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# Norwich to Tilbury

## Volume 4: Compulsory acquisition information

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**nationalgrid**

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# 1. Executive Summary

*This is an interim updated draft of the Statement of Reasons (document reference 4.1) to that which was submitted with the main DCO application. This interim draft addresses the proposed changes to the main DCO application and has been prepared to account for the proposed change applications. It is provided in draft form and is not a document for submission into the Examination of the application at this stage. National Grid will submit an updated version of the Statement of Reasons (document reference 4.1) into the Examination at the time of the formal submission of the change applications.*

- 1.1.1 This Statement of Reasons ('this Statement') relates to the Norwich to Tilbury Project ('the Project') and has been submitted by National Grid Electricity Transmission plc ('National Grid') ('the Applicant') to the Planning Inspectorate acting on behalf of the Secretary of State. It relates to an application for development consent to permit and enable implementation of the Project made under s37 of the Planning Act 2008 (as amended) ('PA 2008').
- 1.1.2 This document has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations'), and the PA 2008: Guidance related to procedures for the compulsory acquisition of land (Department for Communities and Local Government, 2013) ('the Guidance').
- 1.1.3 This Statement is required because the draft Development Consent Order (DCO) (document reference 3.1) includes powers for the compulsory acquisition of land and/or rights in land as described in Chapter 5.
- 1.1.4 Paragraphs 31 and 32 of the Guidance acknowledge that the APFP Regulations requires a statement of reasons and Paragraph 32 advises that: 'The statement of reasons should seek to justify the compulsory acquisition sought and explain in particular why in the applicant's opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights.
- 1.1.5 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in the land. It also explains the extent of and reasons for the temporary use of land. These powers are being sought to ensure that National Grid has the requisite powers to construct, operate and maintain the Project. References in this Statement to 'Compulsory Acquisition' include both permanent land acquisition, and the acquisition of rights in land.
- 1.1.6 This Statement will show that there is a compelling case in the public interest for the relevant land to be subject to powers of compulsory acquisition.
- 1.1.7 This Statement explains why the use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and why any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 1.1.8 This Statement forms part of a suite of documents accompanying the application submitted in accordance with s55 of the PA 2008 and Regulation 5 of the APFP Regulations 2009 and should be read alongside the other DCO application

documents that relate to the compulsory acquisition powers sought by National Grid and the need for the Project, including:

- Guide to the Application (document reference 1.3)
- Land Plans (document reference 2.2)
- Works Plans (document reference 2.3)
- Special Category and Crown Land Plans (document reference 2.14)
- Draft DCO (document reference 3.1)
- Explanatory Memorandum (document reference 3.2)
- Funding Statement (document reference 4.2)
- Book of Reference (document reference 4.3)
- Planning Statement (document reference 5.6)
- Equality Impact Assessment (document reference 7.14)
- Environmental Statement (document references 6.1 to 6.21).

1.1.9 Notification has been given to the Examining Authority of National Grid's intention to submit two requests for a proposed change to its main DCO application. More detail on the proposed changes can be found in 9.1 Notification of proposed change to DCO application – Change Request 1 (Bulphan) (AS-049) and 9.2 Notification of proposed change to DCO application – Change Request 2 (Little Bromley) (AS-050). This Statement has been updated to reflect the proposed changes to the Project, but the proposed changes do not materially affect the outcome of this Statement.

## 2. Introduction

### 2.1 The Applicant

- 2.1.1 Norwich to Tilbury (hereafter referred to as ‘the Project’) is a proposal by National Grid Electricity Transmission plc (referred to as ‘National Grid’) for reinforcement of the transmission network between the existing Norwich Main Substation in Norfolk and Tilbury Substation in Essex, via Bramford Substation, the new East Anglia Connection Node (EACN) Substation and the new Tilbury North Substation.
- 2.1.2 National Grid Electricity Transmission plc sits within the wider National Grid Group; within the Group there are distinctly separate legal entities, each with their individual responsibilities and roles. National Grid Group sit at the heart of Great Britain’s energy system, connecting millions of people and businesses to the energy they use every day. The Project is being promoted by National Grid Electricity Transmission. Note that in this Statement of Reasons except when referring specifically to other National Grid Group entities below, the term ‘National Grid’ is used to refer to National Grid Electricity Transmission.
- 2.1.3 National Grid’s transmission system consists of approximately 7,200 km of overhead lines and 700 km of underground cabling, operating at voltage levels of 400 kV and 275 kV. In general, 400 kV circuits have a higher power carrying capability than 275 kV circuits. These overhead line and underground cable circuits connect around 340 transmission substations forming a highly interconnected transmission system.
- 2.1.4 National Grid holds the Transmission Licence for England and Wales, and its statutory duty is to develop and maintain an efficient, coordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the Electricity Act 1989.
- 2.1.5 National Grid is the only company licensed to transmit electricity in England and Wales. National Grid’s Transmission Licence was granted under the Electricity Act 1989, s6(1)(b).
- 2.1.6 National Grid, as the regulated provider of electricity transmission services in England and Wales, is regulated by the Office of Gas and Electricity Markets (Ofgem). Transmission services include maintaining reliable electricity supplies and offering to construct new transmission system assets for new connections to the National Electricity Transmission System (NETS).
- 2.1.7 In accordance with Transmission Licence requirements, National Grid ensures that the transmission system in England and Wales meets the requirements in respect of transmission system security and quality of service at all times. As part of this requirement, National Grid must ensure that sufficient transmission system capability is provided to meet demand and generator customer requirements and wider transmission system needs that exist and/or are expected.
- 2.1.8 When planning changes to the transmission system, National Grid must be efficient, co-ordinated and economical and have regard to the desirability of preserving amenity, in line with the duties under s9 and s38 of the Electricity Act 1989.



- 2.1.9 This Statement relates to the Project and has been submitted by National Grid to the Planning Inspectorate acting on behalf of the Secretary of State. It relates to an application for development consent to permit and enable implementation of the Project made under s37 of the PA 2008 (as amended) (“PA 2008”).
- 2.1.10 This Statement explains why the powers of compulsory acquisition and other statutory powers sought in the draft DCO (document reference 3.1) are necessary to enable the Project to proceed and why there is a compelling case in the public interest for those powers to be granted.

## **2.2 The Project**

- 2.2.1 Norwich to Tilbury (the ‘Project’) comprises reinforcement of the transmission network between the existing Norwich Main Substation in Norfolk and Tilbury Substation in Essex, via Bramford Substation, the new East Anglia Connection Node (EACN) Substation and the new Tilbury North Substation.
- 2.2.2 The Project is defined as a Nationally Significant Infrastructure Project (NSIP), under s14(1)(b) and s16 of the PA 2008, and as amended by the PA 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013, as it involves the installation of a new electric line above ground of more than 2 km, which would operate at 400 kV in England.
- 2.2.3 For a full description of the Project, including the indicative construction programme, reference should be made to Environmental Statement (ES) Chapter 4: Project Description (document reference 6.4).

## **2.3 Compulsory Acquisition**

- 2.3.1 In its application for the Project, National Grid seeks compulsory acquisition and temporary possession powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out by reference to the application documents in Chapter 5 of this Statement.

## **2.4 Land Interests**

- 2.4.1 A general description of the Project by section and the extent of the land interests affected by the compulsory acquisition and temporary possession powers sought by National Grid is included in Chapter 6 of this Statement.
- 2.4.2 The Order Limits of the draft DCO as shown on the Land Plans (document reference 2.2) establish the extent of the land affected by the project. The Limits of Deviation (LoD) represent the maximum locational flexibility for permanent infrastructure such as the overhead lines, pylons and underground cables. This allows for adjustment to the final positioning of the project features to avoid localised constraints or unknown or unforeseeable issues that may arise. The LoD provides the flexibility for construction purposes only and does not determine the permanent land take or rights to be acquired.
- 2.4.3 National Grid is not seeking to compulsorily acquire the full extent of land that falls within the Order Limits. National Grid is instead seeking temporary powers over an area greater than that proposed for permanent acquisition or acquisition of rights, which is identified through the Class of Rights shown on the Land Plans (document

reference 2.2). Once the Project is constructed and in respect of the overhead line and underground cable sections of the Project, National Grid would only require permanent rights to operate, access and maintain the development over a corridor within the LoD. If the Project has been unable to secure the permanent land or rights acquisition required via a voluntary agreement, it would rely on exercising powers of compulsory acquisition to secure such land or rights on a permanent basis.

- 2.4.4 Further detail is shown on the Works Plans (document reference 2.3).
- 2.4.5 Powers are also sought to allow National Grid to extinguish in a limited way some rights which are incompatible or rendered incapable of use by the Project.
- 2.4.6 National Grid will continue to demonstrate its ongoing commitment to seek to acquire all land and rights required for the Project through private treaty agreements. However, it is necessary to seek powers of compulsory acquisition (and temporary possession) in the DCO application in order to ensure that the Project is not precluded from being delivered or indeed from being delivered in a manner which is consistent with National Grid's statutory and regulatory duties.
- 2.4.7 National Grid is satisfied that all of the land interests identified for compulsory acquisition (and temporary possession) are required to enable the Project to proceed.

## **2.5 The Case for Compulsory Acquisition**

- 2.5.1 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in the land. It also explains the extent of and reasons for the temporary use of land. These powers are being sought to ensure that National Grid has the requisite powers to construct, operate and maintain the Project.
- 2.5.2 National Grid is satisfied that the powers of compulsory acquisition and temporary possession sought in the draft DCO are necessary, proportionate and justified. National Grid is further satisfied that the powers sought are in accordance with all relevant statutory requirements and policy guidance.
- 2.5.3 National Grid considers that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought as set out in Chapter 7 of this Statement.

## **2.6 Human Rights and Equalities**

- 2.6.1 This Statement explains why the use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and why any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 2.6.2 National Grid has had regard to the European Convention on Human Rights ('the Convention') and the Human Rights Act 1998. It has also taken into account the duties contained in the Equality Act 2010, including the needs of protected characteristic groups, with an Equality Impact Assessment (document reference 7.14) submitted as part of this application for development consent. The Equality Impact Assessment provides the Secretary of State with the necessary information to have regard to the requirements of the Equality Act 2010 and the public sector equality duty when determining the application for development consent.

- 2.6.3 Chapter 9 of this Statement considers how the Project complies with the Convention and with this legislation.

## 2.7 Special Considerations

### Crown Land

- 2.7.1 National Grid has also given consideration to the application of the relevant provisions of the Act in relation to Crown land (s135).
- 2.7.2 The Crown land identified is shown on the Special Category and Crown Land Plans (document reference: 2.14).
- 2.7.3 The draft DCO (document reference 3.1) only contains provisions seeking power for the compulsory acquisition of rights over the Crown land. Crown Land is addressed further in paragraph 8.1 of this Statement.

### Special Category Land

- 2.7.4 In Chapter 8 of this Statement, National Grid has identified all special category land which is affected by the compulsory acquisition powers sought in the DCO.
- 2.7.5 The Special Category Land identified is Open Space and Common Land, which is shown on the Special Category and Crown Land Plans (document reference 2.14).
- 2.7.6 S131 and s132 of the PA 2008 relates to the compulsory acquisition of land or rights over *'any land forming part of a common, open space, or fuel or field garden.'* These sections make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of land which is categorised as any land forming part of a common, open space, or fuel or field garden.
- 2.7.7 The draft DCO (document reference 3.1) only contains provisions seeking power for the compulsory acquisition of rights over the Open Space and Common Land.
- 2.7.8 For the reasons explained in Chapter 8.2 and Appendix C of this Statement, National Grid seeks to rely on the statutory exemptions in s132(3),(4A), and (5) of the PA 2008, and accordingly the Secretary of State ('SoS') may confirm by certificate that SPP would not apply in relation to the compulsory acquisition of permanent rights over such land.

### Open Access Land

- 2.7.9 Within the Order limits, there are 11 areas of Open Access Land, designated pursuant to the Countryside and Rights of Way Act 2000, over which members of the public have a right to roam.
- 2.7.10 These areas can be seen on the Open Access Land Plans (document reference: 2.15) and are described in Schedule 15 to the draft DCO (document reference 3.1) and in Table 8.2 of the Outline Public Rights of Way Management Plan (document reference 7.6).
- 2.7.11 In accordance with Article 53 of the draft DCO (document reference 3.1), the public right to roam over the part of each area of Open Access Land falling within the Order limits will be temporarily suspended for the purposes of constructing, operating and/or decommissioning the Project.

- 2.7.12 Any impacts on Open Access Land during construction and operation, for example during routine maintenance, will be managed through active management strategy and National Grid will seek to reduce the overall level of disruption and loss of amenity.

## Statutory Undertakers & Utilities

- 2.7.13 National Grid is only seeking to acquire permanent rights over land owned by Statutory Undertakers, no compulsory acquisition of Statutory Undertaker land is proposed.
- 2.7.14 Further detail of such interests can be found in the Book of Reference (document reference 4.3).
- 2.7.15 National Grid first undertook direct and substantive engagement with potentially affected Statutory Undertakers in 2023, at the commencement of the second non-statutory consultation. At this stage, the draft alignment had evolved from a graduated swathe (the first non-statutory consultation) to specific locations for the proposed electricity transmission infrastructure, allowing discussions to take place regarding site specific crossing locations, and to the associated construction and operational requirements.
- 2.7.16 National Grid continued to engage with the Statutory Undertakers into and throughout 2024 as the Project alignment and associated crossing locations were amended following assessment of consultation feedback from the Statutory Undertakers, persons with interest in land and the wider community. Engagement broadened to include asset information supplied by Statutory Undertakers, alternating current (AC) interference, and agreeing the methodologies for AC studies scheduled to be conducted by National Grid. Initial discussions also commenced regarding bespoke Protective Provisions.
- 2.7.17 In 2025, National Grid had updated the draft Order Limits in response to the 2024 statutory consultation and associated feedback, and continued to engage with the Statutory Undertakers regarding changes to the Project alignment, associated crossing schedules, and outcomes of National Grid's AC interference studies. Statements of Common Ground were issued to document all resolved and unresolved points of discussion with the Statutory Undertakers.
- 2.7.18 National Grid's preference is to pursue mutually agreeable solutions through ongoing constructive dialogue and engagement with all affected Statutory Undertakers.
- 2.7.19 National Grid remains in discussions with affected Statutory Undertakers as regard the likely impact of the Project on their Statutory Undertaking and is committed to agreeing appropriate mitigation. National Grid will seek to capture this engagement in the respective of Statements of Common Ground as appropriate (document references 5.9.1 to 5.9.32). Therefore, and as is explained in Chapter 8.5 of this Statement of Reasons, National Grid considers that the relevant statutory tests set out in s.127 and s138 of the PA 2008 are, or are capable of being, satisfied.
- 2.7.20 Further information regarding National Grid's engagement with Statutory Undertakers, and the rights sought over land owned by, and/or land where Statutory Undertakers may have an interest over land, can be found in Chapter 8 of this statement.

## 3. The Proposed Project

### 3.1 Legislative and National Policy Framework for the Project

- 3.1.1 In deciding an application for development consent, section 104 of the Planning Act 2008 requires the Secretary of State to determine the application in accordance with any relevant NPS. The following NPSs which came into force on 17 January 2024 are relevant to the Project:
- Overarching National Policy Statement for Energy (EN-1) (Department for Energy Security and Net Zero (DESNZ), 2024a)
  - National Policy Statement for Electricity Networks Infrastructure (EN-5) (DESNZ, 2024b)
  - National Policy Statement for Renewable Energy Infrastructure (EN-3) (DESNZ, 2024c)
- 3.1.2 The Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2024a) sets out national policy for energy infrastructure in combination with the relevant technology-specific NPS which in this case is National Policy Statement for Electricity Networks Infrastructure (EN-5). EN-1 (DESNZ, 2024a) emphasises the need for new energy projects to contribute to a secure, diverse, reliable and affordable energy supply.
- 3.1.3 The National Policy Statement for Electricity Networks Infrastructure (EN-5) (DESNZ, 2024b) sets out the government's policy for nationally significant electricity transmission networks and, together with EN-1, identifies the information that should be provided alongside any application for development consent to satisfy their requirements.
- 3.1.4 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (DESNZ, 2024c) is also relevant in so far as the NPS includes support for the onshore infrastructure required to deliver new offshore wind developments.
- 3.1.5 A detailed review of the policies contained within the NPSs is set out in the Planning Statement (document reference 5.6). Chapter 2 of the Planning Statement (document reference 5.6) outlines the legislative framework and the planning policy context for the Project. Chapter 2 of the Planning Statement is supported by Policy Compliance Document (document reference 5.7) which identifies the relevant policies of the NPSs for Energy and local planning policies that the Secretary of State may consider to be important and relevant to their decision and presents an appraisal of compliance with these policies.

### 3.2 The Need Case

- 3.2.1 This section provides a summary of the need case for the Project. The technical need case is fully set out in the 2025 Strategic Options Backcheck Report (document reference 7.17)



- 3.2.2 Consistent with the Government's Net Zero target, there has been, and continues to be, growth in the volume of renewable and zero carbon generation that is seeking to connect to the electricity transmission system in the East Anglia and South East regions. UK Government policy clearly sets out the critical requirement for significant reinforcement of the transmission system to facilitate the connection of renewable energy sources and to transport electricity to where it is used. In particular, the British Energy Security Strategy (HM Government, 2022) sets targets for the connection of up to 50 GW of offshore wind by the 2030s as a key part of a strategy for secure, clean and affordable British energy for the long term.

## Need for future reinforcement of the East Anglia and South East transmission system

- 3.2.3 East Anglia's 400 kV electricity transmission network was built in the 1960s. It was built to supply regional demand, centred on Norwich and Ipswich. For many years, the only significant power stations generating in the East Anglia region were the Sizewell A and the Sizewell B nuclear power stations, Spalding North and Sutton Bridge gas fired power stations, and some further smaller 132 kV connected gas fired power stations.
- 3.2.4 This generation capacity has recently been added to by several offshore windfarms with the existing generation totalling 6,552.4 MW of installed capacity. This is expected to grow substantially in coming years. In the East Anglia region, connection agreements have been signed for 26,919.9 MW of new generation (total generation of 33,472.3 MW minus existing generation of 6,552.4 MW). These future connection agreements comprise a large volume of offshore wind generation (including East Anglia Offshore Wind), gas-fired generation, energy storage projects, and a nuclear power station (at Sizewell C).
- 3.2.5 Without reinforcement, the capacity of the East Anglia and South East existing network is insufficient to accommodate the connection of the proposed new power sources. The 'Thermal Boundary Export Limit' – the physical maximum energy capacity the system can accommodate during planned system faults – would be exceeded, preventing export of power to demand centres beyond East Anglia. In these circumstances, generators connecting in the area would be required to reduce their output and would be compensated via a 'constraint' payment. These costs would be passed on to end consumers. National Grid ESO (now National Energy System Operator (NESO)) analysis shows that, in this case, predicted constraint costs are likely to significantly exceed those of reinforcement.

## The network for reinforcement in East Anglia and South East

- 3.2.6 To understand current and future demands on the electricity network, the concept of network boundaries is used - 'boundary capacity and capability' plays an important role in system planning. A boundary notionally splits the system into two parts, crossing critical circuit paths that carry power between the areas where power flow limitations may be encountered. Where 'boundary capacity' – the capacity of the circuit(s) across the boundary – is exceeded, the capacity shortfall must be resolved. The standards against which National Grid assesses these shortfalls are set out in the NETS System Security and Quality of Supply Standard (SQSS).
- 3.2.7 Also relevant are 'generation groups', which are groups of existing generating stations and/or proposed generating stations connecting in a particular geographical



area of the transmission system. These are considered when assessing the network for compliance with the generation connection criteria of the NETS SQSS.

- 3.2.8 The relevant boundaries in East Anglia and the South East are EC3, EC5N, EC5, LE1 and SC2. The relevant generation groups are Sizewell and Essex coast. These are illustrated in the network diagram in Figure 3.1 below. This figure includes the Bramford to Twinstead Reinforcement project, which was granted development consent in September 2024 and which is now under construction.

Figure 3.1 East Anglia and South East region transmission system and system boundaries



- 3.2.9 National Grid has assessed the possible impacts associated with the connection of the total volume of new generation on these boundaries. National Grid is required to assess power flows between regions of the transmission system at Average Cold Spell Peak Demand (known as 'Planned Transfers'). Studies show the Planned Transfer required in 2031 to accommodate contracted generation up to 2037 would be between 23,232.4 MW and 24,834.7 MW export across EC5.
- 3.2.10 This is presented as a range given that the contribution of fossil fuel-based generators will gradually reduce as renewable sources are connected – the top of the range assumes maximum availability of gas turbine generation, and the bottom of the range assumes no contribution from fossil fuelled stations such as gas fired stations. Both the maximum and minimum forecast planned transfers are significant increases on the existing Planned Transfer export condition of 4365.0 MW and the NETS SQSS requires National Grid to design to the higher of these conditions.
- 3.2.11 Studies show that there are significant boundary deficits across these boundaries. There are five distinct issues that need to be resolved by system reinforcement:
- Provision of 9,928 MW of capacity across East Anglia EC5 Boundary and 7,520 MW of capacity across EC5N Boundary
  - Provision of 7,476 MW of capacity across the LE1 Boundary
  - Provision of 352.1 MW of capacity to the Sizewell Generation Group
  - Provision of 3,480 MW of connection capacity from the Essex Coast Generation Group
  - Provision of 8,470 MW of capacity from the SC2 Boundary Group.
- 3.2.12 In summary, this analysis shows that without reinforcement, the capacity of the East Anglia existing network is insufficient to accommodate the connection of proposed new power sources connecting in the area. This need is emphasised by the analysis of the National Grid ESO (now NESO), which has recommended consecutive 'proceed' signals to new 400 kV circuits in north and ~~south~~ South East Anglia, meaning that it considers the Project as essential to meet the UK Government's 2030 offshore wind targets.

### 3.3 Key Policy Context and Need Case

- 3.3.1 The Project (AENC and ATNC – the Network Options Assessment (NOA) project code for Norwich to Tilbury) and Sea Link (SCD1) were given 'proceed' signals in the NOA 2021 (ESO, 2021), and the NOA Refresh 2021/2022 (ESO, 2022b) also identified these reinforcements as 'HND essential' options, meaning that National Grid ESO (now NESO) considers them to be essential to meet the UK Government's 2030 offshore wind targets.
- 3.3.2 In addition to the publication of the NOA and NOA Refresh 2021/2022, the technical need case for the Project has received further support by strategic policy developed through successive UK governments:
- **December 2020:** Energy White Paper: Powering our Net Zero Future (HM Government, 2020).
  - **October 2021:** Net Zero Strategy: Build Back Greener (HM Government, 2021).

- **April 2022:** British Energy Security Strategy (HM Government, 2022). This document is built on the Net Zero Strategy and was published in response to the Russian invasion of Ukraine and the 2022 energy price crisis.
- **March 2023:** Powering Up Britain (HM Government, 2023a) and Powering Up Britain: Energy Security Plan (HM Government, 2023b). These documents provide an update of the strategy for secure, clean and affordable British energy for the long-term future.
- **January 2024:** the Department for Energy Security and Net Zero (DESNZ) designated revised National Policy Statements (NPSs) for energy. The two most relevant NPSs are:
  - Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2024a) (NPS EN-1)
  - National Policy Statement for Electricity Networks Infrastructure (EN-5) (DESNZ, 2024b) (NPS EN-5)

3.3.3 Section 2 of NPS EN-1 (DESNZ, 2024a) recognises the above government policy on the critical role of energy infrastructure. Paragraph 2.1.1 outlines the policy context for the development of nationally significant energy infrastructure.

3.3.4 The government concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Paragraph 3.3.63 of EN-1 states the following:

*‘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’.*

3.3.5 Paragraph 3.3.68 then states that *‘The volume of onshore reinforcement works needed to meet decarbonisation targets is substantial...’* with reference to *‘...substantial reinforcement in East Anglia to handle increased power flows from offshore wind generation’.*

3.3.6 Paragraph 4.11.4 of the EN-1 also confirms that transmission network infrastructure, and related network reinforcement and upgrade works, associated with nationally significant low carbon infrastructure is considered as CNP Infrastructure.

- **March 2024:** Beyond 2030: A national blueprint for a decarbonised electricity system in Great Britain (ESO, 2024). This transitional plan is a stepping-stone before NESO develops the fully Centralised Strategic Network Plan which will be published in 2026.
- **July 2024:** Future Energy Scenario: ESO Pathways to Net Zero (NESO, 2024a).
- **November 2024:** NESO Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 (NESO, 2024b). This identifies Norwich to Tilbury (AENC and ATNC – the NOA code for Norwich to Tilbury) and Sea Link as critical to delivering a network which supports the clean power pathways, but at present have delivery dates after 2030.
- **December 2024:** Clean Power 2030 Action Plan: A new era of clean electricity (UK Government, 2025). This report provides the strategic initiative aimed at

transitioning to cleaner energy sources and reducing carbon emissions and was issued following NESO's Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 publication.

## Clean Power 2030

- 3.3.7 In November 2024, NESO published its independent analysis on how the Department for Energy Security and Net Zero (DESNZ) can achieve its ambitious clean power goal.
- 3.3.8 In the Clean Power 2030 report, NESO lays out pathways for how Great Britain can reach a clean power system by 2030. The report identifies that offshore wind will be the bedrock of that system, providing over half of Great Britain's generation, with onshore wind and solar providing another 29%. New dispatchable low carbon technologies, such as using carbon capture and storage or hydrogen, add significant value to the system, with even relatively small levels of operational capacity materially reducing the overall challenge for the rest of the programme.
- 3.3.9 Associated with the new energy generation, the report identifies the need for a major network expansion, in line with published plans for the transmission network and with further strengthening at distribution level.
- 3.3.10 The report identifies the Project as critical to delivering a network which supports the clean power pathways, but at present has a delivery date after 2030. Support is therefore needed to bring the Project forward for 2030 delivery. The report also states that the Project (AENC and ATNC – the NOA code for Norwich to Tilbury) and Sea Link are critical for connecting offshore wind in the North Sea and supporting the flow of clean power. Constraint costs arise when NESO has to manage this problem by paying generators to reduce (turn-down) their electricity output in areas that are congested and switch on (turn-up) in locations closer to electricity users.
- 3.3.11 The report notes the need to accelerate transmission projects to ensure that they can help to deliver the new sources of clean power generation by 2030. There is a need for the Project to be delivered at pace to achieve the Clean Power 2030 target and realise the benefits.
- 3.3.12 NESO's (2024b) Clean Power 2030 report identifies the need for the Project to be delivered by 2030. National Grid has, in conjunction with NESO, undertaken the necessary exercises/studies and it is now important the Project makes progress at pace to ensure NESO's ambition for Clean Power 2030 is realised.

## Clean Power 2030 Action Plan: A New Era of Clean Electricity

- 3.3.13 Following the publication of the NESO Clean Power 2030 report, the government published the Clean Power 2030 Action Plan (UK Government, 2025) setting out the government's view of the pathway to 2030 and setting targets required to achieve clean power by 2030. The Action Plan outlines strategies to accelerate the transition to a cleaner energy system by 2030, focusing on reducing greenhouse gas emissions, increasing renewable energy use, and promoting energy efficiency.
- 3.3.14 The Action Plan confirms that, in a typical weather year, the 2030 power system will see clean sources produce at least as much power as Great Britain consumes in total over the whole year and at least 95% of Great Britain's generation, and reduce the carbon intensity of Great Britain's generation from 171 gCO<sub>2</sub>e/kWh in 2023 to well below 50 gCO<sub>2</sub>e/kWh in 2030.

- 3.3.15 To achieve this, the Action Plan outlines the ambition to secure the following generation mix.
- 42–50 GW of offshore wind
  - 27–29 GW of onshore wind
  - 45–47 GW of solar power.
- 3.3.16 These will be complemented by flexible capacity, including 23–27 GW of battery capacity and 4–6 GW of long-duration energy storage.
- 3.3.17 The Action Plan identifies a series of challenges which need to be addressed to secure the 2030 targets and in particular the need for construction of generation and transmission projects to commence by 2026 if they are to be operational by 2030. The Action Plan notes that around twice as much new transmission infrastructure will be needed in the nation’s grid by 2030 as has been built in the past decade.
- **April 2025:** in response to the above policy drivers, the government launched a consultation on proposed changes to the Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2025a) and National Policy Statement for Electricity Networks Infrastructure (EN-5) (DESNZ, 2025b).
- 3.3.18 Through these updates, the current government is seeking to strengthen the process for delivering major new energy infrastructure in England and Wales, reinforcing the government’s ambition to deliver Clean Power by 2030 and net zero.

## 3.4 Need Case and Strategic Options

- 3.4.1 National Grid has carried out detailed assessments of the strategic options available to meet the need case set out above. Details of these options and the rationale for the decisions made to date are provided in the Corridor and Preliminary Routeing and Siting Study Report (document reference 7.18), the 2023 Strategic Options Backcheck and Review (document reference 7.19), the 2024 Strategic Options Backcheck and Review (National Grid, 2024a) and the 2025 Strategic Options Backcheck Review (document reference 7.17). Further detail on how the Project progressed prior to the application is provided in the 2023 Design Development Report (document reference 7.20), the 2024 Design Development Report (document reference 7.21) and the 2025 Design Development Report (document reference 5.15).
- 3.4.2 National Grid has continued to backcheck and review its proposal. After taking into consideration the socio-economic, environment, technical and cost factors, the proposal that best meets the needs case set out above is an onshore reinforcement between Norwich Main Substation and Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation.
- 3.4.3 The Project as proposed has been identified as a critical national priority that must facilitate new connections by the end of 2030. As such and as set out in NPS EN-1 Paragraphs 4.3.22 and 4.3.23, any alternative to the Project would have to demonstrate it could support the delivery of the connections within the 2030 programme. There is a need for the Project to be delivered at pace to achieve the Clean Power 2030 target for the benefits to be realised.



## 3.5 Options appraisal and the project development process

- 3.5.1 Options appraisal is a robust and transparent process that is used to compare options and to record the positive and negative effects they may have in meeting the defined need, across a wide range of criteria including environmental, socio-economic, technical, and cost factors. The aim is to find a balanced outcome to meet the identified need while meeting National Grid's statutory duties. Further details on the options appraisal process can be found in Our Approach to Options Appraisal (National Grid, 2012) and in Our Approach to Consenting (National Grid, 2022b).
- 3.5.2 The design of the Project has followed a structured project development process that has integrated technical assessment with stakeholder engagement. The key stages with the associated key design outcomes and main outputs that forms the design evolution process is set out as follows: Steps 1 to 4 in Figure 3.2 below have been completed and steps 5 and 6 are to follow (this Statement forming part of the application stage).

Figure 3.2 Approach to consenting process



### Strategic Proposal

- 3.5.3 Main design outcomes:
- Multi-project solution to meet reinforcement need of which Norwich to Tilbury forms one project
  - Onshore preferred over offshore for Norwich to Tilbury reinforcement
  - Predominately overhead line connection with some underground cable in designated areas
  - Integrating EACN preferred over separate connection projects
  - Corridor and graduated swathe for onshore
- 3.5.4 Main outputs:
- April 2022: CPRSS identifying the preferred strategic proposal to meet the defined need and corridor options
  - April-June 2022: Non-statutory consultation on preferred corridor options and graduated swathes for the Project



## Options Identification and Selection

### 3.5.5 Main design outcomes:

- Route option development building on feedback from corridor and graduated swathe
- Additional locations for underground cable confirmed between the Dedham Vale National Landscape and EACN, at Great Horkesley within the setting of the National Landscape and for line entries into Tilbury Substation
- Location for transitions to underground cable identified
- Ongoing back-check and review of the strategic options considered for the Project against the need case

### 3.5.6 Main outputs:

- June 2023: Strategic Options Backcheck and Review to check the appropriateness of the then currently preferred strategic approach considering new and relevant information
- June 2023: Design Development Report -documenting design refinements and reasonable alternatives considered following review of 2022 consultation feedback
- June-August 2023: Non-statutory consultation on 2023 preferred draft alignment with proposed infrastructure locations

## Defined Proposal

### 3.5.7 Main design outcomes:

- Detailed refinement of proposed indicative alignment and pylon positions building on feedback from consultation; technical and environmental studies
- Development of draft Order Limits
- Development of transport and access requirements including multi-modal options
- Opportunities for reducing effects through rationalisation of lower voltage network

### 3.5.8 Main outputs:

- April 2024: Updated Strategic Options Backcheck and Review to check the appropriateness of the then currently preferred strategic approach considering new and relevant information
- April 2024: Design Development Report documenting design refinements and reasonable alternatives considered following 2023 consultation feedback
- April-July 2024: Statutory consultation on 2024 preferred draft alignment with Preliminary Environmental Information Report

## Assessment and Land Rights (including further refinement)

### 3.5.9 Main design outcomes:

- Confirmation of overhead line for River Waveney crossing

- Change of connection arrangement at Tilbury with new Tilbury North Substation and the use of existing lines to provide electrical connectivity to Tilbury substation removing the need for underground cable
- Refinement and finalisation of route alignment, indicative pylon positions and temporary works

#### 3.5.10 Main outputs:

- Ongoing: Engagement with landowners and their feedback into our proposals
- March 2025: Targeted statutory and non-statutory consultation on proposed changes following statutory consultation including change to Tilbury connection arrangements
- August 2025: Report issued with DCO submission to report on the feedback received to the 2024 statutory consultation and to the targeted statutory and non-statutory consultations held in 2025.

3.5.11 This timeline demonstrates how the strategic work identified the strategic high-level form and connection points for the Project and how assessment has evolved through iterative design development of the Project, with each Project consultation document building upon previous assessments and incorporating stakeholder and consultation feedback. The documents listed above provide the main detailed technical evidence base that underpins the evolution of the Project design. For further detailed information for each stage see the output documents listed above.

3.5.12 The next future stages of the project development process:

### Application, Examination and Decision

3.5.13 Submit and publicise the accepted application, respond to examination questions and support examination hearings. This phase includes the application submission, examination and decision.

### Construction

3.5.14 Discharge DCO requirements, start construction, implement mitigation, reinstatement and post-construction monitoring. After consent has been granted, the necessary DCO requirements would be discharged and construction commenced.

## 3.6 Alternatives Considered

3.6.1 Alternatives have been considered initially from a high level strategic perspective with a gradually increasing focus on smaller scale alternatives and design variations. Throughout the development process, decisions have been backchecked with the 2025 Strategic Options Backcheck Report (Application Document 7.2) confirming the strategic option remains valid.

3.6.2 The process set out in Section 3.3: Project Development Process has been followed by National Grid in developing the Project. We considered the technology options available for transmission system reinforcement (onshore and offshore, overhead line and cable). All options taken forward for appraisal are evaluated in respect of environmental constraints, socio-economic effects, technology alternatives, capital and lifetime costs. Undertaking this appraisal ensures stakeholders can see how we

have made our judgements and balanced the relevant factors in accordance with our legal duties.

3.6.3 For the preferred strategic proposal we then consider the alternative means of implementation with decision making considering appraisal criteria as noted above.

3.6.4 More information on the alternatives assessed can be found in Chapter 3 of the ES (document reference 6.3) with the reasons for decision making set out in the 2023 Design Development Report (document reference 7.20), 2024 Design Development Report (document reference 7.21) and in the 2025 Design Development Report (document reference 5.15). Further design variants and those raised in feedback are discussed and the reasons for taking forward or not are within the Consultation Report (document reference 5.1).

## 3.7 Project Description

3.7.1 The Project is a proposal by National Grid to upgrade the electricity transmission system in East Anglia between Norwich and Tilbury, comprising:

- A new 400 kilovolt (kV) electricity transmission connection of approximately 180 km overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation, a new East Anglia Connection Node (EACN) Substation and a new Tilbury North Substation, including:
  - Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50 m in height) or low height steel lattice pylons (approximately 40 m in height) and some of which would be gantries (typically up to 15 m in height) within proposed Cable Sealing End (CSE) compounds or existing or proposed substations
  - Approximately 21 km of 400 kV underground cabling, some of which would be located through the Dedham Vale National Landscape (an Area of Outstanding Natural Beauty (AONB))
- Up to seven new CSE compounds (with permanent access) to connect the overhead lines to the underground cables
- Modification works to connect into the existing Norwich Main Substation and a substation extension at the existing Bramford Substation
- A new 400 kV substation on the Tendring Peninsula, referred to as the EACN Substation (with a new permanent access). This is proposed to be an Air Insulated Switchgear (AIS) substation
- A new 400 kV substation to the south of Orsett Golf Course in Essex, referred to as the Tilbury North Substation (with a new permanent access). This is proposed to be a Gas Insulated Switchgear (GIS) substation
- Modifications to the existing National Grid Electricity Transmission overhead lines to facilitate the connection of the existing network into the new Tilbury North Substation to provide connection to the Tilbury Substation
- Ancillary and/or temporary works associated with the construction of the Project.

3.7.2 In addition, third party utilities diversions and/or modifications would be required to facilitate the construction of the Project. There would also be land required for environmental mitigation, and Biodiversity Net Gain (BNG).

- 3.7.3 As well as the permanent infrastructure, land would also be required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.
- 3.7.4 The Project would be designed, constructed and operated in accordance with applicable health and safety legislation. The Project will need to comply with design safety standards including the Security and Quality of Supply Standard (SQSS), which sets out the criteria and methodology for planning and operating the National Electricity Transmission System (NETS). This informs a suite of National Grid policies and processes, which contain details on design standards required to be met when designing, constructing and operating assets such as those proposed for the Project.
- 3.7.5 Figure 4.1: Proposed Project Design (document reference 6.4.F1) presents details of the Project. The Project design shown on the Works Plans (document reference 2.3), include Limits of Deviation (LoD) which represent the maximum deviation for permanent features, such as the overhead line, pylons, CSE compounds, new substations and underground cables (Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2)). This allows for adjustment to the final positioning of Project features to avoid localised constraints or unknown or unforeseeable issues that may arise.
- 3.7.6 For a full description of the Project construction including construction schedule, enabling works and reinstatement, reference should be made to ES Chapter 4: Project Description (document reference 6.4).

## 3.8 New Substations

### East Anglia Connection Node (EACN) Substation

- 3.8.1 A new 400 kV connection node substation and associated permanent access would be located on the Tendring Peninsula where three customers would connect (East Anglia Connection Node (EACN) Substation), using Air Insulated Switchgear (AIS) technology.
- 3.8.2 Directly to the south of the new EACN Substation, a connection to the UK Power Networks (UKPN) Substation is required to provide Low Voltage Alternating Current (LVAC) supply from the local Distribution Network Operator (DNO) network to the new EACN Substation. It would include a distribution transformer, enclosure, and a distribution board, along with underground cables.
- Drainage would also be required and is assumed to comprise an attenuation pond (or alternative feature) and outfall as presented on Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).
  - Vegetation planting would be provided at the new EACN Substation to help screen the site, and any surplus spoil would be incorporated into landscaping proposals as detailed within the Outline LEMP (document reference 7.4).
- 3.8.3 Further detail is located in ES Chapter 4: Project Description (document reference 6.4).

## Tilbury North Gas Insulated Switchgear (GIS)

- 3.8.4 A new substation and associated permanent access is proposed to the south of Orsett Golf Course in Essex, referred to as the Tilbury North Substation. The substation is proposed to use Gas Insulated Switchgear (GIS) technology. This is different technology to what is proposed at the new EACN Substation.
- Drainage would also be required and is assumed to comprise an attenuation pond (or alternative feature) and outfall as presented on Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).
- 3.8.5 Further detail is located in ES Chapter 4: Project Description (document reference 6.4).

## 3.9 Modifications to Existing Substations

- 3.9.1 Modifications to existing substations are required as part of the Project. The details of the likely works required at existing substations are outlined below.

### Norwich Main Substation

- 3.9.2 Connection works are required to allow the Project to connect into the Norwich Main Substation, which is being extended through a separate project. National Grid secured planning permission from South Norfolk Council (planning application reference 2024/1336) for the substation extension comprising:
- Two new 400 kV gantries (up to 15 m in height) within Norwich Main Substation
  - Installation of new and modifications to existing apparatus within the footprint of Norwich Main Substation.

### Bramford Substation

- 3.9.3 An extension would be needed at the existing Bramford Substation, including installation of new, and modifications to existing, apparatus within the footprint of Bramford Substation, including:
- Extension of the existing site compound with use of existing site access arrangements
  - Modifications of the existing external retaining structure
  - Equipment up to a maximum typical height of 15 m
  - Mix of impermeable concrete ground surfaces surrounded by permeable stone chippings
  - Electrified palisade fence typically up to 4 m high
  - Exterior and interior lighting to allow for safe movement and the operation (and maintenance) of equipment. Lighting would be designed in accordance with the appropriate design standards
  - Vegetation planting which would be provided to help screen the site. Any surplus spoil would be incorporated into landscaping proposals

- Installation of new, and modifications to existing, apparatus within the footprint of Bramford Substation.

### 3.10 Cable Sealing End (CSE) Compounds

- 3.10.1 The Project will consist of seven CSE compounds and associated permanent access to connect the overhead lines to the underground cables.
- Wenham Grove
  - Great Horkesley East (EACN Side) and Great Horkesley (Tilbury Side)
  - Fairstead (EACN Side) and Fairstead (Tilbury Side)
  - Tilbury North (Tilbury Side) and Tilbury North (Warley Side)
- 3.10.2 The CSE compounds typically occupy a footprint of approximately 90 m x 64 m for a 400 kV double circuit.
- 3.10.3 There would be a permanent access installed to connect each CSE compound to the local road network providing access for operation (and maintenance) activities. Further detail is located in ES Chapter 4: Project Description (document reference 6.4).
- 3.10.4 Vegetation planting would be provided around each CSE compound to help screen the site; further details are provided within the Outline Landscape and Ecological Management Plan (LEMP) (document reference 7.4) and presented on ES Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).
- 3.10.5 Drainage would also be required and is assumed to comprise an attenuation pond (or alternative feature) and outfall as presented on Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).

### 3.11 Construction of New Overhead Line

- 3.11.1 The Project consists of approximately 159 km of overhead line comprising approximately 509 pylons, either standard steel lattice or low height steel lattice. Some gantries are proposed within CSE compounds or within existing, or proposed substations. The design assumes standard steel lattice pylons for the majority of the alignment which would be approximately 50 m in height.
- 3.11.2 Three types of pylons are proposed as part of the alignment:
- Suspension pylons: used in straight-line positions to suspend the conductor on vertical suspension insulator strings
  - Tension (also called angle) steel lattice pylons: support the overhead line where the line changes direction. Tension pylons may also be used in a straight-line situation to break up a long section of suspension pylons for loading and stringing purposes
  - Terminal pylons: a type of tension pylon used at the ends of overhead lines where they connect to substations or to underground cables via a CSE compound or substation.



- 3.11.3 In two locations, low height steel lattice pylons are proposed. These have only two cross arms (as opposed to three on a standard lattice pylon), thus enabling a reduction in height of approximately 10 m (approximately 40 m in height) but widening them by approximately 10 m. Low height steel lattice pylons are proposed:
- Between Great and Little Waltham as mitigation for heritage effects (refer to Chapter 11: Historic Environment (document reference 6.11))
  - To the east of Thurrock Airfield to provide overflight clearance mitigation.
- 3.11.4 Further detail is located in ES Chapter 4: Project Description (document reference 6.4).

## **3.12 Construction of New Underground Cables**

- 3.12.1 There are four sections of underground cables proposed as part of the Project, totalling approximately 21 km of 400 kV underground cabling:
- Dedham Vale National Landscape (Section C) – 16.8 km (approximately 5.7 km is within the National Landscape designation) - Wenham Grove CSE Compound
  - Great Horkesley (Section D) – 3.9 km - Great Horkesley (EACN Side) and Great Horkesley (Tilbury Side)
  - Fairstead (Section E) – 0.15 km - Fairstead (EACN Side) and Fairstead (Tilbury Side)
  - Tilbury North (related to the ZB/YYJ route) (Section H) – 0.6km - Tilbury North (Tilbury Side) and Tilbury North (Warley Side)
  - The transfer from overhead line to underground cable would be facilitated by the CSE compounds (see section 4.4 of this document).
- 3.12.2 Further detail is located in ES Chapter 4: Project Description (document reference 6.4).

## **3.13 Modification and Removal of Existing National Grid Pylons**

- 3.13.1 Sections of the existing YYJ and ZB National Grid overhead lines need to be modified to facilitate the connection of the existing transmission network into the new Tilbury North Substation. A range of factors mean that a number of alternative design solutions are available. The works are shown on the Works Plans (document reference 2.3), and outlined in Schedule 1 of the draft DCO (document reference 3.1).
- 3.13.2 The modifications require temporary diversion works to facilitate safe construction whilst maintaining connections and meeting operational standards. The works comprise a number of temporary overhead line diversions onto temporary pylons and potentially use of the proposed permanent pylons in a temporary arrangement to facilitate the works to maintain 'live' circuits for the YYJ and ZB overhead lines. It is assumed that these temporary diversions would be required for a minimum of two years but up to three years. Any temporary pylons like the permanent pylons would be approximately 50m in height and would require similar foundations to permanent pylons.

- 3.13.3 Further detail is located in ES Chapter 4: Project Description (document reference 6.4).

### **3.14 Third Party (Statutory Undertakers) Works**

- 3.14.1 Prior to the commencement of construction works for the Project, several existing overhead and underground third-party services would need to be diverted, removed, undergrounded, or protected. This is largely where they interface with the Project, for example with proposed new overhead line crossings, along Primary Access Routes (PARS) or at site access point locations.
- 3.14.2 The required mitigation methods and duration (i.e. permanent or temporary mitigation) need to be confirmed with the asset owners prior to any works being carried out. However, third-party works are outlined in the paragraphs that follow.

#### **UK Power Networks (UKPN) 132 kV Pylons**

- 3.14.3 Works typically would include site set up and access requirements similar to the construction of the new 400 kV pylons and underground cables but reduced in scope due to the smaller scale of the assets to be removed, undergrounded or diverted.
- 3.14.4 Works to remove, underground and divert existing 132 kV lattice pylon overhead line UKPN infrastructure are shown on the Works Plans (document reference 2.3), and outlined in Schedule 1 of the draft DCO (document reference 3.1). Flexibility has also been retained and assumed to underground the 132 kV infrastructure along the existing alignment, other than in locations outlined the Outline CoCP (document reference 7.2).
- 3.14.5 In addition to the above, to facilitate the dismantling of the PSC and PAB route (to the west of Lower Dunton Road and subsequent underground cable diversion route), a new 132 kV substation extension would be required to the west of the existing UKPN Basildon Grid Substation at Dunton Hills.
- 3.14.6 The schedule of works to existing UKPN infrastructure is included in Table 4.10 of the Project Description (document reference 6.4).

#### **UKPN Low Voltage /11 kV/33 kV and Openreach Wood Pole Infrastructure**

- 3.14.7 Works to remove, underground and divert existing low voltage/11 kV/33 kV and Openreach wood pole UKPN infrastructure along the overhead line alignment are shown on Figure 4.1: Proposed Project Design (document reference 6.4.F1) and Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).
- 3.14.8 Flexibility has also been retained to allow for the undergrounding of this third party infrastructure along the existing alignment, where this would not lead to materially different significant effects assessed within the ES (Volume 6 of the DCO application).
- 3.14.9 This work comprises:
- 47 Openreach mitigation designs
  - Five UKPN low voltage mitigation designs

- 89 UKPN 11 kV mitigation designs
- 21 UKPN 33 kV mitigation designs (two of which are steel lattice pylon overhead lines).

## **3.15 The Proposed Changes**

- 3.15.1** National Grid is requesting two changes to its main DCO application. The location of each of the proposed changes will be shown on the relevant updated Works Plans (document reference 2.3) and more detail on the proposed changes can be found in 9.1 Notification of proposed change to DCO application – Change Request 1 (Bulphan) (AS-049) and 9.2 Notification of proposed change to DCO application – Change Request 2 (Little Bromley) (AS-050).
- 3.15.2** The proposed changes apply to very discrete geographical areas of the Project and the vast majority of the Project would remain unchanged if the change request proposals were to be accepted, including the content of this Statement. The proposed changes do not affect the project description as presented in the application or the nature of the Project. National Grid views the changes as design refinements that are necessary to avoid or minimise potential construction and operational impacts of the Project on existing third-party infrastructure / existing land uses and respond positively to comments from stakeholders.
- 3.15.3** Both proposed changes involve changes to the Order Limits and National Grid confirms that additional compulsory acquisition powers are sought in relation to land outside of the current Order Limits. National Grid is not able to confirm that consent has been obtained from all persons with an interest in the additional land to the inclusion within the draft DCO (document reference 3.1) of compulsory acquisition powers for new land and rights in respect of that land. Regulations 5 to 19 of the CA Regulations are therefore likely to be engaged. Temporary possession powers are also sought in relation to such additional land.

### **Change 1: Change to third party access and works near Bulphan (Section H)**

- 3.15.4** This change proposes an increase in the Order Limits to facilitate works required for the protection of the existing Thames to Buncefield Multifuel Pipeline (the Pipeline), west of Langdon Hills Golf Club. This proposed change responds to feedback received from the British Pipeline Agency Ltd (BPA) who act as agent for the owner United Kingdom Oil Pipelines Limited (UKOP), and this proposed change has been discussed and agreed with the BPA.
- 3.15.5** The proposed alignment for the Project (between Pylon TB239 and TB240 – see Section H of the Works Plans (document reference 2.3)) will cross the Pipeline to the west of Langdon Hills Golf Club. The Pipeline, which forms part of the national fuel infrastructure network, is operated by the BPA who act as agent for the owner UKOP.
- 3.15.6** As part of ongoing technical and survey work to inform detailed design, National Grid has undertaken pipeline studies. The work identified the need for mitigation works to be carried out in respect of the existing Pipeline. The proposed measures are likely to involve the installation of zinc earthing strips parallel to, and along, an approximately 2.7km length of the existing Pipeline, along with the installation of surface mounted

monitoring equipment units. Temporary working and laydown areas will also be required.

- 3.15.7 Typically these works would be delivered under the asset owner's statutory powers. However, neither the BPA nor UKOP benefit from such powers. Therefore, National Grid intends for the installation and future maintenance of the required mitigation works to be authorised pursuant to the draft DCO (document reference 3.1).

## Change 2: Change to the EACN access near Little Bromley (Section C)

- 3.15.8 This change proposes an amendment to the Order Limits in order to support a small modification to the route of National Grid's construction access (for use when a third-party access is not available) and a further small modification to the route for the private permanent Abnormal Indivisible Load (AIL) access route. The proposed change responds to further engagement with landowners and is intended to reduce temporary and permanent impacts on land uses.

- 3.15.9 The Project's proposed access arrangement to the proposed EACN (the Proposed Route) will use a route passing to the south of Little Bromley, Essex.

- 3.15.10 The strategy for access to the EACN is detailed in Section 5.7.10 of the Outline Construction Traffic Management Plan (document reference 7.3). The Proposed Route would potentially serve as access during both the construction and operational phase of the Project.

- 3.15.11 This change would involve two modifications to the Proposed Route:

- First, a section of the Proposed Route nearest to Bentley Road is amended to provide a modified alignment for the permanent access relating to AIL during the operational phase of the Project. The need for a permanent AIL route is to ensure supply standards for the connection are met in the future (by allowing replacement of any component at short notice).
- Second, to the northwest of the first modification, the Proposed Route for both construction and operational vehicles is changed back to the alignment presented at statutory consultation between 10 April and 26 July 2024.

- ~~3.14.10~~3.15.12 In both cases, the modifications respond to feedback from, and ongoing detailed discussions with, affected landowners in order to secure an operational access arrangement that meets the Project need whilst also facilitating ongoing land management. The first modification (concerning the AIL arrangement) is intended to minimise the effects of the Project on future arable cropping, whilst the second modification ensures that the Proposed Route more closely follows field boundaries. Additionally, precautionary amendments to existing wood pole supported infrastructure is accommodated as part of this change.

## 4. Environmental Mitigation Measures

### 4.1 Introduction

4.1.1 The mitigation hierarchy is a stepped process that helps development projects to address potentially adverse effects on the environment. The mitigation hierarchy has been applied to the Project throughout the iterative design process and with the following considered:

- Avoid – the first step of the mitigation hierarchy comprises mitigation measures taken to avoid creating effects from the outset, such as careful spatial placement of infrastructure away from receptors, or timing construction sensitively to avoid their disturbance
- Prevent – these include measures to remove the effect at source or disrupt the impact pathway – such as adopting standard pollution prevention techniques in line with good practice to prevent watercourses becoming polluted
- Reduce – these are measures taken to reduce the duration, intensity and/or extent of effects that cannot be completely avoided for example landscape planting around the permanent assets such as at the CSE compounds and the proposed new EACN Substation and Tilbury North Substation
- Offset (sometimes referred to as compensate) – where relevant and appropriate to the specific effect, these measures aim to compensate for any residual, adverse effects after full implementation of the previous three steps of the mitigation hierarchy an example is individual tree replacement at a 3:1 ratio with some inside the Order Limits where space allows and some outside of the Order Limits.

4.1.2 Environmental mitigation measures (which could fall under ‘Avoid’, ‘Prevent’ or ‘Reduce’) required to address potential significant adverse effects of the Project, following the mitigation hierarchy have been categorised as follows:

- Embedded Mitigation Measures
- Standard Mitigation Measures
- Additional Mitigation Measures

4.1.3 Environmental mitigation measures have been defined within the Environmental Statement (ES) and where relevant to construction (and operation in some instances) are presented in the following documents and secured by Requirements 4, 5 and 6 in the draft DCO (document reference 3.1):

- Outline Code of Construction Practice (CoCP) (document reference 7.2)
- Outline Construction Traffic Management Plan (CTMP) (document reference 7.3) (and the Travel Plan appended to the CTMP)
- Outline Public Rights of Way (PRoW) Management Plan (document reference 7.6)

- Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (document reference 7.5).

4.1.4 Environmental mitigation that relates to the permanent assets is outlined in the Outline Landscape and Ecological Management Plan (LEMP) (document reference 7.4) and secured by Requirement 4 of the draft DCO (document reference 3.1) submitted as part of the application for development consent.

## Land Rights for Environmental Mitigation Measures

4.1.5 All land identified for embedded, standard and additional mitigation is contained within the Order Limits and therefore National Grid is seeking powers, including rights and land acquisition, in order to deliver this mitigation under the draft DCO (document reference 3.1). Whilst such mitigation is included within the Order Limits, agreements will be sought with landowners on a voluntary basis, with the fallback of compulsory acquisition, if voluntary arrangements are not obtained.

## Embedded Measures

4.1.6 Embedded measures are those that are intrinsic to and built into the design of the Project. ES Chapter 4: Project Description (document reference 6.4) and the Outline CoCP (document reference 7.3) outlines the key embedded measures that have been incorporated into the design to date.

4.1.7 All land identified for embedded measures is contained within the Order limits and therefore National Grid is seeking the acquisition of land and rights for these measures pursuant to the draft DCO (document reference 3.1).

## Standard Measures

4.1.8 National Grid has identified a number of good practice measures, which generally comprise measures imposed through legislative requirements or represent standard sector good practices. These include measures to reduce nuisance from construction activities. The good practice measures are set out in the Outline CoCP (document reference 7.2).

## Additional Mitigation

4.1.9 Additional mitigation comprises measures over and above embedded and standard mitigation measures to reduce environmental effects. This includes, but is not limited to, mitigation required for protected species.

4.1.10 Where applicable, additional mitigation measures are identified within Section 6 of each environmental topic chapter (Chapters 6–16 (document references 6.6 - 6.16)) within the ES (Volume 6 of the DCO application) and replicated in the Outline CoCP (document reference 7.2) and the Outline LEMP (document reference 7.4) which are secured through Requirement 4 in the draft DCO (document reference 3.1).

## Biodiversity Net Gain (BNG)

4.1.11 National Grid is working with appointed technical specialists, environmental organisations, and landowners to identify potential opportunities for delivering areas of BNG, and where practicable also link them to wider environmental gains such as



recreation improvement. The biodiversity baseline has been quantified during the EIA and design process using the Statutory Biodiversity Metric (February 2024). This metric has been used to calculate the loss in biodiversity units as a result of construction and operational effects of the Project, as well as the number of biodiversity units required to achieve minimum 10% BNG, through either onsite or offsite habitat creation and enhancement.

- 4.1.12 National Grid are pursuing Land Rights to facilitate the ‘embedded’ and ‘standard’ measures as outlined above e.g. environmental mitigation land, where possible, this environmental mitigation is being counted in the calculations associated with BNG. Further information is included within the BNG Report (document reference 7.1).

## 5. Compulsory Acquisition

### 5.1 Scope of Compulsory Acquisition and Temporary Possession Powers Sought

- 5.1.1 In the event that voluntary agreements are not reached, the compulsory acquisition of land and rights in land will be necessary to deliver the Project.
- 5.1.2 The scope of the compulsory acquisition powers sought by National Grid is set out in full in the draft DCO (document reference 3.1).
- 5.1.3 National Grid seeks to acquire only such land and rights which are necessary to ensure securing the long-term placement of electricity transmission apparatus. It is in the public interest to obtain the appropriate security for the electricity supply network through the grant of permanent land rights and not temporary land rights. For major infrastructure projects undertaken by National Grid, longevity and security of rights is essential in the context of National Grid's ability to create new and upgrade existing infrastructure networks and to support major power generation infrastructure projects. Therefore, National Grid considers it essential to secure the grant of permanent easements rather than wayleaves whether by negotiation or through powers of compulsion.
- 5.1.4 However, where it is necessary to use and occupy land only during the construction and commissioning of the Project, then the powers sought by National Grid are limited to temporary use only.
- 5.1.5 Alongside the permanent and temporary rights sought, National Grid's own land has been included within the land to which the compulsory acquisition powers sought will apply. This reflects the fact that where National Grid holds an interest in land, that land may be subject to the rights of others which are incompatible with the construction and operation of the Project. In order to ensure that any such interests can be removed (and the persons benefitting from them are compensated for such removal), the powers of compulsory acquisition sought in the DCO are expressed to apply to all interests in such land other than those already held by National Grid.
- 5.1.6 The combination of both land required for permanent acquisition and land required for temporary use reside within the 'Limits of Land to be Acquired and Used' or 'LLAU' and captures all the land required by the Project. In establishing the LLAU, National Grid has sought to avoid any unnecessary interference with third-party land and has, therefore, taken a proportionate approach to the proposed acquisition, mindful of the impact on affected landowners.
- 5.1.7 The Land Plans (document reference 2.2) show the Order land and the numbered plots within the Order limits as listed in each of the Chapters of the Book of Reference (document reference 4.3). Each plot of land is coloured. The colouring serves to differentiate the type of rights or powers sought by National Grid (and/or UKPN) for each given plot within the Order limits which corresponds to the respective interest, right or power to be acquired or used.
- 5.1.8 There are instances where a plot may have more than one type of interest, right or powers sought. Where two types of interest, rights or powers are sought over a given

plot (such as temporary use during construction, as well as permanent rights to operate and maintain the works), the plot is coloured according to the more extensive power required. This includes instances where National Grid is seeking rights to facilitate the diversion of existing apparatus belonging to another Statutory Undertaker (such as Openreach).

- 5.1.9 Similarly, where a plot is required to be used by National Grid and UKPN for different purposes (such as the installation of new overhead transmission electric line by National Grid and the undergrounding of existing overhead distribution electric line by UKPN), the plot is coloured according to the rights which National Grid requires for the purposes of the Project.
- 5.1.10 Appendix A of this document explains the purpose for which compulsory acquisition and temporary possession powers are sought.
- 5.1.11 Table 5.1 below sets out the powers related to land acquisition and use being sought by the Project.

**Table 5.1 Powers related to land acquisition and use being sought by the Project**

| <b>Colour of Plot on Land Plans</b> | <b>Land Use Power Sought</b>   | <b>Principal Relevant DCO Article</b> |
|-------------------------------------|--|---------------------------------------|
| Brown                               | Class 1 - Compulsory Acquisition of land   | Article 24                            |
| Green                               | Class 2 – Compulsory Acquisition of Rights: Overhead Line                              | Article 25                            |
| Orange                              | Class 3 - Compulsory Acquisition of Rights: Underground Cable System                   | Article 25                            |
| Grey                                | Class 4 - Compulsory Acquisition of Rights: Overhead Line and Underground Cable System | Article 25                            |
| Blue                                | Class 5 – Compulsory Acquisition of Rights: Access                                     | Article 25                            |
| Pink                                | Class 6 – Compulsory Acquisition of Rights: Drainage                                   | Article 25                            |
| Yellow                              | Class 7 – Temporary Use  | Articles 27,28, 29, 30                |
| Uncoloured                          | Class 8 – Land not subject to powers of acquisition nor temporary use                  | N/A                                   |

## **5.2 Compulsory Acquisition and Temporary Use Powers**

- 5.2.1 The main powers authorising the compulsory acquisition of land, or interests in, or new rights over land, are contained in Articles 24 (compulsory acquisition of land) and 25 (compulsory acquisition of rights) of the draft DCO (document reference 3.1).
- 5.2.2 Other compulsory acquisition powers are sought in the draft DCO (document reference 3.1) and identified in Section 5.3 of this Statement, and these similarly relate to land and would, or may, interfere with property, rights, and interests.

- 5.2.3 In addition, powers are sought in the draft DCO (document reference 3.1) to enable the temporary possession and use of land to carry out and maintain the Project.
- 5.2.4 In each case, the owner of the land, or the interest or right in the land, may be entitled to compensation.

## **5.3 Compulsory Acquisition Powers**

- 5.3.1 The compulsory acquisition powers sought by National Grid in the draft DCO (document reference 3.1) include the power to acquire existing private rights over land and extinguish existing private rights within land and are defined within the following draft DCO articles:
- 5.3.2 Article 24 (Compulsory acquisition of land): This article would allow National Grid (and UKPN in respect of the UKPN works) to acquire compulsorily so much of the Order land described in the Book of Reference as is required for the construction, operation and maintenance of the authorised development or is incidental to it or required to facilitate it.
- 5.3.3 Article 25 (Compulsory acquisition of rights): This article would allow National Grid (and UKPN in respect of the UKPN works) to compulsorily acquire rights and impose restrictions over the Order land by creating them as well as by acquiring existing rights and the benefits of restrictions for the purposes of authorised project.
- 5.3.4 Article 26 (Acquisition of subsoil or airspace only): This article would allow the acquisition of subsoil and airspace only. The undertaker may compulsorily acquire so much of, or such rights in, the subsoil of, or the airspace of, the land referred to in article 24 and 25.
- 5.3.5 Article 31 (Disregard of certain interests and improvements): This article states that in assessing compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the Tribunal must not take into account; any interest in land, or any enhancement of the value of any interest in the land by reason of any building erected, works executed or improvement or alteration made on relevant land if the Tribunal is satisfied that the creation of the interest, erection of the building, execution of the works or the making of the improvement or alteration as part of the authorised project was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.
- 5.3.6 Article 32 (Set-off for enhancement in value of retained land): This article states that in assessing compensation payable to any person on the acquisition from that person of any land (including any subsoil), the Tribunal must set off against the value of the acquired land any increase in value of any contiguous or adjacent land belonging to that person which will accrue to that person as a result of construction of the authorised project. In addition, in assessing compensation payable to any person on the acquisition from that person of any new rights over land (including subsoil, the Tribunal must set off against the value of the rights, any increase in the value of the land over which the new rights are required, and any increase in value of any contiguous or adjacent land belonging to that person, which will accrue to that person as a result of the construction of the authorised project.
- 5.3.7 Article 33 (Compulsory acquisition of land – incorporating the mineral code): This article incorporates both Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 (with modifications) rather than just Part 2. Part 3 provides the procedure for the owner wishing to work the mines or minerals. By incorporating the two parts of

the named Schedule, this article exempts existing rights in minerals from the scope of compulsory acquisition and deals with the situation where the owner of mines or minerals wishes to work them.

- 5.3.8 Article 34 (Time limit for exercise of authority to acquire land compulsorily): The time period stated is after the end of the period of seven years beginning with the day on which the Order comes into force.
- 5.3.9 Article 35 (Acquisition of part of certain properties): This article pertains to the Notice to Treat (NTT) provision under the Land Compensation Act 1965. Within the draft DCO this is only for land forming part of a house, building or manufactory or of land consisting of a house with a park or garden. The article enables acquisition of a part, rather than the whole of, properties subject to compulsory acquisition. It contains a procedure enabling the relevant owner in certain circumstances to require the whole of the land to be taken, with disputes being determined by the Land Chamber of the Upper Tribunal.
- 5.3.10 Article 36 (Application of the Compulsory Purchase (Vesting Declarations) Act 1981): This allows the undertaker to use the 1981 Act to acquire land or rights by way of a General Vesting Declaration (GVD).
- 5.3.11 Article 37 (Application of Part 1 of the 1965 Act). This article provides for the application, with modifications, of Part 1 of the Compulsory Purchase Act 1965. The modifications are necessary to ensure that there is clarity, given the order provisions.
- 5.3.12 Article 38 (Extinguishment and suspension of private rights): This article provides for the extinguishment or suspension of all private rights and restrictive covenants over land subject to compulsory acquisition from the earlier of the date of the acquisition of the land by the undertaker (whether by private agreement or compulsorily), or on the date of entry by the undertaker. It also for the extinguishment or suspension of all private rights and restrictive covenants over land owned by the undertaker within the Order Limits from the commencement of any authorised activity by the Order which interferes with or breaches such rights or restrictive covenants.
- 5.3.13 Article 39 (Power to override easements and other rights): This article provides that any authorised activity within the Order limits is authorised if it is in accordance with the Order, notwithstanding that it involves an interference with a relevant interest or right, or a breach of a restriction.

## 5.4 Temporary Possession Powers

- 5.4.1 National Grid is seeking, for itself and for UKPN, temporary powers over an area greater than that proposed for permanent acquisition or acquisition of rights, which is identified through the Class of Rights shown on the Land Plans (document reference 2.2).
- 5.4.2 The draft DCO (document reference 3.1), therefore contains the following powers:
- 5.4.3 Article 27 (Temporary use of land by National Grid): National Grid may in connection with the carrying out of the authorised development, enter on and take temporary possession of; land designated for temporary possession within column (1) of Schedule 11 to the draft DCO; or land where no notice of entry has been served. It allows National Grid to remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land; construct temporary or permanent works (including the provision of means of access and

buildings or structures on that land); and construct any works specified in relation to that land in column (2) of Schedule 11 or any other mitigation works.

- 5.4.4 Article 28 (Temporary use of land by UKPN): In connection with the carrying out of the UKPN works, UKPN may enter on and take possession of; land designated for temporary possession within column (1) of Schedule 11 to the draft DCO; or any other land in respect of the UKPN Works where no notice of entry has been served. It allows UKPN to remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land; construct temporary or permanent works (including the provision of means of access and buildings or structures on that land); and construct any works specified in relation to that land in column (2) of Schedule 11 or any other mitigation works
- 5.4.5 Article 29 (Temporary use of land for maintaining authorised development): This article allows the entry on and the taking of temporary possession of land within the Order limits except for houses, gardens and any other building for the time being occupied, which is reasonably required to be maintained by the authorised development. The article also provides for the construction of such temporary works (including access) and buildings on the land as may be reasonably necessary, and for entrance onto the land for the purpose of gaining access for maintenance of the authorised project.
- 5.4.6 Article 30 (Use of subsoil under or airspace over streets): This article states that the undertaker may enter on and use so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development.
- 5.4.7 Article 41 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession): This article extinguishes the private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession.

## 5.5 Other Powers of Note

- 5.5.1 Additional powers contained within the draft DCO (document reference 3.1) which relate to land and which would or may interfere with property rights and interests are as follows:
- 5.5.2 Article 11 (Street works): The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) in order to carry out works in that street.
- 5.5.3 Article 14 (Power to alter, layout etc. of streets): The undertaker may, for the purposes of carrying out the authorised development, permanently or temporarily alter the layout of, or carry out any works in, a street specified in column (1) of Part 1 or 2 of Schedule 6 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2).
- 5.5.4 Article 15 (Permanent stopping up of streets and public rights of way): The undertaker may, subject to the provisions of the article, in connection with the carrying out of the authorised project, stop up each of the streets and public rights of way specified and described in Schedule 7 to the extent specified in column 3 of that Schedule.



- 5.5.5 Article 16 (Temporary closure of streets and public rights of way): This article, which must be read alongside Schedule 8 to the draft Order, allows for the temporary closure of streets and public rights of way. During and for the purposes of carrying out the authorised development, the undertaker may temporarily close, alter or divert any street or public right of way shown on the Access, Rights of Way and Public Rights of Navigation Plans or within the Order Limits and may for any reasonable time; divert the traffic from the street or public right of way; and subject to paragraph (3), prevent all persons from passing along the street or public right of way.
- 5.5.6 Article 17 (Access to works): The undertaker may for the purposes of the authorised development form and lay out means of access or improve the existing means of access, in locations shown on the Access, Rights of Way and Public Rights of Navigation Plans and specified in the draft DCO, namely column (2) of Schedule 8 (Access to works). The consent of the relevant street authority is required in respect of the formation and laying out of any other means of access.
- 5.5.7 Article 18 (Construction, alternation and maintenance of streets): Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.
- 5.5.8 Article 20 (Discharge of water): The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development, and for that purpose may lay down, take up and alter pipes and may, on any land within the Order Limits, make openings into, and connections with, the watercourse, public sewer or drain.
- 5.5.9 Article 21 (Protective works): At the undertaker's own expense they are permitted to carry out such protective works to any land, buildings, structure, apparatus or equipment, lying within the Order Limits or which may be affected by the authorised development. Article 21 also relates to the UKOP protective works, which are defined as the works specified in Schedule 9A (works for the protection of UKOP apparatus) and in respect of which United Kingdom Oil Pipelines Ltd (UKOP) and/or National Grid will benefit from the powers contained in Article 21. The power afforded in respect of the UKOP protective works includes the right to retain the works in place and access them for the purpose of maintaining, monitoring and inspecting them in perpetuity. UKOP is not a statutory undertaker and so does not have the benefit of its own statutory powers. This means it is essential that the benefit of this article extends to the protective works to their apparatus.
- 5.5.10 Article 22 (Authority to survey and investigate the land): The undertaker may for the purposes of the order enter onto the land shown within the Order Limits or land which may be affected by the authorised development to survey, monitor or investigate land. To place, leave on and remove from the land apparatus in connection with surveys, monitoring and investigation.
- 5.5.11 Article 42 (Crown rights): Nothing in the Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary) belonging to the Crown and forming part of the Crown Estate (without the written consent of the Crown Estate Commissioners), belonging to the Crown but not forming part of the Crown Estate (without the written consent of the government department that

manages that land), or belonging to a government department or held in trust for the Crown for the purposes of a government department (without the written consent of that government department).

- 5.5.12 Article 43 (Special category land): This article provides that the special category land (i.e., land forming part of a common, open space or fuel or field allotment) required for the proposed Project will be discharged from all rights, trusts and incidents so far as their continuance would be inconsistent with the exercise of the Order rights.
- 5.5.13 Article 44 (Statutory undertakers): Subject to protective provisions, the undertaker may; acquire compulsorily the Order land belonging to statutory undertakers; and as described in the Book of Reference, extinguish or suspend the rights of, remove or reposition apparatus belonging to a statutory undertaker; acquire existing rights; create and acquire new rights and impose restrictive covenants over statutory undertakers' land; construct the authorised development in such a way as to cross underneath or over apparatus belonging to a statutory undertaker and construct over existing apparatus belonging to the statutory undertaker any temporary or permanent track or roadway, with the right to maintain or remove the same.
- 5.5.14 Article 49 (Traffic regulation): This allows National Grid to regulate traffic on specified roads in accordance with the details set out in Schedule 13 to the draft Order and on the Traffic Regulation Order Plans or on other roads with the consent of the traffic authority, for the construction of the authorised project.
- 5.5.15 Article 50 (Felling or lopping): This allows any tree, shrub, hedgerow or important hedgerow that is near the authorised development to be felled, lopped or coppiced, or have its roots cut back, if it is considered necessary to prevent it from obstructing or interfering with the construction, operation or maintenance of the proposed project or from constituting a danger to anyone constructing, operating, maintaining or decommissioning it.
- 5.5.16 Article 51 (Trees subject to tree preservation order): This allows National Grid to fell or lop trees which are subject to a tree preservation order.
- 5.5.17 Article 52 (Temporary closure of, and works in, the River Stour): This allows the Project to temporarily close the relevant part of River Stour shown on the Access, Rights of Way and Public Rights of Navigation Plans during construction of the authorised development. It is necessary so works adjacent to, above and beneath can be completed safely.
- 5.5.18 Article 53 (Temporary suspension of public access to access land): This allows National Grid to temporarily interfere with, and to restrict access to, those areas of Open Access Land falling within the Order limits (as shown on the Open Access Land Plans and described in Schedule 15 to the draft Order) for the purposes of constructing, maintaining or decommissioning the relevant part of the authorised development.

## **5.6 Conclusions**

- 5.6.1 National Grid considers that the powers sought in the draft DCO as set out in this chapter are reasonable, proportionate (i.e. nothing greater than needed), and necessary to deliver and thereafter maintain the Project.

## 6. The Order Land and Persons with an Interest in Land

### 6.1 The Extent of the Land Subject to Compulsory Acquisition Powers

- 6.1.1 The full extent of the land subject to powers of compulsory acquisition and required for National Grid to construct and maintain the Project as described in Chapter 2 and 4 of this Statement is shown on the Land Plans (document reference 2.2) and the Works Plans (document reference 2.3). It is further described in the Book of Reference (document reference 4.3) and in the Project Description Chapter of the Environmental Statement (document reference 6.4).

### 6.2 Location

- 6.2.1 This section provides a high-level overview of the Project in respect to its physical context and a more detailed description of the proposed route alignment.
- 6.2.2 The Project is divided into eight geographical sections, based largely on Local Planning Authority boundaries for ease of reference. They are presented in the Environmental Statement (ES) Figure 1.1: Site Location Plan and Project Sections (document reference 6.1.F1), and as per Figure 6.1 below, and comprise:
- Section A – South Norfolk Council
  - Section B – Mid-Suffolk District Council
  - Section C – Babergh District Council, Colchester City Council and Tendring District Council
  - Section D – Colchester City Council
  - Section E – Braintree District Council
  - Section F – Chelmsford City Council and Brentwood Borough Council
  - Section G – Basildon Borough Council and Brentwood Borough Council (and part of Chelmsford City Council)
  - Section H – Thurrock Council

Figure 6.1 Project Sections



## Section A – South Norfolk Council (Overhead Line and connection into the existing Norwich Main Substation)

- 6.2.3 The Project would start at its northern end at National Grid's existing Norwich Main Substation. Modification works to connect into the substation are required.
- 6.2.4 The Order Limits head south from Dunston then south-west through arable fields before crossing an unnamed river between Flordon and Toprow. This river is connected to the Flordon Common Site of Special Scientific Interest (SSSI) located approximately 320 m to the south-east of the Order Limits.
- 6.2.5 The Order Limits continue generally south-west through arable fields and crossing some narrow lanes, passing between Forncett St Mary and Forncett End. The Order Limits continue and pass within approximately 110 m of an area of Bunwell Wood Ancient Woodland at Bunwell Hill.
- 6.2.6 The Order Limits then cross the River Tas, west of Cargate Common, and continue south-south-west to the west of Tibenham Airfield. The Project then crosses the B1134 between Goose Green and Long Row, continues south through arable fields,

before crossing another unnamed river, approximately 180 m south-east of Shelfanger Meadows SSSI.

- 6.2.7 The Project then heads west after crossing the B1077 (Shelfanger Road) and then another unnamed river before heading south, around Snow Street, crossing the A1066 between the Bressingham Steam Museum and Gardens and the Grade I listed Church of St Remigius, Roydon. The Project then passes south-east between the Wortham Ling SSSI and Roydon Fen Local Nature Reserve, crossing into Section B, north of Ling Road.

## Section B – Mid-Suffolk District Council (Overhead Line and Existing Bramford Substation Extension)

- 6.2.8 The Project enters Section B and continues to the south past Wortham Ling, through arable fields before crossing the A143 at Old Bury Road. Shortly after, the Project crosses an unnamed river.
- 6.2.9 The Project continues south-west past the northern side of Mellis and the Mellis Conservation Area, then heads south and south-east before crossing an unnamed river located to the north-east of Gislingham.
- 6.2.10 The Project continues generally south before crossing the Great Eastern Main Line Railway, which travels north-east to south-west across the path of the Order Limits. The Project continues south past Finningham and Mendlesham Green, crossing the River Gipping.
- 6.2.11 The Project continues south before crossing the A1120 at Bell's Lane, then continues south passing by the Grade II\* listed Roydon Hall, and crossing the A14 between Creting St Peter and Creting St Mary. Shortly after, it crosses an unnamed river and another section of the River Gipping, east of the Badley Conservation Area.
- 6.2.12 The Order Limits then cross the Ipswich to Ely railway line between Stowmarket and Needham Market before crossing the B1113. South of the B1113 the Project passes close to the Great Newton Wood and Little Newton Wood Ancient Woodlands and further south the Lower Wood Ancient Woodland.
- 6.2.13 The Project continues south before crossing the B1078 between Barking Tye and Ringshall Stocks. Here, the Order Limits split in two, continuing south on either side and adjacent to Middle Wood (Ancient Woodland and SSSI) and crosses a river known as 'The Channel'. The two sections of the Order Limits both cross Bildeston Road and continue to the south-east to the north of Flowton where the two sections join again. The Project continues south-east adjacent to Somersham Park Ancient Woodland. The Project then heads south into the existing Bramford Substation where an extension to the existing site is proposed, along with works to connect the Project into the substation. The Order Limits are adjacent to Bullen Wood Ancient Woodland and interact with Round Wood Ancient Woodland and Millers Wood Ancient Woodland at this location. The Order Limits extend east to allow for third party mitigation works. Section B ends to the south of Round Wood Ancient Woodland.



## Section C – Babergh District Council, Colchester City Council and Tendring District Council (Overhead Line, Underground Cable, CSE Compound North Dedham Vale, and New EACN Substation)

- 6.2.14 The Project in Section C starts adjacent to Burstall Long Wood Ancient Woodland with the Order Limits split into two sections, allowing for the proposed alignment and third party mitigation works to the east. The alignment continues south and crosses the A1071 at Thorpe's Hill. Shortly afterwards it heads south-west and crosses an unnamed river. The Order Limits extend east to allow for third party mitigation works. The Project then crosses Spring Brook.
- 6.2.15 The Project then heads south-west through arable fields, crossing Chattisham Road, before continuing west-south-west adjacent to Brimlin Wood Ancient Woodland and Wenham Thicks Ancient Woodland.
- 6.2.16 The Project then transitions from overhead line to underground cable at a CSE compound to the north of Notley Enterprise Park. The underground cables are routed between Raydon and Holton St Mary, and into Dedham Vale National Landscape.
- 6.2.17 The Project stays within the National Landscape located in both Babergh and Colchester. Within the National Landscape to the north-west of Stratford St Mary, the alignment crosses the River Stour, and to the north-east of Langham crosses the Black Brook, outside of the National Landscape. The Project then crosses the A12 and re-enters the National Landscape between Langham and Lamb Corner. The Project once again leaves the National Landscape, crossing Birchwood Road, west of Lamb Corner.
- 6.2.18 From the Colchester and Tendring boundary south of Lamb Corner, the Project heads south-east crossing the B1029 at Dedham Road. The underground cabling continues south-east, crossing the A137 before the connection enters the new EACN Substation located to the east of Hungerdown Lane.
- 6.2.19 The Project then exits the new EACN Substation, heading west as overhead line, following the alignment back on itself until it crosses the A137, passing to the north of Ardleigh. The Project continues west crossing the northern part of the Ardleigh Reservoir and continuing to the A12, where this section ends.

## Section D – Colchester City Council (Overhead Line, Underground Cable, and CSE Compounds)

- 6.2.20 In Section D, the Project heads to the west at the A12 Ipswich Road and then is undergrounded at a CSE compound to the north-north-east of Great Horkesley.
- 6.2.21 The Project crosses under the A134 The Causeway before transferring back to overhead line after Vinesse Road, through the CSE compound to the east of Grove Lodge, north of the B1508.
- 6.2.22 The Project heads south crossing the B1508, heading south-west until it crosses the River Colne. Just south-east of the River Colne, Fiddlers Wood Ancient Woodland is adjacent to the Order Limits. It then continues south-west passing the Fordstreet Conservation Area, before crossing the A1124 at Halstead Road.



- 6.2.23 The Project then continues south past Aldham and Aldhamhall Wood Ancient Woodland, located adjacent to the Order Limits. The Project then turns south-west at Aldham Hall Farm, past Church House Wood Ancient Woodland and Stonefield Strip Woodland, with Marks Tey Brickpit SSSI to the south. The Project crosses the railway line between Marks Tey and Chappel and Wakes Colne, before crossing the Roman River. The Project continues through arable fields past Little Tey before it ends just north of the A120 Colchester Road.

## Section E – Braintree District Council (Overhead Line, Underground Cable, and CSE Compounds)

- 6.2.24 At the start of Section E, the Project crosses the A120 Colchester Road. The Project continues south-west past Coggeshall Hamlet and crosses the River Blackwater, before crossing the B1024 at Coggeshall Road. It continues south-west and interacts with Rivenhall Thicks Ancient Woodland between Silver End and Rivenhall.
- 6.2.25 The Project continues west-south-west, crossing the B1018 Cressing Road. It then crosses a railway line connecting White Notley and Witham before crossing the River Brain. At this point, the Faulkbourne Hall Registered Park and Garden is located approximately 270 m to the south of the Order Limits.
- 6.2.26 It then continues west through arable fields; the Troy's Wood Ancient Woodland is within approximately 160 m of the Order Limits.
- 6.2.27 Further west, the Project then crosses an unnamed tributary of the River Ter. At this point, the existing Braintree – Pelham – Rayleigh 400 kV overhead line intersects the Project which requires the proposed overhead line to be undergrounded for a short section. This would require CSE compounds to be positioned either side of the existing line to facilitate the transition. As the Project goes back to overhead lines, the Project passes adjacent to an unnamed ancient woodland, continuing south-west, where the Order Limits is adjacent to the Mann/Parsons Woods Ancient Woodland.

## Section F – Chelmsford City Council and Brentwood Borough Council (Overhead Line – Standard and Low-Height Lattice Pylon Design)

- 6.2.28 Section F of the Project continues south-west through arable fields until crossing the River Ter. At this point, the Order Limits are close to the River Ter SSSI. The Project then continues south-west through arable fields, passing adjacent to Lyonshall Wood Ancient Woodland before passing adjacent to Sheepcotes Ancient Woodland then crossing the A131 Braintree Road.
- 6.2.29 The Project continues south-west crossing the B1008, Chatham Hall Lane and the River Chelmer between Great Waltham and Little Waltham Conservation Areas. The Order Limits interact with the Great Waltham Conservation Area and are within approximately 40 m of Langley Registered Park and Garden. The Project continues south-west, past Sparrowhawk Wood Ancient Woodland and Border Wood, just south of Broad's Green.
- 6.2.30 The Project then continues south, to the west of Broomfield Hospital, before turning south-west again at Bushy Wood Ancient Woodland, located adjacent to the Order Limits.

- 6.2.31 The Project then passes south of Chignal St James and crosses the River Can. It then crosses the A1060 Roxwell Road and Roxwell Brook. From here, the Project heads south crossing the A414 Ongar Road and then Sandy Brook.
- 6.2.32 The Project heads south-east, to the south of Little Oxney Green, before diverting south-west near Gable Cottages on Margaretting Road. The Project interacts with Writtle-Writtle Park Wood Ancient Woodland, and adjacent to Writtle-James Spring Ancient Woodland heading south crossing Ivy Barns Lane. The Order Limits pass between and adjacent to Bushey Wood and Osbornes Wood Ancient Woodlands, where the section ends at the A12 Ingatestone Bypass.

## Section G – Basildon Borough Council and Brentwood Borough Council (and part of Chelmsford City Council) (Overhead Line)

- 6.2.33 Section G starts on the southern side of the A12 Ingatestone Bypass, heading south-east over the B1002 at Margaretting, and crossing a railway line linking Stratford and Chelmsford. It continues south-east past Spring Wood, crossing the River Wid, before heading south and crossing Stock Brook.
- 6.2.34 The Project then heads south-west, crossing different sections of the River Wid twice and passing by Harespring Wood Ancient Woodland. It continues south, crossing the railway line linking Billericay and Shenfield, then the A129 Rayleigh Road. The Order Limits extend east to allow for third party mitigation works near Woodlands School Hutton Manor.
- 6.2.35 The Project continues south past Havering's Grove and Jame's Wood Ancient Woodland. The Order Limits interact with Little Bladen's Wood.
- 6.2.36 The Project then crosses an unnamed river before continuing south through arable fields passing between Little Burstead to the east and Parkhill Wood Ancient Woodland to the west, before crossing the A127 Southend Arterial Road. At this point, the Project is within approximately 50 m of Friern Manor Wood Ancient Woodland. The Project continues south through arable fields concluding this section at the border of Thurrock at the crossing of another railway line between Laindon and West Horndon.

## Section H – Thurrock Council (Overhead Line Standard and Low -Height Lattice Pylon Design, Underground Cable, CSE Compounds and New Tilbury North Substation)

- 6.2.37 Section H of the Project continues south through arable fields, with Langdon Ridge SSSI adjacent to the east, before crossing the River Mardyke and then Doesgate Lane. It then continues south through arable fields and some areas of woodland, passing to the west of Horndon on the Hill, before crossing the A13 Stanford-le-Hope Bypass and the A1013 Stanford Road. The Project continues south where it connects into the new Tilbury North Substation adjacent to Orsett Golf Club and Rainbow Wood Ancient Woodland.
- 6.2.38 The Order Limits continue to the west and south of the new Tilbury North Substation to allow for modifications to the existing ZB and YYJ infrastructure, including two CSE compounds south of the proposed Lower Thames Crossing project. Ashen Wood Ancient Woodland also interacts with the Order Limits.

## **6.3 Identifying Persons with an Interest in the Land**

- 6.3.1 In preparing the DCO application, National Grid has carried out diligent inquiry through the land referencing process (described in paragraph 6.4.2 below), to identify all persons who fall within the categories set out in s44 and s57 of the PA 2008. Such persons are listed in the Book of Reference (document reference 4.3) and have been consulted about the DCO application in accordance with s42 of the PA 2008 as described in the Consultation Report (document reference 5.1).
- 6.3.2 Diligent inquiry to identify affected landowners, those with interests in land and those with a potential claim, has been undertaken for this Project. The categories of persons identified and the methods used to identify the persons with an interest in the land are described in the Land Referencing Methodology (Appendix J of the Consultation Report (document reference 5.1)) and summarised below.
- 6.3.3 Land referencing has been undertaken throughout the pre-application period to ensure that any changes in ownership or new interests have been identified, consulted and are subject to engagement. Any changes in ownership that may occur will be identified and the Book of Reference will be updated accordingly.
- 6.3.4 National Grid is satisfied that all of the land interests identified for compulsory acquisition are required to enable the proposed project to proceed.

## **6.4 Category 1 and 2 Persons**

- 6.4.1 Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
- 6.4.2 Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.

## **6.5 Category 3 Persons**

- 6.5.1 Category 3, as prescribed by s44 and s57 of the PA 2008, comprises persons who the Applicant thinks would or might be entitled to make a 'relevant claim' for compensation, if the order sought by the application were to be made and fully implemented. A 'relevant claim' is defined in the PA 2008 as meaning a claim under s10 of the Compulsory Purchase Act 1965, under Part 1 of the Land Compensation Act 1973 or under s152(3) of the PA 2008.

## **6.6 Land Referencing and Considered Interests Identification**

- 6.6.1 Identification of Category 1, 2 and 3 interests was undertaken during the initial stages of the Project, in order to inform the design and preparation of the DCO application.
- 6.6.2 Interests were identified through a land referencing methodology incorporating publicly available desktop sources (including Land Registry updates, checks of Companies House, checks of local authority information and other online data) and contact with land interests. This included correspondence using Land Interest Questionnaires to request information on land holdings and other legal interests in land, followed up with further inquiries and site visits. Where land was unregistered or interests were unknown, further investigations were done on site and notices placed on the land requesting information.

- 6.6.3 In order to identify potential Category 3 persons who may have a claim pursuant to s10 of the Compulsory Purchase Act 1965 or s152(3) the PA 2008, an initial buffer was applied to the Order Limits to ensure adjacent landowners, frontage interests and potential relevant claims under s10 of the Compulsory Purchase Act 1965 and s152(3) of the Act were included.
- 6.6.4 Potential claims under Part 1 of the Land Compensation Act 1973 were also identified using the outcomes of environmental assessment to identify those properties that may have a claim as a result of physical factors which are noise, vibration, smell, fumes, smoke, artificial lighting and discharge or solid or liquid substances on the land.

## **6.7 Negotiations to Acquire by Agreement**

- 6.7.1 It is necessary to seek powers of compulsory acquisition in the draft DCO in order to ensure that, in the event that voluntary negotiations to acquire land by agreement are unsuccessful in relation to any part of the land, the Project is not precluded from being delivered.
- 6.7.2 National Grid has a publicly available document called the Guidance on Land Rights for New Electricity Transmission Assets which sets out the acquisition strategy for new assets, including underground cable systems and overhead lines as well as survey payments.
- 6.7.3 National Grid's preference is always to secure land rights on a voluntary basis. National Grid's strategy is to engage with interested parties as early as possible, to explain the requirements of the project and the rights sought; seek understanding of the landowner's particular concerns; and provide sufficient opportunity for questions and feedback, before making fair offers for the land/rights required.
- 6.7.4 To help facilitate this strategy, National Grid's Land Rights Strategy, developed in 2010 (updated in 2024), provides a consistent methodology for acquiring rights for infrastructure projects, both for DCOs as well as Town & Country Planning Act/CPO schemes. The strategy is used for all such projects and is under continuous review to ensure that it is still fit for purpose, treats people fairly, and meets the expectations of third-party landowners and occupiers.
- 6.7.5 Since the start of the Project and through the statutory consultation periods, National Grid has endeavoured to engage with all owners and occupiers of the land required for or affected by the Project. The engagement formed part of the consultation process to obtain feedback on the proposals and, where appropriate, discussions have been held about the potential implications of the Project.
- 6.7.6 National Grid will continue to seek to acquire all interests in the land through private land agreements.
- 6.7.7 Formal agreements issued to persons with a freehold interest in the land takes the form of Heads of Terms negotiations for an option agreement in respect of the land or rights sought. Where land is subject to an occupier with security of tenure and exclusive possession, National Grid may negotiate tripartite agreements, where appropriate.
- 6.7.8 For land over which freehold acquisition is required, Heads of Terms for an Option to acquire that land will be issued.

- 6.7.9 National Grid pursues voluntary agreements for option(s) to grant an easement for the overhead line and underground cable systems alongside rights for temporary compounds, temporary access, and permanent acquisition of rights.
- 6.7.10 National Grid has issued early engagement letters to all persons with an interest in land, where National Grid is seeking land rights, asking for confirmation as to whether they will enter into voluntary agreements regarding the land rights sought.
- 6.7.11 Furthermore, National Grid has issued template Heads of Terms letters to all persons with a freehold interest in land, where National Grid is seeking land rights.
- 6.7.12 National Grid has negotiated terms for the voluntary freehold acquisition of the EACN substation site, and Heads of Terms have been agreed and signed.
- 6.7.13 National Grid will negotiate terms for the voluntary freehold acquisition of the Tilbury North substation site, the seven CSEC sites, and their associated permanent accesses. Given the critical strategic nature of this infrastructure, it is imperative that National Grid secures a freehold interest in each case.
- 6.7.14 Appendix B of this Statement outlines the ongoing negotiations to date for all voluntary agreements sought for the Project.

## **6.8 Utilities**

- 6.8.1 National Grid is engaging and will continue to engage with all identified utility providers. Section 8.4: Statutory Undertakers' Land of this Statement provides more information on the compulsory acquisition of land and rights required from various statutory undertakers.

## **6.9 Highways subsoil interests**

- 6.9.1 Where the Land Plans (document reference 2.2) include land within the lateral extent of the public highway (i.e. highway subsoil which is not within the designation as highway) and there is an adjoining owner, then these subsoil rights will be included in the voluntary agreement sought from the adjoining landowner, in so far as they are able to grant.
- 6.9.2 Where the owner of highway subsoil is unknown and National Grid is unable to seek voluntary agreements, it will therefore need to rely on the compulsory land powers in respect of subsoil not subject to the designation as highway.
- 6.9.3 Where the Land Plans include surface rights to undertake works within the highway, National Grid does not need subsoil rights and hence does not propose to seek a voluntary agreement with the owners of the highways subsoil.

# 7. Justification for Powers of Compulsory Acquisition

## 7.1 Sections 120 and 122 of the Planning Act 2008

- 7.1.1 S120 of the Act prescribes those matters which may be provided for in a DCO. In particular, an Order may impose requirements in connection with the development for which consent is granted. S120(3) and s120(4) go on to provide that an Order may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include (but are not expressly limited to) the matters listed in Schedule 5 to the PA 2008, for example:
- The acquisition of land, compulsorily or by agreement
  - The creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement
  - The payment of compensation.
- 7.1.2 Those matters are listed in Part 1 of Schedule 5 to the PA 2008 and they include the acquisition of land and *'the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement'*.
- 7.1.3 S122 of the PA 2008 provides that an Order granting development consent may include provisions authorising compulsory acquisition of land, only if the decision maker is satisfied that two conditions are met.
- 7.1.4 The first condition (s122(2)) requires that one of three criteria are met, as follows:
- a) The land is required for the development to which the development consent relates; or
  - b) The land is required to facilitate or is incidental to that development; or
  - c) The land is replacement land to be given in exchange for land which is open space or common land.
- 7.1.5 The second condition (s122(3)) is that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order.
- 7.1.6 Paragraph 7 of the Guidance expands on s122 of the PA 2008 and makes it clear that applicants must be prepared to justify their proposals for compulsory acquisition to the satisfaction of the Secretary of State.
- 7.1.7 Paragraphs 8 to 22 of the Guidance provide a number of general considerations that applicants should demonstrate to the satisfaction of the decision maker:
- All reasonable alternatives to compulsory acquisition (including modifications to the Project) have been explored (paragraph 8)



- The development is of legitimate purpose, necessary and proportionate (paragraph 8)
- How the land is intended to be used and that there is no doubt as to the particular purposes for which any land is to be compulsorily acquired (paragraph 9). Vs A clear idea of how the land proposed for acquisition is intended to be used (paragraph 9)
- There is a reasonable prospect of the requisite funds becoming available (paragraph 9)
- There is justification for interfering with the human rights of those with an interest in the land affected (paragraph 10)
- There is a compelling case for the compulsory acquisition (paragraph 12)
- The public benefit will outweigh the private loss and (paragraph 12)
- Any risks or impediment to the Project have been properly managed (paragraph 19).

7.1.8 In respect of paragraph 19, Section 7.6 of this Statement sets out that funding is available to complete the Project and should be read in conjunction with the Funding Statement (document reference 4.2).

7.1.9 In addition, Section 8.4 of this Statement sets out the need for other consents from bodies such as the Environment Agency, to allow certain elements of the development to proceed - but this does not therefore present any obstacle to the implementation of the Project. Further reference should be made to the Planning Statement (document reference 5.6) which addresses Other Consents and also the Consents and Licences Required Under Other Legislation document (document reference 5.5).

7.1.10 There are therefore no known impediments to the delivery of the Project.

7.1.11 The following paragraphs explain how the pre-conditions to the grant of powers of compulsory acquisition are met in this case.

## 7.2 Tests Under Section 122(2)

7.2.1 Condition 1: *'The land and rights in the land are required for the development to which the consent relates, or, the land is required to facilitate or is incidental to that development.'*

7.2.2 Chapter 3 of this Statement describes the national need for the provision of new energy infrastructure.

7.2.3 Chapter 4 of this Statement sets out the works comprised in the Project (including UKPN related works) and for which the powers of compulsory acquisition are required.

7.2.4 Chapter 5 of this Statement sets out the powers of compulsory acquisition being sought.

7.2.5 The Book of Reference (document reference 4.3) sets out the classes of rights sought in respect of each plot. The Land Plans (document reference 2.2) and Works Plans (document reference 2.3) show the land that falls within the Order Limits and the works proposed on such land. The Land Plans and Book of Reference together

detail the land and the rights required as well as the extent of the land and rights in land that would be affected.

- 7.2.6 National Grid require permanent acquisition of land (Class 1) for the EACN substation, the Tilbury North GIS substation, CSE compound sites and their associated permanent accesses. National Grid requires exclusive possession of these areas in order to build, operate and maintain a safe and secure electricity supply which feeds into the overhead line and underground cables. This cannot be achieved by rights alone.
- 7.2.7 National Grid is also seeking permanent rights for overhead line (Class 2), underground cable systems (Class 3), overhead line and underground cable systems (Class 4), access (Class 5), and drainage (Class 6). In each case the acquisition of rights is necessary to deliver the proposed project and is proportionate to the degree of interference with any private rights.
- 7.2.8 National Grid is also seeking temporary rights for temporary use of land required to deliver the Project which are set out in Class 7.

### **7.3 Tests Under Section 122(3)**

- 7.3.1 Condition 2: *'There is a compelling case in the public interest for compulsory acquisition.'*
- 7.3.2 With regard to the condition set out in s122(3), Chapter 3 of this Statement and the Planning Statement's Need Case section (document reference 5.6) explains how there is a national need for the provision of new energy infrastructure. The Project provides critical transmission capacity necessary for safe and secure connections. The requirement for compulsory acquisition powers will ensure timely acquisition of the necessary land and rights needed to construct and maintain the proposed project
- 7.3.3 Chapter 3 within this Statement and Section 7.4 below also describe the multistage process that National Grid has followed in developing the Project, which is required to transmit electricity to businesses and homes. This involved an iterative process involving appropriate environmental appraisal, consultation, consideration of alternatives and engineering design which has resulted in a project which balances the relevant matters including National Grid's duties and government guidance.
- 7.3.4 The compulsory acquisition powers would ensure timely acquisition of the necessary land and rights needed to construct and maintain the Project. Without such powers, the delivery of the Project cannot be guaranteed, and there is a risk that the national need will not be met.
- 7.3.5 The land and rights sought are therefore necessary to facilitate the Project. National Grid has sought to ensure that a proportionate approach has been taken in identifying the permanent acquisition powers and temporary use powers required to achieve its delivery.
- 7.3.6 There is therefore a very clear need for the Project to be granted development consent and associated compelling case in the public interest for compulsory acquisition powers.

## 7.4 Alternative to Compulsory Acquisition

- 7.4.1 The need for the Project is established in the Planning Statement's Need Case section (document reference 5.6) and the various purposes for which the interests in the land are required are set out in this Statement and in the Planning Statement Project description (document reference 5.6) and in the Planning Statement Project Evolution and Design development section (document reference 5.6), which further explains how the evolution of the Project has followed an iterative design process.
- 7.4.2 ES Chapter 3: Alternatives (document reference 6.3) also provides further details on the alternatives considered throughout the development process for the Project.
- 7.4.3 In order to construct, operate and maintain the proposed project, land and rights in the ownership of parties other than National Grid would need to be acquired. Any practicable alternative location for the proposed project would similarly require the acquisition and/or use of third-party land. This means that acquisition and/or use of third-party land cannot be avoided. The Book of Reference (document reference 4.3) the Land Plans (document reference 2.3), and Appendix A of this statement, show the land and rights in land that are required and for what purpose. In each case the rights sought are necessary to deliver the proposed project and are proportionate to the degree of interference with the interests and rights of landowners.
- 7.4.4 National Grid have also sought powers of temporary possession, where appropriate, rather than compulsory acquisition of land or rights, as the temporary possession of land is more proportionate where the permanent acquisition of land or rights is not required.
- 7.4.5 Consultations have been conducted with both the public and those affected persons with an interest in land and further detail is provided in the Consultation Report (document reference 5.1).
- 7.4.6 There has been ongoing engagement directly with all affected landowners, interests and occupiers since the launch of the Project. All have had opportunities to feedback on the routeing and siting of the Project as it affects them, in order to try and minimise the land required. Negotiations have been ongoing throughout the design process to try to avoid the need for compulsory acquisition.
- 7.4.7 It is in the public interest to obtain the appropriate security for the electricity supply network through the grant of permanent land rights and not temporary land rights. For major infrastructure projects undertaken by National Grid, longevity and security of rights is essential in the context of National Grid's ability to create new and upgrade existing infrastructure networks and to support major power generation infrastructure projects. Therefore, National Grid considers it essential to secure the grant of permanent easements rather than wayleaves whether by negotiation or through powers of compulsion.
- 7.4.8 As stated in Chapter 5 of this document, it is the preference of National Grid that all land and rights can be acquired through negotiation and agreement.
- 7.4.9 Compulsory acquisition powers will only be exercised where it appears that negotiations are unlikely to be completed or to be completed in time. However, without the powers of acquisition being compulsory, there is a risk that the urgent national need for the Project could not be met because the land and rights required in the Order land may not be capable of being assembled.

## 7.5 The Proposed Interest in the Land is Legitimate, Necessary, and Proportionate

- 7.5.1 As noted above, National Grid will continue to seek to negotiate the acquisition of land and rights where this is possible in the context of the timely delivery of the Project.
- 7.5.2 The need for the Project is set out in the Need Case section of the Planning Statement- (document reference 5.6) and Strategic Options Backcheck Report (document reference 7.17) and is underpinned by NPS EN-1 and NPS EN-5.
- 7.5.3 The compulsory acquisition of land and rights in land is necessary to deliver this connection.
- 7.5.4 Without the compulsory acquisition of the necessary interests in land, the delivery of the Project cannot be guaranteed. This means that the acquisition and/or use of third-party land cannot be avoided.
- 7.5.5 Steps have been taken to ensure that the land and interests acquired in each case are necessary to deliver the project and proportionate to the degree of interference with the interests and rights of landowners, including the following:
- As set out in Chapter 3 of the Environmental Statement (document reference 6.3) National Grid assessed alternative options to deliver the Project with more limited land take, but the acquisition of third party interests cannot be avoided to deliver the Project
  - The Order Limits are drawn tightly to avoid any unnecessary interference with or extinguishments of third party rights but have regard to the need for flexibility to ensure Project deliverability
  - Where appropriate, National Grid has sought to take powers to temporarily use land, rather than permanent acquisition of land or rights
  - Wherever possible, National Grid is seeking rights in land rather than outright acquisition.
- 7.5.6 Compensation is payable for the compulsory acquisition of land or rights. Compensation is also payable for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal (LCUT).

## 7.6 Funding for Compensation

- 7.6.1 The Guidance indicates that an applicant '*should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition*' within the relevant period.
- 7.6.2 The Funding Statement (document reference 4.2) sets out how the proposed Project and the acquisition of land and rights over land necessary to build the Project would be funded. It demonstrates that there is a reasonable prospect of the requisite funds being available to fund all aspects of the Project.

## 8. Special Considerations

### 8.1 Crown Land

- 8.1.1 S135 of the PA 2008 provides that a DCO may authorise, with the consent of the appropriate Crown authority, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown.
- 8.1.2 National Grid has made provision in the draft DCO (document reference 3.1) for the acquisition of those land interests which are not held by the Crown, but which exist in Crown land and are comprised in plots as shown in Part 4 of the Book of Reference (document reference 4.3) and the Special Category and Crown Land Plans (document reference 2.14).
- 8.1.3 The consent of the appropriate Crown authorities listed below, in relation to the Crown land included in the Project, is required to authorise the compulsory acquisition of these land interests:
- Secretary of State for Defence
  - Secretary of State for Health and Social Care
  - The Crown Estate Commissioners
- 8.1.4 National Grid has entered into discussions with the aforementioned Crown authorities.

### 8.2 Special Category Land

- 8.2.1 This section addresses the issue of special category land in respect of the Project. Special Category Land is afforded special protection by the legislation.
- 8.2.2 Special category land is defined in Regulation 2 of the APFP Regulations as '*land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment*'. The definition goes on to indicate that special category land is shown on the Land Plans that accompany the application for development consent. In this case, special category land is shown on the Special Category and Crown Land Plans (document reference 2.14).
- 8.2.3 S131 and s132 of the PA 2008 make provision for SPP to apply where a DCO authorises the compulsory acquisition of land, or rights over land forming part of a common, open space or fuel field garden allotments.
- 8.2.4 SPP requires that powers of compulsory acquisition relating to the special category land be subject to further scrutiny by Parliament, before the development consent order covering the compulsory acquisition can come in-to effect. A DCO is exempt from SPP where the Secretary of State is satisfied that one of the exemptions in s131 or, as the case may be, s132 of the PA 2008 apply.
- 8.2.5 This Statement sets out the justification for seeking compulsory acquisition powers within the draft DCO.

- 8.2.6 For each example of Common Land and Open Space Land cited within Appendix C of this statement, in each case, the SoS can be satisfied that the exemptions explored against each are applicable, and hence the SoS may confirm by certificate that SPP would not apply in relation to the compulsory acquisition of permanent rights over such land.
- 8.2.7 For the reasons explained in this Chapter and Appendix C of this Statement, National Grid seeks to rely on the statutory exemptions in s132(3),(4A), and (5) of the PA 2008, and accordingly the Secretary of State ('SoS') may confirm by certificate that SPP would not apply in relation to the compulsory acquisition of permanent rights over such land.

## **8.3 Open Access Land**

- 8.3.1 Within the Order limits, there are 11 areas of Open Access Land, designated pursuant to the Countryside and Rights of Way Act 2000, over which members of the public have a right to roam.
- 8.3.2 These areas can be seen on the Open Access Land Plans (document reference: 2.15) and are described in Schedule 15 to the draft DCO (document reference 3.1) and in Table 8.2 of the Outline Public Rights of Way Management Plan (document reference 7.6).
- 8.3.3 Each of the areas of Open Access Land is also Common Land, for which the tests to enable the compulsory acquisition of rights and restrictions over land pursuant to section 132(3) (namely that the land in question, when burdened by the proposed rights will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to access the land, and the public), and section 132(5) (namely that (a) the Order land does not exceed 200sqm in extent and (b) the giving of other land in exchange for the Order rights is unnecessary, whether in the interests of the persons, if any, entitled to rights of Common or other rights or in the interests of the public) of the PA 2008 are met, as outlined in the Special Category Land Report (Appendix C) of this document.
- 8.3.4 In accordance with Article 53 of the draft DCO (document reference 3.1), the public right to roam over the part of each area of Open Access Land falling within the Order limits will be temporarily suspended for the purposes of constructing, operating and/or decommissioning the Project.
- 8.3.5 Any impacts on Open Access Land during construction and operation, for example during routine maintenance, will be managed by National Grid and its contractor through an active management strategy as described in the Outline Public Rights of Way Management Plan. In doing so, National Grid will seek to reduce the overall level of temporary disruption and loss of amenity for any users of each of those areas of Open Access Land.

## **8.4 Statutory Undertakers & Utilities**

### **Engagement**

- 8.4.1 National Grid first undertook direct and substantive engagement with potentially affected Statutory Undertakers in 2023, at the commencement of the second non-statutory consultation. At this stage, the draft alignment had evolved from a



graduated swathe (the first non-statutory consultation) to specific locations for the proposed electricity transmission infrastructure, allowing discussions to take place regarding site specific crossing locations, and to the associated construction and operational requirements.

- 8.4.2 National Grid continued to engage with the Statutory Undertakers into and throughout 2024 as the Project alignment and associated crossing locations were amended following assessment of consultation feedback from the Statutory Undertakers, persons with interest in land and the wider community. Engagement broadened to include asset information supplied by Statutory Undertakers, alternating current (AC) interference, and agreeing the methodologies for AC studies scheduled to be conducted by National Grid. Initial discussions also commenced regarding bespoke Protective Provisions.
- 8.4.3 In 2025, National Grid had updated the draft Order Limits in response to the 2024 statutory consultation and associated feedback, and continued to engage with the Statutory Undertakers regarding changes to the Project alignment, associated crossing schedules, and outcomes of National Grid's AC interference studies. Statements of Common Ground were issued to document all resolved and unresolved points of discussion with the Statutory Undertakers.
- 8.4.4 National Grid's preference is to pursue mutually agreeable solutions through ongoing constructive dialogue and engagement with all affected Statutory Undertakers.
- 8.4.5 National Grid remains in discussions with affected Statutory Undertakers as regard the likely impact of the Project on their Statutory Undertaking and is committed to agreeing appropriate mitigation. National Grid will seek to capture this engagement in the respective of Statements of Common Ground as appropriate (document references 5.9.1 to 5.9.32).

## Sections 127 & 138 Planning Act 2008

- 8.4.6 The draft DCO, if made, would authorise the compulsory acquisition of rights over statutory undertakers' land as described in the Book of Reference (document reference 4.3), the Compulsory Acquisition Schedule within this statement (Appendix A), the Schedule of Negotiations within this statement (Appendix B), and as shown on the Land Plans (document reference 2.2).
- 8.4.7 In the event that any of the affected statutory undertakers' objects to the proposed compulsory acquisition of rights in land held for the purpose of their statutory undertaking, S127(6) of the PA 2008 provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertakers' land where the Secretary of State is satisfied that:
- The rights can be acquired without serious detriment to the carrying on of the undertaking, or
  - Any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for acquisition by the undertaker.
- 8.4.8 S138 of the PA 2008 is engaged by Article 44 of the draft DCO (document reference 3.1). This article would permit National Grid to extinguish or relocate the rights or apparatus of statutory undertakers. Such power may only be included in the DCO if the Secretary of State is satisfied the extinguishment or removal is necessary for the

authorised development. The construction of the Project will require interference with statutory undertakers' land and the possible relocation of their apparatus. However, the exercise of such powers will be carried out in accordance with the protective provisions which set out constraints on their exercise with a view to safeguarding the statutory apparatus owners' interests.

- 8.4.9 The protective provisions are set out in detail in Schedule 16 of the draft DCO (document reference 3.1). Part 1 of Schedule 16 includes provisions to protect electricity, gas, water and sewage undertakers and include provisions for alternative apparatus which allows the undertaker(s) to fulfil their statutory functions in a manner not less efficient than previously.
- 8.4.10 Part 2 of Schedule 16 provides protection for operators of electronic communications code networks whereby if the Project causes damage to that network, the undertaker shall bear and pay the costs reasonably and properly incurred and make such damage good.
- 8.4.11 The draft DCO contains further protective provisions for the benefit of other named parties, including highways and drainage authorities. As negotiations progress with other statutory undertakers and interested parties, it is anticipated that further sets of protective provisions will be added to Schedule 16 of the draft DCO (document reference 3.1).
- 8.4.12 National Grid therefore considers that the tests set out in s127 and s138 of the PA 2008 are, or are capable of being, satisfied. ▬

## **8.5 Other Consents**

- 8.5.1 The DCO would be the principal consent required to allow the Project to proceed
- 8.5.2 In addition, there are other consents, licences and permissions that National Grid would require from authorities such as the Environment Agency and Natural England to allow certain elements of the development to proceed. Further detail is located in the Planning Statement (document reference 5.6) and in the Consents and Licences Required Under Other Legislation Document (document reference 5.5).
- 8.5.3 National Grid is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent.
- 8.5.4 The need for these other consents does not therefore present any obstacle to the implementation of the Project.

## 9. Human Rights

### 9.1 The Protected Rights

- 9.1.1 The European Convention on Human rights (the Convention) was applied within UK domestic law by the Human Rights Act 1998.
- 9.1.2 The articles of the Convention that are relevant when determining whether a DCO should be made which includes powers of compulsory acquisition are Article 1 of the First Protocol to the Convention, Article 6 and Article 8.
- 9.1.3 Article 1 of the First Protocol to the Convention protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.
- 9.1.4 Article 6 entitles those affected by powers sought for the Project to a fair, public hearing.
- 9.1.5 Article 8 protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety, or the economic well-being of the country. As with Article 1 of the First Protocol to the Convention, any interference if justified, must be proportionate.
- 9.1.6 The Project has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the DCO are followed and a compelling case in the public interest is made for the compulsory acquisition and the interference with the convention right is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the DCO strikes a fair balance between the public benefit sought and the interference with the rights in question.
- 9.1.7 Appropriate consultation has taken place for the Project, as summarised below:
- The first non-statutory consultation was held between 21 April 2022 and 16 June 2022.
  - The second non-statutory consultation was held between Tuesday 27 June 2023 and Monday 21 August 2023
  - A statutory consultation was held between 10 April 2024 and 26 July 2024.
  - Targeted consultations were held, as follows:
    - Norfolk and Suffolk targeted non-statutory consultation was held between 30 January 2025 and 3 March 2025;
    - Essex and Thurrock targeted non-statutory consultation was held between 25 February 2025 and 27 March 2025; and
    - Thurrock 3 targeted statutory consultation was held between 18 March 2025 and 17 April 2025.

- Further landowner consultation was held between 5 June 2025 and 22 August 2025.
- In accordance with paragraphs 51 and 52 of the PA 2008: Guidance on the pre-application stage for Nationally Significant Infrastructure Projects (April 2024) persons with interest in land identified immediately before submission were written to separately. This letter included details about the project, where further information could be found, how to get in touch with National Grid and to explain how there would be an opportunity to provide comments to the Planning Inspectorate (PINs) once the Development Consent Order (DCO) application has been submitted.

- 9.1.8 The opportunity for those holding interests in the Order Land to make representations during the examination will allow representations and objections to be made which may be considered by the Secretary of State if not resolved. Furthermore, those directly affected by the Order (i.e. landowners and those with interests in the land required for the project) will, in principle, be entitled to statutory compensation in accordance with the Compensation Code.
- 9.1.9 The need for the Project that will be brought about by the development is well established and is of national importance, as detailed in the Need Case section of the Planning Statement (document reference 5.6). Second, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and National Grid has the resources to provide such compensation. National Grid has weighed the potential infringement of convention rights in consequence of the inclusion of compulsory powers within the draft DCO with the potential public benefits if the draft DCO is made. National Grid has concluded that the significant public benefits outweigh the effects of the draft DCO upon persons who own property in the Order Limits such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights.
- 9.1.10 As for Article 6, third parties have been able to make representations on the application for development consent while it is being prepared. In accordance with Part 5 of the Act, National Grid consulted persons set out in the categories contained in s44 of the Act. This included the known owners and occupiers of land within the Order Limits and those who might be able to make claims either under s10 of the Compulsory Purchase Act 1965 in respect of injurious affection, or under Part 1 of the Land Compensation Act 1973. The beneficiaries of restrictive covenants and other rights that would be overridden by the exercise of powers in the draft DCO would be capable of making claims under s10 of the Compulsory Purchase Act 1965.
- 9.1.11 Furthermore, representations can be made by way of objections to the application in response to any notice given under s56 of the PA 2008 ('Notifying persons of accepted application'). The PA 2008 provides for a detailed examination of any application for development consent by an independent Examining Authority. The Examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. Although the Examination is a process mainly conducted in writing, where the Examining Authority receives one or more requests for a compulsory acquisition hearing from affected persons within the date specified, it must cause a hearing to be held. All affected persons are invited to these compulsory acquisition hearings and have the opportunity to make oral representations about the compulsory acquisition requests.

- 9.1.12 Should the DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out. In relation to disputes about compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.
- 9.1.13 For the above reasons, National Grid considers that the inclusion of powers of compulsory acquisition in the draft DCO would not constitute any unlawful interference with Convention Rights and further that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

## **9.2 Consideration of Duties Under the Equality Act 2010**

- 9.2.1 National Grid has undertaken an Equality Impact Assessment (EqIA) (document reference 7.14) which assesses the potential impacts of the Project on protected characteristic groups, as defined under the Equality Act 2010. The EqIA has considered how the consultation, construction, operation, and decommissioning phases of the Project may differentially or disproportionately affect these groups.
- 9.2.2 The EqIA demonstrates that due regard has been given to the aims of the Public Sector Equality Duty (PSED) and s149 of the Equality Act 2010.
- 9.2.3 Although National Grid is not itself subject to the PSED, the Secretary of State is, and must have regard to these requirements in determining the outcome of the application for development consent.
- 9.2.4 The EqIA demonstrates that National Grid has paid due regard to the needs of protected characteristic groups. It provides the Secretary of State with the necessary information to have regard to the requirements of the Equality Act 2010 and the PSED when determining the application for development consent.
- 9.2.5 A number of negative equality impacts have been identified during construction and decommissioning. However, these impacts are not expected to be substantial in nature and are largely mitigated through embedded design measures, good practice construction management, and additional mitigation where required. During operation, equality impacts are expected to be minimal.
- 9.2.6 The Project will also deliver wider societal benefits, including improved energy security and support for renewable energy integration, which may positively affect all communities, including those with protected characteristics.

# 10. Conclusions

- 10.1.1 This Statement explains why it is necessary and justifiable for the draft DCO to contain the powers of compulsory acquisition sought in order to construct, operate and maintain the Project and why, in National Grid's opinion, there is a compelling case in the public interest for the authorisation of the same.
- 10.1.2 The matters addressed in this Statement may be summarised as follows:
- 10.1.3 **Chapter 2.2** provides an overview of why the Project is a NSIP, under s14(1)(b) and s16 of the PA 2008.
- 10.1.4 **Chapter 3** provides a summary of the need case for the Project, including an overview of the legislative and national policy framework for the Project with reference to both EN-1 and EN-5. It explains how the Project will make a vital contribution to a secure, diverse, reliable and affordable electricity transmission network in East Anglia, and also why there is a national need for the Project to be delivered at pace in order to achieve Clean Power 2030 targets.
- 10.1.5 **Chapter 3** also provides a description of the Project, and the proposed infrastructure associated with National Grid's proposal to upgrade the electricity transmission system in East Anglia between Norwich and Tilbury.
- 10.1.6 **Chapter 4** identifies the environmental measures required to enable National Grid to construct, operate and maintain the Project in line with National Grid's corporate policy and relevant government guidance.
- 10.1.7 **Chapter 5** explains why it is necessary for National Grid to pursue compulsory acquisition and temporary powers in respect of certain land interests. A detailed description of the nature of the powers sought is also provided. The Statement explains how National Grid proposes to adopt a proportionate approach as regard the potential future exercise of powers of compulsory acquisition, including in order to minimise disruption and impact on land.
- 10.1.8 **Chapter 6** describes the land referencing process undertaken to identify persons with an interest in land in Categories 1, 2 and 3 as prescribed by s44 and s57 of the PA 2008. This chapter reiterates that, where possible, National Grid will continue to seek to acquire, voluntarily, the land and/or rights over land required in order to construct, operate and maintain the Project. In that context, Appendix B of this Statement summarises the engagement which has taken place to date.
- 10.1.9 Chapter 7 provides National Grid's justification for the powers of compulsory acquisition sought in respect of the Project. With reference to the statutory tests set out in s122 of the PA 2008 Chapter 7 explains that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers within the draft DCO to ensure the timely delivery of the project, for which there is a critical national need. In doing so, Chapter 7 also demonstrates that reasonable alternatives to compulsory acquisition have been explored and, further, why National Grid considers that the powers sought in the draft DCO are reasonable, proportionate and necessary. The chapter concludes that the Funding Statement (document reference 4.2) demonstrates that there is a reasonable prospect of the requisite funds being available to fund all aspects of the Project.



- 10.1.10 **Chapter 8** addresses what this Statement broadly refers to as Special Considerations, namely the likely impact of the Project on Special Category Land and land designated as Open Access Land pursuant to the Countryside and Rights of Way Act 2000. In particular, the Special Category Land Report (Appendix C of this Statement) provides a detailed summary of the rights sought to be acquired over the Special Category Land within the Order limits, which is comprised of either Common Land or Open Space Land, and the relevant exemptions which National Grid seeks to rely upon pursuant to s132 of the PA 2008. Chapter 8 also explains that the Project would affect land held by the Crown and/or Crown Bodies and, in addition, outlines the steps which National Grid is taking to ensure that any Statutory Undertakers are not detrimentally affected by the Project, including as a result of any potential acquisition of permanent rights over land owned by those Statutory Undertakers or in which they already hold an interest for the purposes of their undertaking.
- 10.1.11 **Chapter 9** sets out the legislation that the project has considered in relation to the rights of the public and duties of National Grid and the Secretary of State in making, granting, constructing, operating and maintaining the Project. This Chapter reiterates that the significant public benefits of the Project outweigh the effects of the draft DCO upon persons who own and/or have an interest in land in the Order Limits, such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights. National Grid has also taken into account duties under s149 of the Equality Act 2010 and has carried out activities such as undertaking substantive consultation exercises with stakeholders.
- 10.1.12 Therefore, and for the reasons set out in this Statement, the inclusion of powers of compulsory acquisition within the draft DCO (document reference 3.1) in respect of the land and rights as set out in the Book of Reference (document reference 4.3) and as shown on the Land Plans (document reference 2.2) is justified, and the draft DCO should be granted containing the powers sought.

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