

This submission builds upon our earlier Relevant Representations RR 0313 RR-1250, RR-2632 and RR-2636. We own property, including our home and garden, which is within the Scheme Order limits for this proposal and we are therefore 'affected persons' for the purposes of s59 the Planning Act 2008; NG seek the permanent and temporary compulsory creation of new rights over our property, namely the siting of a pylon and the routing of the overhead line over our property, including over our garden. Temporary rights are also sought – presumably for use during construction period. Our home is our main residence and we have invested significantly over the years in creating a lovely family home for use by our extended family.

This document consolidates and refines our previous submissions and responds directly to National Grid's "Comments on Relevant Representations" [REP2-023].

We reserve the right to supplement this submission should further evidence become available.

Continued opposition to the proposed development

We maintain our high level objection to the proposed overhead line alignment and associated works as set out in our Relevant Representations. We have particular concerns about the routing of the pylon swathe through the garden of our family home and also its routing through the paddock adjoining our home, in relation to which we have development aspirations which will clearly be negatively impacted. We object to the proposed exercise of compulsory acquisition powers in relation to our property.

Impact on Development Potential and Hope Value

In addition to the impact on our residential property, the proposed alignment would directly affect the adjoining land within our ownership, which has clear and credible development potential.

The land comprises a substantial undeveloped brownfield area located in close proximity to Colchester city centre and the A12 corridor. We are actively exploring development opportunities for this land, including renewable energy uses and other potential planning such as senior subsidized housing uses consistent with national and local planning policy.

The correct legal test is not whether planning permission is certain, but whether there is a realistic prospect of development in the absence of the scheme. This is well established in *Myers v Milton Keynes Development Corporation*. The proposed routing of pylons and associated infrastructure through this land would certainly sever and fragment the site, prevent efficient layout and design of any future scheme and not limited to introduce constraints and easements rendering development unviable or significantly compromised.

As a result, the scheme would sterilise the development potential of the land and destroy its hope value, causing substantial long term financial harm.

No site-specific assessment has been undertaken by National Grid to consider this impact, nor have any meaningful discussions taken place with us regarding how this impact could be avoided or mitigated.

This represents a material and disproportionate interference with our property rights, going significantly beyond the impacts experienced by typical residential landowners.

Lack of engagement

We have not experienced any meaningful engagement with NG about their proposals and their impact on our home and adjoining land and whether there are any assurances they can give us which would address our concerns.

We have recently been contacted by National Grid and offered a meeting – this has not yet taken place. We have requested an undertaking for our professional costs in attending this meeting, but are yet to receive any response. We are reluctant to meet with NG without representation due to our previous unsatisfactory experience with NG at an earlier stage, when we felt pressured into signing a survey access licence agreement with NG in 2024, after they called unannounced at our property. A summary of the events around this survey licence is set out below

NG provided a form for us to complete to voluntarily accept land survey - we did not respond

Repeat letter was provided and FG attended our property to hand deliver the form

FG were subsequently discovered walking around our property and field (without our consent). When questioned on what they were doing and asked to leave, they told us to fill in the form or they would serve notice on us enabling them to continue without landowner's permission.

We asked them to explain what they wanted to do and what compensation we would receive.

FG offered £500, increasing to £1500 and then finally settled on £2000; they stated they would reinstate the property to the exact way it was before they entered.

We accepted £2000 licence fee and they stated they will pay damages in circumstances where they failed to secure/reinstate the property to its original state.

FG contractors cut away hedge row and created an access into the field from Straight Road, Boxted.

Multiple heavy machinery was brought on site plus workmen's vans etc entering and exiting the property during the survey. The works took approx. one week to complete.

Once their survey site was set up and all works completed, they informed us that a bore hole had been created and to be cautious of that, and their machinery.

The site was left completely unsecured, the access point created where hedge row was cut back and ditch filled, was left with a clear path to enter the field completely unsecured.

Following a multitude of calls to FG, we were told that somebody will come and take a look and secure the property. - They did not do so.

We had large concrete blocks delivered in a way to secure the property from external entry.

No further contact was made from FG to honour their commitment of securing the premises and no follow up to our complaint on the matter.

To date, no payment has been made for the survey completed in 2024, nor for the reimbursement of our costs to secure our property.

It was not suggested to us that we should seek professional advice before signing the licence. We did allow access for the survey but we have not received any of the payments set out in that licence, nor did NG reinstate the property satisfactorily after they finished their survey work. This is unsatisfactory and we are accordingly lack confidence in any future dealings with NG and require the support of a professional adviser in any onward dealings.

The terms and implications of the survey licence were not properly explained to us, and we were not advised to seek

independent legal or professional advice prior to signing.

The circumstances in which the agreement was presented including unannounced visits, pressure to sign, and lack of clear explanation of rights and obligations raise concerns as to whether National Grid and its agents engaged with us in a fair and transparent manner.

In particular, no adequate steps were taken to ensure that we fully understood the legal and practical consequences of granting access to our land.”

Article 8 – Right to Home

The NG proposal which will bring a pylon swathe through our garden represents a serious interference with our right to private and family life and will seriously impact on our enjoyment of our family home.

No evidence has been provided to demonstrate that this interference is proportionate.

Use of compulsory acquisition powers not justified as necessary or proportionate

In terms of the use of compulsory purchase powers (or ability to impose rights on/over our land compulsorily), NG assert that this is proportionate. We note that in “Comments on Relevant Representations” [REP2-023] it is said that such powers “will be justified as necessary and proportionate to deliver the Project and associated mitigation works and where appropriate” and that NG is “engaging 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”.

Insofar as compulsory powers are engaged, we have not seen any assessment of how the use of such powers will not have a disproportionate impact upon our family home. We repeat comments above to the effect that, when it comes to our property/household, there has been minimal communication/engagement. The result is that NG have insufficient information before them to boldly assert that the use of compulsory powers is proportionate in our case and, in consequence, we believe that more information and a proper assessment is required before NG should be allowed to impose the pylon swathe on our garden and associated land unilaterally.

No case-specific assessment has been undertaken to justify use of compulsory powers affecting our property.

Without understanding the impact on our household, proportionality cannot be established.

The limited availability of statutory blight relief/ lack of any discretionary purchase scheme associated with the NG proposals means that we may effectively be unable to move away in the future in circumstances where we no longer want to stay on in our current home as a result of the blighting impact caused by the NG proposals.

This is not simply a case of residential impact. The proposed scheme would result in a significant and lasting blight on our property, affecting both our family home and the adjoining development land within our ownership. It would sterilise land with credible future potential, destroy its hope value, and impose permanent constraints through the imposition of rights over our land.

The impact on our property is materially greater than that experienced by typical landowners along the route, yet no site-specific assessment has been undertaken and no meaningful engagement has taken place. In these circumstances, National Grid has not demonstrated that the use of compulsory powers over our land is necessary or proportionate, nor that there is a clear and compelling justification for targeting our property when less intrusive alternatives may exist.