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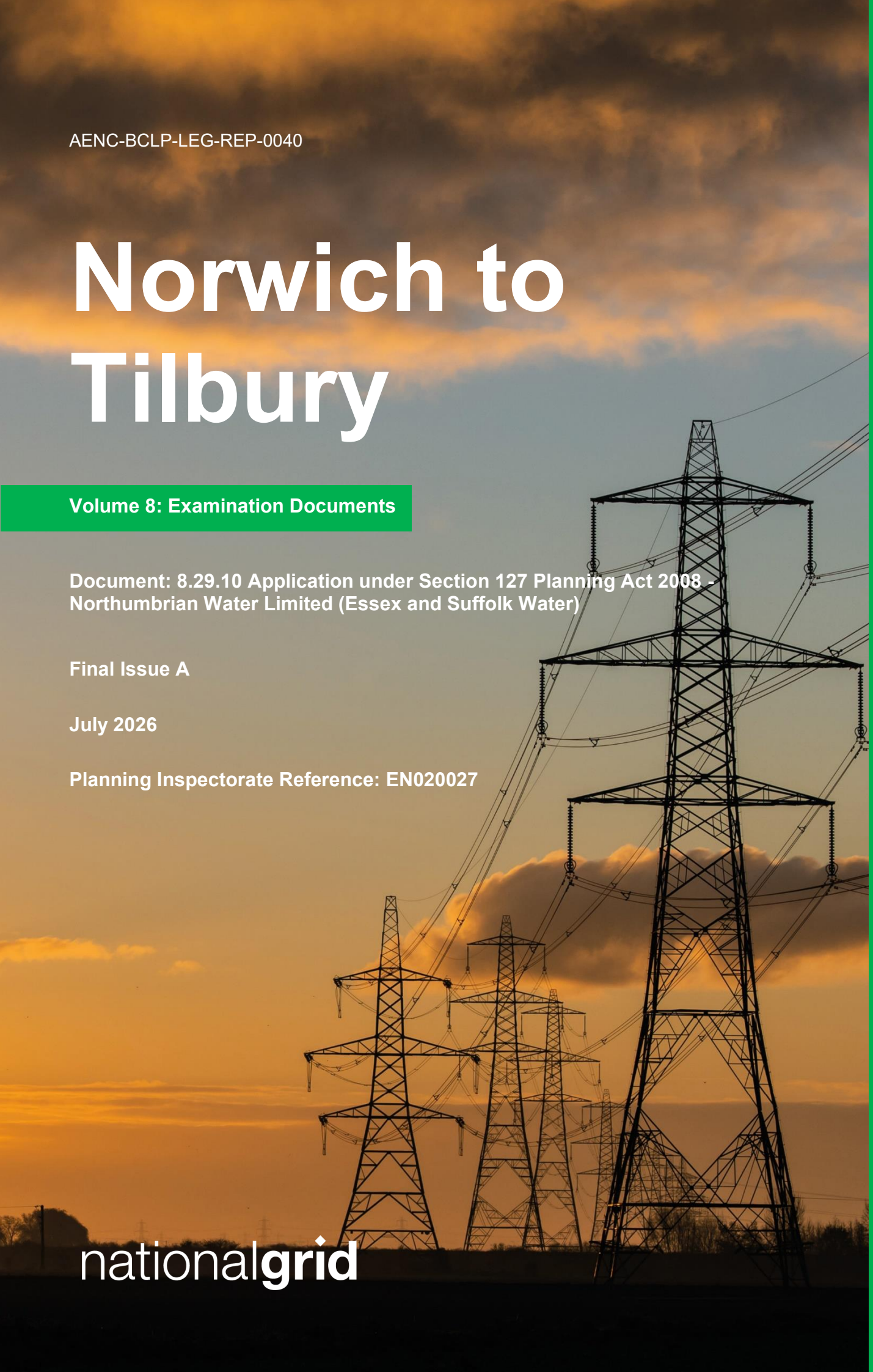

nationalgrid

Contents

1. Application Under S127 of the Planning Act 2008 (Northumbrian Water) – Statutory Undertakers' Land

1.1 Introduction

1.1.1 National Grid Electricity Transmission plc (the Applicant) submitted, on 29 August 2025, an application for development consent to the Secretary of State for the Norwich to Tilbury project (the project) (application reference EN020027). The application was accepted by the Planning Inspectorate on 26 September 2025.

1.2 Section 127 of the Planning Act 2008

1.2.1 The **3.1 Draft Development Consent Order (Revision F)** includes provision for the compulsory acquisition of land and rights in land, including the acquisition of land and rights in "statutory undertakers' land", as defined by s.127 of the Planning Act 2008, as amended (the 2008 Act). As the **3.1 Draft Development Consent Order (Revision F)** will affect statutory undertakers' land or interests in land, the Applicant believes that s.127 is engaged by the **3.1 Draft Development Consent Order (Revision F)**.

1.2.2 Section 127 applies to land (statutory undertakers' land) if:

- The land has been acquired by a statutory undertaker for the purposes of its undertaking;
- A representation has been made, and not withdrawn, about an application for development consent; and
- The Secretary of State is satisfied that:
  - The land is used for the purposes of carrying on the statutory undertakers' undertaking; or
  - An interest in land is held for those purposes.

1.2.3 For the purposes of s.127, "land" includes any interest in or right over land (as defined in s.159 of the 2008 Act).

1.3 Section 138 of the Planning Act 2008

1.3.1 The **3.1 Draft Development Consent Order (Revision F)** also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to, statutory undertakers, and as such the Applicant believes that s.138 of the Planning Act 2008, as amended (the 2008 Act), is engaged by the **3.1 Draft Development Consent Order (Revision F)**.

1.3.2 Section 138 applies to land if:

- There subsists over the land a relevant right; or
- There is on, under or over the land relevant apparatus.

1.3.3 Section 138 provides that the **3.1 Draft Development Consent Order (Revision F)** may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the **3.1 Draft Development Consent Order (Revision F)** relates.

1.4 This Application

1.4.1 The relevant statutory undertaker for the purposes of this application is Northumbrian Water Limited (Northumbrian Water). The Applicant proposes to acquire interests and rights in land, such land or interest in the land having been acquired by Northumbrian Water (Northumbrian Water's Land) for the purposes of its undertaking.

1.4.2 Northumbrian Water has made a representation to the Planning Inspectorate in relation to the application for development consent (**[RR-2764]** and [**REP2-028]**). The Applicant is in ongoing discussions with Northumbrian Water regarding the application, and as such its representation has not currently been withdrawn.

1.4.3 If that representation is not withdrawn and the Secretary of State is satisfied that the land or an interest in the land is used for the purposes of carrying on Northumbrian Water's statutory undertaking, then the **3.1 Draft Development Consent Order (Revision F)** may only include provision authorising the compulsory acquisition of a right over statutory undertakers' land, by the creation of a new right over land, to the extent that the Secretary of State is satisfied that the requirements of s.127 have been met.

1.4.4 Further, the **3.1 Draft Development Consent Order (Revision F)** may only include provision giving the Applicant the power to extinguish rights of, remove or reposition the apparatus belonging to, statutory undertakers to the extent that the Secretary of State is satisfied that the requirements of s.138 have been met.

1.4.5 The Applicant is, therefore, making this application to the Secretary of State pursuant to s.127 and s.138 of the 2008 Act.

1.4.6 The following documents were submitted as part of the application for development consent in August 2025, have been updated throughout the examination and are relied upon to support this application under s.127 and s.138:

- **2.2 Land Plans – Section A-H (Revision E);**
- **2.3 Work Plans – Section A-H [APP-017 - APP-018, REP4-015, APP-020 – APP-023, REP4-016];**
- **3.1 Draft Development Consent Order (Revision F);**
- **3.2 Explanatory Memorandum (Revision F);**
- **4.1 Statement of Reasons (Revision E); and**
- **4.3 Book of Reference (Revision E).**

1.4.7 The **4.1 Statement of Reasons (Revision E)** sets out the justification for seeking compulsory acquisition powers within the **3.1 Draft Development Consent Order (Revision F)**.

1.5 Need Case

1.5.1 The need for the project has been established in the **5.6 Planning Statement [APP-085]** and **4.1 Statement of Reasons (Revision E)** and is underpinned by National Policy Statements EN-1 (2024) and EN-5 (2024).

1.5.2 Consistent with the Government's Net Zero target, there has been, and continues to be, growth in the volume of renewable and zero carbon generation that is seeking to connect to the electricity transmission system in the East Anglia and South East regions. UK Government policy clearly sets out the critical requirement for significant reinforcement of the transmission system to facilitate the connection of renewable energy sources and to transport electricity to where it is used. The National Energy System Operator (NESO) published Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 (NESO, 2024). This report states that '*Three projects have been identified as critical to delivering a network which supports the clean power pathways, but at present have delivery dates after 2030. Support is therefore needed to bring these projects forward for 2030 delivery. These are projects in East Anglia and in the southeast that are critical for connecting offshore wind in the North Sea and supporting the flow of clean power. Our assessment suggests that without these projects, the clean power objective would not be achieved, leaving the clean power target short by around 1.6% in 2030 (assuming a typical weather year) and consumers could face extra constraint costs of around £4.2 billion in 2030*.' The Project is specified as two of those three projects. The critical and urgent nature of the project is therefore also recognised in the strongest terms in a recent report in achieving Clean Power 2030 objectives. It is clear that there is a compelling case and established need for the Project and that it will deliver national economic, social and environmental benefits in line with the Government's clear objectives of delivering sustainable development.

1.5.3 East Anglia's 400 kV electricity transmission network was built in the 1960s. It was built to supply regional demand, centred on Norwich and Ipswich. For many years, the only significant power stations generating in the East Anglia region were the Sizewell A and the Sizewell B nuclear power stations, Spalding North and Sutton Bridge gas fired power stations, and some further smaller 132 kV connected gas fired power stations.

1.5.4 This generation capacity has recently been added to by several offshore windfarms with the existing generation totalling 6,552.4 MW of installed capacity. This is expected to grow substantially in coming years. In the East Anglia region, connection agreements have been signed for 26,919.9 MW of new generation (total generation of 33,472.3 MW minus existing generation of 6,552.4 MW). These future connection agreements comprise a large volume of offshore wind generation (including East Anglia Offshore Wind), gas-fired generation, energy storage projects, and a nuclear power station (at Sizewell C).

1.5.5 Without reinforcement, the capacity of the East Anglia and South East existing network is insufficient to accommodate the connection of the proposed new power sources. The 'Thermal Boundary Export Limit' – the physical maximum energy capacity the system can accommodate during planned system faults – would be

exceeded, preventing export of power to demand centres beyond East Anglia. In these circumstances, generators connecting in the area would be required to reduce their output and would be compensated via a 'constraint' payment. These costs would be passed on to end consumers. National Grid ESO (now NESO) analysis shows that, in this case, predicted constraint costs are likely to significantly exceed those of reinforcement.

1.5.6 The planning policy support for the Project is very strong. The PA 2008 requires that the application is determined in accordance with the relevant NPS unless certain exceptions apply. The identification of the Project as CNP in NPS EN-1 (DESNZ, 2024a) means that in determining the application the Secretary of State will need to consider the particular circumstances of an application, but will take as a starting point for decision making where non-Habitats Regulations residual impacts remain that such infrastructure is to be treated as if it has met any test requiring a clear outweighing of harm, exceptionally, or very special circumstances within NPS EN-1 (DESNZ, 2024a), NPS EN-5 (DESNZ, 2024b) or any other planning policy. NPS EN 1 and NPS EN-5 establish the urgency of the need for electricity infrastructure.

1.5.7 In the Clean Power 2030 report, NESO lays out pathways for how Great Britain can reach a clean power system by 2030. The report identifies that offshore wind will be the bedrock of that system, providing over half of Great Britain's generation, with onshore wind and solar providing another 29%. New dispatchable low carbon technologies, such as using carbon capture and storage or hydrogen, add significant value to the system, with even relatively small levels of operational capacity materially reducing the overall challenge for the rest of the programme.

1.5.8 Associated with the new energy generation, the report identifies the need for a major network expansion, in line with published plans for the transmission network and with further strengthening at distribution level.

1.5.9 The report identifies the Project as critical to delivering a network which supports the clean power pathways, but at present has a delivery date after 2030. Support is therefore needed to bring the Project forward for 2030 delivery.

1.5.10 The policy position supporting the need case for the Project is further supported in the updated EN-1 and EN-5 which came into force on 6 January 2026. The updated EN-1 and E-5 set out the government's commitment to the Clean Power Action Plan 2030, which aims for at least 95% of the UK's electricity generation to come from clean sources by 2030 and emphasises the urgency and critical national priority (CNP) of developing low-carbon infrastructure, thereby supporting the need case established in the ES. Given the PA 2008 requirements set out in section 104, the clear statements in the NPS weigh strongly in favour of granting development consent for all energy projects in general and highlights the urgent need for new electricity transmission projects, and that need has been established.

1.6 Proposed Works

1.6.1 The works which are proposed over Northumbrian Water's Land in connection with the project include, in particular, the following interactions with Northumbrian Waters' below ground apparatus:

- Installation of temporary bellmouth junctions
- Installation of permanent overhead line conductor crossing

- Interaction with temporary pylon working areas
- Interaction with temporary pylon stringing positions
- Installation of temporary crossing protections
- Installation of temporary haul road crossings
- Installation of permanent underground cable crossings
- DNO works including overhead line dismantlement and installation of permanent underground cable

Table 1.1 Proposed Works and Locations

Easting, Northing		Work	Works Description
564428	194851	Bellmouth Junction	Installation of bellmouth junctions are as detailed in 2.6.3 Design and Layout Plans - Traffic & Transport **[APP-043]**
564551	194854		
565150	179848		
565419	196487		
565450	196472		
565680	189525		
565900	208171		
566021	179369		
566025	182740		
566055	208206		
566062	200846		
566073	200854		
566091	208287		
566167	179660		
566629	198483		
566641	198490		
566918	180422		
566918	180421		
566922	180425		
566930	180456		
566941	180419		
566971	181870		
566982	204527		
567562	209528		
568523	210097		
570237	212802		
570773	213389		
571438	214313		
573957	216388		
582269	218645		
605296	230037		

Easting, Northing		Work	Works Description
608604	266451		
563286	180276	Overhead Line Crossing	Pilot wires would be used to pull conductors between pylons. Additional fittings, such as spacers (to prevent the conductors from touching each other) and dampers (to prevent oscillations in the overhead line), would then be fitted to the conductors. An earth wire would run along the top of the pylons and contain optical fibres to allow transmission of data around the system
563345	180303		
564433	194851		
565093	192545		
565095	192541		
565097	192538		
565152	179923		
565158	189709		
565164	179975		
565523	183980		
565555	196444		
565556	196446		
565856	200792		
565920	200648		
565921	200645		
566030	182722		
566071	179515		
566091	208141		
566517	178661		
566553	178665		
566579	198504		
566581	198515		
566670	180544		
566867	204463		
567050	181892		
567050	181881		
567110	181421		
567543	209560		
568524	210127		
569338	212037		
569342	212040		
570221	212826		
570751	213416		
571405	214246		
571441	214327		
573933	216472		
582312	218621		
593251	227907		
599598	230478		
604363	229496		

Easting, Northing		Work	Works Description
604374	229504		
604377	229506		
605276	230011		
607939	272429		
607946	272423		
608552	266450		
609088	275144		
610254	277267		
565599	183775	Pylon Working Areas	The working areas around each new pylon would be cleared of vegetation and fenced appropriately. Access to each pylon location would be installed. Temporary appropriate technology / material would be required adjacent to each new pylon location, on which to place plant such as cranes and piling rigs. The stone working areas would typically be 60 m x 60 m (or 70 m x 70 m for angle/terminal/low-height suspension structures and 80 m x 80 m for low-height tension structures). Materials would be brought to site on HGVs and would include the steelwork for the pylons and the conductors (i.e. cabling) wrapped around large drums. The base of the pylons would involve the excavation of the soil. Piling (which may include percussive) would be required at some pylon locations, subject to the ground conditions. A sample series of ground investigation has been completed (the remaining ground investigation would be undertaken by the Main Works Contractor(s) before detailed design) which would inform the foundation designs. Different foundation types can be used for lattice pylons, such as pad and column, vertical tube piles or bored mini-pile foundations, depending on the local ground conditions. The type of foundation to be used is typically identified during the detailed design stage by the Main Works Contractor(s) following intrusive ground investigation surveys. The following works would be required to install foundations: 1. Excavations are required for each pylon leg 2. Foundation formwork (mould) is then inserted, cast, and filled with concrete 3. The concrete is left to harden (set) 4. The excavated hole is backfilled to ground level
566653	180568		
593258	227895		
604369	229463		
604377	229491		
604384	229474		

Easting, Northing		Work	Works Description
			5. The foundation formwork would be removed and any remaining sub-soil subject its make up would be distributed on site or removed from site. In areas with poorer ground conditions that are unsuitable for pad and column foundations, vertical steel tube pile foundations or bored mini-pile foundations can be used. These are connected by a pile cap at or below ground level. Using a piling hammer supported by a piling rig, steel tube piles are driven into the ground. A maximum transportable length of up to 15 m is driven at a time, and if longer piles are required, additional sections are welded together before continuing the drive. Following the installation of working areas and the appropriate foundations, pylon steelwork can be assembled, and the pylons can be erected. Lattice pylons comprise many separate steel members. These are delivered to site in bundles by HGV. The steelwork for the pylons would be bolted together on the ground and each pylon would be assembled in sections beginning with each of the four steelwork legs being fastened to the stubs. The pylon would be erected using a mobile crane to lift the assembled steelwork into position. Overhead Line Craft persons help guide the sections into place and bolt the pylon together.
610343 604382 566045 563313 563243 565169	277607 229394 182663 180288 180256 179992	Pylon Stringing Positions	The conductors would typically be installed in sections between tension pylons, where the overhead line changes direction. A bowtie shaped pulling site would be established, for tension/angle pylons, at one end of the section with the conductors running out from a tensioning site at the other end of the section, to keep the wires off the ground.
565157 566017 570787 605256	179957 182768 213371 229985	Crossing Protections	Where the new overhead line crosses a road, railway line or navigable watercourse, scaffolding would be used to protect the crossing during construction. During site set up, scaffolding would be placed on either side of the feature. Each scaffold would be designed for the individual crossing that it would protect. The work area required for scaffold protection is dictated by the angle at which the overhead line crosses the asset which it is protecting. Crossing protection would be made from steel scaffolding, with a net made of steel wire bonds anchored from scaffold to scaffold. Netting would be

Easting, Northing		Work	Works Description
			pulled across using karabiners to connect it to the steel wire bonds. The scaffold would be capable of withstanding a conductor being dropped on it in the unlikely event that this were to occur. The working area around the scaffold would be sufficient to erect the scaffold and to install and accommodate ground anchors or kentledge blocks required to stabilise the structure and catenary wires supporting the nets.
565052 565069 565072 565146 565473 565550 566142 566453 566710 566732 566830 566933 569339 569343 571446 593269 603322 603676 604373 604386 604390 604635 604636 604637 605383 607902 607938 609133	192517 192531 192524 179824 183947 183980 179630 180320 180196 180469 180363 180443 212027 212032 214336 227876 234357 234336 229440 229449 229452 231020 230997 231004 230151 272265 272285 275114	Haul Road	For overhead line construction, the haul roads would be typically 6 m wide, with passing places (widening to 8 m) provided at typical intervals of 200 m. The frequency of passing places would be determined by site-specific conditions at the detailed design stage and the forward visibility along the haul roads. For the construction of underground cables, CSE compounds and substations, the haul roads would be typically 8 m wide to allow for the delivery and movement of larger equipment using Abnormal Indivisible Load (AIL) vehicles. The typical cross section of the haul road would be 21 m wide, to allow for topsoil and subsoil storage, drainage, and demarcation fencing. A standard detail showing the typical layout of the haul road is shown in 2.6.3 Design and Layout Plans - Traffic & Transport **[APP-043]** For the assessment of haul road construction, it is assumed that topsoil (and some subsoil) would be stripped and aggregate (e.g. stone) placed on top of the subsoil, delivered to site by HGVs. Within the underground cable sections, the haul roads would normally be positioned central to the alignment, i.e. with cable trenches located either side of the haul roads. Therefore, no additional vegetation clearance would be required, except in some cases where the haul road deviates from the underground cable alignment to reach a site access point onto the public highway.
566148 566176 603270 603683 604634	179640 179673 234361 234330 231009	Underground Cable	Standard opencut installation typically involves the following processes: 1. Appropriately fencing off the working area to secure the site from trespassing and livestock

Easting, Northing	Work	Works Description
604637 231007 605377 230142		2. Vegetation would be removed where necessary and topsoil would be stripped from the working area and stored for reuse 3. A haul road would be installed along the alignment to provide access for construction vehicles to the working areas 4. Several open trenches (typically six trenches each accommodating three cables) would be excavated, ducts would be placed within the trenches and then backfilled with a surround of CBS. Telecommunication and ancillary cables are usually placed adjacent to the main cables and within the CBS surround prior to backfilling 5. Concrete joint bays would be constructed with the High Voltage Alternating Current (HVAC) cables pulled into the ducts from one joint bay to the next using a winch 6. HVAC cables would be jointed (requiring work in a controlled environment) 7. The joint bays would be backfilled and link pillars installed above ground to allow monitoring of the cables Where open trench is not feasible, for example where the alignment crosses an existing live railway line or other drivers such as for environmental mitigation, trenchless installation may be required. An example of which is Horizontal Directional Drilling (HDD). Typically, for HDD, a construction corridor approximately 200 m wide22 is required. The underground cable would typically be at a depth of 10 m below ground level; however, the depth would depend on the methodology employed and local constraints. The underground cable would be installed using a drilling or boring method (or a suitable alternative method) to pass beneath features. There are different trenchless methods that could be used, and each method would have a different construction footprint (all of which could be accommodated within the Order Limits). Depending on the technique, there may be a need to undertake several passes to make the hole wide enough to allow the ducts (pipes) to be pulled through. Further illustrative details can be found in 2.6.1 Design and Layout Plans - Subs & Cables_Revision C.

Easting, Northing		Work	Works Description
564301	194842	DNO Works – 132kV	Works typically would include site set up and access requirements similar to the construction of the new 400 kV pylons and underground cables but reduced in scope due to the smaller scale of the assets to be removed, undergrounded or diverted. It may be necessary to establish a temporary diversion of the overhead line while the mitigation works are undertaken to ensure security of supply to end users by keeping one of the circuits live. To maintain supply, one live circuit would be routed on temporary poles, masts or pylons around the area of work so that pylon removal can be undertaken in an electrically isolated safe area. A working area with an approximate 50 m radius at pylon locations and 20 m either side of centreline along the spans to be removed/temporarily diverted would be required. Typically, this area would not be stoned, trackway would be used instead. Dismantling of pylons would first involve removing the conductors, then lowering the insulators and fittings to the ground. Where a pylon is in a clear area and it is safe to do so, the pylon would be removed by 'felling' the whole structure. Alternatively, a mobile crane would dismantle the structure in sections which would then be lowered to the ground. Once dismantled, the pylon steelwork would typically be broken up on site and then removed. The reinforced concrete foundation would then be removed, the excavation backfilled, ground reinstated and any waste removed from site to a suitable licensed waste management facility. To facilitate the underground cable, the last remaining pylon would typically be replaced with a terminal pylon supporting a CSE platform. From here the 132 kV underground cable diversion would be installed as per the 400 kV underground cable alignment but reduced in scope due to the smaller scale of the assets. The installation of underground cable diversions is assumed to be in a single trench typically up to 3 m in width and 1.2 m in depth to the cover (worst-case for deep ploughing). An underground cable limit of deviation of 35 m has been applied. It is assumed that any vegetation within the limit of deviation
564321	194847		
564366	194851		
564384	194851		
564390	194851		
564654	194794		
565706	189199		
565708	189159		
565839	188238		
565839	188217		
566565	180666		
566583	180645		
566588	180640		
566614	180610		
566630	180594		
566705	180500		
566711	180195		
566723	180479		
566726	180198		
566731	180206		
566733	180211		
566735	180149		
566838	180354		
566857	180359		
574347	216080		
609041	275176		
609057	275165		
609072	275155		
609221	275051		
609222	275058		
609232	277235		
610673	276975		
610698	276938		
610702	276932		
610793	276893		
610803	278070		
611101	276774		
611109	278281		
611111	276770		
611121	278288		

Easting, Northing		Work	Works Description
			would be removed during construction and reinstated where practicable following the works.
565265	183988	DNO Works – 33kV/11kV/Low Voltage	Vehicles and equipment would be similar to that required for the proposed 400 kV overhead line and underground cable works but at a reduced scale relevant to the works. A terminal wood pole structure would be installed at each end of the section to be undergrounded to facilitate the transition from overhead line to underground cable. The installation of underground cable diversions is assumed to be in a single trench typically up to 1 m in width with 1.2 m depth to the cover (worst-case for deep ploughing). These would be routed either within the existing highway, highway verges or across farmland (using existing gaps through hedgerows where practicable). An underground cable limit of deviation of 25 m has been applied. It is assumed works would be completed using suitable vehicles, for example standard 4x4 or agricultural type vehicles and an excavator (size relevant to the works), which would use the public highway or existing agreed access routes (for the wood pole line), field gates and hedgerow gaps (where practicable). It is assumed there would be no requirement to create new physical temporary access tracks.
565415	184029		
565477	183942		
565478	183941		
565584	196439		
565592	196436		
565623	196432		
565669	183980		
565691	196408		
565692	196392		
565695	183980		
565696	196391		
566009	182801		
566009	182800		
566412	198573		
566455	198685		
566456	198686		
566463	198697		
566608	198505		
566608	198492		
566682	198471		
566687	198461		
566693	198467		
567045	181891		
567104	181884		
567135	181887		
567516	209614		
569338	212035		
569343	212032		
569343	211982		
569347	211982		
570185	212886		
570208	212844		
582425	218582		
605221	229937		
605229	229948		
605311	230056		
605321	230069		
605342	230098		

Easting, Northing		Work	Works Description
605362	230123		
605370	230134		
605372	230137		
610353	277814		

1.6.2 Following identification of Northumbrian Water underground utilities, National Grid will undertake a comprehensive risk assessment that evaluates the scope of work, proximity to the pipeline, ground conditions, and the equipment to be used. Based on this assessment, the contractor will establish a safe system of work, including defined exclusion zones, appropriate excavation methods, and emergency response procedures. These controls will be clearly communicated to all personnel through site briefings and method statements to ensure a consistent understanding of the risks and mitigation measures.

1.6.3 National Grid will ensure that all personnel involved in the work are competent and adequately trained in pipeline safety procedures. Workers will be briefed on how to recognize potential hazards, hissing sounds, or visible damage to infrastructure. In the event of a suspected or confirmed pipeline strike or leak,
the delivery partners will immediately stop all work, evacuate the area, and notify the relevant emergency services if required and pipeline operator without delay.

1.6.4 If a pipeline is exposed, the delivery partners will ensure that it is properly supported and protected at all times. Measures will be taken to prevent undue stress, bending, or movement, and no heavy equipment or stored materials will be placed directly over or in close proximity to the pipeline. Where necessary, physical barriers or protective systems will be installed to minimize the risk of accidental impact or loading.

1.6.5 Close coordination with the pipeline operator will be maintained throughout the duration of the project. The delivery partners will comply with any specific requirements, supervision arrangements, or permits imposed by the operator to ensure the pipeline's integrity is preserved as detailed within the individual crossing consent certificates obtained per interaction. Regular communication will be upheld to address any changes in conditions or unforeseen risks.

1.6.6 A methodology statement has been provided to Northumbrian Water detailing delivery works required for each type of crossing interaction within the vicinity of Northumbrian Water assets as identified and allowing Northumbrian Water commentary of additional mitigations required.

1.7 Section 127 Application

1.7.1 Section 127 of the 2008 Act applies where a statutory undertaker makes a representation (which is not withdrawn). In these circumstances, the **3.1 Draft Development Consent Order (Revision F)** may only include a provision authorising the compulsory acquisition of statutory undertakers' land where the Secretary of State is satisfied that:

- The land may be purchased and not replaced without serious detriment to the carrying on of the undertaking; or

- The land can be replaced by other land belonging to, or available for acquisition by, the statutory undertaker without serious detriment to the carrying on of the undertaking.

1.7.2 Sections 127(2) and (3) are set out below:

(2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).

(3)The matters are that the nature and situation of the land are such that—

(a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or

(b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.

1.7.3 Sections 127(5) and (6) contain equivalent wording in respect of acquiring rights over statutory undertaker's land and are set out below:

(5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).

(6) The matters are that the nature and situation of the land are such that—

(a) the right can be purchased without serious detriment to the carrying on of the undertaking, or

(b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.

1.7.4 There is no statutory definition of “serious detriment”. The test for “serious detriment” is wide and holistic, it being more than a mere disadvantage. In the Examining Authority’s Report of Findings and Conclusions and Recommendation to the Secretary of State for Transport regarding The Lake Lothing (Lowestoft) Third Crossing Order 2020, the Examining Authority recognised at paragraph 8.5.138. *“that serious detriment is a matter of judgement on the scale of impact on the undertaking and that the decision maker should take a holistic approach”.*

1.8 Section 138 of the Planning Act 2008

1.8.1 The **3.1 Draft Development Consent Order (Revision F)** also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to, statutory undertakers, and as such the Applicant believes that s.138 of the Planning Act 2008, as amended (the 2008 Act), is engaged by the **3.1 Draft Development Consent Order (Revision F)**.

1.8.2 Section 138 applies to land if:

1.8.3 There subsists over the land a relevant right; or

1.8.4 There is on, under or over the land relevant apparatus.

1.8.5 Section 138 provides that the **3.1 Draft Development Consent Order (Revision F)** may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the **3.1 Draft Development Consent Order (Revision F)** relates.

1.8.6 The relevant statutory undertaker for the purposes of this application is Northumbrian Water. The Applicant proposes to acquire interests and rights in land, such land or interest in the land having been acquired by Northumbrian Water (Northumbrian Water's Land) for the purposes of its undertaking.

1.9 Statutory Undertakers' Land

1.9.1 No land owned by Northumbrian Water needs to be compulsorily acquired; only interests and rights over that land. Therefore, ss.127(2) and (3) of the 2008 Act are not engaged.

1.9.2 The Applicant understands that the rights and interests in the plots set out in Table 1.2 below have been acquired by Northumbrian Water for the purposes of its undertaking. Interests and rights in the plots set out in Table 1.2 are required by the Applicant in order to deliver the project. Therefore, ss.127(5) and (6) are engaged.

1.9.3 Below is a summary of the purposes for which Northumbrian Water's Land is required and the land, interests and rights that would need to be acquired (in the context of the interface works described in paragraph 1.6 above). See further the **4.3 Book of Reference (Revision E)** and the broad description included in the Appendix. Note that, as is explained in the **4.3 Book of Reference (Revision E)**, where multiple types of interest, rights or powers are sought over a given plot (such as temporary use for construction, mitigation and maintenance, as well as permanent rights of access), the plot is classified according to the most extensive (higher class of right) required:

- Class 1 (Compulsory Acquisition of Land) – acquisition of all interests and rights in the land.
- Class 2 (Compulsory Acquisition of Rights – Overhead Line) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.
- Class 3 (Compulsory Acquisition of Rights – Underground Cable System) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.
- Class 4 (Compulsory Acquisition of Rights – Overhead Line and Underground Cabling System) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.
- Class 4a (Compulsory Acquisition of Rights – Works for the Protection of Existing UKOP Apparatus Affected by the Authorised Development) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.

- Class 5 (Compulsory Acquisition of Rights – Access) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.
- Class 6 (Compulsory Acquisition of Rights – Drainage) – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions.

Table 1.2 Land affected and interest or right to be acquired

Statutory Undertaker's land (plot number)	Interest or right to be acquired
N/A	Class 1 (in relation to land owned by Northumbrian Water)
H-5/2, H-5/2a, H-5/2b, H-5/2c, H-5/15, H-5/16, H-5/19, H-5/26, H-5/29, H-5/31, H-5/41, H-5/43, H-5/44, H-5/47, H-5/52, H-5/55, H-5/56, H-5/57, H-5/58, H-6/19, H-6/20, H-6/21, H-6/21a, H-6/23, H-6/25, H-6/25a, H-6/30a, H-6/33, H-6/35, H-6/86, H-6/92, H-6/93, H-7/23, H-7/25, H-7/44, H-5/46, H-5/49, H-5/51, H-5/60, H-5/62	Class 1 (in relation to land in which Northumbrian Water has a right or interest only)
B-3/1, B-3/5, B-3/6, B-3/14, B-4/3, B-4/7, B-4/17, B-6/7, B-6/11, B-8/30, B-8/34, B-8/36, C-13/24, C-13/25, C-13/36, C-17/84, D-2/27, D-5/65, D-6/2, E-4/32, E-4/36, E-4/43, E-4/48, F-1/8, F-3/34, F-4/1, F-4/10, F-4/33, F-4/34, F-5/7, F-5/8, F-5/10, F-5/42, F-6/40, F-7/67, F-9/79, F-10/71, F-10/82, F-10/83, G-1/17, G-1/41, G-2/22, G-2/28, G-2/30, G-2/33, G-2/126, G-2/133, G-4/51, G-4/58, G-5/20, G-6/37, G-6/38, G-6/46, H-3/12, H-3/21, H-3/22, H-3/32, H-3/38, H-3/39, H-4/20, H-4/22, H-4/31, H-4/70, H-4/122, H-4/125, H-5/3, H-5/85, H-5/86, H-5/88, H-5/120, H-5/172, H-6/51, C-17/39, C-17/40, C-18/79, C-18/81, C-18/86, C-18/92, F-2/4, F-2/5, F-2/12, F-2/13, F-2/14, F-2/15, F-2/16, F-2/18, F-2/21, F-2/23, F-2/35, F-2/37, F-2/39, F-4/2, F-4/3, F-4/4, F-4/9, F-8/23, F-8/24, F-8/25, F-8/27, F-8/29, F-8/37, G-5/17, G-5/40, H-2/12, H-3/35, H-3/47, H-3/52, H-3/53, H-4/1, H-4/7, H-4/9, H-7/72	Class 2 (Compulsory Acquisition of Rights– Overhead Line)
C-10/14, C-10/16, C-10/18, C-10/21, B-2/27, B-2/126, C-10/1, C-10/19, C-12/57, C-13/21, C-13/28, C-13/48, E-4/23, E-4/25, E-4/49, F-1/55, F-3/94, F-3/102, F-5/5, F-5/12, F-6/49, G-2/8, G-4/57, G-6/134, G-6/153, G-6/160, G-6/173, H-3/13, H-5/5, C-18/96, F-1/73, F-2/24, F-2/25, F-2/26, F-2/33, F-2/36, F-2/38, F-2/40, F-2/45, F-2/47, F-8/30, F-8/33, H-3/43, H-4/2	Class 3 – (Compulsory Acquisition of rights – underground cable)
B-8/28, B-8/32, B-8/35, C-13/26, C-13/33, C-17/13, F-1/3, F-1/27, F-4/7, F-4/18, F-4/39, F-4/40, F-4/44, F-5/35, F-5/46, F-5/47, F-6/24, F-6/50, F-9/71, F-9/82, F-9/83, F-10/86, G-2/4, G-2/20, G-2/34, G-2/35, G-2/46, G-2/120, G-2/122, G-2/123, G-2/124, G-2/128, G-2/137, G-2/138, G-2/141, G-2/142, G-2/144, G-2/145, G-2/147, G-2/148, G-2/149, G-3/2, G-3/3, G-4/52, G-4/59, H-2/29, H-2/31, H-	Class 4 – (Compulsory Acquisition of rights – overhead line and underground cabling system)

Statutory Undertaker's land (plot number)	Interest or right to be acquired
2/32, H-2/33, H-3/5, H-3/14, H-3/15, H-3/31, H-4/21, H-4/23, H-4/24, H-4/25, H-4/27, H-4/36, H-4/38, H-4/39, H-4/91, H-4/116, C-18/94, C-18/96a, F-1/20, F-1/28, F-1/79, F-1/88, F-2/17, F-2/31, F-2/32, F-2/34, F-2/41, F-2/42, F-2/44, F-4/6, F-4/17, F-8/26, F-8/36, F-8/47, G-5/10, G-5/19, G-5/33, H-3/42, H-4/3, H-4/5, H-4/10, H-5/54	
H-1a/11, H-1a/1, H-1a/4, H-1a/5, H-1a/6	Class 4a - (Compulsory Acquisition of Rights - Works for the protection of existing UKOP apparatus affected by the authorised development)
C-10/30, B-4/45, B-5/105, B-6/6, B-6/10, B-6/17, B-6/23, B-6/26, B-6/29, B-8/38, C-17/93, E-4/8, E-4/50, F-3/67, F-3/116, F-4/27, F-4/31, F-4/36, F-5/14, F-6/1, F-7/40, F-7/74, F-9/61, F-10/17, F-10/17a, G-1/43, G-1/46, G-1/49, G-6/51, G-6/66, G-6/163, H-2/20, H-2/25, H-3/24, H-3/27, H-3/60, H-4/109, H-4/111, H-4/121, H-4/138, H-5/170, H-6/79, H-6/84d, C-17/23, C-18/95, F-2/6, F-2/8, F-2/9, F-2/29, F-2/53, F-2/55, F-3/3, F-4/16, G-5/15, G-5/24, H-2/13, H-3/51, H-3/61, H-3/62, H-4/4, H-4/6, H-4/12, H-4/13	Class 5 - (Compulsory Acquisition of Rights – Access)
H-5/75c, H-5/81, H-5/171	Class 6 - (Compulsory Acquisition of Rights – Drainage)

1.9.4 The procedure under s.127(5) only applies to the compulsory acquisition of a right and therefore is not engaged by plots which are only subject to Articles 27 to 30 (inclusive) of the **3.1 Draft Development Consent Order (Revision F)** which relate solely to temporary use.

1.9.5 The Applicant considers that there would be no serious detriment to Northumbrian Water's undertaking if it were to acquire these rights and interests and that the criteria as set out in s.127 are satisfied for the reasons set out in paragraphs 1.9.6 to 1.9.10 below.

1.9.6 Engagement with Northumbrian Water to agree an appropriate asset protection agreement and protective provisions is ongoing. Notwithstanding that the Protective Provisions are not fully agreed, the Applicant has included bespoke Protective Provisions for the benefit of Northumbrian Water in Schedule 16 of the **3.1 Draft Development Consent Order (Revision F)**, which include protections for Northumbrian Water at paragraph 3 such that the Applicant is prevented from exercising compulsory acquisition powers to acquire Northumbrian Water's interests without its written consent.

1.9.7 There are no planned/agreed diversions of Northumbrian Water's apparatus and the rights sought by the Applicant would co-exist within the plots affected alongside those of Northumbrian Water such that minimal interference would be caused to Northumbrian Water's undertaking. In the event that any diversions of apparatus are required the Protective Provisions (paragraph 5 and 6) provide a mechanism to ensure that diverted apparatus and accompanying land rights are in place prior to the

removal of any existing Northumbrian Water Apparatus, to avoid any serious detriment to their undertaking.

1.9.8 There are then additional protections in respect of carrying out of works in close proximity to Northumbrian Water's apparatus and costs provisions to prevent the financial burden falling to Northumbrian Water. During construction of the project, the Applicant must seek approval of Northumbrian Water for any works in close proximity of their Apparatus or which crosses their Apparatus in accordance with paragraph 4 of the Protective Provisions for Northumbrian Water's benefit. This gives Northumbrian Water control to ensure that all works that may affect their Apparatus are carried out in a safe manner for the protection of their undertaking.

1.9.9 Post construction of the project (noting that the Applicant will seek to agree with Northumbrian Water in advance the timing of those operations required to be undertaken in proximity to Northumbrian Water's operational assets), any other potential interference would be limited to maintenance or emergency works to the Applicant's equipment. On such occasions, the Applicant would consult with Northumbrian Water in order to cause as little disruption as practicable during those maintenance or emergency works.

1.9.10 Protections in respect of Northumbrian Water's Little Waltham Pumping Station have also been offered separately in a unilateral agreement but in the absence of Northumbrian Water completing this the Applicant is removing plot F-3/96 from the Compulsory Acquisition and Temporary Possession powers at deadline 7 and the Protective Provisions included in the **3.1 Draft Development Consent Order (Revision F)** ensure that access to the Little Waltham Pumping Station is maintained at all times over the adjoining Plots 3/91 and 3/93 for Northumbrian Water's benefit (see paragraph 3(4) of the protective provisions).

1.9.11 Notwithstanding the lack of agreement on the form of protective provisions for Northumbrian Water's benefit, it is the Applicant's view for the reasons set out above is that any interference caused (if at all) will not be a serious detriment to Northumbrian Water carrying on its undertaking. All relevant rights to be acquired will co-exist with those of Northumbrian Water and, for the most part, cause minimal interference with Northumbrian Water's undertaking. The Applicant therefore does not consider it necessary to replace the land over which rights are required for the project.

1.9.12 Whilst the form of the Protective Provisions is not fully agreed because there is disagreement around the expenses provisions (advanced payment of anticipated costs and betterment drafting), the key protections above are the same in both parties versions of the Protective Provisions.

1.9.13 In respect of the elements in the Protective Provisions which are not agreed, these relate to betterment deductions to account for measurable financial benefits received by Northumbrian Water. Where the removal or replacement of apparatus is required the Protective Provisions require that the Applicant compensate Northumbrian Water for any costs incurred in connection with those works. The betterment provisions at issue then reduce that liability to the extent Northumbrian Water receives some benefit from either the residual value of removed apparatus or from the deferment of replacing older apparatus. The inclusion of these provisions ensures that the Applicant is not subsidising any benefit to Northumbrian Water over the actual impact incurred, while ensuring that Northumbrian Water remain cost neutral. The Applicant therefore considers that these provisions should remain and their inclusion does not cause any serious detriment to Northumbrian Water's undertaking.

1.9.14 However, as explained above, any exercise of compulsory acquisition powers relevant to Northumbrian Water will be undertaken pursuant to the protective provisions included in the **3.1 Draft Development Consent Order (Revision F)** for Northumbrian Water's benefit which secures the protection of Northumbrian Water's operational assets as set out in paragraph 1.9.5 above.

1.10 Conclusion

1.10.1 Given the need for the project (see in particular the need case as signposted in Paragraph 1.5 (Need Case)), the Applicant considers that there is a compelling case in the public interest for the inclusion of the compulsory acquisition powers within the **3.1 Draft Development Consent Order (Revision F)**.

1.10.2 For the reasons set out in this application, it is the Applicant's position that, pursuant to s.127 of the 2008 Act, the Secretary of State can be satisfied that the prescribed tests of s.127 have been met and that interests and rights in Northumbrian Water Land may be included for compulsory acquisition in the **3.1 Draft Development Consent Order (Revision F).**

1.11 Section 138 Application

1.11.1 As noted above, the **3.1 Draft Development Consent Order (Revision F)** gives the Applicant the power to extinguish the rights of, or remove the apparatus belonging to, statutory undertakers over or within the order limits. However, this is only permitted where the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the draft DCO relates.

1.11.2 Section 138 of the 2008 Act is set out below:

(1) This section applies if an order granting development consent authorises the acquisition of land (compulsorily or by agreement) and—

a) there subsists over the land a relevant right, or

b) there is on, under or over the land relevant apparatus.

(2) "Relevant right" means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which—

a) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or

b) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.

(3) "Relevant apparatus" means—

a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or

b) electronic communications apparatus kept installed for the purposes of an electronic communications code network.

(4) The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that

the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.

1.11.3 The Applicant understands that there is a relevant right and/or relevant apparatus vested in Northumbrian Water in, on or under the plots listed in table 1.2 above.

1.11.4 For the purposes of this application, it is the Applicant's case that:

a) Works associated with the project are necessary over the plots listed in table 1.2 above (as described in Schedule 1 to the **3.1 Draft Development Consent Order (Revision F)** and shown on the Work Plans to carry out the project);

b) The project could affect relevant rights and/or relevant apparatus vested in or belonging to Northumbrian Water as a result of carrying out the authorised development, in circumstances where diversions are necessary. However, in this eventuality, the Applicant would not remove any apparatus or rights until alternative apparatus and accompanying land rights had been re-provided, as explained in paragraphs 1.9.6 to 1.9.10;

c) In the absence of powers for the Applicant to ultimately extinguish such rights and/or remove such apparatus, in the event that diversions are required, the authorised development could not be guaranteed to be carried out; and

d) Protective provisions have been included at Schedule 16 of the draft, which ensure that all appropriate steps must be taken by the Applicant to protect retained relevant apparatus and/or to ensure that alternative apparatus is provided on an equivalent basis – on which see paragraph 1.9.6 above.

1.11.5 Therefore, taking account of the nature of the proposed works and the inclusion of protective provisions in the **3.1 Draft Development Consent Order (Revision F)**, the Applicant contends that specifically in relation to section 138, the Secretary of State can be satisfied that the rights of Northumbrian Water whilst potentially subject to extinguishment or removal, the powers to do so are necessary for the project to proceed but, nevertheless, the statutory undertaker's rights and apparatus are adequately protected by the protective provisions.

Abbreviations

Abbreviation	Full Reference
AIS	Air Insulated Switchgear
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CPRSS	Corridor and Preliminary Routeing and Siting Study Report
CSE	Cable Sealing End
DCO	Development Consent Order
DNO	Distribution Network Operators
EACN	East Anglia Connection Node
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESO	Electricity System Operator
GIS	Gas Insulated Switchgear
GW	Gigawatts
kV	Kilovolt
NSIP	Nationally Significant Infrastructure Project
NETS	National Electricity Transmission System
NETS SQSS	National Electricity Transmission System Security and Quality of Supply Standard
NGET	National Grid Electricity Transmission
Ofgem	Office of Gas and Electricity Markets
PEIR	Preliminary Environmental Information Report
SOBR	Strategic Options Backcheck and Review
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Glossary

Term	Description
Alignment	The proposed overhead line and underground cable route.
Ancient woodland	Land that has been continually wooded since at least 1600 in England. Regarded as 'irreplaceable habitat' in national planning policy and guidance. Ancient woodland greater than 2 ha is recorded on the Natural England Ancient Woodland Inventory.
Biodiversity	The variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems.
Biodiversity Net Gain	An approach for developments to ensure habitats for wildlife are left in a measurably better state than they were before the development.
Cable	An insulated conductor designed for underground installation.
Cable Sealing End compound	Electrical infrastructure used as the transition point between overhead lines and underground cables. A compound on the ground acts as the principal transition point.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance as defined in s69(1)(a) in the Planning (Listed Building and Conservation Areas) Act 1990.
Development Consent Order	A statutory instrument which grants consents and other rights to build a Nationally Significant Infrastructure Project, as defined by the Planning Act 2008.
Distribution Network Operator	Companies that own and operate the power lines and infrastructure that connect the National Grid network to individual properties.

Appendix A.
Class of Rights

nationalgrid

Appendix A
Class of Rights

A.1.1 **Class 1 (Compulsory Acquisition of Land)** – acquisition of all interests and rights in the land.

A.1.2 **Class 2 (Compulsory Acquisition of Rights – Overhead Line)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- with or without vehicles, plant and equipment to enter the land to construct the overhead electric line and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace, decommission and leave in situ or remove;
- with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
- with or without vehicles, plant and equipment to enter the land to access any adjoining land;
- with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the overhead electric line, including without limitation impose clearance restrictions, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
- to construct and install land drains cut off drainage and/or run-off drainage systems (including all necessary supports) soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds;
- including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the **3.1 Draft Development Consent Order (Revision F)**; and

- to carry out any activities ancillary or incidental thereto.

A.1.3 **Class 3 (Compulsory Acquisition of Rights – Underground Cable System)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- with or without vehicles, plant and equipment to enter the land to construct the underground cable system and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace, decommission and leave in situ or remove;
- with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
- with or without vehicles, plant and equipment to enter the land to access any adjoining land;
- with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the underground cable system, including without limitation impose clearance restrictions, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
- to construct and install land drains cut off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the **3.1 Draft Development Consent Order (Revision F)**; and
- to carry out any activities ancillary or incidental thereto.

A.1.4 **Class 4 (Compulsory Acquisition of Rights – Overhead Line and Underground Cabling System)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- with or without vehicles, plant and equipment to enter the land to construct the overhead electric line and/or the underground cable system and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace, decommission and leave in situ or remove;
- with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
- with or without vehicles, plant and equipment to enter the land to access any adjoining land;
- with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the overhead electric line and/or the underground cable system, including without limitation impose clearance restrictions, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to fly over, use on, and recover from the land robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, including for the purposes of inspection and maintenance;
- to construct and install land drains cut off drainage and/or run-off drainage systems (including all necessary supports) soakaways and attenuation ponds on the land, and thereafter to infill and/or retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the **3.1 Draft Development Consent Order (Revision F)**; and
- to carry out any activities ancillary or incidental thereto.

A.1.5 **Class 4a (Compulsory Acquisition of Rights – Works for the Protection of Existing UKOP Apparatus Affected by the Authorised Development)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- with or without vehicles, plant and equipment to enter the land to construct and install all above ground and below ground apparatus required for the protection of existing UKOP apparatus affected by the authorised development (including, but not limited to, permanent above ground monitoring apparatus) and thereafter to use, retain, inspect, maintain, repair, alter, renew and replace, decommission and leave in situ or remove;
- with or without vehicles, plant and equipment to enter the land to fell, trim or lop trees and bushes which may obstruct or interfere with the rights sought by the undertaker;
- with or without vehicles, plant and equipment to enter the land to exercise the rights over and across any access route;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with or cause damage to the apparatus constructed and installed for the protection of existing UKOP apparatus affected by the authorised development, including without limitation to impose clearance restrictions, not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land but provided that in all cases nothing shall prevent the carrying on of normal agricultural operations to a maximum depth of 600mm below the finished ground level, including the growing of shallow rooted crops or the grazing of livestock;
- to carry out any other works, including environmental mitigation, necessary or expedient to the land and listed in Schedule 1 of the **3.1 Draft Development Consent Order (Revision F)**; and
- to carry out any activities ancillary or incidental thereto.

A.1.6 **Class 5 (Compulsory Acquisition of Rights – Access)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- of way with or without vehicles, plant and equipment at all times over the land;
- to remove any buildings, structures, pylons, apparatus, equipment, and vegetation from that land;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the undertaker's access, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with sight lines associated with the undertaker's access, including without limitation not to erect any building or structure or allow any plant

or tree to grow within the land insofar as it may interfere with sight lines, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land;

- to construct, use or maintain works (including the provision of means of access);
- to construct and install land drains cut off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land, and thereafter infill and/or to retain and make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same;
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land; and
- to carry out activities ancillary thereto.

A.1.7 **Class 6 (Compulsory Acquisition of Rights – Drainage)** – acquisition of rights by the creation of new rights, the imposition of restrictions or restrictive covenants, or the acquisition of existing rights or benefits of existing restrictions:

- with or without vehicles, plant and equipment to enter the land to construct and install land drains, cut off drainage and/or run-off drainage systems (including all necessary supports), soakaways and attenuation ponds on the land and the means of access to them;
- thereafter to infill and/or make use of, including from time to time to inspect, cleanse, maintain, repair, remove, decommission and leave in situ, reinstate, renew, alter and replace, the same (including the means of access);
- to remove any buildings, structures, pylons, apparatus, equipment, and vegetation from that land;
- to carry out activities ancillary thereto; and
- to require the landowner not to do or suffer anything to be done upon the land which may interfere with the drainage systems, soakaways or attenuation ponds, including without limitation not to erect any building or structure or allow any plant or tree to grow within the land insofar as it may interfere with the drainage systems, not to change the level of the surface, ground cover or composition of the land or do or allow to be done anything that may cause the level of the surface, ground cover or composition to be altered, not to drill, dig or break up the land.

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