

AENC-NG-LAN-REP-0001

Norwich to Tilbury

Volume 4: Compulsory acquisition information

Document: 4.1.1 Addendum to the Statement of Reasons - Change Request 2 (Little Bromley) (CA2)

Final Issue CA2

March 2026

Planning Inspectorate Reference: EN020027

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
Regulation 5(b)

nationalgrid

Contents

Executive summary	1
1. Introduction	2
1.1 Overview	2
1.2 The Project	2
1.3 Legislative Context and Guidance	2
1.4 Purpose of this document	3
1.5 Proposed Change Application 2 (Little Bromley)	3
2. Description of Change Request 2 (Little Bromley)	5
3. Environmental Mitigation Measures	7
4. Scope of Compulsory Acquisition and Temporary Possession Powers Sought	8
5. Compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010	10
6. Consultation on Change Request 2 (Little Bromley)	12
7. The Order Land and Persons with an Interest in Land	13
7.1 Location	13
7.2 Identifying Persons with an Interest in the Land	13
7.3 Negotiations to Acquire by Agreement	13
8. Justification for Powers of Compulsory Acquisition	15
9. Special Considerations	16
9.1 Crown Land	16
9.2 Special Category Land	16
9.3 Open Access Land	16
9.4 Statutory Undertaker Land Engagement	17
9.5 Sections 127 & 138 Planning Act 2008	17
9.6 Other Consents	17
10. Human Rights	18
11. Conclusions	20

Appendix A Compulsory Acquisition Schedule
Appendix B Schedule of Negotiations

Executive summary

This is an Addendum to the Statement of Reasons which was submitted as part of the Applicant's development consent application and reissued with minor corrections at Deadline 2 of the Examination (4.1(B) Statement of Reasons [REP2-009]) (the Statement of Reasons).

This Addendum is submitted pursuant to Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and forms part of the Applicant's submissions for Change Application 2 in respect of Change Request 2 (Little Bromley).

This Addendum has been written on a by-exception basis to reflect the particular context of Change Request 2 and should, therefore, be read alongside the Statement of Reasons.

A separate Addendum to the Statement of Reasons has been submitted as part of Change Application 1 in respect of Change Request 1 (Bulphan).

1. Introduction

1.1 Overview

- 1.1.1 On 29 August 2025, National Grid Electricity Transmission plc (the Applicant) submitted an application to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) to authorise the construction and operation (and maintenance) of the proposed upgrade to the electricity transmission system in East Anglia between Norwich and Tilbury (the Project).
- 1.1.2 The Application for the Project was accepted for Examination by the Planning Inspectorate on 26 September 2025 and has been allocated the reference number EN020027. The Examination of the Project commenced on 10 February 2026 and is expected to close on 10 August 2026.

1.2 The Project

- 1.2.1 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.
- 1.2.2 The reinforcement is needed because the existing transmission network, even with current upgrading, will not have sufficient capacity for the new renewable energy (a substantial proportion of which would be generated by offshore wind) that is expected to connect to the network over the next 10 years and beyond. Completion of the Project, together with other new reinforcements across the county, will meet this future energy transmission demand both in East Anglia and across the UK.
- 1.2.3 The proposed change does not affect the project description as presented in the main development consent application, or the nature of the Project.
- 1.2.4 A detailed description of the Project is included in **Environmental Statement (ES) Chapter 4: Description of the Proposed Project [APP-130]**.

1.3 Legislative Context and Guidance

- 1.3.1 The Applicant has had regard to the Planning Inspectorate's (2024) advice: Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination (PINS Guidance 2024) and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) when preparing its submissions for Proposed Change Application 2.
- 1.3.2 Step 4 of PINS Guidance 2024 sets out the information that must be included within a change application. **Table 1.1** of the **9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)** confirms where in its Proposed Change Application 1 the Applicant has provided the relevant information in line with Step 4 of PINS Guidance 2024.

- 1.3.3 The **9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)** specifically provides the following information referred to and required by Step 4 of PINS Guidance 2024:
- *a confirmed description of the proposed change,*
 - *a confirmed statement setting out the reasons and need for making the change,*
 - *a statement identifying any impact the proposed change would have on securing any consents or licences for the project*

1.4 Purpose of this document

- 1.4.1 This is an Addendum to the Statement of Reasons which was submitted as part of the Applicant's development consent application and reissued with minor corrections at Deadline 2 of the Examination (**4.1(B) Statement of Reasons [REP2-009] (the Statement of Reasons)**).
- 1.4.2 This Addendum is submitted pursuant to Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and forms part of the Applicant's submissions for Change Application 2 in respect of Change Request 2 (Little Bromley).
- 1.4.3 This Addendum has been written on a by-exception basis to reflect the particular context of Change Request 2 and should, therefore, be read alongside the Statement of Reasons.
- 1.4.4 A separate Addendum to the Statement of Reasons has been submitted as part of Change Application 1 in respect of Change Request 1 (Bulphan).
- 1.4.5 The proposed change does not materially affect the outcome of the **Statement of Reasons (4.1 Statement of Reasons [APP-059])**. In the following chapters of this addendum, we report by an exception basis, on matters covered in the Statement of Reasons which would be subject to change as a consequence of the Change Application.

1.5 Proposed Change Application 2 (Little Bromley)

- 1.5.1 Following submission of its DCO application, the Applicant has continued engagement with stakeholders. As a result of this engagement, the Applicant is proposing to incorporate a design change into the Project (Change Request 2 (Little Bromley)). The change applies to a very discrete geographical area of the Project, and as a consequence, the vast majority of the Project will remain entirely unchanged.
- 1.5.2 Change Request 2 (Little Bromley) relates to an amendment to the Order Limits in order to support a small modification to the route of the Applicant'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 amendments respond to further engagement with landowners and are intended to reduce temporary and permanent impacts on land uses.
- 1.5.3 Further details about Change Request 2 (Little Bromley) are provided in **Chapter 2** of the **9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)**

- 1.5.4 As the proposed change involves changes to the Order Limits and the Applicant confirms that additional compulsory acquisition powers are sought in relation to land outside of the current Order Limits. Additional compulsory acquisition powers are also sought in respect of certain parcels of land within the current Order Limits.
- 1.5.5 Temporary possession powers are also sought in relation to such additional land.
- 1.5.6 The Applicant considers that the power to compulsorily acquire rights and other interests in the land affected by the proposed works is both necessary and proportionate in order to facilitate the installation, operation and future maintenance of the same. Those powers will be relied upon by the Applicant and to the extent that equivalent land rights cannot be secured through voluntary negotiation with affected landowners.
- 1.5.7 The Applicant has been unable to obtain consent from all persons with an interest in the additional land, to the inclusion within **3.1 Draft DCO [REP2-004]** of compulsory acquisition powers for new land and rights in respect of that land. Regulations 5 to 19 of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are therefore engaged.

2. Description of Change Request 2 (Little Bromley)

- 2.1.1 Step 4 of PINS Guidance 2024 requires the following information to be included within the proposed change application:
- a confirmed description of the proposed change
 - a confirmed statement setting out the reasons and need for making the change
- 2.1.2 This chapter provides this information required by Step 4 of PINS Guidance 2024.
- 2.1.3 Since submitting its application for development consent, the Applicant has continued engagement with stakeholders, including affected landowners. As a result of this engagement, the Applicant is proposing a change to the alignment of the construction access and permanent access routes for the East Anglia Connection Node (EACN) substation that seeks to address comments from landowners. This design change is referred to as 'Change Request 2 (Little Bromley)'. The change proposed applies to a very discrete geographical area of the Project and, as a consequence, the vast majority of the Project will remain entirely unchanged.
- 2.1.4 The Project's proposed access arrangement to the proposed East Anglia Connection Node (EACN) substation ("Proposed Route") will use a route passing to the south of Little Bromley, Essex.
- 2.1.5 The strategy for access to the EACN is detailed in **Section 5.7.10** of the **7.3 Outline Construction Traffic Management Plan (CTMP) [APP-309]**.
- 2.1.6 The Proposed Route would potentially serve as access during both the construction and operational phase of the Project.
- 2.1.7 Change Request 2 (Little Bromley) would involve two modifications to the Proposed Route:
- First, a section of the Proposed Route nearest to Bentley Road is realigned to the south, for the permanent access relating to AILs 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 north-west of the first modification, the Proposed Route for both construction and operational vehicles is changed to generally follow the alignment of the Proposed Route presented at statutory consultation between 10 April and 26 July 2024.
 - Third, includes uplifting of UKPN assets that cross the proposed access route modification.
- 2.1.8 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.

- 2.1.9 The first modification (concerning the AIL arrangement) is intended to minimise the effects of the Project on future arable cropping. The second modification ensures that the Proposed Route more closely follows field boundaries.
- 2.1.10 Additionally, precautionary amendments to existing wood pole supported infrastructure that cross the proposed access route modification is accommodated as part of this change (i.e., uplifting UKPN assets).
- 2.1.11 The proposed change is shown on the figures in **Appendix A** of the **9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)** and plans within **Proposed Change Application 2: Book of Plans – Change Request 2 (Little Bromley)** [document reference 9.14].
- 2.1.12 The proposed change is not considered to affect compliance of the Project with planning policies detailed in the **Planning Statement [APP-085]** and **Policy Compliance Document [APP-086]**.
- 2.1.13 The arrangement has been subject to extensive discussion and consideration of alternatives with relevant landowners.
- 2.1.14 There has been no amendment to the proposed change following the targeted consultation. Therefore, Change Request 2 (Little Bromley) is as presented in **9.2 Notification of proposed change to DCO application – Change Request 2 (Little Bromley)** [AS-050].

3. Environmental Mitigation Measures

- 3.1.1 The proposed Change Request 2 (Little Bromley) does not materially affect the outcome of **Chapter 3** of the **Statement of Reasons (4.1 Statement of Reasons [APP-059])** in respect of environmental mitigation measures
- 3.1.2 As per **Chapter 3** of the **Statement of Reasons (4.1 Statement of Reasons [APP-059])** the Applicant has adopted the mitigation hierarchy process when considering the design of Change Request 2 (Little Bromley).
- 3.1.3 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 **3.1 Draft DCO [REP2-004]**. 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.

4. Scope of Compulsory Acquisition and Temporary Possession Powers Sought

- 4.1.1 For the purposes of Change Request 2 (Little Bromley), the Applicant proposes to realign and, in certain isolated areas, increase the Order Limits.
- 4.1.2 From a land and rights perspective, the realignment of the Order Limits means that the Project would no longer affect certain parcels of land. Other parcels of land remaining within the realigned Order Limits would be affected in a slightly different manner.
- 4.1.3 The Applicant is, in the first instance, attempting to negotiate and secure voluntary agreements with affected landowners wherever possible. Heads of Terms for voluntary acquisition have been prepared and issued to landowners to facilitate this process. This includes rights necessary for construction, operation, and maintenance of the proposed works.
- 4.1.4 In the event that voluntary agreements are not reached, the compulsory acquisition of land and rights in land will be necessary to delivery the Project, as per **Chapter 4** of the **Statement of Reasons (4.1 Statement of Reasons [APP-059])**.
- 4.1.5 The Applicant is, therefore, seeking powers of compulsory acquisition and temporary possession over the additional land intended to be brought within the Order Limits. These powers will be justified as necessary and proportionate to deliver the Project and associated works and where appropriate, include extinguishment or suspension of private rights under modified provisions of the Compulsory Purchase Act 1965.
- 4.1.6 In that context, the Applicant has already sought to engage with landowners of affected land parcels to explain the requirement for additional land and to seek the consent of those landowners to the inclusion within the draft DCO of compulsory acquisition powers for new land rights in respect of the land affected by the proposed change. No such consent has been received to date. As a consequence, Regulations 5 to 19 of the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010 (CA Regulations) are engaged.
- 4.1.7 The scope of the compulsory acquisition powers sought by the Applicant in respect of Change Request 2 (Little Bromley) is set out in full in **3.1 Draft DCO [REP2-004]**.
- 4.1.8 The Applicant intends the installation and future maintenance of the required works to be authorised pursuant to **3.1 Draft DCO [REP2-004]**.
- 4.1.9 **Proposed Change Application 2: Book of Plans – Change Request 2 (Little Bromley) [document reference 9.14]** show the Order land and the numbered plots within the Order Limits as listed in **Proposed Change Application 2: Supplementary Book of Reference – Change Request 2 (Little Bromley) [document reference 4.3]**. As well as identifying additional land required for the purposes of Change Request 2 (Little Bromley), it is important to note that the Supplementary Book of Reference also seeks to highlight where certain existing plots of land would no longer be subject to compulsory acquisition or temporary possession powers, or where the nature of those powers would be required to be amended as a consequence of the proposed change.

- 4.1.10 A supplementary **Appendix A** of this addendum explains the purpose for which the compulsory acquisition and temporary possession powers are sought.
- 4.1.11 **Table 4.1** in **Chapter 4** of the **Statement of Reasons (4.1 Statement of Reasons [APP-059])**, sets out the powers related to land acquisition and use being sought by the Applicant.
- 4.1.12 The Applicant 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.

5. Compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010

- 5.1.1 The Applicant confirms that additional compulsory acquisition and/or temporary use powers are sought for Change Request 2 (Little Bromley).
- 5.1.2 For the avoidance of doubt, compulsory acquisition and temporary use powers are no longer sought in relation to certain other parcels of land as they have been removed from the proposed Order Limits. These amendments have been incorporated into the updated version of affected sheets of the Land Plans (see **Proposed Change Application 2: Book of Plans – Change Request 2 (Little Bromley) [document reference 9.14]**, **Proposed Change Application 2: Supplementary Book of Reference – Change Request 2 (Little Bromley) [document reference 4.3]**, and Appendix A and B of this addendum.
- 5.1.3 The Applicant is, in the first instance, attempting to negotiate and secure voluntary agreements with affected landowners wherever possible. Heads of Terms for voluntary acquisition have been prepared and issued to landowners to facilitate this process. This includes rights necessary for construction, operation, and maintenance of the proposed works.
- 5.1.4 The Applicant is, however, seeking powers of compulsory acquisition and temporary possession, including over the additional land intended to be brought within the Order Limits, in case those negotiations are unsuccessful. As noted above, these powers are considered necessary and proportionate in order that the necessary mitigation works can be delivered and subsequently maintained.
- 5.1.5 The Applicant has engaged with landowners of affected land parcels to explain the requirement for additional land and has sought the consent of those landowners to the inclusion within the draft DCO of compulsory acquisition powers for new land rights in respect of the land affected by the proposed change.
- 5.1.6 No such consent has been received to date. As a consequence, Regulations 5 to 19 of the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010 (CA Regulations) are engaged.
- 5.1.7 The Applicant has therefore submitted with this change application (Proposed Change Application 2) the required documents as prescribed by Regulation 5 of the CA Regulations:
- **Proposed Change Application 2: Supplementary Book of Reference – Change Request 2 (Little Bromley) [document reference 4.3].**
 - **Proposed Change Application 2: Book of Plans – Change Request 2 (Little Bromley) [document reference 9.14]** which includes a land plan identifying the land required as additional land or affected by the proposed provisions
 - **Proposed Change Application 2: Addendum to the Statement of Reasons – Change Request 2 (Little Bromley) [document reference 9.X]**

- **Proposed Change Application 2: Addendum to the Funding Statement – Change Request 2 (Little Bromley) [document reference 4.2]**
- **Proposed Change Application 2: Supplementary Land Rights Tracker – Change Request 2 (Little Bromley) [document reference 4.4]**

5.1.8 In addition to the consultation which has already taken place with all parties with an interest in the additional land to be included in the Order Limits and those affected where class of rights changes have taken place over land which was previously included in the Order Limits in advance of the submission of Proposed Change Application 2, the Applicant notes that the notification and publicity requirements stipulated by the CA Regulations (particularly Regulations 7 and 8) will provide further opportunity for those affected to make submissions in respect of Proposed Change Application 2.

5.1.9 In line with PINS Guidance (2024), the Applicant has provided in **Table 6.1 Document 9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)** a description of how it considers the procedures in Regulations 5 to 19 of the CA Regulations can be accommodated within the examination timetable as set by the ExA in their Rule 8 Letter **[PD-011]**. The programme presented in **Table 6.1** allows for the full amount of time for each procedure in the CA Regulations.

6. Consultation on Change Request 2 (Little Bromley)

- 6.1.1 As Change Request 2 (Little Bromley) relates to a discrete geographical area of the Project and does not fundamentally alter the Project as a whole, the Applicant carried out a targeted consultation with prescribed consultees, relevant local authorities and parish councils, persons with an interest in land affected by the proposed change and nearby properties which are likely to be affected.
- 6.1.2 The targeted consultation for Change Request 2 (Little Bromley) was open from 12:00 noon on 19 January 2026 until 11:29 pm on 23 February 2026 (allowing more than a 28-day consultation period).
- 6.1.3 During the consultation period, the Applicant received 21 pieces of feedback containing general comments on the Project as a whole and which were not specifically related to either Proposed Change Application 1 or Proposed Change Application 2. As was made clear in the consultation materials, only feedback specifically relating to Proposed Change Application 2 has been responded to by the Applicant within **Proposed Change Application 2: Consultation Report - Change Request 2 (Little Bromley) [document reference 9.10]**. The Applicant received 27 pieces of feedback specific to Change Request 2 (Little Bromley).
- 6.1.4 Following the consultation deadline, the Applicant reviewed and considered responses received in finalising its proposals for Change Request 2 (Little Bromley). A summary of the responses received, together with details of how the Applicant has considered those responses is provided in **Section 3 of Proposed Change Application 2: Consultation Report - Change Request 2 (Little Bromley) [document reference 9.10]**.
- 6.1.5 Copies of all consultation responses received, including any responses to publicity about Change Request 2 (Little Bromley) are provided at **Appendix D of Proposed Change Application 2: Consultation Report - Change Request 2 (Little Bromley) [document reference 9.10]**.

7. The Order Land and Persons with an Interest in Land

7.1 Location

- 7.1.1 The Project is divided into eight geographical sections, based largely on Local Planning Authority boundaries for ease of reference. They are presented in **6.1.F1 Environmental Statement Figure 1.1 - Site Location Plan and Project Sections [APP-125]**.
- 7.1.2 The Change Request 2 (Little Bromley) is situated within ‘Section C - Babergh District Council, Colchester City Council and Tendring District Council’ only.

7.2 Identifying Persons with an Interest in the Land

- 7.2.1 In preparing the Change Request 2 (Little Bromley), National Grid has carried out diligent inquiry through the land referencing process (**as described in chapter 6 of the 4.1 Statement of Reasons [APP-059]**), to identify all persons who fall within the categories set out in s44 and s57 of the PA 2008. Such persons are listed in **Proposed Change Application 2: Supplementary Book of Reference – Change Request 2 (Little Bromley) [document reference 4.3]**.
- 7.2.2 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 5.1 Consultation Report [APP-066] the Consultation Report (document reference 5.1))**.
- 7.2.3 Such persons have been consulted about the DCO application in accordance with s42 of the PA 2008. Further details regarding the Applicant’s targeted consultation on Change Request 2 (Little Bromley) are provided in **Proposed Change Application 2: Consultation Report - Change Request 2 (Little Bromley) [document reference 9.10]**.
- 7.2.4 Land referencing has been undertaken throughout the pre-application period for Change Request 2 (Little Bromley) 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.
- 7.2.5 National Grid is satisfied that all of the land interests identified for compulsory acquisition are required to enable the proposed project to proceed.

7.3 Negotiations to Acquire by Agreement

- 7.3.1 The Applicant’s approach to negotiations to acquire by agreement is set out in **Chapter 5.7 of 4.1 Statement of Reasons [APP-059]**.

- 7.3.2 The Applicant is, in the first instance, attempting to negotiate and secure voluntary agreements with affected landowners wherever possible. Heads of Terms for voluntary acquisition have been prepared and issued to landowners to facilitate this process. This includes rights necessary for construction, operation, and maintenance of the proposed works.
- 7.3.3 This addendum is supported by a supplementary Appendix B, which outlines the ongoing negotiations to date for all voluntary agreements sought for the Change Request 2 (Little Bromley).
- 7.3.4 In many instances, the persons affected by the proposed Change Request 2 (Little Bromley) are also affected persons in the context of the main development consent application. The Applicant's previous engagement with these persons on matters relating to, amongst other things, Project design and negotiations to acquire by agreement has therefore been included in the **Proposed Change Application 2: Supplementary Land Rights Tracker – Change Request 2 (Little Bromley)** [document reference 9.X] to enable a broader understanding of the wider context.

8. Justification for Powers of Compulsory Acquisition

- 8.1.1 **Chapter 6** of the **4.1 Statement of Reasons [APP-059]** contains the Applicant's justification for the powers of compulsory acquisition sought in respect of the Project.
- 8.1.2 With reference to the statutory tests set out in Section 122 of the PA 2008, the Statement of Reasons concludes 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 6 also demonstrates that reasonable alternatives to compulsory acquisition have been explored and, further, why the Applicant considers that the powers sought in the draft DCO are reasonable, proportionate and necessary. Chapter 6 concludes by demonstrating that there is a reasonable prospect of the requisite funds being available to fund all aspects of the Project.
- 8.1.3 It is the Applicant's position that the justifications provided in Chapter 6 apply equally to the powers of compulsory acquisition and temporary possession sought in respect of Change Request 2 (Little Bromley).
- 8.1.4 More specifically, the Applicant considers that both conditions under Section 122 of the PA 2008 are conclusively satisfied.
- 8.1.5 In respect of the first condition (Section 122(2): *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*), it is noted that the acquisition of rights for the purposes of Change Request 2 (Little) is necessary to facilitate the construction and subsequent maintenance of the proposed works. The rights sought for this purpose are considered proportionate to the degree of interference with private rights, noting that the intention is to rely upon temporary rights where practicable to do so during construction.
- 8.1.6 In respect of the second condition (Section 122(3): *there is a compelling case in the public interest for compulsory acquisition*), this Addendum explains that the proposed change supports a small modification to the Applicant's construction access and a further small modification to the route for the private permanent Abnormal Indivisible Load (AIL) access route. The amendments respond to further engagement with landowners are intended to reduce temporary and permanent impacts on land uses. The compulsory acquisition and temporary possession powers sought by the Applicant would ensure the timely acquisition of the rights needed to enable use of both accesses.
- 8.1.7 An **Addendum to the Funding Statement – Change Request 2 (Little Bromley) (Revision CA1) (document reference 4.2.1)**, has been prepared by the Applicant to support Proposed Change Application 2 for Change Request 2 (Little Bromley). The Addendum to the Funding Statement demonstrates that Change Request 2 (Little Bromley) does not significantly alter the costs of the Project and will be funded in the same manner as the remainder of the Project

9. Special Considerations

9.1 Crown Land

- 9.1.1 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.
- 9.1.2 The Applicant has made provision in **3.1 Draft Development Consent Order [APP-056]** 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 **4.3 Book of Reference [APP-064]** and **2.14 Special Category and Crown Land Plans [APP-046]**.
- 9.1.3 Further information can also be found in the **4.1 Statement of Reasons [APP-059]**.
- 9.1.4 Based on the Applicant's current understanding of land ownership and land interests in respect of the Change Request 2 (Little Bromley), no further consent of the appropriate Crown authorities is required to authorise the compulsory acquisition of these land interests, beyond that which is already included in the main development consent application.

9.2 Special Category Land

- 9.2.1 This section addresses the issue of special category land in respect of the Project. Special Category Land is afforded special protection by the legislation.
- 9.2.2 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 **2.14 Special Category and Crown Land Plans [APP-046]** the **Special Category and Crown Land Plans (document reference 2.14)**.
- 9.2.3 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.
- 9.2.4 Further information can also be found in the **4.1 Statement of Reasons [APP-059]**.
- 9.2.5 Based on the Applicant's current understanding of landownership and land interests in respect of the Change Request 2 (Little Bromley), no further Special Category Land has been identified.

9.3 Open Access Land

- 9.3.1 Based on the Applicant's current understanding of land ownership and land interests in respect of the Change Request 2 (Little Bromley), no further Open Access Land has been identified.

9.4 Statutory Undertaker Land Engagement

- 9.4.1 The Applicant's approach to engagement with Statutory Undertakers is set out in **Chapter 7.4 of 4.1 Statement of Reasons [APP-059]**, and the proposed change discussed in this addendum does not materially affect the outcome of the **4.1 Statement of Reasons [APP-059]**.
- 9.4.2 The Applicant's preference is to pursue mutually agreeable solutions through ongoing constructive dialogue and engagement with all affected Statutory Undertakers.
- 9.4.3 The Applicant remains in discussions with affected Statutory Undertakers with regard to the likely impact of the Project on their Statutory Undertaking and is committed to agreeing appropriate mitigation. The Applicant will seek to capture this engagement in **5.9.1 to 5.9.32 Statements of Common Ground [APP-089 – APP-119]**.

9.5 Sections 127 & 138 Planning Act 2008

- 9.5.1 As set out in **Chapter 7.4 of 4.1 Statement of Reasons [APP-059]** the Applicant considers that the tests set out in s127 and s138 of the PA 2008 are, or are capable of being, satisfied, and the proposed change discussed in this addendum does not materially affect the outcome of the **4.1 Statement of Reasons [APP-059]** in this regard.
- 9.5.2 However, the Applicant reserves its position to make further submissions to the extent that any objection from one or more affected statutory undertakers remains unresolved as the Examination progresses towards its conclusion.

9.6 Other Consents

- 9.6.1 PINS Guidance (2024) requires the Applicant's Proposed Change Application 2 (Little Bromley) to provide "a statement identifying any impact the proposed change would have on securing any consents or licences for the Project. The Applicant should confirm if there would be any delay in securing these before the close of the examination".
- 9.6.2 The Applicant has given consideration to whether Change Request 2 (Little Bromley) would affect any of the other consents and licences that the Applicant may be required to obtain outside of the DCO process.
- 9.6.3 The Applicant can confirm that no further consents or licences outside of the DCO are required as a result of Change Request 2 (Little Bromley).
- 9.6.4 All other consents and licences under other legislation needed to construct and/or operate the Project and the likely timescales for obtaining those remain as set out in **5.5 Consents and Licences Required Under Other Legislation [APP-08]**.

10. Human Rights

- 10.1.1 **Chapter 8** of the **4.1 Statement of Reasons [APP-059]** contains the Applicant's position on Human Rights, specifically 'The Protected Rights' and consideration of duties under the Equality Act 2010.
- 10.1.2 It is the Applicant's position that the justifications provided in Chapter 8 apply to Change Request 2 (Little Bromley).
- 10.1.3 More specifically, 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.
- 10.1.4 Early engagement with landowners regarding the Change Request 2 (Little Bromley) commenced in December 2025. Appropriate targeted consultation has also taken place for Change Request 2 (Little Bromley). The consultation was open from 12:00 noon on 19 January 2026 until 11:29 pm on 23 February 2026 (allowing more than a 28-day consultation period). Landowner consultation was also held throughout the targeted consultation period.
- 10.1.5 In the event the Change Request 2 (Little Bromley) is accepted for examination by the Examining Authority, 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.
- 10.1.6 The need for the Project is well established and of national importance, as detailed in the Need Case section of **5.6 Planning Statement [APP-085]**. With reference to **Document 9.6 Proposed Change Application 2: Overview Report – Change Request 2 (Little Bromley)**, it is the Applicant's position that Change Request 2 (Little Bromley) assists in more appropriately facilitating the fulfilment of that critical national need. Second, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and the Applicant has the resources to provide such compensation. The Applicant 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. The Applicant 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.
- 10.1.7 As for Article 6, third parties have been able to make representations on the application for Change Request 2 (Little Bromley) while it is being prepared. The Applicant has consulted persons set out in the categories contained in s44 of the Act. This included the known owners and occupiers of the additional land 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.

- 10.1.8 The CA Regulations, operating alongside the PA 2008, provides for a detailed examination of Change Request 2 (Little Bromley) by the Examining Authority. If the application for Change Request 2 (Little Bromley) is accepted, the Examination will include 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.
- 10.1.9 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.
- 10.1.10 For the above reasons, the Applicant considers that the inclusion of additional 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.
- 10.1.11 The Applicant has **undertaken 7.14 Equality Impact Assessment [APP-352]** ('the EqIA') 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.
- 10.1.12 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.
- 10.1.13 Although the Applicant 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.
- 10.1.14 The EqIA demonstrates that the Applicant 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. To date, no observations or representations relating to those with protected characteristics (as defined by the equality act) have been received.
- 10.1.15 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.
- 10.1.16 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.

11. Conclusions

- 11.1.1 The Applicant considers that the conclusions reached in **4.1 Statement of Reasons [APP-059]** are equally applicable in the context of Change Request 2 (Little Bromley), taking account of the particular circumstances underpinning the proposed change.
- 11.1.2 Indeed, this Addendum to the Statement of Reasons explains why it is necessary and justifiable to seek additional powers of compulsory acquisition and temporary possession in respect of Change Request 2 (Little Bromley) and why, in the Applicant's opinion, there is a compelling case in the public interest for the authorisation of the same.

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