

**The Great Grid Upgrade**

Sea Link

# Sea Link

**Volume 9: Examination Submissions**

**Document 9.106.1: The Applicant's Section 127 and Section 138 Statement**

**Planning Inspectorate Reference: EN020026**

**Version: A  
April 2026**

**nationalgrid**

**Page intentionally blank**

# Contents

<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Application for Development Consent	1
1.2	Section 127 of the Planning Act 2008	1
1.3	Section 138 of the Planning Act 2008	1
<b>2.</b>	<b>Need Case</b>	<b>3</b>
<b>3.</b>	<b>Section 127 Application</b>	<b>4</b>
<b>4.</b>	<b>Section 138 Application</b>	<b>9</b>
<b>5.</b>	<b>Affected Statutory Undertakers</b>	<b>11</b>
5.1	Anglian Water	11
	Land affected and interest or right to be acquired	11
	Relevant proposed works	12
	Conclusion	16
5.2	Cadent Gas Limited	16
	Land affected and interest or right to be acquired	17
	Relevant proposed works	19
	Conclusion	28
5.3	Cityfibre Holdings	28
	Land affected and interest or right to be acquired	29
	Relevant proposed works	29
	Conclusion	31
5.4	Cornerstone Telecommunications Infrastructure Limited	31
	Land affected and interest or right to be acquired	31
	Relevant proposed works	32
	Conclusion	33
5.5	East Anglia ONE North Limited	34
	Land affected and interest or right to be acquired	34
	Relevant proposed works	38
	Conclusion	51
5.6	East Anglia TWO Limited	51
	Land affected and interest or right to be acquired	51
	Relevant proposed works	55

Conclusion	68
<b>5.7 EXA Networks Limited</b>	<b>68</b>
Land affected and interest or right to be acquired	69
Relevant proposed works	69
Conclusion	71
<b>5.8 Nemo Link Limited / National Grid Ventures</b>	<b>72</b>
Land affected and interest or right to be acquired	72
Relevant proposed works	74
Conclusion	77
<b>5.9 Network Rail Infrastructure Limited</b>	<b>78</b>
Land affected and interest or right to be acquired	78
Relevant proposed works	80
Conclusion	90
<b>5.10 Northumbrian Water Limited (Essex &amp; Suffolk Water Limited)</b>	<b>90</b>
Land affected and interest or right to be acquired	91
Relevant proposed works	94
Conclusion	100
<b>5.11 OCU Group Limited</b>	<b>100</b>
Land affected and interest or right to be acquired	101
Relevant proposed works	102
Conclusion	104
<b>5.12 Openreach</b>	<b>104</b>
Land affected and interest or right to be acquired	104
Relevant proposed works	108
Conclusion	121
<b>5.13 River Stour Internal Drainage Board</b>	<b>121</b>
Land affected and interest or right to be acquired	121
Relevant proposed works	122
Conclusion	132
<b>5.14 Scottish Power Renewables</b>	<b>133</b>
Land affected and interest or right to be acquired	133
Relevant proposed works	137
Conclusion	157
<b>5.15 Southern Gas Networks</b>	<b>158</b>
Land affected and interest or right to be acquired	158
Relevant proposed works	159
Conclusion	163
<b>5.16 Southern Water Services Limited</b>	<b>163</b>
Land affected and interest or right to be acquired	164
Relevant proposed works	166

Conclusion	172
<b>5.17</b> Thanet OFTO Limited	172
Land affected and interest or right to be acquired	173
Relevant proposed works	174
Conclusion	176
<b>5.18</b> UK Power Network Services (South East) Limited	177
Land affected and interest or right to be acquired	177
Relevant proposed works	194
Conclusion	219
<b>5.19</b> Virgin Media Limited	220
Land affected and interest or right to be acquired	220
Relevant proposed works	221
Conclusion	223
<b>5.20</b> Vodafone Limited	223
Land affected and interest or right to be acquired	224
Relevant proposed works	224
Conclusion	226
<b>5.21</b> Vattenfall Wind Power Holdings Limited	226
Land affected and interest or right to be acquired	227
Relevant proposed works	228
Conclusion	230

# 1. Introduction

## 1.1 Application for Development Consent

1.1.1 National Grid Electricity Transmission plc (the Applicant) submitted, on 27 March 2025, an application for development consent to the Secretary of State for the Sea Link project (the project) (application reference EN020026). The application was accepted by the Planning Inspectorate on 23 April 2025.

## 1.2 Section 127 of the Planning Act 2008

1.2.1 The draft Development Consent Order [REP6-004] (draft DCO) includes provision for the compulsory acquisition of land and rights in land, including the acquisition of interests and rights in “statutory undertakers’ land”, as defined by s.127 of the Planning Act 2008, as amended (the 2008 Act). As the draft DCO will affect statutory undertakers’ interest in land, the Applicant believes that s.127 is engaged by the draft DCO.

1.2.2 Section 127 applies to statutory undertakers’ land if:

- a) The land has been acquired by a statutory undertaker for the purposes of its undertaking;
- b) A representation has been made, and not withdrawn, about an application for development consent; and
- c) The Secretary of State is satisfied that:
  - i. The land is used for the purposes of carrying on the statutory undertakers’ undertaking; or
  - ii. An interest in land is held for those purposes.

1.2.3 For the purposes of s.127, “land” includes any interest in or right over land (as defined in s.159 of the 2008 Act).

## 1.3 Section 138 of the Planning Act 2008

1.3.1 The draft DCO also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to, statutory undertakers, and as such the Applicant believes that s.138 of the Planning Act 2008, as amended (the 2008 Act), is engaged by the draft DCO.

1.3.2 Section 138 applies to land if:

- a) There subsists over the land a relevant right; or
- b) There is on, under or over the land relevant apparatus.

1.3.3 Section 138 provides that the draft DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the

Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the draft DCO relates.

- 1.3.4 The Applicant is, therefore, making this application to the Secretary of State pursuant to sections 127 and 138 of the 2008 Act.
- 1.3.5 In the following sections, this document sets out the Applicant's position in relation to each relevant statutory undertaker and in relation to each of section 127 and section 138 as relevant.
- 1.3.6 The following documents were submitted as part of the application for development consent in April 2023, have been updated throughout the examination and are relied upon to support this application under sections 127 and 138:
- 1.3.7 Land Plans **[REP6-002]** and **[REP5-003]**;
- a) Work Plans **[REP4-006]** and **[REP4-007]**;
  - b) Draft Development Consent Order **[REP6-004]**;
  - c) Explanatory Memorandum **[REP6-006]**;
  - d) Statement of Reasons **[REP6-008]**; and
  - e) Book of Reference **[REP6-014]**.
- 1.3.8 The Statement of Reasons **[REP6-008]** sets out the justification for seeking compulsory acquisition powers within the draft DCO.

## 2. Need Case

- 2.1.1 The need for the project has been established in the Planning Statement **[REP6-054]** and the Strategic Options Back Check Report **[APP-320]** and is underpinned by National Policy Statements EN-1, EN-3 and EN-5.
- 2.1.2 The Proposed Project is regarded by NPS EN-1 as nationally significant low carbon infrastructure which is of Critical National Priority (CNP). On CNP infrastructure, paragraph 3.3.63 of NPS EN-1 states that *“Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.”*
- 2.1.3 The Proposed Project will provide the urgently needed reinforcement to the transmission system in the South East of England and East Anglia. Without reinforcement, the capacity of the existing network in East Anglia and the South East is insufficient to accommodate the connection of proposed new power sources connecting in the area. The network in and between East Anglia and the south-east of England needs reinforcing for four main reasons:
- a) the existing transmission network was not designed to transport electricity from where we increasingly now generate it (largely offshore);
  - b) the growth in offshore wind, interconnectors and nuclear power means that more electricity will be generated in the years ahead than the current network is able to securely and reliably transport;
  - c) as a country, electricity demand is forecasted to at least double by 2050, increasing the amount of energy we need to transport to homes and businesses; and
  - d) upgrading the existing network as it is today (such as through replacing cables to carry more power) will not be enough to carry the amount of future power whilst operating to required standards.
- 2.1.4 The Proposed Project is required particularly to support offshore wind projects, which in turn are required to meet the Government’s targets for the connection of up to 50 GW of offshore wind by 2030. This offshore generation is a key part of a strategy for secure, clean and affordable British energy for the long term.
- 2.1.5 This reinforcement will ensure that, in accordance with national and local policies and targets, the Proposed Project will improve the existing electricity transmission network, and will contribute to energy independence, the UK’s decarbonisation requirements and climate change targets, and assist in ensuring the supply of energy remains secure, reliable and affordable.

## 3. Section 127 Application

3.1.1 Section 127 of the 2008 Act applies where a statutory undertaker makes a representation (which is not withdrawn). In these circumstances, the draft DCO [REP6-004] may only include a provision authorising the compulsory acquisition of statutory undertakers' land where the Secretary of State is satisfied that:

- a) The land may be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- b) The land can be replaced by other land belonging to, or available for acquisition by, the statutory undertaker without serious detriment to the carrying on of the undertaking.

3.1.2 Sections 127(2) and (3) are set out below:

*(2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).*

*(3) The matters are that the nature and situation of the land are such that—*

- a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or*
- b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.*

3.1.3 Sections 127(5) and (6) contain equivalent wording in respect of acquiring rights over statutory undertaker's land and are set out below:

*(5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).*

*(6) The matters are that the nature and situation of the land are such that—*

- a) the right can be purchased without serious detriment to the carrying on of the undertaking, or*
- b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.*

3.1.4 There is no statutory definition of "serious detriment". The test for "serious detriment" is wide and holistic, it being more than a mere disadvantage. In the Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Transport regarding The Lake Lothing (Lowestoft) Third Crossing Order 2020, the Examining Authority recognised at paragraph 8.5.138. "that serious detriment is a matter of judgement on the scale of impact on the undertaking and that the decision maker should take a holistic approach". In this submission for the Proposed Project,

the Applicant has set out below the nature of the interests of each statutory undertaker, and then set out the full extent of the powers of compulsory acquisition and the purposes for which the powers over each plot are sought. The Applicant has had regard to its knowledge of the undertaking and assets of the relevant statutory undertaker (including knowledge obtained from long-standing liaison with the various statutory undertakers, and discussions about interfaces and their management, including as recorded in statements of common ground and submissions to the examination), to assess the interface in the context of the statutory tests, before then reaching a conclusion as to the statutory tests and whether they are met in each case. Those conclusions are set out below in respect of each statutory undertaker.

3.1.5

The DCO authorises acquisition of different classes of right for different plots. As explained in the Book of Reference **[REP6-014]** that where two types of interest, rights or powers are sought over a given plot (such as temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure, as well as permanent rights of access), the plot is coloured according to the more extensive power required. The classes are as follows:

- a) Class 1 (Compulsory Acquisition of land) – acquisition of all interests and rights in land
- b) Class 2 (Compulsory Acquisition of Rights – Overhead Line) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:
  - i. with or without vehicles, plant and equipment to enter the land to construct the overhead electric line and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace or remove;
  - ii. with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
  - iii. with or without vehicles, plant and equipment to enter the land to access any adjoining land;
  - iv. with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
  - v. 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 overhead electric line, including without limitation impose clearance restrictions, 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;
  - vi. to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
  - vii. to construct and install land drains cut-off drainage and/or run-off drainage systems (including all necessary supports) soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of,

- including from time to time to inspect, cleanse, maintain, repair, remove, reinstate, renew, alter and replace, the same;
  - viii. to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the Order; and
  - ix. to carry out any activities ancillary or incidental thereto.
- c) Class 3 (Compulsory Acquisition of Rights – Underground Cable System) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:
- i. with or without vehicles, plant and equipment to enter the land to construct the underground cable system and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace or remove;
  - ii. with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
  - iii. with or without vehicles, plant and equipment to enter the land to access any adjoining land;
  - iv. with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
  - v. 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 underground cable system, including without limitation impose clearance restrictions, 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;
  - vi. to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
  - vii. to construct and install land drains cut-off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, reinstate, renew, alter and replace, the same;
  - viii. to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the Order; and
  - ix. to carry out any activities ancillary or incidental thereto.
- d) Class 4 (Compulsory Acquisition of Rights – Construction Compound) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:

- i. with or without vehicles, plant and equipment to enter the land to construct and use the same as a construction compound in connection with the works;
  - ii. to install and maintain mitigation measures;
  - iii. to carry out works necessary or expedient to the land and listed in Schedule 1 of the Order; and
  - iv. to carry out activities ancillary thereto.
- e) Class 5 – Compulsory Acquisition of Rights (Access) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:
- i. of way with or without vehicles, plant and equipment at all times over the land;
  - ii. to remove any buildings, structures, pylons, apparatus, equipment, and vegetation from that land;
  - iii. to require the landowner not to do or suffer anything to be done upon the land which may interfere with the undertaker’s access, including without limitation 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;
  - iv. to require the landowner not to do or suffer anything to be done upon the land which may interfere with sight lines associated with the undertaker’s access, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with sight lines, 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;
  - v. to construct, use or maintain works (including the provision of means of access);
  - vi. to construct and install land drains cut-off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land, and thereafter infill and/or to retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, reinstate, renew, alter and replace, the same; and
  - vii. to carry out activities ancillary thereto.
- f) Class 6 – Compulsory Acquisition of Rights (Drainage) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:
- i. with or without vehicles, plant and equipment to enter the land to construct and install land drains, cut-off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land and the means of access to them;

- ii. thereafter to infill and/or make use of, including from time to time to inspect, cleanse, maintain, repair, remove, reinstate, renew, alter and replace, the same (including the means of access);
  - iii. to carry out activities ancillary thereto; and d. to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, 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.
- g) Class 7 – Compulsory Acquisition of Rights (Mitigation) – acquisition of rights by the creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions:
- i. with or without vehicles, plant and equipment to enter the land to construct and install mitigation measures (including all necessary supports) on the land and the means of access to them;
  - ii. thereafter to retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, reinstate, renew, alter and replace, the same (including the means of access);
  - iii. to carry out activities ancillary thereto and
  - iv. to require the landowner not to do or suffer anything to be done upon the land which may interfere with the mitigation measures, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the mitigation measures, 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.

3.1.6 The procedure under s127 only applies to compulsory acquisition, and therefore is not engaged by plots which are subject to articles 27 to 29 (inclusive) of the dDCO which relate solely to temporary use.

## 4. Section 138 Application

4.1.1 As noted at Paragraph 1.3 above, the draft DCO [REP6-004] gives the Applicant the power to extinguish the rights of, or remove the apparatus belonging to, statutory undertakers over or within the order limits. However, this is only permitted where the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the draft DCO relates.

4.1.2 Section 138 of the 2008 Act is set out below:

*(1) This section applies if an order granting development consent authorises the acquisition of land (compulsorily or by agreement) and—*

- a) there subsists over the land a relevant right, or*
- b) there is on, under or over the land relevant apparatus.*

*(2) “Relevant right” means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which—*

- a) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or*
- b) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.*

*(3) “Relevant apparatus” means—*

- a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or*
- b) electronic communications apparatus kept installed for the purposes of an electronic communications code network.*

*(4) The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.*

4.1.3 The sections below identify those statutory undertakers and telecommunications operators who retain rights under the Electronic Communications Code with rights and/or apparatus to which s.138 applies. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s.138 is vested in or belongs to those identified therein, on under or over the plots listed.

4.1.4 For the purposes of this application, it is the Applicant’s case that:

- a) Works associated with the project are necessary over the plots listed in the Schedule hereto (as described in Schedule 1 to the draft DCO and shown on the Work Plans to carry out the project;
- b) The project could affect relevant rights and/or relevant apparatus vested in or belonging to those identified in the Schedule hereto, albeit in no circumstances would the Applicant interfere with relevant apparatus in such a manner as to be

to the detriment of the undertaking or operations carried out by the statutory undertaker or telecommunications operator concerned;

- c) In the absence of powers for the Applicant to extinguish such rights and/or remove such apparatus, the works associated with the project could not be completed; and
- d) Protective provisions have been included at Schedule 15 of the draft, which ensure that all appropriate steps must be taken by the Applicant to protect retained relevant apparatus and/or to ensure that alternative apparatus is provided on an equivalent basis.

4.1.5 Therefore, taking account of the nature of the proposed works and the inclusion of protective provisions in the draft DCO, the Applicant contends that the Secretary of State can be satisfied that the rights of those identified in the Schedule hereto, whilst potentially subject to interface, will not be affected to the detriment of their ability to carry out their undertaking.

4.1.6 Where appropriate, the Applicant is seeking to negotiate with those identified in the Schedule hereto to acquire the rights necessary for the project, and to manage any interfaces between the project and their apparatus and/or rights vested on, under or over land within the order limits, by private treaty. Private treaty negotiations will continue in parallel with the compulsory acquisition process with a view to reaching an agreement as soon as practicably possible.

4.1.7 However, in the absence of private treaty agreement between the parties, it is still necessary to seek compulsory acquisition powers in the draft DCO to ensure that the Applicant is able to consistently and uniformly enforce powers to deliver the project in a comprehensive manner in relation to all persons with an interest in land.

4.1.8 The Applicant considers these powers to be essential until such time as a voluntary grant of the interests in question has been secured.

## 5. Affected Statutory Undertakers

### 5.1 Anglian Water

- 5.1.1 Anglian Water has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant has engaged with Anglian Water regarding the DCO application and the parties have reached agreement in relation to the protective provisions included for Anglian Water's benefit at Schedule 15 to the DCO, but its representation has not currently been withdrawn. These Protective Provisions include protections in respect of the Applicant's exercise of compulsory acquisition powers or powers to remove or alter any apparatus so that Anglian Water will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.1.2 To the extent that the withdrawal by Anglian Water of its existing representation is communicated to the Secretary of State, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

### Land affected and interest or right to be acquired

- 5.1.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Anglian Water for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.1.1: Anglian Water interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk plot 1/11	Occupier - in respect of underground sewage pipeline	Class 1 – Compulsory Acquisition of Land

Suffolk plots 5/29, 5/32	Occupier - in respect of underground sewage pipeline	Class 3 – Compulsory Acquisition of Rights (Underground Cable System)
Suffolk plot 5/27	Occupier - in respect of underground sewage pipeline	Class 5 – Compulsory Acquisition of Rights (Access)
Suffolk plots 2/73, 2/77	Occupier - in respect of underground sewage pipeline	Class 6 - Compulsory Acquisition of Rights (Drainage)

## Relevant proposed works

5.1.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.1.2: Works affecting Anglian Water interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
1/11	3A, 15	Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include — (a) an access road including access from the B1121 including bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fencing including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.

		<p>The exact location of the Anglian rising main running along the western bank of the Fromus River is unknown and the proximity to the proposed works will dictate the scale of mitigation required.</p> <p>Work No. 15 – Principal Environmental Mitigation and Landscaping Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p> <p>(a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p>
5/27	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>The Anglian utilities are located within the permissive path along the disused rail line and are crossed by a monitoring and maintenance access point. The access point would only be used by light vehicles or on foot to monitor the trenchless drilling operations.</p>
5/32	6	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work</p>

		<p>areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.</p> <p>The Anglian utilities are located within the permissive path along the disused rail line and are crossed by cables installed utilising trenchless method. The trenchless drilling would include up to four ducts being installed under the Anglian utilities prior to the cables being pulled through them.</p>
2/77, 2/73	13	<p>Principal drainage works.</p> <p>The proposed outfall works which would have required a drainage pipe being installed across Church Lane to connect to the culvert on the south side are no longer part of the drainage strategy for the project as an infiltration solution for the substation drainage has been developed that removes the need for this drainage connection.</p>
5/29	13	<p>Principal drainage works.</p> <p>The Anglian utilities are located within the permissive path along the disused rail line, where drainage works associated with the temporary construction compound are required.</p>

- 5.1.5 More specifically, the Applicant is aware that there is a possibility the Anglian Waters asset within Plot 1/11 may require a diversion, this will be dependent on the final location of the applicant's equipment and the proven location of Anglian Water's asset. The Applicant is working closely with Anglian Water to ensure that this work is identified and carried out as soon as possible. Anglian Water will have the protection of its protective provisions in relation to any such necessary works, and the Applicant does not consider that such works would cause serious detriment to Anglian Water's ability to carry out its undertaking.
- 5.1.6 The Applicant is also aware of works required to cross or work in the same land plot as Anglian Waters assets which are in plots 5/27, 5/32, 2/77, 2/73 and 5/29 but the applicant does not consider that such works would cause serious detriment to Anglian Water's ability to carry out its undertaking.
- 5.1.7 Overall, the Applicant considers that there would be no serious detriment to Anglian Water's undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist

within the plots affected alongside those of Anglian Water and, for the most part, the rights would cause minimal interference to Anglian Water's undertaking.

- 5.1.8 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with Anglian Water in order to cause as little disruption as practicable during maintenance or works.
- 5.1.9 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As Anglian Water is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.1.10 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.1.11 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, The Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
  - c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.1.12 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Anglian Water, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Anglian Water on, under or over the plots listed in Table 5.1.1.
- 5.1.13 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed Table 5.1.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Anglian Water which may be affected by the Proposed Project;

- c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d) protective provisions have been included at Schedule 15, Part 3 of the DCO; and
- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Anglian Water's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

5.1.14 The Applicant is continuing to negotiate with Anglian Water to manage any interfaces between the Proposed Project and apparatus and/or rights vested in Anglian Water on, under or over the Order land. As set out above, the Applicant has reached agreement in relation to the Protective Provisions included for Anglian Water's benefit at Schedule 15 to the DCO.

## Conclusion

5.1.15 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.1.16 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.1.17 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Anglian Water is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.2 Cadent Gas Limited

5.2.1 Cadent Gas Limited ("Cadent") has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant has engaged with Cadent regarding the DCO application and the parties have reached agreement in relation to the Protective Provisions included for Cadent's benefit at Schedule 15 to the DCO, but its representation has not currently been withdrawn. These Protective Provisions include protections in respect of the Applicant's exercise of compulsory acquisition powers or powers to remove or alter any apparatus so that Cadent will not be affected to the serious detriment of its ability to carry out its undertaking.

5.2.2 To the extent that the withdrawal by Cadent of its existing representation is communicated to the Secretary of State, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

5.2.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Cadent for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.2.1: Cadent interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
2/7,2/7a,2/7b,1/11	Easement Right or Privilege - Rights relating to gas apparatus as contained in a Deed dated 28 September & 30 July 1953	Class 1. Compulsory Acquisition of Land
1/49,1/49,2/5,2/5	Easement Right or Privilege or /Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 30 July 1953	Class 3. Compulsory Acquisition of Rights – Underground Cable System
5/17,5/32	Occupier - in respect of underground gas mains	Class 3. Compulsory Acquisition of Rights – Underground Cable System
1/9,1/9	Easement Right or Privilege and/or Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 28 September July 1953	Class 4. Compulsory Acquisition of Rights - Construction Compound

1/64,1/64,1/92,1/92,1/95,1/2,1/2 1/5,1/7,1/7	Easement Right or Privilege and/or Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 28 September & 30 July 1953	Class 5. Compulsory Acquisition of Rights - Access
1/96,5/14,5/19,5/27	Occupier - in respect of underground gas mains	Class 5. Compulsory Acquisition of Rights - Access
1/58,1/58,1/4,1/4,1/8,1/8	Easement Right or Privilege and/or Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 28 September & 30 July 1953	Class 6. Compulsory Acquisition of Rights - Drainage
1/93,1/93,1/94,1/94,1/99,1/99 1/100,1/100	Easement Right or Privilege and/or Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 30 July 1953	Class 7. Compulsory Acquisition of Rights - Mitigation
1/67,1/67,2/6,2/6,1/10,1/10	Easement Right or Privilege and/or Restrictive Covenant – Rights & Restrictive covenant relating to gas apparatus as contained in a Deed dated 28 September & 30 July 1953	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>1</sup>
1/12,1/53,1/98,5/29	Occupier - in respect of underground gas mains	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>2</sup>

<sup>1</sup> Note that s127 is not applicable to class 8 rights.

<sup>2</sup> Note that s127 is not applicable to class 8 rights.

## Relevant proposed works

5.2.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.2.2: Works affecting Cadent interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
5/14, 5/19	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>The construction of a temporary access (Leiston Road), including clearance of vegetation within the visibility splay.</p>
5/17	5	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>

		The construction of a temporary access including clearance of vegetation within the visibility splay, diversion of the UKPN overhead line, open cut trenching of the HVDC cable system requiring a single trench excavation across Leiston Road.
5/27	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>The Cadent utility is located within the permissive path along the disused rail line and is crossed by a monitoring and maintenance access point. The access point would only be used by light vehicles or on foot to monitor the trenchless drilling operations.</p>
5/32	6	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.</p> <p>The Cadent utility is located within the permissive path along the disused rail line and is crossed by cables installed utilising trenchless method. The trenchless drilling would include up to</p>

		four ducts being installed under the Anglian utilities prior to the cables being pulled through them.
1/12, 1/64, 1/74, 1/88, 1/91, 1/92, 1/95, 1/96,	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Cadent MP main is located in the southern verge of the B1119, where access is required for auxiliary works.</p>
1/50	14, 15, 17	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal Environmental Mitigation and Landscaping - Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Public Right of Way Diversions</p> <p>Cadent MP main is located in the southern verge of the B1119, where a new bellmouth is to be constructed, along with a section of mitigation and landscape planting and a PRow diversion.</p>
1/89, 1/98, 1/99, 1/100, 1/53, 1/93, 1/94	15	<p>Principal Environmental Mitigation and Landscaping - Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Cadent MP main is located in the southern verge of the B1119, where mitigation and landscape planting are required.</p>

5/29, 1/4, 1/8, 1/10	13	Principal drainage works
1/2, 1/5, 1/7, 2/7b	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>The construction of a permanent access off the B1121, including clearance of vegetation within the visibility splay. Temporary access to a temporary construction compound is also needed.</p>
1/9	4	<p>Suffolk temporary works compound. Works associated with No.1A, Work No. 3A, Work No. 3B Work No.5 and Work No.6 shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk, which may include — site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and/or culverts); (d) drainage works (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation;(h) emergency electrical generator; (i) materials, tools and fuel storage and laydown areas; (j) assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities; (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.</p> <p>Temporary construction compound to facilitate enabling and access works.</p>
1/11	3A, 15	Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include — (a) an access road including

---

access from the B1121 including bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fencing including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.

Work No. 15 – Principal Environmental Mitigation and Landscaping Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

(a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

---

1/49, 1/67

2, 5

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p)

---

			<p>fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.</p> <p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>
1/58	13, 17		<p>Principal Drainage Works.</p> <p>Principal Public Right of Way Diversions.</p>
2/5	14, 16		<p>Principal Accesses – accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal Utility Diversions</p>
2/6	16		Principal Utility Diversions
2/7	1B, 16		<p>New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary</p>

work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks;(u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.

Principal Utility Diversions

2/7a

1B

New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j)

---

switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks;(u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.

---

- 5.2.5 More specifically, the applicant is aware that access and/or mitigation works are required in the vicinity of the Cadent Gas asset within Plots 5/14, 5/19, 5/17, 1/12, 1/64, 1/74, 1/88, 1/91, 1/92, 1/95, 1/96, 1/50, 1/2, 1/5, 1/7, 2/7b, 1/9, 2/5, 2/6, 2/7 and 2/7a. The Applicant is working closely with Cadent Gas to ensure that these works do not effect the Cadent Gas assets within these plots. Cadent Gas will have the protection of its protective provisions in relation to any necessary works, and the Applicant does not consider that such works would cause serious detriment to Cadent Gas’s ability to carry out its undertaking.
- 5.2.6 The Applicant is also aware of works required to cross or work in the same land plot as Cadent Gas’s assets which are in plots 5/27, 5/32, 1/11, 1/49, 1/67 and 1/58 but the Applicant does not consider that such works would cause serious detriment to Cadent Gas’s ability to carry out its undertaking.
- 5.2.7 Overall, the Applicant considers that there would be no serious detriment to Cadent’s undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of Cadent and, for the most part, the rights would cause minimal interference to Cadent’s undertaking.

- 5.2.8 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with Cadent in order to cause as little disruption as practicable during maintenance or works.
- 5.2.9 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As Cadent is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.2.10 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.2.11 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
  - c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.2.12 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Cadent, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Cadent on, under or over the plots listed in Table 5.2.1.
- 5.2.13 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.2.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Cadent which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;

- d) protective provisions have been included at Schedule 15, Part 4 of the DCO; and
- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Cadent's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

5.2.14 The Applicant is continuing to negotiate with Cadent to manage any interfaces between the Proposed Project and apparatus and/or rights vested in Cadent on, under or over the Order land. As set out above, the Applicant has reached agreement in relation to the Protective Provisions included for Cadent's benefit at Schedule 15 to the DCO.

## Conclusion

5.2.15 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.2.16 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.2.17 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Cadent is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.3 Cityfibre Holdings

5.3.1 Cityfibre Holdings Limited ("Cityfibre") has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Cityfibre and will continue to do so.

5.3.2 Cityfibre has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to Cityfibre. The protective provisions include provision to avoid any serious detriment to the statutory undertaker's ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

5.3.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Cityfibre for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.3.1: Cityfibre interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk plot 1/1	Occupier – in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access

## Relevant proposed works

5.3.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.3.2: Works affecting Cityfibre interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk plot 1/1	3A & 14	Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include — (a) an access road including access from the B1121 including bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the

---

works; (d) foundations to support all new structures and equipment; (e) security perimeter fencing including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.

Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.

A permanent access is to be constructed off the B1121 Main Road to provide access to the proposed converter station. Access works will require the clearance of vegetation, excavation to formation level and construction of the access surface, fencing, gates and signage. Vegetation clearance along the B1121 may be required within the visibility splay for the proposed access.

---

5.3.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Cityfibre, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Cityfibre on, under or over the plots listed in Table 5.3.1.

5.3.6 For the purposes of its application, it is the Applicant's case that:

- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.3.1 and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Cityfibre which may be affected by the Proposed Project;
- c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d) protective provisions have been included at Schedule 15, Part 2 of the DCO; and

- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Cityfibre’s rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.3.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.3.8 It is the Applicant’s position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Cityfibre is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.4 Cornerstone Telecommunications Infrastructure Limited

- 5.4.1 Cornerstone Telecommunications Infrastructure Limited (“Cornerstone”) has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Cornerstone and will continue to do so.
- 5.4.2 Cornerstone has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to Cornerstone. The protective provisions include provision to avoid any serious detriment to the statutory undertaker’s ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

- 5.4.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Cornerstone for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.4.1: Cornerstone interests**

<b>Statutory undertaker's land (plot number)</b>	<b>Nature of interest</b>	<b>Interest or right to be acquired</b>
Kent plot 6/1	Easement Right or Privilege - Rights relating to access and use of a telecommunication site as contained in a Lease dated 24 August 2017 for the benefit of TT70483	Class 1. Compulsory Acquisition of Land
Kent plot 6/2	Easement Right or Privilege - Rights relating to access and use of a telecommunication site as contained in a Lease dated 24 August 2017 for the benefit of TT70483	Class 5. Compulsory Acquisition of Rights - Access

## Relevant proposed works

5.4.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.4.2: Works affecting Cornerstone interests**

<b>Plot numbers in which the statutory undertaker has a right or interest</b>	<b>Work number</b>	<b>Works description</b>
Kent plot 6/1	15	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

		This plot is to be used for environmental mitigation.
Kent plot 6/2	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>This plot is access to the environmental mitigation area in plot 6/1.</p>

5.4.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Cornerstone, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Cornerstone on, under or over the plots listed in Table 5.4.1.

5.4.6 For the purposes of its application, it is the Applicant's case that:

- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.4.1 and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Cornerstone which may be affected by the Proposed Project;
- c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Cornerstone rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

5.4.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.4.8 It is also the Applicant’s position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Cornerstone is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.5 East Anglia ONE North Limited

5.5.1 East Anglia ONE North Limited (“EA1N”) has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with EA1N regarding the DCO application and its representation has not currently been withdrawn. The parties have progressed negotiations in relation to Protective Provisions for EA1N’s benefit and will continue to do so. The Protective Provisions included for EA1N’s benefit at Schedule 15 to the DCO reflect National Grid’s latest preferred version, which notably extracts the commercial provisions from EA1N’s last iteration so that these can be incorporated into the appropriate side agreements.

5.5.2 To the extent that these discussions facilitate the withdrawal by EA1N of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

5.5.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by EA1N for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.5.1: EA1N interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		
2/20,2/20a,2/55,2/57	Freehold	Class 1. Compulsory Acquisition of Land[JB2] [SW3] [JS4]

2/58,2/60,2/65,2/68,2/69,2/7 2/70,2/71,2/72		
2/20e,2/20d,2/20c	Easement Right or Privilege - Rights reserved relating to conduits as contained in a Transfer dated 30 September 2015	Class 1. Compulsory Acquisition of Land
2/36a	Freehold	Class 2. Compulsory Acquisition of Rights - Overhead Line
3/20a	Occupation — in respect of underground electricity distribution lines	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/36	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/13,2/15a,2/42a,2/46a,2/47a,2/5a	Freehold	Class 3. Compulsory Acquisition of Rights - Underground Cable System
2/42,2/46,2/47,2/48,2/19,2/19	Restrictive Covenant & Easement Right or Privilege - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965 & Right of way as contained in a Transfer dated 16 January 2009 for the benefit of adjoining land	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/22a,3/21a	Occupation — in respect of underground electricity distribution lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System

2/53,2/11b	Freehold – As reputed owner	Class 5. Compulsory Acquisition of Rights - Access
2/38	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 5. Compulsory Acquisition of Rights - Access
2/99	Easement Right or Privilege - Rights reserved relating to conduits as contained in a Transfer dated 30 September 2015	Class 7. Compulsory Acquisition of Rights - Mitigation
2/12,2/35,2/59,2/61,2/63,2/64,2/6a	Freehold	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>3</sup>
2/37	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>4</sup>

5.5.4 The Applicant considers that there would be no serious detriment to EA1N undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of EA1N and, for the most part, the rights would cause minimal interference to EA1N's undertaking.

5.5.5 In particular, Works 1A and 1B relate to the construction of the Friston substation and works to the overhead line needed to connect to that substation and Work no. 4 provides for temporary work compounds for Works 1A and 1B. National Grid anticipates that these principal works for the Friston Substation, along with the associated works for that construction, would be

<sup>3</sup> Note that s127 is not applicable to class 8 rights.

<sup>4</sup> Note that s127 is not applicable to class 8 rights.

carried out pursuant to the existing DCOs granted to SPR (including the Order granted to EA1N) and the works under the National Grid's Order would only be engaged where SPR is unable to deliver the substation. In that circumstance, the acquisition of the necessary rights and interests for those works would be in relation to plots that are no longer necessary or relevant for EA1N's undertaking.

- 5.5.6 Depending on which DCO the Friston substation is built under, the associated acquisition of rights or interest for these substation works under Works 1A, 1B and 4, as well as the relevant parts of Work No.s 13 (Drainage), 14 (Access), 15 (Landscaping), 16 (Utilities Diversions) and 17 (Public Rights of Way Diversions) would then be exercised by the undertaker of the relevant DCO.
- 5.5.7 Work No. 2 involves the connection of the Sea Link HVAC cable from the Suffolk Converter Station to the new Friston substation and will be required regardless of whether the substation is built under SPR's DCO or National Grid's. Flexibility has been built into the design of these works to facilitate co-existence with EA1N's assets and, where relevant, the delivery of EA1N's DCO.
- 5.5.8 Work No. 5 involves the routeing of the Sea Link HVDC cable through land in which EA1N has an interest and acquisitions will be required regardless of whether the substation is built under SPR's DCO or National Grid's. Any interface between Work No. 5 and EA1N will then be managed by protective provisions and any additional agreements or processes required under those protective provisions.
- 5.5.9 All other acquisitions of rights or interests would cause minimal interference to EA1N's undertaking that will be managed under the protective provisions and agreements between the parties to avoid any serious detriment to that undertaking.
- 5.5.10 Other than during construction of the Proposed Project, any remaining potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with EA1N in order to cause as little disruption as practicable during maintenance or works.
- 5.5.11 The parties are currently engaging in negotiations in relation to acquisition of relevant land rights and commercial agreements in relation to the construction of the Friston substation and, where relevant, the Applicant is engaging with the landowner of affected plots in which EA1N has an interest. The parties are aligned on the need for these agreements and the ability for the Proposed Project to interface and co-exist with the development authorised under SPR's DCOs.
- 5.5.12 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
  - a) notwithstanding the intention and preference for the Friston substation to be built under SPR's DCOs, there is still a risk that this delivery cannot be achieved and National Grid's DCO must be relied on to construct the substation on which both National Grid and SPR rely;
  - b) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made,

the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;

- c) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
- d) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.

## Relevant proposed works

5.5.13 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.5.2: Works affecting EA1N interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
2/5a	14, 16	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.  Principal Utility Diversions
2/6a, 2/48	16	Principal Utility Diversions
2/7	1b, 16	New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary

work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks;(u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.

Principal Utility Diversions

2/11b, 2/12

14, 16, 17

Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.

Principal Utility Diversions

Principal Public Right of Way Diversions

2/13, 2/15a, 2/32

14

Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g)

---

trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

---

2/19

2 ,5, 15, 17

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology

---

comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping.  
Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

Principal Public Right of Way Diversions.

---

2/20	1A, 1B, 2, 4, 5, 15, 16, 17	<p>Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.</p> <p>New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the</p>
------	-----------------------------	--

---

new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks; (u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or

---

---

connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.

Suffolk temporary work compounds. Works associated with No.1A, Work No.1B, Work No.2, Work No. 3A, Work No. 3B Work No.5 and Work No.6 shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and/or culverts); (d) drainage works (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) (j) materials, tools and fuel storage and laydown areas; assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities; (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the

---

---

TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping.  
Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

Principal Utility Diversions.

Principal Public Right of Way Diversions.

---

2/20a

2, 15, 17

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p)

---

		<p>fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Public Right of Way Diversions.</p>
2/20c, 2/63, 2/69, 2/70, 2/71	15	<p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p>
2/20d	1a, 15, 17	<p>Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Public Right of Way Diversions.</p>

2/20e, 2/46, 2/47, 2/46a, 2/47a	16,17	Principal Utility Diversions. Principal Public Right of Way Diversions.
2/36, 2/35	1a, 15	Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.
2/37, 2/38,	1a	Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.
2/42	5, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the

		<p>onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Utility Diversions</p>
2/42a	5, 16, 17	<p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversions.</p>
2/55	17	Principal Public Right of Way Diversions
2/57, 2/58, 2/59, 2/60, 2/61, 2/64, 2/65	15, 17	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological

			mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
2/68	13, 15		Principal Drainage Works  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.
2/72	13, 15, 17		Principal Drainage Works  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
2/19	5, 15		Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre

---

optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

---

- 5.5.14 As in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) EA1N, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to EA1N on, under or over the plots listed in Table 5.5.1.
- 5.5.15 For the purposes of its application, it is the Applicant’s case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.5.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to EA1N which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- 5.5.16 protective provisions have been included at Schedule 15 of the draft DCO and the parties are engaging on a suite of related commercial agreements; and
- d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that EA1N’s rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.5.17 The Applicant is continuing to negotiate with EA1N to manage any interfaces between the Proposed Project and apparatus and/or rights vested in EA1N on, under or over the Order land.

## Conclusion

- 5.5.18 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.5.19 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.
- 5.5.20 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to EA1N is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.6 East Anglia TWO Limited

- 5.6.1 East Anglia TWO Limited ("EA2") has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with EA2 regarding the DCO application and its representation has not currently been withdrawn. The parties have progressed negotiations in relation to Protective Provisions for EA2's benefit and will continue to do so. The Protective Provisions included for EA2's benefit at Schedule 15 to the draft DCO reflect National Grid's latest preferred version, which notably extracts the commercial provisions from EA2's last iteration so that these can be incorporated into the appropriate side agreements
- 5.6.2 To the extent that these discussions facilitate the withdrawal by EA2 of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

- 5.6.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by EA2 for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.6.1: EA2 interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		
2/20,2/20a,2/55,2/57 2/58,2/60,2/65,2/68,2/69,2/7 2/70,2/71,2/72	Freehold	Class 1. Compulsory Acquisition of Land
2/20e,2/20d,2/20c	Easement Right or Privilege - Rights reserved relating to conduits as contained in a Transfer dated 30 September 2015	Class 1. Compulsory Acquisition of Land
2/36a	Freehold	Class 2. Compulsory Acquisition of Rights - Overhead Line
3/20a	Occupation — in respect of underground electricity distribution lines	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/36	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/13,2/15a,2/42a,2/46a,2/47a,2/5a	Freehold	Class 3. Compulsory Acquisition of Rights - Underground Cable System
2/42,2/46,2/47,2/48,2/19,2/19	Restrictive Covenant & Easement Right or Privilege - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical	Class 3. Compulsory Acquisition of Rights - Underground Cable System

	apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965 & Right of way as contained in a Transfer dated 16 January 2009 for the benefit of adjoining land	
3/22a,3/21a	Occupation -- in respect of underground electricity distribution lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
2/53,2/11b	Freehold – As reputed owner	Class 5. Compulsory Acquisition of Rights - Access
2/38	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 5. Compulsory Acquisition of Rights - Access
2/99	Easement Right or Privilege - Rights reserved relating to conduits as contained in a Transfer dated 30 September 2015	Class 7. Compulsory Acquisition of Rights - Mitigation
2/12,2/35,2/59,2/61,2/63,2/64,2/6a	Freehold	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>5</sup>
2/37	Restrictive Covenant - Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>6</sup>

<sup>5</sup> Note that s127 is not applicable to class 8 rights.

<sup>6</sup> Note that s127 is not applicable to class 8 rights.

- 5.6.4 In particular, Works 1A and 1B relate to the construction of the Friston substation and works to the overhead line needed to connect to that substation and Work no. 4 provides for temporary work compounds for Works 1A and 1B. National Grid anticipates that these principal works for the Friston Substation, along with the associated works for that construction, would be carried out pursuant to the existing DCOs granted to SPR (including the Order granted to EA2) and the works under the National Grid's Order would only be engaged where SPR is unable to deliver the substation. In that circumstance, the acquisition of the necessary rights and interests for those works would be in relation to plots that are no longer necessary or relevant for EA2's undertaking.
- 5.6.5 Depending on which DCO the Friston substation is built under, the associated acquisition of rights or interest for these substation works under Works 1A, 1B and 4, as well as the relevant parts of Work No.s 13 (Drainage), 14 (Access), 15 (Landscaping), 16 (Utilities Diversions) and 17 (Public Rights of Way Diversions) would then be exercised by the undertaker of the relevant DCO.
- 5.6.6 Work No. 2 involves the connection of the Sea Link HVAC cable from the Suffolk Converter Station to the new Friston substation and will be required regardless of whether the substation is built under SPR's DCO or National Grid's. Flexibility has been built into the design of these works to facilitate co-existence with EA2's assets and, where relevant, the delivery of EA2's DCO.
- 5.6.7 Work No. 5 involves the routeing of the Sea Link HVDC cable through land in which EA2 has an interest and acquisitions will be required regardless of whether the substation is built under SPR's DCO or National Grid's. Any interface between Work No. 5 and EA2 will then be managed by protective provisions and any additional agreements or processes required under those protective provisions.
- 5.6.8 All other acquisitions of rights or interests would cause minimal interference to EA2's undertaking that will be managed under the protective provisions and agreements between the parties to avoid any serious detriment to that undertaking.
- 5.6.9 Other than during construction of the Proposed Project, any remaining potential interference would be maintenance or works to the Applicant's equipment. On such occasions, the Applicant would consult with EA2 in order to cause as little disruption as practicable during maintenance or works.
- 5.6.10 The parties are currently engaging in negotiations in relation to acquisition of relevant land rights and commercial agreements in relation to the construction of the Friston substation and, where relevant, the Applicant is engaging with the landowner of affected plots in which EA2 has an interest. The parties are aligned on the need for these agreements and the ability for the Proposed Project to interface and co-exist with the development authorised under SPR's DCOs.
- 5.6.11 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:

- a) notwithstanding the intention and preference for the Friston substation to be built under SPR's DCOs, there is still a risk that this delivery cannot be achieved and National Grid's DCO must be relied on to construct the substation on which both National Grid and SPR rely;
- b) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
- c) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
- d) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.

## Relevant proposed works

5.6.12 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.6.2: Works affecting EA2 interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
2/5a	14, 16	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.  Principal Utility Diversions
2/6a, 2/48	16	Principal Utility Diversions

2/7	1b, 16	<p>New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks;(u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.</p> <p>Principal Utility Diversions</p>
2/11b, 2/12	14, 16, 17	<p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal Utility Diversions</p>

Principal Public Right of Way Diversions		
2/13, 2/15a, 2/32	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
2/15a	2 ,5, 15	<p>Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.</p> <p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and</p>

---

laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping.  
Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

---

2/19

2 ,5, 15, 17

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p)

---

---

fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

Principal Public Right of Way Diversions.

---

2/20

1A, 1B, 2, 4, 5, 15, 16, 17

Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.

---

New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks;(u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and

---

---

equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.

Suffolk temporary work compounds. Works associated with No.1A, Work No.1B, Work No.2, Work No. 3A, Work No. 3B Work No.5 and Work No.6 shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and/or culverts); (d) drainage works (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) (j) materials, tools and fuel storage and laydown areas; assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities; (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point

---

---

where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping.  
Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

Principal Utility Diversions.

Principal Public Right of Way Diversions.

---

2/20a

2, 15, 17

Works to connect the Suffolk Substation to the Suffolk Converter Station. Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables; (c) foundations to support all new structures and equipment; (d) support structures; (e) switchgear and associated equipment; (f) electrical control panels; (g) troughs and below ground services; (h) earth mat; (i) underground electric cables and fibre optic cables and associated ducts; (j) other site

		<p>furniture; (k) site access roads, hardstanding, car parking, footways and roadways; (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (m) lighting masts and lighting columns; (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B; (o) cable jointing and cable jointing enclosures; (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and (q) link boxes and link pillars.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Public Right of Way Diversions.</p>
2/20c, 2/63, 2/69, 2/70, 2/71	15	<p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p>
2/20d	1a, 15, 17	<p>Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the</p>

		Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions.
2/20e, 2/46, 2/47, 2/46a, 2/47a	16,17	Principal Utility Diversions.  Principal Public Right of Way Diversions.
2/36, 2/35	1a, 15	Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.
2/37, 2/38,	1a	Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.
2/42	5, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between

---

Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal Utility Diversions

---

2/42a

5, 16, 17

Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal Utility Diversions

Principal Public Right of Way Diversions.

---

2/55	17	Principal Public Right of Way Diversions
2/57, 2/58, 2/59, 2/60, 2/61, 2/64, 2/65	15, 17	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
2/68	13, 15	Principal Drainage Works  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.
2/72	13, 15, 17	Principal Drainage Works  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
2/19	5, 15	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables,

---

which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

---

- 5.6.13 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) EA2, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to EA2 on, under or over the plots listed in Table 5.6.1.
- 5.6.14 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.6.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to EA2 which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- 5.6.15 protective provisions have been included at Schedule 15 of the draft DCO and the parties are engaging on a suite of related commercial agreements; and

d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that EA2's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

5.6.16 The Applicant is continuing to negotiate with EA2 to manage any interfaces between the Proposed Project and apparatus and/or rights vested in EA2 on, under or over the Order land.

## Conclusion

5.6.17 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.6.18 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.6.19 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to EA2 is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.7 EXA Networks Limited

5.7.1 EXA Networks Limited ("EXA") has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with EXA and will continue to do so.

5.7.2 EXA has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to EXA. The protective provisions include provision to avoid any serious detriment to the statutory undertaker's ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

5.7.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by EXA for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.7.1: EXA interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk plots 3/35, 3/40,3/61,3/63	Occupation – in respect of underground telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
Suffolk plots 3/37,3/60,3/64	Occupation – in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
Suffolk plots 4/1,4/3,4/4	Occupation – in respect of underground telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.7.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.7.2: Works affecting EXA interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
--	-------------	-------------------

---

Suffolk plots 3/35, 3/37, 3/40, 3/61	5, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
--------------------------------------	-------	--

Principal Utility Diversions

---

Suffolk plots 3/60, 3/63	5, 14, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
--------------------------	-----------	--

Principal Utility Diversions

---

- 5.7.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) EXA, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to EXA on, under or over the plots listed in Table 5.7.1.
- 5.7.6 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.7.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to EXA which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - d) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
  - e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that EXA's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.7.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.7.8 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to EXA is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.8 Nemo Link Limited / National Grid Ventures

- 5.8.1 Neither Nemo Link Limited (“Nemo Link”), nor National Grid Ventures (“NGV”) has made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant understands that NGV holds land interests in relation to the Nemo Link project while Nemo Link holds the relevant electricity licence. The Applicant has sought engagement with both entities and will continue to do so.
- 5.8.2 Neither entity has indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 1 of the draft Development Consent Order will apply Protective Provisions for the Protection of Electricity Undertakers. The protective provisions include provision to avoid any serious detriment to the statutory undertaker’s ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

### Land affected and interest or right to be acquired

- 5.8.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by GVD for the purposes of the Nemo Link project. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.8.1: Nemo Link Limited / National Grid Ventures interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Kent plot 2/126	Easement Right or Privilege - Right of entry with or without vehicles, plant and equipment and rights relating to the use and maintenance of electric cables as contained in a Deed dated 26 May 2016	Class 2. Compulsory Acquisition of Rights - Overhead Line

Kent plots 5/35, 5/46, 5/25, 5/27, 5/27, 5/27, 3/101, 3/102, 3/103, 3/104, 3/105, 3/106, 3/107, 3/108, 3/109, 3/109, 3/109	Easement Right or Privilege and Restrictive covenant - Right of entry and rights to use and maintain service media as contained in a Deed dated 27 May 2016, Unilateral notice in respect of a lease for an easement as contained in an Agreement dated 3 September 2015, Unilateral notice in respect of an Agreement dated 3 September 2015, Caution against first registration in respect of rights as contained in a Deed of Grant dated 5 July 2016, Restrictive covenants not to interfere with or damage electric cables as contained in a Deed dated 5 July 2016, Restrictive covenant not to interfere with or damage electricity cables or access to electricity cables as contained in a Deed dated 26 May 2016 for the benefit of neighbouring land	Class 3. Compulsory Acquisition of Rights – Underground Cable System
Kent plots 3/101,3/102,3/104	Occupation - underground electricity transmission lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
Kent plots 3/90,3/111,3/112	Restrictive Covenant - Restrictive covenant not to interfere with or damage electricity cables or access to electricity cables as contained in a Deed dated 26 May 2016 for the benefit of neighbouring land	Class 5. Compulsory Acquisition of Rights - Access
Kent plots 5/32,5/34	Occupation - underground electricity transmission lines	Class 5. Compulsory Acquisition of Rights - Access
Kent plots 5/39,5/6,5/28,5/29	Occupation - underground electricity transmission lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

Kent plots 5/30, 5/31, 5/36, 5/37, 5/37, 5/39, 5/40, 5/40, 5/40, 5/41, 5/41, 5/41, 5/42, 5/42, 5/42, 5/43, 5/43, 5/43, 5/44, 5/44, 5/44, 5/17, 5/1, 5/1, 5/1, 5/26, 5/26, 5/26, 5/6, 5/8, 5/9, 5/9, 5/28, 5/28, 5/28, 5/28, 5/29, 5/29, 5/29, 2/125, 3/110, 3/110, 3/110, 5/30a	Easement Right or Privilege and Restrictive Covenant - Restrictive covenant not to interfere with or damage electricity cables or access to electricity cables as contained in a Deed dated 26 May 2016 for the benefit of neighbouring land, Right of entry and rights to use and maintain service media as contained in a Deed dated 27 May 2016, Unilateral notice in respect of a lease for an easement as contained in an Agreement dated 3 September 2015, Right of entry with or without vehicles, plant and equipment and rights relating to the use and maintenance of electric cables as contained in a Deed dated 26 May 2016	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
---	--	---

## Relevant proposed works

5.8.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.8.2: Works affecting Nemo Link Limited / National Grid Ventures interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent	6	Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans –
3/101, 3/102 and 3/104, 3/103, 3/105, 3/106, 3/107, 3/108, 3/109, 5/25, 5/27, 5/35, 5/46		

		<p>Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall,</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p> <p>The cable installation in this area has been confirmed as being via a trenchless method.</p>
<p>5/32, 5/34, 3/90, 3/111, 3/112, 5/33, 5/45, 5/47, 5/48</p>	<p>14</p>	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p>
<p>12.3.1 5/28, 5/29, 5/39, 5/6, 3/110, 5/1, 5/8, 5/9, 5/17, 5/26, 5/30, 5/30a, 5/31, 5/36, 5/37, 5/40, 5/41, 5/42, 5/43, 5/44</p>	<p>Ancillary works</p>	<p>Works, within the Order limits, which have been subject to an environmental impact assessment recorded in the environmental statement, comprising—</p>

		<ul style="list-style-type: none"> <li>(a) temporary landing places, moorings, anchoring or other means of accommodating vessels in the construction and/or maintenance of the authorised development;</li> <li>(b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and</li> <li>(c) temporary works for the benefit or protection of land or structures affected by the authorised project.</li> </ul>
2/126	12	<p>Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —</p> <ul style="list-style-type: none"> <li>(a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;</li> <li>(b) temporary culverts and/or bridges over other water courses;</li> <li>(c) drainage works;</li> <li>(d) removal of and modification works to the existing overhead electric line;</li> <li>(e) scaffold protection;</li> <li>(f) foundations and steel work to construct new pylons;</li> <li>(g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;</li> <li>(h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and</li> </ul>

---

(i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

---

- 5.8.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to NGV or Nemo Link on, under or over the plots listed in the Table 5.8.1.
- 5.8.6 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.8.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to NGV or Nemo Link which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - d) protective provisions at Schedule 15, Part 1 of the DCO will apply to electricity undertakers; and
  - e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Nemo Link/NGV's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.8.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.8.8 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to NGV or Nemo Link is necessary for the purpose of carrying out the Proposed Project, and that, insofar as it is engaged by either entity the test of section 138 has therefore been met.

## 5.9 Network Rail Infrastructure Limited

- 5.9.1 Network Rail Infrastructure Limited (“NRIL”) has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with NRIL regarding the DCO application, but its representation has not currently been withdrawn.
- 5.9.2 To the extent that the ongoing discussions facilitate the withdrawal by NRIL of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn. No land owned by NRIL needs to be compulsorily acquired, only rights over that land.

### Land affected and interest or right to be acquired

- 5.9.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by NRIL for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.9.1: NRIL interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		
5/32	Restrictive Covenant - Covenants to maintain fencing as contained in a Conveyance dated 20 June 1969 for the benefit of adjoining land	Class 3. Compulsory Acquisition of Rights – Underground Cable System

7/21,7/22,7/26	Freehold	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>7</sup>
5/29	Covenants to maintain fencing as contained in a Conveyance dated 20 June 1969 for the benefit of adjoining land	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
Kent		
2/123	Occupation – in respect of underground rail infrastructure	Class 1. Compulsory Acquisition of Land
2/110	Freehold	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/110	Occupation - in respect of underground rail infrastructure	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/67,2/73,2/108	Easement Right or Privilege - Rights relating to a level crossing as contained in a Deed dated 25 January 1979 and varied in a Deed dated 3 November 1980	Class 2. Compulsory Acquisition of Rights - Overhead Line
3/86,3/87,2/114	Freehold – as reputed owner	Class 5. Compulsory Acquisition of Rights - Access
2/111	Easement Right or Privilege - Rights relating to a level crossing as contained in a Deed dated 25 January 1979 and varied in a Deed dated 3 November 1980	Class 6. Compulsory Acquisition of Rights - Drainage

<sup>7</sup> Note that s127 is not applicable to class 8 rights.

2/188, 2/115, 2/116	Occupation - in respect of underground rail infrastructure	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
2/56,2/65,2/66,2/69,2/70,2/71,2/72,2/74,2/75, 2/78,2/79,2/84,2/107,2/109,2/112	Easement Right or Privilege or Restrictive Covenant - Rights relating to a level crossing as contained in a Deed dated 25 January 1979 and varied in a Deed dated 3 November 1980	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
2/115, 2/116	Occupation - in respect of underground rail infrastructure	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.9.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.9.2: Works affecting NRIL interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
5/27, 7/21, 7/22, 7/26	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
5/29	13	Principal Drainage Works

5/32	6	Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.
Kent		
2/72, 2/109, 2/113, 2/114, 2/117, 2/186, 2/187, 2/188, 3/3, 3/80, 3/86, 3/87	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
2/107, 2/111, 2/112	13	Principal Drainage Works
2/56	15, 16	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Utility Diversions

2/65	14, 15	<p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p>
2/66	14, 15, 17	<p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Public Right of Way Diversions</p>
2/67, 2/73	12, 16, 17	<p>Kent Overhead Line Works. Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables; (b) temporary culverts and/or bridges over other water courses; (c) drainage works; (d) removal of and modification works to the existing overhead electric line; (e) scaffold protection; (f) foundations and steel work to construct new pylons; (g) installation of overhead electric line between</p>

		<p>Work No. 11 and the existing Richborough to Canterbury overhead electric line; (h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.</p> <p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversions</p>
2/69, 2/70, 2/71, 2/74, 2/75, 2/76, 2/78, 2/79	1615, 16, 17	Principal Utility Diversions
2/84		<p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p> <p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversions</p>
2/108, 2/110	12	<p>Kent Overhead Line Works. Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables; (b) temporary culverts and/or bridges over other water courses; (c) drainage works; (d) removal of and modification works to the existing overhead electric line; (e) scaffold protection; (f) foundations and steel work to construct</p>

		<p>new pylons; (g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line; (h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.</p>
2/123	7, 9b, 10, 11, 12,	<p>Underground electric line connection in Kent. Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.6 and the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Kent Converter Station and associated equipment. Works shown on Sheet 2 of the Works Plans – Kent comprising a Converter Station plus external equipment (such as lightning protection, railings for walkways and roof mounted electricity generation equipment) near Minster which may include — (a) site clearance, preparation and establishment; (b) temporary work areas and laydown areas associated with the installation of the works; (c) earth works including to create platforms for the new Converter Station equipment, structures, landscaping, roads and compounds; (d) foundations to support all new structures and equipment; (e) underground electric cables and fibre optic cables</p>

---

cable ducts laid underground; (f) converter hall buildings and control building and spares building associated with the converter hall buildings and ancillary buildings; (g) transformers; (h) cable termination equipment including switchgears and busbars; (i) valve cooling systems; (j) standby back-up diesel generator; (k) filter banks; (l) lightning masts and lighting columns; (m) security perimeter fence including security gates; (n) drainage works; (o) fire protection deluge systems; (p) site access roads, hardstanding, car parking, footways and roadways; (q) electric vehicle charging points; (r) telecommunications equipment; (s) water tanks; (t) other site furniture; (u) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (v) utility service connection for on-site storage for later disposal of grey water and sanitation; and (w) soft and hard landscaping including bunds.

Works to connect the Kent Converter Station to the Kent Substation. Works as shown on Sheet 2 of the Works Plans – Kent comprising an electrical connection between Work No.9B and Work No.11, which may include either — (a) temporary work areas and laydown areas associated with the works; (b) fibre optic cables, ducts and chambers; and (c) either a combination of gas insulated busbars and busbars or a gas insulated busbar connection.

New Kent Substation. Works as shown on Sheet 2 of the Work Plans – Kent comprising a Substation near Minster, which may include — (a) site clearance and preparation and establishment; (b) temporary work areas and laydown areas associated with the installation of the works; (c) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (d) foundations to support all new structures and equipment; (e) support structures; (f) electrical equipment; (g) gantries and/or pylons; (h) equipment between gantries and switchgear; (i) switchgear and associated

---

---

equipment; (j) electrical control panels; (k) standby backup diesel generator; (l) troughs and below ground services; (m) earth mat; (n) substation building(s); (o) underground electric cables and fibre optic cables and cable ducts; (p) relay rooms, battery rooms, storage rooms and other welfare facilities; (q) electric vehicle charging points; (r) telecommunications equipment; (s) water tanks; (t) drainage works; (u) other site furniture; (v) security perimeter fence including security gates; (w) site access roads, hardstanding, car parking, footways and roadways; (x) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (y) utility service connection for on-site storage for later disposal of grey water and sanitation; (z) lighting masts and lighting columns; and (aa) landscaping, including mitigation planting.

Kent Overhead Line Works. Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables; (b) temporary culverts and/or bridges over other water courses; (c) drainage works; (d) removal of and modification works to the existing overhead electric line; (e) scaffold protection; (f) foundations and steel work to construct new pylons; (g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line; (h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

Kent temporary work compound. Works associated with Work No. 6, Work No. 7, Work No. 9A, Work No. 9B Work No. 10 and Work No. 11 shown on Sheets 2, 3 and 4 of the Works Plans – Kent, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and culverts); (d) drainage works; (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) materials, tools and fuel storage and laydown areas; (j) assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.

- 5.9.5 The Applicant considers that there would be no serious detriment to NRIL undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of NRIL and, for the most part, the rights would cause minimal interference to NRIL’s undertaking.
- 5.9.6 Works in the vicinity of NRIL’s land will be planned, managed and undertaken such that risks associated with the design, construction and operation of new overhead electric lines are suitably and sufficiently mitigated. This will be achieved through consultation with the responsible Asset Protection and Optimisation (ASPRO) team, as well as compliance with NRIL guidance ‘Asset Protection and Optimisation Management of Outside Party Works’ (Ref: NR/L2/CIV/096) and applicable NRIL design standards, ‘Monitoring Track Over or Adjacent to Construction Works’ (NR/L2/CIV/177) and ‘Piling, Drilling, Crane, MEWP and SMPT Operations Adjacent to the Railway’ (NR/L3/CIV/0063).
- 5.9.7 The works relating to the installation of overhead lines over the railway will involve the Applicant oversailing NRIL infrastructure. The Applicant will construct a scaffold tower either side of the railway (outside the limits of the railway boundaries) followed by the installation of netting strung between the two towers. This netting is installed to provide protection to the railway during the

construction phase, and in the unlikely event something was to fall during the installation of the overhead line conductors, it would be caught by the netting.

- 5.9.8 Once the overhead line is in place pursuant to the rights acquired either through a voluntary easement or using compulsory powers under the DCO, it will not interfere with the usual operation of the railway. These rights would co-exist with those of NRIL and cause minimal interference with NRIL's undertaking.
- 5.9.9 Other than during construction of the project, potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with NRIL in order to cause as little disruption as practicable during maintenance or works.
- 5.9.10 In relation to access rights required over existing level crossings, the acquisition of such rights would also not amount to serious detriment to Network Rail's undertaking. Two of the relevant level crossings are highways related crossings. The Applicant's use of these will be in accordance with the current highways procedures, including using the crossing phone for any long vehicle crossings.
- 5.9.11 In addition, the Applicant will work with Network Rail regarding its operational requirements and has included protective provisions at Schedule 15, Part 7 of the draft DCO with a view to protecting Network Rail's interests. Those protective provisions are still in discussion between the parties and are subject to further amendment at deadline 7, as explained in Tables 2.3-2.11 in Application Document 9.75 (E): Status of Negotiations with Statutory Undertakers and Schedule of Protective Provisions, submitted at deadline 7.
- 5.9.12 It is the Applicant's view that any interference caused (if at all) will not be a serious detriment to Network Rail carrying on its undertaking. As the rights to be acquired will co-exist with those of Network Rail and, for the most part, cause minimal interference with Network Rail's undertaking, the Applicant does not consider it necessary to replace the land over which rights are required for the project.
- 5.9.13 Negotiations with Network Rail to acquire the interests and rights required for the project and to manage any interfaces between the project and apparatus and/or rights vested in Network Rail on, under or over the land within the order limits voluntarily are ongoing. However, it has not yet been possible to reach agreement with Network Rail. Network Rail require further information as to the clearance height of the overhead line to be installed over the railway and detailed design work is ongoing to provide that information. In the meantime, NGET can confirm that as set out in the Explanatory Memorandum, it must comply with the Electricity Safety, Quality and Continuity Regulations 2002 as regards minimum clearances.
- 5.9.14 Private treaty negotiations with Network Rail will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.9.15 Compulsory acquisition powers are still sought in the draft DCO over the plots for the following reasons:

- 5.9.16 Notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the draft DCO having been made, the Applicant must be able to rely upon compulsory acquisition powers under the draft DCO in respect of such interest if no voluntary agreement with that person can be obtained;
- 5.9.17 The voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
- 5.9.18 Compulsory acquisition powers are more readily enforceable, thereby reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory acquisition powers to deliver the project in a comprehensive manner in relation to all persons with an interest in land.
- 5.9.19 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) NRIL, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to NRIL on, under or over the plots listed in Table 5.9.1.
- 5.9.20 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.9.2 and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to NRIL which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - d) protective provisions have been included at Schedule 15, Part 7 of the DCO; and
- 5.9.21 the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that NRIL's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.9.22 The Applicant is continuing to negotiate with NRIL acquire the rights necessary for the Proposed Project and to manage any interfaces between the Proposed Project and apparatus and/or rights vested in NRIL on, under or over the Order land. Private treaty negotiations will continue in parallel with the compulsory acquisition process with a view to reaching an agreement as soon as practicably possible.

- 5.9.23 However, in the absence of private treaty agreement between the parties, it is still necessary to seek compulsory powers in the DCO to ensure that National Grid is able to consistently and uniformly enforce powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.9.24 The parties are yet to agree on the necessity for powers to be granted to National Grid for the compulsory acquisition of interests in land belonging to or in respect of which NRIL enjoys an interest. However National Grid believes it is in the public interest to have a reliable electricity network, and seeks rights suitable for that purpose.

## Conclusion

- 5.9.25 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.9.26 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.
- 5.9.27 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to NRIL is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.10 Northumbrian Water Limited (Essex & Suffolk Water Limited)

- 5.10.1 Northumbrian Water Limited ("NWL") has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with NWL regarding the DCO application and has made significant progress in reaching agreement in relation to the Protective Provisions included for NWL's benefit at Schedule 15 to the DCO, but these are not yet agreed and its representation has not currently been withdrawn. The Protective Provisions included for NWL's benefit include protections in respect of the Applicant's exercise of compulsory acquisition powers or powers to remove or alter any apparatus so that NWL will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.10.2 To the extent that these discussions facilitate the withdrawal by NWL of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

5.10.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by NWL for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.10.1: NWL interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		
1/19,1/19,1/11,1/20,1/23	Restrictive Covenant - Restrictive covenants to only use land as a footpath or for agricultural purposes and to not erect structures, plant trees or interfere with the vertical or lateral support of pipes as contained in a Deed dated 15 October 1999, Restrictive Covenant relating to water apparatus as contained in a Deed dated 15 October 1999, Restrictive covenant relating to water apparatus as contained in a Deed dated 16 February 1998,	Class 1. Compulsory Acquisition of Land
1/19,1/19,1/11,1/41,1/41,1/20,2/20d,2/20d,2/20c,2/20c,2/20,2/20,1/23,2/7b,2/7b,2/7,2/7,2/7a,2/7a	Easement Right or Privilege - Rights relating the use and maintenance of pipes and drains as contained in a Deed dated 15 October 1999, Rights relating to water apparatus as contained in a Deed dated 15 October 1999, Rights relating to the use, inspection and	Class 1. Compulsory Acquisition of Land

	maintenance of water apparatus as contained Deed dated 22 May 1992	
3/40,5/1,3/46,3/49,3/51,3/53,4/25,3/55,4/5,1/49 1/49,3/63,2/5,2/5	Easement Right or Privilege - Rights relating to the use, inspection and maintenance of water apparatus as contained Deed dated 22 May 1992	Class 3. Compulsory Acquisition of Rights – Underground Cable System
1/9	Restrictive Covenant - Restrictive Covenant relating to water apparatus as contained in a Deed dated 15 October 1999	Class 4. Compulsory Acquisition of Rights - Construction Compound
1/9	Easement Right or Privilege - Rights relating to water apparatus as contained in a Deed dated 15 October 1999	Class 4. Compulsory Acquisition of Rights - Construction Compound
4/15,4/16,4/19,4/24,4/26,3/56,1/2,1/2,1/5, 1/5,1/7,1/7,3/57,3/59,4/8,1/47,1/47,1/64,1/90, 1/92,1/92,1/95,1/95,1/25,1/25,2/1,2/1	Easement Right or Privilege and Restrictive covenant - Rights relating to the use, inspection and maintenance of water apparatus as contained Deed dated 22 May 1992, Rights relating to water apparatus as contained in a Deed dated 15 October 1999, Restrictive Covenant relating to water apparatus as contained in a Deed dated 15 October 1999	Class 5. Compulsory Acquisition of Rights - Access
2/100,2/40,5/14,5/19,1/90,1/92,1/95,2/64	Occupation - in respect of underground water pipeline	Class 5. Compulsory Acquisition of Rights - Access
3/45,4/17,5/2,5/2,1/4,1/4,1/8,1/8,4/6,1/31,1/31 1/58,1/84,1/84,1/85,1/85,1/87,1/87,1/21,1/21,1/24, 1/24,1/27,1/27,1/28,1/28,4/9	Easement Right or Privilege and Restrictive Covenant - Rights relating to the use, inspection and maintenance of water apparatus as contained Deed	Class 6. Compulsory Acquisition of Rights - Drainage

	dated 22 May 1992, Rights reserved relating to service media as contained in a Transfer dated 2 November 2001, Rights relating to water apparatus as contained in a Deed dated 15 October 1999, Rights relating to water apparatus as contained in a Deed dated 16 February 1998, Restrictive covenant relating to water apparatus as contained in a Deed dated 16 February 1998	
1/31,1/87,2/77	Occupation - in respect of underground water pipeline	Class 6. Compulsory Acquisition of Rights - Drainage
1/32,1/32,1/45,1/45,1/60,1/60,1/76,1/76,1/77,1/77,1/79,1/80,1/80,1/81,1/81,1/82,1/82,1/86,1/86,1/93,1/93,1/94,1/94,1/99,1/99,1/13,1/100,1/100	Easement Right or Privilege and Restrictive Covenant - Rights relating to water apparatus as contained in a Deed dated 16 February 1998, Restrictive covenant relating to water apparatus as contained in a Deed dated 16 February 1998, Rights relating to the use, inspection and maintenance of water apparatus as contained Deed dated 22 May 1992, Rights relating to water apparatus as contained in a Deed dated 10 October 1997	Class 7. Compulsory Acquisition of Rights - Mitigation
1/100,1/13,1/32,1/45,1/76,1/77,1/81,1/86,1/93,1/94,1/99	Occupation - in respect of underground water pipeline	Class 7. Compulsory Acquisition of Rights - Mitigation
4/10,4/11,4/14,3/38,3/39,4/2,3/47,4/4,1/10,1/10,1/30,1/30,1/33,1/33,1/34,1/34,1/35,1/35,1/36,1/36,1/37,1/37,1/38,1/38,1/39,1/39,1/40,1/40,1/42,1/42,1/43,1/43,1/44,1/44,1/46,1/46,1/48,1/48,1/52,1/52,1/56,	Easement Right or Privilege and Restrictive Covenant - Rights relating to the use, inspection and maintenance of water apparatus as contained Deed dated 22 May 1992, Rights relating to	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

1/56,1/57,1/57,1/67,1/67,1/75,1/75,1/78,1/78,1/83,1/83,1/14,1/14,1/16,1/16,1/17,1/17,1/18,1/18,1/22,1/22,1/26,1/26,2/6,2/6,1/29,1/29	water apparatus as contained in a Deed dated 15 October 1999, Restrictive Covenant relating to water apparatus as contained in a Deed dated 15 October 1999	
1/16,1/17,1/74,1/78,2/52,2/59,2/61,2/66,1/98	Occupation - in respect of underground water pipeline	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.10.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.10.2: Works affecting NWL interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
1/13, 1/76, 1/81, 2/57, 2/58, 2/59, 2/61, 2/65, 2/66	15, 17	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

1/16, 1/17, 1/78	14, 17	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
1/19	3a, 15	Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include — (a) an access road including access from the B1121 including bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fencing including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.
1/31, 1/32	13, 15, 17	Principal Drainage Works
1/45, 1/86, 1/93, 1/94, 1/98, 1/99, 1/100, 2/20c, 2/84	15	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement
1/74, 1/92, 1/95, 2/100, 5/14, 5/19	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
1/77	14, 15, 17	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
1/87, 2/77	13	Principal Drainage Works

1/90	4	<p>Suffolk temporary work compounds. Works associated with No.1A, Work No.1B, Work No.2, Work No. 3A, Work No. 3B Work No.5 and Work No.6 shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and/or culverts); (d) drainage works (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) (j) materials, tools and fuel storage and laydown areas; assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities; (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.</p>
2/40	1a	<p>Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.</p>
2/43	5, 16	<p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.</p>

			Principal Utility Diversions
2/49	5, 14, 16		<p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal Utility Diversions</p>
2/52, 2/55	17		Principal Public Right of Way Diversions
5/17	5		<p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the</p>

		TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
6/3	6	Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.

5.10.5 More specifically, the Applicant is aware of works required to cross or work in the same land plot as Northumbrian Water’s assets which are in plots 1/13, 1/76, 1/81, 2/57, 2/58, 2/59, 2/61, 2/65, 2/66, 1/16, 1/17, 1/78, 1/19, 1/31, 1/32, 1/45, 1/86, 1/93, 1/94, 1/98, 1/99, 1/100, 2/20c, 2/84, 1/74, 1/92, 1/95, 2/100, 5/14, 5/19, 1/77, 1/87, 2/77, 1/90 and 2/40 but the Applicant does not consider that such works would cause serious detriment to Northumbrian Water’s ability to carry out its undertaking.

- 5.10.6 Overall, the Applicant considers that there would be no serious detriment to NWL's undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of NWL and, for the most part, the rights would cause minimal interference to NWL's undertaking.
- 5.10.7 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with NWL in order to cause as little disruption as practicable during maintenance or works.
- 5.10.8 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As NWL is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.10.9 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.10.10 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
  - c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.10.11 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) NWL, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to NWL on, under or over the plots listed in Table 5.10.1.
- 5.10.12 For the purposes of its application, it is the Applicant's case that:

- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.10.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to NWL which may be affected by the Proposed Project;
- c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d) protective provisions have been included at Schedule 15, Part 8 of the DCO; and
- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that NWL's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

5.10.13 The Applicant is continuing to negotiate with NWL to manage any interfaces between the Proposed Project and apparatus and/or rights vested in NWL on, under or over the Order land. As set out above, the Applicant has not yet reached agreement in principle in relation to the Protective Provisions included for NWL's benefit at Schedule 15 to the DCO.

## Conclusion

5.10.14 The Applicant is continuing to negotiate with NWL to manage any interfaces between the Proposed Project and apparatus and/or rights vested in NWL on, under or over the Order land. As set out above, the Applicant has not yet reached agreement in principle in relation to the Protective Provisions included for NWL's benefit at Schedule 15 to the DCO.

5.10.15 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.10.16 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to NWL is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.11 OCU Group Limited

- 5.11.1 OCU Group Limited (“OCU”) has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with OCU and will continue to do so.
- 5.11.2 OCU has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to OCU. The protective provisions include provision to avoid any serious detriment to the statutory undertaker’s ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

- 5.11.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by OCU for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.11.1: OCU interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
2/110	Occupation - in respect of underground telecommunication lines	Class 2. Compulsory Acquisition of Rights - Overhead Line
2/114	Occupation - in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
2/116	Occupation - in respect of underground telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.11.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.11.2: Works affecting OCU interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent Plot 2/110	12	<p>Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —</p> <ul style="list-style-type: none"> <li>(a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;</li> <li>(b) temporary culverts and/or bridges over other water courses;</li> <li>(c) drainage works;</li> <li>(d) removal of and modification works to the existing overhead electric line;</li> <li>(e) scaffold protection;</li> <li>(f) foundations and steel work to construct new pylons;</li> <li>(g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;</li> <li>(h) installation of conductors, downloads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and</li> </ul>

		(i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.  The works at this location will be the oversail of new conductors.
Kent Plot 2/114	14	Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access
Kent Plot 2/116	Associated development	works for the benefit or protection of land, structures, apparatus or equipment affected by the authorised development (including arcing horns, earthing and works for monitoring);

5.11.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) OCU, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to OCU on, under or over the plots listed in table 5.11.1.

5.11.6 For the purposes of its application, it is the Applicant's case that:

5.11.7 Works associated with the Proposed Project are necessary over the plots listed in Table 5.11.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;

- a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to OCU which may be affected by the Proposed Project;
- b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- c) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
- d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that OCU rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.11.8 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.11.9 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to OCU is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

### 5.12 Openreach

- 5.12.1 Openreach has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Openreach and will continue to do so.
- 5.12.2 Openreach has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to Openreach. The protective provisions include provision to avoid any serious detriment to the statutory undertaker's ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

### Land affected and interest or right to be acquired

- 5.12.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Openreach for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.12.1: Openreach interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		

2/55	Occupation - in respect of overhead telecommunication lines	Class 1. Compulsory Acquisition of Land
2/55	Occupation - in respect of underground telecommunication lines	Class 1. Compulsory Acquisition of Land
3/53,3/54,3/55,3/61,3/62,2/43,2/44,2/49,3/4	Occupation - in respect of overhead telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/53,3/55,3/61,3/62,5/17,5/18,2/43,2/44,5/22 2/51,6/3,3/4	Occupation - in respect of underground telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/53,3/54,3/55,3/61,3/62,2/43,2/44,2/49,3/4	Occupation - in respect of overhead telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
1/1, 1/25, 3/56, 3/58, 3/60, 3/64, 2/3, 1/50, 2/4, 4/13, 5/14, 2/40, 5/19, 6/6, 4/12	Occupation - in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access

2/2, 3/56, 3/57, 3/58, 3/60, 3/64, 4/13, 5/14, 5/19, 2/53, 3/5, 4/12	Occupation - in respect of overhead telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
2/73,2/77	Occupation - in respect of overhead telecommunication lines	Class 6. Compulsory Acquisition of Rights - Drainage
1/72,2/73,2/77	Occupation - in respect of underground telecommunication lines	Class 6. Compulsory Acquisition of Rights - Drainage
1/76	Occupation - in respect of overhead telecommunication lines	Class 7. Compulsory Acquisition of Rights - Mitigation
1/76,1/81	Occupation - in respect of underground telecommunication lines	Class 7. Compulsory Acquisition of Rights - Mitigation
1/12,1/74,1/75,2/52	Occupation - in respect of overhead telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
1/12,1/14,1/16,1/18,2/27,2/28,1/74,1/75, 4/1	Occupation - in respect of	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

	underground telecommunication lines	
2/31	Occupation - in respect of underground telecommunication lines	Class 9. Temporary Use for Access
Kent		
3/13,3/18,3/19,3/22,3/23,3/25,6/1,3/26,3/9,3/11 3/98a	Occupation - in respect of underground telecommunication lines	Class 1. Compulsory Acquisition of Land
3/35, 3/100, 3/101	Occupation - in respect of underground telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
2/83,3/88,4/24,1/1,1/2,3/2,3/4,4/4,6/6,	Occupation - in respect of overhead telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
2/81,2/82,3/90,3/97,3/15,3/16,4/23,6/6,4/10,3/111, 3/97a	Occupation - in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access

4/19,3/5,3/6,	Occupation - in respect of overhead telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
4/18,4/19	Occupation - in respect of underground telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
4/13,4/21,4/22,4/26,4/12	Occupation - in respect of overhead telecommunication lines	Class 9. Temporary Use for Access
3/91,3/92,4/13,4/21,4/22,4/26,4/28	Occupation - in respect of underground telecommunication lines	Class 9. Temporary Use for Access

## Relevant proposed works

5.12.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.12.2: Works affecting Openreach interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		
1/1	3a, 14	<p>Access road to the Suffolk Converter Station. Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include — (a) an access road including access from the B1121 including bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fencing including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds. Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p>
1/12	13, 14, 15	<p>Principal Drainage Works</p> <p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p>

		(a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement
1/14, 1/16, 1/75, 2/53, 3/5	14, 17	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.  Principal Public Right of Way Diversions
1/18, 2/52, 2/55, 3/4	17	Principal Public Right of Way Diversions
1/25, 1/74, 2/2, 2/4, 2/31, 2/51, 3/56, 3/57, 3/58, 3/60, 3/62, 3/64, 4/1, 4/12, 4/13, 5/14, 5/19, 6/6	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access
1/50	14, 15, 17	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.  Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
1/72, 2/77	13	Principal Drainage Works
1/76, 1/81	15, 17	Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans

---

listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

Principal Public Right of Way Diversions

---

2/3	1b, 14	<p>New Substation at Grove Wood, Friston, Suffolk. Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include — (a) access road including junction from the B1121 and culverts; (b) site clearance and preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds; (e) foundations to support all new structures and equipment; (f) support structures; (g) electrical equipment; (h) gantries; (i) equipment between gantries and switchgear; (j) switchgear and associated equipment; (k) electrical control panels; (l) standby back-up diesel generator(s); (m) troughs and below ground services; (n) earth mat; (o) substation building(s); (p) underground electric cables and fibre optic cables and cable ducts; (q) relay rooms, battery rooms, storage rooms and other welfare facilities; (r) electric vehicle charging points; (s) telecommunications equipment; (t) water tanks; (u) drainage works; (v) other site furniture; (w) security perimeter fence including security gates; (x) site access roads, hardstanding, car parking, footways and roadways; (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators; (z) utility service connection for on-site storage for later disposal of grey water and sanitation; (aa) lighting masts and lighting columns; and (bb) landscaping, including mitigation planting.</p>
-----	--------	--

---

4/27	10	Works to connect the Kent Converter. Station to the Kent Substation Works as shown on Sheet 2 of the Works Plans – Kent comprising an electrical connection between Work No.9B and Work No.11, which may include either — (a) temporary work areas and laydown areas associated with the works; (b) fibre optic cables, ducts and chambers; and (c) either a combination of gas insulated busbars and busbars or a gas insulated busbar connection.
2/27, 2/28, 2/40	1a	Suffolk Overhead Electric Line Works. Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines; (b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.
2/43	5, 14, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

		Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
		Principal Utility Diversions
2/44	5, 14, 16, 17	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
		Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
		Principal Utility Diversions
		Principal Public Right of Way Diversions
2/49	5, 14, 16	Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore

			<p>to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p> <p>Principal Utility Diversions</p>
2/73	13, 15		<p>Principal Drainage Works</p> <p>Principal environmental mitigation and landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement</p>
3/53, 3/54, 3/55, 3/61, 5/17, 5/22	5		<p>Underground electric line connection in Suffolk. Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include — (a) site clearance, preparation, establishment and earthworks; (b)</p>

			temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
5/18	14, 16		Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.  Principal Utility Diversions
6/3	6		Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.

---

Kent

1/1, 1/2, 2/81, 2/82, 2/83, 3/2, 3/4, 3/5, 3/6, 3/22, 3/23, 3/25, 3/88, 3/90, 3/91, 3/92, 3/97, 3/97a, 3/111, 4/10, 4/22, 4/23, 4/24, 4/26, 4/28, 6/6	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access
4/4, 4/12, 4/13, 4/21	14, 16	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
3/100, 3/101	6	Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.
3/9	7, 9a	Underground electric line connection in Kent. Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising

---

works to lay underground electric cables to Work No.9B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.6 and the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.

---

3/9

7, 9a, 16, 17

Underground electric line connection in Kent. Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the

---

---

underground electric cables and cable ducts underground from Work No.6 and the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.

Principal Utility Diversions

Principal Public Right of Way Diversions

---

3/13, 3/18, 3/19, 3/26, 3/98a

9a

Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security

---

			gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.
3/15, 3/16	9a, 14		<p>Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.</p> <p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p>
3/35	7		<p>Underground electric line connection in Kent. Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.6 and the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless</p>

		crossing(s) including an entry/exit pit and associated temporary construction compounds.
4/18, 4/19, 4/19a	16	Principal Utility Diversions
6/1	15	Principal Environmental Mitigation and Landscaping. Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include — (a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.

5.12.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Openreach, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Openreach on, under or over the plots listed in table 15.12.1 above.

5.12.6 For the purposes of its application, it is the Applicant's case that:

- a. Works associated with the Proposed Project are necessary over the plots listed in in table 15.12.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b. the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Openreach which may be affected by the Proposed Project;
- c. in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d. protective provisions have been included at Schedule 15, Part 2 of the DCO; and
- e. the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Openreach's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.12.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.12.8 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Openreach is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

### 5.13 River Stour Internal Drainage Board

- 5.13.1 The River Stour Internal Drainage Board (“IDB”) made a relevant representation in the Examination and the Applicant has been engaging with the IDB on a Statement of Common Ground.
- 5.13.2 The Applicant is not seeking to disapply the Land Drainage Act 1991, therefore bespoke protective provisions will not be required. However, the Applicant will continue to engage on an ongoing basis.

### Land affected and interest or right to be acquired

- 5.13.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by the IDB for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.13.1: RSIDB interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
2/123,2/132,2/133,2/135,2/136	Occupation – Drain	Class 1. Compulsory Acquisition of Land

2/108	Occupation – Drain	Class 2. Compulsory Acquisition of Rights - Overhead Line
3/62,3/64,3/66,3/99	Occupation – Drain	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/7	Easement Right or Privilege – Right of access	Class 3. Compulsory Acquisition of Rights – Underground Cable System
2/113,2/114,2/117,2/118	Occupation – Drain	Class 5. Compulsory Acquisition of Rights - Access
3/1,3/2,2/186	Easement Right or Privilege - Right of access	Class 5. Compulsory Acquisition of Rights - Access
3/58,4/9,2/111,2/120	Occupation – Drain	Class 6. Compulsory Acquisition of Rights - Drainage
2/84,2/112,2/119	Occupation – Drain	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
2/181,2/184	Easement Right or Privilege – Right of Access	Class 9. Temporary Use for Access

## Relevant proposed works

5.13.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.13.2: Works affecting RSIDB interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
2/123,2/132,2/133,	7, 9A, 9B, 10, 11, 12, 13, 15	<p>Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include —</p> <ul style="list-style-type: none"> <li>(a) site clearance, preparation, establishment and earthworks;</li> <li>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</li> <li>(c) the underground electric cables and cable ducts underground from Work No.6 and the TJB;</li> <li>(d) cable jointing and cable jointing enclosures;</li> <li>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</li> <li>(f) link boxes and link pillars; and</li> <li>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</li> </ul> <p>Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include —</p> <ul style="list-style-type: none"> <li>(a) an access road including junction from the A256 and bridges and culverts;</li> <li>(b) site clearance, preparation and establishment;</li> </ul>

- 
- (c) temporary work areas and laydown areas associated with the installation of the works;
  - (d) foundations to support all new structures and equipment;
  - (e) security perimeter fence including security gates;
  - (f) drainage works; and
  - (g) soft and hard landscaping including mitigation planting and bunds

Works shown on Sheet 2 of the Works Plans – Kent comprising a Converter Station plus external equipment (such as lightning protection, railings for walkways and roof mounted electricity generation equipment) near Minster which may include —

- (a) site clearance, preparation and establishment;
  - (b) temporary work areas and laydown areas associated with the installation of the works;
  - (c) earth works including to create platforms for the new Converter Station equipment, structures, landscaping, roads and compounds;
  - (d) foundations to support all new structures and equipment;
  - (e) underground electric cables and fibre optic cables cable ducts laid underground;
  - (f) converter hall buildings and control building and spares building associated with the converter hall buildings and ancillary buildings;
  - (g) transformers;
-

- 
- (h) cable termination equipment including switchgears and busbars;
  - (i) valve cooling systems;
  - (j) standby back-up diesel generator;
  - (k) filter banks;
  - (l) lightning masts and lighting columns;
  - (m) security perimeter fence including security gates;
  - (n) drainage works;
  - (o) fire protection deluge systems;
  - (p) site access roads, hardstanding, car parking, footways and roadways;
  - (q) electric vehicle charging points;
  - (r) telecommunications equipment;
  - (s) water tanks;
  - (t) other site furniture;
  - (u) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (v) utility service connection for on-site storage for later disposal of grey water and sanitation; and
  - (w) soft and hard landscaping including bunds.

Works as shown on Sheet 2 of the Works Plans – Kent comprising an electrical connection between Work No.9B and Work No.11, which may include either —

- 
- (a) temporary work areas and laydown areas associated with the works;
  - (b) fibre optic cables, ducts and chambers; and
  - (c) either a combination of gas insulated busbars and busbars or a gas insulated busbar connection.

Works as shown on Sheet 2 of the Work Plans – Kent comprising a Substation near Minster, which may include —

- (a) site clearance and preparation and establishment;
  - (b) temporary work areas and laydown areas associated with the installation of the works;
  - (c) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
  - (d) foundations to support all new structures and equipment;
  - (e) support structures;
  - (f) electrical equipment;
  - (g) gantries and/or pylons;
  - (h) equipment between gantries and switchgear;
  - (i) switchgear and associated equipment;
  - (j) electrical control panels;
  - (k) standby backup diesel generator;
  - (l) troughs and below ground services;
  - (m) earth mat;
  - (n) substation building(s);
-

- 
- (o) underground electric cables and fibre optic cables and cable ducts;
  - (p) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (q) electric vehicle charging points;
  - (r) telecommunications equipment;
  - (s) water tanks;
  - (t) drainage works;
  - (u) other site furniture;
  - (v) security perimeter fence including security gates;
  - (w) site access roads, hardstanding, car parking, footways and roadways;
  - (x) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (y) utility service connection for on-site storage for later disposal of grey water and sanitation;
  - (z) lighting masts and lighting columns; and
  - (aa) landscaping, including mitigation planting.

Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —

- (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;
- (b) temporary culverts and/or bridges over other water courses;
- (c) drainage works;
- (d) removal of and modification works to the existing overhead electric line;
- (e) scaffold protection;
- (f) foundations and steel work to construct new pylons;
- (g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;
- (h) installation of conductors, downloads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and
- (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

Principal drainage works

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

2/135,2/136

13, 15

Principal drainage works

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

		(a) ecological mitigation and enhancement; and (b) landscaping mitigation and enhancement.
2/108	12	<p>Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;</p> <p>(b) temporary culverts and/or bridges over other water courses;</p> <p>(c) drainage works;</p> <p>(d) removal of and modification works to the existing overhead electric line;</p> <p>(e) scaffold protection;</p> <p>(f) foundations and steel work to construct new pylons;</p> <p>(g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;</p> <p>(h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and</p> <p>(i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.</p>
Kent Plots 3/62,3/58	13, 16	<p>Principal Drainage Works</p> <p>Principal Utility Diversions</p>

Kent Plots 3/64,3/66,3/99	6	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans –</p> <p>Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p> <p>Cable installation in this location is confirmed as via trenchless method.</p>
3/7	Principal Utility Diversion	
2/113,2/114,2/117,2/118, 3/1,3/2,2/186, 2/120		<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p>

2/84, 2/119	13, 14	Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access  Principal Drainage Works
2/181, 2/184	14	Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access

- 5.13.5 To the extent which s127 is engaged in relation to the IDB, the Applicant considers that there would be no serious detriment to the IDB's undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of the IDB and, for the most part, the rights would cause minimal interference to the IDB's undertaking.
- 5.13.6 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to the Applicant's equipment. On such occasions, the Applicant would consult with the IDB in order to cause as little disruption as practicable during maintenance or works.
- 5.13.7 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As the IDB is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.13.8 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.13.9 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, The Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and

- c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.13.10 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within Order land. To the extent that s138 is engaged in relation to the IDB, the Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to the IDB on, under or over the plots listed in Table 5.13.1.
- 5.13.11 For the purposes of its application, it is the Applicant's case that:
- 5.13.12 Works associated with the Proposed Project are necessary over the plots listed in in Table 5.13.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to the IDB which may be affected by the Proposed Project;
  - b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - c) the Applicant is not seeking to disapply the Land Drainage Act 1991, therefore bespoke protective provisions will not be required; and
  - d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that the IDB's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.13.13 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.13.14 For the reasons set out in this application, it is the Applicant's position that, insofar as s127 is engaged in relation to the IDB, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.
- 5.13.15 It is also the Applicant's position that, insofar as s138 is engaged in relation to the IDB , the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to the IDB is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.14 Scottish Power Renewables

- 5.14.1 Scottish Power Renewables (“**SPR**”) has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with SPR regarding the DCO application and its representation has not currently been withdrawn.
- 5.14.2 To the extent that these discussions facilitate the withdrawal by SPR of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

### Land affected and interest or right to be acquired

- 5.14.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by SPR for the purposes of its undertaking, including the undertakings for EA1N and EA2 set out in sections 9 and 10 above. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.14.1: SPR interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
2/78	Freehold	Class 1. Compulsory Acquisition of Land
2/60, 2/60, 2/65, 2/65, 2/68, 2/68, 2/69, 2/69, 2/72c, 2/72c, 2/72a, 2/72a, 2/72, 2/72, 2/78a, 2/78b, 2/20b, 2/20c, 2/20d, 2/20e, 2/20f, 2/72a, 2/72b, 2/72c, 2/78a, 2/7a, 2/7b, 2/8, 2/8a		

2/20f,2/58,2/57,2/71,2/70, 2/20c,2/20d,2/20b/2/20,2/7b, 2/7a,2/8a,2/8	Easement Right or Privilege - Unilateral notice in respect of an Option Agreement for the grant of easements for drains dated 21 December 2022, Unilateral Notice in respect of an Option Agreement for the grant of easements for cables dated 21 December 2022, Option to purchase land	Class 1. Compulsory Acquisition of Land
3/20a,2/36,2/36	Restrictive Covenant - No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, No disposition of the part of the registered estate tinted yellow by the proprietor of the registered estate is to be registered without a certificate signed by ScottishPower Renewables (UK) Limited	Class 1. Compulsory Acquisition of Land
1/49a, 1/69, 2/15b, 3/21a, 3/22a, 2/42, 2/46, 2/47, 2/48, 1/69, 2/13, 2/15, 1/49a, 2/15, 2/15b, 2/42, 2/46, 2/47, 2/48, 2/5	Easement Right or Privilege and restrictive covenant - Option to purchase land, grant and reserve easements related to cabling, Option to purchase land, No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com	Class 2. Compulsory Acquisition of Rights - Overhead Line
1/71,2/11a, 2/38, 1/71,2/11, 2/4,2/11,2/11a,2/38	Easement Right or Privilege and restrictive covenant - Option to purchase land, No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK)	Class 3. Compulsory Acquisition of Rights – Underground Cable System

	Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, Option to purchase land, grant and reserve easements related to cabling	
1/71,1/72,2/76	Easement Right or Privilege and Restrictive Covenant - Option to purchase land, No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, No disposition of the part of the registered estate tinted yellow by the proprietor of the registered estate is to be registered without a certificate signed by ScottishPower Renewables (UK) Limited.	Class 5. Compulsory Acquisition of Rights - Access
2/99, 2,17, 2,17	Easement Right or Privilege and Restrictive Covenant - Option to purchase land, No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, Option to purchase land, grant and reserve easements relating to drainage	Class 6. Compulsory Acquisition of Rights - Drainage
1/70, 1/73, 2/10a, 2/35, 2/37, 2/10, 2/59, 2/61, 2/61, 2/63, 2/63, 2/64, 2/64, 1/70, 1/73, 2/79, 2/14, 2/16, 2/10a, 2/18,	Easement Right or Privilege and Restrictive Covenant - No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the	Class 7. Compulsory Acquisition of Rights - Mitigation

---

2/6, 2/9, 2/10, 2/12, 2/14, 2/16, 2/18, 2/37, 2/6, 2/79, 2/9 provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, Option to purchase land

---

2/79a

Easement Right or Privilege and Restrictive Covenant - Option to purchase land, No disposition of the registered estate by the proprietor of the registered estate without a certificate signed by ScottishPower (UK) Renewables Limited or its conveyancers that the provisions of clause 8.4 of an Agreement dated 2 March 2022 have been com, Unilateral Notice in respect of an Option Agreement for the grant of easements for cables dated 21 December 2022, Unilateral notice in respect of an Option Agreement for the grant of easements for drains dated 21 December 2022, No disposition of the part of the registered estate tinted yellow by the proprietor of the registered estate is to be registered without a certificate signed by ScottishPower Renewables (UK) Limited

Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

- 
- 5.14.4 The Applicant considers that there would be no serious detriment to SPR undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of SPR and, for the most part, the rights would cause minimal interference to SPR's undertaking.
- 5.14.5 In particular, the acquisition of rights or interests in these plots in respect of Works 1A, 1B, 2, 5, 13, 14, 15, 16 and 17 are explained and managed in the parts of this submission for EA1N and EA2 at sections 9 and 10 above. Any other impacts or interfaces with SPR outside of those related to EA1N and EA2 will otherwise have no detriment to its undertaking as there are no other impacts to SPR's undertaking in respect of these works.
- 5.14.6 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to The Applicant's equipment. On such occasions, The Applicant would consult with SPR in order to cause as little disruption as practicable during maintenance or works.

- 5.14.7 The parties are continuing to engage on the relevant commercial agreement with SPR in respect of the Friston substation and works which would either interface with or be in the place of works authorised by the EA1N and EA2 DCOs respectively.
- 5.14.8 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- 5.14.9 notwithstanding the intention and preference for the Friston substation to be built under SPR’s DCOs (EA1N or EA2), there is still a risk that this delivery cannot be achieved and National Grid’s DCO must be relied on to construct the substation on which both National Grid and SPR rely;
- 5.14.10 notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
- 5.14.11 the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
- 5.14.12 compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.

## Relevant proposed works

- 5.14.13 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.14.2: Works affecting SPR interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk Plots 2/78, 2/68, 2/69, 2/72b, 2/72c 2/78a, 2/78b, 2/20c, 2/78a, 2/71, 2/63, 2/79, 2/18	15	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —  (a) ecological mitigation and enhancement; and

		(b) landscaping mitigation and enhancement.
Suffolk Plots 2/60, 2/65, 2/72a, 2/58, 2/57, 2/59, 2/61, 2/64	15, 17	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —  (a) ecological mitigation and enhancement; and  (b) landscaping mitigation and enhancement.  Principal Public Right of Way Diversions
Suffolk Plots 2/72,	13, 15	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —  (a) ecological mitigation and enhancement; and  (b) landscaping mitigation and enhancement.  Principal Drainage Works
Suffolk Plots 2/20b,	1B, 13	Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —  (a) access road including junction from the B1121 and culverts;  (b) site clearance and preparation and establishment;  (c) temporary work areas and laydown areas associated with the installation of the works;  (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;  (e) foundations to support all new structures and equipment;

- 
- (f) support structures;
  - (g) electrical equipment;
  - (h) gantries;
  - (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
  - (w) security perimeter fence including security gates;
  - (x) site access roads, hardstanding, car parking, footways and roadways;
-

		<p>(y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;</p> <p>(z) utility service connection for on-site storage for later disposal of grey water and sanitation;</p> <p>(aa) lighting masts and lighting columns; and</p> <p>(bb) landscaping, including mitigation planting.</p> <p>Principal Drainage Works</p>
Suffolk Plots 2/20d, 2/36, 2/38	1A, 15	<p>Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —</p> <p>(a) removal of and modification works to existing overhead electric lines;</p> <p>(b) foundations and steel work to construct new pylons; and</p> <p>(c) installation of overhead electric line.</p> <p>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p> <p>(a) ecological mitigation and enhancement; and</p> <p>(b) landscaping mitigation and enhancement.</p>
Suffolk Plots 2/20e, 2/46, 2/47	16, 17	<p>Principal Utility Diversion</p> <p>Principal Public Right of Way Diversions</p>
Suffolk Plots 2/20f, 2/7a, 2/20f,	1B	<p>Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —</p>

- 
- (a) access road including junction from the B1121 and culverts;
  - (b) site clearance and preparation and establishment;
  - (c) temporary work areas and laydown areas associated with the installation of the works;
  - (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
  - (e) foundations to support all new structures and equipment;
  - (f) support structures;
  - (g) electrical equipment;
  - (h) gantries;
  - (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
-

---

		<p>(t) water tanks;</p> <p>(u) drainage works;</p> <p>(v) other site furniture;</p> <p>(w) security perimeter fence including security gates;</p> <p>(x) site access roads, hardstanding, car parking, footways and roadways;</p> <p>(y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;</p> <p>(z) utility service connection for on-site storage for later disposal of grey water and sanitation;</p> <p>(aa) lighting masts and lighting columns; and</p> <p>(bb) landscaping, including mitigation planting.</p>
Suffolk Plots 2/7b, 2/5	14, 16	<p>Principal Utility Diversion</p> <p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p>
Suffolk Plots 2/8a	1B, 16	<p>Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —</p> <p>(a) access road including junction from the B1121 and culverts;</p> <p>(b) site clearance and preparation and establishment;</p> <p>(c) temporary work areas and laydown areas associated with the installation of the works;</p>

---

- 
- (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
  - (e) foundations to support all new structures and equipment;
  - (f) support structures;
  - (g) electrical equipment;
  - (h) gantries;
  - (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
-

- (w) security perimeter fence including security gates;
- (x) site access roads, hardstanding, car parking, footways and roadways;
- (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
- (z) utility service connection for on-site storage for later disposal of grey water and sanitation;
- (aa) lighting masts and lighting columns; and
- (bb) landscaping, including mitigation planting.

Principal Utility Diversion

Suffolk Plots 2/8,

1B, 14, 15, 16

Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —

- (a) access road including junction from the B1121 and culverts;
- (b) site clearance and preparation and establishment;
- (c) temporary work areas and laydown areas associated with the installation of the works;
- (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
- (e) foundations to support all new structures and equipment;
- (f) support structures;
- (g) electrical equipment;
- (h) gantries;

- 
- (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
  - (w) security perimeter fence including security gates;
  - (x) site access roads, hardstanding, car parking, footways and roadways;
  - (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (z) utility service connection for on-site storage for later disposal of grey water and sanitation;
-

- 
- (aa) lighting masts and lighting columns; and
  - (bb) landscaping, including mitigation planting.

Principal Utility Diversion

Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

---

Suffolk Plots 2/70

1A, 1B, 2, 5, 15

Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —

- (a) removal of and modification works to existing overhead electric lines;
- (b) foundations and steel work to construct new pylons; and
- (c) installation of overhead electric line.

Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —

- (a) access road including junction from the B1121 and culverts;
  - (b) site clearance and preparation and establishment;
  - (c) temporary work areas and laydown areas associated with the installation of the works;
-

- 
- (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
  - (e) foundations to support all new structures and equipment;
  - (f) support structures;
  - (g) electrical equipment;
  - (h) gantries;
  - (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
-

- 
- (w) security perimeter fence including security gates;
  - (x) site access roads, hardstanding, car parking, footways and roadways;
  - (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (z) utility service connection for on-site storage for later disposal of grey water and sanitation;
  - (aa) lighting masts and lighting columns; and
  - (bb) landscaping, including mitigation planting.

Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include —

- (a) site clearance, preparation, establishment and earthworks;
  - (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables;
  - (c) foundations to support all new structures and equipment;
  - (d) support structures;
  - (e) switchgear and associated equipment;
  - (f) electrical control panels;
  - (g) troughs and below ground services;
  - (h) earth mat;
  - (i) underground electric cables and fibre optic cables and associated ducts;
-

- 
- (j) other site furniture;
  - (k) site access roads, hardstanding, car parking, footways and roadways;
  - (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (m) lighting masts and lighting columns;
  - (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B;
  - (o) cable jointing and cable jointing enclosures;
  - (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and
  - (q) link boxes and link pillars.

Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include:

- (a) site clearance, preparation, establishment and earthworks;
  - (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
  - (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;
  - (d) cable jointing and cable jointing enclosures;
  - (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
-

- 
- (f) link boxes and link pillars; and
  - (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include:

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

---

Suffolk Plots 2/20

1A, 1B, 2, 5, 13, 14, 15, 16,  
17

Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —

- (a) removal of and modification works to existing overhead electric lines;
- (b) foundations and steel work to construct new pylons; and
- (c) installation of overhead electric line.

Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —

- (a) access road including junction from the B1121 and culverts;
  - (b) site clearance and preparation and establishment;
  - (c) temporary work areas and laydown areas associated with the installation of the works;
  - (d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;
-

- 
- (e) foundations to support all new structures and equipment;
  - (f) support structures;
  - (g) electrical equipment;
  - (h) gantries;
  - (i) equipment between gantries and switchgear;
  - (j) switchgear and associated equipment;
  - (k) electrical control panels;
  - (l) standby back-up diesel generator(s);
  - (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
  - (w) security perimeter fence including security gates;
  - (x) site access roads, hardstanding, car parking, footways and roadways;
-

---

(y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;

(z) utility service connection for on-site storage for later disposal of grey water and sanitation;

(aa) lighting masts and lighting columns; and

(bb) landscaping, including mitigation planting.

Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground electric cable between Work No.1B and Work No.3B, which may include —

(a) site clearance, preparation, establishment and earthworks;

(b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables;

(c) foundations to support all new structures and equipment;

(d) support structures;

(e) switchgear and associated equipment;

(f) electrical control panels;

(g) troughs and below ground services;

(h) earth mat;

(i) underground electric cables and fibre optic cables and associated ducts;

(j) other site furniture;

(k) site access roads, hardstanding, car parking, footways and roadways;

---

- 
- (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (m) lighting masts and lighting columns;
  - (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B;
  - (o) cable jointing and cable jointing enclosures;
  - (p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and
  - (q) link boxes and link pillars.

Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include:

- (a) site clearance, preparation, establishment and earthworks;
  - (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
  - (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;
  - (d) cable jointing and cable jointing enclosures;
  - (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
  - (f) link boxes and link pillars; and
  - (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.
-

---

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include:

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

Principal Drainage Works

Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access,

Principal Utility Diversions

Principal Public Right of Way Diversions

---

Suffolk Plots 3/20a, 1/69, 3/22a, 2/48, 1/70, 2/10a, 2/10, 2/14, 2/16, 2/6, 2/9, 16

Principal Utility Diversion

---

Suffolk Plots 2/15b, 2/15, 2/15a, 2/42, 1/49a 5, 16, 17

Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include

- (a) site clearance, preparation, establishment and earthworks;
  - (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
  - (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;
  - (d) cable jointing and cable jointing enclosures;
-

- (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
- (f) link boxes and link pillars; and
- (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Principal Utility Diversions

Principal Public Right of Way Diversions

Suffolk Plots 3/21a

5

Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include

- (a) site clearance, preparation, establishment and earthworks;
- (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
- (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;
- (d) cable jointing and cable jointing enclosures;
- (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
- (f) link boxes and link pillars; and
- (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Suffolk Plots 2/13, 2/12,	14, 16, 17	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p> <p>Principal Utility Diversions</p> <p>Principal Public Rights of Way Diversions</p>
Suffolk Plots 1/71, 2/4, 1/73,	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p>
Suffolk Plots 2/11, 2/11a,	14, 17	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p> <p>Principal Public Rights of Way Diversions</p>
Suffolk Plots 1/72, 2/76	13	<p>Principal Drainage Works</p>
Suffolk Plots 2/99, 2,17	15	<p>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include:</p> <p>(a) ecological mitigation and enhancement; and</p> <p>(b) landscaping mitigation and enhancement.</p>
Suffolk Plots 2/35, 2/37,	1A	<p>Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —</p> <p>(a) removal of and modification works to existing overhead electric lines;</p> <p>(b) foundations and steel work to construct new pylons; and</p>

---

(c) installation of overhead electric line.

---

- 5.14.14 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) SPR, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to SPR on, under or over the plots listed in table 5.14.1 above.
- 5.14.15 For the purposes of its application, it is the Applicant's case that:
- (a) Works associated with the Proposed Project are necessary over the plots listed in table 5.14.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - (b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to SPR which may be affected by the Proposed Project;
  - (c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - (d) protective provisions have been included for EA1N and EA2's benefit at Schedule 15 of the DCO and the parties are continuing negotiations on a suite of commercial agreements; and
  - (e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that SPR's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.14.16 The Applicant is continuing to negotiate with SPR to manage any interfaces between the Proposed Project and apparatus and/or rights vested in SPR, EA1N or EA2 on, under or over the Order land.

## Conclusion

- 5.14.17 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.14.18 For the reasons set out in this application, it is the Applicant’s position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.14.19 It is also the Applicant’s position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to SPR is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.15 Southern Gas Networks

5.15.1 Southern Gas Networks (“**SGN**”) has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant has engaged with SGN regarding the DCO application and the parties have reached agreement in relation to the Protective Provisions included for SGN’s benefit at Schedule 15 to the DCO. SGN’s representation has not currently been withdrawn but National Grid understands that SGN intends to withdraw this representation subject to inclusion of the agreed Protective Provisions in Schedule 15 of the DCO and execution of a related side agreement which is in an agreed form.

5.15.2 To the extent that the withdrawal by SGN of its existing representation is communicated to the Secretary of State, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

5.15.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by SGN for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.15.1: SGN interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Kent		

3/13,3/13,3/14,3/14,4/2,4/2,3/12,3/12	Easement Right or Privilege or Restrictive Covenant - Rights relating to gas pipes and apparatus as contained in a Deed dated 15 December 2011 and Restrictive covenants relating to gas pipes and apparatus as contained in a Deed dated 15 December 2011	Class 1. Compulsory Acquisition of Land
3/100	Occupation - in respect of underground gas mains	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/15,3/15	Easement Right or Privilege or Restrictive Covenant - Rights relating to gas pipes and apparatus as contained in a Deed dated 15 December 2011 and Restrictive covenants relating to gas pipes and apparatus as contained in a Deed dated 15 December 2011	Class 5. Compulsory Acquisition of Rights - Access
3/80,3/87,3/88	Occupation - in respect of underground gas mains	Class 5. Compulsory Acquisition of Rights - Access
3/91,3/92,3/93,3/96,4/26	Occupation - in respect of underground gas mains	Class 9. Temporary Use for Access

## Relevant proposed works

5.15.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.15.2: Works affecting SGN interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
3/12, 3/13, 3/15	9a, 14	<p>Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.</p> <p>Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.</p>
3/14	9a	<p>Access road to the Kent Converter Station and the Kent Substation. Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent Converter Station and the Kent Substation near Minster, which may include — (a) an access road including junction from the A256 and bridges and culverts; (b) site clearance, preparation and establishment; (c) temporary work areas and laydown areas associated with the installation of the works; (d) foundations to support all new structures and equipment; (e) security perimeter fence including security gates; (f) drainage works; and (g) soft and hard landscaping including mitigation planting and bunds.</p>

3/80, 3/87, 3/88, 3/91, 3/92, 3/93, 3/96, 4/2, 4/26	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access.
3/100	6	Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.

- 5.15.5 More specifically, the Applicant is aware of works required to cross or work in the same land plot as Southern Gas Network’s assets which are in plots 3/12, 3/13, 3/15, 3/14, 3/80, 3/87, 3/88, 3/91, 3/92, 3/93, 3/96, 4/2, 4/26, and 3/100 but the applicant does not consider that such works would cause serious detriment to Southern Gas Networks ability to carry out its undertaking
- 5.15.6 Overall, the Applicant considers that there would be no serious detriment to SGN’s undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of SGN and, for the most part, the rights would cause minimal interference to SGN’s undertaking.
- 5.15.7 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to The Applicant’s equipment. On such occasions, The Applicant would consult with SGN in order to cause as little disruption as practicable during maintenance or works.

- 5.15.8 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As SGN is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.15.9 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.15.10 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- (a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - (b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
  - (c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.15.11 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) SPR, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to SPR on, under or over the plots listed in table 5.15.1 above.
- 5.15.12 For the purposes of its application, it is the Applicant's case that:
- 5.15.13 Works associated with the Proposed Project are necessary over the plots listed in table 5.15.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to SGN which may be affected by the Proposed Project;
  - b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - c) protective provisions have been included at Schedule 15, Part 10 of the DCO; and

- d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that SGN's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

5.15.14 The Applicant is continuing to negotiate with SGN to manage any interfaces between the Proposed Project and apparatus and/or rights vested in SGN on, under or over the Order land. As set out above, the Applicant has reached agreement in relation to the Protective Provisions included for SGN's benefit at Schedule 15 to the DCO.

## Conclusion

5.15.15 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.15.16 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.

5.15.17 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to SGN is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.16 Southern Water Services Limited

5.16.1 Southern Water Services Limited ("**Southern Water**") has made a representation to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with Southern Water regarding the DCO application and has reached agreement in principle in relation to the Protective Provisions included for Southern Water's benefit at Schedule 15 to the DCO, but its representation has not currently been withdrawn. The Protective Provisions included for Southern Water's benefit include protections in respect of the Applicant's exercise of compulsory acquisition powers or powers to relocate or divert any apparatus so that Southern Water will not be affected to the serious detriment of its ability to carry out its undertaking.

5.16.2 To the extent that these discussions facilitate the withdrawal by Southern Water of its existing representation, the Applicant would request that the Secretary of State also treats the elements of this application pursuant to s127 as also having been withdrawn.

## Land affected and interest or right to be acquired

5.16.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Southern Water for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.16.1: Southern Water interest**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Kent		
6/1	Easement Right or Privilege and Restrictive Covenant - Rights of access with or without vehicles or apparatus relating to a water main and the right to uninterrupted passage of water through the said water main as contained in a Deed dated 12 December 1977 and Restrictive covenants not to permit or suffer any thing which might cause damage to a water main or obstruct access to the works as contained in a Deed dated 12 December 1977	Class 1. Compulsory Acquisition of Land
6/1	Occupation - in respect of underground water pipeline	Class 1. Compulsory Acquisition of Land
1/8	Occupation - in respect of underground water pipeline	Class 2. Compulsory Acquisition of Rights - Overhead Line

3/102	Easement Right or Privilege and Restrictive Covenant - Rights relating to access and maintenance of water apparatus as contained in a Deed dated 12 February 2001 and Restrictive covenant relating to access and maintenance of water apparatus as contained in a Deed dated 12 February 2001	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/46,3/47,3/49,3/52,3/53,3/54,3/85,3/99,3/100,3/101,3/102	Occupation - in respect of underground sewage pipeline	Class 3. Compulsory Acquisition of Rights - Underground Cable System
2/81	Easement Right or Privilege – Right of access	Class 5. Compulsory Acquisition of Rights - Access
3/44,3/74,3/74,3/79,3/80,2/81,2/82,2/83,3/86,3/87 3/95,3/97,3/97,4/23,1/1,4/5,4/6,4/7,4/10,4/10,4/11 3/97a	Occupation - in respect of underground sewage pipeline & underground water pipeline	Class 5. Compulsory Acquisition of Rights - Access
3/94,3/94,4/19	Easement Right or Privilege and Restrictive Covenant - Unknown rights as contained in a Deed dated 15 November 1996 and Unknown restrictive covenants as contained in a Deed dated 15 November 1996 and Rights relating to service media as contained in a Transfer dated 22 October 1991 for the benefit of Ebbsfleet Farm	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>15</sup>

3/41,3/75,3/77,3/81,4/19,4/19,1/7,1/10	Occupation - in respect of underground sewage pipeline & underground water pipeline	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure <sup>16</sup>
3/92,3/92,4/21	Easement Right or Privilege and Restrictive Covenant - Unknown rights as contained in a Deed dated 15 November 1996 and Unknown restrictive covenants as contained in a Deed dated 15 November 1996 and Rights relating to service media as contained in a Transfer dated 22 October 1991 for the benefit of Ebbsfleet Farm	Class 9. Temporary Use for Access <sup>17</sup>
3/91,3/92,3/96,4/13,4/22,4/22,4/25,4/26,4/26,4/12,4/27	Occupation - in respect of underground sewage pipeline & underground water pipeline	Class 9. Temporary Use for Access <sup>18</sup>

## Relevant proposed works

5.16.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.16.2:**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent		

1/1, 1/7, 2/81, 2/82, 2/83, 3/86, 3/87, 3/91, 3/92, 3/96, 3/97, 3/97a, 4/5, 4/7, 4/10, 4/22, 4,23, 4,25, 4/26, 4/27	14	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access
3/47, 3/52, 3/53, 3/54	7, 8, 16	<p>Underground electric line connection in Kent. Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include — (a) site clearance, preparation, establishment and earthworks; (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables; (c) the underground electric cables and cable ducts underground from Work No.6 and the TJB; (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers; (f) link boxes and link pillars; and (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Kent temporary work compound. Works associated with Work No. 6, Work No. 7, Work No. 9A, Work No. 9B Work No. 10 and Work No. 11 shown on Sheets 2, 3 and 4 of the Works Plans – Kent, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and culverts); (d) drainage works; (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) materials, tools and fuel storage and laydown areas; (j) assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities (m)</p>

		security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.
		Principal Utility Diversions
1/8	12, 16	<p>Kent Overhead Line Works. Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables; (b) temporary culverts and/or bridges over other water courses; (c) drainage works; (d) removal of and modification works to the existing overhead electric line; (e) scaffold protection; (f) foundations and steel work to construct new pylons; (g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line; (h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.</p> <p>Principal Utility Diversions</p>
1/10, 3/46, 3/49, 3/75, 3/77, 3/81, 3/85, 4/19, 4/19a	16	Principal Utility Diversions
3/41, 3/99, 3/100, 3/101, 3/102	6	<p>Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury</p>

---

marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.

---

3/44

6, 14

Marine electric line works. Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include — (a) temporary work areas and laydown areas associated with the installation and pulling of the cables; (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent; (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall; (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall; (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and (f) marine cable protection works.

Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access

3/74, 3/79, 3/80, 3/95, 4/6, 4/11, 4/12, 4/13, 4/21	14, 16	Principal Accesses - Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access  Principal Utility Diversions
6/1	15	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include:  (a) ecological mitigation and enhancement; and  (b) landscaping mitigation and enhancement.
3/94	8	Kent temporary work compound. Works associated with Work No. 6, Work No. 7, Work No. 9A, Work No. 9B Work No. 10 and Work No. 11 shown on Sheets 2, 3 and 4 of the Works Plans – Kent, which may include — (a) site clearance, preparation and establishment; (b) earthworks, soil stripping and storage, ground improvement; (c) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges and culverts); (d) drainage works; (e) office and staff welfare facilities; (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators; (g) utility service connection or on site storage for later disposal of grey water and sanitation; (h) emergency electrical generator; (i) materials, tools and fuel storage and laydown areas; (j) assembly areas; (k) plant and equipment storage areas; (l) wheel cleaning facilities (m) security cabin and fencing and gates; (n) construction and security lighting; and (o) construction waste management facilities.

5.16.5 More specifically, the Applicant is aware of works required to cross or work in the same land plots as Southern Water’s assets which are in plots 1/1, 1/7, 2/81, 2/82, 2/83, 3/86, 3/87, 3/91, 3/92, 3/96, 3/97, 3/97a, 4/5, 4/7, 4/10, 4/22, 4,23, 4,25, 4/26, 4/27,

3/47, 3/52, 3/53, 3/54, 1/8, 1/10, 3/46, 3/49, 3/75, 3/77, 3/81, 3/85, 4/19, 4/19a, 3/41, 3/99, 3/100, 3/101, 3/102, 3/44, 3/74, 3/79, 3/80, 3/95, 4/6, 4/11, 4/12, 4/13, 4/21, 6/1 and 3/94 but the applicant does not consider that such works would cause serious detriment to Southern Water's ability to carry out its undertaking

- 5.16.6 Overall, The Applicant considers that there would be no serious detriment to Southern Water's undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of Southern Water and, for the most part, the rights would cause minimal interference to Southern Water's undertaking.
- 5.16.7 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to The Applicant's equipment. On such occasions, The Applicant would consult with Southern Water in order to cause as little disruption as practicable during maintenance or works.
- 5.16.8 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As Southern Water is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.16.9 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.16.10 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- (a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;
  - (b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
  - (c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.
- 5.16.11 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Southern Water, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Southern Water on, under or over the plots listed in table 5.16.1 above.

- 5.16.12 For the purposes of its application, it is the Applicant's case that:
- 5.16.13 Works associated with the Proposed Project are necessary over the plots listed in table 5.16.2 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- (a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Southern Water which may be affected by the Proposed Project;
  - (b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - (c) protective provisions have been included at Schedule 15, Part 10 of the DCO; and
  - (d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Southern Water's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.
- 5.16.14 The Applicant is continuing discussions with Southern Water to manage any interfaces between the Proposed Project and apparatus and/or rights vested in Southern Water on, under or over the Order land. As set out above, the Applicant has reached agreement in principle in relation to the Protective Provisions included for Southern Water's benefit at Schedule 15 to the DCO.

## Conclusion

- 5.16.15 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.16.16 For the reasons set out in this application, it is the Applicant's position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.
- 5.16.17 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for The Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Southern Water is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.17 Thanet OFTO Limited

- 5.17.1 Thanet OFTO Limited ("**Thanet OFTO**") has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Thanet OFTO and will continue to do so.

5.17.2 Thanet OFTO has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 1 of the draft Development Consent Order contains Protective Provisions for the Protection of Electricity Undertakers and will apply to Thanet OFTO. The protective provisions include provision to avoid any serious detriment to the statutory undertaker’s ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

5.17.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Thanet OFTO for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.17.1: Thanet OFTO interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Kent		
5/35, 5/46, 5/25, 3/108, 5/35, 5/46, 5/25, 5/27, 3/108, 3/109	Easement Right or Privilege and Restrictive Covenant - Restrictive covenants not to cause damage to electricity cables as contained in a Deed dated 10 December 2009 for the benefit of Thanet Wind Farm, Right of entry and rights to maintain service media as contained in a Deed dated 27 April 2009	Class 3. Compulsory Acquisition of Rights – Underground Cable System
5/32, 5/33, 5/45, 5/47, 5/48, 3/90, 3/111, 3/112, 5/32, 5/33, 5/34, 5/45, 5/47, 5/48, 3/90, 3/111, 3/112	Easement Right or Privilege and Restrictive Covenant - Restrictive covenants not to cause damage to electricity cables as contained in a Deed dated 10 December 2009 for the benefit of Thanet Wind Farm, Right of entry and rights to	Class 5. Compulsory Acquisition of Rights - Access

	maintain service media as contained in a Deed dated 27 April 2009	
5/30, 5/31, 5/36, 5/39, 5/17, 5/6, 5/8, 5/30a, 5/30, 5/31, 5/36, 5/37, 5/39, 5/40, 5/41, 5/42, 5/43, 5/44, 5/17, 5/1, 5/26, 5/6, 5/8, 5/9, 5/28, 5/28, 5/29, 3/110, 5/30a	Easement Right or Privilege and Restrictive Covenant - Restrictive covenants not to cause damage to electricity cables as contained in a Deed dated 10 December 2009 for the benefit of Thanet Wind Farm, Right of entry and rights to maintain service media as contained in a Deed dated 27 April 2009, Restrictive covenants not to damage or obstruct access to service media as contained in a Deed dated 27 April 2009	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.17.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.17.2: Works affecting Thanet OFTO interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent		

5/35, 5/46, 5/25, 3/108, 5/27, 3/108, 3/109	6	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans –</p> <p>Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p>
5/32, 5/33, 5/45, 5/47, 5/48, 3/90, 3/111, 3/112	14	<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access</p>
5/30, 5/31, 5/36, 5/39, 5/17, 5/6, 5/8, 5/30a, 5/37 5/40, 5/41, 5/42, 5/43, 5/44, 5/17, 5/1, 5/26, 5/6, 5/8, 5/9, 5/28, 5/29, 3/110	Ancillary Works	<p>Works, within the Order limits, which have been subject to an environmental impact assessment recorded in the environmental statement, comprising—</p>

---

(a) temporary landing places, moorings, anchoring or other means of accommodating vessels in the construction and/or maintenance of the authorised development;

(b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and

(c) temporary works for the benefit or protection of land or structures affected by the authorised project.

---

5.17.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Thanet OFTO, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Thanet OFTO on, under or over the plots listed in table 5.17.1 above.

5.17.6 For the purposes of its application, it is the Applicant's case that:

5.17.7 Works associated with the Proposed Project are necessary over the plots listed in table 5.17.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;

- a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Thanet OFTO which may be affected by the Proposed Project;
- b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- c) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
- d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Thanet OFTO rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

5.17.8 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.17.9 It is also the Applicant’s position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Thanet OFTO is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.18 UK Power Network Services (South East) Limited

5.18.1 UK Power Network Services (South East) Limited (“UKPN”) has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged.

5.18.2 The Applicant is in ongoing discussions with UKPN regarding the DCO application and has reached agreement in principle in relation to the Protective Provisions included for UKPN’s benefit at Schedule 15 to the DCO.

## Land affected and interest or right to be acquired

5.18.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by UKPN for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project. No land in which the Applicant requires the acquisition of interests or rights is owned by UKPN.

**Table 5.18.1: UKPN interests**

3/47, 3/48, 3/52, 3/53, 3/54, 3/55, 3/57, 3/60, 3/62, 3/85	Nature of interest	Interest or right to be acquired
Occupation – in respect of overhead electricity distribution lines		
Statutory undertaker’s land (plot number)		
Kent		

---

6/1, 2/174

Occupation – in respect of overhead electricity  
distribution lines

Class 1. Compulsory Acquisition of Land

---

---

2/42,2/73

Easement Right or Privilege and restrictive covenant - Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Right of entry and rights to maintain underground electric lines and associated supports as contained in a Deed of Grant dated 24 September 2018, Rights of access with or without vehicles, plant apparatus and equipment and the right to park vehicles as contained in a Deed of Grant dated 24 September 2018, Restrictive covenants not to interfere with or damage underground electric lines and associated supports and not to install any other service media as contained in a Deed of Grant dated 24 September 2018, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965 Easement Right or Privilege - Rights to lay, construct and maintain electric lines, poles and stays and fell and lop timber as contained in a Deed dated 2 November 1994

Class 2. Compulsory Acquisition of Rights - Overhead

2/42, 2/73	Occupation – in respect of overhead electricity distribution lines	Class 2. Compulsory Acquisition of Rights - Overhead
3/47, 3/48, 3/52, 3/53, 3/54, 3/55, 3/57, 3/60, 3/62, 3/85	Occupation - in respect of underground electricity distribution lines and overhead electricity distribution lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/47, 3/52, 3/54, 3/55, 3/57, 3/60, 3/78, 3/85, 3/7, 2/145, 2/146, 2/152, 2/158.	Occupation - in respect of overhead electricity distribution lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
3/60, 3/65, 3/46, 3/47, 3/52, 3/60, 3/65, 2/145.	Easement Right or Privilege and restrictive covenants - Rights and restrictions relating to electricity apparatus, Right of entry and rights to; lay and maintain electric lines, fell trees and break up ground surface as contained in a Deed dated 16 March 2006, Restrictive covenants not to interfere with or damage electric lines as contained in a Deed dated 16 March 2006, Right of entry and rights to; lay and maintain electric lines, fell trees and break up ground surface as contained in a Deed dated 16 March 2006, Restrictive covenants not to interfere with or damage electric lines as contained in a Deed dated 16 March 2006, Rights relating to electricity apparatus as contained in a Deed dated 9 January 2008, Restrictive covenants not to interfere with or damage electric lines nor erect buildings or plant trees within 1.5 metres of electric lines or that encroach upon the foundations of poles and stays nor obstruct vehicular access to poles and stays as contain, Rights relating to the use and maintenance of	Class 3. Compulsory Acquisition of Rights – Underground Cable System

	electrical apparatus as contained in a Deed dated 12 October 1965	
2/40, 3/43, 3/59, 3/74, 3/79, 3/80, 3/82, 2/83, 3/84, 3/87, 3/88, 3/90, 3/97, 4/23, 4/6, 6/6, 4/10, 4/11, 3/111, 3/97a.	Occupation - in respect of underground electricity distribution lines	Class 5. Compulsory Acquisition of Rights - Access
2/40, 3/43, 3/59, 3/74, 3/79, 3/80, 3/82, 2/83, 3/84, 3/87, 3/88, 3/90, 3/97, 4/23, 4/6, 6/6, 4/10, 4/11, 3/111, 3/97a.	Occupation - in respect of underground electricity distribution lines	Class 5. Compulsory Acquisition of Rights - Access
2/51, 3/74, 2/83, 3/88, 3/95, 1/2, 3/2, 6/4, 1/5, 6/5.	Occupation - in respect of overhead electricity distribution lines	Class 5. Compulsory Acquisition of Rights - Access

---

3/59, 6/4, 6/5, 4/10, 2/40, 3/59,  
3/74, 4/24, 6/3, 6/4, 4/5, 6/5.

Easement Right or Privilege and restrictive covenants - Rights and restrictions relating to electricity apparatus, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Rights relating to electricity apparatus as contained in a Deed dated 9 January 2008, Restrictive covenant relating to electricity apparatus as contained in a Deed dated 9 January 2008 Easement Right or Privilege and Restrictive covenants - Rights and restrictions relating to electricity apparatus, Restrictive covenants not to erect structures, plant timber or alter ground level within 5 metres of electric lines nor allow vehicles or machinery to pass under electric lines unless there is at least 2 metres of clear space as contained in a Deed dated 26 April 1991 for the benefit of adjoining land, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Right of entry with or without vehicles and equipment and rights relating to the construction and maintenance of electric lines and the felling of trees as contained in a Deed date 26 April 1991, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus

Class 5. Compulsory Acquisition of Rights - Access

	and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	
2/36	Easement Right or Privilege and Restrictive covenants - Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019	Class 6. Compulsory Acquisition of Rights - Drainage
3/56, 3/58, 2/168	Occupation - in respect of overhead electricity distribution lines	Class 6. Compulsory Acquisition of Rights - Drainage
2/36, 3/58	Occupation - in respect of underground electricity distribution lines	Class 6. Compulsory Acquisition of Rights - Drainage
2/149, 2/150, 2/155, 2/156, 2/157	Occupation - in respect of overhead electricity distribution lines	Class 7. Compulsory Acquisition of Rights - Mitigation

---

2/39, 2/41, 2/65, 2/72, 2/84,  
3/61, 4/19.

Easement Right or Privilege and Restrictive Covenant - Rights and restrictions relating to electricity apparatus, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Right of entry and rights to maintain underground electric lines and associated supports as contained in a Deed of Grant dated 24 September 2018, Rights of access with or without vehicles, plant apparatus and equipment and the right to park vehicles as contained in a Deed of Grant dated 24 September 2018, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965

Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure<sup>19</sup>

---

2/35, 2/39, 2/41, 2/45, 2/49,  
2/50, 2/54, 2/55, 2/60, 2/62,  
2/63, 2/64, 2/65, 3/75, 3/77,  
2/84, 2/85, 2/86, 1/14, 2/15,  
1/18, 4/18, 1/19, 1/7, 3/8, 2/12,  
2/27, 2/151, 2/159, 2/73,  
2/180.

Occupation - in respect of overhead electricity distribution lines

Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure<sup>20</sup>

2/39, 2/41, 3/42, 3/61, 2/65, 2/84, 4/19.	Occupation - in respect underground electricity distribution lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
4/25	Easement Right or Privilege and restrictive covenants - Rights and restrictions relating to electricity apparatus, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Rights relating to electricity apparatus as contained in a Deed dated 9 January 2008, Restrictive covenant relating to electricity apparatus as contained in a Deed dated 9 January 2008	Class 9. Temporary Use for Access
4/26, 4/27	Occupation - in respect of overhead electricity distribution lines	Class 9. Temporary Use for Access
3/91, 3/92, 3/96, 4/13, 4/21, 4/22, 4/25, 4/26	Occupation - in respect of underground electricity distribution lines	Class 9. Temporary Use for Access
Suffolk		

1/11,2/20,2/20c,2/7,2/8,2/8a	Occupation – in respect of overhead electricity distribution lines	Class 1. Compulsory Acquisition of Land
2/55,2/20,2/20a	Easement Right or Privilege and Restrictive Covenant - Rights relating to electricity apparatus as contained in a Deed of Grant dated 18 February 1997, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed of Grant dated 18 February 1997, Restrictive covenants not to interfere with or damage electricity cables and works as contained in a Deed dated 18 February 1997, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 1. Compulsory Acquisition of Land

Easement Right or Privilege and restrictive covenant - Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Right of entry and rights to maintain underground electric lines and associated supports as contained in a Deed of Grant dated 24 September 2018, Rights of access with or without vehicles, plant apparatus and equipment and the right to park vehicles as contained in a Deed of Grant dated 24 September 2018, Restrictive covenants not to interfere with or damage underground electric lines and associated supports and not to install any other service media as contained in a Deed of Grant dated 24 September 2018, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965 Easement Right or Privilege - Rights to lay, construct and maintain electric lines, poles and stays and fell and lop timber as contained in a Deed dated 2 November 1994

Class 2. Compulsory Acquisition of Rights - Overhead

3/20a, 3/20b	Occupation – in respect of overhead electricity distribution lines	Class 2. Compulsory Acquisition of Rights - Overhead
3/21a, 2/102, 2/104, 3/41, 1/69, 5/17, 5/18, 3/21, 3/22, 5/22, 3/22a, 3/21b	Occupation - in respect of underground electricity distribution lines	Class 3. Compulsory Acquisition of Rights – Underground Cable System
3/40, 2/15, 2/15a, 2/15b, 3/54, 3/62, 3/63, 1/49a, 1/69, 2/42, 2/42a, 2/43, 2/44, 2/46, 2/5, 3/2, 4/5.	Occupation - in respect of overhead electricity distribution lines.	Class 3. Compulsory Acquisition of Rights – Underground Cable System
2/38	Easement Right or Privilege and restrictive covenants - Rights and restrictions relating to electricity apparatus, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Rights relating to electricity apparatus as contained in a Deed dated 9 January 2008, Restrictive covenant relating to electricity apparatus as contained in a Deed dated 9 January 2008 Easement Right or Privilege and Restrictive covenants - Rights and restrictions relating to electricity apparatus, Restrictive covenants not to erect structures, plant timber or alter ground level within 5 metres of electric lines nor allow vehicles or machinery to pass under electric lines unless there is at least 2 metres of clear space as contained in a Deed dated 26 April 1991 for the benefit of adjoining land, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as	Class 5. Compulsory Acquisition of Rights - Access

---

contained in a Deed dated 24 July 2019,  
Restrictive covenants relating to access and  
maintenance of electricity lines and pylon as  
contained in a Deed dated 17 December 2019,  
Rights relating to electricity apparatus as  
contained in a Deed dated 15 November 1989,  
Right of entry with or without vehicles and  
equipment and rights relating to the construction  
and maintenance of electric lines and the felling of  
trees as contained in a Deed date 26 April 1991,  
Restrictive covenants not to erect buildings or  
plant trees in the vicinity of electrical apparatus  
and not to raise or lower the level of ground as  
contained in a Deed dated 12 October 1965

---

2/42, 2/13, 2/19

Easement Right or Privilege and restrictive  
covenants - Rights and restrictions relating to  
electricity apparatus, Right of entry and rights to;  
lay and maintain electric lines, fell trees and break  
up ground surface as contained in a Deed dated  
16 March 2006, Restrictive covenants not to  
interfere with or damage electric lines as  
contained in a Deed dated 16 March 2006, Right  
of entry and rights to; lay and maintain electric  
lines, fell trees and break up ground surface as  
contained in a Deed dated 16 March 2006,  
Restrictive covenants not to interfere with or  
damage electric lines as contained in a Deed  
dated 16 March 2006, Rights relating to electricity  
apparatus as contained in a Deed dated 9  
January 2008, Restrictive covenants not to  
interfere with or damage electric lines nor erect  
buildings or plant trees within 1.5 metres of

Class 3. Compulsory Acquisition of Rights –  
Underground Cable System

---

electric lines or that encroach upon the foundations of poles and stays nor obstruct vehicular access to poles and stays as contain, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965

---

---

---

2/13, 2/19, 2/42, 3/21b.

Easement Right or Privilege and restrictive covenant - Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Right of entry and rights to maintain underground electric lines and associated supports as contained in a Deed of Grant dated 24 September 2018, Rights of access with or without vehicles, plant apparatus and equipment and the right to park vehicles as contained in a Deed of Grant dated 24 September 2018, Restrictive covenants not to interfere with or damage underground electric lines and associated supports and not to install any other service media as contained in a Deed of Grant dated 24 September 2018, Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965. Easement Right or Privilege - Rights to lay, construct and maintain electric lines, poles and stays and fell and lop timber as contained in a Deed dated 2 November 1994

Class 3. Compulsory Acquisition of Rights – Underground Cable System

2/103, 5/14, 4/16, 5/19, 5/21.	Occupation - in respect of underground electricity distribution lines	Class 5. Compulsory Acquisition of Rights - Access
2/1, 2/100, 2/11b, 2/11, 2/11a, 1/25, 3/64, 2/3, 4/16, 4/18, 3/5, 2/84.	Occupation - in respect of overhead electricity distribution lines	Class 5. Compulsory Acquisition of Rights - Access
4/16	Occupation – electricity substation	Class 5. Compulsory Acquisition of Rights - Access
3/11	Occupation - in respect of overhead electricity distribution lines	Class 6. Compulsory Acquisition of Rights - Drainage
3/14, 2/73, 2/77	Occupation - in respect of underground electricity distribution lines	Class 6. Compulsory Acquisition of Rights - Drainage
4/7	Occupation - in respect of overhead electricity distribution lines	Class 7. Compulsory Acquisition of Rights - Mitigation

2/99	Easement Right or Privilege and Restrictive covenant - Rights relating to the use and maintenance of electrical apparatus as contained in a Deed dated 12 October 1965, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 7. Compulsory Acquisition of Rights - Mitigation
2/35, 2/37	Easement Right or Privilege and Restrictive Covenant - Rights and restrictions relating to electricity apparatus, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Rights relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 17 December 2019, Restrictive covenants relating to access and maintenance of electricity lines and pylon as contained in a Deed dated 24 July 2019, Rights relating to electricity apparatus as contained in a Deed dated 15 November 1989, Right of entry and rights to maintain underground electric lines and associated supports as contained in a Deed of Grant dated 24 September 2018, Rights of access with or without vehicles, plant apparatus and equipment and the right to park vehicles as contained in a Deed of Grant dated 24 September 2018, Restrictive covenants not to erect buildings or plant trees in the vicinity of electrical apparatus and not to raise or lower the level of ground as contained in a Deed dated 12 October 1965	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

2/10, 3/39, 2/10a, 2/12, 2/14, 2/6, 3/10, 2/9.	Occupation - in respect of overhead electricity distribution lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
2/24, 2/25, 3/15, 3/16	Occupation - in respect of underground electricity distribution lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.18.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.18.2: Works affecting UKPN interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent		
6/1	15	Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —  (a) ecological mitigation and enhancement; and  (b) landscaping mitigation and enhancement.
2/174	7, 9A, 16, 17	Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where the cable transitions from offshore to onshore technology

---

comprising works to lay underground electric cables to Work No.9B, which may include —

- (a) site clearance, preparation, establishment and earthworks;
- (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
- (c) the underground electric cables and cable ducts underground from Work No.6 and the TJB;
- (d) cable jointing and cable jointing enclosures;
- (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
- (f) link boxes and link pillars; and
- (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Works shown on Sheets 2 and 3 of the Work Plans – Kent comprising an access road to the Kent

Converter Station and the Kent Substation near Minster, which may include —

- (a) an access road including junction from the A256 and bridges and culverts;
  - (b) site clearance, preparation and establishment;
  - (c) temporary work areas and laydown areas associated with the installation of the works;
  - (d) foundations to support all new structures and equipment;
  - (e) security perimeter fence including security gates;
-

		<p>(f) drainage works; and</p> <p>(g) soft and hard landscaping including mitigation planting and bunds.</p> <p>Principal Utilities Diversion</p> <p>Principal Public Right of Way Diversion</p>
2/42,2/73	12	<p>Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and</p> <p>modification works to existing overhead electric line, and the construction and installation of new</p> <p>overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury</p> <p>overhead electric line, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of</p> <p>overhead electric cables;</p> <p>(b) temporary culverts and/or bridges over other water courses;</p> <p>(c) drainage works;</p> <p>(d) removal of and modification works to the existing overhead electric line;</p> <p>(e) scaffold protection;</p> <p>(f) foundations and steel work to construct new pylons;</p> <p>(g) installation of overhead electric line between Work No. 11 and the existing Richborough</p> <p>to Canterbury overhead electric line;</p>

		<p>(h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line;</p> <p>and</p> <p>(i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.</p>
3/47, 3/52, 3/53, 3/54	6, 7, 8, 16	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p> <p>Works shown on Sheets 2 and 3 of the Works Plans – Kent between a transition joint bay (TJB) at a landfall point where</p>

---

the cable transitions from offshore to onshore technology comprising works to lay underground electric cables to Work No.9B, which may include —

(a) site clearance, preparation, establishment and earthworks;

(b) temporary work areas and laydown areas associated with the installation and pulling of

the onshore underground electric cables;

(c) the underground electric cables and cable ducts underground from Work No.6 and the

TJB;

(d) cable jointing and cable jointing enclosures;

(e) fibre optic cables (including distributed temperature sensing cables) and associated

chambers;

(f) link boxes and link pillars; and

(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction Compounds.

Works associated with Work No. 6, Work No. 7, Work No. 9A, Work No. 9B Work No. 10 and

Work No. 11 shown on Sheets 2, 3 and 4 of the Works Plans – Kent, which may include —

(a) site clearance, preparation and establishment;

(b) earthworks, soil stripping and storage, ground improvement;

(c) car parking, hard standing, roadways and access roads (including construction site

- services and temporary bridges and culverts);
- (d) drainage works;
- (e) office and staff welfare facilities;
- (f) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators;
- (g) utility service connection or on site storage for later disposal of grey water and sanitation;
- (h) emergency electrical generator;
- (i) materials, tools and fuel storage and laydown areas;
- (j) assembly areas;
- (k) plant and equipment storage areas;
- (l) wheel cleaning facilities
- (m) security cabin and fencing and gates;
- (n) construction and security lighting; and
- (o) construction waste management facilities.

Principal Utility Diversions

3/48, 3/46, 3/57, 3/55, 3/60, 3/62, 3/78, 3/85, 16  
3/7, 2/145, 2/146, 2/152, 2/158,

Principal Utility Diversions

3/65

6

Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —

		<p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p>
3/74, 3/79, 3/80, 3/82, 3/84, 3/95	14, 16	<p>Principal Accesses</p> <p>Principal Utility Diversions</p>
3/59, 3/87, 3/88, 4/6, 4/11, 4/10, 3/2, 1/5, 6/5, 6/6, 2/83, 3/90, 3/97a	14	Principal Accesses
3/43	6, 14	<p>Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward</p>

		<p>of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p> <p>Principal Accesses</p>
2/40, 2/51, 2/3	12, 14, 16	<p>Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —</p> <p>(a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;</p> <p>(b) temporary culverts and/or bridges over other water courses;</p> <p>(c) drainage works;</p> <p>(d) removal of and modification works to the existing overhead electric line;</p> <p>(e) scaffold protection;</p> <p>(f) foundations and steel work to construct new pylons;</p>

---

(g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;

(h) installation of conductors, downloads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line; and

(i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

Principal Accesses

Principal Utility Diversions

---

3/59, 6/4, 6/5, 4/10, 2/40, 2/40, 2/40, 2/40, 14  
3/59, 3/59, 3/59, 3/74, 3/74, 4/24, 6/3, 6/4,  
4/5, 4/5, 6/5, 4/10, 4/10, 4/10, 2/38, 2/38,  
3/61,

---

Principal Accesses

Works as shown on Sheets 1 and 2 of the Works Plans – Kent comprising removal and modification works to existing overhead electric line, and the construction and installation of new overhead electric line from Work No.11 near Minster and the existing Richborough to Canterbury overhead electric line, which may include —

- (a) temporary work areas and laydown areas associated with the installation and pulling of overhead electric cables;
  - (b) temporary culverts and/or bridges over other water courses;
  - (c) drainage works;
  - (d) removal of and modification works to the existing overhead electric line;
  - (e) scaffold protection;
  - (f) foundations and steel work to construct new pylons;
  - (g) installation of overhead electric line between Work No. 11 and the existing Richborough to Canterbury overhead electric line;
  - (h) installation of conductors, downleads and down droppers, insulators and fittings to facilitate connection to the existing Richborough to Canterbury overhead electric line;
- and
- (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

Principal Accesses

---

---

2/149,2/150,2/155,2/156,2/157,4/7

15, 16

Environmental Mitigation  
Principal Utility Diversions

---

4/25

14

Principal Accesses

---

3/91,3/92,3/96,4/13,4/21,4/22,4/25,4/26,4/27 14

Principal Accesses

---

Suffolk

---

---

2/20

1A, 1B, 2, 5, 13, 14, 15,  
16, 17

Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —

(a) removal of and modification works to existing overhead electric lines;

(b) foundations and steel work to construct new pylons; and (c) installation of overhead electric line.

Works as shown on Sheet 2 of the Work Plans – Suffolk comprising a Substation at Grove Wood, Friston, which may include —

(a) access road including junction from the B1121 and culverts;

(b) site clearance and preparation and establishment;

(c) temporary work areas and laydown areas associated with the installation of the works;

(d) earthworks including to create platforms for the new Substation equipment, structures, landscaping, roads and compounds;

(e) foundations to support all new structures and equipment;

(f) support structures;

(g) electrical equipment;

(h) gantries;

(i) equipment between gantries and switchgear;

(j) switchgear and associated equipment;

(k) electrical control panels;

(l) standby back-up diesel generator(s);

---

- 
- (m) troughs and below ground services;
  - (n) earth mat;
  - (o) substation building(s);
  - (p) underground electric cables and fibre optic cables and cable ducts;
  - (q) relay rooms, battery rooms, storage rooms and other welfare facilities;
  - (r) electric vehicle charging points;
  - (s) telecommunications equipment;
  - (t) water tanks;
  - (u) drainage works;
  - (v) other site furniture;
  - (w) security perimeter fence including security gates;
  - (x) site access roads, hardstanding, car parking, footways and roadways;
  - (y) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (z) utility service connection for on-site storage for later disposal of grey water and sanitation;
  - (aa) lighting masts and lighting columns; and
  - (bb) landscaping, including mitigation planting.

Works as shown on Sheets 1 and 2 of the Works Plans – Suffolk comprising substation works and an underground

---

---

electric cable between Work No.1B and Work No.3B, which may include

- (a) site clearance, preparation, establishment and earthworks;
  - (b) temporary work areas and laydown areas associated with the installation of the works and pulling of the onshore underground electric cables;
  - (c) foundations to support all new structures and equipment;
  - (d) support structures;
  - (e) switchgear and associated equipment;
  - (f) electrical control panels;
  - (g) troughs and below ground services;
  - (h) earth mat;
  - (i) underground electric cables and fibre optic cables and associated ducts;
  - (j) other site furniture;
  - (k) site access roads, hardstanding, car parking, footways and roadways;
  - (l) utility service connections for electricity, telecommunications and potable water and/or connection of power supply made from temporary generators;
  - (m) lighting masts and lighting columns;
  - (n) underground electric cables and cable ducts laid underground from Work No 1.B to Work No. 3B;
  - (o) cable jointing and cable jointing enclosures;
-

---

(p) fibre optic cables (including disturbed temperature sensing cables) and chambers; and

(q) link boxes and link pillars.

Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include:

(a) site clearance, preparation, establishment and earthworks;

(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;

(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;

(d) cable jointing and cable jointing enclosures;

(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;

(f) link boxes and link pillars; and

(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include:

(a) ecological mitigation and enhancement; and

(b) landscaping mitigation and enhancement.

Principal Drainage Works

---

		<p>Accesses and associated works to facilitate access, including structural repairs and the installation of structures or apparatus associated with the access,</p> <p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversions</p>
2/20a	16, 17	<p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversions</p>
2/55	17	Principal Public Right of Way Diversions
2/20c	15	<p>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p> <p>(a) ecological mitigation and enhancement; and</p> <p>(b) landscaping mitigation and enhancement.</p>
2/7,2/8,2/8a	1A, 14, 16	<p>Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and</p> <p>modification to existing overhead electric lines and installation of new overhead electric line — (a) removal of and modification works to existing overhead electric lines;</p> <p>(b) foundations and steel work to construct new pylons; and</p> <p>(c) installation of overhead electric line.</p> <p>Principal Access</p> <p>Principal Utility Diversion</p>

1/11	3A, 15, 16	<p>Works shown on Sheet 1 of the Works Plans – Suffolk comprising an access road to the Suffolk Converter Station near Saxmundham, which may include —</p> <ul style="list-style-type: none"> <li>(a) an access road including access from the B1121 including bridges and culverts;</li> <li>(b) site clearance, preparation and establishment;</li> <li>(c) temporary work areas and laydown areas associated with the installation of the works;</li> <li>(d) foundations to support all new structures and equipment;</li> <li>(e) security perimeter fencing including security gates;</li> <li>(f) drainage works; and</li> <li>(g) soft and hard landscaping including mitigation planting and bunds.</li> </ul> <p>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p> <ul style="list-style-type: none"> <li>(a) ecological mitigation and enhancement; and</li> <li>(b) landscaping mitigation and enhancement.</li> </ul> <p>Principal Utility Diversions</p>
2/36	1A, 15	<p>Works as shown on Sheets 2 and 3 of the Work Plans – Suffolk comprising removal of and modification to existing overhead electric lines and installation of new overhead electric line —</p> <ul style="list-style-type: none"> <li>(a) removal of and modification works to existing overhead electric lines;</li> <li>(b) foundations and steel work to construct new pylons; and</li> </ul>

			<p>(c) installation of overhead electric line.</p> <p>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —</p> <p>(a) ecological mitigation and enhancement; and</p> <p>(b) landscaping mitigation and enhancement.</p>
3/19	5, 16		<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;</p> <p>(d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p>

		(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds. Principal Utility Diversions
3/20, ,3/20b,3/20a, 3/12	16	Principal Utility Diversion
3/21a	5	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include:</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>
2/102, 3/40, 1/69, 5/18, 2/5, 3/22, 3/22a	16	Principal Utility Diversions
2/104, 3/41,2/42, 2/42a, 2/43, 3/21b	5, 16	Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to

---

offshore technology comprising works to lay the onshore underground electric cables, which may include

—

- (a) site clearance, preparation, establishment and earthworks;
- (b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;
- (c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;
- (d) cable jointing and cable jointing enclosures; (e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;
- (f) link boxes and link pillars; and
- (g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.

#### Principal Utility Diversions

---

2/15, 2/15a

6, 15, 17

#### Principal Public Right of Way Diversion

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —

- (a) temporary work areas and laydown areas associated with the installation and pulling of the cables;
- (b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;
- (c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;
- (d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;
- (e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and
- (f) marine cable protection works.

2/15b, 1/49a

6, 15, 16, 17

Principal Utility Diversions

Principal Public Right of Way Diversion

Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 6, which may include —

- (a) ecological mitigation and enhancement; and
- (b) landscaping mitigation and enhancement.

Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —

---

		<p>(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;</p> <p>(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;</p> <p>(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;</p> <p>(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;</p> <p>(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and</p> <p>(f) marine cable protection works.</p>
<p>3/54, 5/17, 5/22, 3/21, 3/2, 4/5</p>	<p>5</p>	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include</p> <p>—</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;</p>

---

		<p>(d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>
3/62, 3/63	5, 14	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include (a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;</p> <p>(d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Accesses</p>
2/44, 2/46	5, 16, 17	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to</p>

		<p>offshore technology comprising works to lay the onshore underground electric cables, which may include</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB; (d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p> <p>Principal Utility Diversions</p> <p>Principal Public Right of Way Diversion</p>
2/99	15	Environmental Mitigation
2/39, , 2/41, 3/61, 2/65, 2/72, 2/84, 4/19, 2/35, 2/37	16	Principal Utilities Diversions
2/35, 2/39, 2/39, 2/41, 2/41, 3/42, 2/45, 2/49, 2/50, 2/54, 2/55, 2/60, 3/61, 2/62, 2/63, 2/64, 2/65, 2/65, 3/75, 3/77, 2/84, 2/84, 2/85, 2/86, 1/14, 2/15, 1/18, 4/18, 1/19, 4/19, 1/7, 3/8, 2/12, 2/27, 2/151, 2/159, 2/173, 2/180, 2/10, 3/39, 2/10a, 2/12, 2/14, 2/24, 2/25, 1/70, 3/15, 3/16, 2/6, 3/10, 2/9	16	Principal Utilities Diversions

- 
- 
- 5.18.5 More specifically, the Applicant is aware of works required to cross or work in the same land plots as UKPN's assets which are in plots Suffolk 2/20, 2/55, 2/20c, 2/36 3/21a, 2/15, 2/15a, 3/54, 5/17, 5/22, 3/21, 3/2, 4/5, 3/62, 3/63,2/99 and Kent 6/1, 2/42, 2/73, 3/65, 3/59, 3/87, 3/88, 4/6, 4/11, 4/10, 3/2, 1/5, 6/5, 6/6, 2/83, 3/90, 3/97a, 3/43, 3/91, 3/92, 3/96, 4/13, 4/21, 4/22, 4/25, 4/26 ,4/27 but the applicant does not consider that such works would cause serious detriment to UKPN's ability to carry out its undertaking.
- 5.18.6 The Applicant is also aware of works required to underground or increase the height of some UKPN's assets which are in plots Suffolk 2/20a, 2/7, 2/8, 2/8a ,1/11, 3/19, 3/20, 20/20b. 2/20a, 3/12, 2/102, 3/40, 1/69, 5/18, 2/5, 3/22, 3/22a, 2/104, 3/41,2/42, 2/42a, 2/43, 3/21b, 2/15b, 1/49a, 2/44, 2/46, and Kent 2/174, 3/47, 3/52, 3/53, 3/54, 3/48, 3/46, 3/57, 3/55, 3/60, 3/62, 3/78, 3/85, 3/7, 2/145, 2/146, 2/152, 2/158, 3/74, 3/79, 3/80, 3/82, 3/84, 3/95, 2/40, 2/51, 2/3, 2/149, 2/150, 2/155, 2/156, 2/157, 4/7 but the applicant does not consider that such works would cause serious detriment to UKPN's ability to carry out its undertaking.
- 5.18.7 Overall, the Applicant considers that there would be no serious detriment to UKPN's undertaking if it were to acquire rights or interests in these plots and that the criteria as set out in s.127 are satisfied. This is because the rights would co-exist within the plots affected alongside those of UKPN and, for the most part, the rights would cause minimal interference to UKPN's undertaking. Any diversions of UKPN's apparatus required by the Proposed Project would be subject to the Protective Provisions for UKPN's benefit included at Schedule 15 of the DCO and the related commercial side agreements. Such diversions would therefore not cause any serious detriment to UKPN's undertaking.
- 5.18.8 Other than during construction of the Proposed Project, potential interference would be maintenance or associated works to The Applicant's equipment. On such occasions, the Applicant would consult with UKPN in order to cause as little disruption as practicable during maintenance or works.
- 5.18.9 Negotiations with the relevant landowner to acquire the interests and rights required for the Proposed Project voluntarily are ongoing. As UKPN is not landowner in relation to any of the above plots, no voluntary agreements by way of heads of terms are required directly with them.
- 5.18.10 Private treaty negotiations with the landowners will continue in parallel with the compulsory acquisition process with a view to concluding an agreement as soon as practicably possible.
- 5.18.11 However, compulsory acquisition powers are still sought in the DCO over the plots for the following reasons:
- a) notwithstanding that diligent enquiry to establish all persons with an interest in land has been undertaken, and agreements concluded, if any person with an interest in land is identified or comes forward subsequent to the DCO

having been made, the Applicant must be able to rely upon compulsory powers under the DCO in respect of such interest if no voluntary agreement with that person can be obtained;

- b) the voluntary agreement may later prove to have granted insufficient rights and the land owner may be unwilling to extend the rights as may be required; and
- c) compulsory powers are more readily enforceable so reducing additional risk, cost and delay. The Applicant may consistently and uniformly enforce compulsory powers to deliver the Proposed Project in a comprehensive manner in relation to all persons with an interest in land.

5.18.12 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) UKPN, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to UKPN on, under or over the plots listed in table 5.18.1 above.

5.18.13 For the purposes of its application, it is the Applicant's case that:

- a. Works associated with the Proposed Project are necessary over the plots listed in table 5.18.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b. the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to UKPN which may be affected by the Proposed Project;
- c. in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d. protective provisions have been included at Schedule 15, Part 2 of the DCO and the parties are continuing negotiations on these and related commercial agreements; and
- e. the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that UKPN rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

5.18.14 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

- 5.18.15 For the reasons set out in this application, it is the Applicant’s position that, pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met.
- 5.18.16 It is also the Applicant’s position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to UKPN is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.19 Virgin Media Limited

- 5.19.1 Virgin Media Limited (“**Virgin Media**”) has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Virgin Media and will continue to do so.
- 5.19.2 Virgin Media has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to Virgin Media. The protective provisions include provision to avoid any serious detriment to the statutory undertaker’s ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

- 5.19.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Virgin Media for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.19.1: Virgin Media interests**

Statutory undertaker’s land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk		

5/17	Occupation - in respect of underground telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
4/13,5/14,5/19	Occupation - in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
4/1	Occupation - in respect of underground telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.19.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.19.2: Works affecting Virgin Media interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Suffolk		

5/17	5	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;</p> <p>(d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>
5/14, 5/19, 4/13	14	Principal Accesses
4/1	Associated Development	Street works

- 5.19.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Virgin Media, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Virgin Media on, under or over the plots listed in table 5.19.1 above.
- 5.19.6 For the purposes of its application, it is the Applicant’s case that:

- 5.19.7 Works associated with the Proposed Project are necessary over the plots listed in table 5.19.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- a) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Virgin Media which may be affected by the Proposed Project;
  - b) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - c) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
  - d) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Virgin Media rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking.

## Conclusion

- 5.19.8 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.19.9 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Virgin Media is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.20 Vodafone Limited

- 5.20.1 Vodafone Limited ("Vodafone") has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Vodafone and will continue to do so.
- 5.20.2 Vodafone has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 2 of the draft Development Consent Order contains Protective Provisions for the Protection of Operators of Electronic Communications Code Networks and will apply to Vodafone. The protective provisions include provision to avoid any serious detriment to the statutory undertaker's ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

5.20.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Vodafone for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.20.1: Vodafone interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
Suffolk: 5/17	Occupation - in respect of underground telecommunication lines	Class 3. Compulsory Acquisition of Rights - Underground Cable System
Suffolk: 4/13,5/14,5/19	Occupation - in respect of underground telecommunication lines	Class 5. Compulsory Acquisition of Rights - Access
Suffolk: 4/1	Occupation - in respect of underground telecommunication lines	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.20.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.20.2: Works affecting Vodafone interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
--	-------------	-------------------

5/17	5	<p>Works shown on Sheets 1, 2, 3, 4 and 5 of the Works Plans – Suffolk between Work No.3B and a transition joint bay (TJB) at a landfall point where the cable transitions from onshore to offshore technology comprising works to lay the onshore underground electric cables, which may include—</p> <p>(a) site clearance, preparation, establishment and earthworks;</p> <p>(b) temporary work areas and laydown areas associated with the installation and pulling of the onshore underground electric cables;</p> <p>(c) the underground electric cables and cable ducts underground from Work No.3B to the TJB;</p> <p>(d) cable jointing and cable jointing enclosures;</p> <p>(e) fibre optic cables (including distributed temperature sensing cables) and associated chambers;</p> <p>(f) link boxes and link pillars; and</p> <p>(g) trenchless crossing(s) including an entry/exit pit and associated temporary construction compounds.</p>
5/14, 5/19, 4/13	14	Principal Accesses
4/1	Associated development	Street works

- 5.20.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Vodafone, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Vodafone on, under or over the plots listed in Table 5.20.1.
- 5.20.6 For the purposes of its application, it is the Applicant’s case that:

- a) Works associated with the Proposed Project are necessary over the plots listed in Table 5.20.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
- b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Vodafone which may be affected by the Proposed Project;
- c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
- d) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
- e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Vodafone's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking

## Conclusion

- 5.20.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.20.8 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Vodafone is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

## 5.21 Vattenfall Wind Power Holdings Limited

- 5.21.1 Vattenfall Wind Power Holdings Limited ("Vattenfall") has not made a representation to the Planning Inspectorate in relation to the DCO and so s127 is not engaged. The Applicant has sought engagement with Vattenfall and will continue to do so.
- 5.21.2 Vattenfall has not indicated a requirement for bespoke protective provisions in the DCO. Schedule 15, Part 1 of the draft Development Consent Order contains Protective Provisions for the Protection of Electricity Undertakers and will apply to Vattenfall. The protective provisions include provision to avoid any serious detriment to the statutory undertaker's ability to carry out its undertaking and provisions regarding any extinguishment of land rights and removal or alteration of apparatus caused by the Proposed Project.

## Land affected and interest or right to be acquired

5.21.3 The Applicant understands that the rights and interests in the plots set out in the table below have been acquired by Vattenfall for the purposes of its undertaking. Interests and rights in those plots are required by the Applicant in order to deliver the Proposed Project.

**Table 5.21.1: Vattenfall interests**

Statutory undertaker's land (plot number)	Nature of interest	Interest or right to be acquired
5/27, 5/27, 3/109, 3/109	Easement Right or Privilege and Restrictive Covenant - Unilateral notice in respect of an Option Agreement dated 10 January 2020 and No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent	Class 3. Compulsory Acquisition of Rights – Underground Cable System
5/27, 3/109	Option to Purchase - Unilateral notice in respect of an Option Agreement dated 10 January 2020	Class 3. Compulsory Acquisition of Rights – Underground Cable System
5/34, 5/34	Easement Right or Privilege and Restrictive Covenant - Unilateral notice in respect of an Option Agreement dated 10 January 2020 and No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent	Class 5. Compulsory Acquisition of Rights - Access

5/34	Option to Purchase - Unilateral notice in respect of an Option Agreement dated 10 January 2020	Class 5. Compulsory Acquisition of Rights - Access
5/40,5/40,5/41,5/41,5/42,5/42,5/43,5/43,5/44,5/1,5/1,5/26,5/26,5/28,5/28,5/29,5/29,3/110,3110	Easement Right or Privilege and Restrictive Covenant - Unilateral notice in respect of an Option Agreement dated 10 January 2020 and No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure
5/37,5/40,5/41,5/42,5/43,5/44,5/1,5/26,5/9,5/28,5/29,3/110	Option to Purchase - Unilateral notice in respect of an Option Agreement dated 10 January 2020	Class 8. Temporary Use for Construction, Mitigation, Maintenance, and Dismantling of Redundant Infrastructure

## Relevant proposed works

5.21.4 The table below sets out the details of activities which could take place in the plots referred to in the table above.

**Table 5.21.2: Works affecting Vattenfall interests**

Plot numbers in which the statutory undertaker has a right or interest	Work number	Works description
Kent 5/27, 3/109	6	Works shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and

		5 of the Works Plans – Kent comprising the laying of a marine electric cable, which may include —
		(a) temporary work areas and laydown areas associated with the installation and pulling of the cables;
		(b) works to lay and bury marine electric cables and fibre optic cables within the Order limits seaward of MHWS and landward of MLWS between Work No. 5 and Work No.7 within the area shown on Sheet 6 of the Works Plans – Suffolk, Sheets 1, 2 and 3 of the Works Plans – Offshore and Sheets 3, 4 and 5 of the Works Plans, Kent;
		(c) trenchless entry/exit pits and associated temporary construction compounds for the Suffolk landfall;
		(d) trenchless entry/exit pits and associated temporary construction compounds for the Kent landfall;
		(e) temporary work areas for vessels to carry out intrusive and non-intrusive activities; and
		(f) marine cable protection works.
Kent 5/34	14	Principal Accesses
Kent 5/40,5/40,5/41,5/41,5/42,5/42,5/43,5/43,5/44, 5/1, 5/26, 5/28, 5/29, 5/29, 3/110, 5/37	Ancillary Works	Works, within the Order limits, which have been subject to an environmental impact assessment recorded in the environmental statement, comprising—
		(a) temporary landing places, moorings, anchoring or other means of accommodating vessels in the construction and/or maintenance of the authorised development;
		(b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and

---

(c) temporary works for the benefit or protection of land or structures affected by the authorised project.

---

- 5.21.5 As noted in section 1 above, the DCO gives the Applicant power to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers including (but not limited to) Vattenfall, over or within Order land. The Applicant understands that a relevant right and/or relevant apparatus for the purposes of s138 of the Act is vested in or belongs to Vattenfall on, under or over the plots listed in Table 5.21.1.
- 5.21.6 For the purposes of its application, it is the Applicant's case that:
- a) Works associated with the Proposed Project are necessary over the plots listed in in Table 5.21.1 above and are described in Schedule 1 to the DCO and shown on the Works Plans;
  - b) the Proposed Project could affect relevant rights and/or relevant apparatus vested in or belonging to Vattenfall which may be affected by the Proposed Project;
  - c) in the absence of powers for the Applicant to extinguish such rights and/or remove or reposition such apparatus the works associated with the Proposed Project could not be completed;
  - d) protective provisions have been included at Schedule 15, Part 2 of the DCO; and
  - e) the nature of the proposed works and inclusion of protective provisions in the DCO means that the Secretary of State can be satisfied that Vattenfall's rights, whilst potentially subject to interface, will not be affected to the serious detriment of its ability to carry out its undertaking

## Conclusion

- 5.21.7 Given the need for the Proposed Project (see in particular the needs case as set out in the Statement of Reasons), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.
- 5.21.8 It is also the Applicant's position that, pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Vattenfall is necessary for the purpose of carrying out the Proposed Project, and that the test of section 138 has therefore been met.

National Grid plc  
National Grid House,  
Warwick Technology Park,  
Gallows Hill, Warwick.  
CV34 6DA United Kingdom

Registered in England and Wales  
No. 4031152  
[nationalgrid.com](http://nationalgrid.com)