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Norwich to Tilbury

Volume 4: Compulsory acquisition information

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1. Introduction

1.1 Project Description

- 1.1.1 Norwich to Tilbury (hereafter referred to as ‘the Project’) is a proposal by National Grid Electricity Transmission plc (referred to as ‘National Grid’) for reinforcement of the transmission network between the existing Norwich Main Substation in Norfolk and Tilbury Substation in Essex, via Bramford Substation, the new East Anglia Connection Node (EACN) Substation and the new Tilbury North Substation.
- 1.1.2 For a full description of the Project reference should be made to Environmental Statement (ES) Chapter 4: Project Description (document reference 6.4).

1.2 Purpose of the Report

- 1.2.1 This report addresses the issue of special category land in respect of the Project. Special category land (SCL) is afforded special protection by the Planning Act 2008.
- 1.2.2 The report outlines the requirements of the Planning Act 2008 (the “PA 2008”) in respect of special category land and describes the existing areas of Common Land and potential areas of Open Space affected by the proposed powers of compulsory acquisition of rights over such land.
- 1.2.3 Furthermore, the report explains the basis for National Grid’s view that the areas of Common Land and Open Space affected would be no less advantageous (see section 132(3) of the Planning Act 2008), as a consequence of the exercise of the proposed powers of compulsory acquisition of rights over that land, than it is at the present time.
- 1.2.4 In addition, at the following Open Space sites (Fordham Hall Estate and Maple Park), National Grid have also presented information to evidence that the exemption under s132(4A) of the Planning Act 2008 is met. Namely, that there is no suitable land to be given in replacement/exchange and it is strongly in the public interest for the proposed Project to be begun sooner than would be possible if the Order was to be subject to SPP. The urgent need for the Project is outlined in the Needs Case chapter of the Planning Statement (document reference 5.6). Furthermore, the exemption under section 132(5), specifically that the land within the DCO that is burdened by the rights sought, does not exceed 200sqm in extent, is referenced in respect of an area of Common land and an area of Open Space where it is relevant to the assessment as explained in the report below.
- 1.2.5 The no less advantageous exemption under s132(3) and the exemptions under s132(4A) and s132(5) are explained in detail in section 2 of this document, below.
- 1.2.6 National Grid, through its land referencing and due diligence processes, has not identified any fuel or field garden allotments, nor land held inalienably by the National Trust.

2. The Planning Act 2008

2.1 Sections 131 and 132 of the Planning Act 2008

- 2.1.1 Sections 131 and 132 of the PA 2008 make provision for special parliamentary procedure (SPP) to apply where a development consent order ('DCO') authorises the compulsory acquisition of land, or rights over land, forming part of a Common, Open Space, or fuel or field garden allotment.
- 2.1.2 Of these categories, only land forming part of a Common and Open space are affected by the powers of compulsory acquisition sought for the Project, hence this report solely addresses Common Land and Open Space.
- 2.1.3 In this case only powers of compulsory acquisition of rights are being sought over areas of Order land which are identified as special category land, hence the relevant statutory provision which applies is s132 of the Planning Act 2008.
- 2.1.4 SPP would be engaged unless the Secretary of State (SoS) is satisfied that one of a number of exemptions can be shown to apply. The potential exemptions in summary are (as defined in section 132 of the Planning Act 2008):
- That the land, when burdened with the Order right, will be no less advantageous than it was before (Subsection 3);
 - That replacement land has been, or will be, given in exchange for the Order right (Subsection 4);
 - In respect of areas of Open Space only, that there is no suitable land available to be given in exchange for the Order land or only available at a prohibitive cost and it is strongly in the public interest for the development to be capable of being begun sooner than is likely to be possible if the Order were to be subject to SPP (Subsection 4A);
 - That the land is an area of Open Space and it is needed only for temporary purposes (Subsection 4B);
 - That the land in question is less than 200sqm in extent (or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway) and the giving of land in exchange for the Order right is unnecessary (Subsection 5).
- 2.1.5 The following guidance has also been taken into account, where applicable: The Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, September 2013, Annex A: Special Categories of Land.
- 2.1.6 S132 Planning Act 2008 is concerned with compulsory acquisition of permanent rights over areas of special category land within the Order Limits. In the detailed plot analysis which follows in this report, we explain the Project requirement for each parcel of special category land. In respect of a large number of the parcels of land identified in this report in addition to seeking permanent rights, the project requirement will also include exercising powers of temporary possession in order to construct various works on the land to deliver the Project. These works and taking temporary possession of the land in order to undertake construction of the Project is

explained in this report for completeness, however it should be noted that the provisions of s132 of the Planning Act 2008 and the conclusions reached in respect to satisfying the exemptions applied under s132 relate solely to the permanent rights which are intended to burden the area of special category land post construction of the Project.

- 2.1.7 Section 132(3) requires that the Order land, when burdened with the Order rights, be no less advantageous than it was before, to the following persons: (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights and (3) the public.
- 2.1.8 Section 132(4A) requires that there is no suitable land available to be given in exchange for the Order land (or only available at a prohibitive cost) and it is strongly in the public interest for the development to be capable of being begun sooner than is likely to be possible if the Order were to be subject to SPP.
- 2.1.9 Section 132(5) requires that the (a) Order Land burdened with the Order rights, does not exceed 200sqm in extent, or the Order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and (b) the giving of other land in exchange for the Order rights is unnecessary, whether in the interests of the persons, if any, entitled to rights of Common or other rights or in the interests of the public.
- 2.1.10 In preparing this report, regard has been had to the recent decision of the Secretary of State, including the Examining Authority Report, in respect of Bramford to Twinstead Overhead Line reinforcement project promoted by National Grid. That decision identifies a number of factors as relevant to consideration of whether the no less advantageous exemption is met in respect of Open Space.
- 2.1.11 These include that the NLA test involves the exercise of reasonable judgement of the effect of the right to be acquired having regard to the actual facts that apply to the Open Space in question including:
- the location and size of the open space and how it is used and accessed; and
 - the scale and location of proposed transmission infrastructure within the space (including whether it replaces existing infrastructure (generally pylons) in the same or different location and whether the replacement e.g. pylon is larger than the infrastructure to be replaced and its proximity and relationship to existing transmission infrastructure); and
 - Oversailing will not necessarily impact the use and function of the Open Space at ground level (which may not be the case where the airspace is also being used).

3. Areas of Common Land

3.1 Common Land

- 3.1.1 Common land within the Order Limits and in respect of which powers of compulsory acquisition are sought, is shown on the Special Category and Crown Land Plans (application document 2.4) and listed in Table 3-1 below.
- 3.1.2 Land described as common, fuel or field garden allotment and open space have the same meanings as in section 19 of the Acquisition of Land Act 1981, which states:
- common includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green.
 - fuel or field garden allotment means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act; and
 - open space means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.
- 3.1.3 In this case only powers of compulsory acquisition of rights are being sought over land identified as Common land. The exemption upon which National Grid proposes to rely is that set out in section 132(3).
- 3.1.4 Section 132(3) requires that the Order land, when burdened with the Order rights, be no less advantageous than it was before, to the following persons: (1) the persons in whom it is vested, (2) other persons, if any, entitled to rights of common or other rights and (3) the public.
- 3.1.5 The SoS can be satisfied that this Project would not cause the land to be less advantageous to the persons aforementioned, and hence the SoS may confirm that SPP would not apply in relation to the compulsory acquisition of permanent rights over such land.
- 3.1.6 Section 132(5) requires that the (a) Order Land burdened with the Order rights, does not exceed 200sqm in extent, and (b) the giving of other land in exchange for the Order rights is unnecessary, whether in the interests of the persons, if any, entitled to rights of Common or other rights or in the interests of the public.
- 3.1.7 There is one area of Common land where the area over which the acquisition of permanent rights are sought does not exceed 200sqm (the area required amounts to approximately 29sqm of the Common). Furthermore, replacement land is not necessary given that the acquisition of the rights required will not affect the persons entitled to the rights of common, and therefore exemption applies as per s132(5).

Table 3.1 Compulsory acquisition powers sought over Common Land

Common Description	Land Plan Sheet / Plot No	National Grid Land Use Power Sought	UKPN Land Use Power Sought	Principal Relevant DCO Article
'The Common', Swainsthorpe (Church Road)	A-1/37	Class 2 - Compulsory Acquisition of Rights – Overhead Line Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems	Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems	Article 24
	A-1/38			
	A-1/36			
	A-1/39			
Baynards Green	A-13/79 A-13/83	Class 2 – Compulsory Acquisition of Rights– Overhead Line		Article 24
Mellis Common (Mellish Road)	B-4/11	Class 2 – Compulsory Acquisition of Rights– Overhead Line	Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems	Article 24
	B-4/54			
	B-3/124	Class 3 - Compulsory Acquisition of Rights– Underground Cable		
	B-3/123			
	B-3/122	Class 5 – Compulsory Acquisition of Rights of Access		
	B-3/120			
	B-3/119			
	B-4/23			
	B-4/25			
	B-4/22			
	B-4/12			
	B-4/26			
	B-4/24			
	B-4/30			
	B-4/32			
	B-4/33			
	B-4/42			
	B-4/55			
	B-4/67			
	B-4/49			
B-4/45				
B-4/53				
B-3/121				
B-4/57				

Common Description	Land Plan Sheet / Plot No	National Grid Land Use Power Sought	UKPN Land Use Power Sought	Principal Relevant DCO Article
	B-4/58			
	B-4/28			
	B-4/38			
	B-4/39			
	B-4/40			
	B-4/41			
	B-4/20			
	B-4/21			
	B-4/10			
	B-4/15			
	B-4/13			
Thrandeston Marsh	B-2/131 B-2/129 B-2/126 B-2/125 B-2/130	Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems	Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems	Article 24
Furze Way	B-5/2 B-5/26 B-5/32 B-5/37 B-5/25 B-5/27 B-5/20 B-5/12 B-5/13 B-5/24 B-5/18 B-5/28 B-5/22 B-5/23 B-5/21 B-5/6 B-5/34 B-5/26a B-5/24a	Class 2 - Compulsory Acquisition of Rights – Overhead Line Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Class 3 – Compulsory Acquisition of Rights – Underground Cable Systems Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Article 24
Waste Land	B-7/29 B-7/46 B-7/54 B-7/48	Class 2 - Compulsory Acquisition of Rights – Overhead Line	Class 4 – Compulsory Acquisition of Rights – Overhead Line	Article 24

Common Description	Land Plan Sheet / Plot No	National Grid Land Use Power Sought	UKPN Land Use Power Sought	Principal Relevant DCO Article
	B-7/60 B-7/59 B-7/57 B-7/55 B-7/49 B-7/56 B-7/53 B-7/47 B-7/52 B-7/32 B-7/53a	Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems Class 5 – Compulsory Acquisition of Rights of Access	and Underground Cable Systems	
Barking Tye Common	B-16/18 B-16/30 B-16/34	Class 5 – Compulsory Acquisition of Rights of Access		Article 24
Common (Pantlings Lane)	E-3/22 E-3/27 E-3/16 E-3/24 E-3/26 E-3/25 E-3/23 E-3/17	Class 2 - Compulsory Acquisition of Rights – Overhead Line Class 5 – Compulsory Acquisition of Rights of Access		Article 24
Handley Green	F-10/63 F-10/51 F-10/49 F-10/50 F-10/53 F-10/58 F-10/65 F-10/68 F-10/67 F-10/66 F-10/60 F-10/59	Class 2 - Compulsory Acquisition of Rights – Overhead Line Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Article 24
Fordham Heath Common	D-7/50 D-7/44 D-7/45	Class 2 - Compulsory Acquisition of Rights – Overhead Line		Article 24

4. Areas of Open Space

4.1 Open Space Land

- 4.1.1 Open Space within the Order Limits and in respect of which powers of compulsory acquisition of rights over this land are sought, is shown on the Special Category and Crown Land Plans (application document 2.4) and listed in Table 4.1 below.
- 4.1.2 Open Space is defined in the Acquisition of Land Act 1981 as “any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.”
- 4.1.3 There are areas of land included in this Report in respect of which National Grid does not consider that they are Open Space for the purposes of s132 of the Planning Act. However, the Project has taken a precautionary approach to the identification of land as Open Space and hence its inclusion in this Report. This is explained below in reference to individual areas of land which has been treated as open space despite National Grid’s conclusion to the contrary. This is so that the Secretary of State can be satisfied that exemptions avoiding the need for SPP for the relevant land can be relied upon if the Secretary of State considers that the land in question should be treated as open space in circumstances when National Grid have reached a different conclusion.
- 4.1.4 The exemptions upon which National Grid propose to rely are that set out in s132(3) and s132(4A) of the Planning Act 2008.
- 4.1.5 Section 132(3) requires that the Order land, when burdened with the Order rights, be no less advantageous than it was before, to the following persons:
- the persons in whom it is vested;
 - other persons, if any, entitled to rights of common or other rights; and
 - the public
- 4.1.6 The SoS can be satisfied that the Project would not cause the areas of Open Space cited in this document to be less advantageous to the persons aforementioned, and hence the SoS may confirm that SPP in relation to the compulsory acquisition of permanent rights over that land would not apply.
- 4.1.7 There are two areas of Open Space land within the Order Limits over which the acquisition of permanent rights are sought for the siting of pylons within that Open Space, covered below.
- 4.1.8 The SoS can be satisfied that the siting of pylons within the Open Space would not cause these areas of Open Space to be less advantageous to the persons aforementioned, and hence exemption s132(3) applies. However, in any event, whilst National Grid is satisfied that at Fordham Hall Estate and Maple Park the Order land will be no less advantageous when burdened with the permanent right for the footprint of the pylon, the exemption in s132(4A) is available in addition, and this is addressed below.

- 4.1.9 S132(4A) requires that there is no suitable land available to be given in exchange for the Order land (or only available at a prohibitive cost) and it is strongly in the public interest for the development to be capable of being begun sooner than is likely to be possible if the Order were to be subject to SPP due to the urgent need for the Project to be delivered.
- 4.1.10 There is one area of potential Open Space at Fordham Hall where the area over which the acquisition of permanent rights for a pylon footprint is sought amounts to approximately 11.6 sqm, Replacement land is not necessary given that the acquisition of the rights required will not affect the use of the Open Space and therefore exemption applies as per s132(5).
- 4.1.11 As with the exemption pursuant to s132(3), under s132 (4A) the SoS may confirm that SPP in relation to the compulsory acquisition of permanent rights over that land will not apply.

Table 4.1 Compulsory acquisition powers sought over Open Space

Open Space Description	Land Plan Sheet / Plot No	National Grid Land Use Power Sought	UKPN Land Use Power Sought	Principal Relevant DCO Article
Somersham Park	B-19/73	Class 2 – Compulsory Acquisition of Rights– Overhead Line		Article 24
Fordham Hall Estate (Woodland Trust Lease)	D-5/61 D-6/2 D-6/29 D-6/3 D-6/1 D-6/25	Class 2 – Compulsory Acquisition of Rights– Overhead Line Class 5 - Compulsory Acquisition of Rights of Access		Article 24
Maple Park	H-4/63 H-4/23 H-4/87 H-4/86 H-4/85 H-4/79 H-4/78 H-4/65 H-4/64 H-4/60 H-4/52 H-4/50	Class 2 – Compulsory Acquisition of Rights– Overhead Line Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems Class 5 – Compulsory	Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Article 24

Open Space Description	Land Plan Sheet / Plot No	National Grid Land Use Power Sought	UKPN Land Use Power Sought	Principal Relevant DCO Article
	H-4/30 H-4/29 H-4/25	Acquisition of Rights of Access		
Reclaimed Landfill Park (former Roxwell Quarry Restoration Site)	F-7/9 F-7/3 F-7/5 F-7/8	Class 2 – Compulsory Acquisition of Rights– Overhead Line		Article 24
Little Bladens	G-4/136 G-4/133	Class 4 – Compulsory Acquisition of Rights – Overhead Line & Underground Cable Systems	Class 4 – Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems	Article 24
Blackshots Nature Area	H-7/5 H-7/4 H-7/2 H-7/12 H-7/10 H-7/1 H-7/9 H-7/3 H-7/6	Class 2 – Compulsory Acquisition of Rights– Overhead Line Class 5 – Compulsory Acquisition of Rights of Access		Article 24
Langley’s Deer Park	F-4/1 F-4/2	Class 2 – Compulsory Acquisition of Rights– Overhead Line		Article 24

5. Assessment of powers of compulsory acquisition of permanent rights sought in respect of Common Land

5.1 Common Land

The Common Swainsthorpe (Church Road)

- 5.1.1 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.2 The Common comprises land located to the west of Swainsthorpe. The Common is limited to roadside verge, a thin hedged strip and a cluster of trees on the east extent.
- 5.1.3 The western end of the Common is currently oversailed by an existing 400kV overhead line.
- 5.1.4 National Grid has identified no evidence of public use of either of the two areas of common land, other than being used as a navigable road and field verge, the areas of common land do not appear to have any other notable function for landowners, other persons (if any) entitled to rights of common, or members of the public.
- 5.1.5 The proposed Project requirement for this area of common land is for it to be used for the following:
- Construction of temporary bellmouth junction serving a temporary haul road
 - Class 2 Compulsory Acquisition of Rights: Overhead Line
 - Permanent oversail over a narrow section by a new overhead line
 - Permanent rights for operational access and maintenance of the overhead line
 - Class 3 Compulsory Acquisition of Rights: Underground Cable
 - Works within the highway (Church Road) to permanently underground an existing UKPN 11kV overhead line
- 5.1.6 The construction works for the haul road and bellmouth junction will be temporary in nature and would have no permanent impact on the use or function of the land as highway verge, and no permanent rights will be sought in respect of these works
- 5.1.7 The 'no less advantageous exemption' is applicable as the overhead line oversail, the permanent right of access for maintenance of the overhead line, and the permanent right of access to maintain the undergrounded 11kv asset will have no impact on the use or function of this land as a highway and verge.
- 5.1.8 The land will be no less advantageous when burdened with the rights sought.

Baynards Green

- 5.1.9 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.10 Baynards Green is a Common comprised of two parcels of land located north west of Roydon.
- 5.1.11 Part of Baynards Green is a patch of grassland with light tree cover and a wood-pole electricity line by the roadside. The site includes an existing informal access track from Bressingham Road and a number of scattered mature trees. An existing UKPN 11kV overhead line crosses the land. This parcel of Baynards Green does not fall within the Project Order Limits, and therefore no works are proposed nor any rights sought over the land.
- 5.1.12 The second parcel is marginally disconnected from the aforementioned land, and forms part of a farmed agricultural field. There is a minimum overlap between the Order Limits and this part of Baynards Green.
- 5.1.13 The proposed Project requirement for this area of common land is for it to be used for the following:
- Class 2 Compulsory Acquisition of Rights: Overhead Line
 - Permanent oversail of the overhead line
- 5.1.14 However, no works are proposed within Baynards Green and it is likely that there will be no oversailing of the Common based on the current alignment. However, because the Order limits overlap to a minor extent with the Common and because the lateral limits of deviation extend the width of the Order Limits this plot has been included in the SCL report. Even if the permanent rights were sought over this area of Baynards Green for oversailing with the overhead line, there would still be no impact upon the function or use of the Common as worked agricultural land.
- 5.1.15 The 'no less advantageous exemption' is applicable, as the permanent rights associated with the new overhead line will not impact the use or function of the Common as worked agricultural land and the land will be no less advantageous when burdened with the rights sought.
- 5.1.16 Furthermore, in addition the extent of the Common within the Order Limits is less than 200sqm (approximately 29sqm) and the works will not impact the use or function of the Common as worked agricultural land. Replacement land is not necessary given that the acquisition of the rights required will not affect the persons entitled to the rights of common, and therefore exemption under section 132(5) also applies.

Mellis Common (Mellish Road)

- 5.1.17 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.18 Mellis Common is a 59-hectare nature reserve located in Mellis Suffolk, and is managed by the Suffolk Wildlife Trust. The Common is described as having remained largely unchanged for centuries and continues to be maintained using traditional methods such as grazing and hay cutting.
- 5.1.19 The Order Limits do not interact with the main part of Mellis Common.

- 5.1.20 The only part of Mellis Common that interacts with the Project is a highway known as Mellish Road, and verge.
- 5.1.21 The proposed Project requirement for this area of Common land (i.e. Mellish Road) is to be used for the following:
- Construction of a temporary haul road
 - Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent right to access and maintain the overhead line
 - Class 3 Compulsory Acquisition of Rights – Underground Cable
 - Permanent undergrounding of existing UKPN’s 132kV overhead line
 - Class 5 Permanent Rights of Access
 - Permanent right of access to maintain the overhead line
- 5.1.22 The proposed temporary haul road will intersect with the Common land on either side of Mellish Road. The construction works for the haul road will be temporary in nature with no direct or indirect impact on the use of the land as highway and verge.
- 5.1.23 The underground cable is routed to the west of Mellis Common. It is necessary for the cable to cross the Common land where the designation routes along the public highway (Mellish Road). Whilst this would have temporary construction impacts, there would be no permanent direct or indirect impact on the current use or function of Mellish Road and verge (the area of Mellis Common over which permanent rights are sought) given that this is a buried asset post construction.
- 5.1.24 Permanent rights will also be sought for overhead line oversail. Mellis Common as a navigable road will not be impacted by the permanent rights sought for the overhead line oversail.
- 5.1.25 The ‘no less advantageous exemption’ is applicable, as the permanent rights associated with the new overhead line oversail and the permanent rights of access for maintaining the undergrounded overhead line will not impact the use or function of the Common as a byway and small section of mixed vegetation green space.
- 5.1.26 The land will be no less advantageous when burdened with the rights sought.

Furze Way (Byway)

- 5.1.27 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.28 The existing use of Furze Way Common is partly a byway providing access to a series of scattered residential properties and a bridleway, leading to further access to the Common in the East. The main area of common land is not within the Order limits for the Project and is therefore not impacted by any proposed works, the only part of the Common affected by the Project is the byway providing access to the residential properties and small section of scrub and trees.
- 5.1.29 The proposed Project requirement for this area of common land is it to be used for the following:

- Temporary rights to remove existing OHL apparatus
 - Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights of access to maintain the overhead line
 - Class 3 Compulsory Acquisition of Rights – Underground Cable
 - Permanent undergrounding of existing overhead line
 - Permanent rights for maintenance of the undergrounded overhead line
 - Class 4 Compulsory Acquisition of Rights – Overhead Line and Underground Cable
 - Permanent removal of existing overhead line
 - Permanent rights for maintenance of the undergrounded overhead line
- 5.1.30 The proposed overhead line for the Project will oversail the trees. No pylons are to be sited within the Common demise.
- 5.1.31 The removal of the existing pylon and subsequent undergrounding of the cable will have no permanent impact on the current use and function of the Common land.
- 5.1.32 The ‘no less advantageous exemption’ is applicable, as the permanent rights associated with the new overhead line oversail and the permanent rights of access for maintaining the undergrounded overhead line will not impact the use or function of the Common as a byway and small section of mixed vegetation green space.
- 5.1.33 The land will be no less advantageous when burdened with the rights sought.

Thrandeston Marsh

- 5.1.34 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.35 The Marsh is an area of Common Land constituted by wet grassland habitat.
- 5.1.36 The proposed Project requirement for this area of common land is to use it for the following:
- Class 3 Compulsory Acquisition of Rights – Underground cables
 - Permanent rights to underground existing overhead line
 - Permanent rights for maintenance of the undergrounded overhead line
- 5.1.37 Undergrounding is proposed along the eastern border of the Common land, with the removal of existing overhead line apparatus. The construction works for undergrounding the cable are temporary.
- 5.1.38 The permanent rights of access for maintaining the undergrounded overhead line will not affect the use and function of Thrandeston Marsh as a wet grassland habitat and Common.
- 5.1.39 The ‘no less advantageous exemption’ is applicable, as the permanent rights associated with the undergrounded overhead line will not impact the use or function of the Common as a wetland habitat.

5.1.40 The land will be no less advantageous when burdened with the rights sought.

Waste Land

5.1.41 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.

5.1.42 Waste Land is a parcel of Common land that comprises an unnamed lane, its verges and a hedgerow.

5.1.43 The proposed Project requirement for this area of common land is for the land to be used for the following:

- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
- Class 4 Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems
 - Permanent rights to underground the existing overhead line
 - Permanent rights to access and maintain the undergrounded overhead line
- Class 5 Compulsory Acquisition of Rights – Access
 - Permanent rights of access

5.1.44 No permanent development is proposed on the Common land. The oversailing of the proposed overhead line, the permanent right of access for maintenance, and the undergrounding of the existing overhead line and associated access will also have no impact on the current use of this land as a highway and verge and as such the Commons use as a navigable road will not be impacted.

5.1.45 The 'no less advantageous exemption' is applicable, as the permanent rights associated with the proposed overhead line, the undergrounded existing overhead line and associated permanent access will not impact the use or function of the Common as a navigable road, hedges and verges.

5.1.46 The land will be no less advantageous when burdened with the rights sought.

Barking Tye Common

5.1.47 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.

5.1.48 Barking Tye Common is a Common and also an area of publicly accessible Open Space located in the heart of Barking Tye.

5.1.49 The Order Limits has a minor overlap with the Common where the north-west part of Barking Tye Common encroaches into an existing lane which lies on the boundary of the Common.

5.1.50 The proposed Project requirement for this area of common land is for use for the following:

- Class 5 Compulsory Acquisition of Rights – Access

- Permanent rights of access

- 5.1.51 A permanent right of access is required along this existing lane on the boundary of the Common, for occasional maintenance of a proposed pylon north-west of the Common, once the Project is operational. As this is an existing lane that is only required for access (no works are proposed within the lane) this part of the Common's use as an existing lane will be maintained and there would be no impact on its use or function.
- 5.1.52 The 'no less advantageous exemption' is applicable, as no works are required and the permanent rights of access sought over the existing lane will not impact the function or use of the Common as a lane. Furthermore, whilst the wider Common is understood to serve an Open Space function, as the marginal extent of the Common within the Order Limits and over which rights are sought functions solely as a navigable lane there is no obvious Open Space function of this part of the Common. As no works are required, and the permanent rights of access concern occasional use of an existing navigable lane, no Open Space function will be lost as a result of the rights sought, again, the 'no less advantageous exemption is applicable in respect of any Open Space designation.
- 5.1.53 The land will be no less advantageous when burdened with the rights sought.

Common Pantlings Lane

- 5.1.54 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.55 The Common is split into two distinct parts:
- 5.1.56 The part of the Common impacted by the Order Limits cuts through the privately owned Monk's Farm and associated residential dwellings, and consists of a mixed use grassland and bridleway.
- 5.1.57 The proposed Project requirement for this area of common land is for use for the following:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
 - Class 5 Compulsory Acquisition of Rights – Access
 - Permanent rights of access
- 5.1.58 The strip of Common land will be permanently oversailed by the overhead line and permanent rights of access for maintenance, however, there will be no impact on the current use and function of the strip of Common land as a right of way and bridleway.
- 5.1.59 The 'no less advantageous' exemption applies, as the permanent overhead line oversail and rights of access to maintain it will not impact the use, or function of the Common, as a bridleway.
- 5.1.60 The land will be no less advantageous when burdened with the rights sought.

Handley Green

- 5.1.61 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.62 Handley Green is a byway off Ivy Barn Lane, providing access to a series of scattered residential properties, multi-use structures, a farm and agricultural fields. The Common also includes verges with vegetation and trees, with existing OHL apparatus and oversail in the area.
- 5.1.63 The Common appears to be primarily used as a means of access for the wider residents and landowners, there appears to be no further evidence of wider recreational or public use.
- 5.1.64 The proposed Project requirement for use of this area of common land is the following:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
 - Class 4 Compulsory Acquisition of Rights – Overhead Line and Underground Cable Systems
 - Permanent rights to underground the existing overhead line
 - Permanent rights to access and maintain the undergrounded overhead line
- 5.1.65 The 'no less advantageous exemption' is applicable, as the permanent rights associated with the proposed overhead line, the undergrounded existing overhead line and associated permanent access will not impact the use or function of the Common as a byway.
- 5.1.66 The land will be no less advantageous when burdened with the rights sought.

Fordham Heath Common

- 5.1.67 Table 3.1 includes the land plots related to the Common, the permanent rights sought, and principle relevant DCO articles.
- 5.1.68 Two parcels of land on Green Lane form part of Fordham Heath Common. The larger portion of the Common is situated in the hamlet of Gallows Green, and is located outside the Order Limits.
- 5.1.69 To the west is a smaller parcel which runs as a thin strip on to the north of Green Lane and comprises of a highway verge and hedgerow. The proposed Project requirement for the area of Fordham Heath Common which falls within the Order Limits is:
- Temporary haul road and associated bellmouth junction
 - Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintenance the overhead line

- 5.1.70 The 'no less advantageous exemption' is applicable, as the permanent rights associated with the new overhead line will not impact the use or function of the Common as a highway verge and hedgerow.
- 5.1.71 The land will be no less advantageous when burdened with the rights sought.

6. Assessment of powers of compulsory acquisition of permanent rights sought in respect of Open Space Land

6.1 Open Space Land

Somersham Park

- 6.1.1 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.
- 6.1.2 Somersham Park is an ancient Woodland and County Wildlife Site which is crossed by a number of Public Rights of Way. The Order Limits overlap very slightly with the very edge of the park.
- 6.1.3 The proposed Project requirement for this area of open land is the potential use for the following:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
- 6.1.4 A pylon will be located to the north of Somersham Park outside of the Open Space and there is a minor overlap between the Order Limits and the northern corner of the Park. However, no works are proposed within Somersham Park and it is likely that there will be no oversailing of Somersham Park based on the current alignment.
- 6.1.5 However, because the Order limits overlap to a minor extent with the Park and because the lateral limits of deviation extend the width of the Order Limits this plot has been included in the SCL report on a precautionary basis. Even if the permanent rights were sought over this area of the Park for oversailing with the overhead line, there would still be no impact upon the function or use of the Park.
- 6.1.6 The ‘no less advantageous exemption’ is applicable, as the permanent rights associated with the new overhead line will not impact the use or function of the Park as a County Wildlife Site.
- 6.1.7 The land will be no less advantageous when burdened with the rights sought

Fordham Hall Estate (Woodland Trust Areas)

- 6.1.8 Fordham Hall Estate is set within the Colne Valley. Part of the Estate was gifted to the Woodland Trust in 2002. Formerly an area of arable farmland, the Woodland Trust planted over 120 hectares of native woodland and 60 hectares have been converted to grassland. Fordham Hall Estate is publicly accessible with a free car park off Ponders Road. The site includes a network of 19km of unsurfaced paths, some of which are noted to be Public Rights of Way including bridleways. The Essex

Way, a long distance Public Right of Way (PRoW), broadly follows the River Colne along the southern extent of the site.

- 6.1.9 It is understood that much of the site is subject to long standing third party use of the site for agricultural purposes. Whilst public access is permissible, visitors are only allowed to deviate from the PRoWs where the land is occupied by the Woodland Trust, only not where land is subject to grazing licences. Any recreational ‘open space’ use of the site – distinct from rights of way – is therefore limited to the parts of the Estate occupied solely by the Woodland Trust.

North-East

- 6.1.10 In the north-eastern end of the Fordham Hall Estate, there is a small section of scrub land and new tree planting associated with the Woodland Trust lease. Whilst there are no third-party occupiers of this site and the definitive walking routes only traverse the eastern edge of the site, it is understood that the Woodland Trust does not pro-actively prohibit public access to this part of the site .
- 6.1.11 Practically, there is a definitive footpath and bridleway that traverses the eastern outer extent of the land parcel, which is the only formal walking route. The central portion of the land parcel where the pylon is proposed to be located is dense with vegetation and new tree planting, with no obvious access points or walking routes for the public to traverse. National Grid does not consider that this parcel of land constitutes Open Space under s132 of the Planning Act 2008 however in order to avoid the requirement for SPP and its consequences for the delivery of the Project were the Secretary of State to take a contrary view, National Grid has assessed the land as Open Space for the purposes of this Report.
- 6.1.12 The proposed Project requirement for this land parcel is:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent installation of a pylon
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
 - Class 5 Compulsory Acquisition of Rights – Access
 - Permanent rights of access
- 6.1.13 The proposed location for the permanent works is limited to the pylon footprint (approximately 11.6sqm) and the overhead line oversail. The permanent positioning of the pylon will not change the current use of the land, within the wider land parcel, although the growth height of new tree planting may need to be limited in future, where required. Beyond the pylon location, the wider land parcel will also be oversailed by the associated overhead line, which again, will not impact the lands current use.
- 6.1.14 The ‘no less advantageous’ exemption applies, as the permanent pylon, the permanent overhead line oversail and permanent rights of access to maintain the apparatus will not impact the use, or function of the south-westerly extent of the Woodland Trust site based on its current use identified above.
- 6.1.15 The land will be no less advantageous when burdened with the rights sought.

Replacement Land Considerations

- 6.1.16 Notwithstanding that SoS can be satisfied that the no less advantageous exemption under s132(3) applies in respect of the rights sought over this area as explained above, National Grid has also considered the application of exemption under s132(4A) and the availability of suitable exchange land. In all immediate cardinal directions, and within the immediate vicinity of the Order Limits, are worked agricultural fields and continuation of Woodland Trust leased land.
- 6.1.17 Outwith the Order Limits there is no suitable replacement land that could be given in exchange for and serve the same purpose of any Open Space land over which permanent rights are to be sought.
- 6.1.18 The central part of the Fordham Hall Estate (not leased by the Woodland Trust) is worked agricultural land, which continues from the north-eastern land in a south-westerly direction to the south-western land, described in this report. The agricultural function of this central part of the Estate appears to have been purposefully left unaffected by the Woodland Trust's activities within the wider Estate, further evidenced by members of the public being kept to the established footpaths that traverse the edges of the worked agricultural fields. The use of the agricultural land as exchange land would be contrary and inconsistent with its continued function as agricultural land. Changes to the agricultural function of this land in this location by acquiring such land to function as Open Space, would impact long standing agricultural tenants. In these circumstances, such land would not be suitable land to be provided in exchange for the rights sought over this potential area of Open Space.
- 6.1.19 In conclusion there is no suitable exchange land available for this area of Fordham Hall Estate effected and it is strongly in the public interest for the development to be begun as soon as possible and sooner than is likely to be the case if the Order were subject to SPP.
- 6.1.20 As any potential Open Space function of the north-eastern part of the Woodland Trust land will not be impacted when burdened with the permanent rights associated with the presence of the overhead line oversail, any potential impact will be limited to rights associated with the placing of a small pylon tower footprint (approximately 11.6sqm) within the area which has been treated as being Open Space on the basis described above.
- 6.1.21 The pylon tower footprint is less than 200sqm and given the works will not impact the use or function of the Order land as potential Open Space, replacement land is not necessary given that the acquisition of the rights required will not affect the persons entitled to the rights of Open Space, and therefore exemption s132(5) applies.

South-West

- 6.1.22 In the south-western end of the Fordham Hall Estate, there is a small section of established tree planting associated with the Woodland Trust lease which is proposed to be oversailed on its south-eastern corner.
- 6.1.23 There are no third-party occupiers of this site, and the definitive walking routes down an existing farm track sit outside the Order Limits.
- 6.1.24 It is understood that the Woodland Trust does not pro-actively prohibit public access to this area of woodland which may be utilised by members of the public. National Grid does not consider that this parcel of land constitutes Open Space under s132 of

the Planning Act 2008 however in order to avoid the requirement for SPP and its consequences for the delivery of the Project were the Secretary of State to take a contrary view, National Grid has assessed the land as Open Space for the purposes of this Report.

- 6.1.25 The proposed Project requirement for this small section of established woodland is the following:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
- 6.1.26 The proposal here is limited to overhead line oversailing in the south-eastern corner, and no pylon bases are proposed to be located in this area.
- 6.1.27 The ‘no less advantageous’ exemption applies, as the permanent overhead line oversail and permanent rights of access to maintain the apparatus will not impact the use, or function of the south-westerly extent of the Woodland Trust site based on its current use identified above.
- 6.1.28 The land will be no less advantageous when burdened with the rights sought.

Maple Park

- 6.1.29 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.
- 6.1.30 Maple Park is land identified as Open Space further to a planning condition for the residential development north-east of Maple Park. Based on the use of the site as a whole by residents of the housing estate north-east, and access open to the general public, the entire land holding has been considered to be open space.
- 6.1.31 The proposal is to site two pylons within Maple Park and there would also be related oversail of Maple Park by overhead lines. The current use of this part of Maple Park is scrubland and possibly occasional walking/dog walking and this use will not be prevented by the new infrastructure. Additionally, the impact will be restricted to a small section of Maple Park which should be considered in context of the wider park which is significant in size (42.3ha). The proposed works are also intended to take place on the edge of the park, in a part furthest from any population centre. Furthermore, the potential open space loss based on the current use of the land is limited to the pylon/tower base foundations (approximately 34sqm), which again, should be considered in context of the wider Park which is significant in size (42.3ha).
- 6.1.32 Furthermore, the specific location of the pylons is due west of the central open space recreation area, away from clearly delineated footpaths, and in an area of scrub vegetation and grass land. The pylons are therefore located in an area of Maple Park that will substantially limit any impact on the open space function of the park as a whole.
- 6.1.33 The wider setting surrounding the two proposed pylons is an operational aggregates facility to the south, a main road and recycling centre to the west, a residential property and garden a small golf course and main road to the north.

- 6.1.34 The proposed Project requirement for the use of this area of open space is the following:
- Class 2 Compulsory Acquisition of Rights – Overhead Line
 - Permanent installation of two pylons
 - Permanent overhead line oversail
 - Permanent rights to access and maintain the overhead line
 - Class 5 Compulsory Acquisition of Rights – Access
 - Permanent rights of access
- 6.1.35 The ‘no less advantageous’ exemption applies, because permanent proposed overhead line pylons, associated oversail and permanent rights of access to maintain the apparatus will not impact the use, or function of the open space at the south-west end of Maple Park.
- 6.1.36 The land will be no less advantageous when burdened with the rights sought.

Replacement Land Considerations

- 6.1.37 Notwithstanding that SoS can be satisfied that the no less advantageous exemption under s132(3) applies in respect of the rights sought over this area as explained above, this report also considers the application of exemption under s132(4A) and the availability of suitable exchange land. Replacement land south of Maple Park is constrained due to the presence of an operational aggregates facility, immediately south of the border of the aggregates facility and Maple Park is the location of the aggregates main compound. Utilising the operational aggregates facility for replacement open space land – and therefore enjoyment by members of the public – was not deemed viable, without significant impact the commercial operations of the aggregates facility and therefore not considered to be suitable replacement land.
- 6.1.38 Replacement land west of Maple Park is constrained for a variety of reasons, namely, the disconnect created by the busy Buckingham Hill Road which would inhibit the use of the land as part of the wider Maple Park open space area and is therefore not considered to be suitable replacement land. Secondly, west of Buckingham Hill Road, the land is currently utilised as an operational waste recycling centre, and therefore is not considered to be suitable replacement land.
- 6.1.39 With consideration to Thurrock Council’s Southfield’s Housing Development (cited in the Thurrock Council Local Plan), land west and south-west of the recycling centre is identified for a potential new housing development, and is therefore not considered to be suitable replacement land.

Image 6.1 Thurrock Council Southfield Housing Development (Thurrock Local Plan)



- 6.1.40 Consideration to replacement land immediately east was made, however, due east is the wider Maple Park open space demise, and the formally established network of paths and recreational facilities and therefore cannot be considered to be replacement land due to its existing use.
- 6.1.41 Consideration to replacement land immediately north was made, however, due north is a private residential property and garden, and north of the residential property and garden is continuation of Maple Park, and a separate golf driving range, and therefore cannot be considered replacement land due to its existing land use.
- 6.1.42 In conclusion there is no suitable exchange land available for the area of Maple Park effected and it is strongly in the public interest for the development to be begun as soon as possible and sooner than is likely to be the case if the Order were subject to SPP.

Reclaimed Landfill Park (former Roxwell Quarry Restoration Site)

- 6.1.43 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.
- 6.1.44 Brittons Hall Farm Landfill Site is a former sand and gravel mineral extraction site and forms one of a number of separate landfill areas at the Roxwell Quarry Complex. This landfill site has been restored following the cessation of landfill operations and now has public access with a circular restricted bridleway located on the land. The land is now identified as a nature park and is referred to locally as Reclaimed Landfill Park.
- 6.1.45 The proposed Project requirement for this area of open land is the following
- Temporary haul road
 - Class 2 – Compulsory Acquisition of Rights– Overhead Line
 - Permanent overhead line oversail
 - Permanent right to access and maintain the overhead line
- 6.1.46 The pylons will be located outside of the restored park (based on the planning application boundary identified on planning application ESS/70/17/CHL). The park will be oversailed by the overhead line.

- 6.1.47 A temporary haul road is proposed through the former landfill and quarry site and across the River Can, which will include the construction of a single span bridge across the River.
- 6.1.48 By nature, these works will not permanently result in the loss of the land, and it will be restored following the completion of works.
- 6.1.49 No permanent development will take place on the site and therefore, there will be no direct impact on the use of the land as Open Space, as the site will only be oversailed by the overhead line.
- 6.1.50 The 'no less advantageous' exemption applies, because permanent overhead line oversail and rights of access to maintain the apparatus will not impact the use, or function of the park as open space. The land will be no less advantageous when burdened with the rights sought

Little Bladens Wood

- 6.1.51 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.
- 6.1.52 Little Bladen's Wood is designated as a Local Wildlife Site within the Brentwood Local Plan. The Brentwood Borough Local Wildlife Site Review (2012) notes that while not listed within the Essex Ancient Woodland Inventory its structure and floral composition suggests that it is largely, if not completely, ancient woodland. Public Right of Way PRoW connects the woods to the wider PRoW network.
- 6.1.53 The proposed Project requirement for this area of open land is the following
- Temporary works to remove the existing pylon
 - Class 4 – Compulsory Acquisition of Rights – Overhead line and Underground Cable Systems
 - Removal of existing overhead line
 - Permanent undergrounding of existing overhead line
 - Permanent right to access and maintain the undergrounded overhead line
- 6.1.54 The 'no less advantageous' exemption applies, as the removal of the existing pylon, and undergrounding of the existing overhead line and permanent rights of access for maintenance associated, will not impact the use or function of the wood as open space.
- 6.1.55 The land will be no less advantageous when burdened with the rights sought.

Blackshots Nature Area

- 6.1.56 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.
- 6.1.57 Blackshots Nature Area is designated as a Local Wildlife Site within the Thurrock Local Plan. The site was formerly a gravel pit which now supports a significant extent of free-draining grassland with scattered scrub, and on its sloping banks, young woodland. Thurrock Council have identified that the site is heavily used by the

local community. There is an existing pylon and an existing right of access to the pylon across this area of open space.

6.1.58 The proposed Project requirement for this area of open land is the following

- Modification works to existing pylon
- Class 2 – Compulsory Acquisition of Rights– Overhead Line
 - Permanent overhead line oversail
 - Permanent right to access and maintain the overhead line
- Class 5 – Compulsory Acquisition of Rights of Access
 - Permanent right of access in respect of existing access to existing pylon

6.1.59 The works proposed within the Nature Area are modification works to an existing pylon. Class 2 rights for oversailing are identified in the paragraph above as being sought because the area over which Class 2 rights are identified as being sought on the land plans overlaps to a minor extent with the southern most part of this area of Open Space, however it is likely that there will be no oversailing of the open space in this location based on the current alignment. Even if permanent rights were sought over this area of Blackshots Nature Area for oversailing with the overhead line, there would still be no impact upon the function or use of the area as open space.

6.1.60 The ‘no less advantageous’ exemption applies, as the permanent rights sought to oversail and permanent rights of access for maintenance of the existing pylon, will not impact the use or function of the nature area as open space.

6.1.61 The land will be no less advantageous when burdened with the rights sought

Langley’s Deer Park

6.1.62 Table 4.1 includes the land plots related to the Open Space, the permanent rights sought, and principle relevant DCO articles.

6.1.63 Langley’s Deer Park is designated as a Local Wildlife Site, an area of Open Space and is a Registered Park and Garden within the Chelmsford Local Plan. The River Chelmer runs through the site.

6.1.64 The proposed Project requirement for this area of open land is the following

- Class 2 – Compulsory Acquisition of Rights– Overhead Line
 - Permanent overhead line oversail
 - Permanent right to access to maintain the overhead line

6.1.65 No works are proposed within the Park and it is likely that there will be no oversailing of open space based on the current alignment. However, because the Order limits overlap to a minor extent with the Park and because the lateral limits of deviation extend the width of the Order Limits this plot has been included in the SCL report on a precautionary basis. Even if the permanent rights were sought over this area of Langley’s Deer Park for oversailing with the overhead line, there would still be no impact upon the function or use of the Park as open space.

6.1.66 The 'no less advantageous exemption' is applicable, as the permanent rights associated with the new overhead line will not impact the use or function of the Park as open space.

7. Conclusion

- 7.1.1 The proposed development by National Grid is seeking powers for the compulsory acquisition of rights for both Common Land and Open Space Land.
- 7.1.2 In respect of both Common Land and Open Space Land, the rights sought will not impact the use or function of the common land or open space land when compared to its current use, and therefore the land is no less advantageous when burdened with these rights and it is noted that in respect of certain areas of common land and open space other exemptions also apply.
- 7.1.3 In respect of one of the Common Land parcels at Baynards Green, the extent of the Order land where compulsory acquisition of rights are sought is less than 200sqm and the works will not impact the current use or function of the Common. Replacement land is not necessary given that the acquisition of the rights required will not affect the persons entitled to the rights of common or other rights or the public.
- 7.1.4 In respect of the sites at Fordham Hall and Maple Park which have been treated as Open Space, there is no suitable exchange land available for the areas effected and given the urgent need for the Project, it is strongly in the public interest for the development to be begun as soon as possible and sooner than is likely to be the case if the Order were subject to SPP.
- 7.1.5 It has therefore been concluded that there is no requirement for the draft DCO to be subject to the Special Parliamentary Procedure (SPP) because the Secretary of State can be satisfied that the requirements of section 132 of the Planning Act 2008 has been met and this statement has been included in the draft DCO for the Secretary of State's confirmation.

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