

## Compulsory Acquisition Hearing - Speech

Before I start as well as representing S J Upton Trustees No1 & 2 Ltd, I am also representing Simon James Upton (reference FAAF55C5B), who was missed from the agenda.

My name is Angus Upton and I am here to speak on my objection to the compulsory acquisition and temporary possession powers being sought by the applicant.

Compulsory acquisition powers are not something an applicant is entitled to as a matter of convenience. They must be earned through a transparent process, robust evidence, genuine options testing, and good-faith engagement to avoid and minimise harm. In our case, National Grid's approach has fallen materially short.

### 1. The impacts on our farm and the Green Belt

National Grid proposes to dissect our operational family farm located within the metropolitan Green Belt and on the second highest point in Essex, with six pylons (TB176 to TB181). This would create a permanent and highly visible industrial feature in a protected, cared for and rural landscape.

In practical terms, we estimate this would result in roughly 10 out of 16 productive arable fields being rendered inaccessible or unfarmable during National Grid's possession and occupation—impacts that could and should have been mitigated through proper engagement and design.

Our farm contractor—who has no land directly taken—stands to lose around 400 acres of workable land just on our holding. This puts into question whether it is even viable to farm the remainder of our farm, because the business relies on economies of scale.

### 2. A tick-box process, not genuine consultation

The consultation process has felt more like a tick-box exercise to secure compulsory powers, with the route and key decisions appearing to have been settled before meaningful engagement began.

Fair consultation is commonly assessed against the "Gunning principles". In summary, consultation must be genuinely formative, consultees must be given sufficient and accessible information to respond, adequate time must be allowed, and responses must be conscientiously considered before decisions are finalised.

In our case, proposals have not felt genuinely formative; key information was withheld or provided in an unusable, time-limited format; and material elements (including a c.20-acre compound) appeared after consultation without any proper opportunity for us to comment. The issues we raised—such as alternative routes and access—have also not been addressed in a way that demonstrates conscientious consideration.

On non-intrusive survey licences: we signed them and, despite that, notices were still issued to undertake surveys. When we requested the underlying survey information, it was withheld despite repeated requests to Fisher German. When it was eventually provided following a Freedom of Information request, it arrived in an unreadable format via links that expired rapidly. That is not open engagement. It is also concerning that the applicant is now seeking to remove

information-sharing obligations from the non-intrusive and intrusive licences currently under discussion.

Alternative routes shown in the development plan, specifically fig 9, were never visited on our farm or on neighbouring landowners' land—even after we invited National Grid and Fisher German at an early stage and submitted multiple written consultation responses. How can the applicant credibly conclude those options “don't work” without doing the on-the-ground work with the people who know the land? And if they have done that work, then it should be explained clearly, with evidence.

National Grid has not engaged with the practical realities on our holding, and so we cannot sign or agree to the current proposal presented.

### 3. Heads of Terms: no meaningful negotiation

No negotiation on individual Heads of Terms has taken place, including the extent of the option area. Which in our view, currently worsens land take liability and adds serious indirect cost implications through severance and injurious affection—none of which appears to have been properly accounted for including via practical solutions.

I am informed template Heads of Terms are being discussed with our agents under the overarching threat of CPO powers, like the licenses, with no room for adaptation to pragmatic, case-by-case solutions. “One size fits all” is not an acceptable approach when seeking compulsory powers over complex rural and diverse landholdings.

### 4. Alternatives and route scrutiny: the applicant's case is not robust

The current proposal runs across a hill around 10 feet below the highest point in Essex, located on our farm. That alone demonstrates poor route scrutiny and a failure to meaningfully apply the Holford Rules.

Offshore options do not appear to have been taken seriously, despite proven examples such as National Grid and SSE's own Peterhead to Drax project. Has the applicant genuinely explored options, or simply selected the onshore route that is easiest to deliver using compulsory powers.

Wider implications and indirect costs experienced by running an overhead line through such large swathes of land do not seem to be appreciated. And why is the Metropolitan Green Belt being so heavily desecrated when alternative routes—for example offshore, or East of Chelmsford—could reduce harm to the Green Belt? Where onshore infrastructure is pursued, undergrounding should be properly and transparently considered particularly in sensitive areas.

### 5. Impacts beyond the Order limits: loss of access

The impacts are not restricted to the Order limits. Current Order limits prevent access into the western half of our farm, which also includes residential & commercial properties as well as agricultural fields. This is due to the lack of access provisions and Ivy Barn Lane being included within the Order limits and seemingly capable of being closed off. This is a fundamental design and justification failure for a scheme seeking compulsory powers. I reiterate my previous point that we can't agree or sign HOTS in its current form.

The order limits on paper may well have been reduced from original iterations, but in practice the order limits are taking much larger areas due to poorly designed boundaries and access proposals, severing additional land in attempt to say it is the cheapest option.

We are now engaging with Fisher German regarding survey licences to try and reach sensible solutions around parking and access, which has been welcomed. But this is far too late. These matters should have been resolved through the design process that formed the Order limits and the Heads of Terms now put forward, particularly when it seems there is no wiggle room with these HOTs. Again, sign it or we will serve notice.

## 6. What the applicant has failed to do

- Build trust and work with key stakeholders.
- Understand and mitigate the impacts on diverse rural businesses
- Seriously scrutinise and evidence alternative options, including offshore and underground options.
- Properly consider broader and indirect implications and costs beyond the Order limits.

## 7. Final Remarks

I welcome and invite the Examining Authority to visit the farm to thoroughly assess the route and its real-world impacts. As previous a drive-by on 13<sup>th</sup> October 2025 would not have captured the operational consequences of severance and loss of access and the lasting impact the project will have on the beautiful metropolitan green belt.

At a minimum, I ask that common sense is applied by the applicant in how it approaches landowners—through meaningful engagement where actions are followed through—rather than arriving as a bully with a notice in the other hand.

And I ask the Examining Authority to reject the application in its current form until situations like ours are properly resolved, in reality, not just in theory.

## Post oral submission remarks

The golf course mentioned in response by James Gowing following my speech is no longer in operation. I would to ensure this has been recorded. As I know these are sensitive areas for routes to avoid. However, in the case of Hylands Golf course it has not been operating for many years. This should be seriously considered when assessing route alternatives and clearly was never

I would like to reiterate the point the applicant has not been through the consultation process diligently nor collaboratively as was clear from listening to so many people give their oral submissions. It goes to show they may well not have done the same in other key areas of this project. They key failing, from a landowners perspective who is directly impacted by this project, is that they have simply not assigned enough resource to matter due to failing to grasp the magnitude of the project the applicant is trying to undertake.