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Norwich to Tilbury

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Document: 8.8.1.1 Addendum to Applicant's Comments on Written Representations

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nationalgrid

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1. Introduction

1.1 Purpose of Document

- 1.1.1 The Applicant submitted responses to Written Representations at Deadline 2, **8.8.1 Applicant's Comments on Written Representations [REP2-029]**.
- 1.1.2 In Table 3.1 of that document it was stated about the Written Representation from ARU Writtle **[REP1-200]** that *'The Applicant confirms that the concerns outlined in the Written Representation, as well as those discussed during the site meeting held on 4 March 2026, are under active review. Further work is being undertaken to examine the detailed points raised, including matters relating to construction methodology, access arrangements, and the development of appropriate mitigation and management measures. Where appropriate, a more detailed and substantive response will be provided in a subsequent submission during the Examination process.'*
- 1.1.3 This document provides the Applicant's detailed response to the main points made in that written representation and in turn responds to the ExQ1 Written Question [SET 1.14].

2. Comments on Written Representations

2.1 ARU Writtle

2.1.1 Table 2.1 outlines the Applicant’s comments on the Written Representation (WR) provided by ARU Writtle [REP1-200].

Table 2.1 Comments and National Grid’s response

Topic	Comment	National Grid’s response
Requests: 1-5	1) for amendment of the name of an affected interested party 2) for addition of affected interested party 3) for each of (1) and (2) to be heard together at a particular socio-economic issue Specific hearing 4) a site visit to the equine facility at “ARU writtle”. 5) for each of (1) and (2) to be heard together at a compulsory acquisition hearing	The Applicant notes these requests and those relevant to the Applicant are being progressed.
Written Representation Section A Introduction	The age of the students results in access into the Equine Facility being regulated under section 175 of the Education Act 2002 and the Safeguarding Vulnerable Groups Act 2006, whose terms apply to the geographical extent of the Equine Facility, as well as under the provisions for special educational needs and disabilities legislation (“SEND”). The Equine Facility is the home also for a herd of some 90 horses that form its educational heart and reside	The Applicant notes the details provided.

Topic	Comment	National Grid's response
	<p>in stable buildings and paddocks at the Equine Facility.</p>	
	<p>NGET proposes to construct its electrical line immediately inside the Western part of the Equine Facility, within "Works 17" (the sub-part of the line described by NGET as "Route TB"). Pylons are envisaged to support the cables along Route TB and at notional (only) locations identified as TB 165 (North West of the Equine Facility) and TB 166 (to the West of the Equine Facility) indicating that the overhead line (alone) would cross over the Western paddocks of the Equine Facility.</p>	<p>The Applicant confirms that the affected parties' description of the proposals is correct.</p>
	<p>Somewhat alarmingly, NGET propose to extend the Order Limits through the Equine Facility for access. As an education provider in the public interest, ARU (and WCL) propose Protective Provisions to enable the safe education of its students simultaneously with affording construction access opportunity to NGET.</p>	<p>The Applicant recognises that the Order Limits for the Project include a portion of the ARU Equine Facility. This inclusion is specifically to allow access required during the construction phase and for subsequent inspection and maintenance activities. The nature of the works at this site, i.e. span only with no construction haul road required through the site, does not necessitate extensive construction vehicle movements through the Equine Facility. In addition, the Applicant is actively seeking to minimise such movements further by exploring the potential removal of the need to install scaffold protection, thereby limiting any disruption to the site. The affected party has been made aware of this and will be further updated as the Project and examination progresses.</p> <p>The Applicant is committed to agreeing appropriate mitigation measures and requirements in consultation with relevant stakeholders. Through the implementation of these agreed measures, the Equine Facility will be able to maintain all its operations in a safe and protected manner throughout the duration of the works.</p>

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<p>Summary: The issue and the solution</p>	<p>In line with the Relevant Representation made by ARU, through its brand name “ARU Writtle” on November 2025, the issue at the heart of this Written Submission is this: ARU (and its ARU Writtle Campus Equine Facility) is a nationally, and internationally renowned, actively functioning, provider of further and higher education to some 500 students at that Equine Facility based on a herd of 90 horses. That provision remains subject to statutory Safeguarding and Health and Safety obligations to ensure the safety in the widest sense of those students and horses from harm and risk of harm. Perhaps inadvertently, the evidence shows NGET to have assumed the Equine Facility to be a cluster of mere farm buildings or a merely local community facility – but ARU Writtle Campus is neither. In their mistake, in addition to oversailing a safeguarded area, NGET has taken it upon itself to extend the Order Limit area Eastwards from its Route TB pylon line at ground level through the paddock accommodation area and through the Equine Facility Buildings area to the highway of Cow Watering Lane, for the envisaged construction of an above ground level line (there being no pylons shown as accessible from the Equine Facility land) and envisaged maintenance over 40 years of the same above ground level lines and using drones. ARU expresses its profound surprise that a national organisation such as NGET should to propose to oversail cables into safeguarded area, to indicate use of drones in such an area, and to envisage driving construction vehicles (for</p>	<p>The Applicant recognises ARU Writtle as a well-established further and higher education campus, characterised by frequent daily student activity and the presence of an equine herd. The site is subject to strict safeguarding, health and safety, and animal welfare obligations, all of which are known to and acknowledged by the Applicant.</p> <p>The Applicant contests the assertion that the Project has treated the Equine Facility merely as a farm or a local community facility. Furthermore, it is disagreed that the proposals would result in the risks described by others. The Project does not necessitate regular construction or maintenance access through the Equine Facility, nor will access involve unrestricted vehicle movements through safeguarded areas. The current assessment indicates access approximately twice within the construction period, to install and remove the scaffolding required. The total vehicles anticipated to access through the Equine Facility is less than four.</p> <p>The Order Limits encompass a restricted area of land, solely to facilitate a brief construction activity associated with the stringing of conductors. This activity will employ only small vehicles. According to the current design, the Order Limits include provision for the erection of temporary scaffolding. However, the Applicant has confirmed that they are pursuing the option of temporarily closing the lane where the overhead line will cross, thereby eliminating the need for scaffolding altogether.</p> <p>It is the Applicant's position that the Project does not create a dangerous situation within the safeguarded educational environment. Safeguarding will be managed through established construction controls, such as access control, supervision, timing of works, and ongoing liaison with ARU. These controls are secured under the 3.1 Draft Development Consent Order [REP2-004]. The scale, nature, and duration of proposed access are such that the authorised development can proceed in harmony with ARU's statutory duties under section 175 of the Education Act 2002,</p>

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	<p>whatever period and in whatsoever numbers) through a safeguarded functioning educational environment populated by 90 horses and upwards of 500 students aged between 16 and 21. It should be evident that no third party, in whatever interest, can bypass the statutory requirements of section 175, Education Act, the Safeguarding Vulnerable Groups Act 2006, or those of the Health and Safety Act 1974, before contemplating whether or not to create a potential dangerous state of affairs between horses, pedestrians and construction vehicles in the narrow confines of the Equine Facility.</p>	<p>the Health and Safety at Work etc. Act 1974, and relevant safeguarding guidance, without the need to suspend teaching or educational activities.</p> <p>With respect to overhead lines and drone operations, the Project has undergone assessment within the Environmental Statement. Detailed methodologies for construction and maintenance will be governed by the approved management plans. The Applicant does not intend to permit unrestricted drone use over safeguarded areas, and if there is the requirement to use drones, this will first be discussed and timings agreed with the ARU.</p>
	<p>NGET propose an accident(s) waiting to happen. As a national (and international) organisation, ARU is not averse to an additional construction of Route TB in the West of its Equine Facility – so long as it is safely carried out in respect to horses and students and paddock ground and access are reinstated to their current state.</p>	<p>The Applicant recognises the importance of ensuring that all interactions between the Equine Facility and the Norwich to Tilbury works are conducted safely. In this regard, the Applicant is committed to implementing appropriate mitigation measures to address any potential risks that may arise during these works. These measures will be designed to safeguard the wellbeing of the facility, its users, and surrounding interests.</p> <p>Furthermore, the Applicant acknowledges that any damages caused because of the works should be either properly reinstated or compensated on the terms of DCO, and Compensation Code. The Applicant will ensure that any affected areas are restored to their previous condition wherever practicable, and where reinstatement is not feasible, appropriate compensation on the terms of DCO will be provided. This approach affirms the Applicant's commitment to responsible project delivery and the protection of impacted stakeholders.</p>

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	<p>ARU propose the issue be solved by means of Protective Provisions on terms authorizing construction access inside its Equine Facility not otherwise than during education vacation periods by agreement with ARU, at the conclusion of which construction, the extent of the Order Limits on ARU land cease to exist, the Order Limits truncate to exclude Plot 8/42, and that Plot be treated as deleted from the Book of Reference. This approach aligns with that of NGET, at paragraph 9.3.2 of Document 5.15 Design Development, to avoid (by timing) risks of traffic coincidences.</p>	<p>For clarity the paragraph referred to relates to the potential interaction of construction works and a haul road through the site used once every four years for a scout jamboree. The scale of that interaction is substantially different to that required at ARU Writtle. The Applicant is willing to agree to specific working practices but considers those proposed to be too restrictive. We continue to explore opportunities to remove the need for scaffolding to reduce the need for access but pending this the potential for controlled access for a very limited number of vehicles on a small number of occasions does not seem unreasonable. The current assessment indicates access approximately twice within the construction period, to install and remove the scaffolding required. The total vehicles anticipated to access through the Equine Facility is approximately four in total, in approximately two occasions.</p>
<p>Decision Making under the Planning Act 2008</p>	<p>Sworn witness statements evidence direct, adverse, and consequential effects including as follows: a) the direct effect on the existing use of the Equine Facility that would result from the proposed authorisation of a construction access route through the Equine Facility upon the existing horse and pedestrian traffic simultaneously continuing to use the same route, and the introduction of third party construction vehicles to that same route;</p>	<p>It is the Applicant's position that such outcomes are not deemed likely or conceivable under the current circumstances.</p> <p>Efforts are ongoing to identify and implement alternatives that would eliminate the necessity for scaffolding. This approach aims to minimise the requirement for access, thereby reducing any associated risks.</p> <p>In the interim, where removal of scaffolding is not yet feasible, provisions for controlled access are being considered. It is proposed that such access would be granted to a very limited number of vehicles and only on a small number of occasions. The Applicant believes this measured approach is reasonable under the circumstances.</p> <p>Mitigation measures will be put in place and recorded through the CoCP, to further reduce or eliminate any potential risks associated with controlled access. These actions are intended to ensure safety and minimise the impact of the necessary access events.</p>

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	<p>The direct effect of statutory safeguarding obligations (that pertain to the Equine Facility in respect of children being provided with Further Education) resulting from entry onto and passage through the Equine Facility by third parties in vehicles and the requiring of such third parties to be physically barred from the Equine Facility in the absence of required safeguarding verification procedures being satisfied;</p>	<p>The staff of the Applicant and its contractors are subject to various vetting requirements and if work is completed when students are present would be able to agree to appropriate safeguarding verification requirements. This is common practice for the Applicant when carrying out works in the grounds of educational facilities and is often secured through heads of terms and/ or a side agreement.</p>
	<p>The direct effect on health and safety considerations of combining construction-related traffic with existing horse and pedestrian traffic using the same route day to day and the statutory consequences;</p>	<p>It is the Applicant's position that such outcomes are not deemed likely or conceivable under the current circumstances. Efforts are ongoing to identify and implement alternatives that would eliminate the necessity for scaffolding. This approach aims to minimise the requirement for access, thereby reducing any associated risks.</p> <p>In the interim, where removal of scaffolding is not yet feasible, provisions for controlled access are being considered. It is proposed that such access would be granted to a very limited number of vehicles (approximately four in total) and only on a small number of occasions (approximately two occasions). The Applicant believes this measured approach is reasonable under the circumstances.</p> <p>Mitigation measures will be put in place to further reduce or eliminate any potential risks associated with controlled access. These actions are intended to ensure safety and minimise the impact of the necessary access events.</p>
	<p>The resulting creation of a foreseeable dangerous state of affairs by authorizing the area coloured yellow over the Equine Facility in respect of horse/vehicle collision risk or vehicle/pedestrian collision risk, and the liability of the Secretary of State for authorizing the same;</p>	<p>The Applicant does not consider that the Project gives rise to a foreseeable dangerous state of affairs. This position is based on a careful consideration of the scale, duration, and nature of the proposed works. 7.2 Outline Code of Construction Practice [REP2-014] requires a construction phase Safety Health and Environment Plan to be prepared by the Main Works Contractor(s) for each element of the Project to ensure that</p>

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		<p>adequate arrangements and welfare facilities are in place to cover the protection of the public in the vicinity of the construction site.</p> <p>Appropriate standard construction controls will be put in place and rigorously implemented throughout the duration of the works. These controls are designed to ensure safety for all parties in the vicinity, including equestrians, drivers, pedestrians, and construction personnel.</p> <p>Through the application of these measures, the Applicant is confident that the Project will not result in a situation where any party is exposed to unacceptable danger. Regular monitoring and review of safety procedures will further support the effective management of risks as the works progress.</p>
	<p>The resulting impediment to ongoing Further and Higher Educational provision at the Equine Facility that would result from the presence and use of the construction access route through the Equine Facility;</p>	<p>The Applicant does not accept that the Project would impede the ongoing provision of Further or Higher Education at the Equine Facility. The Project does not require routine construction or maintenance access through the campus and does not involve sustained or unrestricted use of an internal access route. Any access within the Order Limits is limited to a very short-duration construction activity. Access arrangements, timing, supervision and liaison will be controlled through the 7.2 Outline Code of Construction Practice [REP2-014] and 7.3 Outline Construction Traffic Management Plan [APP-309], ensuring that the Project can be delivered without material interference with the ongoing educational use of the Equine Facility.</p>
	<p>The resulting interruption to Further and Higher Educational provision at the Equine Facility that would result from the peripatetic use of the access route through the Equine Facility for maintenance, and use of drones</p>	<p>Response as per above.</p>
	<p>The resulting presence of behavioural difficulties in horses using the paddocks below the location of aboveground electric lines to the West</p>	<p>The Applicant has considered the potential impact of the Project on sensitive land uses, which encompass equine facilities, specifically from the electric fields produced by overhead lines. This</p>

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	of the Equine Facility, and related consequences for student riders; and	<p>was considered at the design stage of the Project and embedded mitigation measures have been applied to the overhead line design as described in paragraph 2.9.6 of 7.8 Electric and Magnetic Field Compliance Report [APP-330].</p> <p>Under high voltage overhead lines, conducting objects, such as horses, metal parts of their equipment, or their riders, may become electrically charged if they are isolated from earth, due to the electric field. This has the potential to cause a 'microshock'. Further details on microshocks are provided in Section 2.9 of 7.8 Electric and Magnetic Field Compliance report [APP-330]. These are not the same as electric shocks and do not pose a health effect apart from the physical sensation felt.</p> <p>The size of a microshock and whether it will be perceived depends on the size of the electric field, the sizes of the objects concerned, how well grounded or insulated they are, meteorological conditions, and the sensitivity of the skin. All these factors determine the occurrence and level of the perception.</p> <p>National Policy Statement (NPS) EN-5 (2024) sets out government policy for electric and magnetic fields (EMFs) from electricity infrastructure. Paragraph 2.9.50 covers 'indirect effects' one of which is microshocks, and states:</p> <p>'For protecting against indirect effects, the ICNIRP 1998 guidelines give an electric field reference of 5kV m-1 for the general public and keeping electric fields below this level would reduce the occurrence of adverse indirect effects for most individuals to acceptable levels. When this level is exceeded, there is a suite of measures that may be called upon in particular situations, including provision of information, earthing and screening, alongside limiting the field. In some situations, there may be no reasonable way of eliminating indirect effects.' In addition, a Code of Practice on Microshocks, developed jointly by Industry and the then</p>

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		<p>Department of Energy and Climate Change¹, has been adopted. It contains principles for managing microshocks, including a suite of measures to control microshocks. The Project has applied the principles within the Code of Practice as a precautionary measure to mitigate any potential microshock risks at ARU Writtle. Specifically, spans TB165 to TB166 have been designed with additional conductor clearances achieved by using considerably larger E9 and E6 extension towers, reducing the electric field at source. This precautionary measure of additional conductor clearance has reduced the maximum electric fields to below 2.8 kV/m, significantly below the 5 kV/m reference level recommended by policy to mitigate indirect effects of microshocks. The maximum electric field would only occur over a small area under the conductors at their closest point to ground. All other electric fields will be lower and reduce quickly with distance from the overhead line. The embedded mitigation measures applied to the overhead line have reduced the electric fields below the threshold where perception of microshocks would typically occur, preventing any adverse behavioural effects, and well below the levels required by the Code of Practice agreed by government.</p> <p>As well as humans, possible effects of EMFs on various animals have been studied. No proven effects of EMFs have been found in any species at levels below the guidelines. This is confirmed in NPS EN-5, as detailed in Section 2.11 of 7.8 Electric and Magnetic Field Compliance Report [APP-330] which states: <i>'There is little evidence that exposure of crops, farm animals or natural ecosystems to transmission line EMFs has any agriculturally significant consequences'</i>.</p> <p>Although horses are not directly mentioned, there is no evidence to suggest they are any different to other farm animals. National</p>

¹ Department of Energy and Climate Change (2013) *Power Lines: Control of Microshocks and other indirect effects of public exposure to electric fields. A voluntary Code of Practice*

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		<p>Grid looks to authoritative independent scientific groups such as the UK Health Security Agency and World Health Organization to review the scientific literature, and for government to set exposure limits and policies based on that advice. 7.8 Electric and Magnetic Field Compliance Report [APP-330] demonstrates that the Project complies with the relevant exposure guidelines and precautionary policies to protect against EMF exposure. Below these guideline limits there are no established health effects of low frequency EMFs.</p>
	<p>The resulting reputational harm to ARU and practical harm to the educational provision of its students.</p>	<p>As the Applicant has set out above, the very limited level of access required does not give rise to the effects of concern and our position is that there will be no effect on the reputation nor educational provision of ARU Writtle</p>
<p>Environmental Information and Mitigation</p>	<p>The Application for the DCO is accompanied by an Environmental Statement. In its Socio-Economic Chapter 15 (Document 6.15), the Environmental Statement summarises the effects of the proposal on Community Facilities in Tables 15.14, 15.21, and 15.27 that includes the Equine Facility. But, the assessment of the effect of the proposals on the Equine Facility appears to have been underscored because it appears to not have recognized matters including: a) the Equine Facility's nature as a nationally important, internationally recognized, active and functioning educational facility providing Further and Higher Education to some 500 students and based on a herd of 90 horses; b) the real impacts of introducing construction vehicle traffic and its passengers into a regulated educational environment including for children; c) the practical consequences for collision risk between the on-site horse herd</p>	<p>The Project has assessed the potential impact on community facilities in accordance with the 6.19 Scoping Report [APP-288 – APP-296], 6.20 Scoping Opinion [APP-297], and the methodology set out in 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265]. The community facility assessment set out in 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265] has been undertaken following the sensitivity level as set out in the methodology matrix. A 'High' level sensitivity has been assigned (i.e. the highest level of sensitivity for a receptor), acknowledging the very frequent (daily/weekly) use of the education premises. The application of mitigation in the assessment is typical of a Development Consent Order (DCO) project of this nature.</p>

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	<p>using the current access route simultaneously with the proposed introduction of construction vehicles. 44. The foregoing Tables expressly rely on "Mitigation" terms asserted by National Grid as "embedded" to result in the absence of a likely significant effect of its proposals on the Equine Facility. That reliance is misplaced.</p>	
	<p>It is correct to note that dDCO Requirement 4, on page 106 of Document 3.1 ensures the production of specified "Construction Management Plans" that include: a) a "Code of Construction Practice"; and b) a "Construction Traffic Management Plan", and that each is required to be based on the outline version of these plans forming part of the Application documents. 46. However, on their close reading: a) the "Code of Construction Practice" contains no provisions including respect of the safeguarding of children, no guarantees by which to avoid collision risk with horses and pedestrians, nor guarantees in respect of ground-reinstatement for horse paddocks, and; b) the "Construction Traffic Management Plan" relates to highway mitigation and to specified sites and contains no express reference to the Equine Facility, (nor, for completeness, to Cow Watering Lane nor to Victoria Road highways). 47. Therefore, the references in Tables 15.14, 15.21, and 15.27 by which (so-called) "embedded" mitigation is relied on by National Grid adds nothing to sustain its asserted conclusion that no significant adverse effects would result from its proposals to the land use and/or socio-economics of the Equine Facility.</p>	<p>The community facility assessment undertaken in 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265] focuses on the potential land take, access disruption and loss of features of the receptor. Safeguarding is not an assessment element for 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265].</p> <p>In relation to the reinstatement of paddocks, 6.6 Environmental Statement Chapter 6 - Agriculture and Soils [APP-138] includes the requirement for all land required temporarily to be returned to its former agricultural use and condition. There is a commitment given to have a final Soil Resource Plan in place (to be based on 7.2 Outline Code of Construction Practice Appendix C - Outline Soil Resource Plan [APP-303]) to ensure soil handling is undertaken in line with good practice to ensure land restoration can be delivered successfully.</p> <p>As noted in Section 1.7.2 7.3 Outline Construction Traffic Management Plan [APP-309], the Outline CTMP is applicable to all construction works associated with the Project. As a result, the embedded mitigations and mitigations detailed within the document are applicable to the Equine Facility, Cow Watering Lane and Victoria Road.</p>

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	<p>Further, the law does not permit the mere reliance on an asserted statement of mitigation by which to defer the evaluation of the mitigation to a subsequent decision maker in the sphere of environmental impact assessment. In <i>Smith v First Secretary of State</i> [2003] Env. L.R. 32, the Court of Appeal considered the legal scope of the Rochdale Envelope, the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1988/1199) and the Directive 85/337/EEC on environmental assessment (as amended) and from which the Regulations derived.</p>	<p>The Project does not rely on mitigation in a manner that unlawfully defers assessment of likely significant effects. The Environmental Statement assesses the Project as applied for, including embedded mitigation and topic-specific commitments, and includes sensitivity testing of the Limits of Deviation and design scenarios to ensure the assessment captures the reasonably foreseeable worst case (see 6.4 Environmental Statement Chapter 4 – Project Description [APP-130] and the relevant topic chapter sensitivity testing sections). Where further detail is to be finalised post-consent (including construction management and traffic arrangements), that work is constrained and secured through the 3.1 Draft Development Consent Order [REP2-004] Requirements, including Requirement 4 and the approved management plans (including the 7.2 Outline Code of Construction Practice [REP2-014] and 7.3 Outline Construction Traffic Management Plan [APP-309]). Those controls provide the framework within which the Project will be delivered and ensure that construction is carried out in accordance with the environmental parameters assessed and with ongoing stakeholder liaison where relevant.</p>
	<p>That Court held as follows, in particular, at paragraph 33 in respect of the terms of the constraints for “mitigation”, what the instant decision maker was required to consider, and also the requirement for the downstream decision maker to have relevant environmental objectives as part of its decision making process:</p> <p>33. In my view it is a further important principle that when consideration is being given to the impact on the environment in the context of a planning decision, it is permissible for the decision maker to contemplate the likely decisions that others will take in relation to details where those others have the interests</p>	<p>The Applicant does not accept that the Environmental Statement or 3.1 Draft Development Consent Order [REP2-004] unlawfully defer assessment of likely significant effects or mitigation in the manner described in <i>Smith v First Secretary of State</i> (and, in particular, paragraph 33). The Application defines the authorised development and the parameters within which it may be constructed (including the Order Limits and Limits of Deviation), and the Environmental Statement assesses the likely significant effects of the Project on that basis, including by sensitivity testing of design flexibility to ensure the assessment captures the reasonably foreseeable worst case (see 6.4 Environmental Statement Chapter 4 – Project Description [APP-130] and the sensitivity testing sections in the topic chapters). Where detailed construction methodology is to be finalised post-consent, this is constrained</p>

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	<p>of the environment as one of their objectives. The decision maker is not however entitled to leave the assessment of likely impact to a future occasion simply because he contemplates that the future decision maker will act competently. Constraints must be placed on the planning permission within which future details can be worked out, and the decision maker must form a view about the likely details and their impact on the environment.</p> <p>There is no evidence from National Grid in its Application to address paragraph 33 in respect of each mitigation provision at this state of the DCO Application process, nor in particular by which to counter the evidence of ARU by its witness statements. Indeed, National Grid has yet to appoint a main contractor and cannot be in a position to know at this time the evidenced outcome of the likely details and their impact on the environment from such terms as yet fall to be agreed pursuant to the discharge of Requirement 4.</p>	<p>and secured through the 3.1 Draft Development Consent Order [REP2-004] Requirements (including Requirement 4) which require approval of management plans (including the 7.2 Outline Code of Construction Practice [REP2-014] and 7.3 Outline Construction Traffic Management Plan [APP-309]) that must be substantially in accordance with the certified outlines and must be implemented as approved. Those controls are directed to environmental protection and provide the decision-maker with an enforceable framework within which future details are to be worked out, consistent with paragraph 33. The fact that a principal contractor has not yet been appointed does not mean the likely details and their impacts cannot be assessed at application stage: it is standard in Nationally Significant Infrastructure Project (NSIP) consenting for the assessment to proceed on defined parameters and secured controls, with contractor-specific method statements developed later within those constraints and subject to approval and enforcement.</p>
	<p>Regulation 4(2) prohibits the Secretary of State from making an order granting development consent unless an EIA has been carried out in respect of the application. Regulation 5 defines "EIA" and paragraph (2) requires that EIA to "identify, describe and assess" "the direct and indirect significant effects of the proposed development" on specified factors and the inter-action between them. In light of the demonstrable underscoring by National Grid</p>	<p>Nothing in Regulation 4(2) prohibits the Secretary of State from granting development consent in this case. An Environmental Impact Assessment (EIA) has been carried out for the Application and is reported in the Environmental Statement (ES), which identifies, describes and assesses the likely significant effects of the Project (including direct and indirect effects and the interaction between receptors) in accordance with Regulation 5(2). The Equine Facility has been treated as a community facility receptor within the assessment methodology agreed through scoping (see 6.19 Scoping Report [APP-288 – APP-296] and 6.20 Scoping Opinion [APP-297]) and is assessed in 6.15</p>

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	<p>of the assessment of the Equine Facility, Regulation 4(2) remains engaged.</p>	<p>Environmental Statement Chapter 15 – Socio-economics, Recreation and Tourism [APP-265] (including as a high sensitivity receptor). In addition, where relevant to the matters raised by ARU, effects and embedded mitigation are assessed and secured through the appropriate ES topic chapters and the certified outline management plans (including the 7.2 Outline Code of Construction Practice [REP2-014] and 7.3 Outline Construction Traffic Management Plan [APP-309]) which are secured through Requirement 4 of the 3.1 Draft Development Consent Order [REP2-004]. The Applicant therefore disagrees that the ES has ‘underscored’ the Equine Facility assessment or that the statutory precondition in Regulation 4(2) is not met.</p>
<p>Alternatives</p>	<p>ARU made representations to National Grid about alternatives to the situation of pylons, above ground electrical lines, and construction access and maintenance routes through its land at the Equine Facility. The evidence in the witness statements of ARU demonstrates, again, the somewhat obdurate or confusedly underscoring by National Grid of the nature and status of the Equine Facility as a local or “school” facility and not as a nationally important educational facility of international renown, and that National Grid appears also to have regarded as a “farm” and not in fact as nationally and internationally important educational infrastructure. The representations of ARU were rejected for apparently spurious reasons: <i>9.3.5 Localised adjustments to the alignment around Writtle have been considered but no change has been made due to the restrictions imposed by infrastructure constraints (various pipelines) which prevent a change or because a change would lead</i></p>	<p>The Applicant does not agree with the characterisation of the interaction as expressed by ARU. The Applicant’s position is that the effects of the very limited requirement for access and limited oversail, without any permanent asset footprint within the facility, would not affect the functioning of ARU Writtle. The Applicant acknowledges the status of ARU Writtle. The community facility assessment set out in 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265] has been undertaken following the sensitivity level as set out in the methodology matrix. A ‘High’ level sensitivity has been assigned (i.e. the highest level of sensitivity for a receptor), acknowledging the very frequent (daily/weekly) use of the education premises.</p> <p>The Applicant also disagrees with the characterisation of the reasons for not changing the alignment as spurious. The Applicant must consider the implications of change as they may affect all parties as well as considering the practicalities of construction and maintenance. In this case whilst from the IP’s perspective they may perceive a change as minor or of little consequence, the Applicant must take an impartial view. Where a route has been developed we are conscious that change cannot</p>

Topic	Comment	National Grid's response
	<p><i>to a transfer of effects for example resolving perceived impacts on a view from one property but at the consequence of effects transferring to the view from another residential property.</i></p>	<p>just be a matter of transferring effects from an IP who has responded to another affected party who may not have responded previously. It is also pertinent to note that the position of a number of pipelines in close proximity both has implications for and constrains pylon positioning where modification is required/. This can in turn changes the position relative to homes.</p>
	<p>ARU has also promoted two alternative Options 1 and 2 to National Grid for the entrance to the Route TB West of the Equine Facility. It is clear from paragraph 6.2 of her witness statement that National Grid had no real interest in considering alternatives for its construction access through the Equine Facility because it had already fixed the red line without having first considered alternative access options to acquisition of the same from ARU. 58. ARU proposes a Protective Provision by which to safely enable ongoing education and construction access.</p>	<p>The Applicant has indicated that there are no significant plans to route a large number of construction vehicles through the ARU Writtle Campus. The intention is to minimise disruption to the campus by appropriately restricting vehicle access. The Applicant is proposing to route approximately Twoconstruction vehicles through the Campus, across the construction programme, for the purpose of erecting scaffold.</p> <p>Scaffold is proposed to be delivered to the relevant scaffold-tower locations via Cow Watering Lane. It is proposed that a temporary road closure of Cow Watering Lane would be in place to enable the unloading and delivery of the scaffold. The intention would be for the scaffold to manually lifted over the fence into the equine facility where the construction vehicles would then erect the tower. Once the stringing activities were complete construction vehicles would access the campus again to dismantle the scaffold tower. The Applicant did consider an alterative access into the Equine Facility from the Cow Watering Lane via a new highways bell mouth; however, this was discounted at design stage due to the disproportionate vegetation and tree loss associated with a temporary access for one off movements to erect scaffold.</p> <p>The Applicant is actively seeking to avoid the need for a scaffold by exploring the option of implementing a longer road closure. Although there is strong confidence that this alternative solution will be achievable, it has not yet been fully agreed upon with the relevant parties. As a result, arrangements for scaffold tower erection access remains under consideration until a final decision is reached.</p>

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		<p>In the event that the scaffold is ultimately deemed unnecessary, the Applicant will limit access through the Equine Facility to only what is essential for stringing works. In this case, only a small quad bike or a similar compact vehicle would be required to facilitate the pulling of bounds between towers, thereby further reducing the impact on the facility and its surroundings.</p> <p>Due to the limited nature of the required access and on the grounds suitable mitigation can be agreed, the Applicant does not deem it necessary to install an alternative access when a suitable access already exists. The alternative options put forward would either involve crossing third party land, additional vegetation removal, ground works or the installation of visibility splay.</p>
Compulsory acquisition under the planning act 2008	The dDCO includes proposed powers for the compulsory acquisition of land by National Grid.	<p>The 3.1 Draft Development Consent Order [REP2-004] includes provisions which, if made would give powers to the Applicant to compulsorily acquire land and/or rights in land where this is required to facilitate the construction, operation and maintenance of the authorised development. These powers are sought in accordance with the Planning Act 2008 and are limited to land and rights which are necessary to deliver the Project and cannot reasonably be secured by agreement in all cases. The Applicant has sought, wherever practicable, to rely on the acquisition of rights rather than the acquisition of freehold land, and the extent of land and rights proposed is proportionate and no greater than required. The Applicant considers that the statutory tests under section 122 of the Planning Act 2008 are met, and that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought, as set out in the 4.1 Statement of Reasons [REP2-009].</p>
National Grid's asserted "requirement" for another construction	The evidence of the witness statement of Jane Kenny shows the proposed construction route through the Equine Facility to be purposeless because: the combination of constrained widths, unsuitable surfacing, fixed fencing, and	The Applicant has indicated that there are no significant plans to route a large number of construction vehicles through the ARU Writtle Campus. The intention is to minimise disruption to the campus by restricting vehicle access wherever possible.

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and maintenance access route.	the non-negotiable 90-degree turn renders the route physically incapable of safely accommodating long or heavy vehicles and also of safely accommodating construction vehicle traffic through the campus and the periodic passing of maintenance vehicles of also unidentified size and type envisaged to service pylons and/or overhead cables above fields. It is difficult to see how there can be any connection between constructional vehicles small enough to use the ground level construction access desired and the proposed overhead cables many metres above ground level and above such vehicles.	<p>The largest anticipated scaffold-tower construction vehicle requiring access will be able to negotiate the 90-degree turn.</p> <p>This route would be specifically utilised for the erection of scaffold materials , as well as for the removal of the scaffold-toweronce its no longer required. This approach seeks to streamline the logistics of scaffold management and limit the movement of larger vehicles through sensitive areas.</p> <p>The Applicant is actively seeking to avoid the need for a scaffold by exploring the option of implementing a road closure. Although there is confidence that this alternative solution will be achievable, it has not yet been agreed upon with the relevant parties. As a result, arrangements for scaffold access remain under consideration until a final decision is reached.</p> <p>In the event that the scaffold is ultimately deemed unnecessary, the Applicant will limit access through the Equine Facility to only what is essential for stringing works. In this case, only a small quad bike or a similar compact vehicle would be required to facilitate the pulling of bounds between towers, thereby further reducing the impact on the facility and its surroundings.</p> <p>The Applicant did consider an alternative access into the Equine Facility from the Cow Watering Lane via a new highways bell mouth; however, this was discounted at design stage due to the disproportionate vegetation and tree loss associated with a temporary access for one off movements to erect scaffold.</p> <p>Due to the limited nature of the required access and on the grounds suitable mitigation can be agreed, the Applicant does not deem it necessary to install an alternative access when a suitable access already exists. The alternative options put forward would either involve crossing third party land, additional vegetation removal, ground works or the installation of visibility splay.</p>
	there is no actual need, nor can there be any form of "requirement" (including to facilitate or	The Applicant does not accept that there is 'no actual need' for the Order Limits to include the access strip to Cow Watering

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	<p>incidentally) for the extension of the Order Limits Eastwards from the Easternmost edge of the Limits of Deviation through the Equine Facility, and then Southwards through the buildings of that Equine Facility to the highway at Cow Watering Lane, in which to create a vehicular construction and maintenance access.. In this respect, the evidence shows that it cannot be said that there is no doubt that an access through the Equine Facility is necessary for the construction of overhead lines, including because access can be taken from a range of closer locations inside of the Order Limits. Further, nor can it be said that the evidence “decisively” demands a further access above and beyond the numerous locations near to the proposed sites of TB 165 and TB166. See Prest. It follows that, in law, National Grid, on whom the legal burden of proving its proposed acquisition rests, cannot justify the creation of a construction or maintenance access route over the Equine Facility. Furthermore, ARU propose Protective Provisions evidencing that the ongoing safe functioning of the Equine Facility can occur simultaneously with such access as National Grid may desire to take from Cow Watering Lane to the paddocks to the West of the Equine Facility. The foregoing paragraph applies equally to those Provisions.</p>	<p>Lane. The purpose of including this land is to facilitate the safe delivery and unloading of temporary works equipment (including, on the current design, temporary scaffold protection) required for the conductor stringing activity at this location, and to enable a small vehicle to access the field boundary to install and remove those temporary works. The proposed access and any associated temporary highway closure arrangements are shown on 2.5 Access, Rights of Way and Public Rights of Navigation Plans - Section F (Sheet 8) [APP-038] and will be controlled through the management plans secured by Requirement 4 (including the Construction Traffic Management Plan (CTMP)) in Schedule 3 of the 3.1 Draft Development Consent Order [REP2-004] (see also 7.3 Outline Construction Traffic Management Plan [APP-309]).</p> <p>In compulsory acquisition terms, the land therefore meets the statutory test of being required to facilitate the authorised development and the powers sought are limited and proportionate, given the very small number of vehicle movements anticipated and the short duration of the relevant activity. The Applicant is willing to continue discussions with ARU regarding specific working practices and appropriate access controls to ensure ARU’s operations can continue safely during these limited activities; however, the Applicant does not accept that it would be appropriate to delete Plot 8/42 from the Order Limits as sought.</p>
National Grid's asserted “Compelling Case”	Section 122(3) also requires that National Grid evidence a “compelling” case in the public interest for the superimposition over the Equine Facility of a further construction and maintenance access	There is a ‘ <i>compelling case in the public interest</i> ’ for the powers sought in respect of the access land shown on the 2.2 Land Plans (Section F, Sheet 8) [AS-010] . The land is required to facilitate the authorised development, in particular to enable delivery

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	<p>route that would connect the highway at Cow Watering Lane with a paddock over which National Grid proposes to string a high level electrical line and to which location it can reach by means of adjacent land inside the Order Limits to the South, West and North of that location. On its face, it cannot be said there is a “compelling” case for acquisition, nor a case “in the public interest” for such acquisition. Further, the evidence in the witness statements from ARU, itself an educational institute that functions in the public interest to provide Further and Higher Education, shows that the counter-veiling public interest in the safe ongoing operation of the Equine Facility outweighs the provision of yet a further construction and maintenance access in favour of National Grid. 87. Furthermore, National Grid itself has led no evidence in its Application for a DCO showing that it can itself ensure safe ongoing operation of the Equine Facility simultaneously with National Grid desiring to use the existing internal access route inside of the Equine Facility for its construction and maintenance vehicle traffic. 88. ARU submits that the acquisition of the land edged red and coloured yellow cannot be justified by National Grid as compelling and, in turn, the Secretary of State is not entitled under section 120(1) and (3) of the Planning Act 2008 to authorise compulsory acquisition of the land edged red and coloured yellow on the Land Plan, Section F, Sheet 8, so far as it relates to the Equine Facility.</p>	<p>of materials and the installation and removal of temporary scaffold protection and to provide for inspection and maintenance activities over the operational life of the overhead line, all within the Order Limits and the powers sought. The interference with ARU’s land is limited and proportionate: the access is required on a small number of occasions for a short duration, with a low number of vehicle movements (approximately four vehicles movements throughout the construction programme, across two proposed occurrences), and without a permanent operational footprint within the Equine Facility. With the proposed mitigation, the Applicant anticipates no impediment to the safe and ongoing operation of the Equine Facility.</p>

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Cables Proposed to be Overhead the Paddocks of the Equine Facility, the use of Drones and EMF	<p>ARU has submitted evidence in its witness statements that demonstrate that horses can be affected adversely by electromagnetic fields emanating from overhead power cable lines, and that these affects can result in disturbed horse behaviours and resulting risks to students and student riders in proximity to such overhead electrical lines.</p>	<p>See response in the table above regarding behavioural impact on horses.</p>
	<p>ARU refers the Secretary of State to the witness evidence of Joanne Wareham that explains how drones can photograph or video record children in the paddocks, in breach of statutory safeguarding requirements. Ms Wareham's evidence shows the real need to preclude drone flights over the Equine Facility. In this respect, ARU Writtle, Plan A, shows the area shaded blue of the Equine Facility. Thae blue-shaded area is the extent of the Equine Facility that is subject to statutory requirements in relation to safeguarding of children. Those requirements are not confined in height above ground level. Instead, the blue-shaded area can be notionally extended in the vertical dimension to include within that notional volume the electric cables shown on Plan A to be oversailing the paddock ground level blue-shaded land of the Equine Facility. Those statutory safeguarding requirements cannot be overridden by the secondary legislation of the dDCO. The Works Plans, Section F, Sheet 8, show the geometry of the Limits of Deviation immediately to the West of the blue-shaded area of the Equine Facility. It can be seen that the micro-siting of the illustrative</p>	<p>The Applicant has considered a wide range of alternative route alignments and reported these in consultation feedback and 5.15 Design Development Report [APP-122]. The Applicant notes the ARU Writtle's preference for a different alignment. As an experienced designer of connection infrastructure, the Applicant has considered whether a move of the alignment to the north-west can be achieved. We concluded that it was less preferred. There are existing pipelines that constrain positioning of pylons and these, in combination with the positioning of residential properties and existing trees and woodland lead to a conclusion that the preferred alignment is the one that oversails the corner of the Equine Facility. The suggested movement within the Limits of Deviation would require more tree removal on the adjacent landholding. It is the Applicant's position that oversail of the corner of the Equine Facility, with agreed access mitigations, would not materially affect the use of land below and as a consequence not affect the function of ARU Writtle.</p> <p>The Applicant reviewed multiple alternative alignments in the vicinity of ARU Writtle, including TB164 and TB165 (now TB166 and TB167). The presence of gas and oil pipelines, ARU Writtle college, woodland, an historic landfill and various Grade II listed buildings and residential properties means that alternatives are not preferred either technically or environmentally.</p> <p>With respect to overhead lines and drone operations, the Project has undergone assessment within the Environmental Statement.</p>

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	<p>locations of pylon references TB165 and TB166 can be situated inside of those Limits but farther West. So situated, the line of the overhead cables between TB165 and TB166 would be outside of the Equine Facility. 94. In turn, there would be no need for the drones of National Grid to enter the volume of the safeguarded volume of the blue-shaded area of the Equine Facility</p>	<p>Detailed methodologies for construction and maintenance will be governed by the approved management plans. The Applicant does not intend to permit unrestricted drone use over safeguarded areas, and if there is the requirement to use drones, this will first be discussed and timings agreed with the ARU.</p>
	<p>ARU submits that the Secretary of State impose a requirement on the DCO precluding any overhead cable lines from traversing the land of the Equine Facility. The reason for this requirement is: in the interests of ensuring the safeguarding of children educated at the Equine Facility and for the protection of students from adverse horse behaviours.</p>	<p>It is the Applicant's position that oversail of the corner of the Equine Facility, with agreed access mitigations (for limited and infrequent access requirements), would not materially affect the use of land below and not affect the function of ARU Writtle nor weaken the safeguarding of children or safety of students.</p>
	<p>The practical outcome of the proposed requirement is that it can be satisfied by National Grid ensuring the micro-siting of pylons references TB165 and TB166 farther Westwards whilst simultaneously such micro siting ensures no cable traverses the Equine Facility land. In turn, the education of students by ARU and WCL can continue safely in the widest sense. In further turn, National Grid then would have no desire (let alone any asserted need) for Plot 8/42 and no safeguarding issues would then appear to arise nor concerns about construction access to land not traversed at all by above ground electrical lines.</p>	<p>The Applicant's position is as stated above that oversail of the corner of the Equine Facility, with agreed access mitigations, would not materially affect the use of land below and as a consequence does not affect the function of ARU Writtle.</p>

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Section F	<p>Health and Safety at Work Act - ARU employer duties Cites section 2 of the Health and Safety at Work etc. Act 1974, which imposes a duty on every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees at work, including maintaining safe systems of work, safe means of access and egress, and a safe working environment. Explains that ARU has non-delegable employer duties across the Equine Facility site that would be directly engaged and argues these could be potentially compromised by National Grid's proposed access and construction activity on Plot 8/42. (paragraphs 2-3, Section F)</p>	<p>The Applicant does not accept that the very limited and controlled access and construction activities proposed in connection with Plot 8/42 would place ARU in breach of ARU's duties as an employer under section 2 of the Health and Safety at Work etc. Act 1974 . Construction and access will be planned and managed through the approved management plans secured by the draft DCO (including the Code of Construction Practice and Construction Traffic Management Plan pursuant to Requirement 4 in Schedule 3 of the 3.1 Draft Development Consent Order [REP2-004]; see also 7.2 Outline Code of Construction Practice [REP2-014] and 7.3 Outline Construction Traffic Management Plan [APP-309]) and will include appropriate access control, supervision, segregation measures and timing arrangements agreed with ARU as necessary. The access in question is limited to a small number of vehicle movements for short-duration activities (as shown on 2.5 Access, Rights of Way and Public Rights of Navigation Plans Section F (Sheet 8) [APP-038]). The Applicant will continue to liaise with ARU to identify site-specific safe systems of work so that ARU's operations can continue safely during the relevant works.</p>
	<p>Education Act - safeguarding and welfare of children Cites s.175 of the Education Act 2002, which requires governing bodies of further education institutions to make arrangements to exercise their functions with a view to safeguarding and promoting the welfare of children receiving education or training at the institution. Cites the Department for Education statutory guidance "Keeping Children Safe in Education (issued under s.175) which requires governing bodies to ensure compliance with safeguarding duties at all times and to take a whole-school or college approach placing the best</p>	<p>. The Applicant does not accept that ARU's safeguarding duties under section 175 of the Education Act 2002 and the statutory guidance Keeping Children Safe in Education² are incapable of being complied with alongside the delivery of the authorised development. As set out above, the works associated with Plot 8/42 are limited in scale and duration and (on the current design) involve a small number of vehicle movements on a small number of occasions.</p>

² Department for Education (2025) *Keeping Children Safe in Education*

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	<p>interests of the child at the heart of all systems, processes and policies. Explains that ARU therefore has mandatory statutory safeguarding obligations covering the entire Equine Facility that cannot be overridden or displaced by a DCO granting access rights. (paragraphs 4-8, Section F)</p>	
	<p>Safeguarding Vulnerable Groups Act - DBS verification Cites the Safeguarding Vulnerable Groups Act 2006, which establishes the concept of "regulated activity" in relation to children and vulnerable adults, makes it a criminal offence (carrying up to five years' imprisonment on indictment) for a barred person to engage in regulated activity, and makes it a criminal offence for a regulated activity provider to permit a barred individual to engage in that activity — with liability extending personally to directors and managers of corporate bodies; and relies on these provisions to establish that ARU, as a regulated activity provider, commits a criminal offence if it permits any barred person to engage in regulated activity on the Equine Facility site, meaning it cannot accept National Grid's contractors or operatives on site without prior DBS verification. (paragraphs 9-16, Section F)</p>	<p>The Applicant acknowledges the safeguarding framework under the Safeguarding Vulnerable Groups Act 2006 and ARU's need to ensure that individuals who are barred from regulated activity are not placed in positions that would engage the statutory offences. Contractor access to undertake construction activities (and associated vehicle movements) does not constitute 'regulated activity' as defined by the 2006 Act (for example, it does not involve teaching, training, supervising or providing personal care to children). However, the Applicant recognises that ARU must operate a proportionate safeguarding regime across the Equine Facility and that ARU may reasonably require controls over thirdparty access while students are present.</p> <p>Accordingly, the Applicant will continue to liaise with ARU to identify a site-specific safeguarding protocol for any works or access in the vicinity of the Equine Facility. That protocol would include appropriate access control and verification measures (such as pre-notification of personnel, identity checks, inductions, supervision/escorting where required, and restrictions on access routes and areas. Where ARU reasonably requires personnel to have unescorted access within safeguarded areas during periods when students are present, the Applicant will work with ARU to agree appropriate safeguarding verification arrangements (which may include provision of DBS-related confirmation for relevant personnel), without prejudice to the Applicant's position that a blanket DBS requirement for all personnel and vehicle occupants in all circumstances is neither necessary nor proportionate given the limited nature of the activities proposed.</p>

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	<p>Animal Welfare Act – ARU's statutory duties toward its horses Cites the Animal Welfare Act 2006, which applies to all vertebrates commonly domesticated in the British Islands (including horses), making it a criminal offence to cause unnecessary suffering to a protected animal by an act or omission where the person knew or ought reasonably to have known that the act or omission would cause suffering, and imposes a duty to take reasonable steps to ensure that the needs of an animal for which a person is responsible are met. This includes its need for a suitable environment, normal behaviour patterns, and protection from pain, suffering, injury and disease. Explains that ARU has non-delegable statutory duties toward the approximately 90 horses at the Equine Facility that would be engaged by any construction or vehicle activity on Plot 8/42 in proximity to the horses. (paragraphs 17-19, Section F)</p>	<p>The Applicant acknowledges ARU's duties under the Animal Welfare Act 2006 in respect of the horses at the Equine Facility. The Applicant does not accept that the authorised development would give rise to unnecessary suffering or that ARU would be unable to comply with its animal welfare duties. The works associated with Plot 8/42 are limited in scale and duration (a small number of vehicle movements on a small number of occasions) and will be planned and managed through the management plans secured by Requirement 4 of the 3.1 Draft Development Consent Order [REP2-004] (including the Code of Construction Practice (CoCP) and Construction Traffic Management Plan), with working practices agreed with ARU to ensure the Equine Facility can continue to operate safely.</p> <p>Potential effects relevant to horses have been considered within the Environmental Statement, including with respect to electric fields and the potential for microshocks, and embedded design mitigation has been applied to reduce electric fields at ARU Writtle (see 7.8 Electric and Magnetic Field Compliance Report [APP-330], including Sections 2.9 and 2.11). In addition, general construction effects (including noise, vibration, vehicle movements and reinstatement of land) are addressed through topic assessments and the controls in the CoCP, including commitments for land to be reinstated and for soil handling to follow good practice (see 6.6 Environmental Statement Chapter 6 – Agriculture and Soils [APP-138] and 7.2 Outline Code of Construction Practice Appendix C – Outline Soil Resource Plan [APP-303]).</p> <p>The Applicant will continue to liaise with ARU to agree a site-specific equine management / animal welfare protocol (including appropriate timing, access control/segregation, and measures to minimise disturbance) for any works in proximity to horses.</p>
	<p>Negligence liability on Secretary of State Cites <i>Kane v New Forest District Council</i>, asserting that the Court of Appeal imposed negligence liability on a local planning authority that had authorised the creation of a foreseeably dangerous situation</p>	<p>The Applicant does not agree with the summary given of <i>Kane v New Forest District Council</i> or characterisation of the principle it establishes. The Court of Appeal did not impose negligence liability on the Local Planning Authority. It allowed an appeal against a strike-out, finding only that the claim was sufficiently arguable</p>

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	<p>(a blind-bend footpath) without imposing conditions to prevent its dangerous use, and asserting further that the Court held that a decision-maker that requires or permits the construction of a foreseeably dangerous situation, and fails to impose conditions to prevent that danger, may be liable in negligence for resulting injuries. The implication appears to be that if the Secretary of State grants powers sought by National Grid they, as decision-maker, may themselves face negligence exposure. (paragraph 20, Section F)</p>	<p>to proceed to trial. No liability was determined. The case turned on highly specific facts: the council had, by section 52 agreement (statutory predecessor to section 106 agreements), actively required the construction of a footpath that its own highway authority had identified as dangerous, and then permitted it to open to the public with actual knowledge of that danger. The Court drew a fundamental distinction between cases where a public authority creates a source of danger and cases involving mere omissions – the latter attracting no liability. The case does not support the proposition that the Secretary of State faces any negligence exposure in DCO proceedings. Subsequent authority (<i>R (D2M Solutions Ltd) v Secretary of State for Communities and Local Government</i>) [2017] EWHC 3409 (Admin) confirms that decision-makers are generally not liable in damages for negligence in the determination of planning applications: ‘<i>It is well-established in our law of tort that local planning authorities are generally not liable in damages for financial loss resulting from alleged negligence in the determination of planning applications (Dunlop v Woollahra Municipal Council [1982] AC 158; Strable v Dartford Borough Council [1984] JPL 329; Kane v New Forest District Council [2002] 1 WLR 312 paragraph 22). It is difficult to see how, within the statutory framework of the TCPA 1990, any duty of care could arise when an Inspector or the Secretary of State discharges an appellate function, for example by determining a developer's appeal against a decision of a local planning authority. No duty of care recognised by the law of negligence is owed (Caparo Industries plc v Dickman [1990] AC 605)</i>’ (paragraph 74). In any event, the Applicant has set out that no foreseeably dangerous situation is proposed by the Project.</p>
	<p>Not granting all powers in the DCO as submitted Cites s.55 (definition of "development") of the Town and Country Planning Act 1990, read with the High Court decision in <i>Kent County</i></p>	<p>As a matter of law, it is correct that the Secretary of State is not obliged to grant all elements of a Development Consent Order application and may grant consent in part. However, in this case the Applicant has demonstrated that the powers sought over Plot</p>

Topic	Comment	National Grid's response
	<p><i>Council v Secretary of State for the Environment</i>, which held that a determining authority may grant as much of the development applied for as it thinks should be permitted — i.e., it is not obliged to grant all or nothing. (paragraphs 21 - 22, Section F)</p>	<p>8/42 are required for, and are proportionate to, the authorised development, in accordance with sections 120 and 122 of the Planning Act 2008. The limited access and rights proposed are necessary to facilitate construction and maintenance activities associated with the overhead line works and have been carefully defined to minimise land take and interference with the Equine Facility. The Applicant's justification for the inclusion, extent and duration of these powers is set out in the 4.3 Book of Reference [AS-018], 2.2 Land Plans [AS-005 to AS-012] and the accompanying explanatory material, and establishes a compelling case in the public interest. There is therefore no basis for the selective removal or modification of Plot 8/42 from the Order Limits.</p>
	<p>Planning Act framework Cites the principal operative provisions of the Planning Act 2008 as the statutory framework within which the access and acquisition powers for Plot 8/42 must be assessed, including: s.14 (overhead electric lines as NSIPs); s.31 (development consent requirement); s.104 (the Secretary of State must have regard to relevant National Policy Statements and other important and relevant matters, and must decide in accordance with NPS unless the adverse impact outweighs benefits or deciding in accordance with NPS would breach a statutory duty or be unlawful); s.114 (power to make or refuse a DCO); s.120(3)-(4) and Schedule 5, paragraph 10 (a DCO may make provision for the protection of the property or interests of any person); and s.122 (compulsory acquisition may only be authorised where the land is required for, facilitates, or is incidental to the authorised development, and there is</p>	<p>The Applicant's case for access and acquisition powers affecting the Equine Facility and Plot 8/42 has been advanced squarely within the statutory framework of the Planning Act 2008. The proposed overhead electric line constitutes a Nationally Significant Infrastructure Project under section 14 and therefore requires development consent pursuant to section 31. In determining the application, the Secretary of State is required by section 104 to have regard to the relevant National Policy Statements and other important and relevant matters and to decide the application in accordance with those statements unless one of the statutory exceptions applies.</p> <p>The 3.1 Draft Development Consent Order [REP2-004] has been prepared in accordance with section 114 and section 120, including the ability under section 120(3) and Schedule 5 to include protective or mitigating provisions where justified. The compulsory acquisition and rights sought over Plot 8/42 satisfy the statutory tests in section 122, in that they are required for, facilitate and are incidental to the authorised development, and there is a compelling case in the public interest for their inclusion. The extent and duration of the powers sought have been limited to what is reasonably</p>

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	<p>a compelling case in the public interest). (paragraphs 23-36, Section F).</p>	<p>necessary to deliver the Project and have been justified in detail in the 2.2 Land Plans [AS-005 to AS-012], 4.3 Book of Reference [AS-018] and accompanying explanatory material. Taken together, these documents demonstrate that the powers sought are lawful, proportionate and fully compliant with the Planning Act framework.</p>
	<p>Precedent for protective provisions Cites the Riverside Energy Park DCO as a precedent for the inclusion of protective provisions under s.120(3), Schedule 5, paragraph 10 of the Planning Act 2008 in favour of a neighbouring operator whose facility would be affected by an authorised development. The suggestion appears to be that there should be protective provisions in the DCO in favour of ARU to manage the interaction between the authorised development and the Equine Facility. (paragraph 37)</p>	<p>Te The Riverside Energy Park DCO does not provide a relevant or compelling precedent for the inclusion of Protective Provisions in this case. Protective Provisions are exceptional and are typically included for statutory undertakers or in circumstances where standard Development Consent Order Requirements are demonstrably insufficient. The Riverside Energy Park Order concerned a materially different factual and regulatory context and does not establish a general principle that Protective Provisions are appropriate for neighbouring landowners or operators.</p> <p>In this case, the Applicant considers that all matters raised by ARU regarding access, safeguarding, construction management and interaction with the Equine Facility can be adequately and proportionately addressed through the standard Requirement-based controls secured by the 3.1 Draft Development Consent Order [REP2-004], including the Code of Construction Practice and Construction Traffic Management Plan, together with ongoing liaison during construction.</p> <p>The Applicant does not consider that there are any residual matters that require bespoke Protective Provisions within the DCO. The inclusion of such provisions would be unnecessary and disproportionate for a linear project of this scale, and the Applicant therefore does not propose Protective Provisions in favour of ARU.</p>

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	<p>Interpreting compulsory purchase legislation in favour of affected persons Cites Chilton v Telford Development Corporation for the principle that statutes depriving citizens of property rights are to be construed in favour of the owner or occupier; cites R (Sainsbury's Supermarkets Ltd) v Wolverhampton City Council for the constitutional principle that compulsory acquisition is entirely a creature of statute and that courts impose strict construction on statutes expropriating private property; and R and R Fazzolari Pty Ltd v Parramatta City Council for the proposition that where a statute is capable of more than one construction, that construction will be chosen which interferes least with private property rights. This is described in the submission as equivalent to a "contra proferentem" principle operating against the acquiring authority at all stages of the compulsory purchase process. (paragraphs 39-41, 46, Section F)</p>	<p>The Applicant does not dispute the general principles of statutory interpretation cited, namely that compulsory acquisition powers are a creature of statute and must be exercised in accordance with the legislative framework. However, characterising those principles as equivalent to a blanket 'contra proferentem' rule operating against an acquiring authority at all stages of the compulsory purchase process materially overstates their scope and effect. The authorities relied upon do not displace the express statutory tests set out in section 122 of the Planning Act 2008, nor do they require the refusal of compulsory acquisition powers where those tests are met.</p> <p>In this case, the Applicant has demonstrated, by reference to the 4.3 Book of Reference [AS-018], 2.2 Land Plans [AS-005 to AS-012] and accompanying justification material, that the powers sought over the Equine Facility and Plot 8/42 are required for, facilitate, or are incidental to the authorised development, and that there is a compelling case in the public interest for their inclusion. The statutory framework expressly permits the acquisition of land and rights where these tests are satisfied, and nothing in the case law cited alters the proper application of that framework or undermines the compelling justification advanced for the limited and proportionate powers sought.</p>
	<p>"Draconian" nature of compulsory purchase Cites De Rothschild v Secretary of State for Transport, in which the Court of Appeal held that while no special rules of judicial review apply to challenges to CPOs, the draconian nature of a compulsory purchase order will itself render it more vulnerable to successful challenge on Wednesbury/Ashbridge grounds unless sufficient reasons are adduced affirmatively to justify it on its merits, and that the power to dispossess a citizen of land against their will is not one to be exercised lightly</p>	<p>The Applicant has set out compelling reasons to justify its case for powers affecting the Equine Facility and Plot 8/42 required for the Project (including in respect of access and rights) in accordance with all applicable statute and consistent with case law. The case is strongly in the public interest. This is not a case where the scales are evenly balanced requiring doubt therefore to be resolved in favour of the affected person. Suitable alternative land is not available. Nothing in the case cited alters the analysis in those documents about the compelling need for the powers proposed.</p>

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	<p>and without good and sufficient cause. (paragraphs 42 and 43, Section F)</p>	
	<p>Approach to evidence in compulsory purchase Cites <i>Prest v Secretary of State for Wales</i> for the following propositions: the onus of showing that a compulsory purchase order has been properly made lies on the authority seeking it; no citizen is to be deprived of land by a public authority unless Parliament expressly authorises it and the public interest decisively so demands; where the scales are evenly balanced for or against compulsory acquisition, the decision should come down against it; reasonable doubt must be resolved in favour of the citizen; where suitable alternative land is available (including land the acquiring authority already controls), it is not "necessary" to acquire the citizen's land; "reasonable doubt" means doubt based on objective evidence, not <i>Wednesbury</i> reasonableness. (paragraphs 43-45, Section F)</p>	<p>The Applicant has set out compelling reasons to justify its case for powers affecting the Equine Facility and Plot 8/42 required for the Project (including in respect of access and rights) in accordance with all applicable statute and consistent with case law. The case is strongly in the public interest. This is not a case where the scales are evenly balanced, and doubt is to be resolved in favour of the affected person. Suitable alternative land is not available. Nothing in the case cited alters the analysis in those documents about the compelling need for the powers proposed.</p>
	<p>EIA Regulations Cites the Infrastructure Planning (EIA) Regulations 2017, including: reg 3(1) (definition of "environmental information" as including representations made by any person about environmental effects); reg 4(2) (the Secretary of State must not make a DCO granting development consent unless an EIA has been carried out); and reg 5 (the EIA must identify, describe and assess in an appropriate manner the direct and indirect significant effects of the proposed development on, inter alia, population and human health, biodiversity, land, soil, water, air and climate, and must include</p>	<p>The Project has assessed the potential impact on community facilities in accordance with the 6.19 Scoping Report [APP-288 – APP-296], 6.20 Scoping Opinion [APP-297], and the methodology set out in 6.15 Environmental Statement Chapter 15 - Socio-economics, Recreation and Tourism [APP-265].</p>

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	<p>assessment of operational effects). (paragraphs 47-50, Section F)</p> <p>The "Rochdale Envelope" principle Cites <i>R v Rochdale MBC ex parte Milne</i> for the proposition that it is permissible in principle for an outline application subject to EIA to leave certain details to be worked out later, provided: the environmental assessment takes full account at the outset of the implications of the need for flexibility; clearly defined parameters are established within which the project may evolve; and conditions are imposed to ensure the process of evolution keeps within those parameters. (paragraph 51, Section F).</p>	<p>In the Environmental Statement (ES) the design as presented on 6.4.F1 Environmental Statement Figure 4.1 - Proposed Project Design [APP-133] and 6.4.F2 Environmental Statement Figure 4.2 - Proposed Project Design - Permanent Features [APP-134] and described in 6.4 Environmental Statement Chapter 4 - Project Description [APP-130] was assessed in each environmental topic chapter. Rather than worst-case, a reasonable / most likely case was assessed. Then in the 'sensitivity testing' section of each topic chapter the Applicant assessed the Limits of Deviation and the alternative design scenarios presented in Table 4.4 of 6.4 Environmental Statement Chapter 4 - Project Description [APP-130] to ensure that every possibility / worst case was captured / covered by the impact assessment. Therefore, the Applicant can confirm that a worst-case scenario has been assessed within the ES.</p> <p>The Applicant has developed 7.3 Outline Construction Traffic Management Plan [APP-309], which is secured through Requirement 4(1) in Schedule 3 of the 3.1 Draft Development Consent Order [REP2-004]. The Main Works Contractor(s) will develop the final Construction Traffic Management Plan (CTMP), with the intention that a detailed CTMP be agreed prior to the commencement of each stage of the authorised development.</p>
	<p>Deferring assessment of likely significant effects Cites <i>Smith v First Secretary of State</i> for the following principles: At the outline consent stage the decision-maker must have sufficient details of the proposed development, its environmental impact, and any mitigation; Once outline consent has been given there is effectively no going back without compensation, meaning the authority is powerless to prevent development</p>	<p>The Applicant has developed 7.3 Outline Construction Traffic Management Plan [APP-309], which is secured through Requirement 4(1) in Schedule 3 of the 3.1 Draft Development Consent Order [REP2-004]. The Main Works Contractor(s) will develop the final Construction Traffic Management Plan (CTMP), with the intention that a detailed CTMP be agreed prior to the commencement of each stage of the authorised development.</p>

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	<p>even if significant adverse impacts are identified later; The decision-maker fails to comply with its EIA obligations if it leaves over questions relating to the significance of environmental impact and the effectiveness of mitigation; While it is permissible to contemplate that future decision-makers will act competently, the decision-maker is not entitled to leave the assessment of likely impact to a future occasion on that basis — constraints must be placed on the consent within which future details can be worked out, and the decision-maker must form a view about the likely details and their impact on the environment. (paragraphs 52-53, Section F)</p>	
	<p>Permanence of DCO powers Cites the Supreme Court's 2025 decision in <i>CG Fry and Son Limited v Secretary of State for Housing, Communities and Local Government</i> for the proposition that the grant of planning permission "locks in" the right of the developer to proceed with the development for which permission has been given; and applies this by analogy at national level to argue that if the Secretary of State authorises a DCO with Order limits including Plot 8/42, that will "lock in" perpetual use of that access route through the Equine Facility — whereas inclusion of ARU's proposed protective provisions would ensure the Order Limits automatically truncate to exclude Plot 8/42 shortly after installation of towers TB165 and TB166 and the cables between them. (paragraphs 54-55, Section F)</p>	<p>The Applicant does not accept the application of <i>CG Fry and Son Limited v Secretary of State for Housing, Communities and Local Government</i> by analogy in the manner suggested. While a Development Consent Order, once made, authorises the development applied for, that does not mean that all land or rights within the Order Limits are intended to be used perpetually or without constraint. The powers sought over Plot 8/42 are limited, defined and justified by reference to the specific construction and maintenance activities required for the authorised development, and are subject to the controls and requirements imposed by the 3.1 Draft Development Consent Order [REP2-004].</p> <p>The Applicant has explained why access and rights over Plot 8/42 are required to facilitate the delivery and operation of the overhead line works and why those powers remain necessary for the life of the Project. There is no statutory requirement for Order Limits to truncate automatically once construction activities are complete, and the inclusion of such a mechanism would be inappropriate where ongoing access and inspection rights may reasonably be</p>

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		required. The duration and extent of the powers sought have been limited to what is necessary and proportionate, and their inclusion does not give rise to unrestricted or perpetual use of the Equine Facility. Accordingly, there is no justification for the proposed Protective Provisions or for the removal of Plot 8/42 from the Order Limits.

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