to develop and maintain an economic and efficient system of electricity transmission and, therefore, have regard to the electricity transmission network as a whole and the needs of all customers seeking to connect in this area. In this context, NGET notes that the Applicant's submitted proposals would not provide sufficient connection capacity for all potential customers as currently documented in the TEC Register.
Q1.2.15(c): What is NGET's current position on the proposed siting and details of the proposed National Grid substation (Work No.4 in the dDCO)?	NGET refers to its response to Question 1.2.15(b). NGET does not object, in principle, to the inclusion of the proposed substation within the Order Limits. However, equally NGET is not in a position (and will not be in a position for some time) to confirm whether it can support (or otherwise) the design, sizing or location of the proposed substation. Until all connection offers have been finalised, NGET cannot confirm what the final size, design or location of the final point of connection solution will be. However, NGET must always act in accordance with its statutory duties to provide an economic and efficient transmission network.

Question	NGET Response
Q1.2.15(d): Is there potentially a situation where NGET may decide that its substation would need to be located in a different location to that proposed in this application? If so, where might it be proposed?	NGET refers to its responses to Questions 1.2.15(a) to 1.2.15(c) (inclusive). NGET has considered the Applicant's proposed substation location and supporting information but has not confirmed or accepted it as the final location of the NGET substation. NGET has explained to the Applicant that the final location must take account of the Connections Reform process, the requirements of other connecting customers, and the overarching need to ensure the economic and efficient development of the national electricity transmission network.
Q1.2.15(e): To what extent are NGET's plans for new grid infrastructure in this location, including a new National Grid substation, related to any other proposed energy schemes (such as the potential Tasway Energy Park, notwithstanding its current status)?	NGET refers to its responses to Questions 1.2.15(a) to 1.2.15(c) (inclusive). NGET expects that the position will become clearer following completion of the Connections Reform process, at which point it will be made clear which customers have been successful in securing connection to the electricity transmission network in this area.
Q1.2.15(f): What is NGET's timescale for the delivery of the National Grid substation and are there any known impediments that could potentially delay its delivery?	As noted, a substation siting study is ongoing. Following completion of that siting study, NGET notes that all necessary land acquisition and consenting processes will need to be initiated and progressed in accordance with contractual milestones. In any case, other factors, including the need to divert existing services to facilitate construction, and/or the ability to acquire land by voluntary agreement as opposed to compulsory purchase will have a direct impact on any future delivery timetable.
Q1.2.15(g): Can NGET provide an update on its engagement with the applicant on the proposed new substation and grid connection?	NGET has maintained ongoing engagement with the Applicant regarding the proposed new substation and grid connection at East Pye. This has included meetings and correspondence since 2024 concerning the proposed Point of Connection, substation location, land and consenting arrangements, and wider network requirements. NGET has considered the Applicant's proposed location and supporting information but has neither confirmed nor accepted it as the final location of the NGET substation. NGET has explained that the final location must take account of the Connections Reform process, the requirements of other connecting customers, and the economic and efficient development of the transmission network. Engagement with the Applicant has continued throughout the DCO process to date, including discussion of NGET's Relevant Representation and the Statement of Common Ground. NGET's current position is that the new substation should be progressed

Question	NGET Response
	through NGET's siting, land acquisition and consenting processes, while continuing to engage constructively with the Applicant.
Q1.2.15(h): What is NGET's position regarding the application proposals for works in connection with a connection to the existing overhead transmission electric line (Work No.5 of the dDCO)?	NGET does not wish to comment further at this stage and reserves its position pending the outcome of the substation siting study.
Q1.2.15(i): What is NGET's current position on the drafting of the protective provisions proposed in part 4 of schedule 4 the dDCO [AS-032]?	NGET remains in discussion with the Applicant regarding the content and drafting of the protective provisions included in Part 4 of Schedule 4 to the draft DCO and intends to provide the Examining Authority with a further progress update in due course. Further detail regarding the required form of protective provisions is set out in NGET's Written Representation which is also submitted at Deadline 1.
Q1.2.15(j): Are there other further points that NGET wishes to make regarding the East Pye Solar application and proposed grid connection?	None as matters stand. However, NGET reserves its right to make further submissions during the course of the remainder of the Examination.

Bryan Cave Leighton Paisner LLP

For and on behalf of National Grid Electricity Transmission Plc

6 October 2026